



An
Bord
Pleanála

Inspector's Report

ABP-315844-23

Development	Demolition of the existing store and covered storage yard. Construction of 86 apartments.
Location	Former T O Higgins & Co Ltd Site, Ragoon Road, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	22166.
Applicant(s)	Sean Talamh Development Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party versus decision.
Appellant(s)	Ronan Faherty. Residents of Shantalla c/o Annmarie Bermingham. Martin William Browne. Mike and Kathleen Derrane.
Observer(s)	Bernadette Cummins. Francis Thornton.

Date of Site Inspection

12 August 2023.

Inspector

Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The site is located along the Ragoon Road in the western suburbs of Galway City. The surrounding area is characterised by older housing stock, open space and a large primary school.
- 1.2. The site comprises a former builders providers premises and includes a large yard, storage building and office. The site also includes a pedestrian laneway that links Davis Road to the north with Shantalla/Ragoon Road to the south and known as Red Lane. The site is broadly level and slopes downwards from the Ragoon Road to Davis Road to the north.

2.0 Proposed Development

- 2.1. The proposed development of a mixed use scheme with a gross floor area (GFA) of 8,417 sqm on a site of 0.62 Hectares, works include the following:
 - Demolition of the existing store and covered storage yard (2,030 sqm);
 - 86 apartments (21 one bedroom apartments, 59 two bedroom apartments and 6 three bedroom apartments) ranging in height from 3 to 5 storeys over a basement;
 - A creche facility (GFA 228 sqm) with outdoor play area (230.67sqm);
 - A commercial development (GFA 91 sqm) with associated planting and outdoor seating;
 - Basement carparking comprising 97 car parking spaces, including 11 spaces for electrical vehicle charging points, 5 accessible spaces and 194 bike storage spaces;
 - Relocation of vehicular access point;
 - Upgrading of the existing pedestrian laneway (known as Red Lane),
 - Provision of shared communal and private open space, landscaping and treatment to boundaries,
 - Bin storage area.
 - A Natura Impact Statement (NIS) was submitted with the application.

2.2. Further Information was requested by the planning authority with regard to the NIS and submission of an AA Screening Report, height, scale and density, car and cycle parking provision, apartment standards, balconies, laneway lighting and access, railings, flooding, landscape and playgrounds, daylight/sunlight, boundary treatments, bin stores, café and archaeology. The applicant prepared material to meet the requirements of the further information request and the overall development now proposed is as follows:

- Reduction in units from 86 to 74 units, density reduced from 138 to 119 units per Hectare. Three levels over a basement with four storeys at the south east and north western corners.

1 bed apartments – 19
2 bed apartments – 48
3 bed apartments – 7
- Basement layout altered to provide 59 car parking spaces instead of 97, bicycle stores increased in area, access simplified for pedestrians and cyclists with direct access from the laneway.
- Unit Type 2C omitted to create a bin store and goods lift.
- Revised landscaping plan and larger playground.
- Omission of the crèche unit.
- Coffee shop use to be omitted.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 23 conditions. Nearly all conditions are of a standard or technical nature and some relate to development contributions, notable conditions include:

Condition 2 omits fourth level (third floor) from the northern elevation (4 units).

Condition 3 replaces all balcony railings with glazing.

Condition 4 sets out requirements for Red Lane, during and after construction.

Condition 6 requires kitchen windows to be obscured in the gable of front southwestern block above ground level.

Condition 7 requires public artwork.

Condition 22 requires archaeological monitoring of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Site is zoned CI Commercial/Industrial, a residential element is permitted, CI lands on Shantalla Road, residential development on the full extent of these lands will be considered, section 11.2.6. of the plan refers.
- A high density scheme is acceptable at this location, close to public transport, employment and commercial development. The site is considered to be a central and/or accessible urban location in line with the 2018 guidelines. Density of 138 units per hectare and a plot ratio of 1.36:1 is noted and could be considered as somewhat excessive.
- Distance to boundaries is acceptable.
- Heights in general are acceptable, however, some elements are too high.
- Footprint and design acceptable.
- Overshadowing impacts are minimal and acceptable at this location.
- Overlooking is not an issue except at the gable to the southwestern block, windows to kitchens should be obscured and balconies screened.
- Apartment standards are met.
- Communal amenity space, further information required.
- Flood risk issues, bins/recycling, café, all require further information.

- Car parking should be reduced and cycle parking increased.

Second Report

- All 16 items of the further information request were responded to in an appropriate manner, grant permission subject to conditions.

3.2.2. Other Technical Reports

Drainage - further information required.

Recreation and Amenity Department – further information required.

Heritage Officer - further information required.

EHO – no objections subject to conditions.

Fire Officer - no objections subject to conditions.

Post Further Information

Parks Department – no objections subject to conditions.

Drainage Section - no objections subject to conditions (according to the Planning Report).

Biodiversity Officer - no objections subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann – Confirmation of feasibility without upgrades.

NPWS – No objections subject to a condition that requires all mitigation measures outlined in the NIS (chapter 7) are adhered to. Correspondence dated 15 July 2022.

3.4. Third Party Observations

- 3.4.1. 43 initial submissions including a petition from the Residents of Shantalla (73 signatures) were received during the planning application process, issues included: zoning, loss of retail space, excessive building height will result in overlooking, overbearing and overshadowing, limited separation distances, noise and dust

nuisance during a long spell of construction activity, flooding and loss of car parking were amongst the issues raised and have been reiterated in the grounds of appeal.

4.0 Planning History

4.1.1. Site

PA ref 01/512 – Permission granted for demolition and re-erection of existing store.

5.0 Policy Context

5.1. Development Plan

5.1.1. Galway City Council Development Plan 2023-2029

The Elected Members of Galway City Council adopted the Galway City Development Plan 2023-2029 at the Full Council Meeting held on Thursday 24th November 2022 and it came into effect from Wednesday 4th of January 2023.

Ministerial Direction 3rd May 2023 – minor amendments that do not affect this site.

The operative development plan is the Galway City Development Plan 2023-2029 according to which the site area, is subject to the zoning objective “C1”: Commercial /Industrial. “To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.”

Uses which are compatible with and contribute to the zoning objective, for example

- Retail of a type and of a scale appropriate to the function and character of the area - Specialist offices
- Offices of a type and of a scale appropriate to the function and character of the area Childcare facilities
- Community and cultural facilities
- Allow for development of Regeneration and Opportunity Sites in accordance with the provisions of Chapter 10 and Policy 10.2 Strategic Regeneration and

Opportunity Sites, particularly where it is identified to provide for mixed use development which includes for residential.

The site is also identified as a Strategic Regeneration and Opportunity Site, figure 3.5 Shantalla of the Development Plan refers.

Policy 10.2 Strategic Regeneration and Opportunity Sites

1. Facilitate and enable the redevelopment of strategic Regeneration and Opportunity Sites in the city to support the sustainable and compact growth of the city which will add value and create more attractive places in which people can live and work and achieve alignment with the National Strategic Outcomes of the NPF and the Regional Policy Objectives of the RSES and implementation of the Core Strategy.
2. Give priority to the development of the strategic Regeneration and Opportunity sites in line with core strategy, in particular to deliver new residential neighbourhoods, on lands supported by a number of land use zonings including CC and CI, as referenced in the land use zoning objectives in Chapter 11.

10.15 Shantalla Road Opportunity Site

This site of 0.62 hectares is located along the Shantalla Road. This site has capacity for redevelopment primarily for residential use to assimilate into the existing neighbourhood. The density of any redevelopment shall have regard to the surrounding context.

Any redevelopment shall provide for a high quality frontage onto the Shantalla Road and the open space area to the rear providing passive surveillance to this area. It shall also provide for the enhancement of Red Lane, the link route adjacent to the eastern boundary. Any redevelopment should include for a spatial framework which will be required to include for measures to support the designation of the wider area as a pilot decarbonisation zone.

Policy 3.6 Sustainable Neighbourhoods: Inner Residential Areas

1. Protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) by ensuring that new development through consolidation, infill and redevelopment does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas.
2. Enhance inner residential areas such as Claddagh, Shantalla and Bohermore, through the implementation of environmental improvement schemes and the protection of all open spaces, including existing green spaces.
3. Prioritise the provision of new homes on designated Regeneration and Opportunity Sites in the Inner Residential Areas at appropriate scales to enable the development of new sustainable communities.

Chapter 11 incorporates development management standards (Part B) and guidelines to be applied to future development proposals in the city. Part B Development Standards General Development Standards and Guidelines is most relevant and includes guidance in relation to the following:

- Residential Development
- Shop Fronts
- Advertisements and Signage
- Urban Development and Building Height
- Transportation
- Waste Management

Specific Development Standards are also highlighted and relevant guidance includes:

- Childcare Facilities
- Community / Educational Facilities
- Built Heritage
- Green Design & Surface Water

- Street Furniture, Signs and Structures
- Access for All
- Recreation and Sport Facilities
- Art/Cultural Amenity
- Flood Risk Management & Assessment
- Climate - Scheme Sustainability Statements
- Appropriate Assessment/ Natura Impact Statement
- Invasive Alien Species
- Ecological Impact Assessment (EclA)

5.2. National and Regional Policy

5.2.1. 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.

5.2.2. **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

5.2.3. **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).

5.2.4. **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.

5.2.5. **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:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities

Other relevant national guidelines include:

- Carrying out Environmental Impact Assessment, Guidelines for Planning Authorities, August 2018; and
- Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities, February 2010.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG) and Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (Site Code: 000268) it is located 1.4km to the south of the site and the Inner Galway Bay SPA (Site Code: 004031) it is located 1.7km to the south of the site. The applicant prepared an NIS for this application.

5.4. EIA Screening

- 5.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Four third party appeals were received from residents in the general area, one appeal is from a resident's association and includes a signed petition. The grounds of appeal can be summarised as follows:

- Zoning – the Enterprise, Light Industry and Commercial zoning does not support the proposed residential uses.
- Character – the area is defined in the development plan as Inner Residential Area and the proposed apartment development would negatively impact the character of the area, in terms of scale, height, massing and building line.
- Water Services – existing infrastructure in the area is old and cannot support additional development. Flooding will result.
- Red Lane – concern is raised at handing over a laneway to a private management company to be widened and maintained. The lane should be able to be used by all local residents and any vehicular use for construction and into the future will be opposed. The addition of a cycle lane on Red Lane will make it more dangerous.
- Overlooking – the proposed development would overlook Davis Road, Ragoon Road, Maunsell's Road, Fort Eyre and Davis Road. Balconies will provide additional opportunities to overlook dwellings.

- Overshadowing - The scale and height of development will result in overshadowing of the street. The additional of five storeys to this already elevated site will result in overshadowing of the local area. Specifically, houses at Maunsell's Road, Ragoon Road, Davis Road, Reddington Road and Shantalla will be in full shadow.
- Traffic/transport/parking – the area suffers from traffic problems and the addition of the proposed development would make matters worse. Overflow parking from the nearby hospital is problematic. The position of the road junction on Ragoon and Maunsell's Road will create a traffic hazard.

Increased traffic will pose a danger to children attending the nearby national school.

97 car parking spaces is not enough for 86 apartments and will lead to overspill car parking in the existing estates.
- Overdevelopment – relative to the surroundings the scheme represents overdevelopment.
- Wildlife – birds and bats use Red Lane, any changes to the lane will impact wildlife. The development will increase light pollution and upset wildlife. There are protected species in the area, notably bats and these should be protected.
- Construction Impacts – the level of stone blasting will be a nuisance for residents.
- Antisocial behaviour – apartments attract antisocial behaviour and this is a concern for existing residents.
- Inconsistent Decision Making – residents are baffled as to why 60 apartments over the nearby Aldi store was refused because of overshadowing a single row of houses.
- Property Devaluation – the addition of apartments to the area will result in the devaluation of existing houses.
- Aviation danger – the buildings will adversely impact the Search and Rescue Helicopter service.

In summary, the appellants are against the development and object to the scale, height and massing of the apartments, water services and flooding, overlooking, overshadowing, overdevelopment, traffic, parking, antisocial behaviour, damage to wildlife, aviation safety are all issues that the development poses.

The appeals are supported by photographs and newspaper articles.

6.2. Applicant Response

6.2.1. The applicant has prepared a detailed response to the grounds of appeal and can be summarised as follows:

- Revised and annotated drawings that illustrate the reductions required by conditions attached by the planning authority to the grant of permission.
- Revised photomontage imagery to illustrate visual impact after the revised and reduced proposal submitted at further information stage and amended by condition.
- CGI diagrams to show development after further information submission and once floor removal results from conditions attached by the planning authority.
- A report that responds in detail to each issue raised by third parties, page 16 of the report refers. Responses include, the safety of Red Lane improved and will not provide vehicular traffic, building height reduced, overlooking and overshadowing not an issue, wildlife and ecology have already been addressed, zoning clarified, water services acceptable, traffic/parking all acceptable and Aviation Operations at UCHG clarified as not an issue of concern.

The Board should note that this information was only submitted in an electronic format and hard copies are not available on the file. I have viewed the applicant's response in full and by the electronic means available to me.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. Observations received raise similar issues to those contained in the initial submissions to the planning application and the third party grounds of appeal.

6.5. Further Responses

6.5.1. Further responses have been received from the appellants and can summarised as follows:

- Opinion still differs as to the impact on the character of the area that will result from the development.
- Clarity is required in relation to the zoning objectives in the previous and current plan, 'opportunity sites' are now included, and they were not before.
- Tenant composition is raised, and smaller units are seen as undesirable and will attract a transient population.
- Building height, sunlight/daylight impacts, overlooking (of children's play areas), traffic and parking remains primary issues of concern.

7.0 Assessment

7.1. Introduction

7.1.1. This is a third party appeal against the decision of the planning authority to grant permission for 74 apartment units in Galway City. The grounds of appeal are wide ranging and oppose nearly every aspect of the scheme proposed. Since permission was granted by the planning authority a new development plan came into force and I deal with this issue first. Residential amenity, traffic, water services and flooding are raised by both the appellants and observers. Hence, the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Density
- Residential Amenity
- Visual Amenity
- Traffic and Transport
- Water Services
- Archaeology
- Wildlife
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

7.2.1. It is the appellants and observers understanding that residential development cannot be permitted on lands zoned for commercial and industrial uses. In addition, there is slight confusion on the part of the third parties as to which development plan the proposal should be assessed.

7.2.2. The operative statutory plan for the subject appeal is the Galway City Development Plan 2023-2029, it has been in operation since the 4th of January 2023. The site is

located on lands subject to zoning objective C1 Commercial /Industrial, in order to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone. The statutory plan goes on to outline what types of uses are compatible with and contribute to the zoning objective and they include retail, offices, and community/cultural uses. Specific to the appeal site, it is located within the boundaries of a Regeneration and Opportunity Site and the development of same is guided by Policy 10.2 Strategic Regeneration and Opportunity Sites. This is particularly the case where mixed use includes residential. In this instance the site is identified as the Shantalla Strategic Regeneration and Opportunity Site, figure 3.5 and section 10.15 of the development plan refers. In particular, the site has capacity for redevelopment primarily for residential use to assimilate into the existing neighbourhood. In addition, any redevelopment should have frontage onto the Shantalla Road and the open space area to the rear. Finally, any development should provide for the enhancement of Red Lane.

- 7.2.3. It is clear that the appeal site, like others in the statutory plan, has been identified by the planning authority as an area that would benefit from primarily residential development. However, such residential development should not adversely affect the area's character and should have regard to the prevailing pattern, form and density of the surroundings. The appellants do not agree that the development as proposed meets any of these requirements and I assess the issues they have raised in the following sections of my report. I am satisfied that the land use zoning supports residential development and in fact the designation of the lands as an Opportunity Site within the overall context of Strategic Regeneration and Opportunity Sites, is an entirely acceptable use.

7.3. **Density**

- 7.3.1. The observers and appellants have raised issues about the proposed residential density of the development and how it impacts upon the character of the area. To many, the increase in residential density brings with it all the problems of overlooking, overbearing appearance, loss of light, more people living in the area and antisocial behaviour. All of these factors are considered in detail in the Residential Amenity section of my report. However, in relation to residential density in particular, the planning authority also raised concerns about the high residential density initially proposed (139 units per Hectare). After a reduction offered by the

applicant the residential density fell to 119 units per Hectare and the planning authority accepted that such a density would be acceptable at this location.

- 7.3.2. I note that the current development plan was drafted in the context of all relevant guidelines in relation to residential development, Policy 3.3 Sustainable Neighbourhood Concept, part 7 refers:

Ensure the design of residential developments have regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and demonstrate compliance with the Urban Design Manual–A Best Practice Guide and the Design Manual for Urban Roads and Streets (2019).

- 7.3.3. This being the case, the Sustainable Residential Development guidelines indicate what types of residential density should apply to what parts of a city or town. In this instance, the lands could be considered as an inner suburban/infill site. Section 5.9 of the guidelines explains that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the effect of revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided and the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, and civic design.

- 7.3.4. I can see that the current development plan section 8.8 *Urban Design and Placemaking* was informed by the Galway Urban Density and Building Heights Study 2021, in which it is stated that there are few redevelopment opportunities in the area. Densities should therefore respect prevailing levels as infill opportunities emerge. Where larger site opportunities emerge, densities might be able to be increased, section 17.2 of the Urban Density and Building Heights Study refers. Shantalla is one such opportunity site that is large enough to be considered for higher residential densities. I am satisfied that the combination of a large vacant site, availability of social and commercial infrastructure nearby, public transport and a large area of open space to the north provides all of the ingredients to consider high residential densities, if local amenities can be protected and I examine these factors next.

7.4. Residential Amenity

- 7.4.1. The main contention of appellants and observers as objectors to the proposed development, in its initial format and that amended by further information, is that it will impact upon residential amenities currently enjoyed by neighbouring properties. The issues raised by appellants all revolve around the height, scale and massing of the proposed development and that it will impact their residential amenities with respect to overbearing appearance, overlooking and loss of natural daylight and overshadowing. Appellants and observers have formed the view that most of these matters go against the development plan with respect to residential amenity in general and building heights in particular. According to the third parties, all of the factors that concern residential amenity are impacted upon because of the height of the proposed development and this is contrary to the statutory plan with respect to commercial zoning. It is the broad consensus of the appellants and observers that the proposal to place an apartment building of such a height and scale fails to take account of the surroundings and permission should be refused. The planning authority accepted at the initial phase of the application that the height and scale proposed could not be borne easily at this location. Further information was requested and a reduction followed, that was acceptable to the planning authority and further reductions are sought by condition 2 of the notification to grant permission. In addition, the planning authority attached condition 6, that requires obscured glazing to kitchen windows along the southwestern elevation and to balconies along the western elevation of the apartment block.
- 7.4.2. Section 2.0 of my report describes the development as initially proposed and the changes that resulted from a request for further information from the planning authority and to which the applicant responded to. The changes were considered to be significant and they were advertised and additional observations were made by interested third parties. An appeal has been lodged by a number of third parties to the development as amended and permitted by the planning authority. I am therefore satisfied that there has been sufficient engagement with the development as proposed and amended within the requirements of the 2000 Act. In addition, I primarily make reference to the drawings that were submitted as further information on the 21st of November 2022 because they attempt to address concerns raised by third parties and the planning authority.

- 7.4.3. To recap, the proposed development provides a response to the Shantalla Opportunity site, that is currently a vacant builders providers warehouse and yard. The proposed development delivers a broken perimeter block apartment building over an underground parking, storage and service area. The building will present multiple frontages along its northern, eastern and southern boundaries and rise to between three and four storeys. As viewed from the north the building will rise to a total of just over 14 metres, from east along Red Lane heights will range between 12 and 14 metres and from the open space to the north the building will read as four storey and rise to just under 14 metres. Drawings submitted as further information show by means of a dashed red line the previously proposed development and that now permitted. The overall number of units has been reduced from 86 to 74 and a balanced mix of one, two and three bed units are proposed.
- 7.4.4. There are a number of residential areas that have elicited a high level of opposition to the proposed development, and they are located to the north and south of the site: the Davis Road estate to the north and Shantalla Place to the south, and further south Maunsells Road. Other submissions and observations have been received from other interested parties in relation to the generality of the proposal and its impact upon the area. However, in terms of direct residential amenity impacts as they relate to neighbours, I have identified that those locations closest to the site are the most relevant for the purposes of this assessment.
- 7.4.5. Davis/Reddington Road is characterised by mid twentieth century two storey terraced housing with large front and rear gardens, the closest properties are located at 16 Reddington Road, a distance of 45 metres to north west of the site, the gable wall elevations of 38 and 39 Davis Road are more than 73 metres to the north. The front elevations of 1A to 6 Shantalla Place, early twentieth century terraced houses set higher than the road are located more than 24 metres to the south and across the street. Maunsell Road is further removed from the site boundary by more than 60 metres to the south and across two streets. Presentation Convent is located immediately to the east of the site and more than 20 metres from the proposed line of the apartment building. Lastly, a detached house, St Michaels, set on a height above Ragoon Road is located immediately to the west of the site. In the following sections I have taken each of the residential amenity concerns raised by the

appellants in terms of overbearing appearance, overlooking, separation distances, overshadowing and impacts upon sunlight and daylight.

- 7.4.6. Overbearing Appearance – the concept of an overbearing appearance in terms of the built environment can be difficult to quantify. For existing residents, it is the thought of a new structure occupying space that was previously unoccupied, and this is seen as an unacceptable intrusion. I note that the applicant has prepared a revised proposal that reduces the overall height of the development by a storey or two at key locations. This has resulted in an overall building that reads as a three and four storey building and the applicant has prepared a revised rationale to describe how their buildings fit in with the surroundings. The planning authority agree and accept that the impact of the development is limited in terms of general visual impact. Condition 2 of the notification to grant permission, further reduces by a single floor the north western corner of the site and the applicant has prepared drawings to show what this would look like.
- 7.4.7. Unsurprisingly, it is those houses that are nearest that will experience the greatest perception of an impact of overbearing appearance. Having observed matters on site, it is those properties along Shantalla Place/Rahoon Road that will experience a perception of overbearing impact. Other residential development to the north and further south is simply too far away to credibly experience an overbearing appearance from their homes and so no further assessment is required for properties at Davis Road and Maunsells Road.
- 7.4.8. At present, a large warehouse occupies the site, and a high boundary wall aligns the back of the footpath along Rahoon Road/Shantalla Place. This presents an imposing and hard boundary to the streetscape and only softened by the domestic architecture and front gardens of Shantalla Place to the south. The applicant has elected to provide at least a 5 metre set back for the north elevation of the apartment building line from the back of the footpath and open up the street at this location. This is an improvement over the current situation, where the street is tightly and oppressively enclosed. In terms of the perception of an overbearing appearance, I agree that the removal of the high wall and its replacement with a mostly three storey building will be a slight departure in building form for the area. However, I note that historical buildings in the area are three storey and located to the back of the footpath, Fort Eyre House located to the east is a case in point. In any event, given the separation

distances involved (up to 24 metres), the front elevations and hence public face of housing along Shantalla Place and the setting above the road of housing to the south, no adverse impacts from overbearing appearance will result, section drawings C1-C1 ad CC refer. The Presentation Convent is located to the east of the site and a high boundary wall, laneway and wide area of open space will separate the eastern elevation of the apartment block. I do not anticipate any adverse impacts from an overbearing appearance to result for this property.

- 7.4.9. Lastly, St Michaels, a two storey detached dwelling set at a height above Ragoon Road is located immediately to the west of the site. A three storey and pitched roof elevation is proposed adjacent to this property and roughly aligns with the front and rear elevations of St Michaels. The four storey northern block of the apartments will be located further to the north, set downslope and up to thirty metres away, I anticipate no adverse impacts here either.
- 7.4.10. As a result of the changes made to the proposed apartment scheme due to the further information sought by the planning authority and condition 2, I am satisfied that there will be no adverse impacts that arise from an overbearing appearance to the existing residents of properties on the margins of the development site. This is due to a mixture of separation distances between properties, a significant reduction in heights proposed and finally the change in levels downwards from south to north.
- 7.4.11. Overlooking – overbearing appearance can compound the sense of overlooking but there are other factors that can manage and eliminate overlooking impacts. As already assessed, I am satisfied that overbearing appearance has already been addressed by an overall reduction in height and the separation distances involved, as a consequence the impact of overlooking is also minimised for adjacent property. The separation distances for property at the Davis Road estate will be over 70 metres to the north and over 50 metres to the west of the apartment building. The apartment block was planned to be up to four storeys at its north western corner. However, the planning authority required further reductions at this location and the applicant has illustrated the fourth floor omission in material submitted to the Board on the 29th of March 2023, drawing 3007ABP refers. Given the separation distances involved, the reduction in height and the expanse of a large area of zoned open space, I do not anticipate any severe loss or privacy to properties at Davis/Reddington Road.

7.4.12. Submissions received from residents of Shantalla Place and Maunsells Road are concerned about the general loss of privacy and overlooking too. However, given the separation distances involved (over 24 metres to the nearest property) and the interplay of streets, I see no adverse impact from overlooking to any of these properties in such an urban setting. The convent building is located over 20 metres from the three storey eastern elevation and St Michaels is closer still. However, given the orientation of these two properties and the potential for adverse impacts from overlooking, I am satisfied that such an impact will not result. Finally, third parties have raised child safety issues about balconies and the potential to overlook children's play areas at a nearby school over 50 metres to the east. The main concern of third parties is that balconies, living room and bedroom windows will overlook the school yard and classrooms, causing a loss of privacy. In my mind the three storey apartment block is no different to three storey terraced housing in terms of opportunities for overlooking. In addition, the creation of such a wide separation distance, I am satisfied that there will be no adverse effects from loss of privacy either to the school population or future occupants of the apartments.

7.4.13. I note that the planning authority decided to attached condition 6 that requires obscured glazing to kitchen windows along the southwestern elevation and to balconies along the western elevation of the apartment block. Whilst the attachment of glazed balconies is acceptable and will preserve the privacy of future occupants, I am not convinced that kitchen windows should be fitted with obscured glazing. I have already concluded that overlooking and privacy will not be impacted upon by the development as proposed and amended by further information. I note that apartments on the western elevation are dual aspect and kitchen windows will face west, the nearest houses are located over 50 metres away. In this instance, as privacy is preserved by distance and future occupants should be able to enjoy well-lit kitchen work areas, I do not consider it necessary to fit kitchen windows with obscure glazing.

7.4.14. In summary, I am satisfied that issues associated with overlooking have been addressed by the architectural design of the apartments proposed and the generous separation distances involved that overcome the perception of privacy loss.

7.4.15. Overshadowing – the impacts of overshadowing are experienced by existing property when development is proposed at a close distance away and where the

path of the sun would be interrupted and a shadow cast. Other factors come in to play, and these include: what elements occupy the intervening space such as trees and boundary walls, what the intervening space is used for say amenity or habitable rooms. All appellants raise issues with overshadowing and are concerned that their gardens and homes will be overshadowed because of the height of the development. The applicant has prepared a Sun Shadow drawing that illustrates the shadow impact from the development as originally proposed, drawing number 3012 refers. This drawing has been updated to take account of the revisions made and I can see the improvements to shadows cast at various times of the year, drawing 3012ABP received by the Board 29th of March 2023 refers. The planning authority are satisfied that any impacts from overshadowing will not be an issue for existing residents in the area.

7.4.16. I have examined the shadow cast diagrams prepared by the applicant and can see that the impacts of overshadowing are simply not present for neighbouring property along Shantalla Place/Rahoon Road. This is due to a variety of factors, such as the orientation, the subject site is north of these homes and the separation distance is over 24 metres. Given the position south of existing residential property, I would expect that the influence of shadow would not be a factor of concern. Property to the north of the subject is located between 50 and 70 metres away and across a large expanse of open space zoned land. I anticipate no impact to these dwellings. Shadow cast diagrams prepared by the applicant graphically illustrate the path of shadows cast at various times, in line with industry standards for this type of study i.e. 21st of March as advised by BRE site layout planning guidance. Given the foregoing I am satisfied that overshadowing of property (rear gardens and habitable rooms) will not result in any level of residential amenity loss.

7.4.17. Sunlight and Daylight – Concerns have been raised by third parties with regard to the impact of the development from the perspective of sunlight and daylight loss. The applicant did not prepare detailed sunlight and daylight assessment. In the context of amenity and neighbouring residents, a detailed sunlight and daylight assessment would be required if adjacent property fell within a set distance and angle of the proposed apartment block. In this instance, the shadow diagrams prepared by the applicant show the impact of overshadowing but not impacts from loss of direct sunlight or daylight. There are some very detailed assessments that can be carried

out to assess if proposed or existing development will be impacted upon in terms of loss of light. However, given the circumstances of this site there are a number of reasons why I would not expect such a detailed study to be carried out. In this regard I have been guided by section 2.2.4 of the Site layout planning for daylight and sunlight published by BRE 2022, that states:

Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small. Thus, if the new development were 10 m tall, and a typical existing ground floor window would be 1.5 m above the ground, the effect on existing buildings more than $3 \times (10 - 1.5) = 25.5$ m away need not be analysed.

7.4.18. Firstly, the closest residential development at Shantalla Place is located directly to the south. These properties have windows that are located over 2.5 metres above ground level relative to the front building line of the proposed apartment building, in addition, the apartment building at this location comprises three storeys with a pitched roof and less than 10 metres in height. When the difference between ground levels is taken into account, the closest separation distance of 23 metres between buildings means no assessment is required. St Michaels to the west and the Convent building to the east align with the apartment building. Again, in terms of separation distance and orientation, it would not be expected to carry out sunlight and daylight assessments. Finally, other homes located to the north of the apartment building are simply too far away, between 50 and 70 metres, I would expect no adverse impacts from loss of light to occur.

7.4.19. It would have been helpful, if the applicant had prepared a short report to confirm the lack of a need to carry out a sunlight and daylight assessment. However, given the parameters of the site, in terms of orientation, relative levels between elevations and significant separation distances, I am satisfied that loss of light to existing residences will not result in a perceptible impact. The level of overshadowing generated by the development in relation to adjoining properties does not give rise for concern either. This is because the overall design, scale, orientation and pattern of proposed development has had sufficient regard to the existing pattern of development in the area and is a continuation of established development patterns.

7.4.20. Other Residential Amenity Issues - Appellants have not raised any issues with regard to the residential amenities that will be experienced by future residents of the proposed development. There are specific guidelines in place to ensure that new apartment schemes provide good and acceptable living spaces and these are known as the Sustainable Urban Housing: Design Standards for New Apartments (2022). I can see that the planning authority have applied the standards outlined by the guidelines to the proposed development and find them to be compliant in almost every way. I am satisfied that the planning authority have applied the correct standards to the proposed development and hence there are no outstanding residential amenity issues to examine with respect to the apartment units as proposed.

7.4.21. Residential Amenity Conclusion –The scheme has been carefully designed to protect existing residential amenity, reduced in height and number of units. I am satisfied that the concerns raised by observers during the initial planning application stage of the process have been addressed by further information submissions. The proposed scheme as amended by further information, further truncated by condition and now before the Board is acceptable.

7.5. Visual Amenity

7.5.1. A large number of third parties are concerned that the development is entirely out of character with the area, it will be a discordant feature that would be contrary to development plan objectives. Specific criticism is levelled at the photomontage imagery and computer generated images (CGI) that in the opinion of third parties fail to visualise the true impact. The planning authority held some reservations about the scale of development and through a combination of further information and a condition to remove units, the overall building has been reduced. The applicant, as part of their response to the grounds of appeal has prepared revised drawings, photomontage imagery and CGIs, to illustrate the amended development.

7.5.2. The current statutory plan calls for new development to respect its surroundings and create a positive addition to the built environment. The site is large, with a significant area of adjacent zoned open space. In this context the development plan acknowledges that the site has capacity for residential redevelopment to assimilate into the existing neighbourhood and have regard to the surrounding context, section

10.15 *Shantalla Road Opportunity Site* refers. I can see that the applicant has prepared update photomontage imagery, and its viewpoints are representative enough. The immediate area is characterised by a tight urban form with two and three storey domestic architecture that aligns the Ragoon/Shantalla Road. The site itself comprises high walls and industrial scale warehousing all set on hardstanding. The wider area comprises two storey terraced housing. An apartment building will be a new addition to the streetscape. However, in return it will provide significant amounts of new public realm in the form of a threshold to the street, an improved connecting laneway and a face to an as yet unimproved amenity space.

7.5.3. The architecture of the apartment building is reasonably restrained with a mostly pitched roof to the street elevation as a way of fitting in with existing buildings. The northern elevation is slightly more relaxed in terms of form and a more contemporary approach is favoured here. The overall area is not designated as an Architectural Conservation Area in the development plan and no adverse visual impact will result to protected structures (RPS numbers 9201, 9202 and 9203) located a distance to the east. I am satisfied that the development as amended by further information and the conditions attached by the planning authority are entirely acceptable and the amended development successfully assimilates with its surrounds.

7.5.4. Out of character - Some third parties have raised concerns about the character of development in terms of apartment units and how it could result in a transient population and lead to antisocial behaviour. No empirical evidence has been provided by third parties to provide a link between apartment living and antisocial behaviour. The proposed development provides a combination of one, two and three bedroom units and this will enrich the mix of unit size in an area of predominately three bedroomed houses. It is the perception of change brought about by apartment living and an increase of new population that causes concern for the local community, rather than any real or quantifiable adverse impacts. I am certain that the provision of a wider range of living accommodation and unit size i.e. apartments in this area will lead to a more vibrant community and choice of accommodation.

7.6. **Traffic and Transport**

7.6.1. The proposed development of 86 apartments (reduced to 74 and by condition to 70 units) will gain vehicular access directly from a new vehicular entrance to a

basement parking area from Shantalla Place/Rahoon Road. Revised drawings show that pedestrian and cycle access is available from this vehicular point and at points along Red Lane and the amenity space to the north. The planning authority are broadly satisfied with these access arrangements and recommend some technical adjustments should permission be granted.

- 7.6.2. The applicant proposes a total of 59 car parking spaces reduced from 97, all at basement level. The planning authority acknowledge the quantum of car parking spaces for such a development and recommend that spaces are reserved for occupants. Observers are concerned about the existing traffic and car parking situation in the area, and fear the consequences of congestion and overspill parking leading to hindered access for emergency vehicles. In addition, a detailed submission has been received that is critical of the cycle facilities proposed and the impact the development will have on safety.
- 7.6.3. The proposed layout will plug into existing street and footpath infrastructure. At present cycle infrastructure is limited and disjointed in the area. Third parties have raised concerns that the proposed development will do little to improve the public realm along its boundary, better footpaths and cycle facilities being the main area of concern. The planning authority support the improvements proposed in terms of adding to cycling infrastructure in the area.
- 7.6.4. I am satisfied that the existing streets and footpaths in the area are entirely acceptable and accommodate current pedestrian flows. Public realm can always benefit from improvement and the proposed development achieves this; however, I acknowledge that at times conflicts between vulnerable road uses (pedestrians/cyclists) can occur at peak times. Observers show concern about this aspect of the pedestrian facilities in the area, around school commuting times for example. My own experience of the immediate area and further afield is that car traffic is already a problem at various times of the day and the infrastructure proposed as part of the current scheme should make it more attractive to utilise more sustainable forms of transport. The development has been designed in accordance with the Design Manual for Urban Roads and Streets. I can see that design changes were incorporated at the further information stage to better integrate pedestrian and cyclist access to parking and storage facilities at basement level. I am satisfied that

an appropriately worded condition can ensure that works are carried out in accordance with DMURS and the Cycle Design Manual prepared by the NTA 2023.

- 7.6.5. The applicant has prepared a Traffic and Transport Assessment (TTA), neither the planning authority nor third parties raise any particular concern over its findings. In general, third parties are concerned that traffic congestion will be made worse if the development is permitted. There are no technical criticisms levelled at the TTA, its methodology or findings are not challenged. I see no particular issue to query either, this is an urban site, plugging into streets and junctions that have been designed to accommodate development that has been planned for. I am satisfied that the existing road network can accommodate the quantum and format of development proposed.
- 7.6.6. Red Lane – a significant amount of concern has been raised by third parties about Red Lane, the impact of the development will have on wildlife and that the space will be privatised and used by vehicles. The applicant refutes all these concerns and is convinced that the proposed development will benefit and increase the use of Red Lane. Concerns about loss of wildlife are addressed in section 7.10 of my report
- 7.6.7. At present, the laneway is a wide footpath that links Ragoon Road and the Davis Road estate. On the day of my site visit I was the sole user of the laneway. However, I acknowledge that this is an important linkage that should be retained. In fact, its importance is recognised by the development plan, where it is stated that any development shall provide for the enhancement of Red Lane, the link route adjacent to the eastern boundary. In any case, the enhanced laneway is not designed to facilitate vehicular use either at construction phase or when the development is complete. The laneway has been designed to accommodate pedestrian and cycle use alone. I am satisfied that the design and use of Red Lane is entirely appropriate, and the active frontage of the apartment block allows for excellent passive supervision of this space.
- 7.6.8. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities, such as schools, playing pitches and a commercial/retail centres. Current public transport options are limited to bus services. In addition, there are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in

this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by making the most of well located and zoned land.

7.7. Water Services

- 7.7.1. Third parties are concerned that the existing foul sewer network cannot support more development and that the area is prone to flooding. Submissions received by the Board are supported by newspaper articles and photographs showing flood events. With respect to water supply and the wastewater network, I note that Uisce Éireann state that the site can be serviced without upgrades, no further assessment in this regard is necessary.
- 7.7.2. Surface Water Management – I note that further information was required by the planning authority in relation to a number of aspects that relate to surface water management. The Planner’s Report dated January 2023 notes that drainage issues can be addressed by condition. However, I have been unable to locate the Council’s Drainage report after the receipt of further information. I do not consider this to be a critical issue, given the existing condition of the site and its entirely built over character. Subject to a condition that requires the management of surface water in accordance with the technical requirements of the planning authority, I anticipate no issues to arise.
- 7.7.3. Flood Risk – a number of third parties have raised the issue of flooding in the area and that the proposed development could add to overall flood risk. The applicant has not prepared a Site Specific Flood Risk Assessment. According to development plan maps, the site is not located within or close to either flood zone A or B. I note that the Civil Works Design Report submitted by the applicant outlines the storm water drainage design, section 3 of that report refers. The report states that the surface water design calculations were considered in the context of a 100 year return period plus an additional 20% to take account for the effects of climate change. Given the nature of the site, entirely built over and with existing on site surface water management infrastructure and connections to the municipal stormwater network, I do not anticipate that flood risk would be an issue for the site or result in off site

consequences. Though sustainable urban drainage systems are not specifically mentioned, the landscape plan introduces green areas, and they will act as informal attenuation measures to manage rainfall events. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

7.8. Archaeology

- 7.8.1. Third parties have raised some concerns that the archaeology of the area has not been properly assessed and that the heritage of the area will be lost. I observe that the entire landholding is a brownfield site with vacant warehouses and a large area of hardstanding already in place. However, according to the Historic Environment Viewer provided online by the Department of Housing, Local Government and Heritage and the National Monuments Service, two archaeological features are located either on or close to the site, GA094-080 and GA094-081, described as Earthwork. In addition, the site is large and significant groundworks are planned in order to accommodate a basement level, previously undiscovered remains could be uncovered. The planning authority recommend the attachment of a condition to ensure the continued preservation (either in situ or by record) of any sites, features or other objects of archaeological interest. I concur, an appropriate condition with regard to the archaeological potential of such a large site should be attached in the event of a grant of permission.

7.9. Wildlife

- 7.9.1. Ecology – In addition to a Natura Impact Statement, the applicant has submitted an Ecological Impact Assessment (EclA), prepared by MKO and dated May 2022. A walkover survey of the site was carried out on the 19 May 2022. Bat walkover surveys of the study area were carried out during daylight hours on the 28 September and 8th October 2020, a dusk emergence survey was carried out on the evenings of the same days on each of the structures proposed for demolition, dusk and dawn surveys were also carried out. The habitat character of the site is described as buildings and artificial surfaces. The assessment identifies that the site has no unusual features of interest and section 7 concludes no adverse impacts.
- 7.9.2. Third parties have raised concerns that the wildlife associated with the area will be impacted upon by the development proposed. The EclA concludes no adverse

impacts to the biodiversity associated with the site, should the mitigation measures outlined in section 6 be implemented. The site is currently a vacant builders providers yard with warehousing and offices. The site is bounded on three sides by urban development and a large area of unimproved amenity space to the north. I concur with the findings of the EclA and I note the comments of the Council's Biodiversity Officer. Subject to the implementation of all of the measures outlined in the EclA, the development will not adversely affect the biodiversity of the site such as it is or the wider area.

7.10. Other Matters

- 7.10.1. Number of units - I note that condition 2 attached by the planning authority seeks the removal of the fourth level on the north western corner of the building and this would result in the loss of 4 units. The applicant has illustrated the impact of conditions applied by the planning authority and I am satisfied that it is appropriate to retain the changes sought by conditions attached by the planning authority in this regard. To conclude, in terms of the overall number of units that would be provided if permission were to be granted, the result would be 70 units in total.
- 7.10.2. Construction Impacts - I note the concerns raised by observers regarding construction stage impacts. I note that section 8.10 of the applicant's TTA addresses construction traffic with the promise that a traffic management plan will be produced. Such a plan is necessary and should be prepared in advance of development. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice. I recommend a condition requiring the preparation of a detailed Construction Management Plan and Traffic Management Plan prior to commencement of development.
- 7.10.3. Property Devaluation – Some appellants and observers are concerned that if the development is permitted it will decrease the value of their property and others in the area. No documentary evidence has been submitted to demonstrate that the development will adversely affect property values in the area, and it is likely that the provision of apartment units will provide more choice and desirability for the area as a whole. It may be the perception of appellants that their residential amenities will be affected and hence the value of their property will decrease. I have already explained

that residential amenities will not be impacted upon to any great degree. I am not satisfied that a demonstrable case has been advanced to be certain that property values will be adversely affected by the development as proposed and amended by the further information submitted to the planning authority by the applicant.

7.10.4. Aviation danger – third parties advise that the buildings will adversely impact the Search and Rescue Helicopter service. The proposed apartment block will rise up to 14 metres above ground level at its highest point. There are other three storey buildings with pitched roofs in the area and Galway Hospital accommodates buildings up to six storeys in height and located to the north east. Two helicopter landing pads are located between 400 and 500 metres north east of the site and on the western side of the hospital lands. No submission was received by the planning authority or the Board from the Irish Aviation Authority with respect to air safety or the Department of Defence/Department of Transport with regards to military or search and rescue operations. Given, the urban setting of the site, the limited height above ground level and the lack engagement from the statutory bodies concerned, I am satisfied that air safety will not be adversely impacted upon by the development as amended.

7.11. **Appropriate Assessment**

Introduction

7.11.1. This section of my report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the revised Natura Impact Statement (NIS) and Appropriate Assessment Screening Report submitted as further information (November 2022) prepared by MKO Planning and Environmental Consultants. It is stated that field assessments were undertaken by Colin Murphy, Neil Campbell and Rachel Walsh, during May 2022 and September and October 2020. The report was reviewed by Colin Murphy and section 1.2 of the NIS sets the statement of authority. I have had regard to the submissions of observers in relation to the potential impacts on Natura 2000 sites. 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

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

Submissions and Observations

7.11.3. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 3 and 6 above. Observers have not raised any specific issues with regard to appropriate assessment, however, issues are raised in relation to local wildlife and flood risk. The planning application was referred to a number of statutory consultees, including Irish Water and the Minister for Housing, Local Government and Heritage (NPWS). With specific reference to appropriate assessment matters, I note that the NPWS made a submission.

The European Sites Likely to be Affected (Stage I Screening)

7.11.4. A summary of European Sites that are considered to be within a zone of influence of the site is presented in *Identification of Relevant European Sites* section of the applicant's AA Screening Report. The development site is not within or directly adjacent to any Natura 2000 site. The site is located in an area surrounded by existing low density residential development and community infrastructure. The site comprises brownfield land with hardstanding and buildings.

7.11.5. I have had regard to the submitted Appropriate Assessment screening section of the applicant's report that identifies a likely zone of impact of the proposed development that includes the following sites: Lough Corrib SAC, Galway Bay Complex SAC, Connemara Bog Complex SAC, Ross Lake and Woods SAC, East Burren Complex SAC, Lough Fingal Complex SAC, Inner Galway Bay SPA, Lough Corrib SPA, and the Cregganna Marsh SPA. In addition, the applicant's report identifies a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. These are all listed below with approximate distances to the application site indicated:

Site code	Site name	Distance from the site
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000297	Lough Corrib SAC	1km
000268	Galway Bay Complex SAC	1.1km
002034	Connemara Bog Complex SAC	11.5km
001312	Ross Lake and Woods SAC	13.8km
001926	East Burren Complex SAC	13.9km
000606	Lough Fingal Complex SAC	14.6km
004031	Inner Galway Bay SPA	1.1km
004042	Lough Corrib SPA	2.9km
004142	Cregganna Marsh SPA	9.4km

7.11.6. In addition, the AA screening section of the document outlines through figure 3.1, the geographical spread of sites and proximity to the subject site.

7.11.7. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and other observers, and I have also visited the site.

7.11.8. I concur with the conclusions of the applicant's screening for AA, in that the only Natura 2000 sites where there is potential for likely significant effects are the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) as a result of a direct hydrological pathway because the Lough Corrib SAC/SPA share the same groundwater catchment and for the Galway Bay Complex SAC and Inner Galway Bay SPA via the hydrological connectivity posed by surface water drainage pathways.

7.11.9. Significant impacts on the 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. As such, 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 European Sites:

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)
- Lough Corrib SAC (000297)

7.11.10. The qualifying interests of all Natura 2000 Sites considered are listed below:

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>Lough Corrib SAC (000297)</p> <p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>	<p>1km</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p>

		<p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Drepanocladus vernicosus</i> (Slender Green Feather-moss) [1393]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>
Galway Bay Complex SAC (000268)	1.1km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p>

<p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>		<p>Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Turloughs [3180] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) [6210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230] <i>Lutra lutra</i> (Otter) [1355] <i>Phoca vitulina</i> (Harbour Seal) [1365]</p>
<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>	<p>1.1km</p>	<p>Great Northern Diver (<i>Gavia immer</i>) [A003] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p>

		Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]
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7.11.11. The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration, also note Table 3.1 contained within the applicant's report.

Potential Effects on Designated Sites

7.11.12. The proposed development shares the groundwater catchment of the Lough Corrib SAC. There is also a hydrological connection to the Galway Bay Complex SAC and Inner Galway Bay SPA due to the character of the limestone bedrock and potential for pollution to groundwater during construction.

7.11.13. The applicant has concluded that it cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and

projects, would not be likely to have a significant effect on Lough Corrib SAC, Galway Bay SAC & Inner Galway Bay SPA. As a result, it is recommended to the competent authority that an Appropriate Assessment is required, and a Natura Impact Statement will be prepared in respect of the proposed development.

7.11.14. In this instance the standard surface water management measures to be incorporated 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. However, the applicant makes the point that although no watercourses were identified on-site, in the absence of appropriate mitigation and following the precautionary principle, the construction and operation of the proposed development has the potential to result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site. In addition, potential hydrological connectivity was identified between the proposed development and downstream SPAs/SACs. A potential pathway for indirect effects on the aquatic QIs of the SAC and SCI 'wetland and waterbirds' as a result of deterioration in surface water quality resulting from pollution associated with the construction and operational activities was identified. Mitigation measures will be required to ensure that water quality is maintained prior to discharge to groundwater. Thus, as a result of these measures, the risk to water quality during the construction phase on the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) should be considered, other sites can be excluded because of the separation distances involved, lack of direct connections and any dilution factors that might arise. According to the applicant, following a precautionary approach, the potential for large quantities of silt or other construction pollutants to be washed downstream means that significant effects to the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) cannot be ruled out.

7.11.15. Observers and the planning authority have noted technical rather than ecological/biodiversity aspects of the NIS. Irish Water confirm that the proposed development can be facilitated without upgrades. The NPWS recommend the implementation of all measures outlined in the NIS. The AA screening report has identified the potential for impacts during the construction and operational phase of the development and that there is the potential for groundwater pollution.

7.12. Consideration of Impacts:

- There is nothing unique or particularly challenging about the proposed brownfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to the European sites listed above.
- During the operational stage, after passing through surface water management systems, all stormwater generated onsite will be managed on-site through infiltration and to the municipal stormwater water network. The surface water pathway creates the potential for an interrupted connection between the site and the Clare-Corrib groundwater catchment and a distant hydrological connection between the proposed development and European sites in at Galway Bay.
- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will infiltrate to groundwater. 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 Clare-Corrib groundwater catchment and 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).

- In terms of in combination impacts other projects within the Galway area which can influence conditions in the Lough Corrib and 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.

- 7.12.1. Surface water from the proposed development will pass through a range traps and filters. Waters from roofs and paving and all other surface water will be attenuated in underground attenuation tanks before discharge through infiltration and the municipal stormwater network. All surface waters will pass through a hydrocarbon interceptor before discharge (See 'Civil Works Report' and drawings by Tobin Consulting Engineers).
- 7.12.2. These waters will ultimately drain to Clare-Corrib groundwater catchment, and Galway Bay via a variety of watercourses. These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any greenfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.
- 7.12.3. The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system and groundwater catchment system to those Natura 2000 sites. They are not required for the purpose of mitigating any potential impact to those Natura sites, given the distance and levels of dilution that would occur in any event. There is nothing unique, particularly challenging or innovative about this urban development on a brownfield site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would not be likely to have a significant effect on the Lough Corrib SAC (000297), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), Stage II AA is not required.

7.12.4. I note the applicant submitted a Natura Impact Statement (NIS). In deciding to prepare and submit an NIS the applicant states that the precautionary principle was being applied. I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of caution and is unwarranted.

7.13. **AA Screening Conclusion:**

7.13.1. 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 either located within the same groundwater catchment or 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.

7.13.2. 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 Lough Corrib SAC (000297), 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.

8.0 **Recommendation**

8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the C1 - Commercial /Industrial zoning objective, the designation of the lands as a Strategic Regeneration and Opportunity Site and identified as the Shantalla Road Opportunity Site, the provisions of the Galway City Development Plan 2023-2029, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 21st day of November 2022 and by the further plans and particulars received by An Bord Pleanála on the 29th day of March 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The north western third floor apartment units (types 5A, 5E and 5F), four units in total, shall be omitted.

(b) Railings for all balconies shall be replaced with obscure glazing panels to the required dimensions.

(c) A phasing and management plan shall be prepared to ensure public pedestrian and cycle access at all times along Red Lane and that all improvement works to the laneway are complete prior to the occupation of any unit.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. All mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

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

7. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.
- (b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets, the Cycle Design Manual (CDM) prepared by the National Transport Authority (NTA) 2023 and with any requirements of the planning authority for such road works.
- (d) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
- (e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.
- (f) All car parking spaces are reserved for the sole use of residents of the approved apartment building.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

8. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

The Management Company shall include and manage the laneway known as the Red Lane for the benefit of the general public (pedestrians, wheelchair users and cyclists) or as determined by the Planning Authority.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the

adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

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

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

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

18. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating and play equipment;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

21. Prior to the commencement of any house or duplex unit in the development as permitted, the developer or any person with an interest in the land shall enter into an agreement with the planning authority such agreement must specify the number and location of each house or duplex unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

28 September 2023