



An  
Bord  
Pleanála

## Inspector's Report ABP-317359-23

### Development

Retention permission of single storey temporary emergency department (TED) building with plant roof overhead and associated alterations to internal campus access road and parking layout. Retention permission of car park (24 no. spaces) adjacent to public analyst's lab. Permission for a single storey electrical energy centre including transformer and LV switchgear and associated lighting. The electrical energy centre will require alterations to the existing car park adjacent to Newcastle Park, comprising the creation of a new vehicular entrance to the car park, relocation of entrance barrier, alterations to boundary wall, railings and ticket machine and reconfiguration to layout of remaining car park.

### Location

University Hospital Galway, Newcastle Road, Galway.

### Planning Authority

Galway City Council

<b>Planning Authority Reg. Ref.</b>	2383
<b>Applicant</b>	Health Service Executive (HSE)
<b>Type of Application</b>	Retention & Permission
<b>Planning Authority Decision</b>	Grant Retention Permission & Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Newcastle Park Residents Association
<b>Observers</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> May 2024
<b>Inspector</b>	Ian Campbell

## 1.0 Site Location and Description

- 1.1. This appeal relates to 3 no. separate sites within the campus of University Hospital Galway (UHG), which is located c. 1 km north-west of the centre of Galway City (i.e. Eyre Square).
- 1.2. The first site (referred to in the application/appeal as Site 01) is located adjacent/west of the main entrance from Newcastle Road and accommodates a recently constructed single storey temporary emergency department (TED) with a stated floor area 1,384 sqm. Site 01 also includes a set-down area, part of the internal road network and car parking located to the front/east of the temporary emergency department. Site 01 has a stated area of c. 0.53 Ha.
- 1.3. The second site (referred to in the application/appeal as Site 02) is located to the north of the hospital campus, south of Seamus Quirke Road, and comprises a surface park (accommodating 24 no. car parking spaces) opposite the Public Analysts' Laboratory. Site 02 has a stated area of c. 0.055 Ha.
- 1.4. The third site (referred to in the application/appeal as Site 03) is located to the north of the temporary emergency department (i.e. Site 01). Site 03 comprises a surface car park and is situated to the immediate west of Newcastle Park, a residential area bounding UHG. The car park is partially bound by a low wall and railing (to Newcastle Park) and a wall (to the north). Electrical cabling serving the hospital is built into the face of the boundary wall. There is an automatic barrier at the entrance to the car park. A two storey dwelling, No. 16 Newcastle Road, is located to the immediate north of the site. Site 03 has a stated area of c. 0.18 Ha.
- 1.5. The wider hospital campus is indicated within the applicant's ownership/control, as denoted by the blue line boundary. The combined area of all 3 no. sites is stated as 0.7658 Ha.

## 2.0 Proposed Development

- 2.1. The proposed development comprises;  
Retention permission for –

- Single storey **Temporary<sup>1</sup> Emergency Department (TED)** building (stated floor area 1,384 sqm) with plant roof overhead and associated alterations to internal campus access road and parking layout.
- **Car park** (24 no. spaces), adjacent to Public Analyst's Lab.

Permission for -

- A single storey **Electrical Energy Centre (EEC)** (stated floor area 281 sqm), including transformer and LV switchgear and associated lighting. The EEC building has a flat roof with a principle height of c. 4 metres. Material finishes to the EEC building are indicated as comprising render. The EEC building is situated 4.5 metres from the closest dwelling (i.e. No. 16 Newcastle Park) which is located to the north.
- Alterations to existing car park adjacent to Newcastle Park to facilitate the EEC building, specifically the creation of a new vehicular entrance to the car park, relocation of entrance barrier, alterations to boundary wall, railings and ticket machine and reconfiguration to layout of remaining car park (inc. a reduction in car parking from 69 no. spaces to 38 no. spaces).
- Associated site development works.

2.2. The planning application was accompanied by the following;

- Cover Letter.
- Planning Report.
- Architectural Design Statement.
- Drawing and Watermain Report.
- Traffic and Transport Report.
- Electrical Energy Centre Statement.
- Public Lighting Report.
- Noise Impact Assessment Report.

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<sup>1</sup> The applicant is not seeking a permission of temporary duration for the ED, rather reference to the ED as 'temporary' reflects the context in which the ED was constructed.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a Notification of Decision to **GRANT** retention and permission on the 23<sup>rd</sup> of May 2023 subject to 3 no. conditions. The following condition is of note;

**C2:** requires that the mitigation measures contained in the Noise Impact Assessment shall be implemented and monitored, and upon completion of development a report shall be submitted certifying that noise mitigation measures have been implemented, and after 6 months following completion of the development the development's compliance with noise mitigation measures shall be reported on.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Report

- 3.2.2. The report of the Planning Officer notes the acceptability of the proposed development in the context of the applicable land-use zoning; notes that there is no objection to the car parking spaces adjacent to the Public Analysts' Lab being used for staff or patients; notes that the Noise Impact Assessment demonstrates that any noise impacts arising from the proposed EEC building can be addressed by the proposed attenuation measures; and notes that the proposed development is in accordance with the Galway City Development Plan.

The report of the Planning Officer recommends a grant of retention and permission consistent with the Notification of Decision which issued.

##### 3.2.3. Other Technical Reports

The report of the Planning Officer notes that no inter-departmental or external reports were received.

I note a report on the file from the Drainage Section of GCC recommending the attachment of a standard surface water condition.

### **3.3. Prescribed Bodies**

None received.

### **3.4. Third Party Observations**

The report of the Planning Officer refers to 39 no. observations having been received in relation to the planning application. The issues in the observation are summarised as;

- Procedural issues regarding the development description of the proposal.
- Design of EEC building is unsympathetic to the surrounding area and is imposing. Specific concerns expressed at the 3 metre separation distance to adjacent houses/impact on residential amenity.
- No landscaping is provided to EEC building. The EEC building should be relocated.
- Concerns in relation to the noise generated by the EEC building, including during construction, and also concerns in relation to light generated by the building and impact of same on dwellings.
- Concerns that the construction of the EEC building will result in flooding of the adjacent area.
- Loss of car parking will result in overspill parking in the vicinity of the hospital.
- Lack of detail regarding the users of the car park.
- The proposed development will adversely impact Lough Corrib SAC and requires Appropriate Assessment.

## **4.0 Planning History**

The appeal site has been the subject of a large number of planning applications over the past c. 30 years. Having examined the Galway City Council planning portal I note that there are no recent or relevant planning applications pertaining to the appeal site (i.e. the 3 no. locations which are the subject of the current planning application/appeal).

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Galway City Development Plan 2023-2029 is the relevant development plan. The appeal site is zoned 'CF (Community Culture and Institution) under the Galway City Development Plan 2023-2029, the objective for which is *'to provide for and facilitate the sustainable development of community, cultural and institutional uses and development of infrastructure for the benefit of the citizens of the city'*. I note that *'buildings for the care of the health, safety or welfare of the public'*, which I consider the proposed TED building to be analogous with, is stated in the Galway City Development Plan as being compatible with/contributing to the 'CF' zoning objective. I note that the proposed car park and EEC building are indicated as being ancillary to the TED building in the planning application/appeal.

5.1.2. The provisions of the Galway City Development Plan 2023-2029 relevant to this assessment are as follows;

- Policy 7.8 (Healthcare Facilities)

(1) *Promote the delivery and enhancement of health care facilities in the city having regard to the designated role of Galway as a Regional City under the NPF/RSES.*

(2) *Support the development and expansion of existing healthcare infrastructure by the HSE, statutory and voluntary agencies and private healthcare providers to support the provision of healthcare, including community based care, mental health and social care services as appropriate and in accordance with the local need and the regional role of the city.*

(4) *Support the delivery of an enhanced regional healthcare service, including for a new Emergency Department at University Hospital Galway (UHG) and expanded hospital services at Merlin Park University Hospital (MPUH) that will serve the Metropolitan Area and the wider regional catchment.*

- Section 11.11.2 (Electrical Vehicle Parking)

*New buildings or buildings undergoing major renovations (other than a dwelling) shall install at least one recharging point and ducting infrastructure for at least one in every 5 car parking spaces to enable the subsequent installation of recharging points for electric vehicles.*

5.1.3. The building (nurses home) located to the immediate north of the proposed TED building is a Protected Structure, RPS Ref. 6805 refers.

## **5.2. Natural Heritage Designations**

- Lough Corrib SAC (Site Code 000297) – c. 0.5 km north-east.
- Inner Galway Bay SPA (Site Code 004031) – c. 1.7 km south.
- Galway Bay Complex pNHA (Site Code 000268) – c. 1.7km south.

## **5.3. EIA Screening**

(See Form 1 and Form 2 attached to this report) Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. 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**

This is a third-party appeal (on behalf of Newcastle Park Residents Association) against the decision to grant retention permission and permission. The grounds for appeal can be summarised under the following headings as follows;



### Amenity Impacts:

- Concerns in relation to the impact of the proposed EEC building on the amenity of residences within Newcastle Park arising from the proximity of the proposed building to the street and footpath along Newcastle Park.
- The design of the proposed EEC building is unsympathetic to the adjacent residential area, would adversely affect its character and contravenes Section 3.7/Policy 3.6 Sustainable Neighbourhoods: Inner Residential Areas, of the Galway City Development Plan.
- No. 6 Newcastle Park, which is adjacent to the proposed EEC building, will be particularly affected by the proposed EEC building and the potential development of an adjacent site for residential purposes could be affected.
- Concerns in relation to the design of the proposed EEC building are stated, specifically, the building's flat roof, which is considered to contrast with the roofs of houses in the area; the 3 metre set-back to the street, which contrasts with the 5 metre typical set back for the houses in the area; the industrial appearance of the building and its extent/dimensions, i.e. 27 metres in length and 4 metres above the footpath; the height of the EEC building, which it is considered will result in an imposing building; and the lack of landscaping to soften the impact of the EEC building.
- Noise emanating from the proposed EEC building will affect residents within Newcastle Park, users of the area, and also workers and visitors to the hospital.
- The application contains minimal information regarding the transformers and other electrical equipment which it will accommodate. Concern is expressed in relation to noise which will be generated by the EEC building. The EEC building should be sited at a location which is removed from housing. Ventilation doors should not be located on the side of the EEC building facing Newcastle Park. The potential for the equipment to be 'forced ventilated' would increase noise impacts.
- Number of potential alternative sites within UHG campus suggested for the EEC building. The Board should condition that the proposed EEC building is relocated to a different part of the hospital campus, or change the building's

set-back to 4 metres (min) from the front boundary to Newcastle Park, require the EEC building to have a pitched and tiled roof, and provide that hedging is provided along the boundary of the site with Newcastle Park.

Traffic Impacts:

- Concerns in relation to the displacement of car parking from the site as a result of siting the proposed EEC building thereon, and the potential for car parking to overspill into the adjacent area, with implications for residents accessing their properties.
- 90% of UHG's catchment is outside the Galway City Council area and the only practical way for these patients travelling to UHG is by car, as rural areas are not well served by public transport.
- Site 02 (car park) is remote from the ED.
- Concerns regarding construction phase impacts on the adjacent area, specifically traffic impact as a result of loss of car parking. Appeal submission notes that 132 no. car parking spaces will be lost.

Procedural Issues:

- The information submitted with the planning application contains inaccuracies which collectively should have resulted in the proposed development being refused permission.
- Procedural issues regarding the planning application, specifically in relation to the development description contained in the public notices, resulting in ambiguity regarding the nature/extent of the proposed development.
- The proposed Electrical Energy Centre building is located on unregistered land and there is ambiguity regarding the ownership of the site. Galway County Council (GCC) should have established ownership of the site and the decision to grant permission should be overturned.

Scope of Proposal:

- It is likely that the proposed EEC building is intended to serve a wider/new development within the hospital campus, for example the planned Emergency

Department and Women's and Children's Section. The proposed development should not be considered in isolation to the wider building project.

- It is unclear whether the proposed EEC is intended to re-house or replace existing electrical equipment which may be causing noise issues at its current location.
- There is no masterplan for the development of UHG.
- It is unclear where the site accommodating 24 no. car parking spaces is located.

Flooding:

- Concerns regarding the potential for flooding to occur on the site of the EEC building and Car Park 03, and ambiguity in relation to where water will drain to.

Appropriate Assessment:

- The applicant has not indicated on the planning application form that the site is located near a European site.
- Potential impact on Lough Corrib SAC arising from flooding and drainage on the site, and requirement for Appropriate Assessment.

## **6.2. Applicant Response**

The applicant has submitted a response in respect of the third party appeal submission. A letter of support from the Group Chief Executive Officer also accompanies the submission and notes that the TED building is currently served by a temporary electrical supply and that this situation raises significant concerns and risks.

The submission in response to the third party appeal notes;

- The applicant engaged with Newcastle Park Residents Association prior to lodging the planning application.
- The main element of the proposal is the Temporary Emergency Department (TED) building, all other elements are ancillary to the development of the TED building.
- Facilitating the TED building resulted in the loss of car parking. To off-set some of the loss in car parking spaces 24 no. car parking spaces were provided

adjacent to the Public Analysts' Lab. The proposal seeks to retain this car parking.

- The EEC building is ancillary to the TED building, and also enables upgrades and reconfiguration works on the campus over time and the diversion of the ESB supply from Newcastle Avenue. The EEC building is not a power generation facility but rather an electricity substation. The location of the proposed EEC takes account of a number of requirements, including maintenance and access requirements and the future reconfiguration of the electrical supply through the site at a later date. The entire site of the EEC building will be taken up during construction works, however the western part of the site will be reinstated for car parking. A reconfigured access arrangement to site is proposed. The EEC building will meet the construction standards for MV substation buildings published by ESB Networks.
- Providing a new substation will enable essential upstream upgrades and reconfiguration works to be planned on the campus over time. The new EEC building will also include the necessary diversion of the main ESB incoming supply to UHG (in coordination with the ESB) from Newcastle Avenue, allowing the diversion and/or removal of existing underground electrical services within the footprint of the proposed Emergency Department and Women & Children's project site. The new EEC building will not only fulfil the urgent necessity of a fully reliable power supply to the TED building but in due course could provide Low Voltage power supplies to the east side of the UHG campus. The completed building has space to house equipment to provide electrical power to support the future electrical upgrade works to the existing Nurses Home building and enables the proposed future Emergency Department and Women & Children's project.
- The TED building requires a low voltage (LV) power source. Power is temporarily supplied to the TED building via a LV cable which is partially located above ground however this arrangement renders the cable vulnerable to damage which would have significant consequences for the operation of the TED. The EEC building will fulfil an urgent need for a reliable power supply to the TED building and in due course could provide low voltage power to the east

side of the hospital campus. The EEC building will have space for equipment to provide electrical power for the future upgrade of the existing nurses home building and the proposed future Emergency Department and Women's and Children's project within the campus.

- The TED building was constructed in response to the Covid 19 pandemic under emergency legislation, specifically the Planning and Development Act, 2000, (Section 181) Regulations 2020, which expired on the 31<sup>st</sup> March 2022, and was not extended. There appears to be a 12 month 'grace' period to allow for the removal or regularisation of development after the expiry of the legislation. The planning application seeks to secure planning permission for the TED building and ancillary works.
- The TED building does not meet the accommodation and capacity standard required by the hospital for an ED. It is to be used until such a time as the new main ED Women's and Children's project is delivered. It is anticipated that the TED building, which still provides Covid accommodation and segregation facilities, will be an on-going requirement and is likely to remain in place for the foreseeable future.
- The proposed development is supported by NPO 2(a), NPO4 and NPO9 of the National Planning Framework (NPF) 2040, as they relate to the growth of cities, wellbeing and services; Planning Policy Statement 2015; the Regional Spatial and Economic Strategy as it relates to the growth and strategic development of Galway City and health services; and the Galway City Development Plan 2023-2029 in relation to the 'CF' land-use zoning applicable to the site, and Policy 6.7 and 7.8 of the CDP in relation to health institutions/facilities, and specifically the delivery of a new ED at UHG.
- A Noise Impact Assessment (NIA) was submitted with the planning application. A survey was also carried out on existing EEC's within the hospital campus to allow cross referencing against predicted noise levels from the proposed EEC. Predicted noise levels from the EEC will not exceed daytime and nighttime background noise levels recorded in the area. The operation of the EEC will be inaudible at the nearest noise sensitive receptor. There will be no residual effects from the construction phase of the project and no significant residual

noise from the operation of the proposed development. The NIA definitively demonstrates that there will be no impact on residential amenity of existing dwellings in the vicinity as a result of noise.

- The appellant appears to suggest that the application site and its immediate surrounds are residential in character however the site is zoned 'CF Community, Cultural and Institutional and accommodates a Model 4 acute hospital. The application site is not located in a residential setting but within the operational UHG campus.
- The EEC building is designed to conform with ESB standards and hospital forms and finishes.
- The provision of hedging around the EEC would necessitate the repositioning of the building westwards and would risk conflicting with a future public transport route. Furthermore, it is the policy of UHG to minimise the planting of hedging as it increases the risk of vermin on the campus.
- The EEC building results in the reduction of car parking at the existing car park adjacent to Newcastle Park from 69 no. to 38 no. (a net loss of 31 no. spaces). The provision of 24 no. car parking spaces adjacent to the Public Analyst's Lab replaces some of the lost car parking spaces at the main car park. In total the proposed development will result in the loss of 7 no. car parking spaces within the UHG campus. The loss of car parking during the construction phase of the proposed development will be managed through a Construction Management Plan and by the ongoing Mobility Management Plan (a live document) in the UHG campus. A free shuttle bus service also operates between Merlin Park University Hospital and UHG. GCC operate pay and display in the area adjacent to UHG, including Newcastle Park and Avenue and illegal parking in these areas is not a planning consideration in this appeal.
- A Mobility Management Plan, a Traffic and Transport Assessment and a Construction Traffic Management Plan accompany the planning application.
- The validation of the planning application by GCC confirms that the plans and particulars comply with the legislative requirements set out in the Planning and Development Regulations.

- The applicant has demonstrated sufficient legal consent for the making of the planning application. The provisions of S. 34 (13) of the Planning and Development Act, 2000, as amended, apply.
- The appeal site is not located within Lough Corrib SAC.

### 6.3. **Planning Authority**

None received.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

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

- Impact on Visual and Residential Amenity
- Traffic Impact
- Issues Arising

### 7.2. **Impact on Visual and Residential Amenity**

7.2.1. The crux of the appellant's case, as set out in the appeal submission to the Board, is that the proposed development, and specifically the proposed EEC building, owing to its design and relationship to the public road and footpath and separation distance from same, will negatively impact the visual amenity and character of the area, in particular Newcastle Park. The appellants also content that the proposed EEC building will adversely affect the residential amenity of property in the vicinity arising from noise. I note that the appeal does not raise these concerns in relation to the proposed TED building or the car park at the Public Analysts' Lab and I have therefore confined my

assessment of the proposed development in terms of impact on residential and visual amenity arising from the EEC building.

7.2.2. Visual Amenity - the proposed EEC building is located at the edge of the hospital campus adjacent to Newcastle Park, an established residential area which is characterised by two storey semi-detached dwellings. I note that the character of this part of Newcastle Park is impacted to a significant extent by the presence of the four storey Nurses Home building which interfaces with Newcastle Park to the rear of the hospital campus. In my opinion this building dominates the streetscape at this location to a much greater extent than the proposed EEC building. By contrast, I note that the proposed EEC building is a single storey flat roof structure. The appellants contend that the proposed EEC building has an insufficient set-back from the public road and footpath. Noting the single storey design and height of the proposed EEC building relative to this part of Newcastle Park I am satisfied that it will not dominate the public street or footpath. I consider that the set-back provided, at 3.6 metres, is sufficient in the context of the proposal at this location. I note that the appellants have requested that the proposed building be set back further on the site. The applicants have set out the justification for the siting of the building with reference to a potential future public transport route. I have considered both the request made by the appellants and the justification for the location of the building. Given the single storey nature of the EEC building and its consequent relationship to the public realm at this location I do not consider that such a modification would be warranted in this instance. I also note that the proposed EEC building generally follows the building line established by the houses to the north. I note the appellants' request that the roof of the proposed EEC building be amended to incorporate a pitched and tiled roof to match the dwellings in the vicinity. The applicants note that the ECC building has been designed to meet specific ESB standards. Noting the intended use of the proposed ECC building, the requirement for it to meet specific technical standards, and given that a pitched roof would likely result in a building with a higher ridge height, I do not consider that the appellants request to change the design of the building should be acceded to. The appellants also request that hedging is provided along the boundary with Newcastle Park. The applicant notes that this could encourage vermin within the hospital campus. In my opinion the applicants reasoning for not providing planting, that being to safeguard public health within a hospital campus, is reasonable. In any event, noting



the single storey nature of the proposed EEC building, its design, and the set-back provided, I do not consider that screening in the form of hedging would be required at this location in order to improve the building's integration with the adjacent area. Having regard to the scale, design and location of the proposed EEC building, I am satisfied that the proposed development would not result in significant negative impacts on the visual amenity or character of the area.

- 7.2.3. Residential Amenity – the appellants raise concerns in relation to noise generated from the proposed EEC building and its impact on the adjacent dwellings within Newcastle Park. A Noise Impact Assessment Report has been submitted with the planning application. The assessment comprises a baseline noise survey (to establish ambient daytime and nighttime noise in the vicinity). Noise monitoring was also carried out at existing EEC buildings within the hospital campus (to facilitate calibrating of the predictive modelling undertaken for the proposed EEC). Noise prediction modelling was undertaken using software and 5 no. noise sensitive receivers (NSR) in proximity to the site were used, including at the adjacent dwelling to the north. The prediction modelling is based on a 'worst case' methodology. The assessment notes that no evening or nighttime construction is proposed and states that there is likely to be temporary and intermittent increases in noise levels during the construction phase of the proposed development (i.e. less than 6 months) at the nearest residence. Noise impacts during the construction phase will be short-term at receiver locations. The assessment notes that with the implementation of mitigation measures (see paragraph 5.1 of the report) noise at the nearest NSR will be within the suggested construction noise limit of 65 dBLAeq, 12 Hour. Predictive noise modelling for the operational phase of the proposed development at the EEC building indicates the potential for significant noise impact (i.e. an 'adverse' impact) at the residential properties in the vicinity. To address the predicted noise impacts from the proposed EEC building the applicant is proposing to use acoustic louvers on the door and ventilation openings of the building and has provided modelling which indicates predicted worst case noise levels at NSR's taking account of the use of the acoustic louvers (see noise mapping on page 13 and 15 of report for comparison between building 'with' and 'without' acoustic louvers). The report notes that predicted noise levels at the EEC building will be relatively quiet with project specific noise attenuation measures installed, and that predicted worst-case noise levels from the proposed EEC building will not exceed the

daytime and night-time background noise levels recorded in the area and the operations of the EEC building will be inaudible at the nearest noise sensitive receivers (see Table 15 of the report). The report also notes that, as outlined in the Guidelines for Noise Impact Assessment (October 2014) produced by the Institute of Environmental Management and Assessment (IEMA), a change of 3 dB(A) is generally considered to be the smallest change in environmental noise that is perceptible to the human ear under most normal conditions and that the proposed EEC will not result in a significant increase in surrounding noise levels and will be less than 3 dB(A). The report concludes that there will be no significant residual effects from noise either at construction or at operational phase of the proposed development of the EEC building. The report does not recommend monitoring. Having considered the Noise Impact Assessment report submitted and its conclusions, I am satisfied that the proposed EEC building would not result in significant noise impacts on the adjacent area or on residences in the vicinity. Should the Board be minded to grant permission for the proposed development I recommend that a condition requiring the implementation of the mitigation measures outlined in the report is attached.

- 7.2.4. The appellants note that the proposed development would contravene Policy 3.6 Sustainable Neighbourhoods: Inner Residential Areas, of the CDP. I note that Policy 3.6 relates to residential neighbourhoods and in my opinion, notwithstanding that the appeal site is located adjacent to a residential area, as the proposed development is not itself zoned for residential development, being located on lands zoned 'CF' and located within an existing hospital campus, Policy 3.6 is not applicable in this instance and the proposed development would not in my opinion be contrary to Policy 3.6 of the Galway City Development Plan 2023 - 2029.

### **7.3. Traffic Impact**

- 7.3.1. The appellants argue that the proposed development, which entails the loss of car parking within the hospital campus, will result in an overspill of car parking to the adjacent area, that vehicles will obstruct access to properties in the area and that UHG serves a catchment population outside the administrative area of GCC, a predominately rural area with no public transport links to UHG.

7.3.2. The applicant notes that the proposed development results in a net loss of 7 no. car parking spaces. The applicant further notes that traffic impacts during the construction phase of the proposed development will be mitigated through the implementation of a construction traffic management plan, details of which are set out in the Traffic and Transport Report submitted with the planning application. The applicant also notes that UHG have an established Mobility Management Plan, a live document, which includes measures to reduce car parking and traffic demand and improves accessibility for users of the hospital. In addition, the applicant in response to the appeal submission, notes that GCC operate a pay and display system in the vicinity of the hospital.

7.3.3. In relation to car parking provision, whilst I note that the proposed development of the TED and the EEC building result in the loss of car parking spaces from the UHG campus, noting the location of UHG in proximity to the city centre and the availability of public transport options, I consider that the loss of these spaces is acceptable. I also note the operation of a Mobility Management Plan at UHG will encourage the use of sustainable transport modes and manage the demand for car parking spaces at UHG. Regarding illegal car parking in the vicinity of UHG, I note that pay and display is in operation in the area and I am satisfied that this will effectively discourage haphazard and illegal car parking in the areas around UHG. I further note that this issue is a matter for GCC's traffic section and An Garda Síochána. The appellant refers to the catchment which UHG serves as being 90% rural and outside GCC's administrative area. Noting the nature of the proposed development, specifically that the TED is the only part of the proposal which would generate traffic, and given that users of an emergency department would not typically come by public transport, I consider that the catchment which the wider UHG serves is not relevant in the context of this appeal.

7.3.4. In summation, I am satisfied that the proposed development will not result in significant adverse traffic impacts on the area in the vicinity of UHG

#### 7.4. **Issues Arising**

7.4.1. Scope of Proposed Development – the appellant contends that the proposed EEC building is intended to serve a wider development within the hospital campus and that

the proposed development should not be considered in isolation to this wider project. The appellant also states that it is unclear whether the proposed EEC building is intended to re-house or replace existing electrical equipment which may be causing noise issues at its current location. The applicant's response to the appellant's submission sets out the scope of the proposed EEC building, specifically that the EEC building is ancillary to the TED building, whilst also enabling upgrades and reconfiguration works on the campus over time. The applicant confirms that the EEC building is not a power generation facility but rather an electricity substation, and that it will not only fulfil the urgent necessity for reliable a power supply to the TED building but could provide Low Voltage power supplies to the east side of the UHG campus. Regarding the intended use of the proposed EEC building to serve a wider project, the applicant notes that the completed building has space to house equipment to provide electrical power to support the future electrical upgrade works to the existing Nurses Home building and enables the proposed future Emergency Department and Women & Children's project. Notwithstanding the possibility of the proposed EEC building being utilised to serve future development within the wider hospital campus, noting that the primary use of the EEC building is to serve the TED building, I do not consider that it would be inappropriate for the Board to consider this element of the proposed development. I note that it is not atypical for development to fulfil a 'future proofing' role or to facilitate future development and this approach in my opinion does not prejudice the outcome of future planning applications/consent processes. I am satisfied that the applicant has robustly demonstrated that there is an urgent requirement for the EEC building in order to address the current manner in which electricity is supplied to the TED building.

- 7.4.2. Flooding/Drainage – the appellants raise concerns in relation to flooding on the site of the proposed EEC building during construction and also Site 03 (the site of the proposed car park). I have reviewed the information on floodinfo.ie and I note that the hospital campus is not indicated as being subject to flooding. I note that the applicant has submitted a Drainage Planning Report with the planning application which notes that the proposed EEC building will comply with the relevant Building Regulation and the requirements of GCC. Surface water calculations have also been submitted for the site of the proposed EEC building and include for climate change (i.e. 20%). Discharge from the site is also to be controlled via a hydrobrake flow control device and flows in

excess of the allowable discharge rate will be attenuated on the site in a storm attenuation system beneath the car park with a capacity of 90m<sup>3</sup>, equivalent to a 1:100 storm event, plus 20% for climate change. The drainage layout for Site 03 (see *Drawing No. UHGED-ARUP-02-BG-DR-C-2005*) indicates an underground attenuation which would cater for surface water and address potential flooding of the adjacent area. On the basis of the information submitted with the planning application/appeal, and noting that the hospital campus is not indicated as being subject to flooding, I am satisfied that the proposed development will not result in flooding on the site, nor will it give rise to flooding outside the confines of the site.

7.4.3. Lighting – an External Lighting Design Report was submitted with the planning application. The report notes that lighting for the site will be designed to achieve compliance with Environmental Zone E3 (i.e. medium district brightness areas, for example small town centres or urban locations, with a maximum sky glow of 5%, light trespass of between 2 and 10 lux (pre and post curfew) onto windows of adjoining properties), and that the control of lighting will be achieved through photo-sensors and time locks. The report notes that minimal luminance levels for the EEC site will be designed to achieve between 5 and 15 lux. From reviewing the site layout plan for the site of the proposed EEC building I note that lighting columns are located on the western side of the EEC building, with the closest lighting column located c. 6 metres from the south-western corner of No. 16 Newcastle Park, which in my opinion would not result in significant glare or light overspill.

7.4.4. EV Charging – Section 11.11.2 of the GCC Development Plan 2023 – 2029 requires that new buildings or buildings undergoing major renovations (other than a dwelling) shall install at least one recharging point and ducting infrastructure for at least one in every 5 car parking spaces to enable the subsequent installation of recharging points for electric vehicles. The proposed development includes retention permission for 24 no. car parking spaces on Site 02. Noting the requirements of Section 11.11.2 of CDP I consider that 5 no. EV charging points should be provided within Site 03. Details of these charging points should be agreed with the PA within 3 months of a grant of retention/permission. Noting that the proposal as it relates to Site 03 does not entail the provision of new car parking spaces, but rather a reduction in the number of

spaces, I do not consider that a condition should be attached requiring EV charging within Site 03.

- 7.4.5. Title – the appellant contends that site of the proposed EEC building is unregistered, that there is ambiguity regarding the ownership of the site, and that GCC should have established ownership of the site and the decision to grant permission should be overturned. In response to the appeal the applicant notes that it has demonstrated sufficient legal consent for the making of the planning application and that the provisions of S. 34 (13)<sup>2</sup> of the Planning and Development Act, 2000, as amended, apply. I note that it is not uncommon for lands in urban areas which are the subject of a planning application to be unregistered. Development Management, Guidelines for Planning Authorities, 2007, notes that *‘the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land’*, that these are ultimately matters for resolution in the Courts, and that S. 34 (13) of the Planning and Development Act, 2000 applies. The Guidelines further provide that, *‘where in making an application, a person asserts that he/she is the owner of the land or structure in question, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter. If, however, the terms of the application itself, or a submission made by a third party, or information which may otherwise reach the authority, raise doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations. Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission’*. I note that the ownership of the lands in question is not disputed by a third party, that is to say that a party to the appeal has not claimed that they are the beneficial owners of the land, or have a legal interest in same. On the face of the information submitted with the planning application and the appeal I am satisfied, in the absence of information to the contrary, that the applicant has a sufficient legal interest in the lands in question in order to make the planning application, and I note that, as addressed above, in accordance with S. 34 (13) of the Planning and

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<sup>2</sup> A person shall not be entitled solely by reason of a permission under this section to carry out any development.

Development Act, 2000, as amended, a person shall not be entitled solely by reason of a permission under this section to carry out any development.

- 7.4.6. Procedural Issues - the appellant notes that the development description contained in the newspaper notice differed to the development description contained in the site notice, leading to ambiguity in respect of the nature of the proposed development. I have reviewed both public notices and I note that the appellant is correct in that the site notice contains information in relation to car parking which the newspaper notice does not, specifically the site notice refers to the number of car parking spaces which are to be omitted and the number of spaces which are to be retained at the site of the proposed EEC building. I note that the application was deemed to be valid by the Planning Authority and I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development. Additionally, the appellants refers to inaccuracies in the particulars submitted with the planning application. Having reviewed the information submitted I am satisfied that the information is adequate to allow for an assessment of the proposed development.

## **8.0 Appropriate Assessment Screening**

- 8.1. I have considered the proposed development at University Hospital Galway in light of the requirements S177U of the Planning and Development Act, 2000, as amended.
- 8.2. The subject site is located c. 0.5 km west of Lough Corrib SAC (Site Code 000297) and c. 1.7 km north of Inner Galway Bay SPA (Site Code 004031).
- 8.3. The proposed development comprises retention permission of single storey temporary emergency department (TED) building and associated alterations to internal campus access road and parking layout; retention permission of a car park (24 no. spaces) and permission for a single storey electrical energy centre and alterations to an existing car park.
- 8.4. The appellant raised concerns in relation to the potential for impacts on Lough Corrib SAC in the context of flooding and ambiguity in relation to drainage at the development site and the requirement for Appropriate Assessment.

8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows;

- The nature and scale of the development, and its location within an existing hospital campus, and the extent of existing urban development between the development site and European sites.
- The location of the development site and distance from nearest European site(s), and the lack of connections between the development site and European sites.

8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

## 9.0 Recommendation

Having regard to the above it is recommended that retention and permission is granted based on the following reasons and considerations and subject to the attached conditions.

## 10.0. Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development,
- (b) The pattern of development in the area, and noting that the proposed development, including the site of the proposed Electrical Energy Centre building is located within the campus of University Hospital Galway.
- (c) The conclusions of the Noise Impact Assessment Report and the mitigation measures contained therein.
- (d) The provisions of the Galway City Development Plan 2023-2029, including the 'CF' land-use zoning applicable to the site, and Policy 7.8 (Healthcare Facilities).



it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of property in the area, would not negatively impact the visual amenities of the area, would not result in significant traffic impacts in the vicinity and would not have a significant impact on ecology or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

## 11.0. Conditions

1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The mitigation measures outlined in the Noise Impact Assessment Report shall be implemented in full.</p> <p><b>Reason:</b> To protect the amenity of the area.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>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 for the preparation of resource &amp; waste management plans for construction &amp; demolition</p>

	<p>projects”, published by the EPA, 2021. The plan shall include details of waste to be generated during site clearance and construction phases, including potential contaminated soil, 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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
5.	<p>The construction of the development (i.e. of the proposed EEC building) shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>(b) Location of areas for construction site offices and staff facilities;</li> <li>(c) Details of site security fencing and hoardings;</li> <li>(d) Details of on-site car parking facilities for site workers during the course of construction;</li> <li>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</li> <li>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</li> <li>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> <li>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</li> </ul>

	<p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>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.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p><b>Reason:</b> In the interests of amenity.</p>
8.	<p>The applicant shall install 5 no. functional electric vehicle charging points within the car park adjacent to the Public Analysts' Lab (annotated as Site 02 on <i>Drawing No.UGHEC-MOB CPA-00-00-DR-A-1000</i>). Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the Planning Authority within 3 months of this grant of retention/permission.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>

9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>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.</p> <p><b>Reason:</b> 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.</p>

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.

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Ian Campbell  
Planning Inspector

22<sup>nd</sup> August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-317359-23		
<b>Proposed Development Summary</b>	<p>Retention permission of single storey temporary emergency department (TED) building with plant roof overhead and associated alterations to internal campus access road and parking layout.</p> <p>Retention permission of car park (24 no. spaces) adjacent to Public Analyst's Lab.</p> <p>Permission for a single storey electrical energy centre including transformer and LV switchgear and associated lighting. The electrical energy centre will require alterations to the existing car park adjacent to Newcastle Park, comprising the creation of a new vehicular entrance to the car park, relocation of entrance barrier, alterations to boundary wall, railings and ticket machine and reconfiguration to layout of remaining car park.</p>		
<b>Development Address</b>	University Hospital Galway, Newcastle Road, Galway		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>		X	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>

<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class 10 (b) (iv)	Significantly below 10Ha threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?				
<b>No</b>	X		<b>Preliminary Examination required</b>	
<b>Yes</b>			<b>Screening Determination required</b>	

**Inspector: Ian Campbell**

**Date: 22<sup>nd</sup> August 2024**

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-317359-23	
<b>Proposed Development Summary</b>	<p>Retention permission of single storey temporary emergency department (TED) building with plant roof overhead and associated alterations to internal campus access road and parking layout.</p> <p>Retention permission of car park (24 no. spaces) adjacent to Public Analyst's Lab.</p> <p>Permission for a single storey electrical energy centre including transformer and LV switchgear and associated lighting. The electrical energy centre will require alterations to the existing car park adjacent to Newcastle Park, comprising the creation of a new vehicular entrance to the car park, relocation of entrance barrier, alterations to boundary wall, railings and ticket machine and reconfiguration to layout of remaining car park.</p>	
<b>Development Address</b>	University Hospital Galway, Newcastle Road, Galway	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<ul style="list-style-type: none"> <li><b>Nature of the Development</b></li> <li>Is the nature of the proposed development exceptional in the context of the existing environment?</li> <li>Will the development result in the production of any significant waste, emissions or pollutants?</li> </ul>	<p>The proposed development comprises retention permission of a hospital emergency department, retention permission of a car park, and permission for an Electrical Energy Centre building (see full description above) within an existing hospital campus.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>	<ul style="list-style-type: none"> <li>No</li> <li>No</li> </ul>
<ul style="list-style-type: none"> <li><b>Size of the Development</b></li> </ul>		



<ul style="list-style-type: none"> <li>Is the size of the proposed development exceptional in the context of the existing environment?</li> <li>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</li> </ul>	<p>The size of the proposed development would not be described as exceptional in the context of the existing environment.</p> <p>There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.</p>	<ul style="list-style-type: none"> <li>No</li> <li>No</li> </ul>
<ul style="list-style-type: none"> <li><b>Location of the Development</b></li> <li>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</li> <li>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</li> </ul>	<p>Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.</p>	<ul style="list-style-type: none"> <li>No</li> <li>No</li> </ul>
<ul style="list-style-type: none"> <li><b>Conclusion</b></li> </ul>		
<ul style="list-style-type: none"> <li><b>There is no real likelihood of significant effects on the environment.</b></li> <li>EIA not required.</li> </ul>	<ul style="list-style-type: none"> <li><del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del></li> <li><del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del></li> </ul>	<ul style="list-style-type: none"> <li><del>There is a real likelihood of significant effects on the environment.</del></li> <li><del>EIAR required.</del></li> </ul>

Inspector: Ian Campbell

Date: 22<sup>nd</sup> August 2024

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(only where Schedule 7A information or EIAR required)