



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318465-23

---

<b>Development</b>	Demolition of lean-to stone structure and development of 144 residential units.
<b>Location</b>	South of the Letteragh Road (L1323), Ragoon, Letteragh, Galway
<b>Planning Authority</b>	Galway City Council.
<b>Planning Authority Reg. Ref.</b>	23/129
<b>Applicant(s)</b>	Cairn Homes Properties Limited
<b>Type of Application</b>	Large - Scale Residential Development (LRD)
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cairn Homes Properties Limited
<b>Observer(s)</b>	None

**Date of Site Inspection**

26<sup>th</sup> January 2024

**Inspector**

Irené McCormack

**Table of Contents**

1.0 Site Location and Description.....4

2.0 Proposed Development ..... 4

3.0 Planning Authority Pre-Application Opinion.....7

4.0 Planning Authority Decision..... 8

5.0 Planning History..... 13

6.0 Policy Context..... 15

7.0 The Appeal ..... 21

8.0 Assessment..... 24

9.0 Environmental Impact Screening Assessment .....40

10.0 Appropriate Assessment Screening.....43

11.0 Recommendation.....55

12.0 Recommended Order.....55

## **1.0 Site Location and Description**

- 1.1.1. The appeal site is located in the northwestern outskirts of Galway City, approximately 3 kilometres from the city centre. The Ragoon Road is located approximately 0.4km to the south of the site. The site is accessed from Letteragh Road, a minor country road that joins Circular Road to the south and the suburbs around Westside Park and Shopping Centre.
- 1.1.2. The site is bound to the west by a reservation for the proposed N6 Galway Ring Road (GCRR) connecting the N6 to Ragoon and the west of Galway city. The subject site is located at the junction of the proposed N59 Link Rd. and the Letteragh Rd. The N59 Link Road as proposed will connect the Ragoon Road to the N6 (Galway City Ring Road) to the North. (The proposal has taken the issued design of the GCRR into consideration)
- 1.1.3. The site is a greenfield site with significant localised undulations. The topography drops from 45.5m above sea level to 36m across the lands and provides undisturbed southern vistas toward Galway Bay. The lands comprise a number of existing agricultural fields, including areas of scrub. The boundaries of the site include a mixture of concrete block wall, dry stone walls and hedgerows. A 38kv overhead line traverses the site and a second ESB line runs along the northern site boundary. A wayleave occurs in the western portion of the site and runs in a north-south direction. A laneway exists along the southern boundary to the rear of an existing terraces in Bun A Chnoic. A culverted watercourse runs along the western boundary of the site.
- 1.1.4. The site is adjoined by Cul Gharraí Sliabh Rioga and Bun A' Chnoic, housing estates that comprises a mixture of semi-detached, duplex and apartment buildings to the south of the site and recently completed houses at Breacán are located to the east. The site is currently bound to the west by agricultural lands.

## **2.0 Proposed Development**

- 2.1.1. The original application sought permission for 148 units. This was reduced following RFI to 144 units.
- 2.1.2. The development which is the subject of the current LRD appeal will consist of:
  - Demolition of a small lean-to stone shed structure.

- Construction of 144 no. residential units comprising: 93 no. houses (4 no. 2-bed units, 79 no. 3-bed units, and 10 no. 4-bed units), 16 no. duplex units (8 no. 2-bed ground floor units and 8 no. 3-bed upper floor units), 35 no. apartment units (20 no. 1-bed units and 15 no. 2-bed units)
- Provision of shared communal and private open space, an Active Travel pedestrian and cycle path, car and bicycle parking, site landscaping and public lighting, site services, vehicular and pedestrian access with Letteragh Road and pedestrian and cycle access with Bóthar Dhiarmuida and all associated site development works.
- Erection of a gabion retaining wall faced with local limestone with additional 1.2m high estate railing along parts of the western boundary of the site to be constructed in the event the subject site is developed prior to the proposed N6 Galway City Ring Road Strategic Infrastructure Development (ABP-Ref: PL07.302885-18).
- Temporary permission for a period of 3 years for the erection of marketing signage on the site

The application includes an NIS.

The RFI response also included the option of a creche with a capacity for 25 children at ground floor level within the apartment block at a loss of two no. apartments, reducing the no. of units to 142.

### 2.1.3. Development Parameters:

	<b>Proposed Development</b>
<b>Site Area</b>	4.0ha. (3.6ha. net)
<b>No. of Units</b>	<p>144 no. residential units comprising:</p> <ul style="list-style-type: none"> <li>• 93 no. houses (4 no. 2-bed units, 79 no. 3-bed units, and 10 no. 4-bed units),</li> <li>• 16 no. duplex units (8 no. 2-bed ground floor units and 8 no. 3-bed upper floor units),</li> <li>• 5 no. apartment units (20 no. 1-bed units and 15 no. 2-bed units)</li> </ul> <p>The scheme will reduce to 142 units with creche. (<i>* less 1 no. 1-bed and 1 no. 2-bed apartments</i>)</p>
<b>Density</b>	40units per ha (net) ( <i>* 39 units p/ha. with creche</i> )
<b>Plot Ratio</b>	0.40:1

<b>Height</b>	2 and 3 storeys houses /Duplexes 1 x 4 storey apartment block
<b>Dual Aspect</b>	73% of units in the apartment block dual aspect All houses dual aspect
<b>Public Open Space</b>	5,375sqm / 15%
<b>Communal Open Space (Apartments &amp; Duplex Units)</b>	544.3sqm – Aparmtents 486sqm (*331.6sqm excluding creche play area), Duplex 221.7sqm.
<b>Car Parking</b>	273 spaces (including 26 no. visitor) (*3 spaces for crèche parking and 2 x set down)
<b>Bicycle Parking</b>	160 spaces

2.1.4. In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Statement of Response to LRD Opinion Report
- Planning Report and Statement of Consistency including appendices:
- Appendix 1: LRD Meeting Opinion Report
- Appendix 2: Part V Costings, Schedule of Units and Site Plan
- Appendix 3: Statement of Consistency (Matrix of Planning Policies and Guidance)

Technical Reports

- Natura Impact Statement
- Ecological Impact Assessment
- Biodiversity Net Gain Report
- Environmental Impact Assessment Screening Report
- Scheme Sustainability Statement
- Childcare Demand Analysis
- Architectural Design Report
- Active Travel Plan
- Building Lifecycle Report
- Photomontage Booklet
- Daylight Sunlight and Overshadowing Study
- Wind Microclimate Study
- Planning Stage Civil Works Design Report
- Traffic & Transportation Assessment including Road Safety Audit
- Construction and Demolition Waste Management Plan
- Construction Management Plan
- Preliminary Construction Traffic Management Plan

- Flood Risk Assessment
- Statement of Consistency with Design Manual for Urban Roads and Streets (DMURS)
- Acoustic Design Statement
- Outdoor Lighting Calculation Report
- Energy Statement
- Landscape & Visual Impact Assessment
- Landscape Design Statement & Maintenance Report

### **3.0 Planning Authority Pre-Application Opinion**

A section 32 Consultation Meeting took place on the 16<sup>th</sup> November 2022 with representatives of the applicant and planning authority in attendance.

A Large-Scale Residential Development (LRD) Opinion issued on the 16<sup>th</sup> of December 2022. This set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

The LRD Opinion outlined specific items to be addressed in the formal application, as well as advising of any additional documentation that should accompany said application. In accordance with Schedule 7 of the Planning and Development (Large-Scale Residential Development) Regulations 2021, this Statement of Response to the items set out in the LRD Opinion has been prepared. Section 2 below sets out detailed responses to each of the matters raised by the Planning Authority in the LRD Opinion

The application includes a response to the LRD Opinion issued by Galway City Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

The items raised in the LRD Opinion included:

1. Galway City Development Plan 2023-2029
2. Issue raised under the SHD application Ref SHD 306599-20
3. Compliance with the N6 Galway City Ring Road (GCRR)
4. Design Strategy and Height
5. Residential Amenity
6. Appropriate Assessment/Climate Change/ Flood Risk

7. Land Ownership
8. Open Space
9. Microclimate & Wind
10. Community Gain
11. Movement Strategy
12. Landscaping, Recreation and Biodiversity Net Gain
13. Ecology
14. Drainage
15. Traffic and Transportation

## 4.0 Planning Authority Decision

### Decision

Galway City Council issued a decision to refuse planning permission for five reasons:

1. The proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set , would adversely affect the operation and safety of the national road network, including inappropriate standards which are not in accordance with those set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), and boundary treatments.
2. The Galway City Development Plan 2023-2029, Section 11.14 Childcare Facilities, states *“The provision of childcare facilities is subject to the DEHLG ‘Childcare Facilities Guidelines for Planning Authorities’ (2001) and the Childcare (Pre-School Services) (No.2) Regulations (2006) (Department of Health and Children). Purpose built childcare facilities will generally be required as part of proposals for new residential development of more than 75 dwelling units, with the provision of a minimum of 20 childcare spaces required. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered. The onus will be on the developer to substantiate such exceptional cases”* and further states such facilities *“contribution to placemaking and to the 15-*



*minute city and walkable neighbourhood concepts*". While the Childcare Facilities Guidelines for Planning Authorities June, 2001, Section 2.4 Appropriate Locations for Childcare Facilities; requires the provision of "*for new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate*". In this instance no exceptional case has been established for the omission of such a childcare facility, while the failure to provide such a facility would run contrary towards the development of sustainable communities and the creation of the 15-minute city and walkable neighbourhoods, resulting in the generation of additional traffic and congestion on the road network. If permitted would result in a development which would contravene the development plan policies and standards but also the outlined Ministerial Guidelines doe such residential developments.

3. Having regards to the layout of the proposed development, with predominately narrow linear, unbalanced and poorly configured communal open space, does not meet the Galway City Development Plan 2023-2029 requirements for the provision of a useable, functional, safe, convenient and accessible communal open space layout for all sections of the community, as required by Section 11.3.1 (c) *Amenity Open Space Provision in Residential Developments* and would be contrary to the Policy 3.5 Outer Suburbs of the City Development Plan 2023-2029 which states that it is the policy of the City Council to ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form. Therefore, the proposed development, if permitted, would be contrary to the policies under Chapter 3 Housing and Sustainable Neighbourhoods, and the development standards of Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines of City Development Plan , would seriously injure residential and visual amenities, and would constitute a substandard form of residential development for future occupants and would therefore be contrary to the proper planning and sustainable development of the area.
4. The design and setting/layout of the proposed northwestern apartments element, which is surrounded by roads and car parking, would, if permitted , result in the provision of a development contrary to the Galway City Development Plan 2023-2029, Chapter 8.8 Urban Design and Placemaking, as the qualitative setting and

context of the northwestern apartment block would be deficient in terms of the setting of the apartment block and quality of the provision of communal space, which should be provided for on a greenfield site, and such a provision would adversely impact upon the residential amenities and be contrary to the proper planning and sustainable development of the area.

5. The internal apartment layout and the interface of the proposed southwestern duplex block to the west, would be contrary to the Galway City Development Plan 2023-2029, Chapter 8.8 Urban Design and Placemaking, as it fails to address and avail of the western orientation of the building, in terms of internal floor plan layout, provision of terrace/amenity space and addressing adjacent pathways and communal spaces, which as a greenfield development should be a priority, and if permitted, the development would be deficient in terms of internal and external qualitative provision and design contrary to the proper planning and sustainable development of the area.

#### **4.1. Planning Authority Reports**

##### **4.1.1. Planning Reports**

###### Further Information

Following the completion of initial reports, GCC issued a further information request on 7<sup>th</sup> July 2023. The response to the RFI was deemed to be Significant Further Information on the 18<sup>th</sup> September 2023, accordingly the proposed development was readvertised for a period of two weeks. The issues raised in the request can be summarised as follows:

1. The PA consider the development to be at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and that the application indicates inappropriate standards which are not in accordance with the DoECLG guidelines.
2. Item 2 of the RFI relates to design, layout, finishes, connectivity and visitor cycle parking.
3. Item 3 - Requested the applicant to address the deficiency in the provision of communal open space and provide a suitably sized recreational facility.

4. Item 4 - Request to include public art in the amenity/communal space for the development.
5. Item 5 relates to the requirement to provide a suitably sized childcare facility in the development.
6. Item 6 - Requested an Archaeological Impact Assessment
7. Item 7 Relates to access to drainage manhole and works relating to entrance and access onto the N6.

### Planning Report

The assessment outlined in the planner's reports is consistent with the decision of the planning authority.

The planner's report can be summarised as follows:

- Having regard to the comments received from the TII, the PA maintain that the development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and that the application indicates inappropriate standards including boundary treatment adjacent to the National Road Network are not in accordance with the DoECLG guidelines.
- The PA consider the unit mix, density and building height acceptable. However, the PA consider the provision and setting of the apartment block to the northwest and the duplex block to the southwest, and the internal layout in the duplex blocks are problematic.
- It is set out that the layout with predominately narrow linear, unbalanced and poorly configured communal open space does not meet CDP requirements. The communal open space is considered deficient.
- The proposed art proposal for the central communal open space is acceptable to the PA.
- Regarding the childcare care justification argument presented by the applicant the PA set out that the applicant has used pre census 2022 data which is now out of date and the applicant has no regard to the substantiable level of housing permitted in the last 5 years within 250m of the site. The PA consider that no exceptional case

has been submitted for the omission of a childcare facility.

- Response to Archaeological Impact Assessment request noted.
- Regarding RFI request 7 it is noted that the T&I Department of GCC recommended conditions.

The report concludes that there remain specific unresolved significant issues and therefore permission should be refused for the reasons as outlined in section 4.0 above.

#### 4.1.2. Internal departmental reports:

**Transportation Department** (3<sup>rd</sup> October 2023). No objection subject to conditions. It is noted that the development proposal must stand with or without the delivery of N6GCRR.

**Galway National Roads Project Office** (3<sup>rd</sup> July 2023). It is set out that the proposed entrance and associated works are not included in the N6 scheme and are for the applicant/developer to install.

**Drainage Division** (29<sup>th</sup> June 2023). No objection subject to conditions.

**Environment Department** (29<sup>th</sup> June 2023). No objection subject to conditions.

**Heritage Officer** (2<sup>nd</sup> June 2023). No objection subject to condition re. archaeology.

**Fire Section** (10<sup>th</sup> July 2023). No objection.

#### 4.2. Prescribed Bodies

The planning authority referred to the application to the following prescribed Bodies:

Development Applications Unit:

*Environment* (20<sup>th</sup> June 2023) – LA must be satisfied that the development will not have significant effects on European sites.

*Archaeology* (19<sup>th</sup> September 2023)– No objection subject to condition.

Transport Infrastructure Ireland (TII) (23<sup>rd</sup> September 2023). The development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and that the application indicates inappropriate standards

including boundary treatment adjacent to the National Road Network that are not in accordance with the DoECLG guidelines.

Uisce Éireann (formerly Irish Water) (27th June 2023) No objection. Report stated that Uisce Éireann can confirm that the applicant has received a Statement of Design Acceptance dated 17th April 2023 for the proposed water and / or wastewater infrastructure within the Development's redline boundary.

#### **4.3. Third Party Observations**

None

### **5.0 Planning History**

#### Subject Site

**GCC Ref. No. 06/705:** Application submitted by Coolagh Construction Ltd for 207 Residential Units, Creche and 3 No. Commercial/Retail Units and associated services to be carried out in the townlands of Ragoon and Letteragh, Ragoon, Galway. Planning permission granted (29/05/2007) subject to 38 no. planning conditions.

**GCC Ref. No. 12/22:** Application for extension of duration on PI.Ref.No.06/705 submitted by Kapstone Ltd. Application refused on the 29/03/2012. The apartments which were previously granted permission do not now meet the recommended minimum floor areas and standards outlined in the guidelines.

**ABP Ref. 313287** (Withdrawn – 22/02/2023): Strategic Housing Development Application submitted by Cairn Homes Properties Ltd for 151 no. residential units (93 no. houses, 58 no. apartments), creche and associated site works.

#### West & North of the site

#### **N6 Galway City Ring Road (N6 GCRR)**

**ABP Reg. Ref. 302885:** Galway County Council, on behalf of itself and on behalf of Galway City Council, is proposing to develop the N6 Galway City Ring Road (N6 GCRR) around Galway City. The application for the N6 GCRR was lodged with An Bord Pleanála in October 2018 and was granted permission by the Board in December 2021. The proposed N59 Link Road South which forms part of the overall road scheme forms the western boundary of the prospective application site. An Oral Hearing on the proposed scheme commenced on the 18th of February 2020 and was

subsequently put on hold due to the Covid-19 Pandemic. The oral hearing resumed in October 2020 and a decision to grant permission was made on 6th December 2021. This decision was subsequently quashed by the High Court.

**ABP Reg. Ref. 318217-23** - Lodged 12<sup>th</sup> October 2023. Galway National Roads Project Office (Galway County Council) is seeking approval for N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme 2018.

#### Northeast of Site

**GCC Ref. No. 18/59:** Permission granted on 29/05/2018 for 15 two storey houses comprising of 11 four bed semi-detached, 1 five bed semi-detached, 2 three bed terrace, 1 two bed terrace houses, new vehicular site access and road with all ancillary site works, landscaping and service connections.

**GCC Ref. No. 22/56:** Permission granted on 20/10/2022 for the Construction of 82 no. residential units comprising: 53 no. houses, 14 no. apartment units, 8 no. duplex units, 7 no. community units. 3) Construction of 1 no. community facility (Ability West Day Centre). 4) Provision of footpath along the Letteragh Road. 5) Provision of shared communal and private open space, car and bicycle parking, bin storage, site landscaping, services, access with Letteragh Road and all associated site development works.

**GCC Ref. No. 23/60023:** Permission granted on 24/03/2023 for amendments to permitted Planning Permission Register Ref: 22/56 comprising of minor amendments to design.

#### East of Site

**ABP- 304345-19:** Permission granted to Burkeway Homes Ltd for a SHD development at Letteragh, Ragoon, Co. Galway. The development which is currently under construction will consist of 101 no. residential units, development of a childcare facility (259.1 sqm), provision of shared communal and private open space, car parking, site landscaping, services, access to Letteragh Road, and all associated site development works.

**GCC Ref. No. 19/112:** Permission granted 05/11/2019 for 25 no. two three- and four-bedroom 2 storey dwelling houses, 39 no. one, two and three bedroom apartments in four separate 3 storey blocks, diversion of existing watermain through site, with sewer

and water connection to adjacent services together with access/egress off Letteragh Road together with all associated site works and services.

## **6.0 Policy Context**

### **6.1. National**

#### **The National Planning Framework – Project Ireland 2040, (2018).**

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level.

#### **Housing for All – A New Housing Plan for Ireland to 2030, 2021.**

The government's housing plan to 2030. 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 in the right place
- Offering a high quality of life.

#### **Climate Action Plan, 2023.**

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

#### **Section 28 Ministerial Guidelines**

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

(iii) Table 3.2 - **Area and Density Ranges** Limerick, Galway and Waterford City and Suburbs - *City - Suburban/Urban Extension Suburban* areas are the low density car orientated residential areas constructed at the edge of cities..... It is a policy and objective of the Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

Table 3.8 - **Accessible Location** defined as - Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

Section 3.4 relates to **Refining Density**

Section 4.0 relates to **Quality Urban Design and Placemaking**

Section 5.0 relates to **Development Standards for Housing**

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open Space - *The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations...*
- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage

*Other relevant Section 28 Guidelines*

- DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- 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 (2023) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022

## 6.2. Local

### **Galway City Development Plan 2023-2029**

Zoning - The appeal site is zoned 'R' for Residential use in the Development Plan.

*R- To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.*

**The main policies /objectives are set out below. This is not an exhaustive list and should not be read as such. The Board should consider inter alia the following:**

Chapter 1 - Introduction, Strategic Context & Core Strategy.

- Table 1.7 - RSES Settlement Hierarchy as applicable to Galway City notes that the REES classification of Ragoon is as a *Strategic Growth Area*

## Chapter 3 - Housing and Sustainable Neighbourhoods

- Section 3.3 Sustainable Neighbourhoods: Outer Suburbs.
- **Policy 3.4 Sustainable Neighbourhoods: Outer Suburbs** sets out 9 points including:

*1. Facilitate consolidation of existing residential development and densification where appropriate within the outer suburbs to deliver on population targets while ensuring the reasonable protection of residential amenities.*

*2. Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form with appropriate community infrastructure delivered in tandem with new growth.*

## Chapter 4 - Sustainable Mobility and Transportation

- Section 4.1 - Galway Transport Strategy (GTS) states - The planned N6 Galway City Ring Road (N6 GCRR) is a strategic project that is also identified in the NPF, NDP, RSES and MASP. This orbital route is a key project in the transport strategy for the city that will support journeys that are not always convenient by non-car modes.

Policy 4.1 General	
1.	Develop a compact city, where sustainable land use and transportation are integrated and where there is choice and accessibility to a range of transport modes, with increasing support for a shift to more sustainable modes in line with national aims on climate action and where safety and ease of movement is provided to and within the City and onward to the wider area of the MASP, County Galway and the Northern and Western Region.
2.	Align with the National Strategic Outcomes of the NPF and the regional policy objectives of the RSES in the promotion of sustainable patterns of transport and in the support for the delivery of key transport infrastructure that will enable development to take place in accordance with the Core Strategy.
3.	Support the implementation of the Galway Transport Strategy (GTS) which will advance the delivery and modal shift to more sustainable modes of transport and also enable planned integration of land use and transport within the city and the greater MASP area in consultation with Galway County Council, NTA and TII and service providers.
4.	Support the Galway Transport Strategy (GTS) and the associated implementation programme which will deliver a high quality public transport network, provide and encourage the use of other sustainable modes of transport, and facilitate the efficient movement of private vehicles and freight.
5.	Support the Galway Transport Strategy (GTS) and the outcomes of the planned evidenced based review to be carried out in collaboration with Galway County Council, the NTA 'and other stakeholders'. This review will consider all transport modes including the feasibility of a very light rail/light rail option and will not preclude the advancement of the Cross City Link route or the planning of other projects already commenced within the Galway Transportation Strategy to planning consent stage with Galway County Council and the NTA. This review will consider all transport modes including the feasibility of a light rail option and will not preclude the advancement of the Cross City Link route to planning consent stage.
6.	Continue to progress a sustainable transport solution for the city through the implementation of measures included in the GTS and required supporting projects in particular the N6 GCRR project.

- Section 4.2 states – Implementation of the GTS measures will support the integration of housing with transportation, fostering sustainable transportation patterns. The Core Strategy has been informed by the GTS and provides for a co-ordinated approach with investment and the delivery of essential infrastructure, services and community facilities. It is predicated on consolidation within the established settlements at appropriate densities and the prevailing associated policies in the City and County Environs.

#### Policy 4.2 Land Use and Transportation

1. Promote close co-ordination between land use and transportation through policies, land use zoning and objectives.
2. Support and facilitate the integration of land use and transportation in order to facilitate compact city growth, supported by sustainable modes of transport that will encourage economic well-being and ensure the movement of people and goods in a manner that is sustainable, safe and provides ease of access for all, enhances quality of life and supports a reduction in transport related greenhouse gas emissions.
3. Provide for the development of high volume, trip intensive, developments such as commercial centres and employment hubs at locations that will minimise the need, distance and time taken to travel and promote the use of sustainable transport modes such as walking, cycling and public transport to access these locations.
4. Promote effective sustainable residential densities in the city particularly along and close to the existing and planned public and sustainable transport route network.
5. In line with Core Strategy and to give direction for future settlement expansion prepare Local Area Plans and masterplans where appropriate that includes for integration of land use with transportation.
6. Aim to achieve the concept of a '15 minute city' where land use policies facilitate residents to access their daily needs within a 15 minute walk or bike ride and thereby reduce the dependence on car transport.

- Policy 4.4 Sustainable Mobility - Walk and Cycle
- Policy 4.6 Road and Street Network and Accessibility -

#### Policy 4.6 Road and Street Network and Accessibility

1. Support the N6 Galway City Ring Road project in conjunction with Galway County Council and Transport Infrastructure Ireland (TII) in order to develop a transportation solution to address the existing congestion on the national and regional road network.
2. Enhance the delivery of an overall integrated transport solution for the city and environs by supporting the reservation of the designated strategic road corridor to accommodate the N6 GCRR project.

- Section 4.8 Modal Change: Road and Street Network Accessibility

35. Carry out an audit of the road network relative to pedestrian services and standards in all areas outside of the city centre and implement a programme of improvements in accordance with a scheme of priorities relative to accessibility, safety and convenience. Priority of investigation will be given to the following roads namely: Circular Road, Letteragh Road and Ballagh Road, Ballymoneen Road, Cappagh Road, Castlegar Road and all other local roads as deemed necessary.

Chapter 5 - Natural Heritage, Recreation and Amenity

Chapter 7 – Community and Culture

- Section 7.5 Community Facilities - Early Years and Childcare Services states - *In all new housing areas over 75 units, the provision of one childcare facility with a minimum of 20 childcare spaces is required, in line with the Ministerial Guidelines for Planning Authorities on Childcare Facilities (DECLG 2001) and to create sustainable residential neighbourhoods. Exceptions to this will only be allowed, where there are substantiated reasons not to provide such a facility, for example if there are adequate childcare facilities in adjoining developments or the immediate area.*

#### Chapter 8 - Built Heritage, Placemaking and Urban Design

- Section 8.8 Urban Design and Placemaking.
- Table 8.1 sets out the Key Principles in the consideration of good urban design that will be promoted in development.
- **Policy 8.7 Urban Design and Placemaking** sets out 11 points including:
  1. *Encourage high quality urban design in all developments.*
  2. *Improve qualitative design standards through the application of design guidelines and standards of the Development Plan, the Galway Public Realm Strategy (2019) and accompanying design, activity and delivery manuals, Galway Shopfront and Signage Design Guidelines (2012) and Design Guidelines Canopies (2011).*
  3. *Ensure that development delivers high quality urban design, place making and public realm that contributes to urban regeneration in the city and that is resilient to potential impacts of climate change.*
  4. *Encourage innovation in architecture and promote energy efficiency and green design.*
  7. *Promote sustainable and inclusive urban design, urban form and architecture that positively contributes to the city's existing character and distinctiveness.*
  8. *Adhere to the Galway City Urban Density and Building Height Study (2021) and promote development which incorporates high quality sustainable and inclusive urban design, urban form and architecture that positively contributes to the city's character, heritage and neighbourhood areas.*

#### Chapter 9 - Environment and Infrastructure

#### Chapter 11 - Land Use Zoning Objectives and Development Standards and Guidelines

- Section 11.3.1 (c) Amenity Open Space Provision in Residential Developments

#### *Appendices*

- Galway City Housing Strategy and Housing Need Demand Assessment 2023-2029
- Urban Density and Building Height Study

#### *Other Documents forming part of the City Development Plan*

- The Galway Transport Strategy (GTS) 2016-2036 - The GTS is a strategy by Galway City Council prepared in conjunction with Galway County Council, the NTA and TII. The aim of the strategy is to address current and future transport requirements in the City and County catchment area. It includes for a range of measures that focus on an integrated and sustainable solution with a strong objective to reduce car dependency in favour of public transport and active modes. It is anticipated that many of the associated projects will be commenced during the currency of the plan period. In line with good planning principles this investment is aligned with the settlement and development strategy for the city. Chapter 4 of the CDP sets out the strategy and the Core Strategy Map gives visual representation of the main settlement and transport focus.

### **6.3. Natural Heritage Designations**

The appeal site is not located within or adjacent to any European Designed sites or pNHA, NHA.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal – First Party**

A first-party appeal has been lodged only against the decision of the Planning Authority to refuse planning permission for the proposed development. The following grounds of appeal are raised:

#### **Refusal Reason no. 1 (National Road Guidance)**

- In response to the appeal the first party set out that the scheme has been developed with regard to the proposed N6 Galway City Ring Road (N6GCRR) to the western and northern boundaries of the site.
- It is set out that of foot of previous SHD application (306599-20) the development

included changes to the footings of the retaining walls and other associated retaining structures along the western interface to ensure the works do not encroach on the N6 GCRR CPO boundary.

- The application included written confirmation from GCC N6GCCRR design team (email dated 16<sup>th</sup> May 2023) stating that they had reviewed the proposed boundary and that they were satisfied that it is not conflict with the N6GCRR. (Appendix 2 Appeal response)
- A number of attempts were made to engage with the TII but these were not facilitated.
- In order to decipher the TII's concerns the first party engaged an independent Traffic Consultant to review the scheme in the context of National Guidance. The assessment notes that alternative reinforced concrete retaining wall structures could easily be substituted for the gabion baskets and that reinforced concrete is permitted under DN-STR-03012.
- Request the Board to consider the substitution of the gabion wall for the 'Crib Wall' type system which comprises a stacked concrete frame with free-draining crushed stone infill and drained at the rear of the base of the wall as per RFI response (drawing 10584-2150)

#### **Refusal Reason no. 2 (Creche)**

- Regarding the inclusion of the creche it is set design and layout issues arose during the LRD meeting. A subsequent childcare demand analysis concluded that there is sufficient capacity in the area to omit the creche.
- In response to the RFI it was proposed to provide a crèche facility to cater for 25 no. children on the ground floor of the proposed apartment building (Drawing no. 520-OMP-00-ST-DR-A-1110). It is set out that the LA do not appear to have considered the creche proposal as it is not mentioned in the planning report.
- It is further set out that there are five existing childcare facilities within 15 minutes' walk of the development.
- Regarding census data it is stated that 2022 census data was not available until after the RFI response. The grounds of appeal highlight that there is a decline in creche going population in all relevant Electoral Divisions (2016 and 2022

comparison) except Ragoon and Taylors Hill.

- As the option of a creche has been included it is not reasonable to state the omission of a creche as a reason for refusal.

### **Refusal Reason no. 3 (Quality of Open Space)**

- It is set out that the site constraints including the N6 GCRR to the west, a wayleave within the western portion and laneway along the southern boundary all limit the range of potential design solutions.
- The western linear park reflects the significance of the CPO for the N59 Link Road. In addition, it is set out that locating dwellings on the southern boundary was not an option due to the Right of Way. The proposed linear park secures the boundary and buffers the development from the link road.
- The three no. open spaces provide for connectivity within the scheme and the adjacent lands and provide for a north/south pedestrian and cycle connection from Letteragh Road to Bóthar Dhiarmuida, providing connectivity to the retail and schools located in Knocknacarra and potential permeability to development to the east.
- The layout provides for residential clusters with direct access to open spaces and the 3 no. open spaces provide a variety of multi-functional spaces with passive surveillance.
- The development is in compliance with DMURS.

### **Refusal Reason no. 4 (Design and Layout)**

- It is set out that the response to the RFI adequately addressed the concerns the PA including revisions to the layout and organisation of the northwestern apartment block, the car parking layout and the communal space for the apartment block.

### **Refusal Reason no. 5 (Southwestern Duplex Block)**

- It is set out that the response to the RFI adequately addressed the concerns of the PA including:
  - Widening the duplex apartment units with a loss of 4 units, revised external staircase and revised ground floor unit design to provide a secondary access onto a western private space and linear park.

- The southern gable elevation has been revised to provide windows from habitable room at all levels and a front door access to the ground floor unit addressing passive surveillance to the communal open space to the south.
- A landscape buffer is provided along the boundary of the terrace to provide a defensible zone in order to improve private amenity and security.

## 7.2. Planning Authority Response

None

## 7.3. Observations

None

## 8.0 Assessment

The case involves several versions of the proposed scheme, namely, the original application, the revised design submitted as further information which included a design option for a crèche at ground floor level within the apartment block. Unless otherwise stated, my assessment and any references hereafter to the 'proposed development/scheme' are based on the revised scheme submitted as further information, that being the scheme on which the Galway City Council decision is based.

Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- **The Principle of Development**
- **Traffic and Transport** - Compliance with National Road Guidance (Refusal Reason no. 1) & Capacity of Existing Road Network
- **Provision of a Creche** (Refusal Reason no. 2)
- **Open Space** (Refusal Reason no. 3)
- **Design and Layout** (Refusal Reason no. 4 & 5)

Note: The Board may consider the 'Capacity of Existing Road Network' a **New Issue**.



## 8.1. Principle of Development

- 8.1.1. The proposed development comprises the demolition of a lean-to structure and the development of 144 residential units and all associated site works including the erection of a gabion retaining wall faced with local limestone with additional 1.2m high estate railing along parts of the western boundary of the site to be constructed in the event the subject site is developed prior to the proposed N6 Galway City Ring Road Strategic Infrastructure Development.
- 8.1.2. In addition, I draw the Boards attention to the RFI response which included the potential to provide a 25-space childcare facility at ground floor level within the apartment block at a loss of two units (Drawing no. 520-OMP-00-ST-DR-A-1110). I will address the creche in more detail in section 8.3 below.
- 8.1.3. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned Objective R - *'To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'* in the Galway City Development Plan 2023-2029. Section 11.2.8 of the CDP establishes that Residential use and Childcare are *'uses which are compatible with and contribute to the zoning objective'* and therefore acceptable.
- 8.1.4. The appeal site is located within the Western Outer Suburb as identified in CDP 2023-2029 and accompanying Galway Urban Density and Building Heights Study. The provision of residential development on lands zoned 'R' would be consistent with the policies of the Planning Authority as set out in section 3.5 Sustainable Neighbourhoods: Outer Suburbs and Policy 3.4 *Sustainable Neighbourhoods: Outer Suburbs 1* which sets out that it is the policy of the Council to facilitate consolidation of existing residential development and densification where appropriate within the outer suburbs to deliver on population targets while ensuring the reasonable protection of residential amenities. The density of the proposed development is consistent with established density in the area. I note the PA raised no concerns in this regard. I note the density range at 40 uph (39 uph including creche) is in accordance with the Galway Urban Density and Building Heights Study, targeting levels of up to 35- 40 dph (Pg. 153) and Table 3.2 - *Area and Density Ranges* of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

- 8.1.5. Regarding the temporary permission for a period of 3 years for the erection of marketing signage on the site, I note the PA raise no concerns in this regard. Subject to agreement regarding the design including details of any lighting of the signage, I have no objection in principle of the signage.

### Conclusion

I consider the provision of a residential development consistent with the concept of urban sustainability and provides for increased residential density in an urban area in line with the objectives of the National Planning Framework, the RSES and City Development Plan.

## **8.2. Compliance with National Road Guidance (Refusal Reason no. 1)**

- 8.2.1. The PA consider that the proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set , would adversely affect the operation and safety of the national road network, including inappropriate standards which are not in accordance with those set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), and boundary treatments.

### *Context*

- 8.2.2. The N6 (GCRR) is a key component of the Galway City Transport System. It is proposed a short distance north of the subject site. The appeal site is located at the junction of the proposed N59 Link Rd. and the Letteragh Rd. The N59 Link Road as proposed will connect the Ragoon Road to the N6 (Galway City Ring Road) to the North. This link road is proposed to connect Ragoon to the wider Galway City Transport Project. The proposed N59 South Link Road includes cycle paths and pedestrian pathways.
- 8.2.3. As part of the N6 (GCRR) design process, a CPO boundary was issued to all landowners impacted by the proposed development by the NTA. The alignment of the N59 link road, aligns with the new road objective within the Galway City Development Plan (Policy 4.6 *Road and Street Network and Accessibility.*) The appellant states that the proposed residential scheme is cognisant of the proposed new road alignment

both in layout, levels and service connections and the required access for construction of the future infrastructure when the residential development is completed. Of relevance, I note the Galway National Roads Project Office raised no objection to the proposed development.

*Proposed Development*

- 8.2.4. The site benefits from two access points; the north via Letteragh Rd. and from the south via Bóthar Dhiarmuida. The proposed development is to be accessed from a newly proposed junction off the Letteragh Road to the north of the site. The new access junction will serve the north side of the site connecting the development with the Letteragh Road. Pedestrian and cyclist linkage from the site to the Bothar Diarmuida residential development to the south is also proposed.
- 8.2.5. In the first instance, regarding concerns raised by the PA as regards compliance with the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), I agree with the appellant that neither the PA nor TII have clearly specified on what basis the scheme does not comply with the guidelines. It would appear the provision of access onto the proposed N59 Link Rd. is contrary to the control of access onto national roads as set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Of relevance, it is proposed to access the site via the existing Letteragh Road as the N59 Link Road does not exist and planning permission for the N6 GCRR (ABP Reg. Ref. 318217-23) has not been determined.
- 8.2.6. In any case, in response to the appeal the first party set out that the scheme has been developed with regard to the proposed N6 Galway City Ring Road (N6GCRR) to the western and northern boundaries of the site. The appellant also states that number of attempts were made to engage with the TII but these were not facilitated but that on foot of previous SHD application (306599-20) the development included changes to the footings of the retaining walls and other associated retaining structures along the western interface to ensure the works do not encroach on the N6 GCRR CPO boundary. The application includes written confirmation from GCC N6GCCRR design team (email dated 16<sup>th</sup> May 2023) stating that they had reviewed the proposed boundary and that they were satisfied that it is not in conflict with the N6GCRR. (Appendix 2 Appeal response).
- 8.2.7. In response to the appeal the appellant also states that in order to decipher the TII's

concerns an independent Traffic Consultant was engaged to review the scheme in the context of National Guidance. The assessment notes that alternative reinforced concrete retaining wall structures could easily be substituted for the gabion baskets and that reinforced concrete is permitted under DN-STR-03012. The appellant requests the Board to consider the substitution of the gabion wall for the 'Crib Wall' type system which comprises a stacked concrete frame with free-draining crushed stone infill and drained at the rear of the base of the wall as per RFI response (drawing 10584-2150).

- 8.2.8. Notwithstanding the revised proposal presented by the appellant, in my opinion, the key issue is the need to ensure that the proposed development does not encroach on the CPO Boundary as identified by the NTA and issued to all landowners. In this regard, I note road works are proposed within the CPO Boundary to the north of the site to tie the site into the existing Letteragh Road. A vertical realignment of the carriageway is also proposed to align with the N6 GCRR scheme vertical alignment. These works are necessary to facilitate access to the site and will be carried out by the appellant.
- 8.2.9. As regards the western interface with the N6 CPO a short section of the proposed cycle track and footpath along the western boundary are located within the CPO boundary. The appellant has indicated in the appeal response prepared by Tobin Consulting Engineers that there is adequate space to divert the footpath and cycle path around the CPO line, if required. This can be addressed by way of condition should the Board be minded to grant planning permission.
- 8.2.10. As regards the boundary details between the site and the N6, whilst I am satisfied that the appellant has made reasonable efforts to address retaining wall structures within the site between the site and the N6 GCRR CPO boundary, I accept the theses works have not been agreed formally with the TII. I consider a suitable condition requiring agreement with the TII in advance of any development works commencing as to the design of the retaining wall and other detailed shared boundary design elements will adequately address this matter should the Board be minded to grant planning permission.
- 8.2.11. Therefore, I am satisfied that the proposed access arrangement to the north of the site onto Letteragh Road are acceptable in principle and have had due regard to the

information available as regards the N59 Link Road. I consider further agreement with TII can be addressed by way of condition should the Board be minded to grant planning permission.

- 8.2.12. However, of significance in this instance, the N6 (GCRR) is currently at planning stage and therefore cannot be relied on and as such the development must be acceptable in the absence of any N59 Link Road. In this regard, I note the GCC Transportation Department noted that the development proposal must stand with or without the delivery of N6GCRR.

#### *Capacity of Existing Road Network*

- 8.2.13. As set out above vehicular access is proposed via Letteragh Road to the north of the site. The Letteragh Road is a narrow local road approx. 5.0m in width and of poor vertical and horizontal alignment. A portion of the Letteragh Road has been widened and footpaths provided to the east (city side) of the site facilitated by on-going and recently completed development, however, this does not extend in a continuous manner as far as the proposed site and a portion of the road to the east between the site and the widened section (c. 150m) is restricted in width such that two vehicles cannot pass and without footpath connections. The road to the west of the site and the surrounding road network reflects the same narrow horizontal and undulating vertical alignment. This is acknowledged in section 4.8 Specific Objective No. 35 – *Road and Street network & Accessibility* where it is an objective of the Council to carry out an ‘audit of the road network relative to pedestrian services and standards in all areas outside of the city centre and implement a programme of improvements in accordance with a scheme of priorities relative to accessibility, safety and convenience. Priority of investigation will be given to the following roads namely: Circular Road, Letteragh Road ....’

- 8.2.14. In addition, section 4.2 *Land Use and Transportation* of the City Development Plan seeks to integrate land use and transportation in tandem with improvements in active travel measures, such as walking and cycling and public transport which are necessary to create positive changes. Similarly, the specific approach in the GTS outlines a number of demand management measures aimed at shifting the focus of travel within the city centre to walking, cycling and public transport, which will reduce traffic congestion. Section 4.6 *Road and Street Network* acknowledges that there

remains significant traffic congestion in the city with most main junctions operating over capacity and that the existing road network needs to cater for a range of users and a variety of journeys within the city.

- 8.2.15. Of relevance, I note no proposals have been identified to upgrade the Letteragh Road to the east with connection to the wider city as part of the development nor have the LA identified any upgrade works to the Letteragh Road to accommodate two-way traffic and pedestrian/cycle connections. It would appear the only identified connecting works to upgrade the Letteragh Road form part of the N6 CGRR road works, therefore in the absence of the completion of the N6 CGRR works the connecting section of road between the site and the upgraded section of the Letteragh Road to east and indeed the road network to the west will not be carried out. As set out above the development cannot rely on the N6 CGRR.
- 8.2.16. Of relevance, while the documentation submitted with the application sets out that should construction of the proposed residential development be undertaken prior to completion of the Letteragh Road upgrade works which form part of the proposed N6 Galway City Ring Road Development, the enabling works to facilitate the development will involve widening works on Letteragh Road as per the engineering design. However, these enabling works relate to works along the northern (roadside) boundary of the site only and do not extend beyond the boundary as these lands are not identified as part of the appellants landholding and therefore any enabling works to upgrade the Letteragh Road beyond the site are outside of the control of the appellant.
- 8.2.17. The proposed development seeks to provide 144 units (or 142 units plus creche on the site) which has the capacity to generate significant additional traffic on this local road. The TTA indicates the baseline plus generated traffic (with both committed and proposed development) for the year of opening 2025 both the AM and PM at 43 movements exiting the site onto Letteragh Road east, 11 onto Letteragh Road west in the AM with the same returning in the PM, in addition to traffic entering the site at 8 and 31 vehicles movements respectively in the AM.
- 8.2.18. I do not consider the local road has the capacity to cater for this increased demand given the restricted width and alignment of the road to the west and over ca. 150m of the Letteragh Road to the east of the site. I consider the additional movements generated to be significant on this local road. I note the Road Safety Audit submitted

does not address the carrying capacity of the wider road network to the east and west of the site and the potential for bottle necks at pinch points where the road narrows and two cars cannot pass, and the vertical alignment reduces forward visibility. I note construction stage vehicular access is proposed from the south of the site off the Bothar Diarmuida Road. This access would be temporary and would be limited to the construction stage.

- 8.2.19. Regarding pedestrian and cycle connection on Letteragh Rd., I note reference in the preliminarily CEMP to footpath provision on both sides of the Letteragh Road. This is contradicted in the TTA which states that the Letteragh Rd has footways from the R338 on one side of the road to a point c.170m from the proposed site entrance. As set out above and confirmed by site inspection a significant stretch of the Letteragh Road (c. 150m) to the east/southeast of the site towards the R338 (city) there is no footpath. The application is dependent on pedestrian and cycle connection from the south of the site onto the Ragoon Rd and Bothar Diarmuida which has footpaths both sides of the road from the R338 to the proposed site and connection to public transport.
- 8.2.20. I do not consider this to be acceptable in the context of appropriate design and principles of connectivity and permeability and 15-minute city in accordance with *Policy 3.3 Sustainable Neighbourhood Concept 8* to support through policy and design standards the concept of a '15 minute city' where the daily needs of communities can be accessed within a 15 minute walk, cycle or by public transport and Section 4.2 *Land Use and Transportation* and *Policy 4.4 Sustainable Mobility - Walk and Cycle* promoting permeability and connectivity of the City Development Plan.
- 8.2.21. In summary, the appellant is relying on the implementation of Mobility Management Plans and Workplace Travel Plan to reduce vehicular activity from the site. Whilst such measures are welcome and encouraged, I do not consider that the Letteragh Road has the capacity in terms of current width and vertical alignment to cater for the increase in traffic generated by the proposed development nor does it provide for appropriate pedestrian and cycle connectivity in accordance with *Policy 3.3 Sustainable Neighbourhoods: Outer Suburbs*. Furthermore, I do not consider the local speed limit of 50kmph alleviates these concerns. In my opinion the development should be refused for this reason. The Board may consider this a new issue and the Board may wish to seek the views of the parties. In this regard I draw the Board's attention to the Opinion issued by Galway City Council which included the requirement

of the applicant to address to issues raised under the SHD application Ref SHD 306599-20 – Pre-Application Consultation Opinion which raised the issue of sustainable pedestrian, cyclist and vehicular ‘connections’.

### Conclusion

Regarding refusal reasons no. 1 issued by the PA in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), I am satisfied that the lands have been zoned for residential development in accordance with the CDP 2023-2029 and the development does not conflict with the defined CPO boundaries of the N6 (GCRR) and any concerns as regards the design of the interface between the site and the N6 can be addressed by way of appropriate condition in agreement with the TII in advance of any works commencing on site.

Notwithstanding the above, as regards vehicular access onto the Letteragh Road, I do not consider the alignment of the existing road network in the vicinity of the site has the capacity to cater for the increased demand generated by the proposed development due to the restricted width and vertical alignment. The proposed development has the potential to give rise to traffic congestion, in particular, along the Letteragh Road to the east of the site and would endanger public safety by reason of traffic hazard. In addition, the scheme does not provide appropriate north-south pedestrian and cycle permeability in accordance with *Policy 3.3 Sustainable Neighbourhoods: Outer Suburbs* and *Policy 4.4 Sustainable Mobility - Walk and Cycle* of the CDP. For these reasons I recommend planning permission be refused.

### **8.3. Provision of a Creche (Refusal Reason no. 2)**

- 8.3.1. Refusal reason no. 2 issued by GCC relates to the failure by the appellant to provide a childcare facility on site. The PA consider that no exceptional case has been submitted for the omission of a childcare facility.
- 8.3.2. In response to the RFI issued by GCC the appellant submitted revised plans to include the provision of a crèche facility to cater for 25 no. children on the ground floor of the proposed apartment building (Drawing no. 520-OMP-00-ST-DR-A-1110). The appellants contend that the PA do not appear to have considered the creche proposal as it is not mentioned in the planning report. I would agree and see no mention in the PA assessment to the revised proposals for the creche. The PA do not appear to have



addressed this as part of their assessment of the RFI response. I note the application was readvertised as 'Significant Further Information'.

8.3.3. By way of information for the Board, the proposed childcare facility is located on the ground floor southeastern corner of the apartment block at a loss of two apartments as set out in section 8.1 above. The revised layout presented provides two no. set down spaces to the front of the apartment building to the west of the internal access road for drop off and collections, in addition to three assigned car parking spaces (1 x disabled). Two no. external play areas have also been provided at 19sqm and 65sqm respectively. I am satisfied that the design and layout of the development is acceptable in principle in this suburban context subject to enhanced landscape screening of the external play areas.

8.3.4. The planning application included a Childcare Demand Analysis Report, this report was updated as part of the appeal response to reflect concerns raised by the PA as regards updated Census data (2022). The grounds of appeal highlight that there is a decline in creche going population in all relevant Electoral Divisions (2016 and 2022 comparison) except Ragoon and Taylors Hill and as the option of a creche has been included it is not reasonable to state the omission of a creche as a reason for refusal. I agree. I further note that the Childcare Demand Analysis determined that there are five existing childcare facilities within 15 minutes' walk of the development. Section 7.5 *Community Facilities - Early Years and Childcare Services* sets out that in all new housing areas over 75 units, the provision of one childcare facility with a minimum of 20 childcare spaces is required, in line with the Ministerial Guidelines for Planning Authorities on Childcare Facilities (DECLG 2001) and to create sustainable residential neighbourhood, it goes on to say that exceptions will be allowed, where there are substantiated reasons not to provide such a facility, for example if there are adequate childcare. The appellant has updated the Childcare Demand Analysis Report and acknowledged the creche going population increase in the electoral area. Therefore, combined with to the existing childcare facilities within 15-minutes of the site, I am satisfied that the proposed childcare facility with a capacity for 25 spaces is acceptable.

### Conclusion

The revised proposal at RFI stage to include the provision of a childcare facility has not been addressed by the PA. In the context of Section 2.4 *Appropriate Locations for Childcare Facilities* of the Galway City Development Plan 2023-2029, the Childcare Facilities Guidelines for Planning Authorities June, 2001, I am satisfied that the revised scheme which includes a childcare facility with a 25 space capacity acceptable at this location and in accordance with the provision of sustainable communities and the creation of the 15-minute city and walkable neighbourhoods as set out in the City Development Plan.

#### **8.4. Open Space (Refusal Reason no. 3)**

- 8.4.1. The PA in their assessment consider the layout of the proposed development, with predominately narrow linear, unbalanced and poorly configured communal open space, does not meet the Galway City Development Plan 2023-2029 requirements for the provision of a useable, functional, safe, convenient and accessible communal open space layout for all sections of the community, as required by Section 11.3.1 (c) *Amenity Open Space Provision in Residential Developments* and would be contrary to the Policy 3.5 Outer Suburbs of the City Development Plan 2023-2029.
- 8.4.2. 15% publicly accessible Open Space is provided within the proposed development across 3 no. spaces; The Western Parkland, The Southern Parkland and The Central Green. In addition to this, there are two communal amenity areas proposed for the use of apartment residents at Block 01 (Northern Apartment Building) and Block 02 (the Southern Duplex Terrace). In addition, the scheme delivers a dual public cycle way and footpath creating a green link connecting the Letteragh Road with Bothar Diarmuida / Ragoon Road and onto the Neighbourhood Centre of Knocknacarra.
- 8.4.3. It is the appellants contention, and I would agree that the site is subject to a number of constraints which impact the overall layout of the scheme and the associated provision of open space. These constraints include the site topography, the N6 GCRR to the west and the need to provide an appropriate buffer, a wayleave within the western portion and laneway along the southern boundary. In addition, a wayleave for existing services spans from north to south which is provided to serve the Link Road in future. These are significant constraints which have an impact on the strategic development of the lands in particular the placement of buildings and open space.

- 8.4.4. The western linear park reflects the significance of the CPO for the N59 Link Road. The Linear Park integrates with a new dual cycle and public footpath which connects the Letteragh Road with the Bothar Diarmuida. The active amenity of this path is excluded from the 15% public open space provision and the park includes a public playground for younger children with visitor car and bike parking located adjacent to the park. The appellant argues that the proposed linear park secures the boundary and buffers the development from the link road. I would agree.
- 8.4.5. The Central Park is located within the centre of the development and is overlooked by dwellings on all sides with parking provided for visitors adjacent to the park. This park integrates with the sloping topography of the site and provides a play area for older children and seating areas for passive enjoyment of the space.
- 8.4.6. The Parkland to the south of the development will provide a safe, accessible and landscaped space whilst creating a deep landscaped buffer to the existing dwellings of Bun an Chnoic to the south. The park looks to enhance and integrate the historic pedestrian east-west connection or lane through the park. This communal open space will create a sense of arrival into the scheme from the south, delivers a welcoming and soft landscape character setting for the wider community to enjoy and provides a contained passive communal garden within the park for the residents.
- 8.4.7. Section 11.3.1(c) *Amenity Open Space Provision in Residential Developments - Communal Open Space* of the City Development Plan sets out that communal recreation and amenity space is required at a rate of 15% of the gross site area and should be provided as multi-functional open space in new residential developments easily accessible to all, encouraging active and passive use for persons of all abilities regardless of mobility and/or age. The proposed three no. open spaces provide for connectivity within the scheme and the adjacent lands. There are also a number of natural tie-in points with surrounding developments which will aid to create an integrated network of pedestrian connection. In addition to a range of uses and social spaces including 'home zones' all of which are provided for under section 11.3.1 (c) of the City Development Plan. A DMURS statement accompanied the planning application.
- 8.4.8. The recently published *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* promote interlinked public open

spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel, cultural uses and community gardens and allotments, as appropriate to the context) and to conserve and restore nature and biodiversity. In my opinion, the 3 no. open spaces will provide a variety of multi-functional open spaces for the new residential development which are easily accessible from all dwellings and have been design and organised to encourage active and passive uses of the spaces and provide successful useable spaces within the constraints of the site. All spaces are designed to be fully accessible regardless of mobility and provide accessible pathways across a site with a constraining topography. I am satisfied that the proposed development is in accordance with the Guidelines.

### Conclusion

The scheme provides for 15% communal open space in accordance with the Development Plan requirements. I acknowledge that the PA raised no concerns are regards the percentage of communal open space proposed but rather the quality of the space. However, in my opinion the layout provides for residential clusters with direct access to open spaces and the 3 no. open spaces proposed provide a variety of multi-functional spaces with passive surveillance and in the context of the identified constraints of the site are acceptable and reflect a quality layout whereby all units have access to an amenity space within easy access of their doorstep in addition to connectivity potential to the wider area allowing the amenities of the site to the shared beyond the development site itself.

In addition, the proposed development provides for enhanced biodiversity on the site as demonstrated in the Biodiversity Net Gain report accompanying the application. Based on the current landscaping proposals, the redevelopment of the site of the proposed development would provide an on-site biodiversity net gain of 16.71% in Habitat Units and 270.48% in Hedgerow Units. This has been achieved entirely within the site itself, without the need for off-site compensation or enhancement.

I further note that Policy and Objective 5.1 - *Public Open Space* of the Sustainable and Compact Settlement Guidelines (2024) set out that it is a policy and objective of the Guidelines that statutory development plans include an objective(s) relating to the provision of public open space in new residential developments (and in mixed-use developments that include a residential element). The requirement in the development

plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. The proposed provision of 15% open space is in accordance with the Guidelines.

## **8.5. Design and Layout (Refusal Reason no. 4 & 5)**

- 8.5.1. Refusal reasons no. 4 & 5 relate to concerns about design and layout. Refusal reason no. 4 considers that the qualitative setting and context of the northwestern apartment block would be deficient in terms of the setting of the apartment block and quality of the provision of communal space, which should be provided for on a greenfield site, and such a provision would adversely impact upon the residential amenities and be contrary to the proper planning and sustainable development of the area.
- 8.5.2. Refusal reason no. 5 considers that the internal apartment layout and the interface of the proposed southwestern duplex block to the west, would be contrary to the Galway City Development Plan 2023-2029, Chapter 8.8 Urban Design and Placemaking, as it fails to address and avail of the western orientation of the building, in terms of internal floor plan layout, provision of terrace/amenity space and addressing adjacent pathways and communal spaces.

### *Communal Open Space Provision*

- 8.5.3. As regards communal space provision it is the appellants contention that the location and size of these two communal amenity spaces are based on best practice and the published DoHLGH Apartment Guidelines. For the apartment block (35/33 units with creche) and the duplex units (16 units), the appellant is required to provide 207sqm and 160sqm respectively. Both areas exceed the minimum requirements at 331.6 sqm for the apartment block (excluding 65sqm to the immediate south of the apartment block identified as a secure play area as part of the proposed childcare facility) and 164sqm for the duplex terrace. The proposed scheme provides 544.3sq.m of communal amenity space, thus exceeding the 367sq.m required pursuant to the Apartment Guidelines (July 2023).
- 8.5.4. Regarding specific concerns raised by the PA about the qualitative standards of the communal amenity space for the apartment block, in addition to the size of the space, the communal amenity space is separated from the areas of public open space providing for a private area for the apartments whilst also being immediate to the wider

public amenity areas and associated offerings. The balance of which provides for a quality living environment, in my opinion. The communal amenity is overlooked by all apartments on the western facade of the apartment block and direct access to the communal garden and to adjacent bin/bike stores is proposed from the apartment building via a footpath and from the adjacent parking court via ramped access which has been designed in accordance with Part M and Part K of the Technical Guidance Documents. The landscaped proposal offers a variety of hard and soft landscaping treatments. In addition to this a free play area and seating are proposed to provide for a variety of uses. The location of the car parking to the south of the apartment block does not in my opinion reduce the amenity of the communal open space but rather provides a buffer between the communal open space and the public open space and is therefore acceptable.

- 8.5.5. The communal open space also benefits from a western aspect. The Daylight Sunlight and Overshadowing report determined that on March 21st, 100% of the combined proposed communal amenity areas and 98% of the proposed public amenity areas situated within the development site will receive at least 2 hours of sunlight over their combined area, thus complying with the BRE recommendation. I have no concerns about the communal open space associated with the apartment block.

*Apartment Design, Layout and Location*

- 8.5.6. The apartment block is located to the northwest of the site addressing the Letteragh Road and the internal access road with access from the internal road. During the design process the apartment block was revised and repositioned further east and south within the subject site providing for increased communal open space as set out above. Contrary to the PA, I consider the location of the apartment block at the site entrance provides an appropriate transition in scale and form relative to the adjoining housing developments to the south and east of the site along the shared boundaries. The location of the apartment block at the entrance defines the character and legibility of the development at this site and announces the location of the development in the context of the city, I am satisfied that the siting of the apartment block is consistent with section 8.8 Urban Design and Placemaking of the City Development Plan, in particular, table 8.1 as regards the principles of good urban design.

- 8.5.7. The Daylight Sunlight and Overshadowing report demonstrates compliance with BRE requirements, and a wind study undertaken of the scheme notes that the proposed protruding balconies do not require shelter from the prevailing environment and that the amenity value of the balconies are compliant with the guidelines. At ground floor level a private terrace space is provided instead of the balcony along the majority length of each apartment at ground floor and sits ca. 150mm above the level of the courtyard communal space. A landscape buffer is provided between each apartment terrace and the communal garden area to define the private realm of the terrace and improve its amenity.
- 8.5.8. Furthermore, I note the development is in accordance with SPPR 4 (ii) of the Apartment Guidelines 2023 which establishes that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. Within the proposed apartment block 55% of units are dual aspect. I am satisfied that the design, layout and siting of the apartment block is acceptable.

*Duplex Terrace Design, Layout and Location*

- 8.5.9. The appellant argues that the response to the RFI adequately addressed the concerns the PA including widening the duplex apartment units with a loss of 4 units, revised external staircase and revised ground floor units design to provide a secondary access onto western amenity space. The southernmost duplex units and southern gable elevation include windows from habitable rooms at all levels on the southern façade and a front door access to the ground floor unit addressing the communal open space area to the south and providing passive surveillance. A landscape buffer is provided along the boundary of the terrace to provide defensible zone in order to improve private amenity and security. The public path also continues in front of this terrace to the south and connects with the public path and cycle route within the western open space. I am satisfied that the external qualitative provision is acceptable and the relationship between the duplex terrace and the adjoining amenity create an attractive setting for the duplex units.
- 8.5.10. Whilst 75% of units within the duplex terrace are dual aspect, I agree with the PA that the internal layout could be better configured to address the western aspect with the potential to provide kitchen/dining addressing the western aspect. This will require

internal layout changes and alteration to window and door fenestration. I note the solution presented by the appellant provides for the introduction of a western entrance and associated internal rear hall, I do not consider this solution provides for optimal use of space and reduces the bedroom sizes, notwithstanding, I note the room sizes adhere to required standards.

- 8.5.11. On balance, I consider the design and layout acceptable in the context of the location, defensible space and access to amenity space and I am satisfied that the internal layout can be reconfigured by way of condition should the Board be minded to grant planning permission.

### Conclusion

Having regard to the considerations above, I consider that the location, design including communal open space of the apartment block acceptable and in accordance with section 8.8 Urban Design and Placemaking of the City Development Plan. Similarly, subject to alterations to the internal layout of the ground floor duplex units to better address the western aspect, I consider the location and siting acceptable and in accordance with section 8.8 Urban Design and Placemaking of the City Development Plan.

I am satisfied that the site has capacity to absorb the development proposed and I am satisfied that the proposed development by reason design and layout including proposed design, articulation of building form and layout adheres to Urban Design and Placemaking criteria set in the Development Plan and would represent a positive contribution to the changing character of the area.

## **9.0 Environmental Impact Assessment Screening**

- 9.1.1. The application addresses the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 9.1.2. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for the following classes of development:



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

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

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

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

9.1.3. The development would provide for the demolition of the existing 11.5sqm lean-to shed on the site and the construction of 144/142 (plus crèche) residential development and associated infrastructural works, all on a gross site area measuring 4ha. with a net developable area extending to 3.67ha. in a non-business district in a built-up urban area. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is below the applicable class 10(b) thresholds for EIA. Further consideration with respect to 'class 14' demolition works is undertaken below.

9.1.4. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area which is characterised by residential development including apartments. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies. There are no Protected Structures in the vicinity of the site. The site does not support substantive habitats or species of conservation significance, as highlighted in the Ecological Impact Assessment submitted with the application. In total four species of bat were recorded, with Soprano Pipistrelle (*Pipistrellus pygmaeus*) being the most-

dominant species. Other bat species included Common Pipistrelle (*Pipistrellus pipistrellus*), Leisler's bat (*Nyctalus leisleri*), and Brown Long-eared Bat (*Plecotus auritus*). Hedgerows forming field boundaries were identified as being potentially important for commuting bats. The areas of scrub within the site provides some suitable commuting or foraging habitat. However, the scrub is patchy in distribution. Overall, the site is not considered to provide significant suitable habitat for bat species. The site does not provide suitable roosting features that could support wintering bats. No evidence of species of conservation concern, such as otter or badger, were recorded. Connectivity of the site with protected areas and their associated qualifying interest species is considered further below in section 10 of this report. The archaeological assessment notes the proposed development area comprises marginal terrain of low archaeological potential and recommends monitoring. The nature and the size of the proposed development alongside this existing development remains below the applicable class 10(b) thresholds for EIA.

- 9.1.5. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal. In addition, noting the requirements of Article 103(1A)(a) of the Planning Regulations, the first party has provided a statement indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- 9.1.6. Under the relevant themed headings, the EIA screening information prepared by the first-party appellant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this

assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under Article 103(1A)(a) of the Planning Regulations has been submitted.

9.1.7. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the subject application and the opinion of the Planning Authority. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

## **10.0 Appropriate Assessment**

### **10.1. Introduction**

The applicant has prepared a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that taking a precautionary approach, a potential pathway for indirect effects, via the deterioration of water quality as a result of run-off of pollutants to the Knocknacarragh Stream which flows in a southerly direction along the western boundary of the site and that there is potential for the proposed development to result in significant effects on the following European Sites, in the form of both surface-water runoff and the percolation of pollutants through the bedrock underlying the site, during the construction and operational phases of the proposed development: • Galway Bay Complex SAC (000268) • Inner Galway Bay SPA (004031). 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.

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

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

The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Assessment. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. In line with Departmental Guidance and having regard to ECJ case law and the 'precautionary principle' Stage 2 Appropriate Assessment is required in respect of Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031).

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

## **10.3. Stage 1 AA Screening**

The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it

may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### 10.3.1. Description of Development

The development is summarised in Section 3 of this report. In summary, the proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### 10.3.2. Description of the Site Characteristics

The site has a stated area of c. 4ha. with a net developable area extending to 3.67ha located on the periphery of the built-up area of Galway city. The site comprises a greenfield site. The nearest waterbody is the culverted Knocknacarragh Stream which flows in a southerly direction along the western boundary of the site of the proposed development. It continues flowing in a southerly direction, before ultimately discharging into Galway Bay.

#### 10.4. Relevant Prescribed Bodies Consulted

The submitted NIS report states that a Scoping Document for an initial application of the site, providing details of the application site and the proposed development, was prepared by MKO, circulated to the Development Applications Unit on the 9th of January 2020, and a response was received on the 26th of February 2020. All points detailed in the DAU response have been taken into account as part of the assessment. (The DAU response is provided in full in Appendix 2 of the report).

At application stage the application was referred to the relevant prescribed bodies by GCC. The appeal has not been referred to prescribed bodies.

##### *Information Submitted*

**10.5.** The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It concludes that there is no possibility of significant impacts on Natura 2000 sites, qualifying interests, or site-specific conservation objectives, and that a Natura Impact Statement is not required.

10.5.1. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of

the project that could have an effect, alone, or in combination with other plans and projects on European sites.

### *European Sites*

**10.6.** A summary of European Sites that occur within a 15km radius of the proposed development are set out in Figure 3.1 and 3.2 of the applicant’s Screening Report. I note that the site is not within or immediately adjacent to a Natura 2000 site.

#### 10.6.1. Initial Assessment of European Sites and Zone of Influence

<b>European Site (Code)</b>	<b>Distance (km)</b>
<b>SAC’s</b>	
Galway Bay Complex SAC (000268)	3km south
Lough Corrib SAC (000297)	1.7km east
Connemara Bog Complex SAC (002034)	10.3km west
Ross Lake and Woods SAC (001312)	11.5km northwest
Gortnadarragh Limestone Pavement SAC (001271)	15km northwest
<b>SPA’s</b>	
Inner Galway Bay SPA (004031)	3.2km south
Lough Corrib SPA (004042)	2.1km north
Cregganna Marsh SPA (004142)	10.8km southeast
Connemara Bog Complex SPA (004181)	14.9km west

10.6.2. The following European Sites are screened out at Stage 1 on the basis that there will be no direct effects due to lack of hydrological connectivity, thus no complete source-pathway-receptor chain and / or no habitat present for the relevant species (including breeding and foraging habitat), also distance between the development site and the relevant European Site:

- Lough Corrib SAC (000297)
- Connemara Bog Complex SAC (002034)
- Ross Lake and Woods SAC (001312)
- Gortnadarragh Limestone Pavement SAC (001271)
- Lough Corrib SPA (004042)
- Cregganna Marsh SPA (004142)

- Connemara Bog Complex SPA (004181).

Having regard to the characteristics of the proposed development, to the source-pathway-receptor model and to the limited ecological value of the habitats present at the development site as per the Ecological Impact Assessment, I am also satisfied that there is no potential for direct, indirect or cumulative effects on the above European sites.

10.6.3. The culverted Knocknacarragh Stream flows in a southerly direction along the western boundary of the site of the proposed development. It continues flowing in a southerly direction, before ultimately discharging into Galway Bay, constituting hydrological connectivity with Galway Bay Complex SAC and Inner Galway Bay SPA, approx. 3 km and 3.2 km downstream, respectively. The site of the proposed development is also located within the same groundwater body (Spiddal GWB) as the aforementioned European Sites.

10.6.4. Taking a precautionary approach, the Article 6(3) Appropriate Assessment Screening Report identified the potential for the proposed development to result in significant effects on the following European Sites, in the form of both surface-water runoff and the percolation of pollutants through the bedrock underlying the site, during the construction and operational phases of the proposed development:

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

*Identification of likely effects*

10.6.5. The Conservation Objectives (CO) and Qualifying Interests of the relevant sites in are shown in Table 3 below.

**Summary of relevant European Sites.**

<b>European Site</b>	<b>Conservation Objective</b>	<b>Qualifying Interests</b>
Galway Bay Complex SAC (000268)	The maintenance of habitats and species within Natura 2000 sites at favourable	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150]

	<p>conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>	<p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>
<p>Inner Galway Bay SPA (004031)</p>	<p>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and</p>	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p>



	<p>species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network.</p>	<p>Wigeon (<i>Anas penelope</i>) [A050]  Teal (<i>Anas crecca</i>) [A052]  Red-breasted Merganser (<i>Mergus serrator</i>) [A069]  Ringed Plover (<i>Charadrius hiaticula</i>) [A137]  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]</p>
--	---	--

*Consideration of Impacts*

10.6.6. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

10.6.7. There will be no direct effects on Galway Bay Complex SAC as the site of the proposed development is located entirely outside of this European Site. There is no potential for indirect effects on the following QIs, due to either: a) the lack of connectivity between the site of the proposed development and the habitats for which the European Site has been designated, and/or b) the terrestrial nature of the QIs: • [1220] Perennial vegetation of stony banks • [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts • [5130] Juniperus communis formations on heaths or calcareous grasslands • [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites) • [8240] Limestone pavement].

- 10.6.8. There will be no direct effects on Inner Galway Bay SPA as the site of the proposed development is located entirely outside of this European Site. The habitats found within the site of the proposed development do not provide significant supporting habitat for the SCI species associated with Inner Galway Bay SPA. Therefore, there is no potential for indirect impact through ex situ disturbance or displacement of these species.
- 10.6.9. Taking a precautionary approach, a potential pathway for indirect effects on the supporting habitat for all SCI species, the impacts of which are considered under 'Wetlands [A999]', was identified in the form of deterioration of water quality as a result of run-off of pollutants to watercourses adjacent to and downstream of the site of the proposed development and the percolation of pollutants through the bedrock underlying the site, during the construction and operational phases of the proposed development
- 10.6.10. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) relate to:
- Deterioration in water quality as a result the construction and operational phases.
- 10.6.11. During the construction phase of development any requirement to collect and treat surface water within the site will be completed using perimeter swales at low points around the construction areas, and if required water will be pumped from the swales into sediment bags prior to overland discharge allowing water to percolate naturally to ground or disperse by diffuse flow into local drainage ditches. Discharge onto ground will be via a silt bag which will filter any remaining sediment from the pumped water. The entire discharge area from silt bags will be enclosed by a perimeter of double silt fencing. Any proposed discharge area will avoid potential surface water ponding areas and will only be located where suitable subsoils are present. No pumped construction water will be discharged directly into any local watercourse.
- 10.6.12. The development will be supplied with fresh water via a mains supply. The foul effluent associated with the proposed development will flow via gravity to the 300mm dia. public sewer network. It is proposed to construct 2 no. wastewater pipe networks

onsite to convey effluent generated from the development to discharge to the existing public foul sewer which runs north to south through the site. Irish Water have reviewed the proposed wastewater drainage layout and confirmed its suitability. A statement of design acceptance received from Irish Water is attached as Appendix G of the Planning Stage Civil Works Design Report.

- 10.6.13. I note the SFRA identified the site in Flood Zone C, outside the 1 in 100 and 1 in 1000-year fluvial flood extents. Ponding in several localised depressions (depths ranging from 100 mm to 400 mm) was observed during a hydrologist site visit. This suggests that the proposed development is at risk of pluvial flooding if appropriate mitigation measures are not implemented. The proposed development includes surface water attenuation measures which will mitigate the pluvial risk to the site.
- 10.6.14. The site of the proposed development is located within the same groundwater body (Spiddal GWB) as this European Site. Therefore, potential significant effects, in the form of both surface-water runoff and the percolation of pollutants through the limestone bedrock underlying the site of the proposed development. All surface water generated onsite will pass through oil/petrol interceptors designed to separate hydrocarbons from clean water before discharging to one of 3 no. proposed attenuation units from which a discharge will be made at a controlled rate to the existing public stormwater sewer which runs north south through the site. The outputs from the SFRA have informed the proposed drainage design of the proposed development. I would note that the WFD Groundwater Monitoring Programme (2016-2021) assigned the Spiddal GWB a 'Good' status.
- 10.6.15. It is a policy of Galway City Council (Policy 2.2 - 8 Climate Action) to "Support the implementation of water management measures through mechanisms such as SuDS, rainwater harvesting, use of grey water, water storage and nature-based solutions to adapt to the impacts of climate change". The proposed surface water drainage system would introduce a variety of sustainable urban drainage system (SuDS) measures to the subject site. These comprise a marked improvement from the existing situation on site and would have a positive impact on drainage from the subject site/significantly enhance the quantity/quality of surface water leaving the site. While the use of SUDS measures are not intended to avoid or reduce the harmful effects of a project on a European site, they will reduce peak flow rates and the likelihood of suspended solids or hydrocarbons entering the water system. They are clearly not included as a

measure to mitigate potential impacts on European sites. Furthermore, the scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

10.6.16. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) can be excluded given the indirect and interrupted hydrological connection, the nature and scale of the development, including standard control features, and the distance and volume of water separating the subject site from European sites in the Galway Bay area (dilution factor).

10.6.17. When operational, the scheme will feature attenuation measures which would have a positive impact on drainage from the subject site and comprise a marked improvement from the existing situation on site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). It is standard practice that SuDS are included in all projects, and they are not specifically included to reduce or avoid any effect on a designated Natura 2000 site.

10.6.18. I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites (Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031)) can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Galway Bay due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.

- All foul water will be discharged to the public sewer and will be treated at the Galway Mutton Island Wastewater Treatment Plant before discharges to Galway Bay. Irish Water have upgraded the Mutton Island Wastewater Treatment facility under the Capital Investment Plan 2014-2016 (Galway Sewerage Scheme Phase 3 – Network Upgrade Contract No.1 Volume D). The upgrade increases the capacity of the plant from 92,000 to 170,000 p.e. the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at the WWTP, and thus would not impact on the overall water quality within Galway Bay.

10.6.19. As previously discussed, the Appropriate Assessment Screening carried out by the applicant concluded that given the potential pathway for indirect effects via the deterioration of water quality as a result of run-off of pollutants to the Knocknacarragh Stream and the percolation of pollutants through the bedrock underlying the site, during the construction and operational phases of the proposed development and in the absence of mitigation measures there is potential for the proposed development to result in significant effects on the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (00403). Adopting a precautionary approach, a Natura Impact Assessment was deemed to be required in respect of the effects of the projects on this SPA and SAC. Therefore, a Natura Impact Statement (Stage 2 Appropriate Assessment) was prepared and submitted.

10.6.20. I have examined the 'mitigation measures' outlined, in Section 5 of the NIS, to prevent impacts on Natura 2000 sites. They generally comprise of construction best practice/control measures detailed in the Outline Construction Management Plan and Outline Construction & Demolition Waste Management Plan accompanying the application. 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 and that those outlined constitute the standard established approach to construction works on greenfield/brownfield lands. The adoption of such measures would be standard practice for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site.

*In combination or Cumulative Effects*

- 10.6.21. The applicant's NIS Report has considered cumulative / in-combination impacts, including other permitted developments in the vicinity of the site, relevant plans and policies (section 7). It concludes that no projects or plans would act in-combination with the proposed development to cause any likely significant effects on any European sites.
- 10.6.22. There would be a cumulative effect in relation to surface water discharge. However, all other developments will be required to incorporate appropriate construction management measures and to incorporate GDSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites within Galway Bay as a result of surface water.
- 10.6.23. The Galway City Development Plan 2023-2029 and Galway County Development Plan 2022-2028 include a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

### **AA Screening Conclusion**

- 10.6.24. I have considered the material submitted by the applicant, including the Appropriate Assessment Screening & Natura Impact Statement and environmental reports, and the information regarding Natura 2000 sites contained on the NPWS website. Having considered this, and having regard to the nature/scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, it is my opinion that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) or any Natura 2000 Site. The risk of watercourse contamination is extremely low and in the event that a significant pollution incident occurs in the context of surface water or ground water locally, this would be imperceptible to Natura 2000 sites given the applicable separation distances and the dilution that would have occurred as the surface water moved downstream. Therefore, contrary to the view of

the applicant, I do not consider a Stage 2 Appropriate Assessment necessary in this instance and am satisfied that Stage 1 Appropriate Assessment is appropriate for all sites.

10.6.25. I note that the application included a NIS. In deciding to prepare and submit this, the applicant states that the precautionary principle was being applied. It is my opinion that the adoption of the precautionary approach is over cautious and unwarranted in this instance.

10.6.26. If the Board does not adopt the screening recommendation set out above, I deem sufficient information to have been included in the submitted NIS to allow a Stage 2 Appropriate Assessment to be completed.

## **11.0 Recommendation**

Having regard to the foregoing, I recommend that permission be refused for the proposed development for the reasons and considerations set out hereunder.

## **12.0 Recommended Draft Board Order**

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 23/129**

**Appeal** by Cairn Homes Properties Limited against the decision made on the 19<sup>th</sup> October 2023, by Galway City Council to refuse permission for the proposed development.

### **Proposed Development:**

The development will consist of:

- Demolition of a small lean-to stone shed structure.
- Construction of 144 no. residential units comprising: 93 no. houses (4 no. 2-bed units, 79 no. 3-bed units, and 10 no. 4-bed units), 16 no. duplex units (8 no. 2-bed ground floor units and 8 no. 3-bed upper floor units), 35 no. apartment units (20 no. 1-bed units and 15 no. 2-bed units)

- Provision of shared communal and private open space, an Active Travel pedestrian and cycle path, car and bicycle parking, site landscaping and public lighting, site services, vehicular and pedestrian access with Letteragh Road and pedestrian and cycle access with Bóthar Dhiarmuida and all associated site development works.
- Erection of a gabion retaining wall faced with local limestone with additional 1.2m high estate railing along parts of the western boundary of the site to be constructed in the event the subject site is developed prior to the proposed N6 Galway City Ring Road Strategic Infrastructure Development (ABP-Ref: PL07.302885-18).
- Temporary permission for a period of 3 years for the erection of marketing signage on the site

on a site located to the South of the Letteragh Road (L1323), in the townlands of Rahoon and Letteragh, Co. Galway.

## **Decision**

**Refuse permission for the above proposed development based on the reasons and considerations set out below.**

## **Reasons and Considerations**

The Galway City Development Plan 2023-2029 Section 4.2 *Land Use and Transportation* seeks to integrate land use and transportation in tandem with improvements in active travel measures, such as walking and cycling and public transport which are necessary to create positive changes. Similarly, the specific approach in the GTS outlines a number of demand management measures aimed at shifting the focus of travel within the city centre to walking, cycling and public transport, which will reduce traffic congestion.

Notwithstanding any proposals to upgrade the Letteragh Road fronting the site, having regard to:

- a. the horizontal and vertical alignment of the Letteragh Road both to the east and west of the site



- b. the lack of a continuous footpath and cycle connection from the north of the site towards the city (east of the site) and resulting lack north -south -east connections
- c. the absence of planning permission consent to upgrade the Letteragh Road (as part of the N6 GCRR or Local Authority Road Improvement Works)

The Board consider the existing road network does not have the capacity to cater for the increased demand generated by the proposed development and the proposed development has the potential to give rise to traffic congestion and would endanger public safety by reason of traffic hazard and obstruction to road users. In addition, the scheme does not provide appropriate pedestrian and cycle permeability in accordance with *Policy 3.3 Sustainable Neighbourhoods: Outer Suburbs* and *Policy 4.4 Sustainable Mobility - Walk and Cycle* of the City Development Plan 2023-2029.

Therefore, the proposed development would be contrary to the aforementioned Development Plan Policy Objectives and would be contrary to the proper planning and sustainable development of the area.

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.

---

Irené McCormack

Senior Planning Inspector

9<sup>th</sup> February 2024

## EIA -Screening Determination

### A. CASE DETAILS

<b>An Bord Pleanála Case Reference (318465-23)</b>		
<b>Development Summary</b>	Demolition of lean-to stone structure and development of 144 residential units	
	Yes / No / N/A	Comment (if relevant)
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	EIA not required
<b>2. Has Schedule 7A information been submitted?</b>	Yes	
<b>3. Has an AA screening report or NIS been submitted?</b>		An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. An Ecological Impact Assessment was also submitted with the application.
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>		SEA and AA were undertaken in respect of the Galway City Development Plan 2023-2029

<b>B. EXAMINATION</b>	<b>Where relevant, briefly describe the characteristics of impacts (i.e., the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect.</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	<b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>		
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	There is a clear consistency in the nature and scale of existing and emerging development in the surrounding area comprising suburban housing. The proposed development would provide for a new residential development at an outer urban location that is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	<b>No</b>
<b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed residential development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	<b>No</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for	<b>No</b>

	construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CMP, Outline C&DMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Management Plan, Construction & Demolition Waste Management Plan, the project would satisfactorily mitigate the potential impacts. Other operational impacts in this regard are not anticipated to be significant.	<b>No</b>
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	The implementation of a Construction Management Plan, Construction & Demolition Waste Management Plan will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services	<b>No</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures.	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be	<b>No</b>

	temporary and localised in nature and the application of standard measures would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area. A suitable condition relating to Construction Environmental Management Plan will mitigate potential impacts.	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	Development of this site would result in an increase in population in this area.	<b>No</b>
<b>1.11</b> Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	<b>No</b>	<b>No</b>
<b>2. Location of proposed development</b>		
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The nearest European sites are listed in Section 10 of this report and other designated sites are referenced in the application NIS submitted. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream	<b>No</b>
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The proposed development would not result in significant impacts to protected, important or sensitive species	<b>No</b>

<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>An Archaeological desk study and Impact Statement accompanied the planning application. There are no archaeological monuments within the site. The archaeological assessment notes the proposed development area comprises marginal terrain of low archaeological potential. Any impact will be mitigated by Archaeological monitoring on site.</p>	<p><b>No</b></p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features are in this urban location.</p>	<p><b>No</b></p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.</p>	<p><b>No</b></p>
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p><b>No</b></p>	<p><b>No</b></p>
<p><b>2.7</b> Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The site is served by a local road network. Contribution to traffic congestion is anticipated to arise from the proposed development. Site adjoins N6 GCRR project CPO Boundaries</p>	<p><b>No</b></p>
<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>The site is in close proximity to a hospital and schools. However, there is no negative impact anticipated as a result of the proposal.</p>	<p><b>No</b></p>
<p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>		
<p><b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>	<p><b>No</b></p>

<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No
<b>3.3</b> Are there any other relevant considerations?	No	No

### C. CONCLUSION

No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	<input type="checkbox"/>

### D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- the location of the proposed residential units on lands zoned within the Galway City Development Plan 2023-2029: R – Residential ‘*To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods*’ where Residential and Childcare uses are permissible;
- the results of the Strategic Environmental Assessment of the Development Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the ‘Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development’, issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project including the Ecology Assessment and the Engineering Services Report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_