



An
Bord
Pleanála

Inspector's Report ABP-318687-23

Development

Permission for large scale residential development which consists of 227 residential apartments. An Environmental Impact Assessment (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

Location

Gort na Bró, Ragoon, Galway

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

23/3

Applicant(s)

Glenveagh Living Ltd

Type of Application

LRD

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Glenveagh Living Ltd

Observer(s)

- 1) Shane Foran
- 2) Stephen Murphy

Date of Site Inspection

3rd April 2024

Inspector

Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 3.03ha or 2.5ha in extent (excluding the existing underground void which has a total area of 0.53 hectares) is located on Gort na Bro, Ragoon, Knocknacarra, Galway approximately 3.1km west of Galway City Centre. The surrounding area is characterised by the established residential suburb of Knocknacarra. To the west is the Gateway Retail Park which is the primary district retail centre serving the surrounding area. A number of well known retailers have premises at this location. To the north is the primary school Gaelscoil Mhic Amhlaigh, with existing residential neighbourhoods to the east and southeast. The site is bounded by Gort na Bro to the east and the retail park link road to the west. The Western Distributor Road, an arterial route serving the city, is located to the south of the site. The subject site is dissected by a link road between Gort na Bró and the Gateway Retail Park.
- 1.2. The overall topography of the site is relatively flat. The southern portion of the site is formed primarily by spoil and waste ground, non-native ornamental trees, amenity grassland and scrub, bounded by hoarding to the east. The northern portion is dominated by scrubland, scattered trees, parkland and amenity grassland. A desire line path from the existing residential development at Gort na Bro bisects the northern portion of the site. The existing trees on the site consist of semi-mature ash, beech, maple, and birch trees.
- 1.3. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission was initially sought for a large scale residential development which consisted of the following:
 - 1) 227 no. residential apartments in 7 no. blocks comprising the following:
 - a) Block A1: 14 no. 1 bed apartments & 24 no. 2 bed apartments in a block ranging between 3-5 storeys in height;

- b) Block A2: 25 no. 1 bed apartments & 15 no. 2 bed apartments in a block ranging between 1.5-5 stories in height;
- c) Block B1: 3 no. 1 bed apartments, 18 no. 2 bed apartments & 3 no. 3 bed apartments in a block ranging between 3-4 storeys in height;
- d) Block B2: 13 no. 1 bed apartments & 21 no. 2 bed apartments in a block ranging between 3-5 storeys in height;
- e) Block B3: 5 no. 1 bed apartments, 22 no. 2 bed apartments & 1 no. 1 bed apartment in a block ranging between 3-5 storeys in height;
- f) Block B4: 11 no. 1 bed apartments & 26 no. 2 bed apartments in a block ranging between 3-5 storeys in height;
- g) Block B5: 13 no. 1 bed apartments & 13 no. 2 bed apartments in a block ranging between 3-4 storeys in height

2) 1,009.5 sq. m. of ground floor commercial units as follows:

- i. Unit A101: 411.7 sq. m.;
- ii. Unit A102: 138.2 sq. m.;
- iii. Unit B201: 99.7 sq. m.;
- iv. Unit B202: 133.9 sq. m.;
- v. Unit B3013: 226.2 sq. m

3) Community facility (117.8 sq. m.);

4) Tenant amenity facilities (99.4 sq. m.);

5) Childcare facility (335.5 sq. m.) and external secure play area (225.8 sq. m.);

6) 49 no. surface car parking spaces including EV charging spaces;

7) Bicycle parking comprising 114 no. short stay and 436 no. long stay spaces;

8) Realigned road between Gort na Bró and Gateway Retail Park Road;

9) Change of use of existing underground void to 181 bay underground car park;

10) Shared communal and private open spaces, bin storage, public lighting, site landscaping, services, signage, substation and all associated site development works required to accommodate the proposed development.

2.2. An Environmental Impact Assessment (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

2.3. Key Planning Statistics

2.3.1. The following table provides a summarised overview of the key planning statistics of the proposed development and quantum area of the uses within the proposed development as originally submitted to Galway City Council:

Building Usage	sqm
Commercial	1,009.70
Community	117.80
Creche	335.50
Total	1,463.00
Residential	22,530.26
Total GIA	23,993.26

Block	Units
Block A1	38
Block A2	40
Block B1	24
Block B2	34
Block B3	28
Block B4	37
Block B5	26
Total	227 units

Unit	Number	Mix
1 bed 1 person	4	2%
1 bed 2 person	80	35%
2 bed 3 person	4	2%
4 bed 4 person	135	59%
3 bed 5 person	4	2%
Total Units	227 (15,917 sqm GFA)	
Dual Aspect	56.8%	

Parking Provision	
Ground Level	49
Basement Level	181
Total	230

Bike Space Provision	
Visitor Bike Spaces – Short Term	114
Resident Bike Spaces – Long Term	436
Total	436
Amenity Provision	
Private Amenity Space (as balconies)	1421 sqm
Communal Amenity Space	5325 sqm
Residents Amenity	99.4 sqm
Civic Square	1,550 sqm

Plot Ratio	0.79 or 0.97
Plot Ratio minus Public Open Space	0.85
Site Coverage	20.79%
Residential Density (excl roads)	114.17 units / ha
Dual Aspect	56.8%
% Commercial Development	6.10%
% Residential Development	93.90%

2.4. **Further Information** was sought by Galway City Council on 3rd March 2023 comprising 19 no. items relating to traffic and transport, cycle infrastructure, sustainability, layout, design, and open space. Further information was received on 28th August 2023 and may be summarised as follows. Revised public notices were submitted on the 22nd September 2023.

2.5. In order to address the concerns raised in the Request for Further Information in their entirety, design changes have been incorporated into the proposed development which are summarised as follows and described in detail in the accompanying documentation.

- 1) Re-arrangement of the location of proposed buildings to avoid conflict with the proposed N6 GCRR protection corridor;
- 2) Apartment units have been reduced from 227 no. to 216 no. which sees the unit number in Block A1 reducing from 14 no. 1-bed apartment & 24 no. 2-bed apartments to 8 no. 1 bed apartments & 22 no. 2 bed apartments;
- 3) Block B4 had reduced from 11 no. 1 bed apartments and 26 no. 2 bed apartments to 11 no. 1-bed and 23 no. 2-bed apartments;

- 4) The provision of ground floor commercial units has been reduced from 1,009.7sq.m to 867.4 sqm as follows:
 - a) Unit A101: 411.7 sqm;
 - b) Unit B201: 95.6 sqm;
 - c) Unit B202: 133.9 sqm;
 - d) Unit B301: 226.2 sqm.
- 5) The proposed Community Facility has increased in floor area from 117.8 sqm to 204.7 sqm;
- 6) The proposed Childcare Facility has reduced in size from 561.3 sqm to 476.3 sqm with reconfiguration of the form and layout of the external play area;
- 7) A reduction in surface car parking spaces from 49no. to 40 no. including EV charging spaces;
- 8) Increase in the number of proposed bike parking spaces from 114 no, short stay and 436 no. long stay to 172 no. short stay and 386 no. long stay spaces;
- 9) Amendments to the layout of the realigned road between Gort na mBró and Gateway Retail Park Road.

2.6. A revision of chapters in the previously submitted EIAR and NIS have been revised to incorporate the amendments and redesign made during the response to Further Information.

2.7. Key Planning Statistics

2.7.1. It was confirmed that the site area excludes the basement car parking level and adjacent roadways in the calculation of residential density, plot ratio and site coverage. The gross floor area is the sum of floorspace within the external walls of the building(s), excluding basements but including plant and tank rooms and car parking areas above ground level.

2.7.2. The following table provides a summarised overview of the key planning statistics of the proposed development and quantum area of the uses within the proposed development:

Key Planning Statistics	Dimension	Quantum
Site Area (excl basement & roads)	Ha	1.99
Plot Ratio (excl basements & roads)	GFA sqm / RFI Site Area sqm	1.17

Site Coverage	Level 01 GEA sqm / Site Area sqm	0.24 (24%)
Residential Density (excl basements & roads)	GFA sqm / RFI Site Area sqm (ha)	108.64

2.7.3. The floor area calculations for the commercial and residential elements of the proposed scheme are given below as requested in 'Gross Floor Areas'. The Site Area has been amended to provide GFA in the place of GIA.

Description Area	Quantum Area (sqm)
Community	204.70 sqm
Creche	300.60 sqm
Total Commercial	867.40 sqm
Total Residential	21,826.36 sqm
Total Gross Floor Area	23,199.06 sqm

2.7.4. The Response Report was accompanied by the following:

- Updated Design Report
- Updated Landscape Design Drawings
- Addendum to the Environmental Impact Assessment Report
- Natura Impact Assessment (inc. Appropriate Assessment Screening Report);
- Stage 1-2 Road Safety Audit & Road User Audit
- Updated Roads Layout Drawings
- Technical Note
- Updated Site Lighting Layout and Site Lighting Lines Layout
- Sight Lighting and Utilities Report
- Utilities and Sustainability Report
- Daylight, Sunlight and Overshadowing Study
- Wind Microclimate Study
- Updated Photomontage Booklet
- Appendix 1: Sustainability Statement
- Appendix 2: Letter of Consent Sigma Partners Retailers
- Appendix 3: Management Plan for Civic Square

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway City Council issued notification of decision to refuse permission for the following 4 no 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 (January, 2012), and boundary treatments.*
2. *The internal communal space layout between Blocks A1 & A2 would be contrary to the Galway City Council Development Plan 2023 – 2029, Chapter 8.8 Urban Design and Placemaking, as it would suffer from significant overshadowing as the design fails to address and avail of the potential sunlight from the western orientation, in terms of internal floor plan layout, provision of terrace/amenity space and addressing adjacent pathways and communal spaces, 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.*
3. *The ‘Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities, 2020’, this states in Section 2, SPR 1;*

“Specific Planning Policy Requirement 1 Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city

or metropolitan area basis and incorporated into the relevant development plan(s).”

In this case the proposed development is contrary to the above guidelines as the over provision of 1 and 2 bed units and the lack of provision of 3 bed units does not meet the above guidelines and would adversely impact upon the residential amenities of the area.

4. *With regards to overlooking the Galway City Council Development Plan 2023 – 2029 Section 11.3.1 (d) Overlooking requires that lands with development potential are not overlooked, it is noted that the western elevation windows for Block B1 are positioned less than 11 metres to the adjacent boundary overlooking lands with development potential, in this case the proposal does not comply with the development plan requirements.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The **Case Planner** in their first report requested further information in relation to transport infrastructure, public transport services, proposed cycling infrastructure, scheme sustainability, dual aspect compliance, functionality of the open splay space provided from the childcare facility, protruding balconies, clarification of site density and plot ratio, provision of 3 bed units, clarification of apartment floor area, clarification of privacy strip depth, apartment block entrances, overlooking, overshadowing of rear units and podium level, bike parking provision, communal and amenity area clarification and consideration (civic square and podium garden), public art installation, community facilities and refuse storage provision. Further Information was requested on 3rd March 2023.

- 3.2.3. In their second report and having considered the further information the **Case Planner** recommended that permission be refused for 4 no reasons relating to traffic impact, overshadowing, typology and overlooking. The notification of decision issued by Galway City Council to refuse permission reflected this recommendation.

3.2.4. Other Technical Reports

- **Heritage Officer** – Concerns raised relate to archaeological testing, use of brick is not suitable, external and internal signage should be in both Irish and English, no provision is made for any cultural or heritage feature or centre within the development, tenant amenity facilities and no provision for sculptures, pools, landscaped gardens, ponds or cultural centre is made in this overly dense proposal.
- **Waste Enforcement Unit** – Recommended that the Resource & Waste Management Plan be a 'live document' and that the bin storage areas have sufficient capacity for the number & type of bins for the proposed residential and commercial units.
- **GCC Transport Department** – Department notes that there have been no consultations with NTA project teams in advance of this LRD application and that certain elements of the LRD proposal were not included for consideration during the SHD pre-consultation e.g. 5th arm connection to RAB. Transport has particular concerns in terms of the provisions proposed for cycling, the roundabout junction should be considered to be removed and upgraded to provide for cyclist and walkers, a Stage 1/2 RSA is required for the site and also for the public road network, a Road User Audit should be undertaken, all internal junctions should be raised junction treatments as per DMURS, the link road does not cater for cyclists and creates conflicts with the bus and cars, shared space dominates throughout the application, cycle track (two-way) cannot be smaller than 3.0m in width, consideration for use of segregated Toucans, rather than Zebras, increase in traffic, and potential increase in peds and cyclists, needs to be considered in terms of the existing roundabout Junction on the WDR and that the WDR corridor (boundary wall to Boundary Wall) needs to be protected along its whole length in order to achieve the Busconnects requirements of provision of bus lanes in both directions, and the cycle connects requirements for segregation. Noted that at present and based on internal assessments of the route, there may be a requirement for land take along the route. Stated that this needs to be considered.
- **Galway National Roads Project Office** - The N6 GCRR project team comment that *while the revised design of this proposed development (as per FI Drawings No 180191-1-04-X-XXX-SK-DBFL-CE-1204 Revision P03) is not fully consistent with the N6 GCRR design, it is not in material conflict with the N6 GCRR design.*

3.3. Prescribed Bodies

- 3.3.1. **Irish Water** - Further Information requiring Uisce Eireann Statement of Design Acceptance to confirm that the applicant's water and wastewater designs within the sites redline boundary are in compliance with Uisce Eireann's Standard Details and Codes of Practice.
- 3.3.2. **Transport Infrastructure Ireland** – Having considered the application TII submitted that the scheme 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. Having considered the further information TII in their second report submitted that the Authority's position remains as set out in their letter of 15th February 2023.
- 3.3.3. **National Transport Authority** - Having considered the application NTA requested the applicant to reconsider the public transport infrastructure proposed as part of this application and ensure any revised proposal will facilitate an increase in the volume of services, as well as providing for the requirements of future through running (non-terminating) services and to reconsider the cycling infrastructure proposed as part of this application and ensure any revised proposal is in line with the National Cycle Manual. Having considered the further information NTA in their second report state as follows:
- The proposed arrangements for the provision of bus services are welcome together with the flexibility provided through the provision of three scenarios based on how both projects may progress over the coming years.
 - To ensure that the proposed development and the Busconnects Galway Network Redesign can progress in a complimentary and coordinated manner, it is recommended that a condition is attached to require the applicant to engage with the NTA prior to the commencement of development.
 - The NTA welcomes these revised enhanced active travel infrastructure proposals and considers them to be generally in line with guidance set out in the National Cycling Manual and the recently published Cycle Design Manual. It is

recommended that an appropriate buffer is included between the proposed cycle tracks and the roadway in line with the requirements of Table 2.2 D of the Cycle Design Manual.

- 3.3.4. **Irish Aviation Authority** - Applicant to be conditioned to notify the Authority of intention to commence crane operations with at least 30 days prior notification of the erection.

3.4. **Third Party Observations**

- 3.4.1. There are 35 no observations recorded on the planning file from Maeve O'Shaughnessy, on behalf of the residents within the following estates Gort Siar, Sliabh Ard, Cloch Ard, Caiseal Úr, Riasc na Rí, Linn Buí, Bthr Stiofáin, Gort Gréine, Gort na Bró and An Lógan (multiple signatories), Cllr John Connolly, Pauline & Michael Sullivan, Galway Cycling Campaign, Shane Foran, Tom & Mary Conlan, Gavin Duffy, Cllr Donal Lyons, Cathy Hackett, Joe O'Connor & Noritte Gallagher, Derrick Hambleton, Brendan Daly, Erin Foley, Declan Russell, Louise Boyle on behalf of residents at Garrai De Brun, Fort Lorenzo and Taylors Hill (multiple signatories), Tony & Sally O'Leary, Gaelscoil MhicAmhlaigh, Kerry Quinlan & Juan Sotoparra, Stephen Murphy, Damien Conneely, Amanda Hickey, Conor Healy, Noel Tyrell, Ronan Joyce, Thomas Davies, Declan Joyce, Catalin Cucu, Rita O'Doherty, Micheal O'Conaire, Dermot Wall, Micheal Reidy & Kathy Murphy, Kevin & Rosin Burke, Aisling Davis, Paul Concannon and Maeve Murphy.
- 3.4.2. The issues raised relate to legal interest, validation, traffic impact, infrastructure issues, congestion, car parking, provision of a bus lane, premature pending the N6, adequately sized footpaths and cycle paths to ensure connectivity to the existing school is not hampered, construction traffic, existing congestion has not been addressed, cycling issues, impact the roads alterations would have upon cyclists, conflict points between cyclists and pedestrians in the design proposal, non-compliance with DMURS, removal of the zebra crossing and replacement with a toucan crossing directly outside the school deprioritises active travel users, provision of sheltered bicycle parking, insufficient dual aspect apartments, potential build to rent, excessive density and height, brick not in keeping with area, small civic square, tall buildings would generate undue overshadowing internally and externally, limited

variation in the housing unit types provided, anti-social behaviour, development is contrary to the Urban Heights Study, overlooking of classrooms in the adjacent school, glare and creation of microclimates, noise, pedestrian and cycle access through the site will be limited, inaccessible communal spaces, overlooking, roof garden safety risk, protruding balconies are not climatically usable, no amenities in the area to support this development, inadequate community facilities, food outlet proposed close to a national school and habitat loss.

3.4.3. In response to the further information there are 21 observations recorded on the file from Paul Concannon, Shane Foran, Orla Colleran, Pauline King & Michael Sullivan, Collette Fallon, Dermot & Miriam Wall, Joe O'Connor & Noritte Gallagher, Tom Conlon, Cllr Donal Lyons, Tony & Sally O'Leary, Kevin Cox, Denise Leavy, Declan Joyce, Cathy Hackett, Ronan Joyce, Cllr John Connolly, Kerry Quinlan & Juan Sotoparra, Board of Management Gaelscoil Mhic Amlaigh, Cllr Niall Murphy, Micheal O'Conaire and Galway Cycling Campaign.

3.4.4. The issues raised relate to traffic impact, density, the downgrading of the zebra crossing at the school, cycle traffic, plot ratio, uncertainty over the N6 project, premature, inadequate amenity, public transport provision, car parking, size of civic square, residential amenity, service vehicle access, proximity of food outlet to a school, unusable balconies, height, biodiversity, overlooking of the school, service vehicle access, refusal is recommended, provision of dedicated bus lane, N6 GCRR, dual aspect compliance, functionality of open play space for childcare facility, provision of 3 bed units, overlooking, junction at Gort na Bro, balcony design, mass and scale of the development, safety of children accessing the school, zebra crossing modification to toucan crossing, amend the crossing design, permeability through the site, two way cycle tracks, shared space, signalised junction with Gort na Bro and new link road, roundabout at gateway retail park, potential conflict between users of loading / drop-off bays and cycle tracks and existing cycle path needs to be upgraded

4.0 Planning History

4.1. Previous Strategic Housing Development (SHD) Application

4.1.1. A Strategic Housing Development (SHD) Planning Application on the subject site was made to An Bord Pleanála in 2019 under the provisions of the Planning and

Development (Housing) and Residential Tenancies Act 2016, details of which are set out below.

4.1.2. **Planning Reference ABP TA61.305982** - Glenveagh Living Ltd., applied for planning permission to develop a Strategic Housing Development scheme comprising 332 no. residential units (93 number one-bed apartments, 219 number two-bed apartments and 20 number three-bed apartments) commercial floorspace, community facilities, creche, and all associated works at Gort na Bro, Knocknacarra, Galway. On the 19th of March 2020, An Bord Pleanála refused planning permission for the development for the following reasons:

- 1) *Having regard to the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of Housing, Planning and Local Government in March 2018, and having regard to a stated objective of Specific Planning Policy Requirement 4 of these guidelines that “there shall generally be a minimum of 50% dual aspect apartments in a single scheme”, it is considered that the ratio of dual aspect apartments proposed is substantially below this minimum requirement, and that the proposed development would therefore fail to provide an acceptable standard of amenity for its future occupants.*
- 2) *Having regard to the Childcare Facilities - Guidelines for Planning Authorities 2001 it is considered that the proposed childcare facility provision is deficient in the provision of childcare places and is not in accordance with the guidelines for such facilities. The proposed development would, therefore, be contrary to these Ministerial Guidelines and to the proper planning and sustainable development of the area.*

The decision also stated that in deciding not to accept the Inspector's recommendation to grant permission, the Board considered that, the provision of dual aspect apartments proposed would be unacceptable and would fall significantly below the minimum requirement, and that the changes which would be required to comply with these minimum standards, together with the requirement to increase the number of childcare places provided, would be significant and could not be dealt with by condition.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework

5.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities.

5.1.3. The NPF has a number of directly relevant national policy objectives that articulate delivering on a compact urban growth programme. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

5.2. Section 28 Ministerial Guidelines

5.2.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Design Manual for Urban Roads and Streets (2013)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)¹
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)

¹ The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

5.3. Regional Policy

5.3.1. Regional Spatial and Economic Strategy for the Northern & Western Regional Assembly 2022-2032

5.3.2. The Regional Spatial and Economic Strategy (RSES) Northern & Western Regional Assembly (NWRA) 2020 – 2032 provides a framework for long-term strategic development in the West Region, which comprises the administrative areas of Galway County Council, Galway City Council, Mayo County Council and Roscommon County Council.

5.3.3. The principal purpose of the (RSES) is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the regions.

5.3.4. Section 3.6 of the RSES sets out the Galway Metropolitan Area Strategic Plan (MASP). The Vision of this MASP is that Galway will be a leading global city, renowned as a successful, sustainable, competitive, compact, and accessible city of scale that supports a high quality of life, maintains its distinctive identity and supports its rich heritage, language and cultural experience.

5.3.5. The MASP reiterates the significant population growth targets which are set out in the National Planning Framework. It is estimated that by 2040 the population of the Galway MASP will be 145,816 people which is an increase of 51,741 people. Based on an average household size of 2.7 people this results in a requirement for nearly 20,000 new homes.

5.3.6. The MASP identifies ' *Strategic Growth Areas* within its plan boundary which:

present the opportunity and capacity to deliver the quantum of housing on the appropriate sites, subject to the adequate provision of services'

These locations include the suburbs of Galway City including Knocknacarra.

5.3.7. The primary strategy of the MASP is to consolidate these areas. In order to consolidate these areas, it is considered necessary to facilitate higher density development on brownfield sites and on zoned lands. This will serve a dual purpose:

- a) The delivery of an appropriate quantum of units in line with the future growth projections set out in the previous sections and;
- b) A shift toward a more compact urban form i.e.. preventing the continued sprawl of the suburbs by delivering high density scheme at appropriate locations.

5.4. **Local Policy**

5.4.1. **Galway City Development Plan 2023-2029**

5.4.2. The Galway City Development Plan 2023-2029 (hereinafter referred to as the GDP 2023-2029) was adopted on the 24th of November 2022 and came into effect on the 4th of January 2023. The site is governed by the policies and provisions contained in this Development Plan. The current GDP sets out an overall strategy for the proper planning and sustainable development of the functional area of Galway City.

5.4.3. **Land Use Zoning Objectives and Development Management**

5.4.4. The site is located in an area zoned 'CI - Enterprise, Light Industry and Commercial' where the objective is *to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone'* as per the GDP, Chapter 11. The GDP 2023-2029 lists uses which may contribute to the zoning objectives, dependant on the CI location and scale of development. The land uses outlined in Table 11.2.6 of the GDP 2023-2029 are deemed appropriate for 'CI' zoned land.

5.4.5. It is noted that the site is part of a parcel of lands identified as being the Knocknacarra District Centre (North) Opportunity Site'. Section 11.2.8 states the specific zoning objectives for this site permit residential development. These lands have a number of specific development objectives associated with them as follows:

- The site shall include for a minimum of residential content development of a scale equivalent to 20% of the proportion of all likely future floor proposals. This residential development shall be integrated into the overall scheme.
- Development will be integrated within the overall district centre and proposals will be required to protect the amenity of the neighbouring school, demonstrate linkage with the wider neighbourhood area, the transport, pedestrian and cycle networks and linkage to the green network
- Any development shall include for a high-quality urban design
- Any design shall integrate the realigned link road of the N6 GCRR
- Any development shall adhere strictly to the development guidance provided for the West Outer Suburbs contained in the Urban Density and Building Heights Study.

5.4.6. Table 11. 4 of the GDP 2023-2029 provides density standards for CI zoned lands as follows:

- Maximum Site Coverage 0.80
- Maximum Plot Ratio 1.25

5.4.7. **Housing and Sustainable Neighbourhoods**

5.4.8. Ensuring that sustainable neighbourhoods are attractive places to live where a diverse community can enjoy a good quality of life is a key aim set out in Chapter 3 of the GDP 2023-2029. Section 3.4, Chapter 3, of the GDP 2023-2029 states that sustainable neighbourhoods are those where:

an efficient use of land, effective integration in the provision of physical and social infrastructure and high-quality design are combined to create places where people wish to live, have a sense of belonging; foster community spirit and feel socially inclusive and safe.

5.4.9. The subject site is located in the Knocknacarra Neighbourhood Area as set out in Table 3.1 of the GDP 2023-2029. Policy 3.3 of the GDP 2023-2029 sets out the objectives of the Sustainable Neighbourhood concept.

5.4.10. **Transportation Strategy**

5.4.11. The **Galway Transport Strategy (GTS) 2016-2036** represents a partnership approach between Galway City Council, Galway County Council, and the National

Transport Authority. It includes a series of measures which will address the transport problems experienced across the city particularly during peak hours, over a phased and co-ordinated basis over the next 20 years, based on priority needs. The GTS has established that the reduction in traffic congestion requires both improvements to public transport, cycling and walking networks and the provision of a new orbital route.

- 5.4.12. The strategy includes traffic management, giving priority to walking cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of 'smarter mobility'. These measures are designed to both address the current significant problems and inefficiencies in the movement of people and goods within and around the city and to establish a long-term transport plan that will underpin the future sustainable growth of the city.

5.5. **Natural Heritage Designations**

- 5.5.1. The proposed development site is not within a designated conservation area. The closest European site is the Galway Bay Complex SAC and Inner Galway Bay SPA.

5.6. **EIA Screening**

- 5.6.1. An EIAR was submitted with the application as it exceeds thresholds specified under Item 10 (b) of Part 2 of Schedule 5 of the Planning Regulations 2001 (as amended) that provides that an EIA is required for infrastructure projects comprising of either:
- Construction of more than 500 dwelling units
 - 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
- 5.7. The proposed site is approximately 2.5 hectares in extent (excluding the existing underground void which has a total area of 0.53 hectares) and is located in a District Centre. The Proposed Development exceeds the relevant area specified in Part 2 of Schedule 5 and is therefore subject to mandatory EIA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Refusal Reason No 1- Traffic Impact

6.1.2. Following consultations with the National Roads Project Office (N6 Project Team) on foot of the matters set out in the further information request, the design of the proposed development was the subject of significant alteration as follows:

- The site layout and proposed link road were redesigned to align with the N6 GRR where physically possible within the confines of the application site and the N6 GRR road reservation corridor.
- In addition, the design incorporated the requirements of the National Transport Authority as they relate to the Bus Connects Project, Galway City Council requirements and general good design practice for the delivery of active and public transport infrastructure.

6.1.3. There are a number of reasons why the proposed development cannot fully align with the published design and CPO mapping for the N6 GCRR as follows:

- The N6 GCRR does not include any public transport or cycle infrastructure at this location and reflects the fact that the design of the N6 GRR is a number of years old and predates the NTA's Bus Connects Project as well as ongoing and emerging requirements around active travel infrastructure.
- The exact tie in locations of the proposed link road do not reflect the design detail set out in the N6 GRR project as there are areas that are outside of the control of the applicant. However, the proposed development delivers the overarching requirement of the N6 GRR at this location which is the delivery of a realigned link road between Gort na Bro and Bóthar Stiofáin, therefore the proposed development is delivering the realigned link road proposed as part of the overall N6 GCRR design.

6.1.4. The designers of the N6 GCRR have definitively stated that the proposed development is 'not in material conflict with the N6 GCRR. This repudiates the position outlined by TIA in their submissions dated 13th February 2023 and 29th of September 2023. The reference to the proposed development being 'not fully consistent with the N6 GRR is

discussed in the Technical Note in Appendix 2 of the submission. It is simply not possible to accommodate the contemporary requirements of the National Transport Authority and Galway City Council and remain fully consistent with the N6 GRR design given that the road scheme does not include for any of the public and active travel infrastructure that is required.

6.1.5. In conclusion, the applicant is fully supportive of the delivery of the N6 GRR, and the proposed development includes for the delivery of a section of the proposed road scheme in the form of the realigned link road between Gort na Bro and Bothar Stiofain.

6.1.6. Refusal Reason No. 2 - Overshadowing

6.1.7. It has been demonstrated through meticulous quantitative assessment of daylight and shadow performance, that, contrary to the Planning Authorities conclusion, the internal communal open space between Blocks A1 and A2, would not experience significant overshadowing.

6.1.8. With regards the quality of daylight provision to internal spaces, it must be stated that the daylight and sunlight available to internal spaces of the proposed units of Block A1 and A2 were assessed against the following 3 different Standards:

- BRE Guide (2nd Edition) / BS 8206-2:2008
- BRE Guide (3rd Edition) / IS EN 17037:2018 + A1-2021)
- BRE Guide (3rd Edition) / BS EN 17037:2018 +A1-2021

6.1.9. The Board is directed to Chapters 8 and 10 of the Daylight, Sunlight and Overshadowing Assessment Report for a detailed technical assessment of the available daylight to the internal spaces of Blocks A1 and A2.

6.1.10. The potential to avail of westerly sunlight is not a requirement, as suggested, and must be balanced with core urban design principles and the associated need to provide a strong frontage and enclosure to the Civic Square to the west. The layout proposed achieves and exceeds all guideline requirements in terms of sunlight and daylight access as well as all the quantitative and qualitative amenity requirements associated with both the private and communal open space area. Jahn Gel's principle of soft edges has been employed within the podium providing an attractive balance between privacy and passive supervision in the form of formal clipped yew hedging with gated

access directly to the communal spaces. These soft edges, provide appropriate setback and screening within the boundary treatment whilst also allowing for visual connection with the adjoining pathways and communal areas, all of which fully aligns with best practice design principles.

6.1.11. The Planner's Report appears to be suggesting that the BRE 209 2022 (3rd Edition) is not pertinent to the assessment of this Planning Application and that these standards are not applicable in this jurisdiction. Respectfully, this interpretation and the subsequent reason for refusal are fundamentally flawed.

6.1.12. The Board will note the fundamental contradiction in the position adopted by the Planning Authority whereby BRE Guide 209 2022 Edition June 2022 as referenced in the Apartment Guidelines appear to be acceptable when assessing internal daylighting performance standards yet do not 'relate to planning matters in this jurisdiction' when assessing the sunlight performance standards of external amenity spaces.

6.1.13. **Refusal Reason No. Typology**

6.1.14. The proposed development includes the provision of 216 apartments, 34% of which are 1 bedroom apartment. The proposed development is therefore consistent with SPPR1 of the Apartment Guidelines. The proposed housing mix is as follows:

Apartment Type Mix	Quantum	% Mix
1 bedroom / 1 person	4	2%
1 bedroom / 2 person	74	34%
2 bedroom / 3 person	4	2%
2 bedroom / 4 person	130	60%
3 bedroom / 5 person	4	2%
Total	216	100%

6.1.15. The Board will note that the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020 are referenced in the refusal reason by Galway City Council. These Guidelines were superseded in December 2022, and subsequently updated again in July 2023, issued by the Department of Housing Local Government and Heritage.

6.1.16. The rationale set out in the refusal reason contradicts entirely the aspirations of the National Planning Framework, the Apartment Guidelines, and Galway City Council's

own HNDA which identify the importance of ensuring that there is a reasonable balance of unit typologies in our towns and cities that reflects emerging demographic trends and smaller average household sizes. The suburb of Knocknacarra is clearly very well served by large 3-1-bedroom housing stock. The proposed development introduces a housing mix which addresses an identified deficiency in this area, as set out in the Galway City Council HNDA, by providing an emphasis on the provision of 1 and 2 bed units to respond to the changing makeup of Irish households and market demand. The proposed development does not conflict with Specific Planning Policy Requirement 1 or the Apartment Guidelines 2022.

6.1.17. **Refusal Reason No. 4 - Overlooking**

6.1.18. The basis of refusal reason no. 4 pertains to the southwestern elevations of Block Bl. The windows along this elevation are less than 11m from the subject site boundary.

6.1.19. The Draft Sustainable and Compact Settlements Guidelines for Planning Authorities (August 2023) and are due to be adopted by the Department imminently. The guidelines will replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009). SPPR 1 of the Draft Guidelines States inter alia that *when considering a planning application for residential development, a separation distance of at least 10 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units, and apartment units, above ground floor level shall be maintained.*

6.1.20. The upper floor windows of the subject habitable rooms in the proposed development to which the refusal reason refers do not oppose windows of adjacent residential development. It is acknowledged that the adjoining site is zoned for mixed use development which may include residential development in future. It can reasonably be assumed that, should the adjoining property be developed for residential development, and in the case that such development would propose habitable rooms opposing the subject development, the design of said development could accommodate the separation distances between the windows of habitable rooms of upper floors as required by SPPR 1 and / or 2023 Draft Guidance. An examination of drawing no. GRP-1-02-SW-L00-DR-RAU-AR-1090 indicates that there is, on average, 9.73m separation between the subject window and the site boundary.

6.1.21. The lands located adjacent to the subject site boundary to the southwest are also within the ownership of the Sigma Retail Partners. The Further Information Response prepared by the applicant included a letter from Sigma Retail Partners noting the design of the proposed development and clearly state that they have no objection or concerns in relation to the proximity of the proposed development to the shared boundary.

6.1.22. **Conclusion**

6.1.23. The proposed development accords with all relevant National, Regional and Local Policy standards. In addition, this document has given consideration to the Draft Sustainable and Compact Settlement Guidelines 2023, published in August 2023. It is considered that there is no reasonable basis to the grounds for refusal set out by Galway City Council in reaching their decision.

6.2. **Planning Authority Response**

6.2.1. None

6.3. **Observations**

6.3.1. There are 2 no observations recorded on the LRD file from Shane Foran and Stephen Murphy. The issues raised relate to the treatment of cycling / cycle traffic, proposed downgrade of the zebra crossing at the school, the suitability of the proposed bus stop location, development is premature, scale and massing, layout and design, traffic and transportation, amenity spaces:

6.4. **Further Responses**

6.4.1. None

7.0 **Assessment**

7.1. Planning permission was sought from Galway City Council on the 10th January 2023 for a large-scale residential development providing a mix of uses which include communal open space, private amenity space, childcare facilities, commercial units,

and residential dwellings. The scheme was amended by way of further information on the 28th August 2023 where the apartment units were reduced from 227 no. to 216 no and the provision of ground floor commercial units was also reduced from 1,009.7sq.m to 867.4 sqm together with other amendments to the community facility, childcare facility, bike parking spaces and amendments to the layout of the realigned road between Gort na mBró and Gateway Retail Park Road. Galway City Council issued a notification of decision to refuse planning permission for 4 no reasons relating to traffic impact, overshadowing, typology and overlooking.

7.2. Accordingly, this assessment is based on the plans and particulars submitted to Galway City Council on 10th January 2023 as amended by further plans and particulars submitted by way of further information on the 23rd day of August 2023

7.3. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Impact
- Overshadowing
- Typology
- Overlooking

7.4. Principle

7.4.1. Under the provisions of the Galway City Development Plan 2023-2029 (hereinafter referred to as the GDP 2023-2029) the site is zoned '*CI - Enterprise, Light Industry and Commercial*' where the objective is *to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone*' as per the GDP, Chapter 11. Table 11.2.6 of the GDP 2023-2029 lists *uses which are compatible with and contribute to the zoning objective and uses which may contribute to the zoning objectives, dependant on the CI location and scale of development*. It is also noted that the site is also part of a parcel of land identified as being the Knocknacarra District Centre (North) Opportunity Site'. A key element of the overall vision for the

Knocknacarra District Centre is that it functions as an 'urban village' type centre rather than purely a shopping area.

7.4.2. The proposed retail, childcare facilities and community uses are considered compatible with the C1 land use zoning and are therefore acceptable in principle. Residential use is considered a use that is dependent on the location and scale of development. Having regard to the mix and type of uses together with the scale of residential development proposed within the designated Knocknacarra District Centre I do not consider that it would unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 3 of the GDP 2023-2029. Accordingly, the principle of the proposed development (as amended) is considered acceptable.

7.4.3. This "opportunity site" also has a number of specific development objectives associated with it as set out in Section 10.20 Knocknacarra District Centre (North) Opportunity Site of Chapter 10 Compact Growth and Regeneration of the GDP 2023-2029 in relation to the provision for a residential content of 20% in addition to the provision of a high-quality public realm which will accommodate a civic space as a focus for community activity and amenity.

7.4.4. I refer to the Planning Report & Statement of Consistency submitted with the application and Table 12 therein that sets out the quantum of existing commercial floor areas in the Knocknacarra District Centre. The proposed quantum of residential floor space has been reduced from 27,166.7 sqm. to 21,826.36 sqm by way of further information and therefore equates to c33% of the total calculated floor space of the Knocknacarra District Centre. As such, I am satisfied that the proposed development is in accordance with the Site-Specific Residential Content Zoning Objectives for the subject site and wider Knocknacarra District Centre.

7.4.5. Further requirements set out for the site in Section 10.20 20 Knocknacarra District Centre (North) Opportunity Site and elsewhere in the GDP 2023 - 2029 are addressed as follows:

- The site provides for a high-quality public realm which accommodates a civic square as a suitable focus for community activity and amenity. In addition, the through traffic from the primary school to the north, and proposed bus stop to the south is anticipated to enliven the square.

- The layout and design of the scheme demonstrates significant consideration to its context and receiving environment. The pedestrian and cycle routes and public transport stops enable local journeys to be carried out via sustainable travel modes.
- All units have access to useable private amenity space in excess of minimum standards.
- The provision of the civic square, together with the proposed pedestrian and cycle linkages and associated permeability both internally and externally demonstrates that it will be integrated within the overall district centre and wider neighbourhood.
- The scheme will not detract from the amenities of the neighbouring school or wider residential development. Specific matters raised in the reasons for refusal relating to overshadowing and overlooking are addressed separately below.
- The site is located immediately adjacent to the 405, 411 and 412 bus routes which are major arterial public transport routes linking the western suburbs with Galway City Centre. The 405 operates every 20 minutes to Eyre Square with 44 services per day. While still at early design stages and subject to detailed design and the Part 8 planning process, the proposed development has demonstrated how the Busconnects initiative could increase connectivity and accessibility of the development, supporting sustainable and efficient transportation options for residents and visitors alike.
- The pedestrian and cycle routes and public transport stops enable local journeys to be carried out via sustainable travel modes.
- The proposed scheme has been developed with consideration of and to comply with, the reservation of strategic routes, as discussed in the Traffic and Transport Assessment. It is stated that the proposed realignment of the Link Street and formation of a four-arm signalised junction on Gort no Bró with the Link Street connecting to the Gateway Retail Park is in accordance with the N6 GCRR design as proposed.
- I refer to the DMURS Compatibility Statement. I am satisfied that a DMURS compliant road, footpath and cycle network which provides a hierarchy of streets and connectivity with adjoining lands where appropriate given the nature of the site has been proposed and is therefore acceptable.

7.4.6. Net site density proposals of 108.64 units per hectare (excl. basements & roads) (as amended) is considered to be an appropriate balance between national policy, local policy and the existing site context. The proximity of the site to Galway City Centre, availability of public transport routes along with employment opportunities within the locality and existing amenities are all positive indicators in support of higher densities in the area. Given the location of the site in the context of this public transport corridor and its strategic importance as the Knocknacarra District Centre together with requirements of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) it is considered that the density proposed is appropriate at this location.

7.4.7. The proposed building height consists of a mix of 3-5 storey buildings is higher than the prevailing residential building heights which are predominantly two storey dwellings. The heights open for consideration outlined in the Development Guidance of the Galway Urban Density and Building Heights Study (2021) are as follows:

'New development should respect the scale of recent development. Key junctions and nodes of activities present opportunities to provide more urban enclosure and a sense of clustering of activities with 3 - 4 storey development.'

7.4.8. Though the proposed building height is above that recommended in the Galway Urban Density and Building Heights Study (2021) the height graduates from 2-storey at domestic scale to 5-storey, reinforcing and contributing to the character of the new urban district centre. I am satisfied that the site is sufficiently separate from surrounding low density housing developments to cater for a height and density of the scale proposed and to set its own character for this opportunity site.

7.4.9. **Conclusion** - The site is at the centre of the identified Knocknacarra District Centre; is located within a well serviced area, proximate to schools, retail shops and employers; is proximate to the existing bus network and associated planned upgrades under the Galway Transport Strategy and is within easy walking distance of bus routes and amenities and within cycling distance of the city centre and employment areas. Overall, the proposed building height and density (as amended) comply with the requirements of the GCDP 2023-2029 and the relevant Section 28 Guidelines, consolidating the site as a district centre with the overall vision to function as an 'urban village.

7.5. Traffic Impact

- 7.5.1. Galway City Council in their first reason for refusal state that *the proposed development is at variance with official policy in relation to control of development on / affecting national roads, as it would adversely affect the operation and safety of the national road network, including inappropriate standards which are not in accordance with the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012).*
- 7.5.2. This reason for refusal is based for the most part on the reports and recommendation of Transport Infrastructure Ireland (TII). However as pointed out by the applicant there are a number of discrepancies within the Galway City Council Planning Report, and its references to a TII submissions therein. The Planning report dated 14th of November 2023 does not appear to be consistent with the relevant TII submission particular to this case. The report states that TII have raised concerns in their submission in relation to, inter alia, a 'gabion wall' structure proposed as part of the development. However as pointed out by the applicant there is no gabion wall structure proposed as part of the subject development. The applicant submits that the TII submission referenced in the Planning report relates to an entirely separate planning application that included for the provision of a gabion wall structure. Further details in this regard is provided in the appeal submission. It appears that the Planning report is referencing this other report in error. In the interest of clarity, I would point out that this appeal assessment is considered de novo and is based on the 2 no reports from TII both of which are available to view on this LRD file and are summarised in Section 3.3 above.
- 7.5.3. A new link road and adjacent road upgrades being developed as part of the N6 GRR scheme are located within the subject site. The N6 GCRR scheme includes the provision of the "Gateway Retail Park Link Road" through the subject site to link the roundabout at Gateway Retail Park to the Gort Na Bró road. Upgrades are also proposed along Gort Na Bró road and the conversion of the roundabout on the Western Distributor Road to a signalised junction as part of the N6 GRR project. The N6 GRR scheme does not include any active travel or public transport facilities on the new link road or on Gort Na Bró road.

7.5.4. The proposed development will be constructed in two phases. Site 2 and the proposed new access road realignment will be constructed in Phase 1. The construction phase of the proposed development is expected to last approximately 2 years in total.

7.5.5. The Further Information Request issued by Galway City Council on 23rd March 2023 directed the applicant to address the concerns raised by TII (as outlined in the reason for refusal above). Following consultations with the National Roads Project Office (N6 Project Team), the design of the proposed development was the subject of significant alteration as follows:

- The site layout and proposed link road were redesigned to align with the N6 GRR where physically possible within the confines of the application site and the N6 GRR road reservation corridor.
- In addition, the design incorporated the requirements of the National Transport Authority as they relate to the Bus Connects Project, Galway City Council requirements and general good design practice for the delivery of active and public transport infrastructure.

7.5.6. It is submitted that there are a number of reasons why the proposed development cannot fully align with the published design and CPO mapping for the N6 GCRR as follows. A detailed summary of the interaction of the proposed development and the N6 GRR project is set out in the Technical Note submitted with the appeal as follows:

- The N6 GCRR does not include any public transport or cycle infrastructure at this location and reflects the fact that the design of the N6 GRR is a number of years old and predates the NTA's Bus Connects Project as well as ongoing and emerging requirements around active travel infrastructure.
- The exact tie in locations of the proposed link road do not reflect the design detail set out in the N6 GRR project as there are areas that are outside of the control of the applicant. However, the proposed development delivers the overarching requirement of the N6 GRR at this location which is the delivery of a realigned link road between Gort na Bro and Bóthar Stiofáin, therefore the proposed development is delivering the realigned link road proposed as part of the overall N6 GCRR design.

7.5.7. Despite the documented engagement with the National Roads Project Office (N6 Project Team) and the extensive alterations made to the design of the proposed development at Further Information Stage, TII's submission at Further Information Stage (dated 29th September 2023) states (in full):

With reference to the further information submitted in connection with the above planning application, I wish to advise that the Authorities position remains as set out in our letter of 15-Feb-2023

7.5.8. However, the report of the National Roads Project Office (N6 Project Team) states the following:

'The N6 GCRR project team comment as follows:

While the revised design of this proposed development (as per FI Drawings No. 180191-1-04-x-XXX-SK-DBFL CE-1204 Revision PO3) is not fully consistent with the N6 GRR design, it is not in material conflict with the N6 GCRR design.

7.5.9. I would draw the Boards attention to the fact that there is no *FI Drawings No. 180191-1-04-x-XXX-SK-DBFL CE-1204 **Revision PO3** (emphasis added)*. The relevant drawing is FI Drawings No. 180191-1-04-x-XXX-SK-DBFL CE-1204 **PO1** N6 GCRR Scheme Overlay (emphasis added).

7.5.10. The reasons for where the scheme cannot align with the N6 GRR scheme are set out below as given in the Further Information Response:

- The N6 GRR proposals do not include any cycle facilities or public transport facilities in the form of bus stops. The Applicant's proposed link road includes cycle facilities and public transport facilities as requested by the NTA, CC and in line with the current facilities on the existing road (for example, there is currently a bus stop on the existing road, and this cannot be removed without constructing a replacement bus stop as buses currently serve this route). Cycle facilities and public transport facilities are required to encourage a modal shift towards sustainable modes of transport. High quality segregated cycle facilities were specifically requested as part of the request for Additional Information.
- The N6 GRR proposals do not align with the Applicant's proposed link road at the tie in locations as the Applicant does not have the benefit of the N6 GCCRR PO in these locations (outside the Applicant's ownership). These locations are clearly

shown on DBFL drawing number 180191-1-04- X-XXX-SK-DBFL-CE-1204 Revision P01. These areas do not affect the operation or functionality of the Applicant's proposed Scheme or the N6 GRR scheme, and do not prejudice the future delivery of the N6 GCC scheme within these areas.

- The N6 GRR proposals include for the conversion of the Western Distributor Road roundabout to a signalised junction. The draft NTA Busconnects proposals also propose to convert the roundabout to a signalised junction. It is not proposed to construct this junction as part of the Applicant's scheme as the scheme has limited impact on the roundabout and the Busconnects proposals for the area are only in draft form.

7.5.11. It is evident that the scheme (as amended) supports the delivery of the N6 GRR, and the proposed development includes for the delivery of a section of the proposed road scheme in the form of the realigned link road between Gort na Bro and Bothar Stiofain. National Roads Project Office (N6 Project Team) have stated clearly, following consideration of the further information submitted, that the proposed development 'is not in material conflict with the road project.

7.5.12. The Board will note that the aspiration to deliver this infrastructure as per the N6 GRR formed part of the previous SHD proposal on the subject site and did not form the basis for any objection on the part of TII or the National Roads Project Office N6 Project Team at that time. Despite the various competing requirements outlined above, I am satisfied that the design of the development has achieved the objectives required and the N6 Project Team have confirmed that the proposed scheme is "not in material conflict" with the N6 GRR. It is therefore recommended that the first reason for refusal is set aside.

7.6. **Overshadowing**

7.6.1. Galway City Council in their second reason for refusal stated that the *internal communal space layout between Blocks A1 & A2 would be contrary to the Galway City Council Development Plan 2023 – 2029, Chapter 8.8 Urban Design and Placemaking, as it would suffer from significant overshadowing as the design fails to address and avail of the potential sunlight from the western orientation, in terms of internal floor*

plan layout, provision of terrace/amenity space and addressing adjacent pathways and communal spaces.

- 7.6.2. With regard the quality of private open space of terraces proposed at Blocks A1 and A2 I refer to the Housing Quality Assessment included with the application. I am satisfied that the provision of private open space for all apartment units meets or exceeds the minimum standards for the provision of private open space. Further apartments at podium level benefit from direct access from their living space to a private terraced area that leads on to the shared communal amenity area.
- 7.6.3. With reference to the availing of sunlight from the western orientation as referred to in the reason for refusal, I would generally support such an approach where all other parameters are equal, and the nature and location of the site optimised such. However, in this case I agree with the applicant that there is no specific requirement in the Galway City Development Plan or relevant Guidelines that requires communal open space to be orientated west. The expectation of same in an urban area must be balanced with core urban design principles and the associated need to provide a strong frontage and enclosure to the Civic Square to the west and as such this expectation is unreasonable in this case.
- 7.6.4. With reference to addressing adjacent pathways/communal spaces I agree with the applicant that the proposed development has been designed to a scale and layout which presents opportunities for visual connection between the proposed development and the proposed public and communal open spaces. The massing to the north blocks A1 and A2 steps down toward Gaelscoil Mhic Amhlaigh, maximising light to the northern pathways while benefiting from passive surveillance and human connection with the podium garden.
- 7.6.5. With specific regard to overshadowing I refer to the Daylight, Sunlight and Overshadowing Assessment Report submitted that provides a technical assessment of the available daylight to the internal spaces of Blocks A1 and A2. I also refer to the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024) where it states that in cases where a technical assessment of daylight performance is considered by the planning authority to be necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National

Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context.

7.6.6. It is stated that the civic square and communal podium have been designed in tandem as two mutually complimentary external spaces for residents and members of the public. While the civic square provides a space for everyone the podium offers residents of A1 and A2 a secluded communal amenity space protected to the east, south and west by built form. The southern aspect has been lowered to facilitate solar access so that the space can be used all year round with acceptable levels of wind protection and daylight to apartments. Amenity within the space includes landscaped spaces for sitting, socialising and play, all positioned to receive very good levels of sunlight, daylight and direct access from apartments and stair cores. It is further noted that Jahn Gehl's, 12 quality criteria for landscape have been adopted in order to achieve *protection, comfort and delight* in both the civic square and podium courtyard.

7.6.7. With regards to daylighting and external sunlight exposure in particular, where different methodologies are found in each of the different standards, it is submitted that all methodologies were employed to ensure appropriate and reasonable regard had been taken to address all assessments under all of the different standards. For clarity, the methodology adopted in the Daylight Sunlight and Overshadowing Study assessment submitted with the application and further information, included a detailed overview of all relevant documents as referred to in the relevant Section 28 Guidelines and in the GDP 2023-2029. The assessment followed guidance set out in the following Guidelines:

- BRE Guide -2nd (2011) / 3rd Edition (2022) of BR 209 BRE Site Layout Planning for Daylight and Sunlight
- IS EN 17037-2018+A1-2021 - Daylight in Buildings This is the Irish implementation of the European EN 17037-2018+A1-2021 standard
- BS EN 17037-2018+A1-2021 - Daylight in Buildings. It is stated that is the UK implementation of the European EN 17037-2018+A1-2021 standard and that it supersedes BS 8206-2:2008 which is withdrawn in the UK. The BS EN standard includes a National Annex which addresses daylight requirements specific to dwellings which is notable as Ireland's climate matches closely with the UK. There is no such National Annex for Ireland.

- 7.6.8. Specifically, the assessment of the internal spaces within all apartments were assessed using the solar calculations in accordance with IS/BS EN 17037-2018+ A1-2021 as recommended in BRE Guide 209 2022 (3rd Edition). Both standards are explicitly referenced in the Section 28 Guidelines.
- 7.6.9. It should also be noted that results for the now withdrawn BRE Guide 2nd Edition (2011) and the BS 8206-2:2008 were also included within the report as the assessment of this particular development was initially conducted during a period of transition of the standards and therefore all assessments were completed under all standards and guidance for completeness.
- 7.6.10. Pursuant to the above guidelines, a comprehensive evaluation of both internal living areas and external open spaces was conducted with regard to daylight, sunlight, and overshadowing.
- 7.6.11. The BRE Guide 209 2022 (3rd Edition) notes that, for residential units, there is a target of 80% of a proposed development to achieve the minimum recommendations of 1.5 hours of sunlight on the 21st of March. It is noted that 84% of the apartments in A1 and A2 Blocks achieve the sunlight recommendations, corresponding with the IS EN17037 minimum standard
- 7.6.12. In relation to the performance of external communal open space proposed in Block A1 and A2, the assessment was carried out pursuant to BRE 209 2022 (3rd Edition). This guidance recommends that 50% of the space should receive 2 hours of sunlight on 21st of March with the understanding that if amenity spaces perform well under these thresholds at this time of year, they will perform well all year round. The communal open space which is formed by the podium garden at Blocks A1 and A2 achieves 60% of the area meeting the two hours of sunlight on the 21st of March, in correspondence with the minimum standard. The results would also conclude that this amenity space would perform well all year round, particularly in the summer months when the sun is higher in the sky and the space will be more readily utilised.
- 7.6.13. The applicant also prepared an updated Technical Note to take account of Galway City Council's decision as part of the appeal. This report concluded that the proposed development achieves high performance when assessed against the standards and guidance of IS /BS EN 17037- 2018+ A1-2021 and the BRE Guide 3rd Edition. This note is included in Appendix 5 of the appeal submission for the Board's information.

7.6.14. I am satisfied that the proposed scheme presents a high-quality design which has addressed the need to maximise daylight provision while adhering to site specific constraints and the wider planning objectives of the Knocknacarra District Centre (North) Opportunity lands as set out in the GDP 2023 – 2029 and the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024). The proposed design allows the scheme to provide both public (civic square) and functional private and semi-private open space. The proposed design achieves a balance of quantitative and qualitative design measures and brings together key design principles of creating enclosure, access to sunlight/daylight and protection from wind to the podium courtyard and adjoining apartments with good levels of solar access and daylight, as evidenced in the supporting quantitative analysis. It is therefore recommended that this reason for refusal be set aside.

7.7. Typology

7.7.1. Galway City Council in their third reason for refusal states that the over provision of 1 land 2 bed units and the lack of provision of 3 bed units does not meet the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities, 2020.

7.7.2. As pointed out by the applicant the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020 as referenced in the refusal reason by Galway City Council were superseded in December 2022, and subsequently updated again in July 2023.

7.7.3. The Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities, 2022, states in Section 2, Specific Planning Policy Requirement 1 (SPR1):

Housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HINDA), that has been agreed on an area,

county, city or metropolitan area basis and incorporated into the relevant development plan(s).

- 7.7.4. The proposed development includes the provision of 216 apartments (as amended), 34% of which are 1 bedroom apartment. See table below.

Proposed Housing Mix		
Apartment Type Mix	Quantum	% Mix
1 bedroom / 1 person	4	2%
1 bedroom / 2 person	74	34%
2 bedroom / 3 person	4	2%
2 bedroom / 4 person	130	60%
3 bedroom / 5 person	4	2%
Total	216	100%

- 7.7.5. The proposed development is therefore consistent with SPPR1 of the Apartment Guidelines.

- 7.7.6. The Galway City Urban Density and Building Height Study, contained in the GDP 2023-2029 describes Knocknacarra as "*almost exclusively two and three storey semi-detached housing, arranged in cul-de-sacs accessed of distributor roads*". The Housing Need Demand Assessment (HNDA) prepared as part of the GDP 2023-2029 noted that Knocknacarra is one of the most affluent areas in the Galway City. The prevalent housing type in the well-established suburb of Knocknacarra is 3 and 4 bed homes, as highlighted in the Galway Building Height and Density. With regard to future need the Apartment Guidelines 2022 stress the need to provide housing types appropriate to the future need. Section 2.8 states:

'Analysis of urban housing need points to the fact that into the future, a majority of households will comprise 1-2 persons and approximately half of the remainder will be three person households. While it is recognised that it will be necessary to provide for a range of incomes, it is critical to accommodate the needs of increasingly more diverse household types in the context of a growing and ageing population

- 7.7.7. Although the HNDA does not prescribe a specific housing mix for the anticipated 5,879 homes required throughout the planning period, it does establish Policy Objectives that align with the proposed development including:

P02: To aim for housing choice to be available to meet all needs and incomes in Galway City, with an appropriate mix of housing sizes, types, and tenures at suitable locations.

- 7.7.8. As mentioned the established residential area of the Western Outer Suburbs is predominantly detached and semidetached 2-3 storey houses. It is submitted that the provision of a choice of housing for 3-person and less households has been historically under provided in this area of the city. I agree with the applicant that the housing mix proposed is in line with guidelines and that the proposed housing mix addresses actual need, identified in the HNDA and National Policy.
- 7.7.9. The large-scale residential development application documentation incorporates a Housing Quality Assessment (HQA), which was supplemented in response to a request for Further Information. This assessment furnishes comprehensive details for each apartment unit and affirms its compliance with SPPR3 of the Apartment Guidelines pertaining to minimum floor areas. Additionally, the HQA confirms that the proposed scheme adheres to the stipulation that the majority of all apartments surpass the minimum floor area standards for any combination of the relevant 1, 2, or 3-bedroom unit types by a minimum of 10%, as outlined in Section 3.8 of the Apartment Guidelines 2022.
- 7.7.10. I agree with the applicant that the rationale set out in this reason for refusal contradicts the aspirations of the National Planning Framework, the Apartment Guidelines, and Galway City Council's own HNDA which identify the importance of ensuring that there is a reasonable balance of unit typologies in towns and cities that reflects emerging demographic trends and smaller average household sizes. The suburb of Knocknacarra is clearly well served by larger housing stock.
- 7.7.11. The proposed development introduces a housing mix which addresses an identified deficiency in this area, as set out in the Galway City Council HNDA and does not conflict with Specific Planning Policy Requirement 1 of the Apartment Guidelines 2022 or the GDP 2023-2029). It is therefore recommended that this reason for refusal be set aside.

7.8. Overlooking

7.8.1. Galway City Council in their fourth and final reason for refusal state that the western elevation windows for Block B1 are positioned less than 11 metres to the adjacent boundary overlooking lands with development potential and does not comply with Section 11.3.1 (d) Overlooking of the GDP 2023 – 2029.

7.8.2. Section 11.3.1 (d) of the GDP 2023-2029 states that residential units shall:

generally not directly over look private open space or land with development potential from above ground by less than 11m minimum and that in the case of buildings 'exceeding 2 storeys in height, a greater distance than 11m may be required, depending on specific site characteristics.

7.8.3. I have had regard to the southwestern elevations of Block BI and note that the windows along this elevation are less than 11m from the subject site boundary. An examination of drawing no. GRP-1-02-SW-L00-DR-RAU-AR-1090 indicates that there is, an average, 9.73m separation between the subject windows and the site boundary.

7.8.4. I refer to the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024) that will replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009). Section 5.3.1 of the new Guidelines deals with separation distances between opposing upper floor rear windows. The Guidelines note that the blanket distance of 22m between opposing first floor rear windows has been the standard since the early 20 century, with the distance applied to ensure adequate daylight, sunlight and privacy of habitable upper floor rooms. The Guidelines acknowledge that technology and innovation have enabled the design of buildings that can demonstrate the achievement of adequate daylight, sunlight and privacy to habitable rooms in residential developments. Section 5.3.1 of the Draft Guidelines state:

*Through the careful massing and positioning of blocks, positioning of windows and the integration of open space at multiple levels it is possible to achieve a high standard of residential amenity and good placemaking with separation distances of **less than 22 metres**. Separation on distances should, therefore, be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development (emphasis added).*

7.8.5. SPPR 1 Separation distances of the Guidelines states:

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include objectives in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units, or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 10 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units, and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

7.8.6. SPPR1 further states that *in all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the Planning Authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.*

7.8.7. The upper floor windows of the subject habitable rooms in the proposed development to which the refusal reason refers do not oppose windows of adjacent residential development. The adjoining undeveloped site is zoned for mixed use development which may include residential development in future. It can reasonably be assumed that, should the adjoining property be developed for residential development, and in the case that such development would propose habitable rooms opposing the appeal site, the design of said development could in all likelihood accommodate the separation distances between the windows of habitable rooms of upper floors as required by SPPR1. This is without prejudice to any future planning application at this location.

7.8.8. It is also noted that the lands located adjacent to the appeal site boundary to the southwest are also within the ownership of the Sigma Retail Partners. The further information response included a letter from Sigma Retail Partners noting the design of

the proposed development and clearly stating that they have no objection or concerns in relation to the proximity of the proposed development to the shared boundary.

7.8.9. As mentioned the western elevation windows for Block B1 are positioned less than 10 metres to the adjacent boundary. Having regard to the information available with this LRD case it is evident that the proposed scheme provides an acceptable standard of amenity for future residents. Overall I am satisfied that the proposed scheme (as amended) complies with the requirements of SPPR 1 – Separation Distances as set out in the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024). It is therefore recommended that this reason for refusal be set aside.

7.9. SHD Reasons for Refusal (ABP TA61.305982)

7.9.1. In 2019 Glenveagh Living Ltd., applied directly to an Bord Pleanála for planning permission to develop a Strategic Housing Development scheme comprising 332 no. residential units (93 number one-bed apartments, 219 number two-bed apartments and 20 number three-bed apartments) commercial floorspace, community facilities, creche, and all associated works on the appeal site. In March 2020, An Bord Pleanála refused planning permission for the development for the following reasons as summarised:

- 1) The ratio of dual aspect apartments proposed is substantially below the 50% minimum requirement as set out in the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- 2) The proposed childcare facility provision is deficient in the provision of childcare places and is not in accordance with the Childcare Facilities - Guidelines for Planning Authorities 2001 for such facilities.

7.9.2. It is evident that the scheme now before the Board has addressed the above reasons for refusal. Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018). I am satisfied that the proposed development (as amended) meets minimum standards of achieving 51% dual aspect apartments. In addition, where single unit apartments are provided, they face south, east or west. There are no north facing single aspect units in the proposed development. Further 42% of proposed single aspect units proposed benefit from views onto the landscaped open spaces or the proposed civic square.

- 7.9.3. With regard to the provision of childcare facilities I refer to the Childcare Facilities - Guidelines for Planning Authorities 2001. The proposed childcare facility is located in Block A2 on the eastern side of the Proposed Development and consists of 300.6 sqm of floor space with 175.7 sqm. of secure outdoor playground (as amended). As documented by the Planning Authority one bed units can be excluded from the demand calculation, in this case 133 units (as amended) with a calculation ratio of 1 space per 0.26 residential units, generating a required provision of c35 spaces. The proposed scheme (as amended) has provision of 47 creche spaces accommodating 7 spaces for 0–1-year-olds, 9 spaces for 1–2-year-olds, and 31 spaces for 2–6-year-olds. This is in accordance with government childcare facility requirements for large developments.
- 7.9.4. Appropriate off-street car parking for staff will be provided within the podium parking area for the creche. Drop off parking will be provided along Gort na Bró. The open play space has been reconfigured to mitigate the 'L' shape which was raised as a concern with regard to the usability of the space. Furthermore, an external entrance point allows for secure drop-off and pick-up without the need to enter the building, encouraging full utilization of the reconfigured shape of the open space. The area provides sufficient play space with doors and windows positioned on external walls to overlook the open play space, ensuring a safe environment.
- 7.9.5. It is noted that the application does not include detailed floor plans for the proposed creche. The applicant has requested that any grant of permission includes a condition requiring that that matters such as capacity provision, internal and external layout and any recommendations with regard to space breakdown be determined in consultation with a childcare provider, Galway city childcare and the Planning Authority prior to commencement of work on site. I am satisfied that this matter can be dealt with by way of a suitably worded condition.
- 7.9.6. Overall, I am satisfied that the proposed development has addressed the concerns by the Board in relation to the previous reasons for refusal.

8.0 Appropriate Assessment

- 8.1. The LRD was accompanied by a Natura Impact Statement (as amended) that included Appropriate Assessment Screening Report (Appendix 1), Schedule of Mitigation and

a Construction & Environmental Management Plan (CEMP). It considers all the environmental commitments and mitigation measures that are set out in the NIS and the EIAR (as updated) and provides a comprehensive plan for their implementation and monitoring during construction, operation and decommissioning of the proposed development.

8.2. Having reviewed the documents and submissions on file including the Natura Impact Statement (as updated) I am satisfied that the information available allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.3. **Stage 1 Screening for Appropriate Assessment**

8.3.1. **Description of proposal and local site characteristics**

8.3.2. A description of the project (as amended) is provided in the NIS (as updated). The proposed development together with amendments on foot of further information is also summarised in Section 2 of my report above. In summary, the proposed works comprise the construction of a large-scale residential development at a site in Gort na Bro, Ragoon, Knocknacarra, Galway approximately 3.1km west of Galway City Centre. The total site area is approx. 3.03ha and incorporates a total of 216 residential apartments (as amended) in 7 no blocks. Associated social infrastructure to include provision of a community facility and childcare facility are also envisaged for the project, along with the provision of shared communal and private open spaces. The site will be dissected into Site 1 and Site 2 by the proposed diversion of the existing access road to the Gateway Retail Park. The proposed development will also include all associated ancillary site works such as foul and surface water drainage, internal roads and footpaths, boundary treatment and landscape works.

8.3.3. **Water Supply** - Irish Water have confirmed by letter that a water connection can be facilitated for the proposed development. The proposed watermain design and layout is in accordance with Irish Water Code of Practice for Water Infrastructure and the Irish Infrastructure Standard Details.

8.3.4. **Foul Water** - It is proposed to divert the existing foul water sewers within the site to align the drainage layout with the proposed diversion of the existing access road to

the Gateway Retail Park. Foul sewer calculations are provided in Appendix E of the Infrastructure Design Report. The proposed foul sewer design and layout is in accordance with the Irish Water Code of Practice for Wastewater Infrastructure and The Irish Water Infrastructure Standard Details.

8.3.5. **Surface Water Drainage** - Surface water management proposals are described in detail in Section 4.2 and 4.3 of the Infrastructure Design Report. Two underground surface water attenuation tanks will be provided for the development to attenuate surface water flows for the 100-year critical storm + 10% allowance for climate change in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). A minimum of 50% of the apartments roof area is proposed to be green roof. The management of surface water and storm-water attenuation for the development has been designed to comply with the policies and guidelines outlined in the GDSDS and with the requirements of Galway City Council.

8.3.6. **Flood Risk Assessment** - A Site-Specific Flood Risk Assessment (SSFRA) has been prepared for the proposed development. This report determined that the site is within Flood Zone C and concluded that the residential development proposed is appropriate for the site's flood zone category. The assessment also found that the development has a good level of flood protection up to the 100-year return event. For pluvial floods exceeding the 100-year capacity of the drainage system it is submitted that the proposed flood routing mitigation measures should protect the areas with lower finish floor levels by directing flood water to the drainage outfall.

8.4. **Description of the Baseline Ecological Environment / Local Site Characteristics**

8.4.1. A multidisciplinary ecological walkover survey of the site was conducted on the 19th of August 2021 and a follow up multidisciplinary ecological walkover survey of the site was conducted on the 2th of September 2022 in line with NRA (2009) Guidelines (Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes).

8.4.2. The site is bisected by a public access road. The site is a greenfield site and the habitats within and adjacent to the development site were evaluated. The majority of habitats on the site are indicated to be of low ecological importance. Spoil and bare ground (ED2), Recolonising bare ground (ED3), Buildings and artificial surfaces (BL3),

Amenity Grassland (GA2), Bracken (HD1), Dry Meadows and Grassy Verges (GS2)) cover the majority of the site and have been categorised as Local Importance (Lower value). These habitats are highly modified and are of low ecological value. The Scattered trees and parkland (WD5) and Scrub (WS1) within the site are categorized as Local Importance (higher value) as they provide cover and commuting corridors for a variety of local flora and fauna, as well as being of local biodiversity importance. There is limited ecological connectivity with the surrounding landscape due to the site being surrounded by urban development. Habitats bordering the proposed development site are artificial in nature.

- 8.4.3. A large stand of Himalayan knotweed is present within the proposed development. Himalayan knotweed is listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (S.I. 477 of 2011) (Plate 2-9)
- 8.4.4. There are currently no open surface watercourses or drains on the site. However, the Knocknacarra Stream rises to the north of the site at Letteragh and flows southward over a distance of 3km to the sea. A large portion of the lower reach of the Knocknacarra Stream is culverted almost to its sea outfall at Rusheen Bay near Blakes Hill at Salthill. A tributary stream which formerly ran through the site was culverted and realigned to form the surface water sewer network as part of a nearby development in 1996. The culverted tributary and culverted Knocknacarra stream which both form part of the existing storm sewer network flow through the proposed development site and along the eastern boundary of the proposed development site. Storm water runoff from within the site ultimately discharges to Galway Bay Complex SAC and Inner Galway Bay SPA via the culverted tributary, Knocknacarra stream and Rusheen Bay.
- 8.4.5. No habitats listed under Annex I of the EU habitats Directive were identified within the site boundary. No botanical species protected under the Flora (protection) Order (1999, as amended 2015), listed in the EU Habitats Directive (92/43/EEC), or listed in the Irish Red Data Books were recorded on the site and no suitable habitat occurs within the site. All species recorded are common in the Irish landscape. All habitats within the proposed development area are highly modified and they do not provide significant potential supporting habitat for populations of QI/ SCI species within nearby European Sites.

8.5. Identification of Relevant European Sites

8.5.1. The site is out with any designated site and does not border any Natura site. The European Sites considered to be within the likely Zone of Impact are as follows:

- Galway Bay Complex SAC
- Lough Corrib SAC
- Connemara Bog complex SAC
- Ross Lake and Woods SAC
- Moneen Mountain SAC
- Inner Galway Bay SPA
- Lough Corrib SPA
- Cregganna Marsh SPA
- Connemara Bog complex SPA

8.6. Assessment of Likely Effects

8.6.1. The main work element that could have the potential for significant impact on European Sites are as follows:

- Deterioration of water quality in designated areas arising from pollution of ground waters during construction and operation stages due to increased discharge entering groundwater without sufficient filtering.
- Cumulative impacts with other proposed/existing plans and developments.

8.6.2. In relation to the following European Sites

- Lough Corrib SAC
- Connemara Bog complex SAC
- Ross Lake and Woods SAC
- Moneen Mountain SAC
- Lough Corrib SPA
- Cregganna Marsh SPA

- Connemara Bog complex SPA

there will be no effects as the proposed development is located entirely outside these designated sites. Hydrologically these sites are not linked to the proposed development and will not be affected by emissions or drainage effects from the construction or operation of the proposed development. There is no potential for direct or indirect effects. No complete impact source-pathway-receptor chain was identified during the Screening Assessment. Significant effects on these European Site resulting from the proposed development can be excluded and they are therefore 'screened out'.

- 8.6.3. In relation to the Galway Bay Complex SAC and Inner Galway Bay SPA there is no potential for direct effects. A potential for significant effect was identified in the form of deterioration of water quality during construction and operation of the proposed development.

8.7. Screening Conclusion

- 8.7.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded, taking precautionary approach, that the project individually (or in combination with other plans or projects) could have a significant indirect effect on

- Galway Bay Complex SAC and
- Inner Galway Bay SPA

in view of the sites' conservation objectives in the absence of mitigation. Appropriate Assessment is therefore required.

9.0 Stage 2 Appropriate Assessment

9.1. Galway Bay Complex SAC and Inner Galway Bay SPA

- 9.1.1. The nearest Natura site is the Galway Bay Complex SAC (000268) (1.3km) and Inner Galway Bay SPA (004031) (1.5km). These designated sites area buffered from the

site by urban infrastructure. The Conservation Objectives and QIs for these sites are as follows:

Galway Bay Complex SAC	
<p>Conservation Objective</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.</p> <p>Site Code 000268 Distance to site 1.3km</p>	<p>Qualifying Interest</p> <ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide ▪ Coastal lagoons ▪ Large shallow inlets and bays ▪ Reefs ▪ Perennial vegetation of stony banks ▪ Vegetated sea cliffs of the Atlantic and Baltic coasts ▪ Salicornia and other annuals colonising mud and sand ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) ▪ Turloughs ▪ <i>Juniperus communis</i> formations on heaths or calcareous grasslands ▪ Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) ▪ Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> ▪ Alkaline fens ▪ Limestone pavements ▪ <i>Lutra lutra</i> (Otter) ▪ <i>Phoca vitulina</i> (Harbour Seal)
Inner Galway Bay SPA	
<p>Conservation Objective</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.</p> <p>Site Code 004031 Distance to Site 1.5km</p>	<ul style="list-style-type: none"> ▪ Black-throated Diver (<i>Gavia arctica</i>) ▪ Great Northern Diver (<i>Gavia immer</i>) ▪ Cormorant (<i>Phalacrocorax carbo</i>) ▪ Grey Heron (<i>Ardea cinerea</i>) ▪ Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) ▪ Wigeon (<i>Anas penelope</i>) ▪ Teal (<i>Anas crecca</i>) ▪ Red-breasted Merganser (<i>Mergus serrator</i>) ▪ Ringed Plover (<i>Charadrius hiaticula</i>) ▪ Golden Plover (<i>Pluvialis apricaria</i>) ▪ Lapwing (<i>Vanellus vanellus</i>) ▪ Dunlin (<i>Calidris alpina</i>) ▪ Bar-tailed Godwit (<i>Limosa lapponica</i>) ▪ Curlew (<i>Numenius arquata</i>)

	<ul style="list-style-type: none"> ▪ Redshank (<i>Tringa totanus</i>) ▪ Turnstone (<i>Arenaria interpres</i>) ▪ 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] <p>Wetland and Waterbirds [A999]</p>
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- 9.1.2. Potential for indirect effects on the identified European sites relate to the deterioration of surface water and groundwater quality. Taking a precautionary approach, the proposed development has the potential for *indirect* effects, in the absence of mitigation, to impact on water quality and downstream aquatic ecological receptors through pollutants including hydrocarbons, fuel, cement and sedimentation during the construction and operational phase via groundwater.
- 9.1.3. As set out above, detailed site-specific conservation objectives have been published for these sites, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC is selected and to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for which the SPA is selected.
- 9.1.4. No open surface watercourses were identified within the proposed development site. However, the culverted stream within the site and associated storm sewer system provides the potential for pollutants on site to be transmitted downstream to Rusheen Bay. Additionally, the construction and operational phase of the proposed works may result in pollution to groundwaters via the percolation of polluting materials through the bedrock underlying the site and to the culverted stream.
- 9.1.5. Therefore, in the absence of mitigation there is potential for pollution of surface and ground waters in Galway Bay as a result of pollution arising from construction and operational activities. A potential pathway for indirect effects on the water dependent Qualifying Interests Special Conservation Interests of Galway Bay Complex SAC and Inner Galway Bay SPA was identified.

9.2. Mitigation Measures and Assessment

- 9.2.1. Best practice environmental control measures have been incorporated in the design of the development and are described in Section 5.2.1.2 Construction Phase Control of the NIS (as updated). The pathways that would allow potentially adverse impacts to occur via deterioration in water quality was considered in the design of the proposed development. A CEMP has been prepared for the proposed development and is included in Appendix 4 of the NIS. Mitigation measures relating to the pre-commencement, construction and operational phases of the proposed development are set also out in the relevant chapters of the EIAR (as updated) and associated documents submitted as part of this development. In addition, best practise mitigation and environmental control measures as outlined in the CEMP have been incorporated into the proposed development and these include:

9.3. Construction Phase

- 9.3.1. **Earthworks** - Surface water discharge from the site will be managed and controlled until the permanent surface water drainage system is complete. A temporary drainage system shall be installed prior to the commencement of the construction works to collect surface water runoff from the site during construction. All works shall be undertaken in accordance with the CIRIA document, 'Control of Water Pollution from Construction Sites, guidance for consultants and contractors. Foul drainage discharge from the construction compound will be tankered off site to a licensed facility until a connection to the public foul drainage network has been established. A summary of surface water controls that can be employed during the earthworks and construction phase are listed in the NIS under source controls, in-line controls, treatment systems, silt fences and silt bags.
- 9.3.2. **Shallow Excavation Dewatering** - Appropriate interceptor drainage will be put in place if required. The interceptor drainage will be discharged to the site constructed drainage system or onto natural vegetated surfaces and not directly to surface waters. The pumped water volumes will be discharged via volume and sediment attenuation ponds adjacent to excavation areas, or via silt bags. There will be no direct discharge to the on-site main drains. Daily monitoring of excavations by a suitably qualified person will occur.

- 9.3.3. **Hydrocarbons** - A temporary drainage system shall be installed to collect surface water runoff from the site during construction. All oils, fuels, paints and other chemicals will be stored in a secure bunded construction hardstand area. Refuelling and servicing of construction machinery will take place in an area which is also remote from any drainage systems. Fuels stored on site will be minimised. Any storage areas will be bunded. Spill kits will be available to deal with accidental spillages and a named person will be given the task of overseeing the pollution prevention measures.
- 9.3.4. **Wastewater Disposal** - A self-contained port-a-loo with an integrated waste holding tank will be used at the site compounds. No wastewater will be discharged on-site during either the construction or operational phase.
- 9.3.5. **Cement Based Products** - Concrete batching, wash down and wash out of concrete trucks and disposal of excess concrete will take place off site. Pulped concrete will be monitored. Mixer washings are not to be discharged into surface water drains or sewers.
- 9.3.6. In addition, standard best practice environmental control measures are incorporated in the Construction Environmental Management Plan (CEMP) (Appendix 4).

9.4. **Operation Phase**

- 9.4.1. Indirect effects during the operational stage of the development are not anticipated. All foul water will be discharged to the public sewer and will be treated at the Galway Mutton Island Wastewater Treatment Plant before discharge to Galway Bay. The Mutton Island WWTP has a current capacity of 170,000 p.e.
- 9.4.2. The operational phase of the proposed project will result in the production of surface water. Water quality risks are reduced by use of interception storage, silt traps, and Class 1 Bypass Separators. Therefore, no significant impacts in terms of water quality from surface water drainage are expected due to the proposed development.
- 9.4.3. Following the implementation of the above-mentioned mitigation measures, together with the standard drainage control measures outlined in the NIS and above and throughout the EIAR (as updated) it can be concluded that the operational phase of the proposed development will not have any adverse effects on designated sites.

10.0 **Assessment of Residual Adverse Effects**

- 10.1. I refer to Section 6 of the NIS. The design of the scheme has been developed with an overall objective of avoiding adverse effects on these ecologically sensitive sites. Mitigation measures will be implemented (as described) reducing the risk of negatively affecting water quality in the receiving surface water environment and habitat integrity thus ensuring that the receiving environment is protected, and the conservation objectives of the identified Natura sites are not negatively affected by the proposed development.
- 10.2. There will be no changes to habitat area or distribution, hydrological regime, water quality, vegetation structure or composition or physical structure of these sites as a result of the proposed development. Further there will be no changes to supporting habitat extent/quality or distribution of species within these sites. There are therefore, no residual direct or indirect impacts associated with the proposed development that could adversely affect the integrity of these sites. The proposed project will not prevent the QIs / SQIs of European Sites from achieving / maintaining favourable conservation status in the future as defined in Article 1 of the EU Habitats Directive.

11.0 **In-Combination / Cumulative Effects**

- 11.1. I refer to Section 3.2 of the AA Screening Report and Section 7 Cumulative Effects of the NIS (as amended). The proposed development was considered in combination with other developments and activities in the area that could result in cumulative impacts on European Sites together with the Galway City Development Plan 2023 – 2029, the Galway County council Development Plan 2022 – 2028, the Northern and Western Regional Assembly – Regional Spatial and Economic Strategy 2020- 2032 and the National Biodiversity Action Plan 2017 – 2021.
- 11.2. Taking into consideration the reported residual impacts from other plans and projects in the area and the predicted impacts with the current proposal, no residual cumulative impacts have been identified with regard to any European Site.

12.0 Concluding Statement

12.1. I am satisfied that a full examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. The potential for significant effects on the following sites was identified:

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

12.2. Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within the NIS (as updated) and its appendices. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European sites.

12.3. I am satisfied based on the information available that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS (as updated) and EIAR (as updated) that any adverse effects on the integrity of the identified sites will be avoided.

12.4. Therefore I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Galway Bay Complex SAC (000268) (1.3km) and Inner Galway Bay SPA (004031) or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

13.0 Environmental Impact Assessment

13.1.1. The development as amended by way of further information provides for

- 1) 216 no. residential apartments in 7 no. blocks comprising the following:
- 2) 867.4 sq. m. of ground floor commercial units as follows:
 - a) Unit A101: 411.7 sq. m.;

- b) Unit B201: 95.6 sq. m.;
- c) Unit B202: 133.9 sq. m.;
- d) Unit B301: 226.2 sq. m.;
- 3) Community facility (204.7 sq. m.);
- 4) Tenant amenity facilities (99.4 sq. m.);
- 5) Childcare facility and reconfigured external play area (476.3 sqm)
- 6) 40 no. surface car parking spaces including EV charging spaces;
- 7) Bicycle parking comprising 172 no. short stay and 386 no. long stay spaces;
- 8) Realigned road between Gort na Bró and Gateway Retail Park Road;
- 9) Change of use of existing underground void to 181 bay underground car park;
- 10) Shared communal and private open spaces, bin storage, public lighting, site landscaping, services, signage, substation and all associated site development works required to accommodate the proposed development.

13.1.2. The site is located within the area of Galway City Council and is within an urban area.

14.0 Statutory Provisions

14.1. Item 10 (b) of Part 2 of Schedule 5 of the Planning Regulations 2001 (as amended) provides that an EIA is required for infrastructure projects comprising of either:

- Construction of more than 500 dwelling units
- 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

14.2. The proposal is on a site area of 3.03ha (approximately 2.5 hectares in extent (excluding the existing underground void which has a total area of 0.53 hectares)) and is located in a District Centre. The applicant considers that an EIAR is required. The Proposed Development exceeds the relevant area specified in Part 2 of Schedule 5 and is therefore subject to mandatory EIA.

14.3. Due to the nature of the changes proposed as part of the response to the request for further information, an addendum to the EIAR was prepared as part of the response. I have carried out an examination of the information presented by the applicant,

including the EIAR and addendum and the submissions made during the course of the application. A summary of the reports and submissions made by the planning authority, observers and prescribed bodies has been set out previously in this report above. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

14.4. Volume I EIAR Main Report & Non-Technical Summary. The chapters of this EIAR are as follows:

- Chapter 1 - Introduction
- Chapter 2 - Background to the Proposed Development
- Chapter 3 – Reasonable Alternatives
- Chapter 4 - Description of the Proposed Development
- Chapter 5 - Population & Human Health
- Chapter 6 - Biodiversity,
- Chapter 7 – Geology and Soils
- Chapter 8 - Hydrology and Hydrogeology
- Chapter 9 - Air and Climate
- Chapter 10 - Noise and Vibration
- Chapter 11 – Archaeology, Architectural & Cultural Heritage
- Chapter 12 - Landscape and Visual
- Chapter 13 - Material Assets – including Traffic
- Chapter 14 – Major Accidents & Natural Disasters
- Chapter 15 - Interaction of Effects
- Chapter 16 - Schedule of Mitigation

14.5. The photomontage booklet, pertaining to Chapter 11: Landscape and Visual, is included as Volume 2 of this EIAR. Appendices to the chapters listed above are included in Volume 3 and 4 of the EIAR. The EIAR Addendum and Bat Survey, completed following the request for further information provides an update to the Environmental Impact Assessment Report (EIAR) previously submitted as part of the LRD planning application.

14.6. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

14.7. I am satisfied that the information contained in the EIAR and addendum has been prepared by competent experts and generally complies with Article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

14.8. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in Section 7 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

15.0 Cumulative Impact

15.1. EIAR Section 2.7 Scoping and Consultation, Section 2.8 Cumulative Impact Assessment and Section 5.8.5 Cumulative In-Combination Effects refer. These sections address cumulative impacts and indicate that the potential cumulative impact of the proposed development and other relevant developments has been carried out with the purpose of identifying what influence the proposed development will have on the surrounding environment when considered cumulatively and in combination with relevant permitted, proposed, and constructed projects listed in the EIAR. These include SHD Application ABP Ref. PL61.304345 and SHD Application ABP Ref. PL61.304762 and have been considered in the EIAR.

16.0 Vulnerability of Project to Major Accidents and / or Disaster

- 16.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.
- 16.2. EIAR Section 5.8.35 addresses Vulnerability of the Project to Natural Disaster and Chapter 14 Major Accidents & Natural Disasters refers. The development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There is no site-specific mitigation required for the overall proposed development.
- 16.3. The potential natural disasters are limited to contamination and pollution of groundwater and surface water, utility emergency, traffic incident / disruption, contamination and fire / explosion. The risk of contamination, utility emergency, traffic incident / disruption, contamination and fire / explosion is 'very unlikely' to occur and will have 'limited' consequences should it do so, representing a 'low-risk scenario' during the construction and operational phases.
- 16.4. Having regard to the location of the site and the existing land use as well as the zoning for the site, I am satisfied that the risk of major accident and / or disasters is very low. I am satisfied that the proposed use, i.e. residential and commercial, is unlikely to be a risk of itself. Potential flooding has been addressed in the EIAR (and dealt with further below). I am satisfied that the risk of major accident is low

17.0 Alternatives

- 17.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. EIAR Chapter 3 deals with Consideration of Reasonable Alternatives.
- 17.2. Having regard to the zoning of the development site which expressly provides for a mix of land use zonings, it was not considered necessary to consider alternative locations in detail. A number of site layout and alternative designs were considered

during the iterative design process in consultation with the Planning Authority and An Bord Pleanála. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands whilst also addressing the potential impacts on the environment relating to residential, visual, natural and environmental amenities and infrastructure. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and commiserate with the scheme proposed and therefore the requirements of the directive in this regard have been satisfactorily addressed.

18.0 Assessment of the Likely Significant Direct and Indirect Effects

18.1. The likely significant effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

18.2. Population and Human Health

18.2.1. Chapter 5 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment. It is noted that population and human health is inter-related with other environmental topics within the EIAR and addressed within other chapters, with this chapter specifically addressing population, human health, employment and economic activity, land-use, tourism, noise, dust and air quality and health and safety. The consideration of potential impacts on human health are examined separately in the Air & Climate, Noise & Vibration, Geology and Soils, Hydrology & Hydrogeology and Traffic sections of the EIAR with a summary provided in this chapter.

18.2.2. The land is zoned for development and is serviced. There are a wide range of services available in the area including retail and personal services, the Westside Branch of the Galway City Council Library, the Knocknacarra Medical Centre, University Hospital Galway and the Bon Secours Hospital is also located within the study area. Most of the amenities and community facilities, including GAA and other sports clubs, youth clubs and recreational areas, are available in the areas surrounding the site. There are over 30 primary schools and 13 secondary schools within the study area for the project. The National University of Ireland (NUI) Galway main campus is located 2.4

kilometres to the northeast of the site. Galway Mayo Institute of Technology (GMIT) is also located within the study area.

- 18.2.3. Mitigation measures during the construction and operational phase are detailed. To avoid negative impacts on population and human health, mitigation measures are proposed in relation to noise, dust and air quality, and traffic. Mitigation measures are further detailed in the relevant sections of the EIAR. No significant cumulative impacts are anticipated. I am satisfied that negative impacts on population and human health during the construction phase would be short-term and slight negative and that impacts will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR and associated appendices.
- 18.2.4. During the operational phase, I consider that the impact of the scheme will be largely positive due to the provision of housing, employment and community facilities. Any potential adverse impacts arising e.g. from traffic, noise or other disturbance, will be mitigated to an acceptable level by the measures detailed in the EIAR and associated appendices.
- 18.2.5. There is significant short term, positive effects on population and health during the construction phase of the development, associated with the generation of more jobs during peak activities, as well as off-site employment and economic activity. The completed development will have positive impacts associated with population increase as well as employment generated by the proposed childcare facility and maintenance/operations. The development will also provide a childcare facility to serve the local area, landscaped public spaces, play facilities and enhanced pedestrian / cycle route connections to the wider area. No significant impacts on human health are predicted at the operational stage of the development.
- 18.2.6. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

18.3. Biodiversity, with Particular Attention to Species and Habitats Protected Under Directive 92/43/EEC and Directive 2009/147/EC

- 18.3.1. Chapter 6 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that a Natura Impact Statement and addendum has been submitted as part of the application and a Stage 1 Screening and Stage 2 Appropriate Assessment has been undertaken (see Section 8 and 9 above).
- 18.3.2. Between July 2021 and September 2022, a range of ecological survey work has been undertaken to provide comprehensive information on all ecological aspects of the location of the proposed development and the surrounding area. These surveys included detailed assessment of the site in terms of protected habitats and species.
- 18.3.3. A tree survey was also undertaken. It is stated that there are no Annex I habitats listed under the EU Habitats Directive present within the development site boundary. No botanical species protected under the Flora (protection) Order (1999, as amended 2015), listed in the EU Habitats Directive (92/43/EEC), or listed in the Irish Red Data Books were recorded on the site. All species recorded are common in the Irish landscape. In terms of invasive flora, none were recorded on the site. There are no natural ponds, springs or streams, drains or other waterbodies within the site.
- 18.3.4. The site does not provide significant habitat for breeding or wintering bird species. Bats were recorded in low numbers. Bats were not recorded foraging within the site. Vegetation to be removed was visually assessed for potential as bat roosting habitat. No roosts were identified and no built structures with the potential to support roosting bats were identified. No trees with features with the potential to support significant bat roosts were identified. No evidence of badger (*Meles meles*) was recorded and no badger setts were located within the development site. No evidence of other species such as Irish hare, pygmy shrew or Irish stoat, protected under the Irish Wildlife Act 1976-2022 were recorded during the site visit but these species are likely to occur in the wider area, at least on occasion. However, these species have widespread and favourable ranges in Ireland and suitable habitats are widespread in the area. No suitable habitat for other faunal taxa protected under the EU Habitats Directive, or other invertebrate species of conservation concern was identified within the boundaries of the proposed development site

- 18.3.5. There are currently no open surface watercourses or drains on the site. However, the culverted tributary and culverted Knocknacarra stream which both form part of the existing storm sewer network flow through the proposed development site and along the eastern boundary of the proposed development site. Storm water runoff from within the site ultimately discharges to Galway Bay Complex SAC and Inner Galway Bay SPA via the culverted tributary, Knocknacarra stream and Rusheen Bay. Adverse effects upon European Sites are discussed within the Natura Impact Statement which accompanies this report. The NIS (as updated) concluded that the proposed development, by itself or in combination with other plans and projects, in light of best scientific knowledge in the field, will not adversely affect the integrity of European sites, and no reasonable scientific doubt remains as to the absence of such adverse effects.
- 18.3.6. A large stand of Himalayan knotweed is present within the proposed development. Himalayan knotweed is listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (S.I. 477 of 2011). An invasive species management plan has been prepared is submitted as a part of this project.
- 18.3.7. Mitigation measures are set out in Chapter 6 of the EIAR and include, inter alia, a landscape management plan and that vegetation clearance will be undertaken in line with the provisions of the Wildlife Acts (as amended) 1976-2017. Other mitigation measures include provision of a Construction and Environmental Management Plan to avoid impact on groundwater and surface water during construction; all foul water is to be discharge to the public sewer and treated at the Galway Mutton Island Wastewater Treatment Plant which has adequate capacity and capability to fully treat sewage.
- 18.3.8. Cumulative impacts have been fully considered and no potential for cumulative impacts when considered in-combination with other plans and projects are anticipated. I am, therefore, satisfied that the issue of cumulative impacts does not arise.
- 18.3.9. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on biodiversity are identified. I am satisfied overall with regard to the above assessment that the proposed

development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

18.4. **Land, Soil, Water, Air and Climate**

18.5. **Geology and Soils**

- 18.5.1. Chapter 7 of the EIAR addresses **Geology and Soils**. The elevation of the site ranges between approximately 27m and 32m OD (metres above Ordnance Datum). The overall local topography generally slopes from north to south with an undulating topography. The dominant land use on the bordering land is commercial development to the west, a primary school to the north, and residential development to the south and east. There are no known areas of soil or ground contamination on the site. During the site walkovers, no areas of particular contamination concern were identified. There are no recorded Geological Heritage sites within the proposed development area. No evidence of any residual impacts to land, soils and geology was observed.
- 18.5.2. Surface water management for the proposed development is designed to comply with the Greater Dublin Strategic Drainage Study (GSDSDS) policies and guidelines and the requirements of Galway City Council. The Proposed Development will be subject to a New Connection Agreement with Irish Water, in accordance with their requirements. There is no proposed extraction of groundwater at the site for drinking water purposes. Further details regarding surface water drainage, water supply and wastewater treatment are provided in the Infrastructure Design Report provided in Appendix 4-6 of the EIAR.
- 18.5.3. Mitigation measures are described for the construction phase, which are in the main related to best practice construction methods, such as storage of mobile bowzers, tanks and drums to be stored in an impermeable storage area, bunding for storage of hydrocarbons and other chemicals. It is stated that negative impacts during construction phase will be short term only in duration and will not give rise to significant long term adverse impacts. During the operational phase, no significant adverse impacts on the soils and geology of the lands are envisaged. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.

18.5.4. The potential residual impacts associated with soil or ground contamination and subsequent health effects are considered to be imperceptible. No cumulative effects on geology and soils resulting from the proposed development are predicted. I am, therefore, satisfied that the issue of cumulative impacts does not arise.

18.5.5. An assessment of the construction and operational phases of the development have been completed, along with a cumulative assessment for the development. An assessment of the potential health effects in relation to soils and geology has also been undertaken. Based on the above, and with implementation of the outlined mitigation measures, no significant impacts on human health and the soils and geology environment are predicted to occur.

18.6. **Hydrology and Hydrogeology**

18.6.1. Chapter 8 of the EIAR addresses **Hydrology and Hydrogeology**. This chapter identifies, describes, and assesses the potential effects of the proposed development on the local hydrological and hydrogeological environment (surface water and ground water).

18.6.2. There are no surface watercourses or drains on the site. A tributary stream of the Knocknacarra Stream formerly ran through the site but was culverted and realigned to the eastern part of the site form part of the surface water network of a nearby development in 1996. The Knocknacarra Stream rises to the north of the site and flows south to the east of the site. The stream is culverted almost to its sea outfall at Rusheen Bay near Blakes Hill at Salthill. The groundwater vulnerability rating is extreme due to rock near the surface. The aquifer below the subject lands is classified as a 'Poor Aquifer – Bedrock which is generally unproductive except for local zones'.

18.6.3. Potential impacts during the construction phase are detailed, including stripping of soil and potential run off from bare soil and soil storage areas, impacts from shallow excavation dewatering, potential release of hydrocarbons during construction, construction wastewater disposal, in addition to potential impacts during the operational phase, including increased downstream flood risk due to increased hardstanding area, potential pollutants entering the surface water system and impacts from foul drainage.

18.6.4. Water supply will be via the public network. Foul sewers will discharge to the public foul sewer network. It is proposed to discharge surface water from the site to the

public surface water system, which ultimately connects to the Knocknacarra Stream. The proposed storm water management and drainage design is in accordance with the GDSDS. SuDS measures proposed include:

- Porous asphalt paving on part of civic plaza to provide treatment, storage and reduce runoff rates.
- Green podium with landscaped areas and raised planters to reduce run-off rates and total impermeable area.
- Two off-line attenuation storage systems for the attenuation of flood water up to the 100 year storm event + 10% allowance for climate change.
- A Class 1 Bypass Separators to be provided on the outfall from each network.
- Surface water run-off from the overall development will be attenuated to greenfield runoff rates.
- To prevent pollutants or sediments discharging into water courses, interception storage will receive the run-off for rainfall depths of 5mm up to 10mm. The SUDS features include porous asphalt and landscaped podium will provide the necessary interception volume.

18.6.5. A Site-Specific Flood Risk Assessment (SSFRA) has been prepared for the proposed development. This report determined that the Site is within Flood Zone C and concluded that the residential development proposed is appropriate for the Site's flood zone category. The assessment found that the development has a good level of flood protection up to the 100-year return event. No risk of pluvial or coastal flooding is highlighted on the site. For pluvial floods exceeding the 100-year capacity of the drainage system mitigation measures are proposed to deal with any potential flooding of the constructed development.

18.6.6. There are no groundwater protection zones mapped within the proposed development site or study area. All potential contamination sources are to be carefully managed at the site during the construction and operational phases of the development and mitigation measures are proposed to deal with these potential minor impacts.

18.6.7. Overall the proposal presents no significant potential for impacts to surface water and groundwater quality provided the proposed mitigation measures are implemented. Operational mitigation measures include the implementation of SuDS design measures in accordance with the GDSDS and discharge of foul sewer to the public

sewer network for treatment at the Galway Mutton Island Wastewater Treatment Plant where adequate capacity exists.

- 18.6.8. Potential impacts in terms of health are considered and there is no pathway to public or private water supplies which could impact on human health, with any flood risk considered to be very low. With regard to cumulative impacts, none are anticipated during the construction or operation phases.
- 18.6.9. I am satisfied that subject to the proposed mitigation and management measures that significant negative impacts would not arise.

18.7. **Air and Climate**

- 18.7.1. Chapter 9 of the EIAR addresses **Air and Climate**. The methodology and receiving environment are addressed.
- 18.7.2. Due to the nature of the development, the general character of the surrounding environment and publicly available information on air quality, air quality sampling, was deemed to be unnecessary for the EIAR (as updated). The site of the proposed development lies within Air Quality Zone C, which represents urban areas with a population of greater than 15,000. The air quality in the vicinity of the site is typical of that of urban areas in Ireland.
- 18.7.3. Whilst there is the potential of emissions and also dust emissions (such as excavation works, construction of buildings and site roads and delivery of aggregate materials to the site and traffic movements) to be generated from the site operations, a number of mitigation measures will be implemented at this site to reduce the impact from dust and vehicle emissions, which are set out in Section 9 of the EIAR. There will be no significant direct or indirect effects on air quality due to dust emissions during the construction of the development.
- 18.7.4. The construction of the development will require the consumption of fossil fuels and therefore will lead to a minor emissions of greenhouse gasses cumulatively. However, given the relatively small-scale machinery used, short-term duration of the construction phases, together with the implementation of the mitigation measures outlined, there is unlikely to be significant cumulative impacts arising from the construction phases of the Proposed Development and other local developments, projects and plans.

- 18.7.5. The proposed development has been designed to comply with the relevant Building Regulations, including thermal performance and energy saving measures. The proposed development includes for the upgrade and provision of additional cycling and pedestrian infrastructure and bicycle parking facilities. The improved pedestrian and cycling infrastructure will provide alternative modes of transport for those living and working locally, which will reduce the dependency on vehicular transport and associated greenhouse gas emissions.
- 18.7.6. The Proposed Development once operational will not lead to significant levels of greenhouse gas emissions, with emissions from the use of the buildings and increased traffic volumes mitigated to a Long-term Slight Negative Impact.

18.8. **Noise and Vibration**

- 18.8.1. Chapter 10 of the EIAR evaluates **Noise and Vibration** associated with the construction and operational phases of the development.
- 18.8.2. The closest residential noise sensitive properties to the proposed development are houses at Gort na Bro some 30m to the east of the site and apartments at An Logain some 45m to the south. To the north Gaelscoil Mhic Amhlaigh is located adjacent to the site boundary some 15m from areas of expected major works. To the west are several commercial premises, the closest being located some 50m to the west of the site. Four noise monitoring locations were established at the perimeter of the site and are identified on a submitted plan.
- 18.8.3. Potential noise impacts during construction are described, including noise arising from site clearance, foundation works, building construction, road works and landscaping, and increase on construction traffic on the road network. The construction phase has the greatest potential impact due to noise and vibration impacts. During the operational phase, consideration is given to noise arising from traffic flows on the local road network and building services noise associated with the commercial spaces. A traffic impact assessment has been used to determine the predicted change in noise levels on the road network.
- 18.8.4. Mitigation measures are included, where relevant, to ensure the proposed development is constructed and operated in order to ensure minimal impact on the receiving environment, such as selection of quiet plant, noise control at source,

screening and liaison with the public, phasing of construction works and restricted operating hours during school. Construction noise impacts are anticipated to be short term, negative and slight to moderate. Vibration impacts are considered short term and negligible.

18.8.5. An assessment of inward noise was also undertaken to ensure no significant impact associated with environmental noise is experienced at the proposed development buildings. During the operation phase of the project, the closest receptors to most onsite sources will consist of the proposed onsite residential units. To achieve appropriate noise limits at the nearest noise sensitive properties noise limits consideration will be given, at the detailed design stage, to a variety of mitigation measures and forms of noise control techniques as set out in Section 10.6.2 of the EIAR.

18.9. **Conclusion**

18.9.1. Having regard to the EIAR (as updated), I am satisfied that impacts predicted to arise in relation to land, soil, water, air and climate would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on land, soil, water, air and climate are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil, water, air and climate.

18.10. **Material Assets, Cultural Heritage, and the Landscape**

18.11. **Material Assets**

18.12. ***Traffic and Transport***

18.12.1. Chapter 13 of the EIAR details the **Traffic and Transport** element of the development. The Board is referred also to Section 7.4 of my report above, where the likely significant traffic and transport impacts have been described and assessed.

18.12.2. The construction phase of the proposed development will have a short-term slight negative effect on the surrounding transport network. Traffic control measures will be in place throughout the construction phase, including a Construction and

Environmental Management Plan (CEMP), which will be finalised upon agreement with the relevant Planning Authorities in advance of the commencement of construction. Traffic modelling for the operational phase of the proposed development has been completed as part of the Traffic Impact Assessments. This assessment has found that due to the nature of the works associated with the proposals, including the upgrade of the existing network and the provision of new routes, including enhanced pedestrian, and cycling infrastructure, the network can accommodate the increased traffic associated with the project. The proposed development is predicted to have a long-term positive cumulative effect with regard to traffic and transport.

18.13. **Utilities and Services**

18.13.1. Chapter 13 of the EIAR evaluates the impacts on water and other services required to facilitate the development, including electricity network, telecommunications networks, gas distribution networks, water supply networks, sewage networks and waste management.

18.13.2. The EIAR (as updated) sets out the impact assessment of the proposed development with regard to utilities and services, including electricity, telecommunications, gas, water supply, sewage, land-use and waste management. Measures have been incorporated into the design of the proposed development and will be used to avoid any negative impacts on utilities or services during the construction phase of the proposed development. There will be no significant effects on services and utilities during the construction phase. The change in land-use, in compliance with the relevant zoning for the subject lands, will give rise to a long-term significant positive effect in terms of services and utilities. The proposed development will become a permanent part of the local infrastructure, and therefore the requirement for decommissioning is not foreseen.

18.14. Following the application of the design, control and mitigation measures described in the EIAR (as updated) and the supporting engineering documents, it is considered that the proposed development will have a long-term slight neutral impact with regard to services and utilities. The proposal will have a long-term positive effect with regard to the change in land use.

18.15. **Cultural Heritage**

- 18.15.1. Chapter 11 of the EIAR addresses archaeology, architectural and cultural heritage. The methodology adopted is set out, as is the policy context.
- 18.15.2. This chapter comprises an assessment of the potential impact of the proposed development on the Cultural Heritage resource. Cultural heritage includes archaeology, architectural built heritage and any other tangible assets. No recorded monuments are located on the proposed development site. No protected structures are located on or within the immediate vicinity of the proposed development site. The nearest Protected Structure is the aforementioned Ragoon House (Ref 8301), located c. 298m to the north-east of the proposed development site boundary. No direct or indirect impacts to the recorded archaeological or cultural heritage resource as a result of the proposed development have been identified therefore no mitigation measures are required. Impacts to the potential archaeological features will be ameliorated by a number of mitigation measures that will include pre-development targeted archaeological testing followed by excavation by hand should features prove archaeological in nature, and construction stage monitoring
- 18.15.3. There is no potential for cumulative impacts arising from the proposed development in combination with other projects in the vicinity. No significant cumulative impacts on cultural heritage are anticipated during the construction or operation phases as long as mitigation measures outlined are put in place.

18.16. Landscape

- 18.16.1. Chapter 12 of the EIAR addresses Landscape and Visual Impact. The EIAR (as updated) sets out the methodology and examines the policy context and existing visual character. The applicant has submitted photomontages of the development from various viewpoints. A dedicated Landscape design is included as part of the Proposed Development and is included in Appendix 4-3. The potential impacts in both landscape and visual terms are assessed, including cumulative impacts. The proposed development site is not a protected landscape within any local landscape policy. During the construction phase, potential landscape and visual effects will result as the site changes from an area of agricultural land to a construction site of considerable size.
- 18.16.2. The addition of the proposed development will not fundamentally change the character of the landscape area (suburban streetscape) within which it is viewed.

There is generally a suburban character to the landscape area which the proposed development will somewhat alter as it represents an increased level of development of the Galway West District Centre. However, it is noted that there are already several pre-existing and permitted developments located in the immediate vicinity of the Proposed Development (i.e. the Galway Retail Park). The continued development of this district centre is plan-led and is aligned with the planning policy and land-use zoning. With regard to the operational phase, it is stated that the magnitude of the change given the immediate context and zoning is considered medium. The overall landscape impact is considered to be moderate, with landscape character changing from suburban and some areas of wasteland to slightly more urban. The proposed development is in keeping with the zoning and emerging trends of development in the vicinity.

18.16.3. No significant cumulative landscape and visual effects are likely to arise as a result of the proposed development. Mitigation in the form of a landscaping plan with extensive planting of trees and shrubs is proposed will address residual impacts. Likely landscape and visual effects anticipated from the proposed development are not deemed to be significant. Considering the mitigation plans in place, and the zoning of these lands, residual effects upon the landscape and visual amenity are deemed to be acceptable and in line with the sustainable development of the area.

18.17. **Conclusion**

18.17.1. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to material assets, cultural heritage and the landscape would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on material assets, cultural heritage and the landscape are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets, cultural heritage and the landscape.

19.0 **Cumulative Impacts and Interactions**

19.1. **A matrix is presented in Chapter 15** to identify potential interactions of effects between the various aspects of the environment already assessed in the EIAR. In

addition, the potential for interaction of effects has been assessed throughout this EIAR, as part of the impact assessment process.

- 19.2. Where any potential negative impacts have been identified during the assessment process, these impacts have been avoided or reduced by design and the proposed mitigation measures, as presented throughout the EIAR.
- 19.3. All mitigation measures relating to the construction and operational phases of the Proposed Development are set out in the relevant chapters of this EIAR. **Chapter 16 of the EIAR** presents a compilation of these measures, grouped according to environmental field/topic in a format which provides an easy to audit list that can be reviewed and reported on during the future phases of the project. The proposals for site inspections and environmental audits are set out in the Construction and Environmental Management Plans (CEMP) which are included in the EIAR.
- 19.4. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

20.0 Reasoned Conclusion on the Significant Effects

20.1. Having regard to the examination of environmental information set out above, including the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in housing stock and retail facilities that would be made available in Galway.
- Traffic and Transport: Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.

- Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.
- Visual Impacts: There will be changed views from various locations given the change from a largely greenfield site to a residential and commercial development. The lands are zoned for development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be positive.

20.2. Potential indirect impacts on water during the construction and operational phase, which will be mitigated by construction management measures and implementation of sustainable drainage system measures. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

21.0 Recommendation

21.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject to the conditions outlined below.

22.0 Reasons and Considerations

22.1. Having regard to the following:

- a) the location of the site in the established urban area of Galway,
- b) the policies and objectives of the Galway City Development Plan 2023-2029,
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016

- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- g) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- i) the nature, scale and design of the proposed development (as amended),
- j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- k) the pattern of existing and permitted development in the area,
- l) the planning history within the area,
- m) the submissions and observations received

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

23.0 Recommended Draft Order

Appeal by Glenveagh Living Ltd, MKO, Tuam Road, Galway, H91 VW84 against the decision made on 15th day of November 2023 by Galway City Council to refuse permission to Glenveagh Living Ltd for 4 no reasons.

Proposed Development:

The development will consist of the provision of a total of 216 no. residential units (as amended). Particulars of the development comprise as follows:

- 11) 216 no. residential apartments in 7 no. blocks comprising the following:
- a) Block A1: 8 no. 1 bed apartments & 22 no. 2 bed apartments in a block ranging between 3-5 storeys in height;
 - b) Block A2: 25 no. 1 bed apartments & 15 no. 2 bed apartments in a block ranging between 1.5-5 stories in height;
 - c) Block B1: 3 no. 1 bed apartments, 18 no. 2 bed apartments & 3 no. 3 bed apartments in a block ranging between 3-4 storeys in height;
 - d) Block B2: 13 no. 1 bed apartments & 21 no. 2 bed apartments in a block ranging between 3-5 storeys in height;
 - e) Block B3: 5 no. 1 bed apartments, 22 no. 2 bed apartments & 1 no. 1 bed apartment in a block ranging between 3-5 storeys in height;
 - f) Block B4: 11 no. 1 bed apartments & 23 no. 2 bed apartments in a block ranging between 3-5 storeys in height;
 - g) Block B5: 13 no. 1 bed apartments & 13 no. 2 bed apartments in a block ranging between 3-4 storeys in height
- 12) 867.4 sq. m. of ground floor commercial units as follows:
- e) Unit A101: 411.7 sq. m.;
 - f) Unit B201: 95.6 sq. m.;
 - g) Unit B202: 133.9 sq. m.;
 - h) Unit B301: 226.2 sq. m.;
- 13) Community facility (204.7 sq. m.);
- 14) Tenant amenity facilities (99.4 sq. m.);
- 15) Childcare facility and reconfigured external play area (476.3 sqm)
- 16) 40 no. surface car parking spaces including EV charging spaces;
- 17) Bicycle parking comprising 172 no. short stay and 386 no. long stay spaces;
- 18) Realigned road between Gort na Bró and Gateway Retail Park Road;
- 19) Change of use of existing underground void to 181 bay underground car park;
- 20) Shared communal and private open spaces, bin storage, public lighting, site landscaping, services, signage, substation and all associated site development works required to accommodate the proposed development.

An Environmental Impact Assessment (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered:

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

Reasons and Considerations

Having regard to the following:

- a) the location of the site in the established urban area of Galway,
- b) the policies and objectives of the Galway City Development Plan 2023-2029,
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness (2016)
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- g) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- i) the nature, scale and design of the proposed development (as amended),

- j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- k) the pattern of existing and permitted development in the area,
- l) the planning history within the area,
- m) the submissions and observations received
- n) the report of the inspector

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in the established urban area of Galway,
- (b) the policies and objectives of the Galway City Development Plan 2023-2029,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness (2016)

The Board considered that, subject to compliance with the conditions set out below, the proposed development (as amended) would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Sites Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) were the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura Impact Statement (as updated) and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) the mitigation measures which are included as part of the current proposal, and
- iii) the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment of the proposed development, taking into account:

- a) the nature, scale, location and extent of the proposed development,
- b) the environmental impact assessment report and associated documentation submitted with the application;
- c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and,
- d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

Reasoned Conclusions on the Significant Effects

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- a) A positive impact with regard to population and material assets due to the increase in housing stock and retail facilities that would be made available in Galway.
- b) Traffic and Transport: Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.
- c) Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.
- d) Visual Impacts: There will be changed views from various locations given the change from a largely greenfield site to a residential and commercial development. The lands are zoned for development and the proposal is not expected to involve

the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be positive.

- e) Potential indirect impacts on water during the construction and operational phase, which will be mitigated by construction management measures and implementation of sustainable drainage system measures.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

23.1. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted the 23rd day of August 2023 by the further plans and particulars received by An Bord Pleanála on the 12th day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including Chapter 16 of the Environmental Impact Assessment Report, ‘Schedule of Mitigation’ submitted with this application shall be carried out in</p>

	<p>full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health</p>
3.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for written agreement.</p> <p>Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings and the satisfactory completion of the overall development.</p>
4.	<p>Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <ul style="list-style-type: none"> a) The childcare facility capacity provision, internal and external layout and any recommendations with regard to space breakdown shall be determined in consultation with a childcare provider, Galway City Childcare and the Planning Authority prior to commencement of work on site b) Details, including samples, of the materials, colours and textures of all the external finishes to the proposed buildings. c) The specifications and finishes of the landscaping elements, paving, ducting, lighting, in addition to the general positioning of benches/bicycle racks, and all other public realm finishes, relating to the Civic Plaza. d) Landscaping, planting, boundary and surface treatments which shall generally conform to the landscaping scheme submitted with the application. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

	<p>e) Waste management storage, screening, planting and boundary detailing to service the retail units, with particular attention to the interaction with the public realm adjoining units to the rear of Blocks D and E.</p> <p>f) Details for the provision of 24-hour access to all areas of the public realm and basement level car and cycle parking areas.</p> <p>g) Details of all signage and shopfronts associated with the development, including the crèche</p> <p>h) No freestanding signage for the Gateway Retail Park shall be permitted as part of this permission.</p> <p>i)</p> <p>j) Public lighting throughout the development.</p> <p>k) Public art for the proposed development.</p> <p>l) Full details of wayfinding through the site including details of access to lifts.</p> <p>Reason: In the interests of visual amenities, permeability, connectivity and good urban design.</p>
5.	<p>Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission. No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorized by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To prevent unauthorized development.</p>
6.	<p>No advertisement or advertisement structure shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>

7.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>a) The roads and traffic arrangements serving the site (including sightlines, footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.</p> <p>(i) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.</p> <p>(ii) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works</p> <p>(iii) A Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.</p> <p>(iv) The developer shall carry out a Stage 2 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p> <p>b) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.</p> <p>c) All car parking spaces shall be provided with electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>d) Clearly designated spaces for car share use shall be provided.</p> <p>e) A detailed Construction Traffic Management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement</p>
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	<p>of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of pedestrian, cyclist, and traffic safety.</p>
8.	<p>All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.</p> <p>Reason: In the interest of residential amenity.</p>
9.	<p>No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The</p>

	<p>proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas</p>
12.	<p>The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
13.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interests of public health and surface water management</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenity of property in the vicinity.</p>
15.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the</p>

	<p>provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of the Invasive Species Management Plan for this site shall be incorporated within this plan. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
17.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as am</p>
18.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting.</p>

	<p>Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
19.	<p>A minimum of 10% of all car parking spaces serving the apartments and duplex units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
20.	<p>a) All the environmental, construction and ecological mitigation measures, as set out in the Natura Impact Report and associated documentation submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.</p> <p>b) The developer should retain the services of a recognised and suitably qualified ecologist to oversee the construction of the subject development and advice on the specified measures as set out in the application. The developer shall confirm the name of the ecologist prior to commencement of subject development for the written agreement of the Planning Authority.</p> <p>c) The developer should provide bat boxes as required ensuring that bat roosting nests are provided along tree lines around the subject site so as to prevent loss or reduction of existing habitats for commuting bats.</p> <p>Reason: To avoid any potential harmful effects to the Natura Network and to ensure environmental sustainability of the subject site</p>

21.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
22.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
23.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be

	<p>required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters</p> <p>d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.</p> <p>e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site</p>
24.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
25.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and</p>

	<p>amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
26.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Mary Crowley

Senior Planning Inspector

14th March 2024