



An  
Bord  
Pleanála

## Inspector's Report ABP-319298-24

### Development

Permission for the demolition of a vacant dwelling/guesthouse fronting onto the Letteragh Road and two shed/workshop buildings accessed via existing laneway and the construction of twenty eight residential units in three separate blocks, Block 1 a two storey duplex terrace building fronting onto Letteragh road comprising 8 x 2 bed apartments, Block 2, a three storey duplex terrace building fronting onto the existing laneway comprising 10 x 1 & 2 bed apartments and Block 3 a three storey duplex terrace building fronting onto the existing laneway comprising 10 x 1 & 2 bed apartments, provision of footpath onto the western edge of Letteragh Road, including connections with existing footpaths and road line markings, alterations to existing access points including provision of pedestrian crossings at entrance to existing laneway as well as the entrance to the Cnoc and Óir housing estate, provision of residential car parking along existing

laneway dedicated EV charging spaces and ducting to all spaces for future charging points , provision of shared communal open space, playground area, landscaping, secured bicycle parking, bin storage, public lighting, connections to existing services, revised boundary treatments and all associated site development works..

**Location**

Letteragh Road, Galway City

**Planning Authority**

Galway City Council

**Planning Authority Reg. Ref.**

23121

**Applicant**

Callanan & Walsh Construction  
Company Ltd.

**Type of Application**

Permission

**Planning Authority Decision**

Grant planning permission

**Type of Appeal**

Third Party(s) v Decision

**Appellant**

- 1) Richard Lynch & Helen Fahy
- 2) Tim Tarpey c/o Tom O'Regan

**Observer(s)**

None

**Date of Site Inspection**

13<sup>th</sup> day of November 2024

**Inspector**

Fergal Ó Bric

## 1.0 Site Location and Description

- 1.1 The appeal site has a stated area of 0.552 Ha<sup>1</sup>. and is located on the western side of the Letteragh Road, Ragoon, c. seven hundred metres north-west of the junction with the R338 (Seamus Quirke Road), the Western Distributor Road linking the M6 with Salthill and Connemara. The appeal site is located c. three kilometres west of the centre of Galway City (Eyre Square).
- 1.2 The appeal site is broadly rectangular in shape with dog legs to the west and south of the main body of the site. There is a dormer dwelling on site, which is vacant at present with its gable end facing onto the Letteragh Road and front elevation facing onto the existing laneway to the north of the appeal site. The laneway acts as a secondary means of access to the Cnoc an Óir residential development located immediately south and south-west of the appeal site. There are two large outbuildings located further west of the dwelling within the appeal site which are stated to have been previously used as a boat repair business. The appeal site extends south of the dwelling on site as far as the junction with the Cnoc an Óir residential development. The appeal site is bound by the Letteragh Road to the east, a new housing development, Sliabh Ríoga to the north and there are three-storey apartment blocks (part of the Cnocán Glas residential development) on the opposite (eastern) side of the Letteragh Road.
- 1.3 Site boundaries comprise a block boundary wall (ranging in height from approximately 1.4 to 1.8 metres) to the west and south backing onto the Cnoc an Óir residential development, and to the south-east of the site facing onto Letteragh Road and onto the existing laneway (to the north) is a 1.6 metre wall. There is 1.8 metre tall palisade fencing along the south-eastern site boundary facing onto the Letteragh Road and at the junction entering the Cnoc an Óir residential development. The appeal site is mainly hard surfaced (concrete and hard cored) with a grass area to the south-east of the appeal site, comprising the private amenity area associated with the dwelling. The topography of the site falls from c. 43.57 metres OD Malin in the eastern portion of the site at the Letteragh Road to c. 38.19 metres OD Malin in the western portion of the site adjoining the Cnoc and Óir development.

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<sup>1</sup> This area extended to the centre of Letteragh Road. When this area is excluded the developable area of the site is 0.38 Ha.

- 1.4 There is a bus stop is located further south on the Letteragh Road, approximately 500 metres south of the appeal site, in proximity to the Westside neighbourhood centre, associated playing pitches and playground.

## 2.0 **Proposed Development**

- 2.1 The development as initially proposed comprised.

- Demolition of vacant dwelling and two shed/workshop buildings accessed via the existing laneway and construction of twenty-eight residential units in three separate blocks,
- Block 1, a two-storey duplex terrace building fronting onto Letteragh road would comprise 8 x 2-bedroom apartments.
- Block 2, a three-storey duplex terrace building fronting onto the existing laneway and would comprise 5 x 1-bedroom apartments and 5 x 2-bedroom apartments
- Block 3 a three-storey duplex terrace building fronting onto the existing laneway and would comprise 5 x 1-bedroom apartments and 5 x 2-bedroom apartments
- Provision of footpath onto the western edge of Letteragh Road, including connections with existing footpaths, provision of pedestrian crossings at entrance to existing laneway as well as the entrance to the Cnoc and Óir residential development,
- Provision of residential car parking along existing laneway, electric vehicle charge spaces and ducting for future charging spaces, shared communal open space,
- Playground, landscaping, secured bicycle parking, bin storage, public lighting,
- Connections to existing services, boundary treatments and all associated site development works.

- 2.2 The initial planning application was accompanied by the following reports/studies.

- Planning Statement.
- Engineering Services Report.
- Apartment Quality Assessment, Computer Generated Images,

- Indicative Shadow Cast Study
- Traffic Report
- Stage 1 Road Safety Audit.
- Appropriate Assessment (AA) screening report
- Bat roost assessment report
- Landscape Design Statement.
- Soakaway capacity design calculation Report
- Public lighting preliminary design report

2.3 Following a request for Further Information, the applicants submitted amended proposals for the development as follows.

- The number of apartments was reduced from 28 no. to 26 no.
- Revised mix of unit types to comprise 10 x 1 bed units, 15 x 2 bed units and 1 x 3 bed unit.
- The number of apartment units within Block 2 was reduced from ten to eight units comprising 4 number 1 bed ground floor apartments with 4 no. two bed duplex apartments within the upper floor levels.
- A planning rationale for the density proposed has been set out.
- The height of Block 1 facing onto the Letteragh road was increased to 2.5 storeys.
- Revisions to site layout and elevation plans.
- Increase in on site car parking provision from 28 to 32 spaces.
- Revisions to landscaping plans including Improved connectivity through the site from west to east has been set out through reconfiguration of public open space and introduction of artwork.
- Opaque balcony screens introduced within the upper floor units within Block 1 in order to address any potential for overlooking of adjacent residential areas.

- A scheme sustainability statement was submitted outlining how water management measures, ventilation and sustainable energy sources would be used within the scheme.
- Legal correspondence regarding the status of the right of way along the northern portion of the site.

2.4 Following a request for Clarification of Further Information the applicants submitted the following:

- A Planning rationale justifying the density of development proposed and referencing various national planning policy and guidance as well as local planning policy and planning precedent within the Galway suburbs.

2.5 The Planning Authority carried out an Appropriate Assessment (AA) screening exercise and concluded 'that the proposed development would not be likely to have a significant effect on any identified European site and their qualifying interests and special conservation interests, alone and/or in combination with other plans and projects'.

2.6 A letter of consent was submitted a part of the planning documentation from the Corporate Services Section within Galway City Council in relation to the carrying out of works at the interface of the appeal site and the western edge of the Letteragh Road, in terms of the provision of road markings, footpath tie-ins and street lighting.

### 3.0 **Planning Authority Decision**

Following on from the request for Further Information & Clarification of Further Information as referenced in Sections 2.3 and 2.4 above. the Planning Authority issued a Notification of Decision to GRANT Permission on the 23<sup>rd</sup> day of February 2024 subject to 25 no. conditions. The following conditions are of particular relevance to this appeal.

2-Omit unit numbers 19 and 20 from Block 3.

4-1.8 metre screens opaque glazed screens around perimeter of all terraces/balconies.

5-External finishes

6-Boundary walls

- 8-Artwork
- 10-Surface water management
- 12-Uisce Eireann service agreements
- 13-public lighting
- 14-Road opening licence and footpath construction
- 15-Construction hours and Construction and environmental management plan
- 16 & 19-Management company
- 17-landscaping
- 18-Development contribution.
- 20/21-Establish a property management company
- 22-Cash deposit/bond
- 23-Social/affordable housing agreement
- 24-Tenure agreement
- 25-Archaeological monitoring.

## **Planning Authority Reports**

### Planning Reports

The first report of the Planning Officer generally reflects the issues in the Further Information request. I refer to Section 2.3 of this report.

### Further Information Recommended.

The second report of the Planning Officer was of the opinion that the density proposed remained too high and remained a concern for them.

### Clarification of Further Information Recommended.

The third report of the Planning Officer considered that notwithstanding the planning rationale presented by the applicants that the density of the proposal remained too high, was not in accordance with the provisions of the Galway City Development Plan (GCDP) nor the Galway Urban Density and Building Heights Study (GUDBHS- 2021) and recommended that two apartment units be removed from block 3 (namely units numbers 19 and 20) by condition in order that the density be reduced within the residential scheme. The Planning Authority (PA) considered that the omission of two

apartment units (see Condition no. 2) would address their concerns in respect of density. This was also one of the one of the issues raised within the third-party submissions.

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

### **Other Technical Reports**

Drainage Section - No objections, subject to conditions.

Heritage Officer - No objections, subject to conditions.

Transport & Infrastructure - No objections, subject to conditions.

Parks Department– Further information sought regarding type of play equipment in play area, boundary treatment facing onto communal open space areas to rear of Blocks 2 and 3 and a query regarding beech trees along the Letteragh road boundary.

### **Prescribed Bodies**

None received.

### **Third Party Observations**

The report of the Planning Officer summarises the main issues raised in the third-party observations as follows:

- Additional traffic on the existing local laneway to the north of the appeal site.
- That adequate sightlines on lands within the control of the applicants are not achievable.
- Due consideration has not been given to the road width required for the Bus Connects project, which will traverse the Letteragh Road.
- Insufficient car parking to serve the proposed development.
- Absence of continuous footpath connectivity in the area.
- Density of development on the site is excessive.



- The density proposed would be out of character with the prevailing density of development in the area.
- Residential amenity of adjacent residents will be adversely impacted by reason of overlooking and overshadowing.
- The height of the proposed development is excessive and would adversely impact upon the residential amenity of adjacent properties.
- The height and scale of development is out of character with the existing surrounding development.
- Concern regarding proposed pedestrian connectivity into adjoining Cnoc an Óir residential development.
- The location of the proposed bicycle shelter would adversely impact adjacent residents by reason of noise generation.
- Changes made at further information and clarification of further information stages to the proposal do not address the concerns raised.

#### 4.0 Planning History

##### Appeal Site:

Planning Authority. Ref. 03/920 ABP. Ref. PL61.244644 – Planning permission refused by the Board in 2003 for a two-storey mixed use retail and office development, car parking and loading bay.

Planning Authority Ref. 00/366 & ABP. Ref. PL61.244644 – Planning Permission granted for the erection of a pair of semi-detached dwellings on site.

##### Lands in Vicinity

Planning Authority Ref. 19/112 and as amended under planning reference numbers 20/166, 20/343 and 22/124-Permission granted for the construction of 84 residential units comprising three storey apartments facing onto the eastern side of the Letteragh road with more conventional housing to their rear. This is the Cnocan Glas residential development located immediately opposite the appeal site on the eastern side of the Letteragh road.

Planning Authority Ref. 17/30 and ABP reference number 300032-17- Permission granted for a Strategic Housing Development (SHD) comprising 101 residential units. This is the 'Fanan' residential development on the eastern side of the Letteragh road, north-east of the appeal site.

Planning Authority Ref. 22/56 -Permission granted for the construction of 82 residential units comprising a mix of three storey apartments facing onto the eastern side of the Letteragh road with more conventional housing to their rear. This development is located north of the 'Fanan' residential development and is currently under construction, further north-east of the appeal site.

## **5.0 Policy Context**

### **5.1 Development Plan**

5.1.1. The Galway City Development Plan (GCDP) 2023-2029 came into effect on the 4<sup>th</sup> of January 2023 and is the relevant development plan.

5.1.2 The appeal site is zoned 'Residential' (R) under the Galway City Development Plan 2023 – 2029, with an objective *'to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'*.

5.1.3. The appeal site is located within the 'Outer Suburbs' (see Fig. 3.1 & also Fig 11.32 within the Galway City Development Plan 2023 – 2029).

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

Section 3.5 Sustainable Neighbourhoods – 'The outer suburbs of the city are areas which have accommodated the greatest population growth in the city in recent years. As indicated in the Core Strategy, there is opportunity to further consolidate these neighbourhoods through the development of existing serviced and zoned residential land..... New residential development will be required to adhere to the principles for sustainable neighbourhoods set out in the previous section and DM standards set out

in Chapter 11. The Council will work in conjunction with stakeholders to progress development such as the provision of sports, recreation and community facilities. The Council will also progress measures to improve connectivity, supporting safe walking, cycling and greenways.

- Policy 3.3 - Sustainable Neighbourhood Concept

- Policy 3.4 - Sustainable Neighbourhoods: Outer Suburbs

- Facilitate consolidation of existing residential development and densification where appropriate within the outer suburbs to deliver on population targets m, while ensuring the reasonable protection of residential amenities.
- Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form with appropriate community infrastructure delivered in tandem with new growth,
- Require the integration of biodiversity measures, green infrastructure and energy efficiency in the design and layout of residential development,
- Encourage a mix of housing types and sizes within residential developments,
- Encourage the use of homezones within residential developments,
- Require residential developments of over ten units to provide recreational facilities as an integral part of the proposed open space,
- Ensure that the design and layout has regard to adjoining developments,
- Encourage the protection of universal design principles and lifetime adaptability in the design and layout of residential development,
- Promote the use of appropriate placenames for new residential development in support of recognition of Galway city as a bilingual city.

- Policy 8.7 - Urban Design and Placemaking

- Encourage high quality urban design in all developments.
- Promote the reuse and adaptation of derelict and vacant buildings.

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

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

- 11.3.1 (d) Overlooking

- 11.3.1 (e) Daylight
- 11.3.1 (f) Distances between dwellings for new residential development
- 11.3.1 (g) Car Parking Standards (Outer Suburbs)
- 11.3.1 (h) Cycle Parking Standards
- 11.3.1 (i) Refuse Storage Standards

## 5.2 National Policy

National Planning Framework 'Project Ireland 2040'

The NPF sets out a targeted pattern of growth for Galway City and Suburbs to 2040 of between 40,000 - 45,000 people. Relevant Policy Objectives include:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- **National Policy Objective 3a:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **National Policy Objective 3b:** Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- **National Policy Objective 13:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 5.3. Ministerial Guidelines

5.3.1 Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Design Manual for Urban Roads and Streets (2019).
- Urban Density and Building Heights Study for Galway, (2021).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.

### 5.4 Natural Heritage Designations

- Lough Corrib SAC (Site Code: 000297), is located approximately 1.67 kilometres north-east of the appeal site.

- Lough Corrib SPA (**Site Code: 004042**), is located approximately 1.67 kilometres north-east of the appeal site
- Galway Bay Complex pNHA (Site Code: 000268), c. 2.2 kilometres south-west of the appeal site.
- Galway Bay Complex SAC (Site Code: 000268), c. 2.2 kilometres south-west of the appeal site.
- Inner Galway Bay SPA (Site Code: 004031), c. 2.2 kilometres south-east of the appeal site.

## 5.5 EIA Screening

(See Form 1 and Form 2 attached). Having regard to the limited nature and scale of development on an underutilised brownfield site and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1 Grounds of Appeal

Two third party appeals from residents adjacent to the appeal site have been received. There are a number of common issues raised within the appeal submissions and a number of standalone issues also raised. The issues raised in the appeals can be summarised as follows:

Principle of Development:

- The proposal contravenes the residential zoning of the site as it does not protect the residential amenities of adjacent residents.

Density, Design and layout:

- The proposed development will overlook the rear gardens of properties within the Cnoc an Óir residential development and will also result in overshadowing of rear gardens of properties within Cnoc an Óir.
- The density proposed is excessive and unreasonable.
- The scale and height of the proposed blocks at three storeys are excessive
- The examples/precedents cited by the first party in relation to density are not comparable to the appeal site (when factors such as proximity to city centre, separation distances, green spaces adjoining the site are considered).
- The separation distances as sought by the applicant from the upper floor balcony areas are below what is required under the Galway City Development Plan 2023-2029 (DM standard Section 11.3.1.(d)).

#### Residential Amenity

- That the residential amenities of adjacent residents would be adversely impacted by reason of proximity of the bicycle shelter to the rear boundaries of the Cnoc an Óir development and that would adversely impact then by virtue of the noise that would be generated from access to the shelter late at night.
- That adverse overlooking would occur from the balcony areas within the proposed upper-level apartments.
- That overshadowing of the private rear amenity spaces of the dwellings within Cnoc an Óir would occur as a result of the scale and height of the development proposals.

#### Traffic, parking and pedestrian provision:

- Additional traffic would be generated on the existing local laneway to the north of the appeal site, which acts as a right of way to the west of the site into Cnoc an Óir.
- That adequate sightlines on lands within the control of the applicants are not achievable. Sightlines in accordance with DMURS standards would be restricted by Block 1, given its proximity to the edge of the Letteragh Road carriageway.

- Due consideration has not been given to the road width required for the Bus Connects public bus project, which will traverse the Letteragh Road.
- Insufficient car parking to serve the proposed development is provided for within the layout.
- There is an absence of continuous footpath connectivity in the area.
- The construction traffic would adversely impact upon the residential amenities of neighbouring properties by reason of noise and inconvenience.

Other Issues:

- That the applicants have failed to duly consider the right of way across the appeal site within their development proposals.

## **6.2 Planning Authority Response**

None received.

## **6.3 First party response to the third-party appeal submissions**

The applicants issued a response to the issues raised within the third-party appeal submissions. The issues raised relate to the following matters:

- The proposed development does/will not interfere with the existing right of way granted to Tim and Bríd Tarpey (for the duration of their lifetimes) along the laneway. A letter from a legal representative has been submitted to this effect.
- A Road Safety Audit (Stage 1) was conducted, and its recommendations have been incorporated within the roads layout, including provision of a widened 5.5 metre wide carriageway in order to comply with DMURS requirements. A traffic report was also submitted as part of the planning documentation. The Transport and Infrastructure Section within GCC outlined no objections from a



roads and traffic safety perspective subject to the inclusion of a number of conditions.

- Bat Survey and Appropriate Assessment (AA) Screening Reports were submitted and outlined that there were no particular environmental sensitivities within the site.
- The applicants have no objections to submitting a Construction Waste Management Plan, if the Board deem appropriate.
- The nearest bike shed to the appellants property (within number 58 Cnoc an Óir residential development) would be 15 metres east of their property and there are intervening garden walls between the bicycle shed and their property, The previous use within the appeal site as a commercial boat repair business would have generated far greater noise.
- The bicycle shed will not adversely impact the residential amenity of the appellants by reason of noise, as bicycle sheds are not noisy by their nature and no high-level lighting is proposed to serve the bicycle shed.
- The car parking provision on site would exceed the City Development Plan standards. The appeal site is located in proximity to local amenities and facilities, including Westside neighbourhood centre and associated playing pitches and playground.
- The appeal site is located in proximity to the city centre and there is strong public bus connectivity to/from the city centre,
- In terms of the development overbearing and diminishing the value of property in the vicinity, given the high-quality architectural input within the development and the fact that the site previously catered for a commercial boatshed repair business, that if anything, property values in this vicinity would be enhanced by the proposals.
- The surface and functionality of the right of way across the northern portion of the appeal site be improved as a result of the development.
- The revised density submitted as part of the further information response to the PA on the 15<sup>th</sup> of November 2023 provides for a reduced scale of

development, 26 apartments, resulting in a density of 68 units per hectare, appropriate for this location.

- The appeal site is located along the Letteragh Road. As per the Draft Bus Connects project as published on the National Transport Authority (NTA) website, the Letteragh Road will have twenty-minute bus frequency to/from the city centre. There will be a 10-12 minute bus frequency along the R338, Seamus Quirke road, approximately 700 metres south of the appeal site.
- The Planning Authority (PA) have confirmed that the appeal site is located within an 'Intermediate Urban Location' as per the 'Sustainable Urban Housing Standards for New Apartments, 2022.
- The Apartment Guidelines sets out that these areas are suitable for high density development that may wholly comprise apartments.
- Given the recent announcement by the NTA regarding the high frequency service in proximity to the site, this confirms that a density of >45 units per hectare can be considered.
- The Board recently permitted an apartment scheme with a density of 73 units per hectare under Board reference number 315598-23 within an intermediate urban location. Along the Lower Ballymoneen Road.
- The provisions of the Sustainable Residential Development and Compact Settlement Guidelines (SRD&CS) is supportive of the density proposed. These Section 28 Guidelines set out that mixed terrace houses/duplex and low-rise apartments generate a density range of 50-80 dph.
- Table 3.2 of the SRD&CS sets out that residential densities in the range of 50dph to 100dph shall generally be applied in urban neighbourhoods in Limerick, Galway and Waterford.
- The future Draft Bus Connects corridor is located further south-west of the appeal site along the Letteragh Road.
- The junction of the proposed development with the Letteragh Road has been agreed with the Roads Section within Galway City Council and subscribes to the Road improvement alignment along the Letteragh Road.
- In the event that the Bus Connects route is delivered, and a revised stop line is required, this option would be available to the Roads Authority. Given the

extent of the proposed building line set back proposed on site, no future sightline impediments are envisaged.

- With regard to the potential for overshadowing within the eastern facing windows within Block 1, the living areas and private open space within this block have the benefit of a south-westerly orientation, considered to be the optimum aspect to avail of passive solar gain. Each of the mid-terrace units are dual-aspect and the end of terrace units within Block 1 are triple aspect. Therefore, no daylight nor overshadowing issues will arise in this instance.
- The Planners report acknowledges that overshadowing would not arise.
- In relation to overlooking, the minimum separation distance between Block 2 and the rear of the houses within Cnoc an Óir is 22 metres, SPPI1 within the SRD&CS Guideline sets out that separation distances of at least 16 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.
- A 1.8 metres opaque screen is proposed around the perimeter of balconies of the upper floor units within Block 1 to address the issue of overlooking, as set out within the further information response.
- An area of 793 sq. m of public open space is proposed within the site in the form of a linear space within the southern portion of the site and a section to the east of Block 2 and overlooked by a considerable number of units. Detailed landscaping proposals for the public open space have been submitted. The Planners Report sets out that a minimum of 570 sq. metres of public open space should be provided on site.
- The Planner Report was also satisfied that the private open space submitted is appropriate and would meet the requirements of the apartment guidelines.

#### 6.4 Observations

None received.

## **7.0 Assessment**

7.1 The main issues are those raised within the grounds of the third party appeals and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Density, Design and Layout
- Access and traffic.
- Other Issues.
- Appropriate Assessment

## **7.2 Principle of Development**

7.2.1 Within the National Planning Framework (NPF) Galway is identified as being an important economic driver of national growth and as being a key regional centre within the northern and western region. Urban infill development is specifically referenced in the NPOF, Section 4.5. The NPF targets a significant proportion of future urban development within urban infill/brownfield sites within the built footprint of existing urban areas. The Regional spatial and Economic Strategy (RSES) for the northern and western region has identified the preparation of a Metropolitan Area Strategic Plan (MASP) for Galway city and its surrounds. Section 3.6.3 of the RSES sets out the following 'Galway metropolitan area has considerable land capacity that can significantly contribute to meeting the housing demands based on population targets set out within the NPF and the SES. The targets set out within the RSES are that the population within the MASP area is anticipated to grow by 27,500 persons to the year 2026 and by a further 14,500 persons to the year 2031 and the population growth within the city and suburbs is expected to grow by 23,000 persons by 2026 and 12,000 persons to 2031. It is anticipated that 50% of all new homes are to be delivered within the existing built-up footprint and 40% of these on infill/brownfield sites (RPO 3.6.2). Ráhoon, the district within which the appeal site is located is identified as 'A Strategic Growth Area' within the Galway MASP.

- 7.2.2 Section 3.5 of the City Development Plan (CDP) is entitled Neighbourhoods-Outer Suburbs. The Letteragh residential area is specifically referenced as part of the western outer suburbs. Section 1.4.6 of the CDP sets out housing targets as part of the Core strategy. These population targets are consistent with the targets as identified above in Section 7.2.1 for the MASP area as set out within the RSES. Policy 1.4 sets out the following in relation to brownfield sites 'Support the compact growth of the city by promoting development on designated regeneration and opportunity sites, by the redevelopment of brownfield and underutilised sites and through encouraging the reuse and adaptation of the existing building stock'. Therefore, I consider that the current proposals for the redevelopment of a vacant and brownfield infill site, within an identified 'Strategic Growth Area' of Ragoon would be acceptable in principle, having regard to the established residential character of the area. Therefore, I consider that the current proposals would be consistent with the sequential approach to residential development as recommended within the Sustainable Residential Development and Compact Settlement Guidelines 2023.
- 7.2.3 I acknowledge the context of the appeal site lands, which are located approximately 550 metres north-west of the Westside District Centre which comprises a mix of retail and employment uses and services as well as playing pitches, a playground and a running/walking track. The appeal site is located approximately three kilometres north-west of Eyre Square and is located along a bus route linking the appeal site to/from the city centre. The Letteragh Road also forms part of the current Bus Connects network proposals for the Galway suburbs (as per the NTA website) which will provide a bus service every twenty minutes between the Letteragh Road to/from Galway City centre and a 10-12 minute bus frequency from the Seamus Quirke Road at the Westside District Centre, which is located approximately 700 metres south of the appeal site. I consider from a sequential perspective, the appeal site would be suitable for development, given its residential zoning status and given that it adjoins established residential development. The current City Development Plan provides for development of the site given its zoning and, therefore, is not constrained by Core Strategy provisions.
- 7.2.4 The current proposals, located on an underutilised brownfield infill site on residentially zoned and serviced lands, would provide for additional housing units, as provided for within the Core Strategy. Therefore, I consider, the current proposals

would be appropriate in principle and would be consistent with the provisions of the Core and Settlement Strategies within the current City Development Plan.

- 7.2.5 In conclusion, Section 3.5 of the CDP 2023 sets out locations suitable for residential development in urban areas. The appeal site, located within the sustainable Neighbourhoods-Outer Suburbs and within the Strategic Growth area of Ragoon on residentially zoned lands that are serviced and would be consistent with the Core and Settlement Strategies as set out in the current City Development Plan 2023-2029.

### 7.3 **Density, Design and layout**

#### Density:

- 7.3.1 Condition number 2 as set out within the Planning Authority (PA) decision reduces the number of apartments within the development from 26 no. units as proposed by the applicants within their further Information response stage to 24 no. units. The Planning Authority required the omission of 2 no. units in order to reduce the density of the proposed development, which they considered to be excessive. I note that the appeal submissions received from the adjacent residents both contend that the density of the proposal is excessive and unreasonable. In relation to the appropriateness of the density of the proposal, the report of the Planning Officer refers to the Section 2.4. (2) of the 'Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities' March 2018, which in respect of 'Intermediate Urban Locations' indicates an appropriate density of >45 dpha. The Planning Authority contend that the density of the proposal, at 68 dpha<sup>2</sup> is inappropriate in this context. I note that the aforementioned section of the Guidelines does not preclude densities above 45 dpha but rather provides that densities above 45 dpha are appropriate at 'Intermediate Urban Locations'. Furthermore, I note that the updated Apartment Guidelines (issued July 2023) provides the same guidance in respect of density at 'Intermediate Urban Locations'.

The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) provides guidance in respect of the density of residential

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<sup>2</sup> Based on 26 no. units on a site area of 0.38 Ha.

development at different locations/scales. Table 3.2 (Area and Density Ranges Limerick, Galway and Waterford City and Suburbs) provides three density ranges. In my opinion, the 'City – Urban Neighbourhoods' range is the most relevant typology to the appeal site. This typology is described as including: (i) the compact medium density residential neighbourhoods around the city centre that have evolved over time to include a greater range of land uses, (ii) strategic and sustainable development locations; and (iii) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) all in the city and suburbs area. The appeal site is located c. 700 metres from a planned BusConnects route with a service frequency of 10-12 minutes (i.e. no. 405 Route – Ragoon to City Centre), and the appeal site is located adjacent to the Bus Connects route proposal with a service frequency of every 20 minutes to/from the city centre (i.e. no. 404 Route). There is presently a bus every thirty minutes connecting the bus stop in proximity to the Siobhan McKenna junction with the Letteragh road, which is located approximately 50 metres further south of the appeal site, along the Letteragh road. In the context of accessibility, I note that Table 3.8 within the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) refers to locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop. I note that the appeal site is just within this range, with the existence of a bus stop located further south along the Letteragh Road, adjacent to the junction with the Siobhan McKenna Road. Under the 'City – Urban Neighbourhoods' level *'it is a policy and objective of these Guidelines that residential densities in the range 50 dph to 200 dph (net) shall generally be applied in urban neighbourhoods of Limerick, Galway and Waterford'*. The Guidelines also require consideration of the character, amenity and natural environment when considering density. In this regard I note that the appeal site is located in an area where there is an emerging pattern of higher density development, most notably to the north and the east (on the opposite side of the Letteragh Road) where apartments of up to 4 stories have been constructed. I also note that the appeal site is not sensitive from an ecological perspective.

SPPR 4 (1) of the Urban Development and Building Heights: Guidelines for Planning Authorities (December 2018) provides that 'is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure - the minimum densities for such

locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) have replaced the Sustainable Residential Development in Urban Areas (2007) Guidelines and in this regard, I consider that the density ranges set out in Table 3.2 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) is, therefore, the appropriate guidance in this instance.

The developable area of the site is stated as 0.38 Ha. and on the basis of a proposal for 26 no. units (i.e. the development proposed as part of the Further Information stage (as re-advertised, and prior to the omission of the 2no. units required by Condition no. 2) the resultant density is c. 68 dpha. In my opinion the appeal site is analogous with the ‘City – Urban Neighbourhoods’ range as set out at Table 3.2 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) and as such I consider that a density of 68 dpha is acceptable at this location. I do not consider that the requirements of Condition 2, requiring the omission of 2 no. apartment units to be warranted in this instance on density grounds, and I recommend that the Board remove this condition in the event that they are minded to granting planning permission for the proposals.

#### 7.3.2 Residential Amenity:

Condition no. 2 of the Planning Authorities Notification to Grant Permission requires the omission of 2 no. apartment units (i.e. unit numbers 19 and 20 within Block number 3). The Planning Authority required the omission of 2 no. units in order to reduce the density of the proposal. The appeal submissions by two of the residents of the adjacent residential development contend that their amenities would be adversely impacted upon by reason of overshadowing and overlooking. The applicants contend that the proposed development would not affect the residential amenities of the adjacent residential properties. The appellants contend that potential impacts on the residential amenity of properties within Cnoc and Oir would arise as a result of overlooking from above ground windows and terraces/balconies on upper floors, overshadowing and overbearance. I will address each in turn.



### Overlooking:

SPPR 1 within the SRD&CS sets out that ‘when considering a planning application for residential development, separation distances of at least 16 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. The proposed building as submitted to the Planning Authority as part of the Further Information response (Drawing number 3004-Rev A-Proposed site layout Plan demarcates the separation distance from the south facing balcony within Block no 2 to the rear of the dwellings within Cnoc an Óir is a minimum of 22 metres distant and, therefore, exceeds the standards as set out within SPPR1. Having regard to the separation distances concerned, and the design measures incorporated, specifically the use of opaque glazing for the private balcony/terrace areas serving the apartments, I am satisfied that the proposed development (submitted to the Planning Authority as part of the further information response) would not result in significant overlooking of the dwellings within Cnoc an Óir, or their rear garden spaces. Additionally, I consider that the proposed development accords with the requirements of Section 11.3.1 (d) of the Galway City Development Plan 2023-2029 in respect of overlooking. I note that the balcony areas at first floor level within Block 1 would face towards the gable ends of dwellings within Cnoc an Óir and within Block 2 of the proposed scheme with an opaque glazed screen around their perimeter and as such do not directly overlook the adjacent properties. Separation distances between windows and balconies on the second floor of the proposed apartment building are in excess of 11 metres from private open space of adjacent properties.

The prevailing building heights along the Letteragh road vary from 4 storeys further north-east of the appeal site, to three storeys opposite the appeal site, to 2.5 and three storeys within the appeal site and two storeys within the Cnoc an Óir residential development.

### Overshadowing:

The applicants submitted a daylight shadow analysis as part of their planning decumulation. This analysis sets out that no adverse overshadowing of the adjacent

residential properties would arise as a result of the proposed development, as the development is designed on an east-west axis.

The layout of the scheme whereby Block 1 is positioned along a north-west to south-east orientation and parallel with the Letteragh road and providing strong definition onto the public road and blocks 2 and 3 are oriented along an east to west axis to address the issue of overshadowing and/or adverse impact in terms of daylight, This is acknowledged within the Planners Report the following is set out 'The development is orientated along a northwest/southeast line along the Letteragh Road and along an east-west line. In this case, the orientation and the position of the roadways and open spaces all prevent any overshadowing of adjacent properties. In summation, I consider the proposed development to be acceptable in terms of overshadowing.

#### Overbearance:

As noted above, the apartment buildings as submitted to the Planning Authority at Clarification of Further Information stage are located c. 11 metres from the site boundaries of the adjacent Cnoc an Óir residential development. Having regard to the considered design of the proposed apartment building, its height and the separation distance to the dwellings within Cnoc an Óir, I am satisfied that the proposed development would not result in significant overbearance of the dwellings within Cnoc an Óir.

## **7.4 Access and Traffic**

- 7.4.1 The third-party appellants raised issues in relation to traffic safety during the construction phase of the proposed development but also during the operational phase of the development. The applicants submitted a Traffic Report (TR) and a Road Safety Audit (RSA) Stage 1 as part of their planning documentation. Both of these documents were also updated as part of their further information response.
- 7.4.2 I note that the appeal site along the Letteragh road is located within the 50 kilometre per hour speed control zone. The RSA submitted by the applicants included a number of recommendations including the provision of a number of uncontrolled pedestrian crossings. These crossings are at the junction of the Letteragh Road and the Cnoc an Óir residential development at the south-eastern tip of the appeal site

and a second crossing at the junction of the Letteragh road with the existing laneway to the north of the appeal site boundary. The applicants set out that the pedestrian crossings will improve pedestrian safety within the area and slow traffic entering and exiting the appeal site and the Cnoc an Óir residential development. The traffic disruption that would arise during the construction phase would be over a relatively short period of time, given the relatively modest scale of development proposed,

7.4.3 I consider that the control measures set out within the RSA which include the completion of footpath links to tie-in with the existing footpaths along the Letteragh road and into the Cnoc an Óir residential development, the provision of street lighting along the eastern road frontage of the site along the Letteragh Road, as well as optimising visibility at the junction of the existing laneway/Cnoc an Óir junction with the Letteragh road, the reduction in the carriageway width of the Letteragh Road the provision of stop markings at the junctions with the Letteragh road and the provision of bollards at the hatched area at the junction of the Letteragh road to prohibit parked cars impeding sightlines, amongst others, would satisfactorily address many of the traffic safety issues raised by the third party appellants in terms of reducing traffic speeds and optimising safety of access for residents/pedestrians when entering/exiting the junction between the appeal site and the Letteragh road, I consider that the design as proposed will improve pedestrian/vehicular safety in this area and slow vehicular traffic during the construction and operational phases of the development. These matters can be included by means of appropriate planning conditions, if the Board deem appropriate.

7.4.4 I consider that the recommendations included within the RSA would provide for improved safety for pedestrians with the development of pedestrian crossings and footpath tie-ins along the Letteragh road, which is a public roadway. These measures will benefit future residents within the appeal site and the existing adjacent residents within the Cnoc an Óir, residential development. As per Table 4.2 of the Design Manual for Urban Roads and Streets (DMURS) Guidance, 2013 (as updated in 2019) sightlines of 45 metres are required for access points where the 50 km/h speed control zone applies from a 2.4 metre set back from the edge of the carriageway. I am satisfied that adequate sightlines would be achievable in accordance with the DMURS standards. These are matters that can be addressed by means of an appropriate planning condition, if the Board deem appropriate.

- 7.4.5 The appellants raised issues specifically in relation to the potential for adverse impact arising from the construction traffic that the development would generate. I acknowledge that there would be increased HGV movement along the Letteragh Road area during the construction phase. I note the comments from the Traffic and Infrastructure Department within GCC who outlined no objections to the proposals from a traffic perspective, subject to a number of conditions. However, I consider that there is adequate capacity within the adjacent road network and junctions to cater for the construction and operational phases of the development. The development would be subject to best practice traffic management practices especially during the construction phase which would include the erection of warning signage in the vicinity of the appeal site and that construction works would be conducted during normal construction hours, these are matters that would be agreed as part of a Construction and Environmental Management Plan (CEMP), which would be agreed in writing with the PA prior to the commencement of development. The conditioning of a construction environmental and traffic plan is something that can be included, if the Board are minded to granting planning permission.
- 7.4.6 The appellants also raised issues about the extent of car parking dedicated to the residential scheme. A total of 32 spaces were set out as part of their further information response to serve the 26 apartment units. This would be two spaces short of the City Development Plan car parking standards as set out within Section 11.3.1 (g). However, given the location of the proposals within the outer suburbs, within 500 metres of a bus stop to/from the city centre and the proposals to provide two covered bicycle storage shelters providing capacity for the storage of 44 bicycles (including three cargo bicycle spaces) on site and the footpath connectivity to the town centre from the Letteragh road, I consider the car parking provision proposed to be acceptable in this instance. The Traffic and Infrastructure Section within GCC did not raise any objections to the car parking provision on site.
- 7.4.7 In conclusion, I am satisfied that the scale of the development would not result in excessive traffic levels being generated and that the proposals are designed in accordance with the Design Manual for Urban Roads and Streets standards (DMURS) best practice standards and therefore, safety of pedestrians and drivers is optimised in accordance with best practice as promoted by TII and Galway City Council within Section 4.4 of the City Development Plan in relation to sustainable mobility which encourages

measures that make a positive contribution towards the improvement of pedestrian connectivity.

## **7.5 Other Matters**

- 7.5.1 The appellants have raised issue of devaluation of their property that would arise as a result of the development proposals. The appellant has failed to submit any documentary evidence to substantiate this claim. In the absence of such documentary evidence, I am not satisfied that this claim can be substantiated and therefore, I do not consider it appropriate to assess this issue any further within this report.
- 7.5.2 Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the alterations to the commercial building as proposed.
- 7.5.3 The applicants submitted a bat inspection report as part of their planning documentation. A desk top survey was undertaken followed by an on-site inspection, internally and externally of the buildings on site. The report found no evidence of bat activity within the bounds of the appeal site and concluded that 'there is low roosting potential ...due to the absence of linear features and feeding grounds and the built-up urban environment that bats are unlikely to have a roost in this area. The survey did not observe any signs of bats using the existing buildings as a roost site during the building assessment and inspection. No bats or roots were detected on site and no impacts are expected on bat populations and, therefore, no mitigation is necessary. I am satisfied that the proposals will not adversely impact upon any of the bat species populations, now or into the future, especially given the urban built-up environment in which the appeal site is located.
- 7.5.4 The Planning Authority included a planning condition (number 25) in relation to the requirement to carry out archaeological monitoring of the demolition and

groundworks on site. I could not find any reference to archaeology within the planning reports prepared by the Planners. I referenced the current Galway City Development Plan, and the appeal site is not located within the zone of archaeological notification as set out within Figure 8.12 of the Plan. I have referenced the Records of Monuments and Places data base (Department of Environment, Heritage and Local Government) 2009 and again I cannot find any reference to the appeal site nor lands in its vicinity containing any archaeological remains. Therefore, I do not consider it reasonable nor appropriate to attach such an onerous condition in the absence of any archaeological context or evidence. Therefore, in the event that a grant of planning permission is being recommended, I recommend that the archaeological condition as included within the PA's decision be omitted.

## **8.0 Appropriate Assessment**

- 8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 1.67 kilometres east of the Lough Corrib Special Area of Conservation (SAC-site code 000297 and the Lough Corrib Special Protection Area (SPA-site code 004047) and approximately 2.22 kilometres west of the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004041). (side code 0002354). The development description was set out within Section 2 of the report above. One of the appellants did reference the potential for adverse impacts to arise upon Natura 2000 sites. The applicant submitted an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA also conducted an AA screening exercise, referenced in Section 2.5 of this report above.
- 8.2 The applicants' AA screening report, submitted as part of their planning documentation sets out that the nearest European sites to the appeal site are the Lough Corrib SAC and SPA, Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004041). The Consultant Ecologist stated that the appeal site is not hydrologically/ecologically connected to any of the European sites, located west of the appeal site. There were no drainage ditches evident within the confines of the appeal

site or along its boundaries. Therefore, I am satisfied that there is no apparent surface water hydrological link between the appeal site and any European site.

- 8.3 Eight European sites were identified within a 15-kilometre radius of the appeal site. Seven of these sites were screened out due to the absence of hydrological or ecological pathways from the appeal site to these European sites and the separation distance to these particular European sites. However, one European site was considered in greater detail within the screening assessment, namely The Lough Corrib SAC (site code 000268), as a potential indirect source-pathway -receptor relationship between it and the appeal site has been identified, via groundwater.
- 8.4 The Lough Corrib SAC is located approximately 1.67 kilometres hydrologically removed and north-east of the appeal site. I am satisfied that once the proposed development is constructed in accordance with best practice standards and in accordance with a construction traffic and environmental plan (to be conditioned) and given that the site is connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objective of this particular European site would arise.
- 8.5 I am satisfied that with the implementation of the standard control construction measures including those of surface water management in the form of attenuation tanks and a hydrocarbon interceptor will not result in the residential development adversely impacting upon surface nor groundwater quality in this area. I consider that even in the unlikely event that the standard control measures should fail, an indirect hydrological link (via the Maam Clonbur groundwater body) represents a weak ecological connection. I consider this to be the case given the separation distance to the Lough Corrib SAC and the nature of the built-up urban environment between the appeal site and the SAC, the absence of suitable habitat on site to serve the particular protected species for foraging/feeding purposes, As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Lough Corrib SAC unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'It is

concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites’.

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

- The modest scale of the development, which relates to a change of use of an existing vacant industrial building.
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

8.7 I conclude, that on the basis of objective information, that the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## 9.0 Recommendation

I recommend that planning permission be granted subject to the following conditions.

## 10.0 Reasons and Considerations

Having regard to the location of the existing underutilised brownfield site within the ‘existing built up area’ of Ragoon on zoned and serviced lands, the provisions of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), specifically Table 3.2-Areas and Density ranges- Limerick, Galway and Waterford City Suburbs, and the Galway City Development Plan 2023-2029, specifically Policy 3.4 regarding suburban neighbourhoods-outer suburbs, the established pattern of residential development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be



consistent with the Core Strategies of the Development Plan, that the proposed density of development is appropriate and that the development would not result in the creation of a traffic hazard or seriously injure the amenities of adjacent properties within the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 17<sup>th</sup> day of May 2023 and as amended by the further plans and particulars submitted on the 15<sup>th</sup> day of November 2023 and the 29<sup>th</sup> day of January 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 Water supply and 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, proposals for increased on-site attenuation in accordance with the *Greater Dublin Regional Code of Practice for Drainage Works*, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public health.

- 3 The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

- 4 Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the

development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenities.

- 5 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) 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.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

6. a) Final details of the pedestrian crossings on the eastern perimeter of the appeal site with the Letteragh Road, including details of surfacing and construction of footpaths and footpath tie-ins within the development, access and traffic arrangements as submitted to the Planning Authority on the 17th day of May 2023 shall be agreed in writing with the Planning Authority prior to the commencement of development. It shall be the responsibility of the developers to implement all of the recommendations set out within the Road Safety Audit, Stage one of two, submitted as part of the planning documentation to, the Planning Authority on the 17<sup>th</sup> day of May 2023.

b) Final details of the setting back of the appeal site along the western boundary of the appeal site along the Letteragh road shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

c) The developer shall apply for and be issued with a road opening licence from Galway City Council prior to the commencement of any works along the perimeter of the Letteragh road.

**Reason:** In the interest of public safety and sustainable transportation.

- 7 a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) Perimeter screens to a height of 1.8 metres and comprising obscured glazing shall be erected along the perimeter of all above ground floor balcony areas associated with each residential unit.

**Reason:** In the interests of visual and residential amenity

8. Proposals for a naming 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 numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interests of amenity and of the proper planning and sustainable development of the area.

9. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

- 10 The landscape masterplan and soft landscape plan shown on drawing numbers 2269-1 & 2, as submitted to the planning authority on the 15th day of November 2023, shall be implemented within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased,

within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

11. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

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

13. The construction of the development shall be managed in accordance with a Construction Traffic and Environmental Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, management of construction waste and materials on site, environmental control measures, including noise, dust and vibration management measures, working hours, construction traffic and parking, management of laying of independent foul sewer line, liaisons with neighbours during the construction period, measures for managing construction sediment run-off and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting along the Letteragh Road and throughout the residential scheme, including the lighting levels within open space areas of the development.

**Reason:** In the interests of public safety and residential amenity.

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

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

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

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

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

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

18. 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 commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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.

---

Fergal Ó Bric  
Planning Inspectorate

15<sup>th</sup> day of January 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-319298-24			
<b>Proposed Development Summary</b>	3 blocks of two and three storey apartment blocks comprising 28 no. apartments, vehicular and pedestrian entrances, 18 no. car parking spaces, bicycle parking, refuse store, landscaping, boundary treatments, and associated site works.			
<b>Development Address</b>	Letteragh Road, Galway City			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class 10, (b), (i) (threshold is 500 dwelling units)	Proposal is significantly below threshold	Proceed to Q.4



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

**Inspector:** Fergal Ó Bric

**Date:** 15<sup>th</sup> day of January 2025

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319298-24	
<b>Proposed Development Summary</b>	3 blocks of two and three storey apartments comprising 28 no. apartments, vehicular and pedestrian entrances, 18 no. car parking spaces, bicycle parking, refuse store, landscaping, boundary treatments, and associated site works.	
<b>Development Address</b>	Letteragh Road, Galway City	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b>  Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development comprises a residential development of 28 no. apartments and is located within an urban area.  The proposed development will not give rise to the production of significant waste, emissions or pollutants.	No  No
<b>Size of the Development</b>  Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing	The size of the proposed development would not be described as exceptional in the context of the existing environment.  There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.	No  No

and/or permitted projects?		
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.	No  • No
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  EIA not required.	<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>  <del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	<del>There is a real likelihood of significant effects on the environment.</del>  EIA required.

**Inspector:** Fergal Ó Bric

**Date:** 15th January 2025

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIA required)