



An
Bord
Pleanála

Inspector's Report

ABP-319360-24

Development

Construction of an additional retail wing comprising of an 1,852m² gross internal floor area to an existing retail and commercial block with modifications to the existing car park and all associated site works.

Location

West City Centre Office and Retail Park, Seamus Quirke Road, Galway, H91 HP8Y

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

2460001

Applicant(s)

Soldalitas Property Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First

Appellant(s)

Soldalitas Property Ltd.

Observer(s)

None.

Date of Site Inspection

30th October 2024

Inspector

Darragh Ryan

1.0 Site Location and Description

- 1.1.1. The site is located in the West City Centre office and retail centre. The site is bounded by existing residential development to the south, St. Joseph's Community Centre and Shantalla Neighbourhood Park to the east, and a service station to the north-east. It is bounded by the Seamus Quirke Road to the north and the Old Seamus Quirke Road to the west. The site is accessed off the Old Seamus Quirke Road
- 1.1.2. On site is an existing two-storey building containing a number of retail units and a Post Office at ground level, with offices at first floor level. There are extensive areas of surface car parking, with an underground parking area, which is not in use. There are some small areas of landscaping and a large green area to the south of the site. (The development is proposed upon this green area) The site area is stated at 1.72ha.

2.0 Proposed Development

- 2.1.1. The construction of an additional single storey retail wing, to the west of an existing 2 storey retail and commercial block. The proposed new retail wing will comprise of 1852m² of gross internal floor area with the existing and proposed blocks being interconnected by an atrium lobby measuring 230m².
- 2.1.2. Modification to the existing surface car park area, including the ramp access to the existing basement car parking. Modification to the existing hard and soft landscaping and the provision of additional hard and soft landscaping to the site.
- 2.1.3. Modifications and connection to all other associated site services.

3.0 Planning Authority Decision

3.1. The planning authority issued a Decision to refuse permission as follows:

- 3.1.1. It is the policies of the Galway City Development Plan 2023 – 2029, as outlined in Chapter 3.6 with the provision of *“A pilot decarbonisation project is currently under preparation for the area including Westside, Shantalla and parts of Ragoon”*, and Chapter 10 to encourage higher densities in the Westside area, and the Galway City

Council – Urban Density and Building Heights Study, Sept 2023, that “Redevelopment of Westside District Centre / Seamus Quirke Road should be delivered to density (FAR and dph) levels typically seen in Salthill” and “There is significant scope for taller heights along Seamus Quirke Road which will help to establish a more urban and contained urban character across the area”. In this case, the density of the proposed development does not result in the maximisation and efficient use of zoned serviced land, which in this case is a limited resource as the site is positioned within a complex built urban environment where opportunities for redevelopment and infill to increase densities do not arise often. While in particular the context/location of this site is such that it is located close to areas of employment, education, retail, services, medical campus and public transport, engendering a requirement that any development within the Westside District Centre area should provide for higher densities of development. Therefore, having regards to the policies of the development plan and the urban density and building height study, this proposal for a single storey commercial building within a designated District Centre, would be contrary to the above development plan policies and would not meet the requirements for the creation of sustainable neighbourhoods and the efficient use of land.

- 3.1.2. The proposed development has not demonstrated compliance with the Galway City Development Plan 2023 -2029 Section 5.3.1 ‘European Designated Sites’, including Appropriate Assessment screening, and if necessary, appropriate assessment, therefore, it has not been demonstrated to the satisfaction of the Planning Authority 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, and if permitted, would therefore be injurious to the environment and contrary to the requirements of the Galway City Development Plan 2023 -2029.

3.2.Planning Authority Reports

- 3.2.1. There is a single planning authority report on file, the report can be summarised as follows:

- The site is zoned 'CI', Commercial and Industrial in the Galway City Council Development Plan 2023– 2029 and falls within a designated District Centre. In this case a development of the kind proposed would be compatible and open for consideration on this CI zoned site.
- The Galway City Council Development Plan 2023 – 2029 states:
“A pilot decarbonisation project is currently under preparation for the area including Westside, Shantalla and parts of Ragoon. The aim of the project is to contribute to the reduction in emissions with the objective to achieve a target emission cut of 51% by 2030. New development should be so designed to align with target emission ambitions for this area”. This site would fall within the above designed area however the applicant has not had regards to the above policy and has not submitted or demonstrated compliance.

3.2.2. The Galway City Council Development Plan 2023 – 2029, states in section 10.24 the following relating to Westside:

Westside is an important service centre located in the established suburbs. In the retail hierarchy, it is designated as a district centre. It has a wide range of community and commercial facilities and services and is a well-established neighbourhood with a strong community. Developments including the Seamus Quirke Road Improvement Scheme, Westside Amenity Park, Corrib Park and Shantalla Park improvements have enhanced the urban environment, however the area has a weak urban structure and poor physical cohesion. It lacks a strong urban definition and streetscape which means it has a poor legibility and sense of place. In this case the development of this additional retail floorspace and structure would aid in the provision of retailing to the wider community and would meet the above outlined objectives for this district centre.

3.2.3. It is part of the policy and strategy of the CDP that the scale and extent of developments should increase in relation to proximity to core urban centres and other relevant factors. This site is positioned within a designated District Centre, close to places of residence, medical services, employment and study, adjacent to public transportation networks while is relatively close to the main City Centre which would render the site open for consideration for the development of a higher density, higher level type of commercial development or contain a portion of residential use.

The density of the site 0.56: 1 and proposed development would be significantly lower than the potential maximum and such a low density for an area such as this is of significant concern. Any development has to have regards to the Galway City Council – Urban Density and Building Heights Study, Sept 2023. It is noted in section 11.1 of the study this area would fall within an area with a suitability for 8-10 level buildings, subject to site suitability and context. In addition this site is positioned within the ‘Established Neighbourhood’ designation section 18.2 of the study is applicable in the assessment of such developments. In particular the development guidance for this section states under –

- Heights for Consideration;

There is significant scope for taller heights along Seamus Quirke Road which will help to establish a more urban and contained urban character across the area.

Therefore having regards to the above, the site is located in an area where there is consideration for buildings greater than 2-4 levels but could have 8-10 levels, subject to context of the surrounding area.

- 3.2.4. With regards to the history setting and context of this site, the existing building on this site contains two levels, previously permitted developments on this site contained 2 levels, while planning permission has been granted in the wider District Centre area for building 6-8 levels, the proposal for a single level building in this instance would not be in accordance with the above outlined policies and standards. A decision to refuse was recommended on foot of this assessment.

3.2.5. Other Technical Reports

- Active Travel Department

Concerns remain in respect of existing main entrance owing to its proximity to the junction with Seamus Quirke Road. The main vehicular access arrangement is therefore considered to be constrained in relation to its capacity as a consequence of the proposed intensification of development on site.

The two main permeability points to the site from Seamus Quirke road should facilitate both pedestrians and cyclists.

There is an absence of bicycle parking as part of the proposal and this should be addressed in line with Section 11.11.4 of the city Development Plan.

3.3. Prescribed Bodies

- Environmental Health Officer – HSE – If the proposed units are to be used as food premises then the applicant must register with the Health Service Executive and comply with all structural and operational food safety regulations and standards.

3.4. Third Party Observations

- None

4.0 Planning History

PA reg ref 22/290: Refused by GCC, Appealed to ABP 315724-23 – Decision upheld - Permission for development which consists of:

- the demolition of existing first floor office level followed by the proposed construction of :
- 60 new apartments at first, second and third floors within the existing curtilage,
- The construction of an additional single storey retail wing, to the west of the existing block, comprising of 1,976sqm of gross internal floor area. The existing block and proposed block being inter-connected by an atrium lobby measuring 124sqm.
- Modifications to the existing surface car park area, including the ramp access to the existing basement car park. Modifications to existing and additional hard and soft landscaping provisions to the site.
- Modifications and connection to all other associated site services

Decision to refuse up held by An Bord Pleanala 315724-23 for three reasons:

1. In the absence of a comprehensive redevelopment of the site, or in the absence of significant and material alterations to the existing site layout, the proposal fails to provide an appropriate public realm, or high quality widely accessibly civic

spaces, and fails to provide a high quality layout that would accommodate the proposed residential units on the site, including the required pedestrian and cycle infrastructure, and additional permeability to the wider area. As such, the proposed does not comply with Policy 8.7 'Urban Design and Placemaking' and does not fulfil the urban design criteria as set out in Table 8.1 of the Galway City Development Plan 2023-2029.

2. In the absence of an assessment of the traffic impacts of the proposed development, either in the form of a revised Technical Note, or in the form of a Traffic and Transport Assessment (TTA), and noting the evidence on file of existing traffic congestion in the immediate area, the Board is not satisfied that the proposed development would not have an unacceptable impact on the surrounding road network. Furthermore, in the absence of additional cycle and pedestrian infrastructure on the site, the proposal would raise road safety concerns. In addition, in the absence of additional justification for the proposed car parking provision, including the lack of a car parking management strategy, the Board is not of the view the proposed provision of car parking is acceptable, and would not appear to be in line with the principle of minimising car parking provision on sites which are centrally located and accessible. The proposed cycle parking provision at first and second floor levels, is not considered to be convenient or universally accessible, and is contrary to guidance as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023). The proposed development, then, is not in line with the principles of proper planning and sustainable development and would result in the creation of a traffic hazard.
3. In the absence of a Daylight, Sunlight and Overshadowing Assessment, the Board cannot be satisfied that the overall provision of daylight to the proposed residential units is adequate. Furthermore, the proposed development does not provide communal open space of sufficient quality, with the internal courtyard area provided at first floor level appearing to be deficient in terms of overall usability and amenity, and in terms of sunlight provision. The proposal does not, therefore, comply with the requirements of Sections 11.3.1 'Daylight' and Section 11.3.1 (c) 'Amenity Open Space Provision in Residential Development' of the Galway City Development Plan and is contrary guidance as set out in the

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).

PA reg ref21/18: Granted permission for development which will consist of part change of use of an existing retail unit (141sqm) to retail use with ancillary off licence sales (11.6sqm) and a new signage associated with the unit, and other minor ancillary works and alterations to the shop front

PA reg ref 20/195: Granted permission is sought for the development which will consist of the erection of high level illuminated additional signage for existing floor retailer, associated over cladding to the existing façade on the North and West elevations and all associated site services.

There are a large number of previous applications/appeals pertaining to the site as detailed in the Planner's Report. However there are no other applications/appeals that are directly relevant to this current appeal

5.0 Policy Context

5.1. Galway City Development Plan 2023 – 2029

- 5.1.1. The Galway City Development Plan 2023-2029 came into effect on the 4th January 2023 and is the relevant development plan.

The site is zoned 'CI' Commercial and Industrial. "To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone." Section 11.2.6 states for CI zoned lands that 'Residential content of a scale that would not 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'

- 5.1.2. Table 11.1 – Land Use Zones and Zoning Objectives

Commercial Industrial - To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone. Retail of a type and of a scale appropriate to the function and character of the area

- 5.1.3. Section 6.5 District Centre Level 3 – Westside Level 3: Districts Centres

In general, district centres function to provide a range of services characterised by large multiple anchors with a mix of convenience and comparison goods. In addition there is generally a range of smaller local services including local offices, restaurants, recreational and community facilities.

The area known as Westside is more established than the other two existing district centres.....it is anticipated that new developments in this area will deliver both commercial, community and residential developments in a compact, attractive format. In design, renewal will be required to rehabilitate the public realm, be of a high architectural quality, encourage and facilitate active modes and passive surveillance when combined will enable transformation of the area to become an attractive and vibrant place. This area has benefited from investment in recreation facilities, access upgrades including bus lanes and cycle lanes and the designation of the main access road, Seamus Quirke Road as suitable for a rapid transit bus route. This investment will be beneficial especially on the larger opportunity sites which form part of the district centre.

5.1.4. Chapter 3 – Section 3.6

A pilot decarbonisation project is currently under preparation for the area including Westside, Shantalla and parts of Ragoon. The aim of the project is to contribute to the reduction in emissions with the objective to achieve a target emission cut of 51% by 2030. New development should be designed to align with target emission ambitions for this area.

5.1.5. Policy 3.5 Sustainable Neighbourhoods: Established Suburbs

1. Facilitate consolidation of existing residential development and densification where appropriate while ensuring a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development and deliver population targets.
2. Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations.
3. Enhance established suburbs, such as the Mervue residential area, through the implementation of environmental improvement schemes and the protection of all open spaces including existing green spaces.

4. Review and implement the draft regeneration plan for Ballinfoile Park entitled A Better Ballinfoile in consultation with the local community and stakeholders.
5. 5. Prepare a regeneration plan focusing on the open space areas in Ballybaan in consultation with the local community and stakeholders

5.1.6. Chapter 10 – Section 10.23

Westside is an important service centre located in the established suburbs. In the retail hierarchy, it is designated as a district centre. It has a wide range of community and commercial facilities and services and is a well-established neighbourhood with a strong community. Developments including the Seamus Quirke Road Improvement Scheme, Westside Amenity Park, Corrib Park and Shantalla Park improvements have enhanced the urban environment, however the area has a weak urban structure and poor physical cohesion. It lacks a strong urban definition and streetscape which means it has a poor legibility and sense of place. Corrach Buí Corrach Buí Inishannagh Páirc Inis Eanaigh Park Claremont Claremont Carn Ard Tulach Ard Tulach Ard Rockfield Park Carraige Páirc Ghort na Westside Modular Family Hub Camillaun Park Páirc Chamoileáin The objective for Westside is to improve connectivity, to increase attractiveness and encourage more sustainable street level community interaction and activity. This could be achieved through the re-development of identified Regeneration and Opportunity Sites, improved permeability, reduction of the "barrier effect" of the Seamus Quirke Road and requirements that re-development include for more enclosure, good use mix, use of scale and massing to create more human scaled address to public areas and in general a better urban design regime. This coupled with more public realm improvements will complement works carried out to date and contribute to a more animated, vibrant streetscape. Its location within a pilot decarbonisation zone has potential for measures to support a low carbon footprint in this area and could include for example, opportunities for district heating or combined heat and power initiatives.

Policy 10.4

Enhance the quality of the urban environment at Westside through the creation of a more enclosed, strong street edge on CI zoned lands along the Seamus Quirke Road, creating a high quality active and vibrant streetscape.

- 5.1.7. Policy 8.7 - Urban Design and Placemaking seeks to inter alia encourage high quality design, placemaking and public realm and to adhere to the Galway City Urban Density and Building Height Study (2021). Proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they do not have an adverse impact on the context of historic buildings, ACA's, residential amenity or impinge upon strategic views, in accordance with the Urban Density and Building Height Study for the city.
- 5.1.8. The Galway Urban Density and Building Height Study 2021 provides general guidance in relation to proposals for tall buildings within the city. The Urban Density and Building Height Study refers to the Westside District Centre - noted that the area offers the most significant potential for redevelopment opportunities (of the Established Suburbs – West) - heights between 2 - 3 within the established suburbs, rising to between 2 - 4 at key community centres and nodes and that there is significant scope for taller heights along Seamus Quirke Road which will help to establish a more urban and contained urban character. Chapter 20 of the Study sets out Design Guidance and refers to issues which include compactness, routes and links, grain and morphology, context, flexibility, frontage and public/private spaces, design quality, variety and viability and materials.

5.2. Natural Heritage Designations

- Lough Corrib SAC (Site Code 000297) c800m to the east
- Galway Bay Complex SAC (Site Code: 000268) c.1.5km south
- Inner Galway Bay SPA (Site Code: 004031) c.1.5km south

5.3. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision to refuse permission. The grounds for appeal may be summarised as follows;

6.1.2. Context

- The initial planning permission 22/290 (APB ref 315724 – 23) for 60 apartments and retail extension was refused for on the grounds that there was concerns regarding the scale and massing of residential apartments, discordant perspectives on urban design and placemaking strategies, potential for overshadowing on neighbouring properties, subjective evaluations of design intent and purported deficiencies in parking and traffic provisions, despite contrary assertions in accompanying documentation.
- In analysing the grounds for refusal, the scrutiny was predominantly directed towards the residential component situated above the existing retail block. The single storey retail extension was not referenced in their deliberations. Consequently, one may infer that the retail facet of the development garnered tacit acceptance from the local authority and An Bord Pleanála. The initial application was refused for perceived overdevelopment, while the subsequent application (before the Board) was refused for perceived underdevelopment.

6.1.3. Response to refusal reason 1

- The application site and existing complex forms and integral component in the established retail hierarchy within the Westside District Centre. The complex retail offer performs extremely well with no unit redundancy. The current application is driven by strong retail demand. The existing complex has 35,000ft² of office accommodation, which has been vacant for a very considerable time.
- The reason for refusal, its suggested, wrongly and adversely conflates the policies and objectives of both “Opportunity” and “Regeneration” criteria onto the application site. The fundamental of existing, established and successfully operating retail businesses have to be acknowledged in the Planning

assessment. The universal application of objectives and policies is a blunt methodology that will ultimately lead to paralysis where no advances on Urban Design and Public Realm will be achieved. A consultative approach is needed where the wider ambition of Policy 10.4 could be incorporated but the existing successful businesses could also be accepted.

6.1.4. Response to refusal reason 2

- The applicant asserts the local authority could have sought further information if there were concerns with regard to European Designated Sites.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None

6.4. **Further Responses**

- None

7.0 **Assessment**

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

- Context/ Planning History
- Layout /Scale and Density
- Other Issues
- Appropriate Assessment

7.2.Context/ Planning History

- 7.2.1. Permission was sought under planning application 22/290, subsequently appealed to An Bord Pleanála (ABP-315724-23), for the construction of 60 apartments over three floors atop an existing retail wing, alongside an extension to the retail facility. The application was refused. The applicant contends that the refusal was based on a perception of overdevelopment of the site. Furthermore, it asserted that neither the Planning Authority nor An Bord Pleanála assessed the retail extension, implying that this aspect of the development was tacitly accepted by both bodies.
- 7.2.2. A review of the site's planning history, including the Planning Inspector's reports and An Bord Pleanála's decision, reveals that the refusal reasons did not pertain to perceived overdevelopment of the site. Instead, the refusal was grounded in specific deficiencies, outlined as follows:
- **Urban Design and Placemaking:** The proposed development failed to deliver a high-quality layout, contrary to Policy 8.7 of the Galway City Development Plan 2023–2029.
 - **Pedestrian and Cyclist Prioritisation:** The proposed internal roads and paths did not prioritise pedestrian and cyclist needs, conflicting with the principles of the Design Manual for Urban Roads and Streets (DMURS).
 - **Communal Open Space and Amenity:** The communal open space provision was deemed inadequate due to its poor location and lack of amenity. Furthermore, the application lacked a Daylight, Sunlight, and Overshadowing Assessment, with additional deficiencies noted in terms of residential access to open spaces and playground areas, contrary to Section 11.3 of the Galway City Development Plan 2023–2029.
 - **Traffic and Parking Impacts:** The car parking provision and the absence of a comprehensive and up-to-date assessment of the traffic impacts were significant concerns.
- 7.2.3. Contrary to the applicant's assertion, the Inspector's report did reference the retail component of the development. Therefore, the claim that the retail element was not assessed and received implicit approval is unfounded.

- 7.2.4. Based on the planning history and context, I consider the refusal reasons were clearly articulated and unambiguous. The refusal was not due to overdevelopment but rather to specific shortcomings in design, layout, and compliance with relevant Development Plan policies and guidelines. The retail element of the proposal did not benefit from any implicit acceptance due to a lack of assessment, as the Inspector's report addressed this aspect.

7.3. Layout/ Scale and Mix of Uses

- 7.3.1. The planning authority refused permission in this instance on the grounds that the proposed development failed to optimise and make efficient use of zoned serviced land, which is considered a finite resource. The site is situated within a complex urban environment where opportunities for redevelopment and infill to increase density are rare.
- 7.3.2. The site, "West City Centre Office and Retail Park," is located along Seamus Quirke Road, accessed via Old Seamus Quirke Road. Olde Samus Quirke Road joins Seamus Quirke Road via a signalised junction. The site comprises an existing Aldi store, several smaller retail units, and vacant first-floor offices. To the south lies a large residential estate of semi-detached and terraced houses. Adjacent to the east is St. Joseph's Community Centre, while University Hospital Galway is located further east. North of the site, across Seamus Quirke Road, is the Westside Community Centre, library, and Westside Shopping Centre. West of the site lies a retail park designated as the "Seamus Quirke Road Regeneration Site," earmarked for comprehensive redevelopment under the Galway City Development Plan 2023–2029.
- 7.3.3. The Westside area is identified under Section 10.23 of the Galway City Development Plan as having a weak urban structure, poor physical cohesion, and lacking urban definition and streetscape, resulting in limited legibility and sense of place. The public realm is dominated by surface car parking and a heavily trafficked Seamus Quirke Road. As such, both the site and surrounding area lack a distinct character, presenting opportunities for redevelopment to establish a stronger urban identity.
- 7.3.4. Several policies and objectives from the Galway City Development Plan 2023–2029 are directly related to the Westside area

- Chapter 3.6 (Decarbonisation Project): The Westside is part of a pilot project aiming for a 51% emissions reduction by 2030.
- Policy 8.7 (Urban Design and Placemaking): Encourages high-quality design, placemaking, and adherence to the *Galway City Urban Density and Building Height Study (2021)*.
- Urban Density and Building Height Study (2021): Identifies the Westside District Centre as a priority redevelopment area, citing its potential for increased density and strengthened streetscape. While the study outlines height ranges of 2–3 storeys for Established Suburbs and 2–4 storeys at key nodes, it emphasises that these ranges are guidelines and should be adapted based on site-specific context.
- Section 10.23 (Westside): Sets objectives for improved connectivity, enhanced public realm, and sustainable community activity. It stresses the importance of reducing the "barrier effect" of Seamus Quirke Road, improving enclosure, and ensuring a better mix of uses and scales to support placemaking.
- Section 6.5 The area known as Westside is more established than the other two existing district centres.....it is anticipated that new developments in this area will deliver both commercial, community and residential developments in a compact, attractive format. In design, renewal will be required to rehabilitate the public realm, be of a high architectural quality, encourage and facilitate active modes and passive surveillance when combined will enable transformation of the area to become an attractive and vibrant place

7.3.5. The applicant argues that the planning authority's decision conflates "Opportunity" and "Regeneration" criteria inappropriately and applies the above policies in a manner that stifles urban design and public realm improvements.

7.3.6. The applicant seeks permission for a single-storey retail extension (1852m²) to the southern portion of the site, linked by a new atrium (230m²) to the western elevation of the existing building. The extension is approx. 7.6m in height, features a glazed frontage, and consists of four retail units. The unit fronts onto an existing open surface car park. A new service road will allow for deliveries to the rear of the retail units and allow access to the basement car park, which is currently closed. The

applicant has provided An Auto track analysis for same. The site's parking provision remains unchanged at 301 spaces. The proposal will see the reopening of the existing basement car parking. The scheme adopts the architectural style of the existing building, with no significant alterations to the site's layout. I note the lack of pedestrian and cycle pathways through the site that would priorities more active modes of the travel. I note that the applicant has proposed the introduction of hard and soft landscaping into the site, however, I do not consider this to be substantial and will not do anything to reduce the car dominated layout of the development.

7.3.7. Regarding layout and public realm, the subject site is located within the "Established Suburbs", as defined in the Development Plan. The proposed built form fails to address key streetscape objectives for the Westside area, as outlined in "Section 10.23" of the Development Plan. The layout of the proposed development closely mirrors that of the recently refused application (Ref. 22/290), with only minimal alterations to the car-dominated site configuration. I consider the proposal perpetuates the existing inhospitable environment, characterised by extensive surface parking, and does not deliver any meaningful improvements to the public realm or placemaking as required under Section 10.23 of the Development Plan. Furthermore, the scheme does not incorporate any additional pedestrian or cycle linkages to the surrounding road network or adjoining sites, which would enhance connectivity and support sustainable mobility objectives. Overall, the proposal fails to meet the design considerations established under Policy 8.7 (Urban Design and Placemaking). Additionally, the development does not provide adequate enclosure or urban definition along Seamus Quirke Road, directly conflicting with Policy 10.4, which seeks to enhance the streetscape and urban quality of the Westside area.

7.3.8. The scale and mix of uses proposed are inconsistent with the vision for the area as set out in Section 10.23 of the Development Plan and the Urban Density and Building Height Study 2021. The single-storey extension proposed fails to optimise the redevelopment potential of this strategically located site, which is situated on District Centre-zoned lands and benefits from proximity to employment hubs, educational institutions, and public transport infrastructure. The limited scale and scope of the proposed development do not align with the policy objectives of Section 6.5 of the Galway City Development Plan, which anticipates compact, mixed-use developments in this area. This includes the delivery of commercial, community, and

residential uses in a format that prioritizes density, attractiveness, and urban integration. The current proposal underutilises the site's potential and does not adequately contribute to achieving the intended vision for the Westside area.

7.3.9. In summary, the proposed development fails to adequately address critical planning and design policies as set out in the Galway City Development Plan. Key deficiencies include:

- The perpetuation of a car-dominated, inhospitable environment with insufficient attention to placemaking or public realm enhancements conflict with Policy 8.7 Urban Design and Placemaking.
- The lack of pedestrian and cycle connectivity improvements through the site to the surrounding network.
- A failure to provide appropriate urban enclosure or streetscape definition, particularly along Seamus Quirke Road as required under Policy 10.4 of the City Development Plan.
- An underutilisation of the site's redevelopment potential, inconsistent with the area's zoning and strategic objectives for compact, mixed-use developments as per Section 10.23 of the Galway City Development Plan and the Urban Density and Building Height Study 2021

7.3.10. The proposed development is therefore considered contrary to established planning policies and guidelines and does not represent an appropriate response to the urban design and land use objectives for the area. Having regard to the foregoing I recommend that planning permission be refused.

7.4. Other Issue

7.4.1. Pilot decarbonisation

As outlined in Chapter 3, Section 3.6 of the Development Plan, a pilot decarbonisation project is currently being prepared for the area, including Westside. The primary aim of this initiative is to contribute to a 51% reduction in emissions by 2030, with a clear policy objective that new developments in the area should be designed to align with these emission reduction targets.

7.4.2. While this policy was referenced in the first reason for refusal, it was not cited as a specific ground for refusal by the planning authority. Nevertheless, I consider this

policy to be highly relevant, as it highlights the importance of adopting a whole-of-site approach to redevelopment, as required under Section 10.23 of the Galway City Development Plan.

- 7.4.3. In this instance, the applicant has not provided any specific measures or proposals to directly address decarbonisation objectives as required under this policy. Although a Mobility Management Plan has been submitted, which includes provisions for walking and cycling, these measures alone are insufficient to demonstrate meaningful alignment with the decarbonisation targets for the Westside area. Furthermore the mobility managmnet plan focuses on whats availabe in the surrounding environmnet rather than an introduction of on-site measures that would specifically reduce car movements.

The absence of specific decarbonisation proposals within the application represents a missed opportunity to align the development with the area's climate action objectives. While this omission is not a reason for refusal, it underscores the importance of a comprehensive, whole-of-site approach to redevelopment that integrates decarbonisation measures, as envisioned in Chapter 3, Section 3.6 of the Galway City Development Plan.

7.4.4. Traffic/ Car parking – New Issue

I note the previous refusal reason on site related to the absence of assessment of traffic impacts for the proposed development. I note the Active Travel Department of Galway City Council raised concerns with regard to the permeability to the site from Seamus Quirke Road and capacity issues as a consequence of the proposed intensification of development at the location of the existing access. I consider the relationship between the Seamus Quirke road signalised junction and access to the site off the Old Seamus Quirke road to be a significant issue. On the day of the site inspection, I noted significant tail backs out of development turning right onto the signalised junction, with significant on site delays.

- 7.4.5. As part of the current proposal the applicant has submitted a Road Safety Audit (RSA) conducted by ORS Consulting Engineers. The Road Safety Audit identified 12 specific safety concerns associated with the design of the proposed development. These concerns included issues relating to accessibility and location of disabled parking, road markings and signage, pedestrian permeability , vehicular traffic

conflicts, approach to underground car park visibility, and the overall design of internal roads. Each identified issue was analysed in terms of design criteria, and recommendations were made for potential design improvements, adjustments, or enhancements to mitigate risks and improve the overall safety of the scheme. I note the applicant has provided a written statement to undertake improvements. No updated site layout with recommended improvements has been provided.

- 7.4.6. Regarding the site entrance no issues were raised in the road safety audit. The applicant has provided a Car Parking Assessment that provides analysis of trip generation to the site from the perspective of car parking only. No detail has been provided in relation to site access or the relationship between site access and signalised junction off the Seamus Quirke Road. I consider that an assessment of existing and proposed traffic to the site would be required to determine the capacity of the junction to accommodate additional development. In my view this aspect of the development has not been adequately addressed by the applicant and needs further assessment through a fully completed Traffic and Transport Assessment in line with Traffic and Transportation Assessment Guidelines 2014. Therefore, in the absence of a formal and up-to-date assessment of the impact on the relationship between the access and the surrounding road network and signalised junction off the Seamus Quirke Road, I am of the view that it is not possible to assess the impact on the surrounding road network and I would recommend that the appeal be refused on this basis.
- 7.4.7. The above was not raised as a specific issue in the appeal, it can be considered a new issue. The Board may want to seek the views of the applicant in relation to this issue. However, owing to other substantive reasons that are recommended for refusal it may not be considered necessary in this instance.

8.0 AA Screening

Appropriate Assessment Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

- 8.1.1. I have considered the proposed development of a single storey retail extension in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

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

- 8.1.2. I note that no Appropriate Assessment Screening Report was submitted and Reason for Refusal No. 2 of the Planning Authority's decision refers to same. There are no third party submissions on file. The planning application was referred to a number of statutory consultees. No submissions on the application was received from any of these Prescribed Bodies.
- 8.1.3. Screening for AA
- 8.1.4. I note that the submission of an AA Screening Report is not a mandatory requirement. In order to screen for Appropriate Assessment I have utilised the information on the appeal file and publicly accessible information on the NPWS¹ website and the EPA website, namely the EPA's Appropriate Assessment Tool² and the EPA Water Mapping³.
- 8.1.5. The development site is not within or directly adjacent to any Natura 2000 site. There are no surface water hydrological features on or adjacent to the site with the nearest such feature being the River Corrib, which is approximately 800m to the east of the site. The Corrib River flows from Lough Corrib through Galway City and discharges into Galway Bay. The site is located in an area surrounded by existing low density residential development, low rise commercial development, an open space at Shantalla Park and community infrastructure. The site itself comprises brownfield land with hardstanding/surface car parking and a two storey retail/office

¹ <https://www.npws.ie/protected-sites>

² <https://gis.epa.ie/EPAMaps/AAGeoTool>

³ <https://gis.epa.ie/EPAMaps/Water>

building. While there are no bird or ecological surveys submitted, I am of the view that is very unlikely that the site would support any significant populations of birds or mammals given the very limited vegetation on the site and the bownfield nature of the site.

- 8.1.6. Of note for the purposes of screening for Appropriate Assessment is that the proposed storm water system will collect all rainwater from the non-permeable areas and roof of the proposed new retail block and connect to the existing storm water system, which currently services the existing development, and which ultimately connects to the Galway City Council mains Storm Sewer System (as per information in the 'Design of Storm Water Sewers Report').
- 8.1.7. I am of the view that the only Natura 2000 sites where there is potential for likely significant effects are the Galway Bay Complex SAC and Inner Galway Bay SPA, via the hydrological connectivity posed by surface water drainage pathways.
- 8.1.8. Significant impacts on any remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site's conservation objectives.
- 8.1.9. There are no other ecological features of note on site or in the vicinity of the site that would connect it directly to European Sites in the wider area. It is considered the site does not provide significant supporting habitat for any bird species protected under the legislation.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Four European sites are located within 800m and 1.5km of the potential development site.

Lough Corrib SAC [000297]

Lough Corrib SPA [004042]

Galway Bay Complex SAC [000268]

Inner Galway Bay SPA [004031]

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Lough Corrib SAC and SPA and Galway Bay Complex SAC.

European Site	Qualifying Interests (summary)	Distance	Connections
Lough Corrib SPA [000402]	Gadwall (<i>Anas strepera</i>) [A051] Shoveler (<i>Anas clypeata</i>) [A056] Pochard (<i>Aythya farina</i>) [A059] Tufted Duck (<i>Aythya fuligula</i>) [A061] Common Scoter (<i>Melanitta nigra</i>) [A065] Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetlands [A999]	1km	No direct connections
Lough Corrib SAC [000279]	Habitats: Oligotrophic Waters containing very few minerals [3130] Oligotrophic to Mesotrophic Standing Waters [3140] Hard Water	800m	Lough Corrib SAC partially lies within the same groundwater

	<p>Lakes [3260] Floating River Vegetation [6210] Orchid-rich Calcareous Grassland* [6410] Molinia Meadows [7110] Raised Bog (Active)* [7120] Degraded Raised Bog [7150] Rhynchosporion Vegetation [7210] Cladium Fens* [7220] Petrifying Springs* [7230] Alkaline Fens [8240] Limestone Pavement* [91A0] Old Oak Woodlands [91D0] Bog Woodland*</p> <p>Species:</p> <p>Freshwater Pearl Mussel (Margaritifera margaritifera) [1092] White-clawed Crayfish (Austropotamobius pallipes)</p> <p>Version date: 07.03.2022 2 of 5 000297_Rev22.Docx [1095] Sea Lamprey (Petromyzon marinus) [1096] Brook Lamprey (Lampetra planeri) [1106] Atlantic Salmon (Salmo salar) [1303] Lesser Horseshoe Bat (Rhinolophus hipposideros) [1355] Otter (Lutra lutra) [1833] Slender Naiad (Najas flexilis) [6216] Slender Green Feather-moss (Hamatocaulis vernicosus)</p>		<p>catchment (the Maam-Clonbur) as the proposed development site. The proposed development is underlain by the Burren formation, which is comprised of pale grey clean skeletal limestone which is a highly porous substrate.</p>

Galway Bay Complex SAC	<p>Habitats</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons* [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony Banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs* [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Species:</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>	1.52km to the South	The proposed development is underlain by the Burren formation, which is comprised of pale grey clean skeletal limestone which is a highly porous substrate.
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	Harbour Seal (<i>Phoca vitulina</i>) [1365]		
Inner Galway Bay SPA [004031]	Black-throated Diver (<i>Gavia arctica</i>) [A002] Great Northern Diver (<i>Gavia immer</i>) [A003] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	1.2km	The proposed development is underlain by the Burren formation, which is comprised of pale grey clean skeletal limestone which is a highly porous substrate.

	Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]		
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8.1.10. Likely impacts of the project (alone or in combination)

Due to the limited nature of the development proposal on a 1.2ha site on zoned land within Galway City and the relevant scale of construction impacts I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. I would note that the standard surface water management measures to be incorporated (as considered in the Storm Water Sewer report) are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context.

In my view the development is not likely to have significant negative impacts on any European site. While not detailed in the application, during the construction phase it is likely that standard pollution control measures would be used to prevent sediment or pollutants from leaving the construction site and entering the water system, and any competent developer would employ such measures. During the operational phase, surface water will connect to the existing surface water system, and the surface water quantity or quality would not differ materially from the existing situation, in my view. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Galway Bay can

be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Galway Bay (dilution factor).

During site clearance, construction of the proposed retail extension and site works, there are some possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. However there is no surface water body on site and the site is at a significant distance from nearest European site with a number of intervening land uses between the development and nearest European site.

The contained nature of the site and distance from receiving features and intervening land uses connected to Lough Corrib SPA and SAC and Galway Bay Complex SAC and Inner Galway Complex SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

8.1.11. Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of any SAC or SPA. Due to distance, intervening land uses and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.

8.1.12. In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

8.1.13. Overall Conclusion

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Lough Corrib SAC, Lough Corrib SPA, Galway Bay Complex SAC or Inner Galway Bay SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relative scale of the development on a 1.2ha site and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- No significant ex-situ impacts on wintering birds

9.0 Recommendation

I recommend that planning permission be refused for the following reasons:

Reasons and Considerations

1. It is the policies of the Galway City Development Plan 2023 – 2029, as outlined in Section 6.5 and Chapter 10 Section 10.23 to encourage higher densities and larger mix of uses in the Westside area, and the Galway City Council – Urban Density and Building Heights Study, Sept 2021. In this case, the scale and single use nature of the proposed development does not result in the maximisation and efficient use of zoned serviced land, which in this case is a limited resource as the site is positioned within a complex built urban environment where opportunities for redevelopment and infill to increase densities do not arise often. While in particular the context/location of this site

is such that it is located close to areas of employment, education, retail, services, medical campus and public transport, engendering a requirement that any development within the Westside District Centre area should provide for higher densities and greater mix of uses. Therefore, having regard to the policies of the development plan and the urban density and building height study, this proposal for a single storey commercial building within a designated District Centre, would be contrary to the above development plan policies and would not meet the requirements for the creation of sustainable neighbourhoods and the efficient use of land.

2. The proposed development is located in the Westside area which is identified in Section 10.23 of the Galway City Development Plan 2023 to 2029 as lacking a strong urban definition and streetscape with poor legibility and sense of place. The area has the objective *“to improve connectivity, to increase attractiveness and encourage more sustainable street level community interaction and activity”*. Having regard to the absence of an appropriate public realm, high quality accessible civic spaces or significant alteration to the existing site layout dominated by surface car parking, the proposed development fails to provide a high quality layout that would be in accordance with Policy 8.7 “Urban Design and Placemaking” and with the urban design criteria as set out in Table 8.1 of the Galway City Development Plan 2023 to 2029. As such the proposed development would be contrary to the Galway City Development Plan 2023 to 2029 and proper planning and sustainable development of the area.
3. In the absence of sufficient information to demonstrate that the traffic levels generated on site as a result of the proposed development can be accommodated safely and adequately within the existing road network (access and signalised junction off Seamus Quirke Road), the Board cannot be satisfied that the proposed development would not, therefore, give rise to traffic congestion and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Darragh Ryan
Planning Inspector

14th of November
2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319360 -24		
Proposed Development Summary	Construction of a single storey retail extension 1852m ² to western elevation of existing commercial building		
Development Address	West City Centre Office and Retail Park, Seamus Quirke Road, Galway, H91 HP8Y		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	State the Class here.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	319360-24	
Proposed Development Summary	Construction of a single storey retail extension 1852m ² to western elevation of existing commercial building	
Development Address	West City Centre Office and Retail Park, Seamus Quirke Road, Galway, H91 HP8Y	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located on a underutilised brownfield site. The proposed development is not exceptional in the context of existing environment.</p> <p>No the proposal is to construct an extension to the existing commercial building. All waste can be managed through standard construction management measures.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted</p>	<p>No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development. The site area is 1.72ha.</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>	No

projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The proposed development is located 800m east of Lough Corrib SAC and 1.5km north of North of Galway Bay Complex SAC & SPA. The proposal includes standard best practices methodologies for the control and management of wastewater and surface water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

