



An
Coimisiún
Pleanála

Inspector's Report

ACP-324237-26

Development

Large scale residential development consisting of 362 no. residential units and childcare facility.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been submitted as part of the application.

Location

Lands at Ragoon, Knocknacarra, Galway. kingstonstablesltd.com

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

2560320

Applicant(s)

Kingston Stables Ltd.

Type of Application

Largescale Residential.

Planning Authority Decision

Grant

Type of Appeal

First v Conditions

Third Party v Decision

Appellant(s)

1. Gort Siar Residents

2. Jerry D'Oonofrio.

	3. Kingston Stables Ltd (1 st Party)
Observer(s)	1. Paul Cairns 2. Jackie Flaherty.
Date of Site Inspection	26 th June 2026.
Inspector	Lucy Roche

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Pre-Application Opinion:	9
4.0 Planning Authority Decision	9
5.0 Planning History.....	19
6.0 Policy Context.....	21
7.0 The Appeal	37
7.1. Grounds of Appeal	37
7.2. Applicant Response to Third Party Appeal	41
7.3. First-Party Appeal	44
7.4. Planning Authority Response.....	45
7.5. Observations.....	45
7.6. Further Responses	48
8.0 Assessment.....	48
9.0 Environmental Impact Assessment.....	94
10.0 Appropriate Assessment (AA)	140
11.0 Water Framework Directive (WFD).....	141
12.0 Recommendation	143
13.0 Reasons and Considerations.....	143
14.0 Recommended Draft Order	146
15.0 Conditions	154
Appendices	

1.0 Site Location and Description

- 1.1. The proposed development site is in the outer suburban area of Knocknacarra, approximately 3.1km west of Galway City Centre. It comprises part of a larger landbank of underutilised land between the Western Distributer Road (WDR) to the north and Kingston Road to the south which is zoned for residential and commercial development in the Galway City Development Plan 2023- 2029 (GCDP).
- 1.2. The surrounding area of Knocknacarra is primarily residential in character, supplemented by commercial and educational facilities. The Gateway Retail Park lies to the north of the site on the opposite side of the WDR. This area provides for a range of convenience and comparison outlets including a Dunnes, Lidl and Aldi. There are two primary schools within walking distance of the site, Gaelscoil Mhic Amhlaigh primary school to the north of the subject site, adjoining the Gateway Retail Park and St. John the Apostle, Knocknacarra National School is situated to the west of the subject site, on a cul-de-sac road which I shall refer to in this assessment as Altan Road. Existing residential development in the vicinity of the site comprises a mix of 2-storey housing, 3-storey duplexes and 4-storey apartment blocks. The higher scale / density development is concentrated closer to the WDR while the lower housing is concentrated closer to Kingston Road.
- 1.3. The site can be accessed from the Altan Road, across an area of greenfield and from a narrow laneway off Kingston Road. In July 2025, planning permission was granted by Galway City Council (Pl. Ref. 24/60370) for the development of a swimming pool and sports facility on lands to the north of the Proposed Development. This permission includes for the provision of new vehicular and pedestrian access from Altán Road. It is intended that this new vehicular and pedestrian access also serve the proposed development site.
- 1.4. The proposed development site is served by public transport in the form of bus services. Five bus routes are in operation in the vicinity of the site namely, Bus Eireann routes 402 and 405 and City Direct bus routes 410, 411, and 412. Galway City is also serviced by rail. The railway station is located c4.5km to the west of the proposed development site. Iarnród Eireann operate several services from this station, including connections to Dublin (Heuston), Limerick and Waterford.

1.5. The site itself comprises c5.37ha of predominantly greenfield land. The site is irregular in shape and extends from the southern boundary of An Logan (the residential development to the north) to the Kingston Road at its southern end. A portion of the site is currently used for low intensity agriculture while the remainder is largely scrubland interspersed with small trees. The site currently contains some small agricultural type buildings / structures situated at the western boundary and southwest corner and a sand arena the eastern boundary. The site's elevation ranges between approximately 22 m and 34 m OD (metres above Ordnance Datum). The overall local topography generally slopes from northeast to south with an undulating topography.

2.0 Proposed Development

2.1. The proposal is for a ten-year permission for a Large-Scale Residential Development comprising a total 362no. residential units (65no. houses, 90no. duplex apartments and 175no. apartments) and a childcare facility with capacity for c.99 childcare places. The proposal includes for the demolition of existing agricultural type building / structures totalling 333.8 sqm.

2.2. The proposed scheme is to be delivered in two phases (see table 2.4 below for details) and across four-character areas identified as Altan Quarter, Orchard Quarter, Millers Quarter and Threadneedle Quarter. The scheme includes for the provision of new active travel cycle and pedestrian connections to Millers Lane to the east and Kingston Road to the south. Vehicular access to the development is proposed via new vehicular and pedestrian access from Altán Road permitted under Planning Reference 24/60370.

2.3. Some minor amendments to the scheme were introduced at RFI stage, these amendments include but are not limited to:

- A revised raised table layout at Millers Quarter, adjacent to the ramp for Millers' Lane.
- Revised parking layout and allocation at Millers Quarter adjacent to the creche.
- Updated parking and bin store arrangements at Orchard Quarter.

- Revised parking, road geometry and active travel infrastructure at Threadneedle Quarter
- A reduction in the overall parking provision from 313 to 312 no. bays.
- An increased the number of accessible parking spaces to a total of 20 no. bays.
- Additional and improved play and recreational facilities with the linear parkland.
- Minor alterations to the layout to improve privacy and security for ground floor apartments units in Block A (Orchard Quarter).

2.4. The following table presents a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme (as amended), which are extrapolated from the application documentation.

Table 2.1: Development Statistics	
Gross Site Area	5.37ha
Net Site Area	4.96ha
Demolition	333.8 sq. m
Gross Floor Space	34,458.6 sqm
Creche	440 sq. m (with capacity for 99 no. childcare places)
Density	73dph (net)
No. Residential Units	362
No. of Houses	65(18%)
No. of Apartments	297(82%)
Unit Type / Mix	<i>See Tables 2.2 and 2.3 below</i>
Dual Aspect units	68% of Apartments (247no.)
Building Height	2-6 storeys (5-storey over basement)

Car Parking	312 no. car parking spaces (reduced from 313 at RFI stage)
Cycle Parking	665 no. cycle parking spaces
Open Space	13.1% net site area

2.5. The following Tables provide a breakdown of house type and unit mix:

Table 2.2 – Unit Type					
Type		No. of Units Provided			% (approx.)
2 Bed House		4			1
3 Bed House		40			11
4 Bed House		21			6
1-bedroom duplex apartments		15			4
2-bedroon duplex apartments		46			13
2-bedroom duplex houses		15			4
3-bedroom duplex houses		46			13
1 Bed apartment		114			31.5
2 Bed apartment		56			15.5
3 Bed apartment		5			1
Total		362			100
Table 2.3 – Unit Mix					
Unit Mix	1 Bed	2 Bed	3 Bed	4 Bed	Total
Total Units	129	121	91	21	362
% Mix	36%	33%	25%	6%	100%

2.6. As detailed on the proposed Phasing Plan (Drawing No. P23-180D-RAU-00-XX-XX-DR-AR-1015 Revision P3-S-01), the development is to be delivered in two

Table 2.4 Phasing	
Phase 1A	236 units and Childcare Facility <i>(21No. Units Altan Quarter; 175no. units Orchard Quarter and 40No. units Miller's Quarter)</i>
Phase 1B	Remaining 126no units <i>(Threadneedle Quarter)</i>

2.7. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports:

- Planning Report and appendices
- Statement of Response to LRD Opinion
- Environmental Impact Assessment Report (EIAR)
- Natura Impact Statement (NIS)
- Urban Framework Plan Design Statement
- Photomontage Booklet and CGI Booklet
- Schedule of Areas and Housing Quality Assessment
- Social and Community Infrastructure Audit
- Construction and Environmental Management Plan (CEMP)
- Construction Demolition Waste Management Plan (CDWMP)
- Operational Waste Management Plan (OWMP)
- Construction Management Plan
- Civil Design Report
- Traffic and Transport Assessment
- Design Manual for Urban Roads and Streets Report
- Mobility Management Plan
- Preliminary Construction Traffic Management Plan
- Storm Water Audit
- Flood Risk Assessment
- Public Light Design and Reality Report
- Building Lifecycle Report
- Climate Scheme Sustainability Statement
- Wind Microclimate Study
- Daylight, Sunlight and Overshadowing Study

- Landscape Design Rationale Report
- Invasive Species Management Plan
- Tree Survey Report
- Fire Safety and Accessibility Report
- Property Management Strategy Report
- Stage 1 Road Safety Audit

3.0 Planning Authority Pre-Application Opinion:

- 3.1. In accordance with the information on file, two pre-planning meetings (one Section 247 meeting and one Section 32B meeting) were held between the applicants and Galway City Council (GCC) prior to the submission of the application. The development proposal discussed was for a scheme of c.517 residential units on a site area of 8.76ha. Minutes of both pre-planning meetings have been included in Appendix 1 of the applicant's Planning Report.
- 3.2. The Stage 1 247 meeting was held with the planning authority, via Microsoft Teams on the 23rd of April 2024. Subsequently, a Section 32B LRD Meeting was held with Galway City Council on 26th March 2025 via MS Teams. The planning authority issued its formal LRD Opinion on 17th of May 2025 and advised that the documentation submitted with the consultation request under Section 32B of the Planning and Development Act 2002 (as amended) was sufficient to constitute a reasonable basis on which to make an application for permission for the proposed LRD, subject to a number of issues being addressed. A copy of the LRD Opinion has been included as part of the application documentation (appendix 2 of the applicants Planning Report).

4.0 Planning Authority Decision

4.1. Decision

Following and initial request for further information Galway City Council, did by order dated 9th of April 2026, decide to grant permission for the proposed LRD subject to 33no. conditions. The permission was for a total of 358no. units with four units being omitted by way of condition (Condition 7). The following conditions are of note:

- Condition 2 Duration of Permission:* C.2 allows for a 10-year permission.
- Condition 3 Phasing:* C.3 requires that communal open space, recreational facilities and related landscaping, located along the eastern and central sections of the site hereby granted permission, shall be fully constructed and completed within the first phase of development and no residential unit occupied until these spaces are available for use by residents.
- Condition 4 Access to Neighbouring lands:* C.4 notes that the development forms part of an overall Masterplan, and requires that connectivity points for vehicles, pedestrians, cyclists and the communal open space, not be blocked off or have any permanent fencing or walls erected.
- Condition 5 Phasing:* No residential unit to be occupied until such time as the roadway, footpaths and cycle paths accessing the site from the School/Roundabout roadway have been fully constructed.
- Condition 6 Phasing:* No residential unit dwelling, apartment or duplex unit shall be occupied until such time as the footpaths and cycle paths accessing Millers Lane and the Kingston Road roadway have been fully constructed.
- Condition 7 Design Amendments:* C.7 requires the following amendments (in brief)
- a. Specifies windows within Threadneedle Quarter - Duplex A; Upper units No. 6 & 11; to be obscured to a height of 1.8 metres from the internal floor area.
 - b. Specifies windows within Threadneedle Quarter Duplex Block C; to be obscured to a height of 1.8 metres from the internal floor area.
 - c. Threadneedle Quarter - Townhouse F; bay windows to be omitted; and the western window for No. 48 shall be obscured to a height of 1.8 metres and an additional northern facing clear window provided for that bedroom. The bay window for No. 49 shall be omitted and the window shall be obscured to a height of 1.80 metres.
 - d. Duplex Block B; Units No. 57, 59, 61 and 62 shall be omitted,
- Condition 11 Design Amendments.* C. 11 requires that the railings for all balconies shall be replaced with glazing or block finish (subject to agreement)

and that the side screens to the edges of the terrace shall be erected to a height of 1.8 metres and permanently glazed in obscured glass.

Condition 14 Art Installation: C.14 requires agreement on the location of two pieces of art works within the development. The art works is to be sponsored by the developer.

Condition 25 Road Layout: C.25 requires agreement on an improved layout for the cul-de-sac serving the proposed Creche, providing either a turning circle, or a revised reversing location.

Condition 28 Special Financial Contribution (subject of a first party appeal):

The development shall pay the Planning Authority a financial contribution as a special contribution under section 48(2)C, of the Planning and Development Act 2000, as amended, in respect of works for continuation of Cycling and Pedestrian Infrastructure from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road. The amount of the contribution shall be agreed between the Planning Authority and the development, or, in default of such agreement, the matter shall be referred to An Comision Pleanála for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the cost of provision of public services facilitating the proposed development. The use or return of this contribution shall be carried out as provided for in Section 48 of the Planning & Development Act 2000 (as amended).

4.2. Planning Authority Reports

4.2.1. Planning Reports

Initial Planner's Report (December 2025)

The initial report of the Local Authority Case Planner includes in its opening sections, details of the planning history of the site, the LRD Opinion, the interdepartmental and external reports received and the third-party observations received. The main body of the report comprises an Environmental Assessment (pages 3-11), Planning Assessment (pages 11 -23) and recommendation (pages 24-27). Key issues can be summarised as follows:

- *Climate – Scheme Sustainability Statements:* - regard is had to the *Scheme Sustainability Statements* submitted with the application. The Case Planner considers that the details submitted would be sufficient to address the requirements of the GCDP.
- *Site Specific Flood Risk Assessment:* regard is had to the *SSFRA* submitted and the results of same which estimate that the risk of flooding to be minimal, and that the development will not increase the risk of flooding elsewhere.
- *European Designated Sites:* regard is had to Section 5.3.1 of the GCDP on European Designated Sites and to the applicants AA Screening Report and NIS. The report concludes that subject to the implementation of the mitigation measures as set out in the NIS ,the proposed development by itself or in combination with other plans/projects in the vicinity, would not adversely affect the integrity of the identified European Sites in view of their conservation objectives, their qualifying interests and special conservation interests.
- *Environmental Impact Assessment Report:* The EIAR is examined and a synopsis included in the report. The assessment concludes that, due to the considered design of the project and provided all mitigation measures are properly implemented, there is no real likelihood of significant effects on the environment. The potential effects associated with a project of this nature are well established and understood by the authors of this EIAR Report and the technical reports prepared as part of this application all of whom have provided details of their competency. The effects are not complex and the proposed mitigation measures are proven and effective. The Proposed Development site location is not considered to be especially sensitive from an

environmental perspective and any potential effects on identified specific sensitive receptors have been mitigated appropriately.

- *Heritage/Protected Structures:* There are no recorded protected structures or NIAH structures within the subject site or the 500m study area and the proposed development site is therefore considered to be of low archaeological potential.
- *Zoning:* the proposed residential development would be in accordance with the zoning designation and objectives of the GCDP.
- *Unit Mix:* with reference to SPPR1 of the apartment Guidelines, the mix of units proposed is deemed to be acceptable.
- *Apartment/duplex Size:* two of the duplex apartment units do not contain sufficiently size storage areas, this can be revised by condition.
- *Density/Plot ratio:* the density of development proposed is acceptable having regard to the provisions of the GCDP, the location of the site partially with a District Centre and is designated as an opportunity site, the established urban setting and the future development potential of the Masterplan lands.
- *Design, Height/scale, Mass & Overlooking:* - the height strategy presented would be in line with identified heights for this area as per GCC – Urban Density and Building Heights Study, Sept 2023. The report identifies some design issues which gives rise to potential overlooking and privacy / security issues for ground floor apartments.
- *Amenity Open Space:* - The report has regard to the comments of the Parks Department (see below)
- *Car Parking:* the 313no. parking spaces proposed is below the maximum national standard for the site (49no spaces / 14%). The quantum of parking proposed is justified having regard to current policy and the location of the development in proximity to schools, shops and public transport etc. (*Note:* Parking issue raised separately by Transport Department.
- The report concludes with a request for further information on 5 items, as follows:

1. *Legal Interest / Land Ownership*: - The applicants are requested to address issues raised by third parties in relation to land ownership and the extent of the site outlined in red and blue.
2. *Overlooking*: - the applicant is requested to demonstrate compliance with SPPR1 of the Compact Settlement Guidelines on separation distances noting issues of non-compliance in respect of elements of first floor windows and balconies of Duplex Block A, B, C, D, Townhouse Block, F, M, H and L.
3. *Security Considerations*: the applicant is requested to demonstrate compliance Section 3.9 Security Considerations of the Apartment Guidelines noting that there are many instances where paths or communal open space are directly located adjacent to ground floor apartments.
4. *Roads and Active travel*: - Item 4 addresses issues raised by the Transport Department and Active Travel Office in their reports to the PA November 2025).
5. *Parks*: Item 5 addresses issues raised by the Parks Department in their report to the PA November 2025)

Second and Final Planner's Report (March 2026)

- The second report of the Local Authority Case Planner considers the applicants response to the further information which was received by the planning authority on the 5th of February 2026 along with the three additional third-party submissions received.
- *Legal Interest / Land Ownership*: - the case planner, with reference to Section 34(13) of the Planning and Development Regulations 2001 (as amended) is satisfied that the information submitted by the applicant is sufficient to progress the assessment of the application.
- *Overlooking*: - The Case Planner is satisfied that while some instances of potential overlooking have been addressed by way of design (use of opaque glazing etc), others remain outstanding. The Case Planer recommends further design amendments and the omission of Unit No's 57, 59, 61 and 62 from

Threadneedle Quarter - Duplex B (Condition 7 of the PA's grant of permission relates).

- **Security Considerations:** - Proposed amendments to the layout to provide privacy strips to ground floor apartment are deemed acceptable.
- **Roads and Active Travel:** - The Case Planner has regard to the reports on the further information received, of the Transport and Infrastructure Department and Active Travel Unit which cite no objection subject to condition.
- **Parks:** - the Case Planner notes the amendments to the scheme proposed in response to the issues raised by the Parks Department under Item 5 of the further information. The amendments proposed include increased play areas, the provision of Active Teen Spaces, relocation of cycle parking for increased passive surveillance and increased depth of planting areas where feasible. The applicant's response also clarifies that there are no underground services along the boundary of the communal open space at Millars Lane Quarter. The Case Planner notes that the applicants have altered the proposal where possible and where they could not, have submitted a rational as to why elements cannot be altered. The Case Planner is satisfied that the applicant's response adequately addresses the issues raised.
- The report concludes with a recommendation to grant permission subject to condition as per final PA decision.

4.2.2. Other Technical Reports

- **Building Control:**

Report November 2025 includes the following comment: *All works must be carried out in accordance with the Second Schedule to the Building Regulations, Technical Guidance Documents Parts A-M. Drainage.*

- **Active Travel**

Report of November 2025 recommends that the applicant be requested to:

- *Comment on the non-existence of an inbound cycle track on the main access road from the southern and eastern side of proposed*

development “Orchard Quarter” heading towards Millars Quarter and Millars Lane.

- *Clarify the logic of the cycle and pedestrian routing from the southwest of the “Orchard Quarter” to reach Millars Quarter.*
- *Clarify if sufficient shared widths are provided on the indicated shared surface to the west of “Orchard Quarter” as submitted drawing appear to show narrowing of the shared surface to the southwest of Block A Orchard Quarter.*
- *Provide the 3-meter-wide shared surface for the extent of the development linking from Kinston Road heading northwards to the main access road to the southeast of the existing Altan apartments. This 3-meter-wide shared surface was indicated at preplanning consultation submission.*
- *Examine width of footpaths/access routes within the proposed development and consider advice of publication Building for Everyone: A Universal Design Approach which outlines that - a clear width of 2000mm is recommended to enable people to walk alongside each other and for two wheelchair users or parents with strollers to pass comfortably.*
- *Please provide design statement specific to the access ramp from Millars Lane to Millars Quarter with respect to universal design and any other relevant standard.*

(Note: Item 4 of the PA’s request for further information raises the above issues)

Report of March 2026 considers the applicants response to item 4 of the further information request and deems the response to be adequate. The report also includes addition commentary on active travel including a request for the reservation of a dedicated pedestrian / cycle route through the masterplan lands and a request for the payment of a special development contribution for the continuing of the cycling and pedestrian infrastructure from Millars Lane to Threadneedle Road (Condition 28 of the PA decision relates).

- ***Housing Capital:***

Confirmed by phone call (November 2025) that discussions have taken place with the applicants regarding the Kingston site and that they had no further comments to make.

- ***Transportation /Drainage:***

Report of November 2025 cites no objection in relation to Surface Water Drainage, subject to conditions. (Note: Condition 26 of the PA's decision relates)

- ***Transport Department:***

Report of November 2025 requests further information on DUMRS compliance; parking allocation including justification for reduced parking and EV future proofing and Safety Audit and mitigation measures. (Note: Item 4 of the PA request for further information relates)

Report of March 2026 cites no objection subject to conditions including that a further improved layout for the cul-de-sac type roadway along the proposed Creche, be it a turning circle, or a revised reversing location, this should be agreed with the Local Authority prior to commencement of the development. (Note: Condition No. 25 of the PA's decision relates).

- ***Parks:***

Report of November 2025 raises concerns regarding the quantum, location and design of play areas and active teen spaces proposed within the scheme; the viability of boundary planting as a wildlife corridor (lack of space in places); the need to relocate underground services to facilitate boundary planting. Further information / clarification is also requested on the proposed planting schedule, public lighting design (temperature of luminaires) and biosecurity (management of invasive species).

4.3. Prescribed Bodies

- ***Uisce Eireann (UE):***

Report of November 2025 confirms that the applicant has engaged with Uisce

Éireann via a Pre-Connection Enquiry - our ref. CDS24003705. UÉ confirm that a Confirmation of Feasibility (COF) and a Statement of Design Acceptance (SoDA) has been issued to the applicant advising that water and wastewater connections are feasible. UÉ recommends standard connection agreement conditions in the event of a grant of permission.

- **An Taisce**

An Taisce's report of November 2026 raises the following issues:

- *Car Parking Provision:* - The provision of slightly less than one car parking space per apartment is not justified in such a central location so well serviced by public transport. The applicant should provide a rationale for the number of car spaces to be provided by house type
- *Traffic Impact:* - the applicant should assess the impact of traffic generated by the proposed development on traffic volumes and traffic times on the Sheamus Quirk Road. Based on the analysis of likely daily journeys
- *Wastewater:* - An Taisce has serious concerns about existing deficiencies in the wastewater collection system throughout the Galway agglomeration due to the lack of investment over recent decades. These deficiencies have been identified and recommended works to address them are set out in UE's Galway Drainage Area Plan. However, UE in their consideration of the proposed LRD and in their report to the planning authority have failed to acknowledge the deficiencies in the collection system downstream of the proposed development. UE's report to the planning authority fails to provide details on the capacity of the Mutton Island Wastewater Treatment Plant and fails to note that the existing UE owned 225mm foul sewer on Altan Road, does not have the capacity to cater for the proposed scheme and will need to be upgraded to a 300mm sewer. An Taisce recommends conditions to address identified deficiencies.
- The submission includes an extract from the Galway City Drainage Area Plan – Stage 4 Strategy, Optioneering and Future Solutions Design Report.

4.4. Third Party Observations

4.4.1. The planning authority received nine third party submissions (from 6 parties) during their assessment of the application. The main issues raised in the submission are covered in the third-party grounds of appeal and observations received and can be summarised as follows:

- Scale of development would be out of character with the area. The suitability of the site for apartment / five storey buildings.
- Impacts on existing residential amenity: - insufficient separation distances, potential for overlooking, loss of privacy, overshadowing and overbearance and noise and disturbance. Preference for two storey dwellings next to existing residential properties.
- Insufficient recreational amenities proposed within the site.
- Traffic Impact and Road Safety issues
- Poor permeability (pedestrian and cycle)
- Potential for anti-social behaviour.
- Lack of active recreational facilities proposed.
- Issues relating to land ownership and consent.

5.0 Planning History

5.1. Previous applications which partially overlap the proposed development:

GCC Ref: 24/60370:

Permission granted by GCC (July 2025) for the development of a swimming pool and sports facility on lands (c0.87ha) to the north of the development site. The permitted development includes for the provision of a new vehicular and pedestrian access from Altán Road, the provision of upgraded cycle and pedestrian infrastructure along Altán Road and the provision of new active travel cycle and pedestrian access from Millers Lane.

ABP Ref: 315600-23 (GCC Ref: 2281)

Permission granted (2023) for the retention and completion of an agricultural barn, 6-bay stable building, roofed storage area and extension of walls and roof to existing machinery store along with site levelling and all ancillary site works and services.

ABP Ref: 310976-21 (GCC Ref: 21/148):

In April 2024, the then An Bord Pleanála upheld GCC's decision to refuse permission for Phase 1 of the planned two-phased masterplan for a new urban village 'Kingston Cross' on lands zoned CI on the south side of the Western Distributor Road at the Knocknacarra District Centre. Phase 1 comprised a mixed-use development including a licensed supermarket with undercroft parking; a retail warehouse unit, 9no. flexible shop/retail service units; 2no. flexible medical/community units; a café/restaurant unit and civic space.

An Bord Pleanála cited three reasons in their decision to refuse permission. (1) Development was deemed to be deficient in terms of the nature and range of retail and mix of uses proposed from the designated district centre and would be inconsistent with the policy set out in section 11 of the GCDP in effect at the time. (2) deficient and substandard open space provision. and (3) traffic safety.

GCC Ref: 99469:

Permission granted for a mixed-use development comprising a business technology building incorporating medical rooms and an underground carpark, a shopping centre providing for supermarket and mall with fourteen shops, off licence, offices and medical consulting rooms, creche, pharmacy a banking hall, an ATM, a drive-in take away restaurant, a six-screen cinema, fifteen apartments and a children play centre and underground carparking. Site clearance and preparatory works were undertaken but the grant of permission was not otherwise implemented.

5.2. Other Noted Development in the Area:

ACP Ref: 323873 – Local Authority Project - Kingston Park and Millars Lane – Public Park Urban Realm Project. Decision: Further consideration needed.

ABP-318220-23 and ABP-318220: An Coimisiún Pleanála decided on the 7th of April 2026 to approve with modifications the N6 Galway City Ring Road Motorway Scheme 2018, Protected Road Scheme 2018 and Compulsory Purchase Order.

6.0 Policy Context

6.1. Galway City Development Plan 2023-2029 – as Varied (GCDP)

- 6.1.1. The Galway City Development Plan 2023-2029, hereafter referred to as the GCDP, is the operative plan for the area. The GCDP was adopted on the 24 November 2022 and came into effect on the 4th of January 2023. The Plan was subsequently amended by a High Court Order dated 19 May 2025 and by the following variations:

Variation No. 1 was made by the members of the Council on 9 February 2026. It included amendments to the Land Use Zoning and Specific Objectives Map to change the land use zoning of lands located in Roscam, Galway City from Residential (R2) to Agricultural (A), following a request made in respect of the RZLT and subsequent assessment by the Planning Section.

Variation No.3, was made at a special meeting of the Council on 5 June 2026 in response to the publication of the National Planning Framework First Revision and the publication of the NPF Implementation: Housing Growth Requirements Ministerial Guidelines published under Section 28 of the Planning and Development Act 2000 (as amended). The variation included changes to the written statement and maps of the Galway City Development Plan 2023 - 2029 including, inter alia: changes to land use zoning objectives for a number of identified lands to facilitate residential uses; the identification of locations to provide for long-term housing needs beyond the lifetime of the current Development Plan; additions to and/or changes of policies, objectives and measures to support and facilitate the development and activation of existing residential zoned lands. Variation No. 3 also includes reference to Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities 2024

Note: *Variation No. 2* of the GCDP is ongoing (consultation ended 16th July). This variation seeks to apply a land use zoning objective to ten parcels of land which were unzoned as a result of the Ministerial Direction dated 3 May 2023. In each case, the proposed land use zoning objective is either Agricultural (A) or High Amenity Agricultural (G).

6.1.2. **Zoning**

As detailed in Volume 2 Land Use Zoning and Specific Objectives Map (as amended) and Chapter 11 Land Use Zoning Objectives, the proposed development site is subject to two land use zoning objectives, as follows:

R (Residential): - To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods. Uses which are compatible with and contribute to the zoning objective include:

- Residential
- Residential institution
- Outdoor recreational use

CI (Commercial/Industrial): - To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone. Uses which are compatible with and contribute to the CI zoning objective, include:

- Allow for development of Regeneration and Opportunity Sites in accordance with the provisions of Chapter 10 and Policy 10.2 Strategic Regeneration and Opportunity Sites, particularly where it is identified to provide for mixed use development which includes for residential.

Uses which may contribute to the zoning objectives, dependent on the CI location and scale of development include: - 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.

6.1.3. **Chapter 1 Introduction, Strategic Context and Core Strategy:**

The Core Strategy has been updated (Variation no.3) in accordance with the National Planning Framework – First Revision 2025, which sets national targets for population and housing growth, and the relevant implementation guidelines issued under Section 28 relating to housing growth requirements.

Core Strategy Table 1.9 (unchanged) outlines the Core Strategy for the period 2023-2029. The subject site is identified as an Outer Suburb (West) area, where there is proposed residential yield of 2,322 units for an estimated population capacity of 5,573 people.

6.1.4. ***Chapter 3 Housing and Sustainable Neighbourhoods:***

As per *section 3.5 Sustainable Neighbourhoods*, the site is located within the 'Outer Suburbs', of Galway City. These areas 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 and through development of Ardaun. New residential development will be required to adhere to the principles for sustainable neighbourhoods set out in the section 3.4 and development management standards set out in Chapter 11. Under the Core Strategy, residential zoned lands are identified to accommodate new housing in the western outer suburbs. To support this growth, the designated district centre and I zoned lands will provide for further services and employment opportunities. Additional strategic facilities such as the proposed N6 GCRR will provide additional accessibility and connectivity in the area in addition to identified investment in other GTS measures to support public and sustainable transport.

Policy 3.1 Housing Strategy

18. Support the development of sustainable communities and ensure that all new housing developments – private, public and voluntary are carried out in accordance with the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities 2024 DECLG guidelines Sustainable Residential Developments in Urban Areas (2009) and where applicable to apartments, Section 28 Ministerial guidelines – Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020), and any other relevant Section 28 Ministerial guidelines.

Policy 3.3 Sustainable Neighbourhood Concept:

7. Ensure the design of residential developments have regard to the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities 2024 and, where applicable, the earlier Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025, and demonstrate compliance with the Urban Design Manual—A Best Practice Guide and the Design Manual for Urban Roads and Streets (2019).

Policy 3.4 Sustainable Neighbourhoods: Outer Suburbs:

1. Facilitate consolidation of existing residential development and densification where appropriate within the outer suburbs to deliver on population targets while ensuring the reasonable protection of residential amenities.
4. Encourage a mix of housing types and sizes within residential developments.
7. Ensure the design and layout of residential developments has regard to adjoining developments.

6.1.5. Chapter 4 Sustainable Mobility and Transportation:

This chapter includes the following Specific Objective for Road and Street Network & Accessibility:

30. Ensure that along the Western Distributor Road, new access points will only be considered where adequate traffic and public safety can be ensured, where the objective to provide bus lanes can be secured and where the proposal provides improved permeability and contributes to the public realm. Minimum distances between existing and proposed junctions of 100m will be required.

6.1.6. Chapter 6 Economy, Enterprise and Retail:

Table 6.1 Galway City and County Retail Hierarchy classifies Knocknacarra as a Level 3 District Centre. The settlement strategy for Knocknacarra is to allow development to reach anticipated growing levels of population through consolidation of existing zoned lands. The aspiration for the balance of lands within the

Knocknacarra District Centre, mostly to the south, is to function more as an 'urban village' type centre than a single use shopping centre and to service the exiting and targeted scale of population. It is anticipated that the extensive balance of remaining lands will benefit from an overall masterplan and deliver a good mix of uses that complement the current large floorplate retail uses on phase 1 at the northern side. In this regard complementary uses include uses for local retail services, social and community services, recreation, culture and leisure uses integrated with a critical mass of residential use. A Masterplan Framework for these lands will provide for a layout that can demonstrate distribution of uses; civic and amenity spaces and integration with existing development and amenities. With adjacency of local schools and parklands, greenway linkages and imminent investment under the GTS in sustainable transport, this area of Knocknacarra District Centre is well placed to contribute to the concept of the 15-minute neighbourhood.

6.1.7. Chapter 10 Compact Growth and Regeneration

Section 10.21 Knocknacarra District Centre (South) Opportunity Site.

This site measures 6.6 hectares and is located within the designated Knocknacarra District Centre. A key element of the overall vision for the Knocknacarra District Centre is that it functions as a mixed-use urban village creating an attractive, liveable, well designed urban centre integrated into the community where placemaking and sustainable mobility is prioritised and where the idea of the neighbourhood concept is strengthened. Having regard to the population growth targets for the city and reflecting the core strategy, a significant proportion of the development capacity of the site shall deliver housing. Given the significant scale of the site and obligation to deliver certain uses, a Masterplan will be prepared in advance of any redevelopment. The following requirements will apply over and above the guidance provided in Chapter 8:

- Include for a minimum of residential/residential commercial development of a scale equivalent to 50% of the development capacity of the site which shall be integrated into the overall scheme.
- Provide mixed uses which shall include for a number of small retail /service retail units which can be demonstrated to deliver a broad range of District

Centre uses. This shall be assessed in the light of the scale and nature of uses delivered on the site at that period.

- Provide a good balance of use mixes, including uses which can include healthcare and primary health care, commercial leisure uses, hotel and educational uses, which would by virtue of their use and scale serve the needs of the surrounding neighbourhood area.
- Provide a strong frontage and address of the Western Distributor Road and internal street network with the avoidance of dead frontages.
- Provide quality pedestrian and cycle connections with the adjacent neighbourhood, schools, open space lands and wider green network.
- Demonstrate a structured hierarchy of spaces within the layout maximizing the opportunities for linkage with adjacent developments/future developments.
- Ensure pedestrian priority in the access network and accommodate public transport access or easy access to the public transport network and incorporating emerging bus route proposals along the Western Distributor Road.
- Demonstrate divisible viable phases of development.
- Having regard to investment in public transport and sustainable mobility measures, the level of car parking provision will be considered having regard to performance-based standards, urban design, sustainability, location and scale of development proposed and should reflect the designated location being a multi-purpose trip destination.
- The site shall include for a civic open space/park which shall be reserved on any layout for this purpose and should be of a size and function to reflect the scale of the overall development and shall be over and above the requirement for open space on these lands.
- Each phase of the development shall include for the front-loaded delivery of a public / community facility which can be in the form of a community facility, an educational establishment, a community health facility, a transport facility, a park and play area over and above normal open space requirements.

Policy 10.2 Strategic Regeneration and Opportunity Sites:

1. Facilitate and enable the redevelopment of strategic Regeneration and Opportunity Sites in the city to support the sustainable and compact growth of the city which will add value and create more attractive places in which people can live and work and achieve alignment with the National Strategic Outcomes of the NPF and the Regional Policy Objectives of the RSES and implementation of the Core Strategy.
2. Give priority to the development of the strategic Regeneration and Opportunity sites in line with core strategy, in particular to deliver new residential neighbourhoods, on lands supported by a number of land use zonings including CC and CI, as referenced in the land use zoning objectives in Chapter 11.

6.1.8. Chapter 11 Land Use Zoning Objectives and Development Standards and Guidelines:

Chapter 11 Part B comprises the development standards and guidelines that are to be applied to development proposals. As stated, the GCDP provides for a flexible application of standards and guidelines, in particular circumstances where the proposed development is otherwise consistent with the proper planning and sustainable development of the area and achieves high architectural urban design quality. The achievement of the policies and the objectives of the Plan and the encouragement of good design, rather than the mechanistic application of development standards, will be the aim of development management.

The following sections are considered most relevant to this proposed LRD:

- 11.3 Residential Development
 - 11.3.1 Outer Suburbs
 - 11.3.1 (b) Standards for Roads and Streets in New Residential Development
 - 11.3.1 (c) Amenity Open Space Provision in Residential Developments
 - 11.3.1 (d) Overlooking
 - 11.3.1 (e) Daylight
 - 11.3.2 (f) Distance between Dwellings for New Residential Development

- 11.3.1 (g) Car Parking Standards
- 11.3.1 (h) Cycle Parking Standards
- 11.14 Childcare Facilities
- 11.20 Green Design & Surface Water/SuDS
- 11.31 Climate - Scheme Sustainability Statements
- 11.32 Environmental Impact Assessment
- 11.33 Appropriate Assessment / Natura Impact Statement
- 11.34 Invasive Alien Species

6.1.9. **The Urban Density and Building Height Study (GCC Sept. 2021)**

The Urban Density and Building Height Study (UDBHS) is a supporting document of the GCDP 2023-2029. The stated purpose of the UDBHS is to examine what are the optimal densities and heights that can achieve the most efficient and effective use of land, can make a positive contribution to the character of the city, can create good quality mixed use communities while also contribute to successful place making and liveability.

Section 19.2 of this document relates to the development potential of the western suburb of Knocknacarra. The UDBHS refers to 'Densities Open for Consideration' within this area, with a target density range for new development of up to 35 and 40dph. The UDBHS also refers to 'Heights open for consideration' stating new development should respect the scale of recent development. Key junctions and nodes of activities present opportunities to provide more urban enclosure and a sense of clustering of activities with 3 - 4 storey development.

6.1.10. **Galway City Council Development Contribution Scheme 2020-2026**

The Galway City Council Development Contribution Scheme 2020-2026 states in respect of Special Development Contributions (section 19) that a special contribution may be imposed under Section 48 of the Act where exceptional costs, not covered by the Scheme, are incurred by the Council in the provision of a specific infrastructures or facility. (The particular works will be specified in the planning conditions when special contributions are levied). Only developments, which will benefit from the public infrastructure or facility in question, will be liable to pay the

special development contribution. Conditions imposing special contributions may be appealed to the An Bord Pleanála.

6.2. Regional Plans / Policies

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

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

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

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

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

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

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

These locations include the suburbs of Galway City including Knocknacarra.

The primary strategy of the MASP is to consolidate these areas. In order to consolidate these areas, it is considered necessary to facilitate higher density development on brownfield sites and on zoned lands. This will serve a dual purpose: a) The delivery of an appropriate quantum of units in line with the future growth projections set out in the previous sections and; b) A shift toward a more compact urban form i.e. preventing the continued sprawl of the suburbs by delivering high density scheme at appropriate locations.

6.3. National Plans/Policies:

6.3.1. ***Project Ireland 2040 – National Planning Framework, First Revision (April 2025), (NPF)***

The National Planning Framework (NPF), initially published in 2018 and revised in 2025, sets out a high-level strategy for the planning and development of Ireland to 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 National Strategic Outcomes (NSOs) that include: Compact Growth (NSO1), Sustainable Mobility (NSO4), Enhanced Amenity and Heritage (NSO7), a Low Carbon and Climate Resilient Society (NSO8) and the Sustainable Management of Water, Waste and Environmental Resources (NSO9).

National Strategic Outcome No. 1 of the NPF relates to Compact Growth. The aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. This is supported by National Planning Objectives that target 50% of new housing growth that take place in the five cities and 30% within other settlements, to be delivered within the existing built-up footprint, respectively.

6.3.2. ***Delivering Homes, Building Communities (2025)*** This document aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan.

This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

6.3.3. ***Climate Action Plan (CAP) 2025:*** - Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

6.3.4. ***Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030:*** The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

6.4. **National Guidance**

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

6.4.1. ***The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2025) (the 'Apartment Guidelines')*** set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas. These Guidelines include the following Specific Planning Policy Requirements (SPPRs):

- SPPR 1 notes that there will be no restriction within statutory plans in relation to the mix of unit sizes or types to be provided within apartment developments

and that there shall be no minimum or maximum requirements for apartments with a certain number of bedrooms.

- SPPR 2 provides minimum floor areas for studios (32sqm), 1 bed (45sqm), 2 bed (63sqm), and 3 bed (76sqm).
- SPPR 3 requires a minimum of 25% dual aspect apartments.
- SPPR 4 requires ground level floor to ceiling heights to be a minimum of 2.7m.
- SPPR 5 notes that there is no requirement for a minimum number of units per floor per core.
- SPPR 6 notes that the provision of new communal, community and cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan.
- SPPR 7 relates to shared accommodation/co-living development and
- SPPR 8 relates to student accommodation.

6.4.2. ***Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines)***: set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. Applicable policy for the proposed development includes:

- Section 3.3: It is a policy and objective of these Guidelines that residential densities in the range 40dph to 80dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).
- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility to public transport options and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).

- Policy and Objective 3.1 requires that the recommended density ranges are applied and that, where appropriate, these density ranges are refined further using the site-specific criteria.
- Policy and Objective 4.1 require the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: requires the achievement of residential standards:
 - SPPR 1 – Separation Distances requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level.
 - SPPR 2 – Minimum Private Open Space specifies new standards for houses (3 bed 40sqm, 4 bed+ 50sqm), and private open space for duplexes remains as per the Apartment Guidelines (see below).
 - Policy and Objective 5.1 recommend a public open space provision of between 10%-15% of net site area.
 - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations (e.g., 2 no. spaces per dwelling for intermediate and peripheral locations).
 - SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight, indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

6.4.3. ***The Urban Development and Building Height Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’):*** - set out national policy considerations in relation to building height in order to guide planning authorities in

developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

- 6.4.4. ***Childcare Facilities Guidelines for Planning Authorities, 2001 (the ‘Childcare Guidelines’)***: provide a framework to guide both local authorities in preparing development plans and assessing applications for planning permission, and developers and childcare providers in formulating development proposals.

It outlines (at Section 2.4) that appropriate locations for childcare facilities would include new communities/larger new housing developments, and that planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

- 6.4.5. ***The Development Management Guidelines for Planning Authorities (2007)*** are issued under section 28 of the Planning and Development Act 2000, as amended, and provide guidance in relation to development contribution schemes. At paragraph 7.12. the Guidelines, inter alia, make the point that a contribution scheme under Section 48 should clearly set out how the relevant terms are interpreted and applied to the proposed development.

‘Special’ contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore, it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the

particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g., extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area. Conditions requiring the payment of special contributions may be the subject of appeal.

6.4.6. ***Development Contributions Guidelines for Planning Authorities (DoEHLG 2013)*** are issued under section 28 of the Planning and Development Act 2000, as amended.

Section 48 of the Planning and Development Act provides that planning authorities must draw up a development contribution scheme in respect of certain public infrastructure and facilities provided by, or on behalf of, the local authority that generally benefit development in the area. All planning permissions granted are subject to the conditions of the development contribution scheme in operation in the area of the planning authority.

A special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.

The Guidelines make the point that a key aim for development contribution schemes must be to promote sustainable development patterns, secure investment in capital infrastructure and encourage economic activity. To bring this about, planning authorities are required to include (inter alia) in their development contribution schemes, provision to charge only net additional development in cases of redevelopment projects (e.g. a redevelopment totalling 200m² of which 150m² is

replacing existing development, contribution should only be levied on the additional 50m₂).

In respect of double charging, the guidelines state that this practice is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution.

6.5. Other Relevant Publications:

- ***Design Manual for Urban Roads and Streets (DMURS), 2019*** The Manual seeks to address street design within urban areas, i.e., cities, towns and Inspector’s Report Page 30 of 286 ACP-324016-26 villages, by setting out an integrated design approach. It aims to put well-designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.
- ***Cycle Design Manual, National Transport Authority, 2023*** The Cycle Design Manual (2023) outlines that design standards change over time to take account of emerging best practice and changing user needs, and the manual should be used for the design of all new or improved cycle facilities unless otherwise agreed with the relevant oversight body (e.g. NTA, TII, DoT, Local Authority). It outlines the context of designing cycle facilities and the increased emphasis on segregation of facilities from motor traffic, provides information on what designers need to be aware of and the Appendix has Typical Layouts (TL) for most types of cycling infrastructure. It states the design of cycle facilities on urban roads and streets (those with speed limits up to 60 km/h) will need to comply with DMURS.
- ***Circular Letter PL04/2023 from the Minister for Housing, Local Government and Heritage*** sets out mechanisms whereby in certain cases

contributions payable by developers can be paid instead to the local authority by the Minister for Housing, Local Government and Heritage.

- ***Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).***

6.6. Natural Heritage Designations

There are no designated natural heritage sites within the boundary of the appeal site or within the immediate vicinity of the site. The closest designated sites are the Galway Bay Complex SAC and NHA, c.0.8km to the southwest at its closest point. The potential impact of the proposed development on designated Natura 2000 sites is considered in section 9 of this report.

7.0 The Appeal

7.1. Third Party Appeals

Two third party appeals have been received in respect of Galway City Council's notification of decision to grant permission for the proposed LRD, from:

1. Gort Siar Residents: - Gort Siar is a residential cul-de-sac to the northwest of the proposed development site. Gort Siar is accessed off Altan Road, a cul-de-sac road off the southern arm of the Bothar Stiofain roundabout on the Western Distributor Road. Vehicular access to the proposed development site is proposed via the Altan Road.
2. Jerry D'Onofrio: - Resident of the Kingston Road area whose property lies to the west of the appeal site, on the opposite side of a narrow laneway which itself is accessed off Kingston Road to the south of the proposed development.

7.1.1. Grounds of Appeal

Gort Siar Residents (1st Named Appellants)

- The main issue raised in the appeal of Gort Siar Residents relates to traffic and the provision of safe access to their residents.
- It is alleged that the Western Distributor Road and Altan Road are congested at peak times, particularly during school collection / drop off times and that this congestion impedes access to and egress from Gort Siar. The concern is that the proposed LRD, alone and in combination with other planned and permitted developments in the area, would significantly contribute to this congestion.
- The appeal references *Specific Objective 30 (Road and Street Network and Accessibility)* of the GCDP which restricts new accesses onto the Western Distributor Road. It is alleged that this objective fails to consider the suitability of the existing Altan Road access for additional traffic, particularly given the proximity of the Gort Siar Junction to the Altan Roundabout.
- The submission raises traffic and public safety concerns regarding the proposed access arrangements, including the safety of traffic turning movements at the Gort Siar junction due to the narrowness of the road and the limited distance between the roundabout and the Gort Siar Junction (stated as 10m) and illegal parking in the vicinity during school drop off and collection times, which has potential to impede emergency access.
- The case is made that the area should be redesigned in line with current standards (DMURS) particularly given the additional traffic from this proposed LRD and other permitted / planned developments in the area
- The TTA's traffic generation figures are questioned. It is alleged that the TTA only considers residential traffic and fails to consider the impact of the traffic generated by the proposed creche. It is unclear if the TTA considers the split in unit size, as larger multi-bedroom units are likely to have more than one car.

Jerry D'Onofrio (2nd Named Appellant):

- The main issue of concern raised in the appeal of Jerry D'Onofrio relates to the potential impact of the proposed development and the wider '*Masterplan*' for the area on his property which lies to the west of the application site, on

the opposite side of the laneway that connects the proposed development site to Kingston Road to the south.

- The Masterplan for the area (see *EIAR, Chapter 2 Fig. 2.3 Resultant Masterplan*) encompasses the appellants property (house and its curtilage) and envisages the property redeveloped as open space.
- The appellant notes that his property is shown to be within the study area of the EIAR and NIS and that it has been incorrectly shown on some of the application documentation and drawings (notably the Mobility Management Plan (page.26) and drawings, 'Key Plan' Drg. No. 11893-2000 Rev. P04 and Proposed Roads Layout Sheet 2 of 2, Drg. No. 11893-2010 P04) to be within the application blue line boundary, indicating that the lands are within the applicant's ownership / control.
- It is the opinion of the appellant, that any '*reasonable person*' as defined by the Courts would assume by looking at the application documentation, that his house and site are part of the *Masterplan* and the proposed project, which he states is not the case. Mr. D'Onofino requests that all such documentation, including EIAR, NIS, Mobility Management Plan and referenced roads drawings, be withdrawn from the planning application and not considered by ACP in the decision-making process.
- The appellant notes that the planning authority referenced the *Masterplan* in their assessment of the application and in their decision (Condition 4) and considers that the *Masterplan* was used as a basis for granting permission. He is concerned that the *Masterplan* has/will be granted without countenance to the locals or before an application is made. He contends that the proposal is 'premature' and the decision is therefore deficient and contrary to planning law and proper planning and development.
- The appellant does not find solace in the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended).

Proposed Cycle / Pedestrian Linkages

- Regarding the proposed cycle path to the Kingston Road, the appellant raises concerns regarding the design, width and alignment of this cycle / pedestrian

path with reference to the Cycle Design Manual. The appeal also references issues raised in the Road Safety Audit.

- The appellant is concerned that the proposed cycle path may be used by cyclists as a 'rat run' to shops in the Knocknacarra Area and that this would create a new entrance onto Kingston Road which has not been applied for in the application. The design of this entrance in terms of visibility at the junction of Kingston Road is questioned.

Density, Land Use and Layout:

- The appellant notes that the density of development proposed would exceed the maximum permitted density (50dph) for the area in accordance with the provisions of the Compact Settlement Guidelines.
- It is alleged that the planning authority justified the density of proposed development on the basis that future development on the Masterplan Lands would be at a lower density. The Appellant considers that this approach would be unfair to other landowners and represents poor planning practice.
- It is alleged that the CI Zoning, does not encourage residential development.
- Concerns raised regarding the introduction of apartments in the Kingston Road area which is currently characterised by low density housing – detached houses on large plots.
- The 3-storey units proposed within Threadneedle Quarter would overlook the appellants property and interfere with privacy. These houses should be 2-storey with a southern orientation for better solar gain.
- The construction of a road parallel to the laneway serving the appellants property will give rise to impacts of noise and disturbance and dust during construction.

Laneway Access to Kingston Road:

- There is a concern, with reference to statements in Chapter 4 of the EIAR, that construction traffic will utilise the laneway from Kingston Road. This laneway is too narrow to accommodate construction traffic and its use for same will have a negative impact on the amenities of existing residents.

- The laneway is shown outside of the redline boundary. The applicants have not demonstrated that they have permission to utilise the laneway nor have they demonstrated that the layout complies with DMURS.
- It is requested that in the event of a grant of permission, a condition be included that no construction traffic or other traffic is allowed to travel on the laneway without a grant of permission as part of a construction management plan.

Duration of Planning Permission:

- The need for a 10-year permission is questioned given the anticipated construction period of 36 months. A prolonged construction period would have a negative impact on residential amenity.

Miscellaneous Matters:

- The appellants septic tank is not shown on any site layout maps as required by article 23 (1)(a) of the planning and Development Regulations. Appropriate mitigation is required to protect same.
- No drawings, plans elevations of buildings for demolition have been included as part of the application.

7.2. Applicant Response to Third Party Appeal

The applicant's response to the issues raised in the grounds of appeal of Gort Siar Residents was received on the 22nd of May 2026. The opening sections of the response document include a description of the site and its location along with an overview of relevant planning policy. It also includes in its appendices, a copy of the Planning Report submitted to GCC under the separate application, GCC Ref: 2460370 – under which permission was granted for a sports and recreational facility to the north of the proposed development site.

The applicant's response to the grounds of appeal of the first-named appellant can be summarised as follows:

Increased Traffic Congestion:

- The applicants acknowledge that the proposed development will generate additional traffic movements on the surrounding road network, however, they contend, with reference to the Traffic and Transport Assessment (TTA) submitted with the application that the scale of additional traffic will not give rise to a significant adverse impact on the capacity or operation of the network.
- The TTA has regard to cumulative development effects and to the strategic development infrastructure proposals planned for the area.
- The submitted mobility management plan includes measures to reduce dependency on private car travel and to encourage walking, cycling and public transport use.
- The subject site is located within an area identified for substantial investment in sustainable transport infrastructure including the Western Distributor Road Active Travel Scheme and the NTA's BusConnects program for Galway. These projects together with the wider objectives of the Galway Transport Strategy demonstrate a clear policy direction towards the delivery of integrated and sustainable transport infrastructure in the vicinity of the site.
- Accordingly, it is contended that the proposed development will integrate appropriately with the existing and planned transport network and will not give rise to unexpected traffic congestion or traffic impacts.

Access and Road Safety Issues:

- The issues raised in relation to access and road safety have been fully considered through an extensive design process undertaken in consultation with GCC and relevant stakeholders.
- The proposed access arrangements have been developed in accordance with GCC guidance and form part of a coordinated wider masterplan strategy for the area.
- As part of this Masterplan, planning permission was granted (July 2025 -GCC Ref: 24/60370) for the development of a swimming pool and sports facility. This permission includes proposals to amend the Altan road such that the road priority is given to the proposed site and a new priority T-junction is

provided for the Knocknacarra school. This permitted road layout design also incorporates footpaths and cycle lanes on both sides of the road.

- In addition, road safety considerations have been independently assessed through a Stage 1 Road Safety Audit, with the design incorporating appropriate mitigation measures and visibility standards in accordance with DMURS.

Traffic and Transport Assessment:

- The contention that the creche and its associated traffic movements were omitted from the assessment is not correct. As stated in Section 3.2.1 of the TTA, the volume of traffic expected to be generated by the proposed development is based on the current schedule of accommodation, which includes the proposed creche. Accordingly, the traffic volumes within the TTA incorporate the cumulative traffic impacts arising from both the residential units and the creche.
- The proposed creche is ancillary to and integrated within the overall residential development and its associated traffic demand is inherently linked to the resident population of the scheme.

DMURS Compliance:

- The assertion that the proposed development has not been designed in accordance with DMURS, or that a redesign exercise is required to achieve compliance is not substantiated. The DMURS report submitted with the application confirms that the proposed scheme has been designed in accordance with the four principles of DMURS.
- The application documentation clearly demonstrates that DMURS principles informed the design process from the outset and are embedded throughout the proposed scheme.

Cumulative Impacts of significant Developments:

- The contention that cumulative traffic impacts were not considered as part of the assessment is not correct. The TTA has regard not only to the direct impacts of the application site but also to the broader cumulative impacts arising from the phased development of the surrounding Masterplan lands.

7.3. First-Party Appeal

A first party appeal has been lodged on behalf of the applicants, Kingston Stables Limited, against Condition 28 attached to the decision by Galway City Council to grant permission for a Large-Scale Residential Development on lands at Ragoon, Knocknacarra, Galway.

Condition 28 requires the payment of a special financial contribution in respect of works for continuation of cycling and pedestrian infrastructure from upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road.

The amount of the contribution payable is not specified. The condition requires that the amount be agreed between the Planning Authority and the development, or, in default of such agreement, that the matter be referred to An Comision Pleanála for determination.

The basis for this First-party appeal is that the special development contribution attached as Condition No. 28 is not in accordance with Section 48(2)(c) of the Planning and Development Act 2000, as amended. The grounds of appeal can be summarised as follows:

- The submission refers to pre-application meetings held in respect of the preparation of the Knocknacarra District Centre (South) masterplan (which includes the proposed development site), between individual developers, landowners and Galway City Council (GCC). The First Party contends that it was established at these meetings, that the only infrastructure upgrades required to facilitate the development of the masterplan lands was the upgrade of the Altan Road entrance.
- The First Party further contends that it was established through the pre-application meetings and design coordination meetings that upgrade works at Altan Road entrance would form part of the development proposed under GCC Ref: 24/60360. These upgrades were assessed and subsequently granted under GCC Ref: 24/60360, in July 2025.

- At no stage during the master plan and pre-application process did the planning authority reference the infrastructure works required under Condition 28.
- The case is made that the works referenced under Condition No.28 relate to broader area-serving infrastructure improvements, that they do not relate specifically to the proposed development and are not required to enable its delivery or operation and that the proposed development is well served by a comprehensive network of active travel infrastructure, including pedestrian and cycle routes.
- It is contended that the planning authority has failed to demonstrate the existence of '*specific exceptional costs*' as required under section 48(2)(c) of the Planning and Development Act 2000 (as amended), and
- Condition 28 fails to identify any contribution amount, cost basis, apportionment methodology, or evidential justification and is therefore vague, uncertain and contrary to the requirements of Section 48(2)(c), and
- The planning authority has not demonstrated that the cost concerns are not already covered under the development contribution scheme or other public funding mechanism

7.4. Planning Authority Response

No submission received

7.5. Observations

7.5.1. Two observations have been received from / on behalf of:

1. Jackie Flaherty, registered owner of lands at Folio GY48097, part of which lies within the proposed development site. This submission is made by Sheehan and Co. Solicitors and includes copies of previous correspondence issued by them to Heskin Auctioneers (as agents on behalf of Walter King and his related companies) on the 30th of May 2025 and to Kingston Stables Ltd on the 18th of November 2025.

2. Paul Cairns, owner of a plot of land to the southwest of the proposed development site. The lands in question comprise a plot of greenfield land to the west of the access laneway serving the proposed development site, off Kinston Road.

7.5.2. Jackie Flaherty.

- The submission, on behalf of Jackie Flaherty, comprises a formal observation and objection based on the contention that the underlying planning application was invalid at the time of lodgement, owing to the absence of active landowner consent.
- In accordance with the details provided, Ms. Flaherty issued a letter dated the 6th of March 2024, permitting Kingston Stables Limited to engage with Galway City Council regarding a potential development proposal including her lands. This letter did not constitute consent for the inclusion of her lands in any future planning application. It was clearly limited to “engage” only. This was predicated on the potential sale of the land to Kingston Stables Ltd (also referred to as Walter King, (In Trust)).
- It is stated that Ms. Flaherty subsequently withdrew her agreement to sell.
- On the 30th of May 2025, a letter was issued to Heskin Auctioneers, agent for Kingston Stables Ltd / Walter King (In Trust) on behalf of Ms. Flaherty withdrawing consent for the use of her lands for any planning related purpose. A copy of this letter has been included as part of the observation documentation.
- On the 16th of October 2025 and despite the above withdrawal of consent, the applicants, Kingston Stables Ltd, lodged the planning application with the earlier letter of consent (March 2024) while failing to disclose the subsequent withdrawal of consent.
- On the 18th of November 2025, a further letter was issued to Heskin Auctioneers, reaffirming that Ms. Flaherty had withdrawn all consent for the use of her lands in any planning application.

- The letter relied upon by the applicant was not a consent to include her lands in any planning application and had been revoked well before the date of lodgement.
- Reference is made to Section 50 of the Planning and Development Act 2000 and Article 22(2)(g) of the Planning and Development Regulations 2001-2004, which state that an applicant must have: (a) a legal interest in the land, or (b) the written consent of the landowner, at the time the application is made.
- Reference is made to case law, *Buckley & Grace v An Bord Pleanála* [2015] IEHC572, which confirms that the withdrawal of consent after a valid application does not invalidate the application, but where consent is withdrawn before lodgement, the application is invalid.
- It is contended that a planning authority or the Board [Commission] is required to deem an application invalid where the mandatory requirements of Article 22 are not satisfied on the date of receipt. Any permission granted on foot of such an application is vulnerable to being quashed.
- It is requested that the Commission: (a) investigate the validity of the application in light of the withdrawal of consent, (b) declare the application invalid under Article 22 of the Regulations and (c) confirm lack of legal interest on the part of the applicant at the time of the submission.

7.5.3. Paul Cairns

- The lands owned by Mr. Cairns are serviced and zoned for residential development. As these lands can only be accessed via the existing laneway off Kingston Road, Mr. Cairns is seeking to ensure that appropriate access to these lands is maintained to safeguard their future development potential.
- The submission refers to the 'Key Plan', 'Mobility Management Plan' and 'OSI Record' submitted with the application, alleging that within these documents, certain adjoining lands are identified within a blue line and described as "lands in the applicant's ownership". It is further alleged that these lands are not within the applicant's ownership or control. Mr. Cairns acknowledges that the lands in question have not been included in the redline boundary, he is of the

opinion that it is important, in the interests of clarity and proper planning, that the documentation accurately reflect land ownership interests.

- The application includes '*upgrades to the existing access at the Kingston Road*'. Mr. Cairns requests that the Commission give due consideration to ensuring that any proposed works, modifications or upgrades do not adversely impact the potential for future development of his lands.
- Reference is made in the submission to the '*proposed site layout plan*' which indicates the provision of a cycle/pedestrian route incorporating a landscaped "green strip" or planting area extending along the laneway and approaching the entrance to Mr. Cairns land. Mr. Cairns is concerned that inclusion and configuration of this 'green strip' may unnecessarily constrain or restrict the ability to provide appropriate access to his lands in the future.
- It is the opinion of Mr. Cairns that a more appropriate planning solution would be for the widening the laneway in lieu of the 'green strip'.
- Mr. Cairns requests confirmation that the rights of adjoining landowners, in respect of access and future development potential, will be fully considered as part of the assessment and that the proposed development will not harm the development potential of their lands.

7.6. Further Responses

None received

8.0 Assessment

8.1. Introduction

- 8.1.1. The proposal is for a large-scale residential development comprising 362no. residential units and a childcare facility (creche) on a site area of 5.37ha within the 'Outer Suburbs' of Galway City.
- 8.1.2. The proposed LRD is brought forward as the first phase of a larger residential scheme, referred to in the application documentation as the '*Proposed Project*'. As detailed in the application, the '*Proposed Project*' involves the construction of more

than 500 residential units on an overall development area of c.8.74ha. The balance of units is to be delivered under separate planning applications.

- 8.1.3. The '*Proposed Project*' forms part of a wider '*Masterplan*' that has been prepared for the Knocknacarra District Centre (South) and the adjoining "Kingston lands". Details of the Masterplan are provided in Chapter 3 of the Applicants Architectural Design Statement and Chapter 2 of the EIAR. As detailed, the *Masterplan* comprises a landbank of approximately c. 12ha of predominantly greenfield land that is zoned for both Residential and Commercial / Industrial uses in the GCDP. The Masterplan area encompasses the '*Knocknacarra District Centre (South) Opportunity Site*', one of a number of sites identified in the Core Strategy of the GCDP as having a capacity to accommodate growth, supporting a compact urban form with a mix of uses, that can add vitality to the city centre, existing neighbourhoods and commercial centres. Details of the development strategy for the *Knocknacarra District Centre (South) Opportunity Site*' are set out in section 10.21 of the GCDP and in Section 6.1.6 of this report.
- 8.1.4. At present, lands within the *Knocknacarra District Centre (South) Opportunity Site*' / masterplan area have the benefit of planning permission for a swimming and sports facility (*GCC Pl. Ref: 2460370*). The development permitted under *GCC Pl. Ref: 2460370* also includes for the provision of a new vehicular and pedestrian access from Altan Road (designed as an extension of the Altan Road) that is intended to serve the permitted development and wider masterplan lands including the proposed development site.
- 8.1.5. Galway City Council (GCC) granted permission for the proposed LRD subject to 33no. conditions. This decision is now subject to two third party appeals lodged by residents of the area. A separate first party appeal has been lodged against a Condition requiring a financial contribution under Section 48(2)(c) of the Planning and Development Act 2000. Clarification on an issue of landowner consent raised in the third-party observation of Ms. Jackie Flaherty was sought from the applicants on the 12th of August 2026 under Article 73A(1)(a) of the Planning and Development Regulations 2001 (as amended). The applicant's response was received on the 28th of August 2026. A submission on the issue was also received from Galway County

Council on the 18th of August 2026. This matter is discussed further in section 8.2 below.

8.1.6. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Preliminary Legal and Procedural Matters
- Principle of Development (Zoning)
- Built Form - Density and Height
- Development and Design Strategy
- Traffic and Transportation
- Wastewater
- First Part Appeal
- Other Matters

8.1.7. Also, in respect of the proposed development, I have carried out an Environmental Impact Assessment which is presented in Section 9.0 of this report, an Appropriate Assessment (AA) which is presented in Section 10.0 and a screening determination in respect of Water Framework Directive (WFD) which is presented in Section 11.0. These sections are to be read in conjunction with Appendices of this report.

8.2. Preliminary Legal and Procedural Matters

8.2.1. The third-party appellants and observers to the appeal have highlighted various perceived legal and procedural issues associated with the application which are addressed below. At the outset, I highlight that it is my opinion that procedural matters, such as a determination as to the adequacy (or otherwise) of the application documentation and the subsequent validation (or not) of a planning application, are generally the responsibility of the Planning Authority which in this instance took the

view that the submitted documentation satisfied the minimum regulatory requirements. Notwithstanding this, I have addressed the main issues by third parties below.

Land Ownership / Consent: Land Registry Folio GY48097:

- 8.2.2. The Observation submitted on behalf of Jackie Flaherty contends, with reference to Article 22 of the Planning and Development Regulations 2001 (as amended) and Case Law (*Buckley & Grace v An Bord Pleanála [2015] IEHC 572*), that the application lodged with the planning authority on 16th October 2025, was invalid. The basis for this contention is that the applicant's, Kingston Stables Ltd, did not have the written consent of Ms. Flaherty, as part landowner of the proposed development site, to make the application at the time of lodgement. I note that this issue was raised with the applicants by way of notice under Article 73A(1)(a) of the Planning and Development Regulations 2001 (as amended) on the 12th of August 2026 (further details outlined below).
- 8.2.3. I refer the Commission to commentary from ACP's Legal Affairs section as set out in the interdepartmental Memo's dated the 23rd of July 2026 and the 10th of September 2026 and which set out the relevant case law on this issue.
- 8.2.4. Article 22 of the Planning and Development Regulations 2001 as amended sets out requirements for the content of planning applications generally. Article 22(2)(g) states that where the applicant for permission is not the legal owner of the land or structure concerned, the application shall be accompanied by the written consent of the owner to make the application.
- 8.2.5. The courts have clarified that the intent of Art. 22(2)(g) is to guard against frivolous and vexatious applications by persons with no interest in the lands and, accordingly, with no prospect of being able to carry out the proposed development. In *Frascati Estates v. Walker* the Judge held as follows:

"An application for development permission, to be valid, must be made either by or with the approval of a person who is able to assert sufficient legal estate or interest

to enable him to carry out the proposed development, or so much of the proposed development as relates to the property in question”.

8.2.6. The written consent under Art. 22(2)(g) is required for the making of the application only and need not relate to the carrying out of the development. This principle was upheld in *Buckley & Grace v An Bord Pleanála*, where consent was withdrawn after the planning application was submitted but before the application was determined by the planning authority / by the Commission on appeal. It was held that because the consent was valid at the time of the original application, the planning application could still be determined notwithstanding that landowner consent was withdrawn in the intervening period.

8.2.7. In this instance, the planning application (*GCC Pl. Ref: No: 2560320*) was received by the planning authority on the 16th of October 2025. Section 10 of the applicants planning application form acknowledges Jackie Flaherty as the owner of lands within Folio GY48097. The application documentation includes a letter from Ms. Flaherty. This letter, dated the 6th of March 2024, gives consent to the applicants, Kingston Stables Ltd to engage with Galway City Council (GCC) in relation to a proposed residential development on her lands at Kingston Road and Knocknacarra, Galway. No map or Folio details were included. As confirmed by Galway County Council in correspondence received by ACP on the 18th of August 2026, the planning authority deemed this letter sufficient to meet the requirements of Article 22(2)(g). The application was deemed valid on the 16th of October 2025.

8.2.8. It is contended in the observation that Ms. Flaherty’s letter of consent was predicated on a potential sale of the lands to Kingston Stables Ltd / Walter King (In Trust); that the consent conferred in this letter was limited to ‘*engage only*’ and that it did not constitute consent to include her lands in any future planning application.

8.2.9. It is further contended that on the 30th of May 2025, prior to the lodgement of the application with GCC, Ms. Flaherty’s Solicitors wrote to Heskin Auctioneers, as agents for Kingston Stables Ltd / Walter King (In Trust), expressly withdrawing consent for the use of her lands for any planning-related purpose. A copy of this correspondence is included with the Observation. I have read this correspondence,

and it is my understanding that the intent of same was to inform Heskin Auctioneers and their clients, of Ms Flaherty formal withdrawal from any proposed agreement regarding the sale of her property at Kingston, Co. Galway and her reasoning for same. I note that the correspondence does not reference the previous letter of consent (6th of March 2024), nor does it declare a withdrawal of consent for the use of her lands for any planning-related purpose.

8.2.10. The Observation then refers to correspondence, issued by Sheehan & Co. Solicitors on behalf of Ms. Flaherty's Solicitors to the Secretary of Kingston Stables Ltd on the 18th of November 2025. This letter, issued after the lodgement of the application, states that their client [Ms. Flaherty] does not consent to any Planning Application being made over all or part of her property. It also indicates that a copy of this letter was also issued to the planning authority, however, no evidence has been presented that would confirm that this letter was issued to / received by the planning authority. I note that the Planning Authority in their submission to ACP, received on the 18th of August 2026, state that they did not receive a letter informing them that consent to make the application had been rescinded until May 2026, following the making of their decision to grant permission on the 9th of April 2026. I also note that Ms. Flaherty did not make a (valid) submission on the application to the planning authority.

8.2.11. Following consultation with the ACP Legal Affairs section (see comments on file dated 23rd July 2026, entitled Landowner Consent Advice), a notice under Article 73A(1)(a) of the Planning and Development Regulations 2001 (as amended) was issued to the applicants on the 12th of August 2026. This notice requested clarification on the issue of landowner consent and requested that the applicants confirm that they have and retain all necessary consents to make an application in accordance with Article 22 of the Planning and Development Regulations 2001 (as amended).

8.2.12. The applicant's response was received on the 28th of August 2026. In their response, the applicants acknowledge Ms Flaherty's present opposition to the inclusion of her land and the implementation of works on it. However, it is the contention of the applicants, with reference to Ms Flaherty's letter dated 6th of March 2024 and Case

Law (*Buckley & Grace v An Bord Pleanála [2015] IEHC 572*), that they had and retain all necessary Article 22 consents to make to application and that Ms Flaherty's subsequent opposition, while not disputed, does not retrospectively displace the consent held when the application was lodged on the 16th of October 2025 or undermine the Commission's jurisdiction to determine the appeal.

8.2.13. A submission on the matter was also received from Galway City Council on the 18th of August 2026. This submission refers to the two letters of consent that accompanied the application, including Ms Flaherty's letter of the 6th of March 2024. The submission states that these letters were taken in good faith to meet the requirements set out in Article 22(2)(g) of the Planning and Development Regulations 2001 (as amended). The submission also confirms that GCC did not receive a letter(s) informing them that consent to make the application had been rescinded until May 2026, following their decision to grant permission.

8.2.14. The applicant's response was referred to ACP Legal Affairs Section for comment. I refer the Commission to the Memorandum dated 10th of September 2026, a copy of which has been placed on file. This MEMO considers the matter of landowner consent with reference to Case Law (*Buckley & Grace v An Bord Pleanála [2015] IEHC 572* and *McCallig v An Bord Pleanála [2013] IEHC 60*). The MEMO has regard to the specific wording of Ms Flaherty's letter of the 6th of March 2024 which gives the applicant consent '*to engage*' with Galway City Council in relation to a proposed residential development on Folio GY48097. The case is made that consent '*to engage*' with the Council is markedly different from consent to make a planning application, as is required under Article 22(2)(g). It is the stated opinion of Legal Affairs that there is insufficient evidence that the landowner has given consent to this application.

8.2.15. I have reviewed the application details and all other documentation on file, including the third-party Observation received, the submissions made in response to the Article 73(a)(1)(a) Notice and the commentary of ACP's Legal Affairs section as outlined in their MEMO of 10th of September 2026.

- 8.2.16. I note the position of the Observer that the consent conferred in their letter of the 6th of March 2024 was limited to 'engage only' and that it did not constitute consent to include her lands in a planning application. I further note that this position is supported by ACP's Legal Affairs section as outlined in their MEMO dated 10th of September 2026. In my opinion the applicant has failed to clearly demonstrate compliance with Article 22(2)(g)(i) of the Planning and Development Regulations 2001 (as amended) in respect of the parcel of land identified as Folio GY4809. Furthermore, it is evident from the information currently available, that the applicants to not have legal consent to carry out works on lands within Folio GY48097.
- 8.2.17. Notwithstanding the above, I believe that the planning authority acted in good faith in their decision to validate the application and that their decision to validate the application was based on the information available to them at the time.
- 8.2.18. In light of the circumstances outlined above, I would recommend that the Commission consider a split decision whereby all proposed works on lands within Folio GY48097 are refused with permission granted for the remainder of the scheme.
- 8.2.19. I have consulted Land Direct (30th June 2026) and I note that lands associated with Folio GY48097, within the application site, comprise approx. 0.65ha at the southern end of the proposed development site. As proposed, these lands are to be developed, as part of phase 2, for residential use comprising a total of 41no residential units (unit No's 86 to 126 inclusive), their associated amenity areas, parking, access roads and services. Also proposed on lands within Folio GY48097 is a shared pedestrian and cycle path connecting the proposed development site to Kingston Road.
- 8.2.20. I have reviewed the application drawings, and I am satisfied that the omission from the scheme of all proposed development works within Folio GY48097 would not prohibit the development of the remainder of the lands within application site as proposed. Save for the loss of the dedicated pedestrian /cycle connection to Kingston Road, which could be provided separately at a later date and subject to relevant planning consent, I am satisfied that a split decision as recommended would not unduly compromise the proposed residential scheme, that it would not

significantly alter the density of development proposed (based on a revised (estimated) net site area of 4.41ha and a revised scheme of 321 residential units) or significantly reduce the quantum or quality of public open space proposed.

- 8.2.21. Furthermore, as Folio GY48097 is 'self-contained' and not directly reliant upon access etc via the proposed development, this approach would not undermine the future development potential of lands within Folio GY48097.

Land Ownership / Consent

- 8.2.22. As outlined in Section 7.1 of this report, the second named appellant, Jerry D'Onofrio, has also raised issues of land ownership and consent. Mr. D'Onofrio, is the owner of the residential property to the west of the application site comprising a detached dormer style dwelling and its curtilage that is accessed via a laneway off Kingston Road to the south.
- 8.2.23. The property in question is zoned for residential development in the GCDP and has been included in the '*Masterplan*' for the area. The *Masterplan*, illustrated in Figure 2-3, Ch. 2 of the EIAR, shows the appellants property redeveloped for use as open space serving proposed / planned future residential units to the north, west and south (the *Proposed Project*). The appellant contends that this was done without his knowledge or consent.
- 8.2.24. The Appellant is of the opinion, that the planning authority's decision to grant permission is reliant upon the completion of the *Masterplan*, for which permission has neither been applied for or granted. He requests that permission be refused on this basis. The Appellant refers to Condition 4 of the planning authority's decision which notes that the proposed development forms part of an overall masterplan and which seeks to ensure that proposed connectivity points to for vehicles, pedestrians, cyclists and communal open space to adjoining Masterplan lands are not blocked. For clarification, I consider this to be a standard condition to support the delivery of permeable connectivity between development projects and adjoining undeveloped lands, irrespective of whether the lands are part of a Masterplan.

8.2.25. The appellants property, as part of the *Masterplan* and *Proposed Project*, was also included as part of the study area for the EIAR and NIS lodged in support of this application. The Appellant contends that as his property was included in the study area, without his consent, that the EIAR and NIS should be withdrawn and not considered by the Commission in their decision-making process.

8.2.26. The appellant also highlights the following instances where his property has been incorrectly included within the application blue line boundary,

- Page 26 of the Mobility Management Plan
- Civil and Structural Engineering Drawings:
 - Key Plan: *Drawing No. 11893-2000-Rev P04*
 - Proposed Road Layout Sheet 2 of 2, *Drawing, No: 11893-2010-Rev P04*

I note that similar concerns were raised in the observation of Mr. Paul Cairns, the stated owner of a plot of land to the west of the application site. I note that the plot of land identified as being within the ownership of Mr. Cairns has been included within the application blue line boundary as detailed on the *OSI Urban Place and Record Maps* submitted with the application.

8.2.27. The concerns of the second named appellant, Jerry D'Onofrio, were raised with the applicants at the further information stage (RFI Request Item 1). In their response, the applicants made the following points:

- The EIAR '*Masterplan*' illustration Fig.2.3 is a conceptual and contextual exercise only. The Mobility Management Plan figure cited is analytical in nature and incapable of defining ownership or application boundaries. Both are non-statutory diagrams that do not form part of the statutory planning documentation. They have no boundary forming status and cannot modify, contradict or override the statutory Site Local Map submitted pursuant to Article 18(1)(d) of the Planning and Development Regulations 2001 (as amended).
- The applicant's response clarifies that the appellants property lies wholly outside both the red-line boundary (application lands) and blue-line boundary

(lands under the applicant's ownership or control), that no part of the appellants property forms part of this planning application and the applicant asserts no legal or beneficial interest in the appellants property.

8.2.28. I have reviewed the plans and particulars submitted with the application and appeal, including all submissions received. I acknowledge that the appellants property has been included in the '*Masterplan*' area and within the study area of the EIAR and NIS without his permission or consent. However, I accept the case made by the applicants at RFI stage, that the '*Masterplan*' is a non-statutory document that is intended as a conceptual and contextual exercise only. Furthermore, I consider it appropriate, and acceptable that the EIAR / NIS study area extend to lands outside of the application redline boundary, including lands outside of the applicant's ownership / control as I consider that this is necessary to ensure that the environmental assessments undertaken are complete and robust.

8.2.29. Regarding the inclusion of third-party lands outside of the control of the applicant within the application Blue Line Boundary. I consider this to be a minor administrative error that has no material bearing on the outcome of the application. In this regard I note that the applicant is not proposing any works on the lands in question and I am satisfied that this fact has been clearly set out in the application documentation. For clarification, I see no basis in the appellants request that the EIAR, NIA, Mobility Management Plan and aforementioned Road Layout Plans be withdrawn from the application or disregarded in the assessment of the application and in the making of a decision.

Access to Lands on Kingston Road:

8.2.30. The Observation of Mr. Paul Cairns, notes that the proposed development includes 'upgrades to the existing access at Kingston Road'. He requests that the Commission give due consideration to ensuring that any proposed works, modifications or upgrades to the existing access not adversely impact the future development of his lands which are located to the west of the laneway serving the site. He also requests that consideration be given to the widening of the laneway as part of the application, thereby omitting the proposed 'grass strip'.

8.2.31. I have reviewed the plans and particulars submitted in support of the application and I note that the proposed upgrade works to the existing access at Kingston Road relate to the proposal to provide a new pedestrian / cycle connection between the proposed development site and Kingston Road via the existing section of footpath at the southern end of the laneway. Such a link is envisaged as part of the 'Masterplan'. The proposed upgrade works are minor and relate primarily to road markings and signage. The proposed works would not alter the width or alignment of the laneway and as such should not adversely impact the future development of lands on the laneway. I note that the applicant is not proposing vehicular access to the site from Kingston Road, as such I do not consider that works to widen the laneway would be necessary to facilitate the proposed LRD.

8.2.32. The Commission will note that the access to Kingston Road as proposed would necessitate works on lands within Folio GY48097 and that a split decision as previously recommended would result in the omission of this link from the scheme.

Works of Demolition

8.2.33. The proposal includes for the demolition of a series of small agricultural outbuildings on site, totalling 333.8 Sq. M. these buildings are shown the drawing entitled 'Existing Site Layout Plan' submitted with the application. Some of the buildings identified for demolition (located centrally along the western boundary) are only partially constructed having been granted retention permission under ABP Ref: 315600-23 (GCC Ref: 2281). It is noted in the grounds of appeal of the 2nd named appellant, that no drawings, plans or elevations of the structures for demolition have been included as part of the application, and he questions the validity of the application on this basis.

8.2.34. In response I note that the demolition of a building or other structure, other than (i) a habitable house, (ii) a building which forms part of a terrace of buildings, or (iii) a building which abuts on another building in separate ownership is exempted development under Schedule 2, Part 1, Class 50 of the Planning and Development Regulations, 2001 (as amended). Notwithstanding the likely exempt status of the

works, the buildings for demolition are of an agricultural nature, some are only partially constructed. They have no historic, architectural or cultural interest and do not contribute to the visual amenities of the area. I have no objection to the demolition of these structures, and I note that no issues were raised in the appeal or in the planning authority's assessment of the application. I do not consider that the plans and elevations of these structures are necessary for assessment purposes.

Septic Tank:

- 8.2.35. The second named appellant also notes the fact that his property, which lies to the west of the proposed development site, is served by a septic tank which has not been shown on the site or layout. He considers this contrary to Article 23(1)(a) of the Planning and Development Regulations, 2001. I have reviewed the plans submitted with the application and I note that the appellants septic tank has not been detailed on the application drawings; however, I consider this to be a minor discrepancy that has no bearing on the outcome of the application and that would not justify the application being deemed invalid. The proposed development, which itself is to connect to the public mains water and wastewater infrastructure, does not involve works on or directly adjacent to the appellants property and as such is unlikely to have any impact on the structural integrity or operation of the appellants' septic tank. Should any issues arise during construction, this would be a matter between the parties.

Conclusion: Preliminary Legal and Procedural Matters

- 8.2.36. I have considered the legal and procedural issues raised in the submissions received. I am not satisfied on the basis of the information provided that the applicant has clearly demonstrated compliance with Article 22(2)(g) of the Planning and Development Regulations 2001 (as amended) for the parcel of land identified as Folio GY4809 and therefore I recommend that permission for this portion of the proposed development comprising 41no residential units (unit No's 86 to 126 inclusive), their associated amenity areas, parking, access roads and services along

with the proposed shared pedestrian and cycle path connecting the proposed development site to Kingston Road be refused.

8.3. Principle of Development (Zoning):

- 8.3.1. The proposed development site comprises approximately 5.37 ha of predominantly green field land in the townland of Knocknacarra, which forms part of the outer western suburbs of Galway City. As set out in GCDP (*Volume 2 Land Use Zoning and Specific Objectives Map*) the subject site incorporates two land use zoning objectives, namely, '*R- Residential*' and '*CI - Commercial/Industrial*'. The 2nd named appellant is of the opinion that the CI zoning objective does not support residential development.
- 8.3.2. The southern portion of the site and a section to the east are zoned '*R- Residential*' with the 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. As proposed, these lands are to be developed for residential and childcare use. The GCDP in section 11.2.8 listed both residential and childcare facilities as uses which are compatible with and which contribute to the '*R- Residential*' zoning objective.
- 8.3.3. The remainder of the site is zoned '*CI - Commercial/Industrial*' with the objective to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone. As proposed, the CI lands within the development site are to be developed solely for residential use.
- 8.3.4. The *CI* zoning objective allows for development of Regeneration and Opportunity Sites in accordance with the provisions of Chapter 10 and *Policy 10.2 Strategic Regeneration and Opportunity Sites*, particularly where it is identified to provide for mixed use development which includes for residential. Notably, the CI zoned lands within the development site (c. 2.9ha) form part of the '*Knocknacarra District Centre (South) Opportunity Site*', a wider landbank of c. 6.6 hectares of *CI* Zoned land within the designated Knocknacarra District Centre. The development strategy for the '*Knocknacarra District Centre (South) Opportunity Site*' is set out in section 10.21 of

the GCDP and this has informed the 'Masterplan' for the area. The strategy requires a significant proportion of the development capacity of the opportunity site (a minimum 50%) to be delivered for housing (there is no maximum limit). The proposed LRD would accord with this strategy and would support the development of the opportunity site as envisaged in the GCDP. The proposed development would therefore accord with *Policy 10.2 Strategic Regeneration and Opportunity Sites*, which seeks to facilitate and enable the redevelopment of strategic Regeneration and Opportunity Sites in the city to support the sustainable and compact growth of the City.

Conclusion: – Principle of Development – Zoning

- 8.3.5. Overall, I am satisfied that the development of these lands as proposed would accord with the zoning objectives and overall vision for the area as set out in the GCDP. The proposed development would not give rise to any material contravention in terms of zoning or land use.

8.4. Built Form – Density and Building Height

- 8.4.1. The 2nd named appellant raises issues of density and scale. The appellant notes that the density of development proposed (c.73dph) is greater than that normally permitted in the Outer Suburbs of Galway as defined by the GCDP and is concerned that an increased density of development on the subject site would necessitate a reduced density of development on the remaining Masterplan Lands, which includes his property. It is contended that this would be unfair to other landowners in the area and represents poor planning practice. The 2nd named appellant has also raised concerns regarding the quantum of apartment units proposed within the scheme, which he considers would be incongruous and out of character with the prevailing pattern of development in the area.

Density

- 8.4.2. The density of development proposed is stated as 73dph. This figure is based on the number of residential units proposed (362) and a net developable area of 4.96ha.
- 8.4.3. The GCDP was updated (Variation 3 – June 2026) to respond to the publication of the National Planning Framework First Revision and the publication of the NPF Implementation: Housing Growth Requirements Ministerial Guidelines published under Section 28 of the Planning and Development Act 2000 (as amended). The GCDP (as varied) includes reference to the guidelines on density set out in the *Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities 2024 (the Compact Settlement Guidelines)*. The GCDP (as varied) states under *Section 3.4 Residential Densities* that, for Galway City, net residential densities will generally be in the range 50–200 dwellings per hectare (dph) in central and inner urban neighbourhoods, and 35–100 dph in suburban and urban extension locations, in accordance with the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities 2024. Higher densities will normally be sought at public transport nodes and along high-capacity public transport corridors. On strategic residential lands identified in the core strategy, a target density range of approximately 60–80 dph will normally be sought, subject to design quality, site context and infrastructure capacity. Application of density standards will be balanced with general criteria such as standards of layout and design, architectural quality and provision of open space. In the established neighbourhoods, residential densities will be required to be balanced with protection of existing residential amenity and character of these areas.
- 8.4.4. The Compact Settlement Guidelines in Section 3.3 set out a series of settlement and area types and recommends density ranges that should be applied to each. Table 3.2 identifies three area categories within Galway City and Suburbs. The planning authority in their assessment of the application considered that the site falls under the category of '*City - Suburban/Urban Extension*'. Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. I agree that the proposed development site meets with the definition of an '*urban extension*' location.

- 8.4.5. It is a policy and objective of the 2024 Compact Settlement Guidelines that residential densities in the range 35dph to 50dph (net) shall generally be applied at suburban and urban extension locations in Galway, and that densities of up to 100dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). The density of development proposed at 73dph would be within the density range for 'accessible' suburban locations but still well below the upper limit.
- 8.4.6. In addition to the density ranges outlined in section 3.3 of the Guidelines, section 3.4 recommends that the ranges should be refined having regard to: (Step 1) Proximity and Accessibility to Services and Public Transport; and (Step 2) Considerations of Character, Amenity and the Natural Environment.
- 8.4.7. *Regarding 'Step 1'*, the Guidelines outline that while densities within the recommended ranges will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations.
- 8.4.8. Further guidance on 'Accessibility' is outlined in Table 3.8 of the Guidelines wherein an '*Accessible Location*' is defined as 'lands within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services. The Guidelines clarify that the characteristics detailed in Table 3.8 are not exhaustive and a local assessment will be required.
- 8.4.9. In terms of public transport, I have had regard to Section 8.2 of the applicants Traffic and Transport Assessment (TTA) and to public information available on [Transportforireland.ie](https://transportforireland.ie) and [BusConnects.ie](https://busconnects.ie) (02/07/2026). The area is currently served by five bus services, namely Bus Eireann routes 402 and 405 and City Direct bus routes 410, 411, and 412. I estimate that all routes include stops within a six-minute walking distance of the subject site. In this regard I note that Bus Route 411 includes a stop at Fearnog / Clybaun Rd, that can be accessed via Altan Road and Bus Route 405 which stops at the Gateway Retail Park / Gort Na Bró can be accessed via the Millars Lane. Route 405 operates at 20-minute intervals, Routes

402, 411 and 412 at 30-minute intervals and Route 410 at 60 minutes intervals. These five routes therefore have a combined frequency of 8.5 minutes.

- 8.4.10. Under Bus Connects, the area will be served by four bus routes, namely Routes 41, 44, 43B and 46, all with stops at Gateway Retail Park. It is envisaged that route 41 will operate at a 12-15-minute midday frequency, Route 44 at a 20-minute midday frequency, and Routes 46 and 43B a 30-minute midday frequency.
- 8.4.11. Given the number, distance to and frequency of existing / planned bus services in the area, it is my opinion that the proposed development site would fall within the Compact Settlement Guidelines definition of an 'accessible' area where densities of up to 100ddph would be acceptable. Furthermore, I note the location of the proposed development within City Suburb of Knocknacarra, partially within the Knocknacarra District Centre and c3km walking distance from the City Centre. This area is well served in terms of social and community infrastructure and its development as envisaged in the GCDP would support the '15-minute city' and walkable neighbourhood concepts.
- 8.4.12. Step 2 of the refining process requires an assessment of whether the quantum and scale of development can integrate successfully into the receiving environment. It goes on to state that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character, amenity or the natural environment.
- 8.4.13. The proposed development site comprises approximately 5.37 ha of predominantly green field land within the western suburban area of Knocknacarra in Galway City. The surrounding area is characterised by a mix of commercial, community and residential development. As previously noted, the proposed development site lies partially within the Knocknacarra District Centre and encompasses part of the Knocknacarra District Centre (South) Opportunity Site. Existing development within the Knocknacarra District Centre (lands to the north of the site on the opposite side of the Western Distributor Road), is primarily commercial and includes the Gateway Retail Park which provides for a range of convenience and comparison outlets, including supermarkets (Dunnes, Lidl and Aldi), that would support the needs of

future occupants of the scheme. The District Centre also currently accommodates office space and Gaelscoil Mhic Amhlaigh primary school and has the benefit of planning permission for an apartment scheme of 227 no. residential apartments in 7 no. blocks of up to 5-storeys in height.

8.4.14. Existing residential development in the vicinity of the site comprises a mix of 2-storey housing, 3-storey duplexes and apartment blocks of up-to four storeys. The existing pattern of development in the area sees the higher density apartment / duplex located close to the Western Distributor Road, while the lands to the south closer to Kingston Road, are characterised by lower density detached housing.

8.4.15. I have considered the plans and particulars submitted in support of the application and I have visited the area. In my opinion, the proposed LRD comprises a medium density development that is in keeping with the prevailing and emerging pattern and scale of development in the area. The site comprises part of larger landbank on underutilised zoned and serviced lands that have been identified for development within the GCDP. These lands have no identified constraints in terms of built or natural heritage and have a significant capacity to accommodate change.

8.4.16. I am of the opinion that the design strategy presented has had due regard to the existing and emerging pattern of development in the area and to the amenities of neighbouring properties, with lower scale two storey housing and three-story duplex units located adjacent to existing lower-density housing and the higher density five storey apartment located within the Knocknacarra District Centre (South) Opportunity Site where a more compact higher density form development is envisaged. The development of these lands as proposed would help to consolidate this suburban area and would overall contribute in a positive and proportionate way to the receiving environment.

8.4.17. In completing the two-step density refining process, it is my opinion, that the density of development proposed at c73dph, is acceptable for this urban extension location in Galway and would accord with the provisions of the GCDP (as varied) and that no material contravention issue in respect of density arises. Furthermore, I am satisfied that the development of these lands as proposed would not unduly compromise the

development potential of other residential zoned lands in the area, as any future development proposals on these lands would be considered on its own merits.

Building Height

- 8.4.18. In terms of Building height, regard is had to Galway's Urban Density and Building Height Study, which was adopted by Galway City Council on the 21st of September 2021, in response to the Urban Development and Building Height Guidelines (2018). The UDBHS is a supporting strategic policy document of the current GCDP. The UDBHS states that new development should respect the scale of recent development and that key junctions and nodes of activities present opportunities to provide more urban enclosure and a sense of clustering of activities with 3 - 4 storey development.
- 8.4.19. The proposed development ranges in height from 2 to 5 storeys. Existing residential development in the vicinity of the site comprises a mix of 2-storey houses, 3 -storey duplex apartments and apartment blocks of up to 4- storeys. The Altan Apartment Complex to the west of the site is four stories and sets the context for future development within the adjoining 'Masterplan' lands. While I note that the proposed scheme would introduce two 5-storey apartment blocks (1-storey higher than the established building height), I am of the opinion that the overall height strategy presented respects the prevailing pattern of development in the area and is appropriate in the context of the site and surrounding land uses.
- 8.4.20. The proposal includes for a mix of 2-storey houses, 3-storey duplex apartments and 5-storey apartments blocks. The development is laid out so that the lower 2-3 storey units are positioned closer to existing low-density housing while the taller 5-storey apartment blocks are positioned towards the centre of the site and with the Knocknacarra District Centre (south) Opportunity Site' where a more compact form of development is envisaged. The layout of the development therefore allows for an appropriate transition in scale that is respectful of the existing residential character of the area while also ensuring the appropriate and sustainable use of zoned and serviced lands.

8.4.21. I am satisfied that the policy and guidance on building height set out in the GCDP including the UDBHS, which is informed by the 2018 Urban Development and Building Height Guidelines for Planning Authorities, is suitably flexible and does not prohibit buildings of five storeys in the Outer Suburban area and that as such the current proposal would not represent a material contravention of the GCDP in respect of building height.

Quantum of Apartments Proposed

8.4.22. Regarding the opinion of the second named appellant that the extent of apartment development proposed would be out-of-keeping with the established pattern of development in the area. I have considered the application drawings and visited the site and surrounding area, in my opinion the quantum, scale and form of the apartment units proposed within this scheme is appropriate for this location and is consistent with the prevailing and emerging pattern of development in the area. The inclusion of apartment units within this scheme supports the development of these services lands at an appropriate density and would contribute to the overall housing stock of Galway.

Conclusion – Built Form: Density and Building Height

8.4.23. I have reviewed the plans and particulars submitted in support of the application and I have visited the site and surrounding area. The site, located in the outer western suburbs of Galway City, forms part of the designated Knocknacarra District Centre; is located within a well serviced area, proximate to schools, retail shops and employers; is proximate to the existing and planned high frequency bus services and is within walking / cycling distance of Galway City Centre and employment areas. In my opinion the application site is ideally suited to residential scheme of the density, scale and height proposed. In my opinion the proposed scheme would be effectively assimilated into emerging built environment at this location with minimal impact on the amenities of the area or surrounding properties. I am satisfied that the density and building height strategy proposed would accord with National planning policy and guidance and would support the overall vision for these lands as envisaged in the GCDP by supporting the consolidation and densification of underutilised serviced lands and the delivery of a new residential neighbourhood.

8.5. Development and Design Strategy

- 8.5.1. In section comprises a general overview of the proposed LRD (as amended) having regard to the current development management standards set out in the in the Galway City Development Plan 2023-2029 (GCDP) and relevant Section 28 Guidelines. This is to ensure that the design strategy presented would deliver an adequate level of residential amenity to future occupants while not unduly impacting the existing amenities of neighbouring properties.
- 8.5.2. With regard to the above, I refer the Commission to *Policy 3.3 Sustainable Neighbourhood Concept*, of the GCDP (as varied) which under Point 7, seeks to ensure the design of residential developments have regard to the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities 2024 and, where applicable, the earlier Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025, and demonstrate compliance with the Urban Design Manual–A Best Practice Guide and the Design Manual for Urban Roads and Streets (2019).
- 8.5.3. It is of relevance to note that where specific planning policy requirements (SPPRs) are stated in Section 28 Guidelines, these take precedence over any conflicting policies or objectives contained in the development plan. It is also relevant to note that some minor alterations to the design and layout of the scheme were introduced at RFI stage to address design issues identified by the planning authority in their assessment of the application including issues relating to the level of privacy and security afforded to ground floor apartments, issues of potential overlooking inwardly between units and externally to neighbouring lands / properties; the amenity / recreational spaces on offer and landscaping / maintenance of green corridors. For clarity, it is the amended scheme that is considered in this assessment.
- 8.5.4. The application documentation includes an Architectural Design Statement (ADS), a Landscape Design Rationale Report, a Daylight, Sunlight and Overshadowing Study, a Wind Microclimate Study, Photomontages and CGI Imagery and Housing Quality Assessment (HQA), which I have reviewed for the purpose of this assessment.

8.5.5. No specific issues or concerns have been raised in the grounds of appeal or in the planning authority's assessment of the application regarding the architectural design of the scheme and having reviewed the application drawings I am of the opinion that the design concept presented, including material finishes is visually acceptable and appropriate for this area. I note that the 2nd named appellant is concerned that the 3-storey duplex / apartment units proposed at the western edge of Threadneedle Quarter would have a negative impact on the amenity and privacy of this property by way of overlooking. This matter is addressed below.

8.5.6. The proposed scheme comprises a total of 362 residential units (65no. houses, 90no. duplex apartments and 175no. apartments) and a childcare facility with capacity for 99no. children. The proposed development varies in height from 2-5 storeys. All Houses are 2-storey and arranged in semi-detached and terraced formats. Save for the 2no duplex apartments provided in the Mews Duplex (Type E Duplex, Threadneedle Quarter), the duplex units are arranged in 3-storey gable fronted buildings across the Altan, Millers and Threadneedle Quarters. The remaining 175no apartments are arranged in two 5-storey apartments blocks (Block A and B) within Orchard Quarter.

8.5.7. The scheme is to be delivered in two phases (see table 2.4 above for details) and across four-character areas, as follows:

- *Altan Quarter*: Located towards the centre of the development to the south of the main access road, Altan Quarter comprises a total of 21no. units in a mix of 2-storey houses and three storey duplex units, arranged in a 'U' shaped format that addresses the internal estate road to the north and west and public amenity areas to the east and south. The Altan Quarter is to be delivered in Phase 1 and has a density 70duh.
- *Orchard Quarter*: Located to the north of Altan Quarter, with the Knocknacarra Opportunity Site (south) and adjacent to future development lands, this character area comprises the higher density (c.134.6dph) 5-storey apartment blocks (Blocks A and B) which accommodate a total 175 units. These Blocks are arranged round a dedicated area of communal open space set at podium level above undercroft parking. Notably, Block B (95no. units) is designed to

accommodate age friendly housing incorporating additional communal spaces in the form of meeting rooms, communal dining room with kitchenette, communal living room and scooter storage. Orchard Quarter is to be delivered in Phase 1.

- *Millers Quarter*: Located at the northern end of the development, Millars Quarter comprises four duplex blocks accommodating a total 40no units at a density of 46.5dph and the childcare facility. The residential blocks here are arranged to follow the established liner pattern of development in 'An Logan' to the north while also facilitating as a dedicated pedestrian and cycle link to Millers Lane to the east of the site. Millars Quarter is to be delivered in Phase 1.
- *Threadneedle Quarter*: Occupying the southern portion of the site, the Threadneedle Quarter comprises a total 126 units in the form of 2-storey houses and three storey duplex blocks at a density of 50.4dph. Units here are arranged in a more formal orthogonal grid, with buildings arrange to address possible future development lands to the south and west. Threadneedle Quarter is to be delivered in Phase 2.

8.5.8. The overall housing mix for the proposed scheme is set out in Tables 2.2 and 2.3 of this report. In brief, the proposed scheme comprises 129no. 1 bed units (35.6%), 121no. 2 bed units (33.4%), 91no. 3 bed units (25.1%) and 21no. 4 bed (5.8%) dwellings. I am satisfied that the proposed scheme, which includes age friendly housing, offers and appropriate mix of house type, size and tenure to meets the needs of the existing and future population of Galway and in accordance with Policy 3.4 Sustainable Neighbourhoods: Outer Suburbs, which under point 4 seeks to encourage a mix of housing types and sizes within residential developments.

Privacy / Separation Distances:

8.5.9. Regarding privacy and separation distances, the GCDP in section 11.3.1 (d) *Overlooking* states that residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum. The GCDP further states that in the case of developments

exceeding 2-storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics.

- 8.5.10. I have reviewed the plans and particulars submitted with the application (as amended at RFI stage), and I note that there several instances, primarily within the Altan and Threadneedle Quarters where the 11m separate distance prescribed in the GCDP is not achieved. However, regard is had to the above-mentioned policy, *Policy 3.3 Sustainable Neighbourhood Concept* of the GCDP (as varied) and to the provisions of the 2024 Compact Settlement Guidelines which includes more up-to-date guidance on separation distances.
- 8.5.11. With regard to the above, it is a specific planning policy requirement (*SPPR 1*) of the Compact Settlement Guidelines that when considering a planning application for residential development, a separation distance 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. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. SPPR 1 further states that there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.
- 8.5.12. As detailed in the application documentation, the proposed scheme was designed to accord with SPPR1 of the Compact Settlement Guidelines. Having reviewed the application drawings (as amended), I am satisfied that the scheme broadly aligns with same and that it would provide for an adequate level of privacy for future occupants while not unduly impacting the residential amenities of neighbouring properties by way of overlooking. However, I note that some issues / concerns have been raised in the appeal and in the planning authority's assessment of the application regarding privacy and separation distances, these are addressed below.

- 8.5.13. Regarding the concerns raised in the appeal of the 2nd named appellant that the 3-storey duplex units in at the western edge of Threadneedle corner would overlook his property. I note that duplex units in question are set back c14m from the opposing site boundary and approx. 28m from the appellants dwelling. This separation distance, together with the intervening land uses (estate road, laneway and parking) and existing boundaries (mature hedgerows) is I consider sufficient to ensure that the appellants property would not be significantly overlooked by the proposed scheme and that an adequate degree of privacy would be maintained.
- 8.5.14. I note that the planning authority in their decision to grant permission decided to omit, by condition (Condition 7(d)) 4no. upper floor units (Unit No's 57, 59, 61 and 62) within Duplex Block B at the southwest corner of Threadneedle Quarter (Unit due to the proximity of these units to the opposing southern site boundary (less than 8m). The existing property to the south currently comprises a detached dwelling and its extensive curtilage (approx. 0.7ha). The separation distance between the duplex units in question and the existing dwelling to the south is shown as 15.44m, however given the orientation of the existing dwelling there are no directly opposing windows and as such no direct overlooking would occur. This would accord with SPPR1 of the Compact Settlement Guidelines. Furthermore, I am satisfied that the development as proposed would not unduly compromise the future development potential of the zoned lands to the south. On this basis, I do not agree that Unit No's 57, 59, 61 and 62 should be omitted from the proposed scheme.
- 8.5.15. There are two notable instances where the minimum 16m separation distance between opposing first floor windows to habitable rooms has not been achieved, contrary to SPPR1. These instances occur in the Threadneedle Quarter, between:
- The first-floor rear bedroom window serving House No's 48 and the opposing bedroom window serving House No. 72 where a separation distance of 14.25m is achieved.
 - The first-floor rear bedroom window serving House No's 49 and the opposing bedroom window serving House No. 74 where a separation distance of 15.42m is achieved.

8.5.16. The design of the first-floor rear bedroom windows serving House No's 48 and 49 was amended at RFI stage to include angled bay windows with elements of obscure glazing to mitigate direct overlooking. The planning authority rejected this design alteration, and instead conditioned the following (see condition 7(c) for exact wording):

- House No. 48 – the bay window shall be omitted and the western window fitted with obscure glazing to a height of 1.8 metres. An additional northern facing clear window provided for that bedroom.
- House No. 49 – the bay window shall be omitted and western window fitted with be obscure glazing to a height of 1.8 metres.

8.5.17. I have reviewed the application drawings (as amended) and I generally agree with the planning authority's design solution for House No. 48. However, I consider that the provision of a bay window to the rear of No. 49 as proposed by the applicant at RFI stage is the more appropriate solution in this case as I would be concerned that the use of obscure glazing to the only window serving the rear bedroom of No. 49 would unduly impact the residential amenity of that room. I note that this matter can be addressed by way of condition should the Commission consider a grant of permission be forthcoming.

Design Quality

8.5.18. In terms of the quality of accommodation on offer, I have reviewed the plans and particulars submitted in support of the application including the Housing Quality Assessment and I am satisfied on the basis of the information provided that all residential units meet or exceed the relevant minimum requirements in terms of unit size, floor area, ceiling height and dual aspect ratio and that suitable arrangements have been made within the scheme for bike and bin storage.

8.5.19. I note that four of the ground floor duplex apartments in Altan Quarter (Duplex Block C – Unit No's 4, 6, 8 and 10) fall short by c. 1.6m of the recommended standard for internal storage provision; however, I note that each of these units is served by an area of private open space in the form of a rear garden that exceeds the minimum

standard and that could accommodate additional outdoor storage (garden shed), if required.

Outdoor Amenity (**Material Contravention Identified**):

- 8.5.20. The CCDP includes standards for Communal and private open space provision in Chapter 11, Section 11.3.1(c) Amenity Open Space Provision in Residential Areas.
- 8.5.21. The Plan requires communal recreation and amenity space at a rate of 15% of the gross site area which in respect of the subject site equates to c. 8,055 sq. m. In accordance with the information provided with the application documentation, the public open space provision on the subject site is 13.1% of the gross site area, this equates to c. 7,035 sq. m. and a resulting shortfall of c. 1,020 sq. m.
- 8.5.22. I consider this deviation in standard sufficient to be deemed a **material contravention** of the GCDP. However, I do not recommend that planning permission be refused on this basis, instead I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended). My opinion in this regard is based on the quality of the public open space on offer and the availability of amenity and recreational spaces / facilities in proximity to the site.
- 8.5.23. The high quality of public open space proposed: - The main area of open space is proposed in the form of a linear park that extend through the site connecting all four-character areas. As detailed in the *Landscape Design Rationale Report* submitted with the application, the design of this public parkland adopts an informal organic landscape with strategic structural tree planting and a host of active and passive recreational facilities (extended and enhanced at RFI stage). The scheme as amended includes for the provision of equipped play areas for children; dynamic seating, climbing features, and curve ball tables for teens; an outdoor exercise trail and a tiered covered seating space for community engagement as well as amenity grass spaces for informal play and recreation. The park, due to its central location, would be easily accessible to all future residents and would benefit from a high level of passive surveillance.

8.5.24. The surrounding area is well served in terms of open space, amenity and recreation with a range of facilities within walking distance of the proposed development site, sufficient to support the recreational needs of existing and future residents of the area. Notably, the site is within walking distance of the Coast. I also note that lands to the west of the site, on Altan Road, are zoned for Recreation and Amenity use in the GCDP. Recent planning history associated with these lands (ACP-323873-25) suggests that the Local Authority intends to develop these lands for sports and recreation.

8.5.25. In addition to the above, I note that the planning authority in their assessment of the applicant raised no issue regarding the quantum of public open space proposed, basing their assessment on the provisions of the Compact Settlement Guidelines and the quality of open space on offer.

Private Open Space:

8.5.26. In terms of private open space provision, the GCDP states in Section 11.3.1(c) that private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit. Developments which are exclusively apartment developments shall adhere to the private open space standards set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020). I note that the proposed scheme includes a mix of dwelling houses and apartments and is not exclusively apartments.

8.5.27. Within the proposed scheme each house is provided with a private amenity area in the form of rear gardens while private open space for the proposed apartment and duplex units is provided in the form of ground floor gardens or terraces and upper floor balconies. Following a review of the Housing Quality Assessment submitted in support of the application it is evident that the standard of rate of not less than 50% of the gross floor area of the residential unit is not achieved in most cases. However, I am satisfied that the proposed scheme in terms of private open space provision accords with the current applicable quantitative standards set out in the 2025 Apartment Guidelines and the 2024 Compact Settlement Guidelines (SPPR2) and

that as such, the proposed scheme is in compliance with *Policy 3.3 Sustainable Neighbourhood Concept* of the GCDP (as varied) and that no issue of material contravention arise. Furthermore, I am satisfied that the proposed scheme would deliver an adequate level of amenity for future residents.

Crèche

8.5.28. The proposed creche facility is located within 'Millars Quarter' at the northern end of the development site. It comprises a detached, two storey structure with a stated gross floor area of 440 sq. m. The building is of a contemporary design and material finish that I consider appropriate for its intended use.

8.5.29. On the size of the Crèche, regard is had to the provisions of the 2001 Childcare Facilities Guidelines and the Apartment Guidelines, which indicate that the proposed development (excluding 1-bed units) would generate a demand for c. 62 no. childcare places. The proposed Crèche, with a stated area of 440 sq. m has been designed to cater for 99 no. childcare places. While this would exceed the childcare demand likely generated by the proposed scheme, I do not consider the scale of the facility to be excessive, particularly given the future development potential of surrounding lands.

8.5.30. The Crèche is to be served by an outdoor amenity area of 280 sq. m to the rear (southeast) and a dedicated parking for 9 vehicles (including 1no disability space and cycle parking to the side (south). The proposed facility is positioned close to the proposed pedestrian / cycle connection with Millars Lane and would be well connected in terms of pedestrian and cycle infrastructure to be easily accessible to both existing and future residents of the area. Overall, I have no objection to the location, scale or design of this structure.

Conclusion: Development and Design Strategy

8.5.31. Overall, having regard to the location of the proposed development within the outer suburbs of Galway, the prevailing and emerging pattern of residential development in the area and the vision for the area as set out in the GCDP, I am of the opinion that,

notwithstanding the issue of material contravention identified in the assessment, that the proposal represents a suitable design response that is appropriate to its setting and that would not detract from the visual amenities or character of the area. The scheme once completed would read as part of the established built-up area.

- 8.5.32. I am satisfied that the design of the proposed residential units would generally accord with the relevant development management standards set out in the GCDP and Section 28 Guidance and that the proposed scheme would provide an overall good standard of residential amenity for future occupants. Furthermore, having considered the plans and particulars submitted in support of the application, and having visited the site and surrounding area, I am satisfied that the proposed scheme, in terms of its height, scale, density, layout and design would not have a significant impact on the residential amenities of neighbouring properties.

8.6. Traffic and Transportation

- 8.6.1. The main concern raised in the grounds of appeal of the 1st named appellant (Gort Siar Residents) relates to traffic. Gort Siar is a residential cul-de-sac to the west of the proposed development site that is accessed from Galway's Western Distributor Road (WDR) via the southern arm of the Altan Roundabout (also referred as the Bothar Stiofain roundabout) and the Altan Road. It is alleged in the grounds of appeal, that the WDR and the Altan Road currently experience congestion at peak times and, particular in the case of the Altan Road, during school drop off and collection times and that this congestion, together with existing deficiencies in the design of the Altan Road, impedes safe and timely access to an egress from Gort Siar. The concern is that the proposed LRD, by itself and with other planned and permitted developments on Altan Road would significantly contribute to this congestion.
- 8.6.2. Additional concerns have been raised by the 2nd named applicant and observers to this appeal regarding the proposed access arrangements to the development site via Kingston Road at the southern end of the site.

8.6.3. I propose to consider these and other related traffic issues under the following headings:

- Capacity of the Local Road Network
- Altan Road Access
- Kingston Road Access
- Construction Traffic

Capacity of the Local Road Network

8.6.4. The impact of the proposed LRD on the operational capacity of the road network in the vicinity of the development is assessed in the Traffic and Transport Assessment (TTA) submitted with the application. As set out in section 3.3, the TTA considers all committed developments within the vicinity of the site. This includes sites which have previously been granted planning permission, but which are yet to become operational.

8.6.5. The junctions analysed in the TTA are:

- Junction 1: Roundabout Junction – Bothair Stiofain / Western Distributor Road / Altan
- Junction 2: Roundabout Junction - Gort Na Bro / Western Distributor Road / An Logan

8.6.6. I note that An Taisce, in their report to the planning authority, suggested that the TTA be extended to include an assessment of the impact of the proposed development on traffic volumes and travel times on the Seamus Quirke Road, which forms part of the R338 Regional route to the east of the development site. However, I see no significant advantage in doing so as the two analysed junctions are those closest to and most likely to be impacted by the proposed scheme. As outlined in section 2.3 of the TTA, the scope and extent of the TTA was discussed and agreed with Galway City Council Roads and Transportation Department, Active Travel Departments and the Recreation and Parks Department.

- 8.6.7. The TTA is informed by traffic survey data compiled on the 7th of November 2023. The results of this survey indicate that the peak traffic levels through the two surveys junctions occurred between the hours of 08:00-09:00 in the AM period and between 16:30 17:30 in the PM period.
- 8.6.8. In the absence of any specific local traffic growth information, the TTA assumed that baseline traffic will continue to grow at the levels recommended by TII in the Project Appraisal Guidelines (PAG). The annual growth factors for Light Vehicles (LVs) and Heavy Vehicles (HV) were applied to surveyed data to determine background traffic flows for the assessment years.
- 2026 – Envisaged Year of Opening;
 - 2031 – Year of Opening plus 5 years;
 - 2041 – Year of Opening plus 15 years.
- 8.6.9. Section 5 of the TTA determines the overall number of trips that would be generated by the proposed development. The TTA utilises TRICS data derived from similar sized residential developments to inform the trip rate associated with such a development. I note that the TRICS database is a recognised tool for transport planning in Ireland and is widely used by transport planning consultants and local authorities to assess the traffic impacts of a proposed development.
- 8.6.10. As noted by the 1st named appellant, the TTA does not include traffic generated by the proposed Creche. Instead, it assumes that creche trips will predominately be self-contained within the development, with most of the creche users walking from within the development site. While I agree with the appellant that the proposed crèche facility does have the potential to generate additional traffic from outside of the development, the volume of traffic generated by same is unlikely to be significant in terms of the impact on road network and would likely include pass through trips of the existing Western Distributor Road.
- 8.6.11. The TTA determines that the proposed scheme would generate 172 round trips during AM Peak and 167 round trips during PM Peak. The TTA also considers the trip generation from the development of the remaining Masterplan lands, including the remaining residential zoned lands, retail development and aquatic centre facility which will utilise Junction 1. The TTA determines that cumulatively the development f

the Masterplan would generate 549 round trips during AM Peak and 834 round trips during PM Peak.

8.6.12. A traffic analysis (ARCADY) of two junctions was carried out, the result of which are presented in Section 6.0 of the TTA. The junctions were analysed for the following scenarios:

- 2023 Existing
- 2026 Base
- 2026 Base+ Committed and Proposed Developments
- 2041 Base + Committed developments
- 2041 Base + Committed and Proposed Developments
- 2041 Base + Committed and Masterplan

8.6.13. Junction 1 was assessed having regard to the potential future geometric changes envisaged under the Western Distributor Road (WDR) Active Travel scheme which would see new and upgraded cycling infrastructure introduced along the Western Distributor Road (WDR). The Analysis for Junction 1 (Potential Future Active Travel Scheme Design), considered the following additional future scenarios:

- 2041 Base + Committed Developments & Estimated Active Travel Scheme Reduction Factor
- 2041 Base + Committed & Proposed Developments & Estimated Active Travel Scheme Reduction Factor
- 2041 Base + Committed & Masterplan & Estimated Active Travel Scheme Reduction Factor
- 2041 Base + Committed & Masterplan & Galway City Ring

8.6.14. The results indicate that both junctions currently operate within capacity for all traffic Streams in both the morning and evening 2023 peak periods and will continue to do so for the 2026 Year scenarios (base scenario and base plus committed and proposed scenario), with slight increases projected in the RFC and queue lengths for both the morning and evening peak periods. The analysis predicts that the inclusion of the Proposed Development traffic will result in a slight increase in the degree of

saturation for the junctions, however all junctions are forecast to continue to operate below capacity.

8.6.15. The inclusion of the masterplan development (commercial development and aquatic centre facility) is projected to increase RFC and queue lengths for both the morning and evening peak periods at both junctions.

8.6.16. An RFC of 1.08 is recorded in the AM period for Junction 1 Arm 4 during the 2041 Base + Committed & Masterplan & Galway City Ring scenario, which indicates the approach arm is exceeding capacity. However, the TTA notes that the analysis does not take account of the Mobility Management measures outlined in Chapter 8 of the TTA and in the accompanying Mobility Management Plan. The implementation of these measures would support a shift in Modal Split and a reduction in the impact on the junction capacities. The TTA also estimated that a proportion of the proposed and masterplan trip generation will be pass through trips of the existing Western Distributor Road. Although a reduction factor could be applied to the proposed trip rates, it has not been applied as part of a conservative analysis.

8.6.17. I have considered the TTA, and I have no objection to the methodology used or assumptions made. I am satisfied that the traffic analysis results presented in this report demonstrate that the local road network can accommodate the volume of traffic likely to be generated by the proposed development and within the norms of an urban environment. Furthermore, I am satisfied that any impact arising could be mitigated through the implementation of the Mobility Management Plan and through the implementation of planned infrastructure upgrades in the area including the Galway City Ring Road (recently approved (April 2026) under ABP-318217-23) and the Western Distributor Road – Active Travel Scheme.

Altan Road Access:

8.6.18. Vehicular access to the proposed development is to be provided from the Western Distributor Road (WDR) via the southern arm of the Altan Roundabout (also referred as the Bothar Stiofain roundabout) and the Altan Road. The WDR, in the vicinity of the proposed development site, is a single carriageway road (approximately 6.5m

wide) with cycle lanes and footpaths located on both sides and a current speed limit of 50km/h.

- 8.6.19. Altan Road is a short (c.250m) cul-de-sac that culminates for vehicular traffic at St. John The Apostle Knocknacarra National School; pedestrian and cycle is facilitated further east to Clybaun Road. In addition to Knocknacarra National School, the Altan Road currently serves the residential developments of Gort Siar and Altan and is intended to serve permitted and planned future developments in the area, including the swimming pool and sports facility permitted under GCC PI. Ref: 2460370.
- 8.6.20. At present the layout of the Altan Road is defined by a row of temporary bollards on both sides, that are used as a physical barrier between vehicular and cycle traffic to and from the school grounds. While utilised for road safety purposes, the bollards have the effect of physically narrowing the Altan Road and its junctions while also adding to visual clutter.
- 8.6.21. The Commission will note that improvements in the design and layout of the Altan Road have been approved as part of the extant permission granted under GCC PI. Ref: 2460370. As part of the permitted works, the Altan road is to be realigned and extended west to serve the permitted development under GCC PI. Ref: 2460370 (2025) and the neighbouring '*Masterplan*' lands, including the proposed development site. The existing section of the Altan road is to be altered so that priority is given to the new Altan road extension with a new priority T-junction provided to serve the school. The permitted road layout design also incorporates dedicated footpaths and cycle lanes on both sides and should negate the need for bollards. In my opinion, the implementation of these works would improve the safety and free flow of traffic on the Altan Road for the benefit of all users, including existing and future residents.
- 8.6.22. As detailed on the application drawings, the Altan Road extension is required to facilitate access to the proposed development site; however, these works have not been included as part of the proposed LRD and as such the development of this site as proposed would be reliant on the implementation of a separate grant of permission, GCC PI. Ref: 2460370, which had not commenced on the date of site inspection (26th of June 2026). However, I note, from the *OSI Urban Map* submitted

with the application, that the lands necessary to facilitate access to the proposed development site are shown to be within the application blue line boundary, indicating that the applicant has control over these lands to access to the site independently of GCC Pl. Ref: 2460370, if necessary, and subject to planning approval.

I further note that the planning authority in their grant of permission, included a condition (condition 5) that no residential dwelling, apartment or duplex unit be occupied until such time as the roadway, footpaths and cycle paths accessing the site from the school roundabout roadway have been fully constructed. I consider the approach taken by the planning authority to be reasonable and acceptable in the circumstances outlined above, and I would recommend that the Commission include a similar condition if they are of a mind to grant permission for this LRD.

Kingston Road Access:

- 8.6.23. A separate pedestrian / cycle access is proposed via Kingston Road to the south of the site. The Kingston Road (R337) in the vicinity of the site is a single carriageway road, approximately 6.0m wide with a footpath located on the northern side and a speed limit of 50km/h. Access to the site from the Kingston Road is currently available via a narrow laneway that also serves the four residential properties and adjoining lands in agricultural use.
- 8.6.24. A section of the laneway, at its junction with the main Kingston Road has been widened to accommodate a public footpath along its eastern side. This footpath culminates at an agricultural gate that provides access to the proposed development site, the lands within Folio GY48097 (previously discussed in section 8.2 above).
- 8.6.25. The applicant is proposing to construct a new shared pedestrian and cycle facility connecting the southwestern corner of Threadneedle Quarter to Kingston Road via the privately owned lands within Folio GY48097 and the existing footpath at the southern end of the laneway where new road markings, signage and bollards are proposed.

- 8.6.26. The 2nd named appellant has raised concerns regarding the design of the proposed pedestrian / cycle link suggesting that this Active Travel Facility does not conform to the standards set out in the Cycle Design Manual (NTA, 2023), in terms of width, alignment and visibility at the junction with the main Kingston Road. The appellant is also concerned this link could be used as a form of '*rat-run*' to allow cyclists to access the main shops in the Knocknacarra area and that this would result in the creation of a new entrance onto Kingston Road which has not been applied for.
- 8.6.27. The design of the pedestrian / cycle link was considered by Galway's Active Travel section in their reports to the planning authority (Nov. 2025 and March 2026). At their request the width of the permeability link was increased to a minimum of 3m which aligns with the guidance set out in the Cycle Design Manual (Table 4.16 Recommended minimum widths for shared-use path). No further concerns or objections were raised in respect of the link.
- 8.6.28. On the issue of sightlines at the junction, I note that this issue was raised in the applicants Road Safety Audit (section 3.2.5); however, the issue does not appear to have been addressed on the application drawings. From my observations during site inspection, I note that sightlines at the junction are somewhat restricted by existing boundary walls / pillars; however, I note that these boundary walls/pillars are set back from the edge of the public road, to the rear of the existing footpath along Kingston Road, I consider that this set back affords a degree of visibility at the junction for cyclists. The proposed signage, road markings and bollard in the vicinity of the junction should help to control and slow down cycle traffic on the approach to the junction.
- 8.6.29. Further to the above, I note that on the date of inspection (26th of June 2026) development was ongoing on the property to the immediate west of the junction. A review of Galway's Online Planning directory for this site indicates that as permitted development (Galway Pl. Ref: 22/122 as amended by GCC Pl. Ref: 2660133) includes for the realignment of the front (southern) boundary wall which will improve sightline distances to the west of the junction, towards oncoming traffic. Overall, I am satisfied that a safe active travel facility to Kingston Road can be provided.

8.6.30. The proposed Active Travel Facility would connect to existing pedestrian infrastructure on Kingston Road and will not result in the creation of a new entrance. The provision of this link would accord with GCDP *Policy 4.4 on Sustainable Mobility - Walk and Cycle* which under point 8 seeks to promote, facilitate and maintain maximum connectivity and permeability for pedestrians and cyclists in the design and management of new public and private projects and in upgrading and retrofitting existing developments. I note the stated intention of such links is to improve connectivity and permeability, maximizing pedestrian/cyclist accessibility to local services and amenities to the benefit of all, on this basis the issue of creating a 'rat-run' for cycle traffic does not arise.

Construction Traffic:

8.6.31. It is a concern of the 2nd named appellant, that construction traffic generated by the proposed development will utilise the existing laneway of Kingston Road to access the site. It is contended in the appeal that this laneway is too narrow to accommodate construction traffic and that's its use for same would have negative impacts on the safety and enjoyment of his property.

8.6.32. In response, I refer the Commission to Section 7.4 of the TTA and to the preliminary Construction Traffic Management Plan (pCTMP) submitted with the application. As per the information provided, it is intended that construction traffic will access the site from the Western Distributor Road via Altan Road. As detailed in the pCTMP, during the construction phase the existing landbank on the Altan Road shall be used for construction access and egress to the subject site. This proposed construction access and egress utilises an existing landbank access point and ties into the permitted road layout, which in turn services the proposed development. For the avoidance of doubt, I would recommend, in the event that the Commission are of a mind to grant permission, that they include condition prohibiting construction traffic from utilising the Kingston Road access. Further to the above, I note that any impacts that do arise during construction would be temporary and managed in accordance with a final CTMP which may be requested by way of condition, should the Commission be of a mind to grant permission.

Conclusion: Traffic and Transportation:

8.6.33. I considered the information submitted in support of the application including the Traffic and Transport Assessment (TTA), Mobility Management Plan (MMP) and preliminary Construction Traffic Management Plan (pCTMP), in light of the issues raised in the appeal. While I accept that the proposed development is likely to result in an increase in traffic on the local road network, I am satisfied, based on the information outlined in the TTA that the impact of same would not be significant in this urban setting and that any impacts arising would be mitigated through the implementation of the Mobility Management measures outlined in Chapter 8 of the TTA and in the MMP. Furthermore, I am satisfied that subject to recommended conditions, safe access to this site can be achieved for construction and operational traffic and for pedestrians and cyclists. Therefore, I do not consider that a refusal of permission is warranted on the traffic grounds.

8.7. Wastewater

- 8.7.1. An Taisce, in their report to the planning authority (Nov. 2025) raised concerns regarding alleged deficiencies in the wastewater collecting system throughout the Galway Agglomeration due to the lack of investment over recent decades. The submission contends that Uisce Éireann's (UÉ) in their report on the application failed to provide details of the current capacity in the wastewater collecting system from the proposed development to the Mutton Island WWTP and failed to identify the need to upgrade the existing 225mm sewer at Altan road to a 300mm sewer to cater for the scale of development proposed (as per UÉ's own Code of Practice for Wastewater infrastructure).
- 8.7.2. The submission of An Taisce also includes reference to and extracts from Uisce Éireann Galway City Drainage Area Plan (DAP). The DAP identifies deficiencies in the collecting system downstream of the proposed development, notably deficiencies in the Kingston Road and Gentian Hill PS storm water overflows (SWO) and recommends specific works to address those deficiencies. An Taisce recommended that if GCC was of a mind to grant permission for the proposed development, it should be subject to the condition that identified deficiencies are addressed prior to

occupation, including the upgrading of the existing 225mm diameter foul sewer on Altan Road.

- 8.7.3. As proposed, all wastewater generated from the proposed development will outfall via gravity to an existing Uisce Éireann (UÉ) owned 225mm foul sewer line located west of the development on Altan Road. As stated in the Civil Works Design Report submitted with the application, the applicants envisage that the 225mm sewer line will require upgrading to a 300mm sewer line to service the development as the number of units flowing through this network will exceed the maximum 330 units allowable for a 225mm pipe. I note that this infrastructure upgrade was not identified as necessary by UÉ in their report to the planning authority; however, this may have been included as part of the applicant's design submission to UÉ. Going forward I consider this to be a matter for the applicants and UÉ.
- 8.7.4. A copy of the Confirmation of Feasibility and Statement of Design Acceptance from Uisce Éireann was submitted with the application (appended to the Civil Works Design Report). These documents state that there is sufficient capacity in the wastewater treatment plant for the proposed development. I have consulted Uisce Éireann's wastewater supply capacity register which confirms that there is spare capacity available at the Galway Wastewater Treatment Plant for Galway City.
- 8.7.5. I have also consulted the most recent UE Annual Environmental Report (2024) for the Galway Wastewater Treatment Plant. This document indicates that the Mutton Island WWTP has a current capacity of 170,000 P.E and that the plant is compliant with the Emissions Limit Values set in the Wastewater Discharge Licence. The AER referenced above also provides an assessment of SWO performance which is covered by the licence. The report states that upgrades to the Kingston Road SWO (WWDL Ref: SW0017) and Gentian Hill PS SWO (WWDL Ref: SW003) are at planning stage. It also states that the discharge from the wastewater treatment plant does not have an observable impact on the water quality and does not have an observable negative impact on the Water Framework Directive status.
- 8.7.6. Therefore, while I accept that there may be deficiencies in the wastewater treatment infrastructure serving Galway, I am satisfied, based on the information available that

the proposed development can be accommodated within the system without undue impact to water quality.

- 8.7.7. Further to the above, I refer the Commission to the judgement in *Duffy v ABP* which confirms that there is a presumption that that UÉ will comply with its statutory and EU law obligations in deciding whether or not to enter into a connection agreement at the appropriate time and that the Commission is not obliged to ensure that UÉ, nor indeed the EPA, will comply with its obligations under national and EU Law in order to grant permission for a development to which section 10(6) of the 2016 Act applies.

8.8. First Party Appeal v Condition 28

- 8.8.1. The applicants have lodged a First Party Appeal against Condition 28 as attached to Galway City Council's (GCC) decision to grant planning permission for the LRD (pl. ref: 2560320). Condition 28 which requires the payment of a Special Financial Contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, towards the cost of works for continuation of Cycling and Pedestrian Infrastructure from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road. The amount of contribution is unspecified. I have included the full text of condition 28 in Section 4 of this report.
- 8.8.2. As set out in the *Development Contributions: Guidelines for Planning Authorities 2013*, a special development contribution may be imposed under section 48(2)(c) of the Planning and Development Act (as amended) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.

- 8.8.3. On the issue of conditions requiring development contributions, the Development Management Guidelines (2007) state under Section 7.12, that a condition requiring a special contribution must be amenable to the implementation of the terms of Section 48(12) of the Planning Act (referring to refund of contributions paid) and therefore it is essential that the basis for the calculation of the contribution be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the development.
- 8.8.4. In this case, the planning authority, at the request of GCC's Active Travel section (report dated 19th March 2025), are seeking a Special Contribution of an unspecified amount towards the cost of active travel works comprising the continuation of existing cycling and pedestrian infrastructure from the southern end of Millers Lane (at its junction with Manor Avenue, 170m east of the proposed development site) east to Threadneedle Road via the Kingston Road. The location / extent of the works is illustrated on an aerial photograph included in the report of the Active Travel Office dated 19th March 2025 and on page 3 of the applicants first party appeal.
- 8.8.5. As set out in section 7.3 of this report, it is the contention of the first party appellant that the special development contribution attached as Condition No. 28 does not in accord with Section 48(2)(c) of the Planning and Development Act 2000, as amended and should be omitted / excluded from a grant of permission. In brief, the case is made that:
- The works referenced under Condition No.28 relate to broader area-serving infrastructure improvements, that they do not relate specifically to the proposed development and are not required to enable its delivery or operation and that the proposed development is well served by a comprehensive network of active travel infrastructure, including pedestrian and cycle routes.
 - The planning authority has failed to demonstrate the existence of '*specific exceptional costs*' as required under section 48(2)(c) of the Planning and Development Act 2000 (as amended), and,

- Condition 28 fails to identify any contribution amount, cost basis, apportionment methodology, or evidential justification and is therefore vague, uncertain and contrary to the requirements of Section 48(2)(c), and
- The planning authority has not demonstrated that the cost concerns are not already covered under the development contribution scheme or other public funding mechanism.

8.8.6. The primary question to consider in this 1st party appeal is whether the payment of a special contribution towards works for continuation of Cycling and Pedestrian Infrastructure from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road, constitutes specific exceptional costs which benefit very specific requirements for the proposed development.

8.8.7. The Development Management Guidelines state that circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area.

8.8.8. I have considered the application details and all other documentation on file, including the submissions received in relation to the appeal, and I have inspected the site and surrounding area. I acknowledge that improvements to the active travel network between the upgraded Millers Lane and Threadneedle Road may be of some benefit to future occupants of and visitors to the proposed development, particularly as the proposed scheme includes for a pedestrian / cycle connection to the upgraded Millars Lane. However, I consider that the benefits derived from these infrastructure upgrades would be widespread, extending to other lands in the vicinity, and not merely a specific requirement of the proposed development. The works do not relate specifically to the proposed development and are not required to enable its delivery or operation. On this basis, I am of the opinion that condition no. 28 as

attached to the planning authority's decision does not meet the requirements, or come within the scope of, S.48(2)(c) of the Planning and Development Act 2000 (as amended). I consider that the proposed active travel works would more properly be reflected in a revision to the general development contribution scheme, a separate scheme under Section 48, or perhaps under Section 49 of the Act, as amended.

- 8.8.9. Further to the above, I note that Condition 28 does not specify the amount of contribution payable nor does the planning authority in their assessment of the application or in their decision identify the expenditure involved in the works or how the costs are to be apportioned to the proposed development. Therefore, I do not consider that Condition 28 would accord with Section 7.12 of the Development Management Guidelines regarding Conditions requiring development contributions (sections 48 and 49 of the Planning Act).

Conclusion: First Party Appeal v Condition 28:

- 8.8.10. I consider that the expenditure involved in works for continuation of Cycling and Pedestrian Infrastructure from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road, does not constitute exceptional costs to be incurred by the local authority that benefit very specific requirements for the proposed development, but would, on the evidence available including my observations on site, serve a much broader overall purpose and function, providing benefits to the wider area. Accordingly, I conclude that condition no. 28 would not meet the requirements, or come within the scope of, S.48(2)(c). In reaching this conclusion, I considered that the documentation on file did not provide a reasonable basis for determining that these works are required specifically for the proposed development.
- 8.8.11. Furthermore, I do not consider that the attachment of a condition requiring payment of a special contribution, for an unspecified amount, would be in compliance with Section 7.12 of the Development Management Guidelines.
- 8.8.12. In light of the above, I recommend, should the Commission be of a mind to grant permission, that a condition requiring payment of an unspecified financial contribution towards works for continuation of Cycling and Pedestrian Infrastructure

from the upgraded Millers Lane (southern end of Manor Avenue) to tie in with the proposed future upgrading of Threadneedle Road not be included in the grant of permission.

8.9. Other Matters:

Impacts During Construction

- 8.9.1. Concerns have been raised in the grounds of appeal in relation to the impacts that may arise during the construction phase of the development on the amenities of neighbouring properties particularly. While I accept that construction phase of this development has the potential to give rise to nuisances (noise, vibration, dust, emissions and traffic etc), any such impact would be for a limited duration, and it is standard practice to impose conditions that seek to ensure that such nuisances are controlled / mitigated to lessen amenity impact

Planning Conditions:

- 8.9.2. Of the 33no.planning conditions attached to the planning authority's decision, the majority are standard for a development of the nature and scale proposed (financial, procedural, phasing, construction, operational, and technical). Conditions 4, 5, 7 and 28 were discussed previously in this assessment. The following additional points are noted:
- 8.9.3. Condition 2 as attached to the planning authorities grant of permission allows for the development to be carried out over a 10-year period. I note that the 2nd named appellant questioned the need for a 10-year permission given the anticipated construction period of 36 months. I agree that a 10-permission is excessive in this instance. Having regard to the nature, scale and location of the proposed development, the fact that it is to be delivered as part of a wider masterplan for the area and the issues outlined in this assessment, I consider that a 7-year permission would be sufficient.

- 8.9.4. Condition 14 as attached to the planning authorities grant of permission requires the applicant to sponsor two pieces of artwork within the development, the location, details and timeframe for same are to be agreed with the planning authority prior to the commencement of development. I note that the requirements of this condition would accord with GCDP Policy 7.2 Creative City which under point 6 seeks to facilitate the delivery of public art by ensuring large-scale developments incorporate and deliver works of public art that facilitate interpretation of place and community. Therefore, should the Commission be of a mind to grant permission, I would recommend that this condition be included in a grant of permission.
- 8.9.5. Condition 25 of the planning authorities grant of permission requires the submission of an improved layout for the cul-de-sac serving the parking area to the Creche in Millars Quarter, to provide either a turning circle or revised reversing location. I consider this Condition reasonable in the interests of traffic safety and as such I would recommend that it be included in the event that the Commission is of a mind to grant permission.

9.0 Environmental Impact Assessment

9.1 Introduction

- 9.1.1. This section of the report comprises an Environmental Impact Assessment (EIA) of the proposed development. I note that some matters relevant to EIA are considered in the Planning Assessment (Section 8), in the Appropriate Assessment (Section 10 and Appendix 1) and in the Water Framework Assessment (Section 11 and Appendix 2), therefore, this section of the report should be read in conjunction with those sections.

9.2 Statutory Provisions

- 9.2.1. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- (i) Construction of more than 500 dwelling units

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 9.2.2. The proposal is for a Large-Scale Residential Development (LRD) comprising the construction of 362no. residential units, a childcare facility and associated works and services on an area of c.5.37 ha, partially within a Local District Centre (Knocknacarra District Centre).
- 9.2.3. As detailed in the application documentation, the proposed LRD is brought forward as Phase 1 of a larger residential project, which is estimated to deliver more than 500 residential units. An EIAR was included with the application on this basis. In addition, I note that the proposed development site encompasses approx. 2.9ha of land within the designated Knocknacarra District Centre. The predominant land use within the Knocknacarra District Centre is retail and commercial, therefore, it is my opinion that the proposed development comprises an Urban Development on an area greater than 2 hectares within a business district and an EIAR is required.

9.3. Environmental Impact Assessment Report

- 9.3.1. An EIAR prepared on behalf of the applicant by MKO has submitted to the Commission. The EIAR was prepared in accordance with Directive 2011/92/EU of the European Parliament and Council, 2011 on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014.
- 9.3.2. The EIAR includes in section xxiv, a Non-Technical Summary (NTS) which summarises the EIAR in plain language. The main body of the report includes details on the background of the proposed development (ch.2), consideration of reasonable alternatives (ch.3) and a description of the proposed development (ch.4). The EIAR, in chapters 5 through 15, considers a range of specific environmental topics in compliance with Article 5 of the EIA Directive and Schedule 6 of the PDR. 2.

9.3.3. The likely significant direct and indirect effects of the development are considered under the following specific headings, which collectively address the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health (Ch.5)
- Biodiversity (Ch.6)
- Land, soils and Geology (Ch.7)
- Hydrology and Hydrogeology (Ch.8)
- Air Quality (Ch.9)
- Climate (Ch.10)
- Noise (Ch.11)
- Cultural Heritage (Ch.12)
- Landscape and Visual (Ch.13)
- Major Accidents and Natural Disasters (Ch.14)
- Material Assets including Traffic & Transport (Ch.15)
- Interaction of Effects (Ch.16)
- Schedule of Mitigation (Ch.17)

9.3.4. The impact of the proposed development was assessed under all the relevant topics as set above. Where further detailed surveys or assessments were required under each topic these have been compiled and are contained in the appendices. I note that *Chapter 8 Hydrology and Hydrogeology* reference a Water Framework Directive Report attached as Appendix 8-4. Appendix 8.4 has not been included as part of the EIAR or application documentation, notwithstanding, I am satisfied that sufficient information is available to screen the development under WFD. I have included an assessment on the Water Framework Directive in Section 11 below.

9.3.5. Table 9.1 below considers the EIAR in terms of compliance with Article 94 and Schedule 6 of the Regulations.

Table 9.1 - Compliance with Article 94 and Schedule 6 of the Regulations 2001
Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)

A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).
A description of the proposed development is contained in Chapter 4 of the EIAR. It includes details on the proposed development site, construction management, construction methodology, management of Construction Phase Activities and management of operational phase (property management).
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. Chapter 16 Interaction of Effects considers the potential interaction of impacts identified. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).
Mitigation measures are set out in each chapter of the EIAR. The proposal includes mitigation by design and additional mitigation measures to address potential adverse effects identified in technical studies. Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR. The proposed mitigation measures and arrangements for monitoring where appropriate, are summarised in Chapter 17 (Schedule of Mitigation) and Table 17-1.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development

on the environment (including the additional information referred to under section 94(b)).
A description of the alternatives considered is contained in <i>Chapter 3 -Reasonable Alternatives</i> of the EIAR. The alternatives considered include, 'do nothing' alternative and alternative locations, alternative Design and Layout, Alternative Land uses, alternative processes and alternative mitigation. A comparison of the potential environmental effects of the 'Do-Nothing' Alternative when compared against the chosen option of constructing a Large-Scale Residential Development (LRD) at this site are presented in Table 3-1 of the EIAR. I am satisfied, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).
A description of the baseline environment and likely evolution in the absence of the development.
A description of the baseline / receiving environment is included in each technical chapter of the EIAR. Each technical chapter also considers the ' <i>Do nothing</i> ' scenario.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
The methodology employed in carrying out the EIA, including the forecasting methods is set out in each of the individual chapters assessing the environmental effects. As confirmed in Chapter 1, section 1.9 and in each of the assessment chapters no technical difficulties were encountered during the preparation of this EIAR.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
Vulnerability of the proposed development to environmental effects arising from the risks of major accidents and/or disasters is appropriately considered in Chapter 14 of the EIAR.
Article 94 (c) A summary of the information in non-technical language.
This information has been submitted in section xxiv – Non-Technical Summary. I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The references and sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter and in the Bibliography. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the consultants responsible for the preparation of each of the chapters in EIAR is set out in in Chapter 1 Introduction. This chapter also includes details of the expertise and qualifications of the Protect Team Members. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

- 9.3.6. The documentation prepared by MKO with the support on specific topics for different specialist consultants is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in cumulation with other plans and projects.

9.3.7. I am satisfied that the information provided is up to date, is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU.

9.4. **Assessment of Environmental Factors:**

9.4.1. Each topic in the EIAR has been for the most part considered in the following format:

- Introduction
- Methodology
- Receiving Environment
- Characteristic of Proposed Development
- Potential Effects
- Mitigation Measures
- Residual and Cumulative Impacts
- References

9.4.2. The EPA published the Guidelines on the Information to be contained in Environmental Impact Assessment Reports in 2022. The applicant is consistent with these guidelines as appropriate.

9.4.3. Unless otherwise stated below the methodology and the approach to, description of the receiving environment of each topic is considered appropriate. This assessment can rely on the EIAR submitted and addresses key issues, impacts and mitigations of the proposed development. Table 9.2 below provides the Assessment of Environmental Factors.

9.4.4. I have considered the submissions on file and where relevant, I have included reference to same in the table below. The issues raised in the submissions have been addressed Section 8 of this report which should be read in conjunction with Table 9.2.

- 9.4.5. I am satisfied that the corresponding sections of the EIAR have adequately identified, described and assessed the direct and indirect effects of the proposed development in accordance with the requirements of the EIA Directive. I am further satisfied that the proposed development would, on the basis of information submitted and submissions received on the file, and subject to mitigation and monitoring measures, be unlikely to have significant effects on any topic.

Table 9.1: Assessment of Environmental Factors							
Topic:	Population and Human Health (EIAR Chapter 5)						
Difficulties	No significant difficulties were encountered in the preparation of the Population and Human Health chapter of this EIAR.						
Appeal Issues:	Third parties have raised concerns regarding the density of development proposed; the impact of construction and operational traffic on the safety, convenience and amenities of residents and the impact of construction works (dust, noise etc) on residential amenity. These issues are addressed the Planning Assessment in section 8.4 (Built Form – Density and Height); Section 8.6 Traffic and Transportation, and Section 8.9 Other Matters.						
Impacts	Construction Phase			Operational Phase			Cumulative
	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
Health and Safety	Operation of machinery, increased construction traffic and risk to health from onsite spillages, dust and noise; pose a potential health and safety risk to the employees. The presence and operation of heavy	Standard and good practice measures including adherence to the Health and Safety Plan, appropriate training for staff, safety	Short-term, slight, and Negative effect.	-	-	-	No significant Cumulative Effect identified

	machinery and traffic entering and leaving the subject site poses a potential risk to users of the local road network	warning and signage and security measures.					
Employment and Investment	I agree that there will be an increase in job opportunities for those working within the construction sector, building services and supplies, as well as in local businesses.	N/A	short term, slight positive effect		-	long-term moderate positive impact	long-term positive effect for local retailers and businesses
Population	None	N/A	N/A	Increase in housing will cause an influx of new residents into the area. This will allow for changes in population trends, population density,			None: Changes in population trends, population density, household size and age structure will be planned for in a way that is in line with the Galway City

				household size and age structure in a manner that has been planned for and provided for in the Galway City Development Plan 2023-2027, RSES and NPF.			Development Plan, RSES and NPF.
Tourism	No direct negative impacts on tourism. Potential indirect negative effects on local tourism because of increased traffic associated with the construction phase of the Proposed Development.	-	short term, indirect, slight negative effects	The increase in number of residents within the local or regional area, will have a slight long term positive impact on tourism.	-	slight long term positive	No cumulative effects
Land Use	change of land-use from an undeveloped greenfield and brownfield site to a construction site	N/A	Whilst there will be a change of land use this is an acceptable	Permanent change in land-use to residential	-	Whilst there will be a change of land use to	Positive

			and unavoidable part of the Proposed Development.	use and amenity use.		facilitate the development, this is an acceptable and unavoidable part of the Proposed Development.	No negative cumulative effects
Amenity	-	-	-	The provision of a public open space will have a positive impact in terms of amenities available.	-	Permanent Positive	No cumulative effects
Noise and Vibration	Temporary increase in noise levels in the vicinity of the proposed development site, as a result of heavy vehicles and building operations.	Mitigation measures proposed in respect Noise and Vibration, are outlined in Chapter 11 of	short-term, imperceptible, negative effect	Increase in noise levels in the vicinity of the Proposed Development site, as a result of increased population and	The potential noise impacts that will occur during the operational phase of the Proposed	Permanent Imperceptible	No significant cumulative effects

		the EIAR and in the CEMP.		increased vehicles making use of the development.	Development are further described in Chapter 11 of this EIAR.		
Dust and Air Quality	Potential dust and vehicle emission sources - use of machinery and plant and on-site vehicular traffic.	Mitigation measures proposed in respect dust and air quality, are outlined in Chapter 9 of the EIAR and in the CEMP	Short-term, slight, negative	Addressed in Chapter 9 of this EIAR.	N/A	permanent, imperceptible, neutral impact	No significant cumulative effects
Traffic	As per Chapter 15 of the EIAR and in Appendix 15-1, the proposed scheme will generate a relatively low volume of additional traffic during the construction period.	Management of construction traffic. Implementation of a haulage plan. Road sweeping	Short-term, slight, negative effect	Addressed in Chapter 15 of this EIAR and Section 8.6 of Planning Assessment outlined above	Provision of Road signage and lighting. Improved connectivity. Provision of bicycle stands and charging	long-term, not significant, negative effect	

					points for EV vehicles. Mobility Management Plan.		
Human Health	potential for short term, slight, negative impacts on human health as a result of noise and dust emissions		imperceptible.				
Conclusion	Following consideration of the residual effect (post-mitigation), the Proposed Development would result in some slight negative effects during the construction phase however any such impacts would be temporary and would be managed and monitored under the CEMP. Post construction, the proposal would not result in any significant effects on population and human health.						
Topic	Biodiversity (EIAR Chapter 6)						
Comments	A Natura Impact Statement Accompanies the application which considers the impact of the proposed scheme of designated site notably the Galway Bay Complex SAC and Inner Galway Bay SPA which were identified within the likely zone of influence. Refer to Section 10 of this report for Appropriate Assessment. The appendix to this chapter include: a Baseline Bat Report, Invasive Species Management Plan, Landscape Design Report and Outdoor Lighting report.						

Difficulties:	The specialist studies, analysis and reporting have been undertaken in accordance with the appropriate guidelines. The habitats and species on the site were readily identifiable, and comprehensive assessments were made during the field visit. No limitations in the scope, scale or context of the assessment have been identified.						
Appeal Issues:	No concerns have been raised in the appeal / observations regarding the impact of the proposed development on Bats.						
	Construction Phase			Operational Phase			Cumulative
Impacts	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
Impacts on Habitats	loss of grassland (GS1), hawthorn and willow scrub (WS1), hedgerow (WL1) and treeline (WL2) habitat within the Proposed Development site may result in habitat fragmentation, and the loss of potential nesting/ commuting and foraging habitat for a range of local wildlife.	A landscape design report has been prepared by CSR and is provided in Appendix 6-3. The landscape plan includes measures to compensate for the loss of scrub, calcareous	No residual impact once proposed planting is established.	None identified	-	-	The Proposed Development will not result in any significant residual effects on biodiversity and will not contribute to any cumulative effect when considered in combination with other plans and projects.

		grassland, hedgerow and treeline including the use of native and pollinator friendly species.					
Impacts on Water Quality <i>Note: this topic is considered in greater detail in Ch. 8 of EIAR</i>	Potential deterioration of surface and ground water quality at a local level during construction via the release of pollutants etc	Standard and good practice measures including the implementation of the CEMP.	No significant residual effects are predicted	effects on water quality associated with the production of foul waters and surface water runoff from the site	Addressed under Chapter 8	No significant residual effects are predicted	
Invasive Species	Small, isolated pockets of Three-cornered leek within the construction footprint. Individual saplings and juvenile stands of Sea buckthorn	Implementation of Invasive Species Management Plan.	No significant effects anticipated	-	-	-	

	were recorded within the wider EIAR Study Area.	Best practice measures to avoid the introduction of invasive species to the site					
Impacts on Bats	Loss of sub-optimal foraging and commuting bat habitat. No signs of roosting bats were recorded within the structures or mature trees surveyed within the Proposed Development site Disturbance from artificial light and noise	Landscaping scheme to compensate for loss of habitats and create new linear habitats. A pre-commencement survey of structures and trees with PRF-I prior to commencement to assess any changes	No residual impact once proposed planting / landscaping is established.	Habitat Fragmentation and Disturbance from human activity (notably artificial light)	The operational lighting plan designed to avoid significant effects on wildlife by design and to mitigate any unavoidable impacts. A dark corridor incorporated into the design to maintain	no significant residual effects on bats are predicted	

		in baseline environment. Best practice measures			suitable foraging and commuting habitat. Lighting plan limits lighting along the site perimeters to 1lux or lower where appropriate.		
Impacts on Birds	habitat loss and disturbance to local bird species, potentially leading displacement from the area. Site clearance during the bird nesting season, could potentially lead to the destruction or disturbance of nests and	landscape plan designed to compensate for the loss of existing habitats, including linear features, mature trees and grasslands which are of use to local	Significant residual effect on local bird populations at the local geographic scale, owing to the removal of linear vegetation and species rich grassland.				

	potentially to mortality to juvenile birds in the nest.	bird populations. Site clearance to be undertaken outside of the nesting bird season (1st March – 31st August) to ensure compliance with the Wildlife Act. If vegetation clearance is required during the nesting bird season, this will be preceded by a nesting bird	Reduced to insignificant overtime, as the planted trees and wildflower meadow become established and mature				
--	---	---	--	--	--	--	--

		survey and all clearance works supervised by an appropriately qualified ecologist.					
Conclusion	Provided that the Proposed Development is constructed and operated in accordance with the design, and best practice and mitigation measures described, in particular once the proposed mitigation in respect of new landscaping and tree planting have become established, significant impacts on biodiversity are not anticipated.						
Topic	Land, Soils and Geology (<i>EIAR Chapter 7</i>)						
Appeal Issues:	No issues raised in the appeal in the topic of Land, Soil and Geology						
Difficulties	None identified						
Impacts	Construction Phase			Operational Phase			Cumulative
	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result

Excavation	permanent relocation of soil and subsoil at most excavation locations	Standard and good practice measures All excavated material will be removed to an authorised waste recovery facility or, if suitable, stockpiled and reused for backfilling and landscaping where appropriate.	negative, direct, likely, permanent not significant,	-	-	-	no significant cumulative impacts on land, soils and geology environment are anticipated
Contamination of Soil	Risk of pollution from leaks / accidental spillage of petroleum hydrocarbons during refuelling of plant;	Standard and good practice measures including the implementation	negative, imperceptible, direct, short-term, low probability effect.	-	-	-	

	of fuels and lubricants during routine plant use and of cement etc	n of the CEMP. Appointment of person to oversee pollution control measures	No significant effect				
Geological impact on local Designated Sites	Excavation / handling / storage of soil/subsoils.	N/A		-	-	-	
Conclusion	No significant impacts on the land, soil and geology of the site will occur due to the Proposed Development provided the mitigation measures are implemented.						
Topic	Hydrology and Hydrogeology (EIAR Chapter 8)						
Appeal Issues:	No issues raised in the appeal on the topic of Hydrology and Hydrogeology. The adequacy of the Wastewater Collection and Treatment Infrastructure in Galway to cater for the scale of development proposed was raised by An Taisce in their report on the application to the Planning Authority. This matter is assessed in Section 8 of this report. Also refer to Water Framework Assessment in Section 11.						
Limitations	None identified						

Impacts	Construction Phase			Operational Phase			Cumulative
	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
Earthworks	The removal of vegetation cover and excavation give rise to the risk of sediment laden surface water runoff from bare soil and soil storage areas during construction works	Management of surface water runoff and subsequent treatment prior to release off-site. Temporary drainage system to be installed use of Swales and Standard best practice environmental control measures - CEMP	Indirect, imperceptible, short-term, medium probability, and of negative effect on downstream surface waters				No significant cumulative impacts on the water environment are anticipated during the construction or operational phases in circumstances where the proposed mitigation measures are implemented effectively.

Potential Surface Water Quality Impacts from Shallow Excavation Dewatering	Some groundwater seepages may potentially occur in foundation excavations. Dewatering will create additional volumes of water to be treated by the runoff management system.	Management of excavation seepages and subsequent treatment prior to discharge into the site drainage network	indirect, imperceptible, short-term, low probability, and of negative effect on downstream surface waters. No impact on groundwater levels or groundwater quality will occur.				
Potential Release of Hydrocarbons during Construction Stage	Accidental spillage during refuelling of construction plant with petroleum hydrocarbons is a significant pollution risk to groundwater, surface water and associated ecosystems, and to terrestrial ecology.	Mitigation by Design and Standard best practice environmental control measures	indirect, imperceptible, short term, unlikely, and of negative effect.				
Release of Cement-	Concrete and other cement-based products are highly alkaline and	Mitigation by Avoidance: including	Unlikely, indirect, imperceptible,				

Based Products	corrosive and can have significant negative impacts on water quality – risk to aquatic species	concrete batching off site and proper disposal	short term, and of negative effect.				
Potential Impacts on Hydrologically Connected Designated Sites	Discharges from the site could conceivably enter the culverted Knocknacarragh stream which discharges into the Galway Bay Complex SAC and Inner Galway Bay SPA at Rusheen Bay impacting water quality in Designated sites	Standard best practice environmental control measures included in CEMP and NIS and incorporated into the design of the project	No significant impacts on designated sites	Water quality issues arising from discharges from the site to Galway Bay Complex SAC and Inner Galway Bay SPA via public main storm and foul water	Standard best practice environmental control measures and Mitigation by design. Surface water Drainage System including SUDS Discharge to Uisce Éireann Mutton Island WWTP.	No significant impacts on designated sites	

Potential Increased Downstream Flood Risk due to Increased Hardstanding Area.				Replacement of the greenfield surface with hardstand surfaces can increase risk of pluvial flooding	Surface water drainage design – attenuation to greenfield rates	Direct, neutral, imperceptible, long term, low probability effect in relation to flood risk.	
Potential Downstream Water Quality Impacts from Surface Water Drainage.				Surface water, if not adequately treated, may indirectly impact on ground water and surface water quality	Water quality risks are reduced by use of interception storage, silt traps, and oil/petrol interceptors.	Direct, negative, imperceptible, long term, low probability effect in relation to water quality.	
Wastewater Disposal.	Release of effluent from on-site wastewater systems has the potential to impact on groundwater and surface waters if not properly managed.	Mitigation by Avoidance: use of Self-contained port-a-loo toilets within portacabins,	No impact.	Foul sewage, if not adequately treated, may impact on ground water and surface water quality	Discharge to Uisce Éireann Mutton Island WWTP for treatment.	No significant impacts on designated sites	

		and, No wastewater to discharge on- site					
Conclusion	Overall, the proposal presents no significant impacts to surface water and groundwater quality provided the proposed mitigation measures are implemented.						
Topic	Air Quality (EIAR Chapter 9)						
Appeal Issues:	Concerns raised in the grounds of appeal regarding impacts from Dust on adjoining properties during construction.						
Comments	Air Quality Impacts also considered in the EIAR Chapter 5 Population and Human Health.						
Difficulties:	No limitations or difficulties were encountered in the preparation of the Air Chapter of the EIAR.						
	Construction Phase			Operational Phase			Cumulative
Impacts	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
General Air Quality	Exhaust emissions from construction vehicles and plant	Standard and good practice measures	short term, imperceptible, negative effect	Exhaust emissions from vehicle movements of maintenance	Standard and good practice measures	Long-term, Imperceptible, Neutral effect.	Given the nature of scale of the Proposed Development and the limited

				workers. This will give rise to a long-term, slight, negative effect.			number and size of other developments in the vicinity, there will be no significant cumulative effects on Air Quality.
Dust	Dust generated by excavations, construction of paths/roads, and the transportation of construction and waste. There will be a short term, moderate negative effects on local receptors.	Standard and good practice measures including the implementation of the CEMP. Quarterly dust monitoring. Maintenance of a complaint log.	short-term, imperceptible, negative	No effects identified	N/A	N/A	
Conclusion	It is concluded that there will be no significant effects on Air Quality from the Proposed Development.						
Topic	Climate (EIAR Chapter 10)						
Appeal Issues:	None						
Impacts	Construction Phase			Operational Phase		Cumulative	

	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
Greenhouse Gas Emissions	Greenhouse gas emissions, e.g., carbon dioxide (CO ₂), carbon monoxide and nitrogen oxides, associated with the production of construction materials (such as Cement), and operation of vehicles and plant, transport of construction materials and waste production will arise as a result of the construction activities.	Standard and good practice measures including the implementation of the CEMP, which includes a Recourse Waste Management Plan and Traffic Management Plan,	short-term imperceptible negative effect and is not significant.	release or greenhouse gas emissions, through the burning of fossil fuels in the form of natural gas for heating purposes, diesel and petrol for transportation purposes and methane for waste management purposes.	Mitigation measures including the provision / use of DCV for controlled natural ventilation, energy-efficient lighting technologies, such as LED bulbs and advanced lighting controls, renewable energy sources, such as solar photovoltaic	long-term slight negative effect on Climate.	no significant cumulative effects on climate.

					panels, and heat pumps, water-efficient fixtures, such as low-flow toilets and showerheads,		
Conclusion	It is concluded that there will be no significant effects on climate from the Proposed Development.						
Topic	Noise (<i>EIAR Chapter 11</i>)						
Appeal Issues:	Concerns raised in the appeal regarding the potential impacts of noise during construction on the amenities of properties in the area.						
Difficulties	No difficulties were encountered in undertaking the noise impact assessment.						
Impacts	Construction Phase			Operational Phase			Cumulative
	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result

Construction Noise	In most cases, construction phase noise impacts will be imperceptible to slight negative. Exceptions are: During ground clearance works, impacts will increase (temporarily) to moderate negative at receptors immediately adjacent to the northeast corner and to significant negative at receptor R49 adjacent to the southwest corner. Onsite roadway construction works may give rise to moderate negative impacts at R40 and R49. Works in proximity to these receptors is likely to take approximately one day, and impacts will therefore be brief.	Standard and good practice measures. Advance notification to local residents prior to commencement of any onsite works within 50m.	Receptors immediately adjacent to Proposed Development perimeter – Negative, slight to moderate and brief / temporary All other receptors:- Neutral to negative; Imperceptible to not significant; Temporary to short term	N/A	-	-	Cumulative construction noise impacts slight to moderate negative, and temporary.
---------------------------	--	--	--	-----	---	---	---

Traffic Noise	During the construction phase, vehicles will arrive at, and depart from, the site during the working day. Vehicle movements will be associated with workers' arrival and departure and delivery of materials. Construction traffic noise impacts will be imperceptible and short term.		Neutral Imperceptible, short term	Neutral and imperceptible impacts at surrounding receptors due to movements on onsite roadways across the site. imperceptible to slight negative impacts at Altán receptors due to movements on the northwest access road. Imperceptible. impacts across the wider area due to increases in road traffic on the surrounding road network as a result of the	N/A	Altan - Neutral to negative, imperceptible to moderate permanent Offsite receptors removed from access roadway and All offsite receptors- Neutral, Imperceptible and Long term	Impacts will range from slight negative to significant negative,
----------------------	--	--	---	---	-----	--	--

				Proposed Development.			
Vibration	No construction vibration impacts are expected at offsite receptors	-	Neutral Imperceptible, short term				
Operational Community Noise	-	--		Noise levels will be similar to those arising at surrounding residential areas, and will be consistent with the local soundscape	N/A		Neutral, Imperceptible, long term
Conclusion:	It is considered that there will be no negative noise impact on the local population or on human health.						
Topic	Cultural Heritage (EIAR Chapter 12)						
Appeal Issues	None						
Difficulties	No difficulties were encountered during the compilation of this chapter.						
	Construction Phase			Operational Phase		Cumulative	

Impacts	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Results
Archaeology:	Potential for previously unrecorded, sub-surface archaeological remains to be uncovered during excavation the potential to result in permanent, direct, moderate – significant effects on such remains if not mitigated	Pre-development archaeological testing under licence from the National Monuments Service If required, reservation in situ (avoidance), preservation by record (excavation), Obligatory processes under the Licence application to	slight/moderate	No effects identified	N/A	N/A	

		the National Monuments Service also function as a monitoring system to ensure successful implementation of the mitigation measures.					
Architectural Heritage	No effects identified	N/A	N/A	No effects identified	N/A	N/A	N/A
Conclusion:	After mitigation, no residual impacts on archaeological heritage are expected.						
Topic	LVIA (EIAR Chapter 13)						
Appeal Issues:	Concerns raised regarding the quantum of apartments proposed. It is considered by third-parties that quantum of apartments would be incongruous and out of character with the prevailing pattern of development in the area. This matter is addressed in section 8.5 Development and Design Strategy.						
Difficulties	None identified						
Comments	The Appendix to Chapter 13 include a Landscape Visual Impact Assessment Methodology and Photomontage Booklet						

Impacts	Construction Phase			Operational Phase			Cumulative
	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
Landscape Effects	Transformation of the landscape from requisite earthworks and construction activities, as well as the noise and dust from construction operations, material transport, and increased site traffic. Moderate', 'Short-Term', 'Negative'	Implementation of appropriate site management procedures – such as the control of site lighting, storage of materials, placement of compounds, delivery of materials and appropriate car parking.	Moderate', 'Short-Term', 'Negative'	Development will result in a substantial change to the physical fabric of the landscape of the site and its landscape character. The landscape will be changed from an undeveloped greenfield area of low intensity fields and scrub land to a suburban landscape comprising residential	Landscaping including retention of boundary vegetation. Grena corridors		No significant cumulative landscape and visual effects are likely to arise as a result of the Proposed Development.

				development, roads and all other supporting infrastructure. Positive impact Green Network & Kingston Park due to potential for ecological and recreational connectivity			
Visual Effects	Most visibility of construction activities / crane operations will occur from the rear of residential properties immediately adjoining the Proposed Development site	Standard and good practice measures. Waste management plan to ensure the site is kept tidy, dust is kept to a minimum and that public areas are kept free from	'Short-term', 'Negative' residual visual effects of 'Moderate' significance	The greatest visual effects will occur from a relatively small number of residential receptors in close proximity to the Proposed Development,	Mitigation by design. Landscaping	'Residual visual effects were deemed to be 'Slight' from 4 Viewpoints, and 'Moderate' from 3 Viewpoints. The visual effects occur within a highly	

		building material and site rubbish. Site hoarding appropriately scaled, finished and maintained				localised area representing a small number of residential receptors and the local road network in very close proximity to the Proposed Development.	
Conclusion	Likely landscape and visual effects anticipated from the Proposed Development are not deemed to be significant. Considering the zoning of these lands, residual effects upon the landscape and visual amenity are deemed to be acceptable and in line with the sustainable development of the area.						
Topic	Major Accidents and Natural Disasters (<i>EIAR Chapter 14</i>)						
Appeal Issues:	None						
	Chapter 14 of the EIAR describes the likely significant effects on the environment arising from the vulnerability of the Proposed Development to risks of major accidents and/or natural disasters, as well as the potential of the Proposed Development itself to cause potential major accidents and/or natural disasters. Major accidents or natural disasters are hazards which have the potential to affect the Proposed Development and consequently have potential effects on the environment. These include accidents during construction and operation caused by operational failure and/or natural hazards.						

	The assessment of the risk of major accidents and/or disaster considers all factors defined in the EIA Directive that have been considered in this EIAR, i.e., population and human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and the landscape. The scenario with the highest risk score in terms of the occurrence of major accident and/or disaster during construction was identified as 'Contamination' of the Proposed Development site and risk of 'Fire/Explosion' during construction and operation. The Proposed Development will be designed and built in line with the best practice measures set out in this EIAR and, as such, mitigation against the risk of major accidents and/or disasters is embedded through the design. The CEMP for the scheme sets out the Emergency Response Procedure to be adopted in the event of an emergency including contamination, health and safety and environmental protection. The CEMP provides details on all mitigation and monitoring measures to be actioned prior to construction, during the construction and operational and maintenance phases. The CEMP will be subject to ongoing review through regular environmental auditing and site inspections. The CEMP includes an Emergency Response Plan (ERP). The risk of a major accident and/or disaster during the construction of the Proposed Development is considered 'low' in accordance with the 'Guide to Risk Assessment in Major Emergency Management' (DoEHLG, 2010). There is no real likelihood of significant environmental effects cumulatively associated with the Proposed Developments potential to cause accidents or natural disasters.
Conclusion	I consider, having regard to the location of the site, the nature and design of the development proposed and Standard and good practice measures proposed including the implementation of CEMP, that there is no potential for any significant direct, indirect or cumulative effects on the potential for Major Accidents and Disasters as a result of the proposed development
Topic	Material Assets (EIAR Chapter 15):
Comments	This Chapter considered Traffic and Transport and Utilities Water and Other Services.
Difficulties:	None

Appeal Issues:	Issues raised in the appeal in respect of Traffic and Transportation are also addressed in section 8. 6 Traffic and Transportation of the planning assessment.						
Impacts	Construction Phase			Operational Phase			Cumulative
Impacts: Traffic and Transport Impacts	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
Traffic	Increased construction traffic flows onto existing roads network: Short-Term Slight Negative	Mitigation by design (minimised excavation works) and HGV traffic directed away from communities and sensitive receptors. implementation of a haulage plan, delivery scheduling, and measures	slight in significance, and strictly limited to the duration of the construction phase.	Development-Generated Traffic added onto surrounding Road Network; Long-Term Slight Negative	Appropriate road markings, signage and public lighting. Improved pedestrian and cycle connectivity. Provision of bicycle stands and EV changing points.	Residual impact not clearly stated. The analysis indicates Traffic generated from the Proposed Development will have a minimal effect on the existing traffic volumes on the network.	long term imperceptible negative cumulative impact on local traffic.

Walking	Increased construction traffic flows resulting in an increased risk to existing pedestrian movements. Short-Term Imperceptible Negative	to prevent on-road waiting or parking. Standard and good practice measures. and monitoring of construction traffic		An increase in pedestrian traffic to local schools, shop amenity and sports facilities, and to Galway City Centre: Long-Term Slight Positive	Reduction in on-site parking. Implementation of a Mobility Management Plan which measures designed to encourage a shift towards active travel.		
Cycling	Construction Traffic Flows resulting in an increased risk on the existing cycle network: Short-Term Imperceptible Negative			An increase in cycle activity utilising existing network: Long-Term Slight Positive			
Impacts - Utilities, Water and Other Services	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Potential, Direct and Indirect Effects	Mitigation and Monitoring	Residual	Result
Services	Potential damage to existing underground and overhead electricity	Measures outlined in CEMP include surveys of	Short-term slight negative	Provision of new underground services; Requirement for	Addressed by way of design. Reference	long-term neutral imperceptible	short-term imperceptible cumulative impact on built

	cables and other services causing injury or death	excavation areas, liaison with relevant section of Local Authority, excavation permits and adherence to standard construction codes of practice.		additional resources, including electricity and potable water. The generation of operational phase waste, including wastewater; Changes to land-use.	made to The Civil Works Design Report in Appendix 4-3 of this EIAR		services and waste management from the Proposed Development and other developments in the area.
Waste Generation	Production of municipal waste (site office, canteen) and construction/demolition waste (wood, rubble, metal, etc	Standard and good practice measures. Implementation of CEMP and CDWMP.		None identified	-	-	
Conclusion	The EIAR concludes that the proposed Development will have no impact on built services and waste management. Note: The EIAR does not identify the potential risk from waste generated during the operation phase of the development. While I accept that the risk of same is unlikely to be significant, I would recommend that the Commission, should they be of a mind to grant permission, include a condition that requires the submission of an operational waste management plan, prior to commencement of development						

9.5. Cumulative Effects

- 9.5.1. Each individual chapter provides an assessment of the cumulative impact of the development. The projects considered in relation to the potential for cumulative impacts arising from the Proposed Development are set out in Appendix 2-2 of the EIAR. The methodology adopted for the cumulative impact assessment and justification for the extent of the study areas for each topic are discussed Chapter 2, section 2.6 of the EIAR addresses.
- 9.5.2. I am satisfied that the EIAR has adequately addressed the cumulative impact. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ significantly from that envisaged under the Galway City Development Plan 2023-2029 which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of GCDP, and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the provisions of the GCDP and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

9.6. Transboundary Effects

- 9.6.1. Given the location of the proposed development there is no potential for significant transboundary effects.

9.7. Interactive Impacts

- 9.7.1. Chapter 16 of the EIAR identifies, describes and assesses the potential interactive impacts of the proposed development during its construction and operation. Table 16.1 of the EIAR provides a summary of interactions which is set out in matrix

format. The matrix highlights the occurrence of potential positive or negative effects of the Proposed Development. The development is concluded in the EIAR to have no significant negative impacts when mitigation measures are incorporated.

- 9.7.2. The development is concluded in the EIAR to have no significant negative impacts when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

9.8. Mitigation Measures

- 9.8.1. Chapter 17 provides a summary of the recommended mitigation measures and monitoring.
- 9.8.2. The issue is raised in the grounds of appeal of the 2nd named appellant that the applicants have not committed on any mitigation measures for the septic tank serving his property (also see Section 8.2 above). In my opinion, the development of this site as proposed would be unlikely to have any significant impact on the appellant's septic tank and no additional mitigation is required.

9.9. Reasoned Conclusion

- 9.9.1. I consider that the EIAR provided information which is reasonable and sufficient to allow the Commission to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. I am satisfied that the information contained in the EIAR is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

9.9.2. Having regard to the examination of the environmental information contained above, and in particular the EIAR and supplementary information provided by the applicant, and the submissions from third parties and from prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health:

- Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, the consolidation of the urban area, the availability of additional housing and a childcare facility when complete and the provision of public open space areas and improved permeability / connectivity at local level.
- Short-term, negative impacts during the construction phase on residential amenity, tourism, transport, connectivity and human health in terms of general disturbance, noise, dust and construction traffic. This is readily mitigated by standard good practices as outlined in the EIAR Chapter 17 Schedule of Mitigation and the CEMP.

Biodiversity:

- Construction stage would result in the loss and / or damage / fragmentation of habitat, including the loss of sub-optimal foraging and commuting bat habitat. The initial impact would be significant but would be reduced to insignificant over time once the proposed landscaping and tree planting scheme becomes established.
- Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, a suite of appropriate construction phase management (included in a Construction and Environmental Management Plan), lighting design, proposed landscaping, the appropriate timing of works and various enhancement measures including the creation of wildflower meadows and the liner green corridors.
- Spread of invasive species to be mitigated through the Implementation of Invasive Species Management Plan

Land, Soil, Water, Air and Climate:

- The development of these lands would result in the loss of and removal of in-situ soil but would facilitate appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including several pollution prevention and control measures resulting imperceptible residual impacts on land, soils and geology.
- Impacts on groundwater and surface water quality, would be mitigated by standard good practice measures including a Construction Environmental Management Plan, by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures and connection to public mains water and wastewater networks.
- Overall slight / imperceptible impact on climate and air quality due to the nature and scale of the development.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate construction management measures.

Material Assets, Cultural Heritage and the Landscape:

- Direct impacts on unknown / undiscovered archaeological remains / features during the construction phase would be mitigated by appropriate archaeological monitoring with provision made for resolution of any archaeological features / deposits that may be identified, resulting in no residual impacts for archaeological, architectural and cultural heritage.
- There will be permanent visual changes to the landscape which may impact views from neighbouring residential areas. This will be mitigated by the proposed landscaping scheme. Once operational, the proposed development will read as part of the built-up area and would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.

- Potential for light short-term negative impacts in terms of construction traffic to be mitigated as part of a Construction and Environmental Management Plan and haulage plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and thought the implementation of a Mobility Management Plan. The development will provided additional critical mass to support existing public transport services and bus routes.
- Potential effects on waste management during construction will be mitigated by a Construction and Environmental Management Plan, a Construction Demolition Waste Management Plan.

9.10. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory to enable the likely significant direct environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments.

10.0 Appropriate Assessment (AA)

- 10.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Galway Bay Complex SAC and / or Inner Galway Bay SPA in view of their conservation objectives and that Appropriate Assessment under the provisions of Section 177U was required.
- 10.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted (see appendix 1) I consider that adverse effects on site integrity of the Galway Bay Complex SAC and Inner Galway Bay SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

10.2.1. My conclusion is based on the following:

- The nature, scale and location of the proposed development.
- The contents of the applicants Natura Impact Statement.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, EIAR and the outline Construction & Environmental Management Plan.
- Application of planning conditions to ensure the mitigation measures proposed are undertaken.

11.0 Water Framework Directive (WFD)

11.1. I refer the Commission to Appendix 2 of this report.

11.2. The purpose of the Water Framework Directive (WFD) is to protect and enhance all waters as well as water dependent wildlife and habitats, with the aim to achieve 'good' water quality status for all waters subject to the WFD and to mitigate against the risk of a decline in the water body quality and quantity status.

11.3. The proposed development comprises large scale residential development of 362no residential units and ancillary creche (refer to section 2 for details). No water deterioration concerns were raised in the planning appeal. An Taisce in their report to the planning authority raised concerns regarding the adequacy of the wastewater treatment infrastructure in Galway to accommodate the proposed development and the potential impacts on water quality associated with these deficiencies. These concerns have been addressed in section 8.7 above.

11.4. I have assessed the proposed development having regard to the information provided in the application documentation which includes Appropriate Assessment Screening Report and Natura Impact Statement; Environmental Impact Assessment Report; Site-Specific Flood Risk Assessment (SSFRA) and Construction Environmental Management Plan and publicly available information on www.catchments.ie.

11.5. The Proposed Development site is located within the Galway Bay North hydrological catchment (Catchment 31), and the Knock [Furbo]_SC_010 hydrological sub-

catchment. The culverted Knocknacarragh stream watercourse (part of the Knocknacarragh_010 system) is located approximately 10m from the northern boundary of the Proposed Development site, at its closes point. According to the River Waterbodies Risk on EPA Maps, the Knocknacarragh_010 system is under review. Further, the River Waterbody Water Framework Directive (WFD) Status 2016-2021 awarded the Knocknacarragh_010 system a “Poor” Status. The Proposed Development site is underlain by the Spiddal groundwater body which is described as ‘poorly productive bedrock’. In terms of vulnerability to contamination by human activities, the Spiddal groundwater body in the vicinity of the Proposed Development Site is of ‘Extreme’ and ‘High’ vulnerability with ‘Exposed rock’ also present, as per EPA maps. The WFD Status 2016-2021 for the Spiddal groundwater body was deemed to be ‘Good’.

11.6. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground waterbodies, in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 significant risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

11.7. The reason for this conclusion is as follows:

- The location of the development within the built-up area
- The nature and design of the proposed development which includes the provision of Sustainable Urban Drainage Systems
- The absence of any surface water feature on site
- The location of the appeal site outside an area at risk of flooding.
- The effectiveness of the mitigation measures proposed and adoption of a CEMP.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 Recommendation

Having regard to the foregoing assessments, I recommend a split decision as follows:

I recommend that permission be REFUSED for that part of the proposed development on the portion of the site located on lands within Folio GY4809 and which comprise 41no. residential units (unit No's 86 to 126 inclusive), their associated amenity areas, parking, access roads and services and the shared pedestrian and cycle path connecting the proposed development site to Kingston Road for the reasons and consideration marked (1) below, and,

I recommend that permission be GRANTED for the remainder of the development as proposed, in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

13.0 Reasons and Considerations (1)

13.1. Reason for Refusal

The Commission is not satisfied on the basis of the information provided that the applicant has clearly demonstrated compliance with Article 22(2)(g) of the Planning and Development Regulations 2001 (as amended) for the parcel of land identified as Folio GY4809 and therefore permission for this portion of the proposed development comprising 41no. of residential units should be refused.

14.0 Reasons and Considerations (2)

14.1. Grant

Having regard to:

- (a) The location of the site in Galway City,
- (b) Policies and objectives set out in Project Ireland 2040 – National Planning Framework, First Revision (April 2025) and the Regional Spatial and Economic Strategy for the Northern & Western Regional Assembly 2022-2032
- (c) Policies and objectives set out in the Galway City Development Plan 2023-2029 (as varied), including the zoning objectives for the subject site, and the permitted uses therein.
- (d) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- (e) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.
- (f) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.
- (g) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018
- (h) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- (i) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019.
- (j) The Climate Action Plan 2025 prepared by the Government of Ireland
- (k) The objectives and targets of the National Biodiversity Plan 2023-2030
- (l) The nature, scale and design of the proposed development.
- (m) The existing and prevailing pattern of development in the area.

- (n) the availability of physical, social and community infrastructure and services in the area, including public transport services
- (o) the submissions received.
- (p) The grounds of appeal
- (q) The reports from the Planning Authority.

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this suburban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would not seriously impact the archaeological or natural heritage value of the site, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Galway City Development Plan 2023-2029, as varied, save for the provisions of the plan relating to Amenity Open Space Provision in Residential Areas (Chapter 11, Section 11.3.1(c) on Communal Open Space.

Nevertheless, having regard to the overall design quality of the proposed residential scheme, and the quality public / communal amenity open space proposed in terms of its design, layout and it is considered that the proposed scheme would deliver a high standard of residential amenity to future occupants and would not unduly impact the amenities of existing properties in the area

Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), is considered having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

15.0 Recommended Draft Order

15.1. Appeal by Gort Siar Residents and Jerry D’Onofrio against the decision made on the 9th of April 2026 by Galway City Council to grant permission Kingston Stables Ltd and by Kingston Stable Ltd against condition 28 as attached to the grant of permission issued on the 9th of April 2026.

15.2. Proposed Development

The proposed development will consist of a 10-year planning permission for a large-Scale Residential Development (LRD) comprising:

1. Provision of 362 no. residential units in 4 no. development areas with a mix of apartment and house types on a site area of 5.37 ha. The buildings range between 2 no. and 6 no. storeys in height. The development will comprise the following: • 4 no. 2-bed townhouses; • 40 no. 3-bed townhouses; • 21 no. 4-bed townhouses; • 15 no. 1-bedroom duplex apartments; • 46 no. 2-bedroom duplex apartments; • 15 no. 2-bedroom duplex houses; • 46 no. 3-bedroom duplex houses; • 114 no. 1-bedroom apartments; • 56 no. 2-bedroom apartments; • 5 no. 3-bedroom apartments.
2. Demolition of existing structures (333.8 sqm);
3. Vehicular access to the proposed development from a permitted road (Planning Reference 24/60370 refers);
4. The provision of new active travel cycle and pedestrian access from Millers Lane;
5. Upgrades to the existing access at Kingston Road
6. The provision of a childcare facility (440 sq.m.);
7. The provision of public open space;
8. The provision of 665 no. bicycle parking spaces;
9. The provision of 313 no. car parking spaces;

10. Public lighting, bin stores, signage, services, ESB substation, site landscaping and all ancillary site development and enabling works.

15.3. **Decision**

15.3.1. Split Decision:

REFUSE permission for that part of the proposed development on the portion of the site located on lands within Folio GY4809 and which comprise 41no. residential units (unit No's 86 to 126 inclusive), their associated amenity areas, parking, access roads and services and the shared pedestrian and cycle path connecting the proposed development site to Kingston Road for the reasons and consideration marked (1) below

GRANT permission for the remainder of the proposed development comprising 321no. residential units and a childcare facility in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

15.3.2. Matters Considered

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

15.3.3. Reasons and Considerations (1)

Reason for Refusal:

The Commission is not satisfied on the basis of the information provided that the applicant has clearly demonstrated compliance with Article 22(2)(g) of the Planning and Development Regulations 2001 (as amended) for the parcel of land identified as Folio GY4809 and therefore permission for this portion of the proposed development comprising 41no. of residential units should be refused.

15.3.4. Reasons and Considerations (2)

Grant:

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

- (a) The location of the site in Galway City,
- (b) Policies and objectives set out in Project Ireland 2040 – National Planning Framework, First Revision (April 2025) and the Regional Spatial and Economic Strategy for the Northern & Western Regional Assembly 2022-2032
- (c) Policies and objectives set out in the Galway City Development Plan 2023-2029 (as varied), including the zoning objectives for the subject site, and the permitted uses therein.
- (d) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- (e) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024.
- (f) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2025.
- (g) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018
- (h) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- (i) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019.
- (j) The Climate Action Plan 2025 prepared by the Government of Ireland
- (k) The objectives and targets of the National Biodiversity Plan 2023-2030
- (l) The nature, scale and design of the proposed development.

- (m) The existing and prevailing pattern of development in the area.
- (n) The availability of physical, social and community infrastructure and services in the area, including public transport services
- (o) The submissions received.
- (p) The grounds of appeal
- (q) The reports from the Planning Authority.
- (r) The report of the Planning Inspector

15.4. Environmental Impact Assessment (EIA):

15.4.1. The Commission completed an environmental impact assessment of the proposed development, taking into account:

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

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Having regard to the examination of environmental information contained above, and in particular in the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies and the third-party appellant, the Commission considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are:

Population and Human Health:

- Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, the consolidation of the urban area, the availability of additional housing and a childcare facility when complete and the provision of public open space areas and improved permeability / connectivity at local level.
- Short-term, negative impacts during the construction phase on residential amenity, tourism, transport, connectivity and human health in terms of general disturbance, noise, dust and construction traffic. This is readily mitigated by standard good practices as outlined in the EIAR Chapter 17 Schedule of Mitigation and the CEMP.

Biodiversity:

- Construction stage would result in the loss and / or damage / fragmentation of habitat, including the loss of sub-optimal foraging and commuting bat habitat. The initial impact would be significant but would be reduced to insignificant over time once the proposed landscaping and tree planting scheme becomes established.
- Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, a suite of appropriate construction phase management (included in a Construction and Environmental Management Plan), lighting design, proposed landscaping, the appropriate timing of works and various enhancement measures including the creation of wildflower meadows and the liner green corridors.
- Spread of invasive species to be mitigated through the Implementation of Invasive Species Management Plan

Land, Soil, Water, Air and Climate:

- The development of these lands would result in the loss of and removal of in-situ soil but would facilitate appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

- Direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including several pollution prevention and control measures resulting imperceptible residual impacts on land, soils and geology.
- Impacts on groundwater and surface water quality, would be mitigated by standard good practice measures including a Construction Environmental Management Plan, by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures and connection to public mains water and wastewater networks.
- Overall slight / imperceptible impact on climate and air quality due to the nature and scale of the development.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate construction management measures.

Material Assets, Cultural Heritage and the Landscape:

- Direct impacts on unknown / undiscovered archaeological remains / features during the construction phase would be mitigated by appropriate archaeological monitoring with provision made for resolution of any archaeological features / deposits that may be identified, resulting in no residual impacts for archaeological, architectural and cultural heritage.
- There will be permanent visual changes to the landscape which may impact views from neighbouring residential areas. This will be mitigated by the proposed landscaping scheme. Once operational, the proposed development will read as part of the built-up area and would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view.
- Potential for light short-term negative impacts in terms of construction traffic to be mitigated as part of a Construction and Environmental Management Plan and haulage plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and thought the implementation of a

Mobility Management Plan. The development will provided additional critical mass to support existing public transport services and bus routes.

- Potential effects on waste management during construction will be mitigated by a Construction and Environmental Management Plan, a Construction Demolition Waste Management Plan.

15.4.2. The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

15.5. Appropriate Assessment (AA): - Stage 1

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the documents submitted with the planning application and appeal including the Appropriate Assessment Screening Report, the Inspector's Report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Galway Bay Complex SAC (Site code: 000268) and / or Inner Galway Bay SPA (Site Code: 004031) in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement was, therefore, required.

15.6. Appropriate Assessment (AA): - Stage 2:

The Commission considered the Natura Impact Statement submitted by the applicant and all other relevant documentation on the file and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Galway Bay Complex SAC (Site code: 000268) and / or Inner Galway Bay SPA (Site Code:

004031), in view of the sites' Conservation Objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. The Commission concluded that the project, individually or in combination with other plans or projects, would not adversely affect the integrity of the Galway Bay Complex SAC (Site code: 000268) and / or Inner Galway Bay SPA (Site Code: 004031) in view of the sites' Conservation Objectives and qualifying interests. This conclusion is based on the following:

- The nature, scale and location of the proposed development.
- The contents of the applicants Natura Impact Statement.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, EIAR and the outline Construction & Environmental Management Plan.
- Application of planning conditions to ensure the mitigation measures proposed are undertaken.

15.7. Conclusions on Proper Planning and Sustainable Development:

15.7.1. The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this suburban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would not seriously impact the archaeological or natural heritage value of the site, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

15.7.2. The proposed development would be in accordance with the relevant provisions of the Galway City Development Plan 2023-2029, as varied, save for the provisions of the plan relating to Amenity Open Space Provision in Residential Areas (Chapter 11, Section 11.3.1(c) on Communal Open Space. Nevertheless, having regard to the overall design quality of the proposed residential scheme, and the quality public / communal amenity open space proposed in terms of its design, layout and location it is considered that the proposed scheme would deliver a high standard of residential

amenity to future occupants and would not unduly impact the amenities of existing properties in the area

- 15.8. Therefore, in light of the above and having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), is considered having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.
- 15.9. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

16.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 5th of February 2026, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination. Reason: In the interest of clarity
----	---

2.	This permission does not include for that part of the proposed development on the portion of the site associated with Land Registry Folio GY4809 and which comprise 41no. residential units (unit No's 86 to 126 inclusive), their associated amenity areas, parking, access roads and services and the shared pedestrian and cycle path connecting the proposed development site to Kingston Road. Revised Layout Drawings showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: For Clarification
3.	The period during which the development hereby permitted may be carried out shall be 7-years from the date of this order. Reason: Having regard to the nature, scale and location of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.
4.	The development hereby permitted shall contain 321 no. residential units. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission. Reason: In the interest of clarity and to ensure the maintenance of a residential community
5.	The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented. Reason: To protect the environment.
6.	The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

	Reason: To protect the integrity of European Sites.
7.	All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period. Reason: To ensure compliance with mitigation measures and to protect biodiversity.
8.	The proposed development shall be amended as follows: House No. 48 (Threadneedle Quarter) – the proposed first-floor rear (west) facing bay window shall be omitted and replaced with a new west facing window fitted with obscure glazing to a height of 1.8m. An additional north facing window shall also be provided to serve that bedroom Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interests of residential amenity and to prevent direct overlooking.
9.	Prior to the commencement of development, the applicant shall submit an improved layout for the cul-de-sac type roadway along the proposed Creche, providing either a turning circle, or a revised reversing location, these details shall be agreed with the Planning Authority in writing Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

10.	No residential unit dwelling, apartment or duplex unit shall be occupied until such time as the roadway, footpaths and cycle paths accessing the site from the School/Roundabout roadway have been fully constructed. The developer shall inform the Planning Authority in writing of the completion of this element of the development and shall seek a letter of compliance from the Planning Authority. Until the receipt of such a letter of compliance by the developer from the Planning Authority, Reason: To ensure that the development is carried out in accordance with the permission and that effective control is maintained in the interest of proper planning and sustainable development of the area.
11.	Details of the materials, colours and textures of all the external finishes to all proposed buildings and structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.
12.	No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.
13.	Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning

	authority's written agreement to the proposed name(s). Reason: In the interest of urban legibility
14.	Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities
15.	Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement. Reason: In the interest of public health and surface water management.
16.	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

17.	Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Reason: In the interest of amenity and public safety.
18.	The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Reason: In the interest of amenity and of traffic and pedestrian safety.
19.	All roads and footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing [a revised taking in charge drawing] which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Reason: In the interest of permeability and proper planning and sustainable development.
20.	All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses 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.

21.	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR and NIS for the application. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection
22.	(a) Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The TMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development. (b) No construction traffic shall enter the site via the Kingston Road Reason: In the interest of traffic safety and convenience and residential amenity
23.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity

24.	Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of the Invasive Species Management Plan for this site shall be incorporated within this plan. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. Reason: In the interest of sustainable waste management
25.	Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA’s Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of proper planning and sustainable development
26.	A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [within each house plot and/or for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

	Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment
27.	Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and Quality Audit(s) of the development, including, internal road and path layouts, shall be submitted to and agreed in writing with the planning authority. Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.
28.	The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.
29.	(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.
30.	The site shall be landscaped in accordance with the plans and particulars, including the Landscape Design Rationale Report, lodged with the

	application and as amended by the further plans and particulars received by the planning authority on the 5th day of February 2026 and shall be carried out 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
31.	All mitigation measures in relation to archaeology and cultural heritage as set out in the Chapter 12 of the EIAR included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer. Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest
32.	(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

	(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing. (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit. Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
33.	Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún 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 of the area
34.	Prior to the commencement of development, the location of two pieces of artwork shall be agreed to be located within this development. The evolution of the design should include the creation of an aesthetic object/s, either reflecting the natural or built environment, or an abstract piece all of which should allow for the generation experiences which can be shared with others within this new community. The artwork proposed for this development shall be sponsored by the developer. The details and timeframe for its erection shall be agreed in writing with the planning authority prior to the commencement of development. Reason: In the interest of residential amenities and the proper planning and sustainable development of the area
35.	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 Coimisiún Pleanála for determination. Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.
36.	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 Coimisiún 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.
--	--

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Lucy Roche
Planning Inspector
17th September 2026

Appendix 1(a): Screening for Appropriate Assessment - Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		The proposed development is described in Section 2 of this report. In brief, the project is a large-scale residential development, comprising the demolition of existing structures (333.8 sqm); and the construction of 362 no. residential units, a childcare facility and all associated site works and services.		
Brief description of development site characteristics and potential impact mechanisms		The Proposed Development site is located in Knocknacarra, Galway City, covering an area of approx. 5.37ha. The site is contained within the Knocknacarra Masterplan Area at Knocknacarra, Galway which is approximately 3.1km west of Galway City Centre. Currently, the site is comprised of a mixture of agricultural grassland and areas of brownfield. Stone walls and treelines are also present within the Proposed Development site boundary. The surrounding area is urban in character with a number of residential housing estates and commercial and industrial buildings in close proximity.		
Screening report		Yes		
Natura Impact Statement		Yes		
Relevant submissions		The Second Named Appellant, Jerry D’Onofrio, notes that his property is served by a septic tank, he requests that this be taken into account in the appropriate assessment. An Taisce, in their report to the planning authority (November 2025) raised concerns regarding the adequacy of the wastewater treatment system in Galway to cater for the additional loading generated by the proposed LRD and the potential impacts of same on receiving waters within Galway Bay.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Galway Bay Complex SAC [000268]	[1140] Mudflats and sandflats not covered by seawater at low tide	0.8km Downstream Hydrological distance via	There is potential hydrological connectivity between the Proposed Development site and	Yes

	[1150] Coastal lagoons [1160] Large shallow inlets and bays [1170] Reefs [1220] Perennial vegetation of stony banks [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows (<i>Glauco Puccinellietalia maritimae</i>) [1355] Otter (<i>Lutra lutra</i>) [1365] Harbour seal (<i>Phoca vitulina</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [3180] Turloughs [5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites) [7210] Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i> [7230] Alkaline fens	Knocknacarragh stream: 1.7km	the Galway Bay Complex SAC in the form of surface water connection via the Knocknacarragh stream (EPA Code: 31K16) which discharges into this SAC, approx. 1.7km downstream. A complete source pathway receptor chain for likely significant effect has been identified via the deterioration of surface and groundwaters during the construction and operation of the Proposed Development as well as the potential spread/ introduction of invasive species during the construction phase.	
Lough Corrib SAC [000297]	[1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) [1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>) [1095] Sea Lamprey (<i>Petromyzon marinus</i>)	2.6km	No pathway for significant effect on this European Site identified.	No

	[1096] Brook Lamprey (<i>Lampetra planeri</i>) [1106] Salmon (<i>Salmo salar</i>) [1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) [1355] Otter (<i>Lutra lutra</i>) [1393] Slender Green Feather-moss (<i>Drepanocladus vernicosus</i>) [1833] Slender Naiad (<i>Najas flexilis</i>) [3110] Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3130] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or Isoeto-Nanojuncetea [3140] Hard oligo mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco</i>			
Connemara Bog Complex SAC [002034]	[1065] Marsh Fritillary (<i>Edphydryas aurinia</i>) [1106] Salmon (<i>Salmo salar</i>) [1150] Coastal lagoons [1170] Reefs	Approximately 10km	No pathway for significant effect on this European Site identified.	No

	[1355] Otter (<i>Lutra lutra</i>) [1833] Slender Naiad (<i>Najas flexilis</i>) [3110] Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3130] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3160] Natural dystrophic lakes and ponds [3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [4010] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4030] European dry heaths [6410] <i>Molinia</i> meadows on calcareous, peaty or clayey silt-laden soils (<i>Molinion caeruleae</i>) [7130] Blanket bogs (* if active bog) [7140] Transition mires and quaking bogs [7150] Depressions on peat substrates of the <i>Rhynchosporion</i> [7230] Alkaline fens [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles			
Ross Lake and Woods SAC [001312]	[1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)	12.5km	No pathway for significant effect on	No

	[3140] Hard oligo mesotrophic waters with benthic vegetation of Chara spp.		this European Site identified.	
East Burren Complex SAC [001926]	[1065] Marsh Fritillary (<i>Edphydryas aurinia</i>) [1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) [1355] Otter (<i>Lutra lutra</i>) [3140] Hard oligo mesotrophic waters with benthic vegetation of Chara spp. [3180] Turloughs [3260] Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche Batrachium</i> vegetation [4060] Alpine and Boreal heaths [5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [6130] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (* important orchid sites) [6510] Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [7210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)	13.5km	No pathway for significant effect on this European Site identified.	No

	[7230] Alkaline fens [8240] Limestone pavements [8310] Caves not open to the public [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)			
Moneen Mountain SAC [000054]	[1065] Marsh Fritillary (<i>Edphydryas aurinia</i>) [1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) [3180] Turloughs [4060] Alpine and Boreal heaths [5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>) [8240] Limestone pavements	14.3km	No pathway for significant effect on this European Site identified.	No
Black Head Poulsallagh Complex SAC [000020]	[1170] Reefs [1220] Perennial vegetation of stony banks [1395] Petalwort (<i>Petalophyllum ralfsii</i>) [3260] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [4060] Alpine and Boreal heaths [5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands	14.8km	No pathway for significant effect on this European Site identified.	No

	[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites) [6510] Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>sanguisorba officinalis</i>) [7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>) [8240] Limestone pavements [8330] Submerged or partially submerged sea caves			
Inner Galway Bay SPA [004031]	[A003] Great Northern Diver (<i>Gavia immer</i>) [A017] Cormorant (<i>Phalacrocorax carbo</i>) [A028] Grey Heron (<i>Ardea cinerea</i>) [A046] Brent Goose (<i>Branta bernicla hrota</i>) [A050] Wigeon (<i>Anas Penelope</i>) [A052] Teal (<i>Anas crecca</i>) [A056] Shoveler (<i>Anas clypeata</i>) [A069] Red-breasted Merganser (<i>Mergus serrator</i>) [A137] Ringed Plover (<i>Charadrius hiaticula</i>) [A140] Golden Plover (<i>Pluvialis apricaria</i>) [A142] Lapwing (<i>Vanellus vanellus</i>) [A149] Dunlin (<i>Calidris alpina alpina</i>) [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A160] Curlew (<i>Numenius arquata</i>) [A162] Redshank (<i>Tringa tetanus</i>) [A169] Turnstone (<i>Arenaria interpres</i>) [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	1km Downstream Hydrological distance via Knocknacarragh stream: approx. 1.9km	Potential hydrological connectivity between the Proposed Development site and Inner Galway Bay SPA via the Knocknacarragh stream (EPA code: 31K16), which is culverted to the north of the Proposed Development site. Taking a precautionary approach, there is the potential for pollutants to percolate to groundwaters as a result of ground excavations during construction phases. As such, a potential pathway for indirect effects on SCI habitat [A999] Wetlands, (which all SCI bird species designated as part of this SPA are dependent on) in the form of groundwater and surface water was identified.	Yes

	[A182] Common Gull (Larus canus) [A191] Sandwich Tern (Sterna sandvicensis)			
Lough Corrib SPA [004042]	[A051] Gadwall (Anas strepera) [A056] Shoveler (Anas clypeata) [A059] Pochard (Aythya farina) [A061] Tufted Duck (Aythya fuligula) [A065] Common Scoter (Melanitta nigra) [A082] Hen Harrier (Circus cyaneus) [A125] Coot (Fulica atra) [A140] Golden Plover (Pluvialis apricaria) [A179] Black-headed Gull (Chroicocephalus ridibundus) [A182] Common Gull (Larus canus) [A193] Common Tern (Sterna hirundo) [A194] Arctic Tern (Sterna paradisaea) [A395] Greenland White fronted Goose (Anser albifrons flavirostris) [A999] Wetlands	3.6km	No pathway for significant effect on this European Site identified.	No
Cregganna Marsh SPA [004142]	[A395] Greenland White fronted Goose (Anser albifrons flavirostris)	10.8km	No pathway for significant effect on this European Site identified.	No
Connemara Bog Complex SPA [004181]	[A017] Cormorant (Phalacrocorax carbo) [A098] Merlin (Falco columbarius) [A140] Golden Plover (Pluvialis apricaria) [A182] Common Gull (Larus canus)	14.3km	No pathway for significant effect on this European Site identified.	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			

	Impacts	Effects
Site 1: Galway Bay Complex SAC [000268] [1140] Mudflats and sandflats not covered by seawater at low tide [1150] Coastal lagoons [1160] Large shallow inlets and bays [1170] Reefs [1220] Perennial vegetation of stony banks [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows (<i>Glauco Puccinellietalia maritima</i>) [1355] Otter (<i>Lutra lutra</i>) [1365] Harbour seal (<i>Phoca vitulina</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [3180] Turloughs [5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco</i>	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Risk of hydrological effects with the discharge of contaminants associated with the proposed development to ground affecting both underlying aquifer and downstream waterbodies. Spread of invasive species	Negative effect on habitat quality undermines conservation objectives related to water quality. The introduction of invasive species into Galway Bay Complex SAC, as a result of the construction of the Proposed Development, could result in degradation of the existing wetland habitats present, upon which the SCI species depend, and therefore undermine the conservation objectives for this SPA. Possibility of significant effects cannot be ruled out without further analysis and assessment.

Brometalia)(*important orchid sites) [7210] Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae [7230] Alkaline fens		
Likelihood of significant effects from proposed development (alone)		Yes
	Impacts	Effects
Site 2: Inner Galway Bay SPA [004031] QI list: [A003] Great Northern Diver (<i>Gavia immer</i>) [A017] Cormorant (<i>Phalacrocorax carbo</i>) [A028] Grey Heron (<i>Ardea cinerea</i>) [A046] Brent Goose (<i>Branta bernicla hrota</i>) [A050] Wigeon (<i>Anas Penelope</i>) [A052] Teal (<i>Anas crecca</i>) [A056] Shoveler (<i>Anas clypeata</i>) [A069] Red-breasted Merganser (<i>Mergus serrator</i>) [A137] Ringed Plover (<i>Charadrius hiaticula</i>) [A140] Golden Plover (<i>Pluvialis apricaria</i>) [A142] Lapwing (<i>Vanellus vanellus</i>) [A149] Dunlin (<i>Calidris alpina alpina</i>)	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Risk of hydrological effects with the discharge of contaminants associated with the proposed development to ground affecting both underlying aquifer and downstream waterbodies. Spread of invasive species	Negative effect on habitat quality undermines conservation objectives related to water quality. The introduction of invasive species into Inner Galway Bay SPA, as a result of the construction of the Proposed Development, could result in degradation of the existing wetland habitats present, upon which the SCI species depend, and therefore undermine the conservation objectives for this SPA. Possibility of significant effects cannot be ruled out without further analysis and assessment.

[A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A160] Curlew (<i>Numenius arquata</i>) [A162] Redshank (<i>Tringa tetanus</i>) [A169] Turnstone (<i>Arenaria interpres</i>) [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A182] Common Gull (<i>Larus canus</i>) [A191] Sandwich Tern (<i>Sterna sandvicensis</i>) [A193] Common Tern (<i>Sterna hirundo</i>) [A999] Wetlands		
Likelihood of significant effects from proposed development (alone):		Yes
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that proposed development alone would result significant effects on Galway Bay Complex SAC and Inner Galway Bay SPA for effects associated with the deterioration of water quality and the spread or introduction of the invasive species. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.		

Appendix 1(b) Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed LRD in view of the relevant conservation objectives of Galway Bay Complex SAC and Inner Galway Bay SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by MKO, Planning and Environmental Consultants
- The National Parks and Wildlife Services web site (www.npws.ie)
- The AA determination undertaken by the Planning Authority.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

The Second Named Appellant, Jerry D'Onofrio, notes that his property is served by a septic tank, he requests that this be taken into account in the appropriate assessment.

An Taisce, in their report to the planning authority (November 2025) raised concerns regarding the adequacy of the wastewater treatment system in Galway to cater for the additional loading generated by the proposed LRD and the potential impacts of same on receiving waters within Galway Bay.

NAME OF SAC/ SPA (SITE CODE): Galway Bay Complex SAC (site code 000268)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- The construction and operational phase of the Proposed Development may result in the deterioration of water quality in Galway Bay SAC via pollution to groundwaters through the percolation of polluting materials through the bedrock underlying the site and via surface waters, adversely impacting the aquatic or groundwater influenced QI habitats and species within the SAC, in the absence of mitigation.
- The construction phase of the Proposed Development may result in the degradation of QI habitats in Galway Bay SAC via the downstream spread or introduction of the invasive species recorded within and in close proximity to the Proposed Development site, via surface waters or the local drainage network, in the absence of mitigation.

See Table 5.1 NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (relevant and at risk) Refer to NPWS website for full details.	Potential adverse effects	Mitigation measures NIS SECTION 6.2.1.1.1
[1140] Mudflats and sandflats not covered by seawater at low tide	Maintain favourable conservation condition Habitat area: The permanent habitat area is stable or increasing, subject to natural processes. Community distribution: Conserve the following community types in a natural condition: Intertidal sandy mud community complex; and Intertidal sand community complex	Construction and operational phases of the Proposed Development may result in the deterioration of water quality in the SAC via pollution to groundwaters through the percolation of polluting materials through the bedrock underlying the site, and to surface waters, adversely impacting the water quality/ habitat quality and supporting habitats for aquatic fauna in this QI habitat: Mudflats and sandflats not covered by seawater at low tide within the SAC, in the absence of mitigation. Given the nature of this habitat, which is inundated by seawater at high tide, it is unlikely that the invasive species recorded on site (Three-cornered leek and Sea buckthorn) could survive in this high-saline environment, if they were to be transferred downstream via surface waters or the local drainage networks. Therefore, the potential for this QI habitat to be degraded as a result of the introduction of invasive species during the construction phase of the Proposed Development can be excluded.	The mitigation measures described in Section 6.2.1.1.1 of the NIS to protect water quality in the receiving environment will ensure that surface water quality protected during construction and operation of the Proposed Development.

[1150] Coastal lagoons	Restore the favourable conservation condition Water quality: Chlorophyll - Annual median chlorophyll a within natural ranges and less than 5µg/L Water quality: Molybdate Reactive Phosphorus (MRP) - Annual median MRP within natural ranges 0.1mg/L Water quality: Dissolved Inorganic Nitrogen (DIN) - Annual median DIN within natural ranges and less than 0.15mg/L	Construction and operational phases of the Proposed Development may result in the deterioration of water quality in the SAC via pollution to groundwaters through the percolation of polluting materials through the bedrock underlying the site, and to surface waters, adversely impacting the water quality/ habitat quality and supporting habitats for aquatic fauna in this QI habitat: Coastal Lagoons within the SAC, in the absence of mitigation. Given the marine nature of this habitat, and the intervening distance between this QI habitat and the Proposed Development site, it is unlikely that the invasive species recorded on site (Three-cornered leek and Sea buckthorn) could survive in this high-saline environment, if they were to be transferred downstream via surface waters or the local drainage networks. Therefore, the potential for this QI habitat to be degraded as a result of the introduction of invasive species during the construction phase of the Proposed Development can be excluded.	The mitigation measures described in Section 6.2.1.1.1 of the NIS to protect water quality in the receiving environment will ensure that surface water quality protected during construction and operation of the Proposed Development.
Large shallow inlets and bays [1160]	Maintain favourable conservation condition	As above:	As above
Reefs [1170]	Maintain favourable conservation condition	As Above	As above
Lutra lutra (Otter) [1355]	Restore the favourable conservation condition Distribution -No significant decline	No signs of otter were recorded during site surveys and no suitable supporting habitat exists within the boundary of the Proposed Development site. However, given the scale of the works proposed, the construction	As above

	Fish biomass available - No significant decline	and operational phases of the Proposed Development have potential to result in the deterioration of water quality in the SAC via pollution to groundwaters through the percolation of polluting materials through the bedrock underlying the site, and via surface waters, potentially adversely affecting the QI species otter as a result of habitat degradation or reduction in fish prey availability.	
Phoca vitulina (Harbour Seal) [1365]	Maintain favourable conservation condition	Taking a precautionary approach, given the scale of the works proposed, the construction and operational phases of the Proposed Development have potential to result in the deterioration of water quality in the SAC via pollution to groundwaters through the percolation of polluting materials through the bedrock underlying the site, and via surface waters, which has potential to adversely affect the QI species harbour seal. Given the distance of approx 3.8km to the nearest mapped resting site, approx 5.8km to the nearest mapped breeding site, and approx 6.7km to the nearest mapped moulting site, and the lack of supporting habitats present on the site of the Proposed Development, there is no potential for ex-situ habitat loss, and/ or disturbance or displacement related effects on this QI Species as a result of the construction or operation of the Proposed Development.	As above
Perennial vegetation of stony banks [1220]	Maintain favourable conservation condition	No complete source- pathway- receptor chain for any effect on this habitat as a result of the Proposed Development was identified. No further assessment is required.	N/A
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	-	As above	N/A

Salicornia and other annuals colonising mud and sand [1310]	Maintain favourable conservation condition	As above	N/A
Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]	Restore the favourable conservation condition	As above	N/A
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	Restore the favourable conservation condition	As above	N/A
Turloughs [3180]	Maintain favourable conservation condition	As above	N/A
<i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]	Restore the favourable conservation condition	As above	N/A
Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]	Maintain favourable conservation condition	As above	N/A
Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]	Maintain favourable conservation condition	As above	N/A
Alkaline fens [7230]	Maintain favourable conservation condition	As above	N/A
Limestone pavements [8240]	-	As above	N/A

NAME OF SAC/ SPA (SITE CODE): Inner Galway Bay SPA [004031]**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- The construction and operational phases of the Proposed Development may result in the deterioration of water quality within Inner Galway Bay SPA, via pollution to groundwaters through the percolation of polluting materials through the bedrock underlying the site and to surface waters, adversely impacting the water quality/ habitat quality and supporting habitats for SCIs designated as part of this SPA.
- The construction phase of the Proposed Development may result in the degradation of the QI [A999] Wetlands] in Inner Galway Bay SPA via the downstream spread or introduction of the invasive species recorded within and in close proximity to the Proposed Development site, via surface waters or the local drainage network, in the absence of mitigation.

See Table 5.9 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (relevant and at risk) Refer to NPWS website for full details.	Potential adverse effects	Mitigation measures
[A003] Great Northern Diver (Gavia immer) [A017] Cormorant (Phalacrocorax carbo) [A028] Grey Heron (Ardea cinerea) [A046] Brent Goose (Branta bernicla hrota) [A050] Wigeon (Anas Penelope) [A052] Teal (Anas crecca) [A056] Shoveler (Anas clypeata) [A069] Red-breasted	Maintain the favourable conservation condition	The Proposed Development site is located approximately 1.3km to the north of the Inner Galway Bay SPA. The potential for ex-situ habitat loss effects on SCI bird species has been excluded at the Appropriate Assessment Screening Stage. There is potential hydrological connectivity between the Proposed Development site and this SPA in the form of surface and groundwater connection. The Knocknacarragh stream (EPACode: 31K16) flows culverted along the northern boundary of the Proposed Development site, in a south-westerly direction, before discharging into Rusheen Bay, which is designated as part of Inner Galway Bay SPA approx 1.8km downstream. The Proposed Development site and SPA are located within/adjacent to the hydrological sub-catchment (Knock [Furbo]_SC_010) and are both	The mitigation measures described in Section 6.2.1.1.1 of the NIS to protect water quality in the receiving environment will ensure that surface water quality protected during construction and operation of the Proposed Development.

(Merganser Mergus serrator)		underlain by the Spiddal groundwater body.	
[A137] Ringed Plover (Charadrius hiaticula)		In the absence of mitigation, the Proposed Development has the potential to result in a deterioration of the quality of downstream wetland habitat associated with the SPA via pollution to ground and surface waters during construction	
[A140] Golden Plover (Pluvialis apricaria)			
[A142] Lapwing (Vanellus vanellus)		Given the coastal terrestrial nature of wetland habitat, and buffering distance that exists between the Proposed Development site and this supporting wetland habitat, it is unlikely that the invasive species recorded on site (Three-cornered leek and Sea buckthorn) could survive being transferred downstream via surface waters or the local drainage networks. Therefore, the potential for this QI habitat to be degraded as a result of the introduction of invasive species during the construction phase of the Proposed Development can be excluded.	
[A149] Dunlin Calidris (alpina alpina)			
[A157] Bar-tailed Godwit (Limosa lapponica)			
[A160] Curlew (Numenius Arquata)			
[A162] Redshank (Tringa tetanus)			
[A169] Turnstone (Arenaria interpres)			
[A179] Black-headed Gull (Chroicocephalus ridibundus)			
[A182] Common Gull (Larus canus)			
[A191] Sandwich Tern (Sterna sandvicensis)			
[A193] Common Tern (Sterna hirun)			
[A999] Wetlands			

The above tables are based on the documentation and information provided on the file and from the NPWS site and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Deterioration to Water Quality via Surface water and Groundwater

The Proposed Development site, Galway Bay Complex SAC and Inner Galway Bay SPA are all located within the same hydrological sub-catchment (Knock [Furbo]_SC_010) and partially underlain by the same ground water body (Spiddal groundwater body). There is potential hydrological connectivity between the Proposed Development site, Galway Bay Complex SAC and Inner Galway Bay SPA in the form of surface water connection.

Further, the Knocknacarragh stream (EPA Code: 31K16) is culverted along the L-1010 to the north-west of the Proposed Development site. This watercourse flows 1.7km downstream (d/s), in a south-westerly direction, into Rusheen Bay, which is designated as part of Galway Bay Complex SAC and Inner Galway Bay SPA. Taking a precautionary approach, there is potential for indirect effects to the aquatic influenced QI species and habitats associated with this SAC and the SCIs associated with this SPA.

Following a precautionary approach, the construction phase of the proposed development may result in the deterioration of water quality in the Knocknacarragh stream which flows into Rusheen Bay (which is designated as part of Galway Bay Complex SAC and Inner Galway Bay SPA) via pollution to water quality from pollutants entering surface water runoff. There is also potential for deterioration of groundwater quality through the percolation of polluting materials through the bedrock underlying the site.

Therefore, a potential pathway for indirect effects on the aquatic Qualifying Interests (QIs) of Galway Bay Complex SAC and the Special Conservation Interests (SCIs) of Inner Galway Bay SPA was identified in the form of deterioration of water quality and supporting habitats for aquatic fauna via pollution to water quality during the construction phase of the proposed development. In the absence of mitigation, this may result in adverse effects on the surface water and groundwater influenced QI/SCI habitats and species for which Galway Bay Complex SAC and Inner Galway Bay SPA are designated for.

Construction: The construction of the Proposed Development will involve excavations and earth moving which create the potential for pollution in various forms, i.e. the generation of suspended solids and the potential for spillage of fuels associated with the refuelling of excavation machinery.

Operational Phase: - The operational phase of the Proposed Development will result in the production of foul waters and surface-water runoff which, if not adequately treated, has potential to result in indirect effects on surface and groundwater quality and, therefore, potential adverse effects on Galway Bay Complex SAC and Inner Galway Bay SPA.

Mitigation measures and conditions

A suite of mitigation measures to protect and safeguard ground, surface and coastal water quality during the construction and operational phases under Section 6.2.1.1 and Section 6.2.1.2 of the NIS including the implementation of a Construction and Environmental Management Plan (CEMP), prevention pollution control measures, cement-based product control measures, refuelling, fuel and hazardous materials storage Environmental Emergency Response Procedure, Air Quality and Dust Control and the employment of SuDS.

The surface water drainage system for the site has been designed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS) and incorporates a number of SuDS measures to both reduce the quantity and rate of surface water run-off discharging from the Proposed Development site during operation and to improve the overall quality of such discharges.

All foul water will be discharged to the public sewer and will be treated at the Galway Mutton Island Wastewater Treatment Plant (WWTP) before ultimately discharging to the coastal waters of Galway Bay. According to the most recently published Annual Environmental Report for Galway Mutton Island WWTP15, the WWTP is fully compliant with the Emission Limit Values as set in its EPA discharge licence and has capacity to cater for the proposed scheme. The AER states that the discharge from the WWTP does not have an observable negative impact on the Water Framework Status or coastal/ transitional water quality of the receiving waters.

(ii) Habitat Degradation through the Spread/ Introduction of Invasive Species

Two invasive species, which are listed on the First Schedule of the European Union (Invasive Alien Species) Regulations 2024 (S.I. 374 of 2024) and/or Third Schedule of the European Communities Regulations 2011 (S.I. 477 of 2011) were recorded in, or in close proximity to, the Proposed Development. Therefore, the potential for the Proposed Development to result in the spread/ introduction of these invasive species to downstream European sites, namely Galway Bay SAC and Inner Galway Bay SPA, via the surface water or local drainage network pathway was identified at the screening stage. This potential effect was further considered in Stage 2 of this assessment (See Section 5.1.1 and 5.1.2) and given the nature of the QI habitats associated with this SAC and SPA and the distance of the hydrological connection over which these invasive species would need to be carried, it was determined that there was no potential for this effect to occur.

Mitigation measures and conditions: N/A

An Invasive Species Management Plan (ISMP) has been prepared for the Proposed Development as part of the preparation of the EIAR which accompanies the planning application. This plan includes measures to avoid the spread of invasive species to the local environment.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of Galway Bay Complex SAC and Inner Galway Bay SPA

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water surface water and groundwater and to limit dust deposition. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Galway Bay Complex SAC and Inner Galway Bay SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Galway Bay Complex SAC and Inner Galway Bay SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Galway Bay Complex SAC and Inner Galway Bay SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature, scale and location of the proposed development.
- The contents of the applicants Natura Impact Statement.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed in the Natura Impact Statement, EIAR and the outline Construction & Environmental Management Plan.
- Application of planning conditions to ensure the mitigation measures proposed are undertaken.

Appendix 2 –			
WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP:324237- 26	Townland, address	Rahoon, Knocknacarra, Galway
Description of project		Large-scale Residential Development (LRD): 362 residential units and a childcare facility. Ancillary and associated development works including works of demolition.	
Brief site description, relevant to WFD Screening,		The Proposed Development site covers approximately 5.37 hectares of land, located in the townlands of Knocknacarra, Co. Galway, approximately 3 km to the west of Galway City. The site's elevation ranges between approximately 22 m and 34 m OD (metres above Ordnance Datum). The overall local topography generally slopes from northeast to south with an undulating topography. There is no surface watercourse on the site, and much of the rainfall that falls on the site likely percolates through the soil. Once within the soil profile the water drains naturally south and westwards towards Galway Bay. There is likely little infiltration to the low permeability granite bedrock except for locally fractured zones. There are no obvious preferential drainage paths at the site and rainfall currently percolates freely to ground. A Stage 2 - Flood Risk Assessment (FRA) has been prepared for the Proposed Development. This report determined that the Site is within Flood Zone C and concluded that the Site is not liable to fluvial, coastal, or groundwater flooding. The assessment also found that the risk to the site from pluvial flooding will be minimal with appropriate drainage design.	
Proposed surface water details		The surface water strategy for the site has been designed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS) and incorporates a number of SuDS measures to both reduce the quantity and rate of surface water run-off discharging from the Proposed Development site during operation and to improve the overall quality of such discharges. The quantity of surface water run-off discharging from site will be reduced through the use of water butts, tree pits, rain gardens, permeable paving, detention swales, drainage kerbs with infiltration trenches and attenuation storage systems. The rate of surface water run-off discharging from the Proposed Development site will be controlled through the use of a hydrobrake devices which will limit run-off to Greenfield rates. The quality of surface water run-off will be further improved through the use of bypass separators prior to discharge.	
Proposed water supply source & available capacity		Water supply will be provided via a connection to the Uisce Eireann network. A Confirmation of Feasibility has been issued	

	to the applicant advising that water connection is feasible without upgrades by UE. A review of the Uisce Eireann Capacity Register on 10/07/2026 indicated that water supply capacity status for the 'Galway City and suburbs' area to support 2035 population targets is 'Capacity Available – Level of Service improvement required'.(Green)
Proposed wastewater treatment system & available capacity, other issues	Wastewater generated from the proposed development will outfall via gravity to an existing Uisce Eireann (UE) owned 225mm foul sewer line located west of the development along the southern arm junction of the adjacent Western Distributor Road roundabout and Altan Road. The 225mm foul sewer outfalls to an existing Uisce Eireann 375mm foul network. It is envisaged that the 225mm sewer line will require upgrading to a 300mm sewer line to service the development as the number of units flowing through this network will exceed the maximum 330 units allowable for a 225mm pipe. A pre-connection enquiry for the proposed development has been submitted to Uisce Éireann and subsequent Confirmation of Feasibility is appended which is presented in Appendix D of the Civil Design Report submitted to the Planning Authority. I have consulted Uisce Eireann's Capacity Register (10/072026) which confirms that there is spare capacity in the Mutton Island WWTP. (green)
Others?	None

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	Knocknacarragh_010 IE_WE_31K160960	Poor	Under review		Surface water run-off	Standard construction practices.	Mitigation sufficient. No residual

						SuDS measures	Impacts anticipated
Coastal	Inner Galway Bay North (Rusheen Bay) IE_WE_170_0000	Good	Not at risk		Drainage	Standard construction practices. SuDS measures	Mitigation sufficient. No residual Impacts anticipated
Transitional	Clare-Corrib IE_WE_170_0700	Good	Not at Risk		Receives treated effluent from the Galway City WWTP		Mitigation sufficient. No residual Impacts anticipated
Ground	Spiddal GWB IE_WE_G_0004	Good	Not at risk		Infiltration to groundwater.	Standard construction practices. SuDS measures	Mitigation sufficient. No residual Impacts anticipated