



An
Coimisiún
Pleanála

Inspector's Report PL-500089-GC

| | |
|-------------------------------------|--|
| Development | Indoor licensed food hall/market with dining space and all associated site works. Part of a protected structure |
| Location | Former Connacht Tribune Printworks, 15 Market Street , Galway |
| Planning Authority | Galway City Council |
| Planning Authority Reg. Ref. | 2460286 |
| Applicant(s) | Aimstar Limited |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission + Conditions |
| Type of Appeal | First Party (S.48(10)) |
| Appellant(s) | Aimstar Limited |
| Inspector | Conor McGrath |

1.0 Site Location and Description

The site is located within an urban block in Galway City Centre, previously occupied by the Connacht Tribune, bounded by Market Street to the southeast and Bowling Green to the northwest. The development relates to the change of use of the former Printworks located at rear / northern part of the site, behind a 3-storey office building fronting Market Street, the PorterShed (20/108). The Printworks building is currently vacant and is identified as a protected structure. The site comprises a stated floor area of 975-sq.m. within an overall site of 0.155ha. There is an open yard area on its western side.

The Printworks is accessed from Market Street via two laneways, to the northeast and southwest of the Portershed, with which it shares access.

The subject premises forms part of an overall development site (under the control of the Applicant parent structure) which includes both the PorterShed premises, and the adjoining Market Street Car Park and adjoining warehouse.

2.0 Proposed Development

The proposed development comprises a change of use of the premises from printworks to food hall / market and dining space, this will include alcoholic products for sale / consumption as part of the offer. It is stated that there will be an ancillary use as a meeting / event space. The market concept is described as being similar to the English Market in Cork or Dublin's Georges Arcade. Limited works are proposed to the existing structures on site and will predominantly relate to internal fit out works, intended to be largely demountable, non-structural interventions. The internal floor area comprises 975-sq.m. and an outdoor area of 125-sq.m. to the side of the printworks area for dining use and outdoor cooking / BBQing, etc

The proposed development is described as follows:

- The area in question is principally made up of one main volume, the former printworks area, with smaller former storage and ancillary areas (e.g. toilets)

adjoining to either side. In addition, lanes / external yards provide external space and access to the premises;

- Access will be via the Southern laneway shared with PorterShed. The northern laneway, also shared with PorterShed, will be the principal service area, facilitating deliveries, waste management / storage, etc. It will also likely serve an emergency exit;
- In terms of ancillary use as an occasional meeting / event space, the application described the intention that the space could be multifunctional and adaptable to facilitate suitable gatherings.
- Cooking and food preparation areas will also be subject to detailed fit out stage.
- Signage panels are to be erected above and integrated visually with the two existing gates to the north and south of the main Connacht Tribune façade;
- Associated signage and branding to the façade will also be incorporated, designed and installed to avoid effects / impact to the historic fabric of the building and boundary walls.
- Principal (public) opening hours would be approx. 10am to 11pm (sales to 10pm), seven days per week, subject to a degree of variation. Allowance should be provided however for potentially later hours for occasional events or city centre festivals, etc. Operational hours for staff / deliveries, etc. would be anticipated to be from approx. 7am to 11pm; and,

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the proposed development subject to 18 no. conditions, including:

No. 5 Prior to the commencement of development, unless a phased payment has been agreed in writing with Galway City Council, a financial contribution of **€48,750** (Forty Eight thousand, seven hundred and fifty euros) shall be paid by the developer

to the City Council towards the cost of provision of public services in the area which facilitate the development.

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).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The development was screened out for EIA and AA. The proposed development is acceptable in principle. Further information was sought in relation to a number of matters, following receipt of which a recommendation to grant permission was made.

Development Contributions apply given the intensification of demand relative to the premises original use as an industrial undertaking. Based on the current Galway City Development Contribution Scheme 2020-2026;

Existing use - 1,145sqm.

Proposed use - indoor / outdoor market – as 975-sqm x €50 (non-residential use) =

Contribution applicable: €48,750.

3.2.2. Other Technical Reports

Environment: Conditions recommended.

CFO: Proposals would not comply with fire safety requirements and revised plans were required. A fire safety certification will be required.

Transport Dept.: No objection subject to conditions.

Heritage Officer: Proposed change of use is acceptable.

Architectural Conservation Officer: Conditions recommended. The use retaining this structure is welcome.

Active Travel: No objection.

3.3. Prescribed Bodies

Dept. of Housing, Local Government and Heritage: The Department concurs with the findings and recommendations of the Archaeological Impact Assessment report. Conditions recommended.

Fáilte Ireland: Fáilte Ireland is fully supportive of the proposed development.

HSE: Potential emissions to air and odour impacts should be assessed as part of the planning application due to the proposed volume of food business that is planned to operate within this site and the potential impact on neighbouring properties.

Compliance with hygiene regulations has not been demonstrated.

3.4. Third Party Observations

None.

4.0 Planning History

Subject site:

PA ref. 18/337: Permission granted at the former Connacht Tribune site (part of a protected structure) consisting of change of use of former printworks, paper store and associated areas to indoor licenced food hall/market and dining space, with associated ancillary outdoor space/use with ancillary use as an occasional event space, along with all associated and ancillary works and development at, 15 Market Street, Galway. Conditions included

No. 2: A temporary 5-year life.

No. 3 A development contribution of €7,442.50

A section of this development site is excluded from the current appeal site, specifically the Paper Store.

PorterShed / Paper Store

PA ref. 20108: Permission granted for change of use of Paper Store to Co-Working Office Space use; reconfiguration of internal layout; Partial demolition of two storey projection to rear and side, and replacement with new enlarged projection

over four floors; construction of additional (second floor) above part of the existing two storey building; Construction of roof garden/deck area; alteration of front and side elevations including replacement façade along Market Street, associated works.

This included consequential superseding of Reg. Ref: 18/337 relating to provision of insofar as it relates to the ground level Paper Store, and associated and ancillary revisions to northern and southern laneway serving the printworks/permitted Food Market area. All part of a protected structure.

5.0 Policy Context

5.1. Galway City Development Plan 2023-2029

The site is zoned 'CC–City Centre Uses': To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city.

Uses which are compatible with and contribute to the zoning objective, for example: Retail, Residential, Offices, banks and professional services, Tourist related uses, Cultural and community uses, Buildings for education, Recreation, Childcare facilities, Places of Worship.”

The subject site is located within the 'core shopping area' as defined for the purposes of the retail strategy. (Figure 6.4)

Policy 10.1 City Centre

1. Maintain and enhance the resilience of the city centre by reinforcing its dominant role for commerce, shopping, tourist, cultural and leisure activities, enhancing its vitality and attractiveness as a place to work, live and visit.

8. Support a diversity of uses in the city centre public realm including markets, outdoor seating and dining, arts and culture events to add to the vitality and vibrancy of the city.

9. Ensure new developments incorporate design features that complement the character of the city centre.

The subject site / premises is a protected structure. Site features specifically identified include “Doorway of Sir Peter Ffrench buried on site. Ditch & Medieval Town Wall. Stone Carvings & Keystones”

11.11 Transportation

11.11.1 Parking Space Requirement

Car parking standards will be applied using performance-based criteria appropriate to general location, in line with the National Planning Framework (NPF) requirements. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes.

There will be a presumption against a car parking requirement for new development in the city centre unless a justifiable case for minimum requirements is acceptable to the City Council. In this regard maximum standards will apply in accordance with Table 11.6.

In the case of any use not specified, the Council will determine the parking requirement, having regard to the traffic levels likely to be generated as a result of the development.

A reduction in car-parking requirements may be acceptable when an application for development includes a Travel Plan, details on options for sustainable modes and/or demonstrates options for alternative methods of dealing with traffic generation associated with the proposed development.

Table 11.6 Parking Space Requirement for Different Types of Development:
Maximum Standards (incl.)

| Development Type | Parking Requirement | City Centre Area Parking Requirements as shown in fig. 10.1. |
|------------------------------------|--|---|
| Industry, Warehousing (general) | 1 space per 100m ² | |
| Offices and Banks | 1 space per 25m ² gross floor area | 1 space per 50m ² gross floor area |

| | | |
|---|---|---|
| Specialist Offices | 1 space per 75m ² | |
| Supermarkets and Shops Restaurants | 1 space per 15m ² gross floor area | 1 space per 30m ² gross floor area |
| Conference Centres, Places of Worship, Halls, Community Centres | 1 space per 30m ² gross floor area | 1 space per 60m ² gross floor area |

5.2. Galway City Development Contribution Scheme 2020-2026

LEVEL OF CONTRIBUTION

11. Under the scheme the contributions to be paid (except where an exemption or a reduced contribution applies) in respect of the different classes of public infrastructure and facilities are as follows:

| Class of Public Infrastructural Development | € per sq.m. of Residential Development | € per sq.m. Non-Residential Development |
|--|---|--|
| Class 1: Transport / Roads infrastructure & facilities | 37.94 | 21.07 |
| Class 2: Recreation and Amenity | 8.55 | 4.75 |
| Class 3: Environment and Climate Change | 5.88 | 3.27 |
| Class 4: Community and Culture | 18.45 | 10.25 |
| Class 5: Urban Regeneration facilities & amenities | 19.18 | 10.66 |
| Total of Contributions Payable | 90 | 50 |

Definitions of Waivers and Reductions

12. The following categories of development are those where such reductions or waivers from the requirement to pay the full development contributions will apply. In this regard targeted support has been directed at promoting social inclusion,

sustainable development and economic activity. These rates do not include where exceptional costs might have to be incurred to provide a specific public facility or piece of infrastructure.

| Category of Development | Reduction % |
|---|---|
| | R (@ residential rate) |
| | N (@ non- residential rate) |
| <p>Restoration/refurbishment works on protected structures (listed on RPS) where the Planning Authority is satisfied that the works substantially contribute to the conservation /restoration of the protected structure. Where this involves an increase in floor space full rate of contribution will apply to the additional floor space</p> | <p>30% * (R/N)</p> |
| <p>In respect of permission for change of use the rate will depend on the opinion formed by the Planning Authority regarding the likely intensification of demand on infrastructure facilities including transportation.</p> <p>(A) Where intensification of demand is considered following on the opinion formed by the Planning Authority a rate of an appropriate % of the normal rate will apply.</p> <p>(B) Where re-development / change of use of non-residential projects involves an increase in floor space the full rate of contribution will apply to the additional floor space.</p> | <p>% as deemed appropriate</p> |
| <p>Developments permitted by way of a temporary permission will attract a reduced rate</p> <p>Note: If full (non-temporary) permission is subsequently granted, the normal rate, less any reduced rate already levied, will apply</p> | <p>33% of the normal rate for permissions of up to 3 years;</p> <p>50% of the normal rate for permissions of up to 5 years;</p> <p>66% of the normal rate for permission of up to 10years</p> |

| | |
|---|------|
| Signage / Shop Fronts, Entrance Gates / Railings / Fencing, Elevational Alterations, Internal layout change – Where no additional floor area is created | 100% |
|---|------|

13. ANCILLARY NOTES

TEMPORARY PERMISSIONS:

Temporary permissions shall be liable for development contributions at 50% of the applicable rate of contribution. Further temporary permissions granted for the same development will not be charged provided they are granted within 5 years from the expiry date of the original temporary grant of permission (a maximum of one such additional temporary permission will apply).

MAXIMUM REDUCTIONS/EXEMPTION. Although a development may qualify for a number of reductions/exemptions under the Scheme, the Council will grant only one category of reduction/exemption, whichever is the most financially advantageous to the developer.

FLOOR AREA. The floor area of proposed permitted development shall be calculated as the gross floor area.

APPENDIX 1 sets out the Costs Included in the Costs attributable in the lifetime of the scheme to the classes of infrastructure and facilities:

Class 1 Transport /Roads would include for the provision of measures in the GTS, traffic management junction upgrades, car parking, cycling and walking infrastructure and facilities, road improvements traffic calming measures, traffic management facilities /measures including software, bus priority bus facilities.

Class 2 – Provision and management of open space lands in general, park management plan development, recreation and sports facilities, changing rooms, additional planting, and biodiversity, remediation measures. Leisure land works.

Class 3 – Environment, Climate Change, Surface Water, SUDS, CFRAM Flood defences, waterways and beaches

Class 4 – Community centres, library, burial grounds, cultural and art facilities, restoration of castles

Class 5 – Urban Regeneration, facilities and amenities

APPENDIX 2 sets out a list of many of the projects to be funded from development contributions for the period 2020 – 2026, under each Class.

5.3. **Natural Heritage Designations**

Lough Corrib SAC – c.80m west.

Galway Bay Complex SAC / pNHA – c.360m south

6.0 **EIA Screening**

This case relates to a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(10)(c), I conclude that the appeal does not come within the definition of a ‘project’ for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The first party make the following points in their appeal under s.48 against condition no. 5 of the PA decision to grant permission:

- The planning authority have treated the development as greenfield / new build development rather than as conversion or change of use of an existing premises and have not applied relevant exemptions / reductions by virtue of the status of the building as a protected structure.

- The terms of the scheme have therefore not been properly applied.
- The cost is unwarranted and at odds with other decisions in respect of other repurposed spaces in the area.
- Internal reports were supportive of the development and in particular noted that no parking shortfall arose.
- Under the Galway City Council Development Contribution Scheme 2020-2026 a rate of €50 per sqm is applicable to non-residential development which the Planning Authority calculated based on a development footprint of 975 sqm gross floor space.
- The party do not question the calculation of footprint/ area, rather question the jurisdiction of the class/category in the first instance, given the various provisions, exemptions and reductions provided for in the Scheme itself.
- In a change of use, credit is to be given to the previous use which was not done. This is contrary to the approach in the previous permission for the same development under Reg. Ref 18/337 and under Reg. Ref's: 20/89 & 20/108 in respect of the PorterShed.
- The designation of the premises as a Protected Structure and attracts a reduction of 70% (payment of 30% of normal rate).
- The Planning Authority did not identify the extent of intensification arising. Rather a presumption / implication was made that some intensification arises (without any justification or rationale).
- Even if some intensification did arise the Scheme clearly envisages a 'sliding scale' of discount, i.e "an appropriate% of the normal rate", relative to the level of intensification. This is a mandatory requirement of the scheme.
- Inappropriate levying for extant floorspace is a clear example of double charging.
- No intensification of use in fact arises in this case.
- The extant industrial use would give rise to significantly greater planning implications use that a hospitality type use such as the Food Market envisaged.

- The Planning Authority have failed / omitted to establish that there would be "significant intensification of demand placed on existing infrastructure" contrary to the requirements of the 2013 Guidelines.
- The scheme does not differentiate between different non-residential use, which supports a conclusion of equivalence between extant and permitted uses.
- Under 18/337, the Planning Authority made provision for the extant use, comparing it to the permitted use in order to establish the difference in intensity, based on the different use classes identified in the applicable scheme at that time.
- Under the current Scheme, there is no distinction between non-commercial uses, and as such the "appropriate % of the normal rate" is 0% zero.
- Similarly, under Reg. Ref's: 20/89 & 20/1081 (similar to 18/337) the Planning Authority applied a credit / discount to reflect the pre-existing / extant use in each premises.
- The Premises is a Protected Structure thus Attracts a 70% Discount on the Standard Rate "where the Planning Authority is satisfied that the works substantially contribute to the conservation / restoration of the protected structure."
- This was not given any consideration by the planning authority but internal reports are clear that the proposed development will contribute substantially to the conservation / restoration of the protected structure.
- If any contribution were to be payable, any such amount should be discounted by 70%

7.2. Planning Authority Response

No response to the first party appeal has been received from the planning authority.

A further S.132 request issued to the planning authority on 30/12/2025, however, no response was received within the relevant period.

8.0 Assessment

This is a first party appeal under S.48(10) against a development contribution condition (no. 5) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c), I propose to confine consideration to whether the terms of the scheme were properly applied by the planning authority and will not consider the merits or otherwise of the scheme itself. The consideration of the Commission is restricted to whether the terms of the Scheme have been properly applied and there is no discretion to the Commission to selectively apply those terms.

The proposed development is described in the public notices as the change of use of former printworks and associated areas to indoor licenced food hall / market and dining space (and associated outdoor space / use), with ancillary use as an occasional event space, along with all associated and ancillary works and development. The floor area of the buildings is stated to be 975-sq.m. with ancillary outdoor space of 125-sq.m.

The 2020 Development Contribution Scheme provides for the application of development contributions for either Residential or Non-Residential uses. There is no distinction drawn between different types of non-residential uses, and contributions are to be calculated on the basis of gross floor space. In this instance the planning authority have applied development contributions to 975-sq.m. of internal floor space as non-residential use.

In considering the application, the planning authority reports calculated the development contributions payable as follows, noting that an intensification of demand arises relative to the premises' original use as an industrial undertaking:

Existing use - 1,145sqm.

Proposed use - indoor / outdoor market – as 975sqm x €50 (non-residential use)

= Contribution applicable: €48,750.

The first party do not dispute the relevant floor area nor the calculations carried out. Rather it is argued that categories of exemption / reduction identified in section 12 of the Scheme should have been applied to the proposed development. I note that the planning authority have not made any submission or response to the grounds of appeal or to a subsequent S.132 request.

Relevant Waivers and Reductions identified in section 12 include those in respect of Change of Use and Protected Structures. The scheme notes that only one category of reduction / exemption may be availed of, whichever is the most financially advantageous to the developer.

Change of Use:

The proposed development comprises the change of use of a vacant industrial unit building (printworks) to market use, both of which are Non-Residential uses under the scheme. This is not in dispute. The planning report assessed the development in the context of a change of use, however, in calculating development contributions the planning reports refer to an intensification of demand relative to the original use as an industrial undertaking, and no reduction was applied to the calculated contributions under section 12.

In respect of permission for a change of use, the Development Contribution Scheme provides the level of reduction applicable will depend on the opinion formed by the Planning Authority regarding the likely intensification of demand on infrastructure facilities including transportation. Where intensification of demand is considered to arise, a contribution of an appropriate % of the normal rate will apply.

Notwithstanding the stated conclusion of the Planning Report in this regard, planning authority documents do not identify either the nature nor the extent of intensification of demand on infrastructure facilities arising from this development.

In this regard I note that the Development Contribution Scheme identifies contributions in respect of five Classes of Public Infrastructural Development.

Class 2, 4 & 5: I do not consider that development of the nature proposed in this case would give rise to additional or intensification of demand in terms of Recreation and Amenity (Class 2), Community and Culture (Class 4), or Urban Regeneration

(Class 5). There is no basis in planning authority reports to conclude that such demands would arise.

Class 3: In respect of Environment and Climate Change, I note that no additional hard surface area is proposed and there would be no additional impact on the surface water infrastructure of the city. The development would not give rise to additional risk or implications in terms of flooding. In considering the application the planning authority sought further information to confirm whether the Market and associated stalls required additional services or upgrading of services. The Environment Dept. reports raised no objection to the development. The planning report on the FI response indicates that the details submitted were to the satisfaction of the planning authority, and no additional services or works, or demand thereon, were identified in this regard. It should be noted that contributions under the Scheme (Class 3 Environment and Climate Change) do not relate to water or wastewater infrastructure, which falls under the remit of Irish Water.

Class 1: In terms of Transport / Roads infrastructure & facilities, I note that the application was accompanied by an Outline Mobility Management Plan and a Trip Generation Exercise, as well as calculations of the additional parking demand arising. The Mobility Management Plan projects staff numbers on-site of 40-50 persons. Vehicular servicing will be via the northeastern laneway and existing loading bays on Market Street, with waste management taking place within the site.

No figures for previous / existing use trip generation are provided, however, having regard to the level of staffing associated with the use, and the estimated trip generation associated with visitor / public access to the development, it is evident that the proposed development would give rise to an increase in the level transport demand over the pre-existing use on the site.

In terms of car parking, the application documentation identifies an additional requirement for c. 9 no. spaces, over previous use. This is based on an existing use requirement of 13 no. spaces – calculated as an average of the development plan standard for industrial, office and specialist office uses. These calculations were not disputed by the planning authority, and are considered to be reasonable.

The Applicant proposes that the additional parking demand would be met within the adjoining Market Street Car Park (which is under the control of the Applicant parent

company) such that no shortfall of parking would arise. The Transportation Department note that cycle and car parking proposed was consistent with CDP standards and the planning report in respect of the further information response confirms that the details submitted were acceptable.

I note that key measures identified in the Mobility Management Plan include the promotion of alternative travel modes such as Walking, Cycling, Public Transport, as well as carpooling and more efficient use of cars. There is therefore a reliance on the wider transport systems and networks of the city to facilitate the development, including those identified under Class 5 of the Development Contribution Scheme, including:

- Pedestrianisation/Shared Surfaces and associated Public Realm projects
- Galway City Centre Transport Management Plan
- Extension of Adaptive Urban Traffic Control System
- Bus Corridors and upgrade works
- Cycle parking upgrades and extensions
- Signage and wayfinding scheme
- Junction Safety Improvement Schemes
- Galway City Park & Ride
- Galway Cycling Strategy Implementation

Having regard to the intensification of demand on transportation systems and infrastructure facilities, it is considered that a contribution in respect of Class 1 Transport Infrastructure would be appropriate, which should reflect the proportionate increase in demand.

In the absence of detail of existing / previous use trip generation, the increase in parking demand arising under the City Development plan may be regarded as a reasonable measure of the proportionate increase in demand on the network. In this case, the development would give rise to an increase in demand for 9 no. spaces. Existing use would account for c.0.6 of the total estimated parking demand of 22 no.

spaces. The appropriate reduction in Transportation infrastructure contribution payable would therefore be:

Class 1: Transport / Roads infrastructure & facilities

(€21.07 x 975-sq.m.) x 0.4 = €8,217.30

While I note reference to previous planning authority decisions as precedent for this case, I note that those decisions applied the terms of the previous development contribution scheme for the city, while this appeal relates solely to the alleged improper application of the terms of the 2020 development contribution scheme.

Protected Structure

The scheme provides for a 30% reduction in contributions payable in respect of development comprising restoration / refurbishment works on protected structures (listed on RPS) where the Planning Authority is satisfied that the works substantially contribute to the conservation / restoration of the protected structure.

For clarity I consider that the first party have misread the Development Contribution Scheme in arguing that it provides for a 70% discount / reduction in such circumstances. I confirm my understanding that the table of exemptions / reductions in section 12 of the Scheme identifies the extent of the reduction to be applied to the standard, full development contribution payable. For example, a 100% reduction equates to an exemption from contributions payable. Therefore, a stated Reduction of 30%, reduces normal development contributions payable to 70% of the standard full contribution payable.

While the entire site is identified on the RPS (no. 15 Market Street, 7 Bay 2-Storey Commercial building, as a Protected Structure (RPS 5409)), the record refers specifically to *Site features: Doorway of Sir Peter Ffrench buried on site. Ditch and medieval town wall. Stone carvings and keystone*. The interaction of the development with these specific items was considered in the application documentation and at further information stage. These mainly describe measures to protect the identified features during construction / works on the site.

The print works building comprises part of / lies within the curtilage of a protected structure. I note that the internal reports on the application consider the potential

impacts on the protected structure and the planning report indicates that the use of the site which retains the north-lit printworks is welcome. The planning authority have not concluded that the works substantially contribute to the conservation / restoration of the protected structure. No conclusion in respect of this exemption / reduction is identified in the reports.

Having regard to the extent of development proposed on the site, and the specific measures which seek to avoid interference with the extant structures including the use of demountable internal partitions, I do not consider that “the works substantially contribute to the conservation / restoration of the protected structure”. I do not consider therefore that a reduction (30%) as provided for in section 12 of the Scheme would be applicable in this instance.

Notwithstanding this conclusion, I note that the scheme provides that only one category of reduction / exemption may be availed of and as concluded above, the development would be appropriate for the application of a reduction in respect of the change of use.

9.0 Water Framework Directive

9.1. The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

10.0 AA Screening

The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

11.0 Recommendation

On the basis of the foregoing, I conclude that the development as described within the application is liable for development contributions under the Galway City Development Contribution Scheme 202-2026 and that Reductions / Exemptions under section 12 thereof, are applicable.

I conclude that the terms of the scheme were not properly applied and therefore recommend that condition no. 5 of the planning authority decision to grant permission be amended as set out below.

12.0 Reasons and Considerations

Having regard to the nature of the development for which permission was sought, comprising the change of use of the existing premises to use as an indoor licenced foodhall / market and dining space and associated works, and to the terms of the Galway City Development Contribution Scheme 202-2026, including in particular section 12 thereof, which provides that an appropriate reduction in the normal rate of development contributions will be applicable in respect of permission for a change of use, depending on the likely intensification of demand on infrastructure facilities including transportation, the Commission concluded that the proposed change of use would give rise to an additional demand for transportation facilities and infrastructure in the City. Condition no. 5 should therefore be amended to reflect the additional demand arising, in accordance with the terms of the adopted Scheme, and the planning authority are therefore directed to amend said condition no. 5 and attach the condition as set out below.

13.0 Conditions

The developer shall pay to the planning authority a financial contribution of €8,217.30 (eight thousand, two hundred and seventeen euros, thirty cents) 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.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Conor McGrath

30/01/2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|---|----------------------------------|---|
| An Coimisiún Pleanála Case Reference | ACP-500089-GC | | |
| Proposed Development Summary | Indoor licensed food hall/market with dining space and all associated site works. Part of a protected structure | | |
| Development Address | Former Connacht Tribune Printworks, 15 Market Street , Galway | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | Yes | | |
| | No | No further action required | |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | | | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | Threshold | Comment (if relevant) | Conclusion |
| No | N/A | | No EIAR or Preliminary Examination required |
| Yes | Class/Threshold..... | | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

| | | |
|------------|--|---|
| No | | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____ **Conor McGrath** _____ Date: _____ **30/01/2026** _____