

Statement of Response to An Bord Pleanála's Notice of Pre-Application Consultation Opinion

Strategic Housing
Development at Rosshill,
Galway





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Appendices

Appendix 1 – Request to the Recreation and Amenity Section of the City Council

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1. INTRODUCTION

MKO on behalf of the Applicant, Alber Developments Ltd, entered into pre-application consultation with An Bord Pleanála (the Board) under Section 5 of the Planning and Development (Strategic Housing) Act 2016 as amended and a tripartite meeting was held on the 1st April 2021 in that context.

The Board issued their Pre-Application Consultation Opinion ('Opinion') on the 19th April 2021.

The Opinion concluded that the information provided does "*constitute a reasonable basis for an application for strategic housing development.*"

The Board requested, pursuant to Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, that the prospective applicant should submit the following information with any application for permission:

1. *"Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:*
 - a. *Provide further justification in relation to the location of the carpark adjoining the rear of the apartment building, the absence of any designated communal open space and the residential amenity of those future occupants of the ground floor units.*
 - b. *Provide further justification in relation to delivery and/or proposed connectivity to any planned or proposed greenways and/or public infrastructure. This further justification should address, inter alia, any requirements for the payment of a special contribution towards the delivery of infrastructure as further detailed below.*
 - c. *Provide further justification in relation to location of the pumping station. This further justification should address, inter alia, the options considered which would minimise any ecological impact on the site and the surrounding area.*
2. *Prior to the lodgement of any application the prospective applicant should seek to ascertain what, if any, special contributions, the planning authority may seek at application stage (noting the contents of the report from the Parks Section under 'Appendix 2 Opinions from other Sections of the City Council' of the Planning Authority) and indicate at application stage if such contributions are acceptable or not, and if not, what grounds the Board may wish to consider in determining the application or not of such conditions.*
3. *A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment and/or the statement of consistency should set out how the proposed apartments comply with the various requirements of those guidelines and its specific planning policy requirements.*
4. *A landscaping plan of the proposed open space within the site clearly delineating communal and public open space areas, play facilities allocated for a range of age groups and the boundary treatment adjoining any open space. The landscaping details shall be accompanied by a site-specific Management Plan which includes details on management of all communal areas and the public plaza.*
5. *A detailed phasing plan.*
6. *A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings illustrating daylight and sunlight analysis for proposed apartments and all open space areas*
7. *An updated Traffic Impact Assessment including updated traffic modelling based on the use of transport infrastructure with planning permission or in existence.*
8. *A Waste Management Plan.*
9. *Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.*
10. *A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority"*

In addition, the Opinion required the prospective applicant to notify a range of authorities should an application be lodged with the Board, as follows:

1. Irish Water
2. Minister for Housing, Local Government & Heritage
3. Heritage Council
4. An Taisce
5. Transport Infrastructure Ireland
6. National Transport Authority
7. Iarnrod Eireann- Railway Operator
8. Commission for Railway Regulation
9. The Galway County and City Childcare Committee

It is confirmed that each of the above-noted bodies has received a copy of the application documentation.

2. RESPONSE TO ISSUES RAISED

2.1 Item 1

1. *Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:*
 - a) *Provide further justification in relation to the location of the carpark adjoining the rear of the apartment building, the absence of any designated communal open space and the residential amenity of those future occupants of the ground floor units.*
 - b) *Provide further justification in relation to delivery and/or proposed connectivity to any planned or proposed greenways and/or public infrastructure. This further justification should address, inter alia, any requirements for the payment of a special contribution towards the delivery of infrastructure as further detailed below.*
 - c) *Provide further justification in relation to location of the pumping station. This further justification should address, inter alia, the options considered which would minimise any ecological impact on the site and the surrounding area.*

2.1.1 Response to Item 1 (a)

The car park serving the apartment building is located to the west of the main building, and north of the southern part of the building – please refer to Plate 2-1 below. A total of 35 no. spaces are provided, which includes 2 no. disabled parking spaces.



Plate 2-1: Parking at Apartment Building – extract of drawing 20175-3026

2.1.1.1 Car Parking Location

Car parking has been provided adjacent to the apartment building at the ratio of 1 space per unit. The apartment building is served by a paved path network, as clearly shown in the ground floor apartment and retail layout, refer ONOM drawing 20175-3200. This path provides wider connectivity between this building and the wider development, including the creche facility and to the wider path network connecting with the areas of open space.

Soft landscaping exists between the building and the car parking area, with this being increased from that shown to the Board at Stage 2 of the SHD process. This additional space has resulted in the loss of 2 no. parking spaces in this location however it affords the main entrance to the apartment building and in particular Apartment no. 1 at ground floor level a more pleasant view westwards.

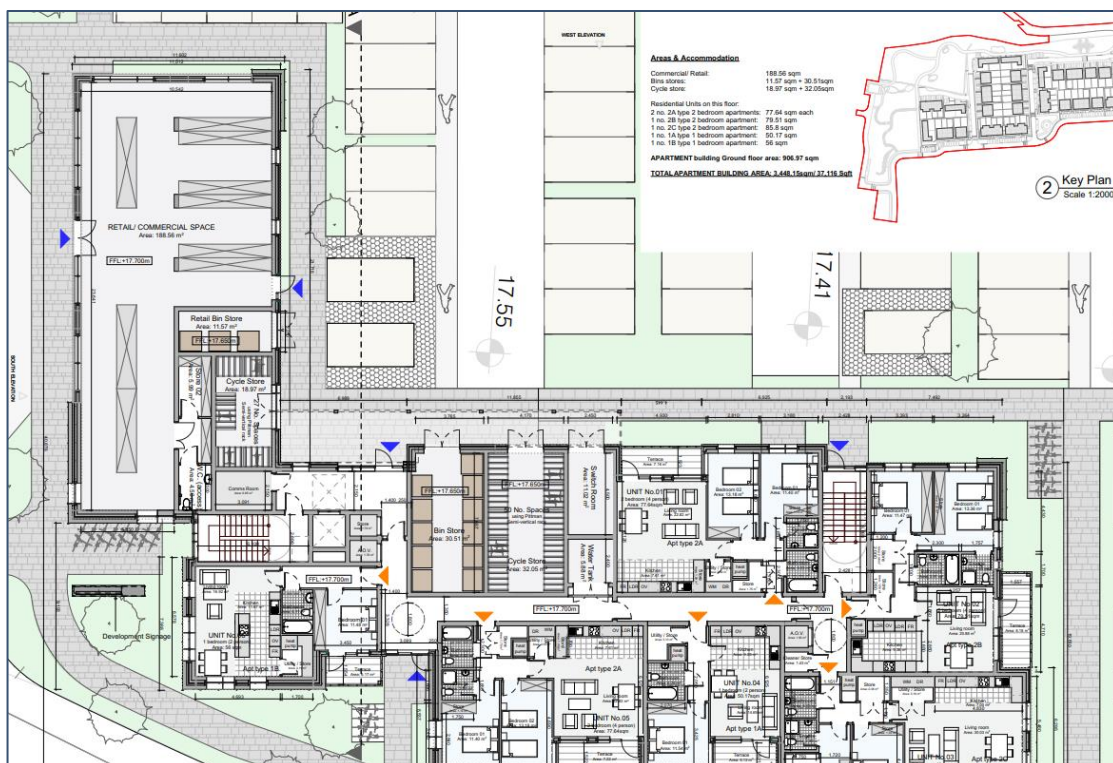


Plate 2-2: Apartment Building (GF) and Car Parking – extract of drawing 20175-3200

The car parking serving the apartment building has been positioned to provide convenient and secure car parking for residents (overlooked) and allows for the building to be positioned close to the boundary with Rosshill Stud Farm Road which creates a strong frontage and helps create a sense of arrival into the development. The provision of car parking in close proximity to the associated apartments is advocated in Quality Housing for Sustainable Communities (DoEHLG, 2007) and Design Standards for New Apartments (DoHLGH, 2020).

Locating car parking here also brings activity and vibrancy to the ‘hub’ of the proposed development, with the retail/commercial and creche nearby. The car parking has been designed, following advice from the City Council’s Recreation and Amenity Department, to incorporate swales which visually break up the parking and softens the area. It is held this creates a more welcoming space within the wider development and indeed for the residents of the apartment building itself. Proposed swale detail is set out in the landscaping information which accompanies the application, and specifically in CSR drawing 19112-4-101 an extract of which is shown below.



Plate 23: Car Park Drainage & Swales – extract of drawing 19112-4-101

In summary, the car parking provided to the apartment building is considered to serve the residents in terms of needs, while balancing this with the aim of creating a visually pleasing space not dominated by car parking itself. The use of swales and the landscape buffering adds visual interest.

2.1.1.2 Communal Open Space & Residential Amenity

At the Stage 2 tripartite meeting the discussion around the matter of open space related in the main to the southern section of the apartment building which includes the retail/commercial element at ground floor level. It was noted that communal open spaces should be provided to the apartment building and this should be independent of the 15% overall public open space. Amenity of ground floor units was also discussed.

In response to the discussion the team reconsidered how additional communal open space for this apartment block could be delivered. The creation of a rooftop garden space on this southern section of the apartment building was arrived at, and is shown on enclosed drawing ONOM 20175-3022, Public Open Space.

This area is proposed to be private to the residents of the apartment, and extends to 226sqm. The breakdown of use is as follows:

Table 2-1: Apartment Communal Open Space

Number	Unit Type	Required Sqm per unit	Total Sqm
4	1A type 1 bedroom 2 person	5	20
4	1B type 1 bedroom 2 person	5	20
3	1C type 1 bedroom 2 person	5	15
11	2A type 2 bedroom 4 person	7	77
4	2B type 2 bedroom 4 person	7	28
3	2C type 2 bedroom 4 person	7	21
3	2D type 2 bedroom 4 person	7	21
3	2E type 2 bedroom 3 person	6	18
TOTAL			220sqm

Ample, dedicated communal open space is therefore provided for future residents which is both secure and accessible.

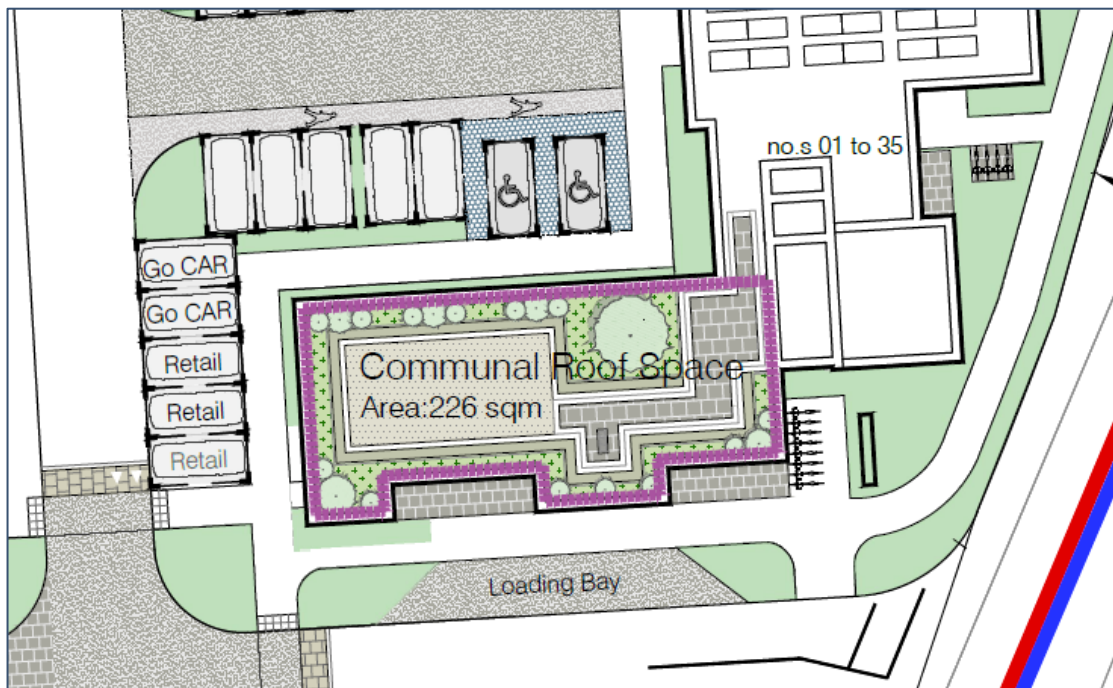


Plate 2-4: Communal Roof Space to Apartment Building – extract of drawing 20175-3022

The apartment building therefore has a dedicated, secure communal space which is accessed via a secure internal stairs and lift.

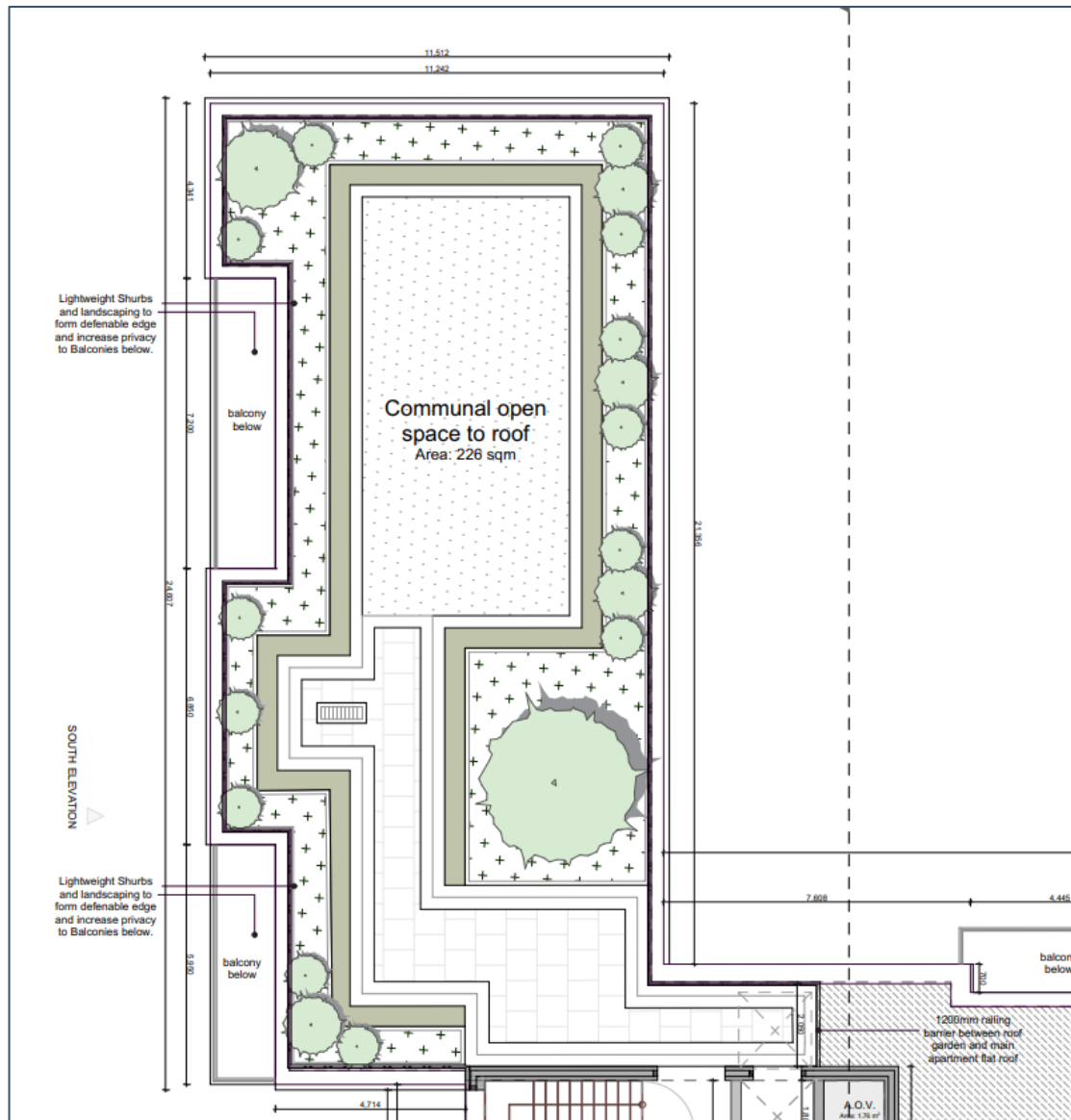


Plate 2-5: Communal Roof Space to Apartment Building – extract of drawing 20175-3026

In relation to the amenity of the ground floor apartment units, a 1.5m minimum of a privacy landscaped buffer has been provided to all ground floor residential units. As apartment no.01 is the only apartment where the ground floor living space views directly into the carpark, 2 no. carpark spaces have been removed in the proposed layout and replaced with landscaping in this location. Please refer to apartment ground floor plans drawing 20175-3200.

2.1.2 Response to Item 1(b)

The development proposal involves not only the creation of a new footpath connectivity link along Rosshill Road, but the applicant has also confirmed their willingness to assist the City Council in upgrading and repairing the footpath connections further north along Rosshill Road. This is accepted by the Council.

The site design gives full consideration to and integrates a wide ranging path network. ONOM drawing 20175-3020 illustrates the site connections proposed, and illustrates clearly how these integrate with the various areas of open space, shared areas and the creche and retail within the site.



Plate 2-6: Connections to Rosshill Road and Rosshill Stud Farm Road – extract of drawing 20175-3020

The current operational bus stops are located outside of the site on Rosshill Road and the Coast Road, therefore the improved pedestrian connectivity from the site will likely increase use of these services, ensuring these are easily and safely accessible. Tobin drawing 10690-2109 rev P03 reflects works discussed with the Roads Section of Galway City Council and improvements the proposed development could bring to the wider network. An extract of that drawing is shown below.



Plate 2-7: Proposed Pedestrian, Cycle and Public Transport Linkage – extract of drawing 10690-2109 rev P03

With regards wider connections and the Section 48 special development contributions sought by the Recreation and Amenity Department of the Council (as included in the Council's Stage 2 Opinion), the ambitions of the Council's Department are noted. The applicant is not aware of any formal proposed greenways in the immediate vicinity of the site. Through feedback received from the Council's Department however it is noted that consideration is currently being given to the creation and improvement of access routes to green spaces within this part of the City. Item 2 below discusses this item in more detail.

2.1.3 Response to Item 1(c)

At Stage 2 of the SHD process, the tripartite meeting, the information presented to the Board illustrated a pumping station located to the far west of the application site. The pumping station would in fact be located in existing woodland behind an existing stone wall. The rationale for this location was due to

levels on site and the ability of the trees to help ameliorate the pumping station into the site. Its location would however result in some tree loss in this area of the site from Tree Group 6.

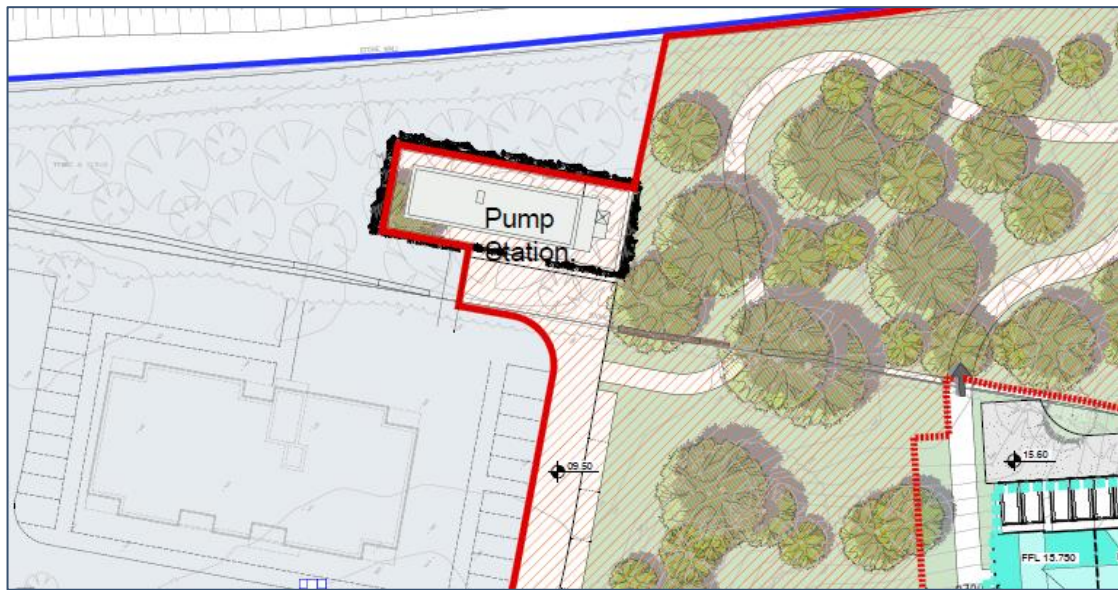


Plate 2-8: Pump station location (Stage 2) – extract of drawing 20175-3004

The pumping station design is mainly underground and does not require a surrounding fence so will not be overly intrusive. Tobin drawing 10690-2116 rev P03 illustrates this clearly – an extract is shown below for ease.

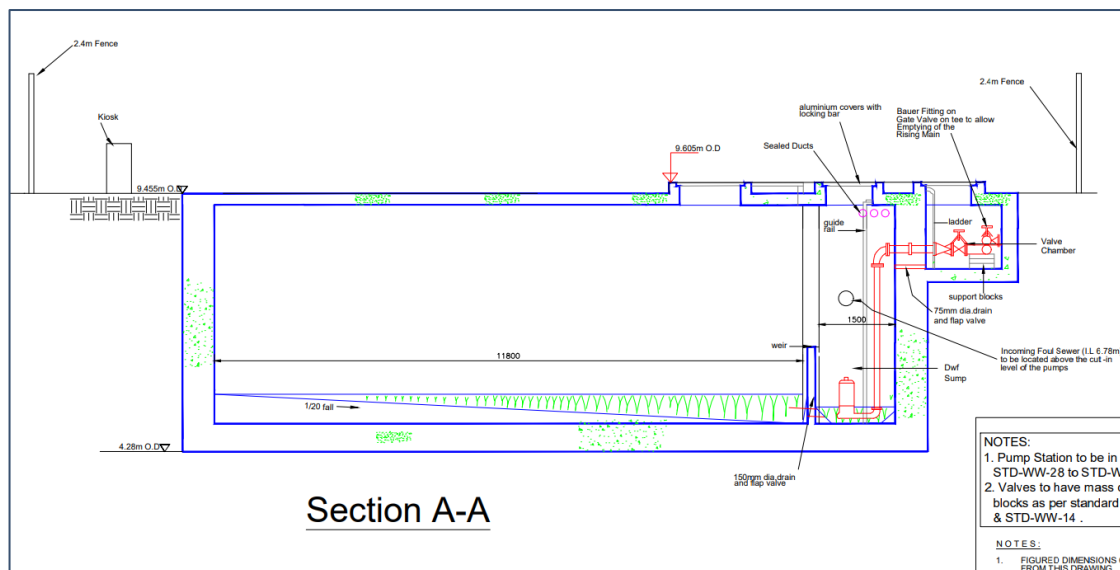


Plate 2-9: Pumping Station Detail – extract of drawing 10690-2116 Rev P03

During discussions at the tripartite meeting both the Inspector and members of the Council considered this positioning could be reconsidered with a view to maintaining trees where feasible and preserve the character of the site. It is acknowledged that a Development Plan objective of the site is to “*have regard to the sylvan character of the site...*”.

An Arboricultural Assessment is included with the planning application. In respect of Tree Group 6 it notes that the grouping comprises a mix of *Fraxinus excelsior* (European Ash), *Fagus sylvatica* (green Beech), *Acer pseudoplatanus* (Sycamore) and *Crataegus monogyna* (Hawthorn) and are considered of moderate quality ('B2'). It was considered that circa 15 no. trees would require removal in this location.

Following discussion with the project engineers, landscape architect and arboriculturist and ecology team, the pumping station was pulled forward of the tree group and the existing stone wall so both remain untouched in the final submitted layout. Ecologically, this design response means the trees, scrub and wall retained will in turn maintain their existing connectivity with the woodland further west. This would result in less disturbance to the woodland area overall which is considered a positive design response.

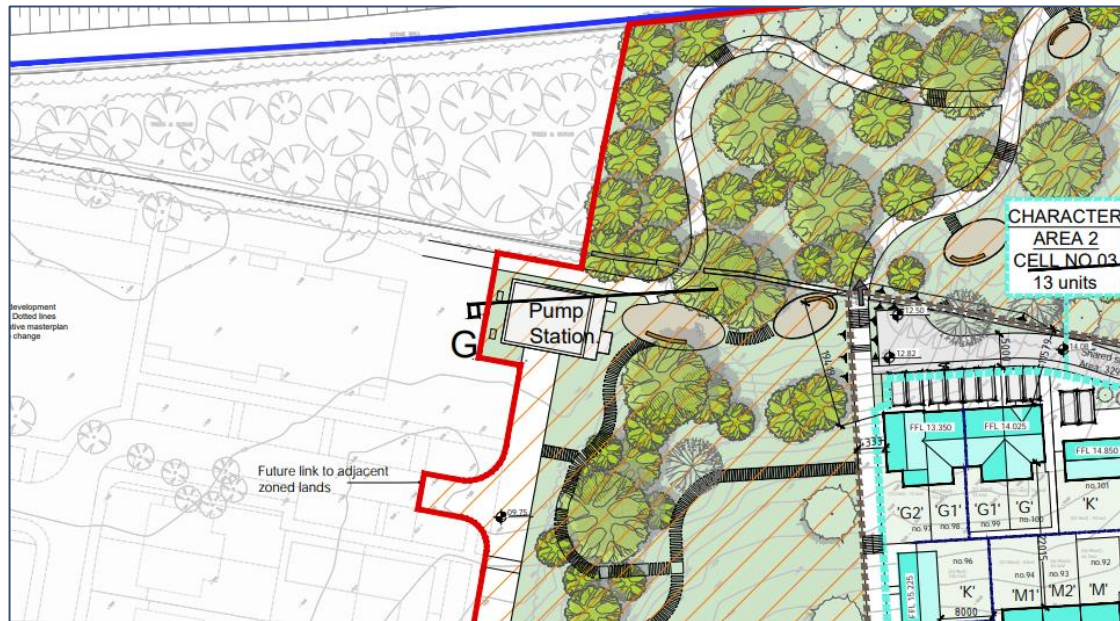


Plate 2-10: Revised Location of Pumping Station (As Lodged) – extract of drawing 20175-3004

The revised location avoids the tree group entirely and stone wall, while still achieving the necessary gradients for engineering requirements. The pumping station as proposed will take wastewater via a rising main to discharge to the existing Irish Water (IW) pumping station located at Merlin Park.

Irish Water have confirmed that the development as proposed can be accommodated on their network without any upgrade works to the existing Merlin Park pumping station, subject to a night-time pumping regime being employed.

The onsite pumping station will provide 24-hours storage. Following discussions with Irish Water, the proposed onsite pumping station will be capable of accommodating future development of other residential zoned lands to the south of the proposed site, should these lands be developed. This will be achieved by the installation of additional modular storage connected to the existing storage tank as required by the future development. In addition to this, a night-time wastewater pumping regime will be employed by the onsite pumping station as agreed with Irish Water.

Taken together, it is held that the revised location of the pumping station achieves the best design response from an engineering, landscape and ecological stance. Its largely underground elements also mean it will not be viewed as a visually intrusive structure from users within the proposed amenity space.

2.2

Item 2

2. Prior to the lodgement of any application the prospective applicant should seek to ascertain what, if any, special contributions, the planning authority may seek at application stage (noting the contents of the report from the Parks Section under 'Appendix 2 Opinions from other Sections of the City Council' of the Planning Authority) and indicate at application stage if

such contributions are acceptable or not, and if not, what grounds the Board may wish to consider in determining the application or not of such conditions

2.2.1 Response to Item 2

The Council's Stage 2 Opinion included a section from the Recreation and Amenity Department which stated:

"In order to appropriately implement the objectives and principles being addressed through the Landscape Plans that Applicant shall under Section 48(c) of the Planning Development Act contribute a special contribution to Galway City Council to enable the design and construction of a greenway between the proposed development and the Woods on the Rosshill Road. The costs to undertake these works includes

- 1. Design and ecological assessments - €8000.00*
- 2. Woodland and Management Plan - €3000.00*
- 3. Implementation of Woodland Management Plan.. €13,000.00*
- 4. RA Zoned Land Acquisition... €70,000.00*
- 5. Construction of interlinking Greenway €40,000.00*
- 6. Road Safety Audit... €1500.00*
- 7. Road Safety Audit Action Implementation €5000.00*
- 8. Woodland Path System... €30,000.00*
- 9. Direction Signage... €2000.00*
- 10. Interpretative Signage €5000.00*

TOTAL €182,000.00

Given the above project will provide safe and off road greenway route to the main Dublin Road and will provide essential amenity and recreation provisions that will directly benefit this development the Authority is seeking a contribution to the value of €40,000 to enable the advancement of the project."

It is noted that the figures as set out total €177,500 as opposed to €182,000.00 – this was subsequently confirmed and accepted by the Department. It appeared from the breakdown included in the Council's Opinion that some work had already been undertaken in terms of routes, layout, scope etc however these routes are not presented in the adopted Development Plan or other statutory or non-statutory design brief or guidance issued by the City Council.

Section 48 of the Planning and Development Act 2000 (as amended) sets out how development contributions may be required:

"48.-(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).

(2) a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.

b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development."

It is noted that section 48(2)(c) is of relevance here. It is noted that Galway City Council adopted a new Development Contribution Scheme to cover the period 2020-2026 in May 2021. The new Scheme notes in relation to special development contributions:

“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 (“the Board”).”

On behalf of the applicant following the Stage 2 tripartite meeting a request was issued to the Recreation and Amenity section of the City Council on the 7th April 2021 seeking further information on the requested sum (refer to **Appendix 1**) noted in the Council’s Stage 2 Opinion.

A review of the Galway City Parks maps illustrates two areas in proximity to the subject site:



Plate 2-11: Galway City Parks Plan

As can be seen, Roscam Park is located in close proximity to the subject site while beyond that further north lies Merlin Woods and Doughiska Park.

On the 28th April 2021 the Senior Executive Parks Superintendent responded to the request for further information (refer to **Appendix 2**).

Two plans were attached to that letter to illustrate 1) an extract from the 2017-2023 City Development plan that indicates the tertiary network proposed in the immediate vicinity of the Rosshill SHD site, and 2) an aerial photograph of the area under consideration - indicated in blue the woodlands in public ownership. These are copied overleaf.

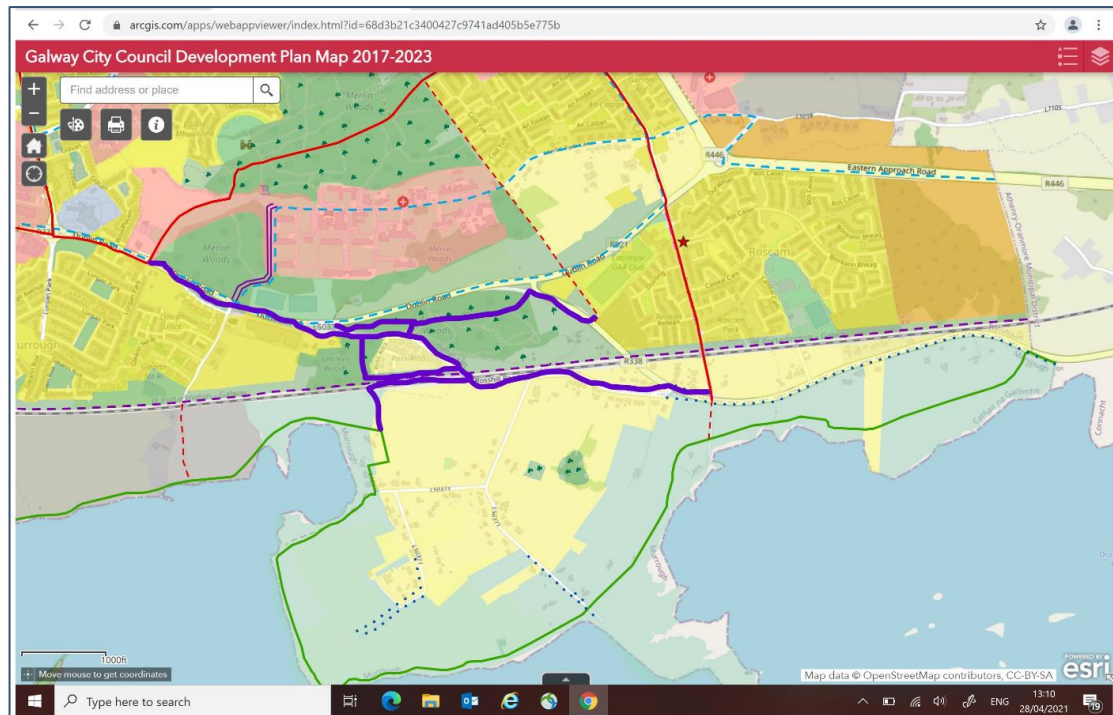


Plate 2-12: Attachment 01 from GCC

The purple line indicators in Plate 2-12 above reflects an ambition to connect residents of the Rosshill SHD site via an off road network to Aunteen and Uncleen's Woods off Rosshill Road, and greenway networks at Merlin Woods and the Coastal Route. It is noted that the application site does not extend as far east or west as shown above. The application has made provision for increased pedestrian connectivity around the site onto Rosshill Stud Farm Road and Rosshill Road (refer to Tobin drawing 10690-2109 rev P03), to link with the existing network in place. The proposals will therefore positively contribute to the ambitions of the Council.

Plate 2-13 below shows the woodlands in public ownership (outlined in blue) however the southern wood (Uncleens Wood) is currently not open to the public. The Council have indicated the tertiary greenway in orange. In their correspondence the Council highlight that *"a critical and the most complex part of this route is between the Rosshill SHD site and the Ross Alta RA Lands due to the Rail Bridge underpass and gradient difference between the Rosshill site and the Rosshill Road."* It is the case that there is no direct access from the application site north towards Ross Alta, given the significant barrier of the railway line. However, the underpass on Rosshill Road is already set to benefit from footpath connectivity under the Ross Alta planning permission (ref: 16/228) and as already noted, the proposals here seek to connect this route further.

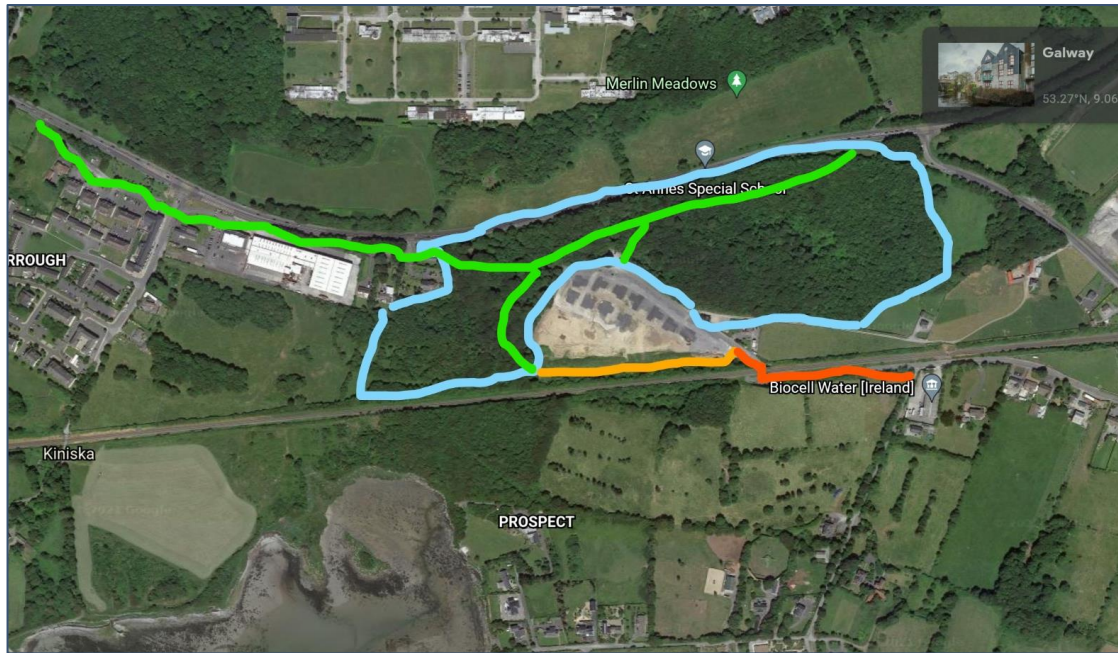


Plate 2-13: Attachment 02 from GCC

From the response letter from the Recreation and Amenity Department of the Council it appears as if the section 48 development contribution of €177,500 sought relates in the main to significant wider connectivity improvements, much of which is not yet designed or scoped. The ability for future residents to access a variety of open spaces and green networks is wholly supported by the applicant. The site layout itself has been designed to give residents the ability to use a variety of spaces within the site and encourage movement and connectivity. Provision is also made for potential future connections should adjacent zoned lands come to be developed out. It is noted that a proposed greenway cycle network connection included in the Galway City Council Development Plan 2017-2023 is positioned in the bottom left hand corner of the wider (blue lined) site.

In supporting the ability for residents to move safely and in a connected manner from the application site, the applicant is willing to accept a section 48 development contribution should the Board deem it to be a condition which is necessary, relevant to planning, relevant to the development should permission be granted, enforceable, precise and reasonable. In that vein, while the principle of a special contribution is acceptable the applicant would welcome more detail on the actual workings regarding the final contribution sum and is more than willing to actively engage with the City Council to assist where feasible.

2.3

Item 3

3. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment and/or the statement of consistency should set out how the proposed apartments comply with the various requirements of those guidelines and its specific planning policy requirements

2.3.1

Response to Item 3

A full housing quality assessment (HQA) and Apartment Quality Assessment (AQA) has been included with the planning application at Appendices 2 and 3 of the Architectural Design Statement. These assessments set out the necessary detail in respect of unit size, individual room sizes, storage areas,

private open space and aspect. 28 of the 35 no. apartments in the proposed development are dual aspect apartments. The majority of houses are dual aspect, with 6no. units being triple aspect. The assessments demonstrate that both the houses and apartments meet the relevant standards.

2.4 Item 4

4. 'A landscaping plan of the proposed open space within the site clearly delineating communal and public opens space areas, play facilities allocated for a range of age groups and the boundary treatment adjoining any open space. The landscaping details shall be accompanied by a site-specific Management Plan which includes details on management of all communal areas and the public plaza.'

2.4.1 Response to Item 4

Please refer to the enclosed drawing CSR 19112-4-100 which illustrates the landscape masterplan for the entire site. Read in conjunction with the associated Landscape Report (CSR) the drawing illustrates the range of space available to future residents, catering for all age groups and providing fitness and childrens play equipment within a variety of open space types. The considered public open space areas are shown in enclosed drawing ONOM 20175-3022 which achieve the required 15% (15.6% achieved). The area of open space located in the northern section of the site includes a fully connected path network and play equipment, while standing off the existing trees on the boundary and punctuating the space with additional planting. The plaza style space south of the creche and north of the apartment building guides pedestrians from the outer footpath on Rosshill Stud Farm Road into the site. This area is proposed as a mix of hard and soft landscaping, creating a transitional space. A southern area of open space along spine road is proposed to feature some local artwork, and is punctuated by a seating area making it useable, active and connected. A shared surface at the west which adjoins the existing wooded area is also counted as public open space.

The western wooded area has been sensitively connected via a path network into the wider site. The meandering woodland trail has a focus on nature making us of the existing features and character of the site. This area has not been counted in the required 15% public open space.

The enclosed Landscape Report sets out in more detail the types of spaces included in the scheme, making us of the existing features of the site. It also includes a specific management plan as requested by the Board which covers all landscaped areas within the development site.

2.5 Item 5

5. A detailed phasing plan.

2.5.1 Response to Item 5

Please refer to enclosed drawing ONOM 20175-3028, copied below for ease.

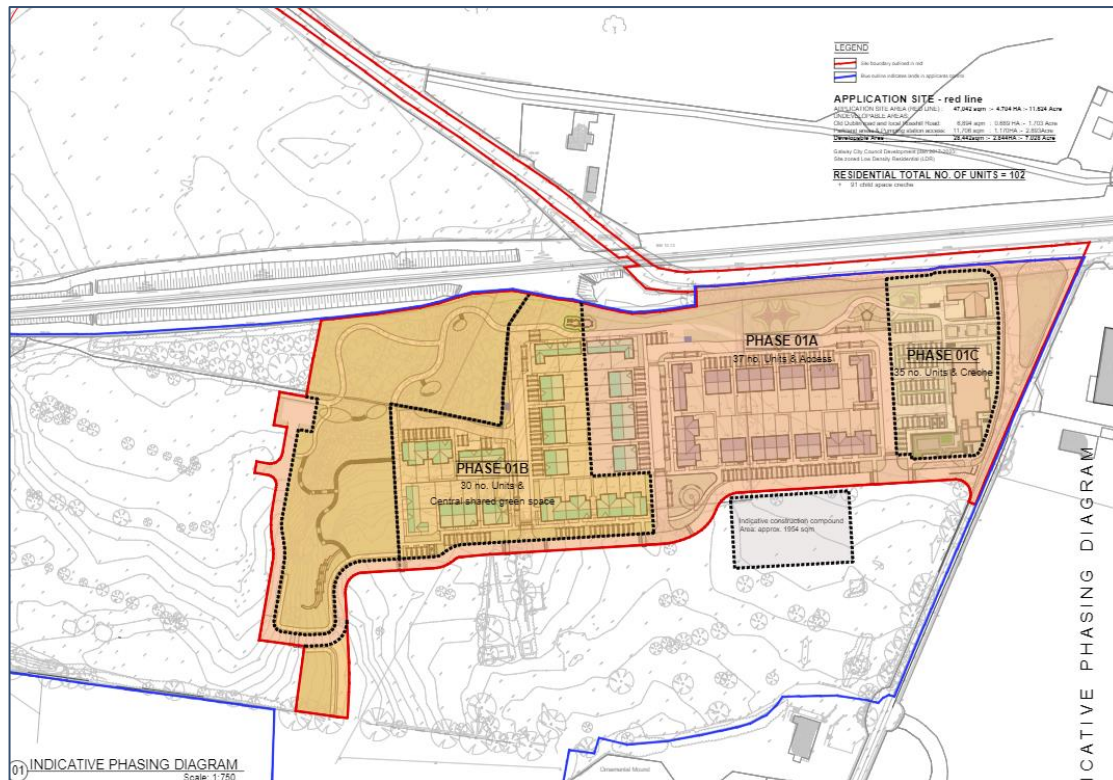


Plate 2-14: Indicative Phasing – extract of drawing 20175-3028

The proposed phasing of the development enables this as follows:

- Phase 1A: This will consist of the construction of the pumping station, associated services and access roads including road widening of existing Rosshill Road. Construction will also include the most accessible houses for occupation consisting of 37 units.
- Phase 1B: Construction of this phase will overlap with Phase 1A and allow a practical continuation of occupation of homes consisting of 30 units and opening up of the principle amenity space in the development for use by the residents.
- Phase 1C: This will consist of the construction of the large apartment block which will be the slowest to finish and occupy. In conjunction with this the construction of the creche will be completed and made available to the residents of the development.

Total estimated construction time period is 36 months.

2.6 Item 6

6. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings illustrating daylight and sunlight analysis for proposed apartments and all open space areas

2.6.1 Response to Item 6

The applicant commissioned Integrated Environmental Solutions Limited (IES) to undertake a Daylight, Sunlight and Overshadowing Study for the proposed development. This is enclosed with the application documentation. It includes the following:

- Methodology
- BRE Site Layout Planning for Daylight and Sunlight
- Daylight Analysis of Existing Buildings
- Annual Probable Sunlight House
- Shadow Analysis
- Sunlight to Proposed Amenity Spaces
- Average Daylight Factors

The conclusions of the report are as follows (summarised):

- *“10.1 Daylight Analysis of Existing Buildings
All points tested exceed the BRE requirements.*
- *10.2 Shadow Analysis
The shadow analysis illustrates different shadows being cast at three key times of the year (March 21st, June 21st and December 21st)...proposed development has a negligible overshadowing impact on the adjacent residential building nearest the site.*
- *10.3 Sunlight to Existing and Proposed Amenity Spaces
One existing amenity space was analysed and it still receives the same amount of sunlight even with the proposed development in place, thus complying with BRE Guidelines...When combined, all amenity areas including the roof terrace, public amenities and private garden sample areas, will receive at least 2 hours of sunlight on March 21st on 90% of their combined area, significantly exceeding the minimum BRE recommendations of 50%.*
- *10.4 Annual Probable Sunlight Hours
...Taking all the APSH results into consideration, the impact of the proposed development on surrounding existing buildings will comply with the BRE Guidelines.*
- *10.5 Average Daylight Factors Across the proposed development, 86% of the tested rooms in the Apartment Building are achieving Average Daylight Factors (ADF) above the BRE and BS 8206-2:2008 guidelines when Living/Kitchen/Dining spaces are assessed as whole rooms against a 2% ADF target. This increases to 100% when Living/Kitchen/Dining spaces are assessed as whole rooms against a 1.5% ADF target. Furthermore, 99% of the tested rooms in the Houses are achieving Average Daylight Factors (ADF) above the BRE and BS 8206-2:2008 guidelines (1.5% ADF target for the Living areas and 2% ADF target for the Kitchen/Dining areas).”*

2.7 Item 7

7. An updated Traffic Impact Assessment including updated traffic modelling based on the use of transport infrastructure with planning permission or in existence.

2.7.1 Response to Item 7

CST Group have prepared an updated Traffic Impact Assessment for the application which is included as part of the application pack.

2.8 Item 8

8. A Waste Management Plan.

2.8.1 Response to Item 8

An Operational Waste Management Plan and Construction and Demolition Waste Management Plan has been prepared and accompanies the application pack.

2.9 Item 9

9. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.

2.9.1 Response to Item 9

The applicant has secured consent from the necessary legal landowners, Finfinella Ltd and Galway City Council to carry out works on the site which are included with the application pack.

2.10 Item 10

10. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority

2.10.1 Response to Item 10

Please refer to the Taking in Charge plan enclosed with the application pack, ONOM drawing reference 20175-3023.

3.

CONCLUSION

The matters raised by the Board in their formal Opinion following Stage 2 of the SHD process have been duly considered by the entire project team. The feedback from the Board on the day together with that of the written Opinion have been considered and addressed in the development proposal now before the Board. This report, together with the suite of information provided as part of the application pack, demonstrates that the development proposal is a sound response to meeting the housing requirements of the City in a sustainable and sensitive manner. Ultimately it is held that the proposal will result in a high quality, responsive and welcoming new residential development for this location which accords with national, regional and local planning policy and guidance.



APPENDIX 1

**REQUEST TO THE RECREATION
AND AMENITY SECTION OF THE
CITY COUNCIL**



Mr. Stephen Walsh
Galway City Council
City Hall
College Road
Galway
H91 X4K8

200607;
Our Ref: ABP-309091
Your Ref: 20/3

6th April 2021

Re: Proposed Strategic Housing Development Rosshill, Galway – Section 48 Special Contribution Request

Dear Stephen,

I refer to our tripartite meeting with An Bord Pleanála on the 1st April 2021 and the City Council's Opinion Report as issued to the Board on the 9th March 2021. As noted by the Inspector at the meeting last week, the Opinion makes reference to a special contribution as follows:

“In order to appropriately implement the objectives and principles being addressed through the Landscape Plans that Applicant shall under Section 48(c) of the Planning Development Act contribute a special contribution to Galway City Council to enable the design and construction of a greenway between the proposed development and the Woods on the Rosshill Road. The costs to undertake these works includes

1. Design and ecological assessments -	€8000.00
2. Woodland and Management Plan -	€3000.00
3. Implementation of Woodland Management Plan..	€13,000.00
4. RA Zoned Land Acquisition...	€70,000.00
5. Construction of interlinking Greenway	€40,000.00
6. Road Safety Audit...	€1500.00
7. Road Safety Audit Action Implementation	€5000.00
8. Woodland Path System...	€30,000.00
9. Direction Signage...	€2000.00
10. Interpretative Signage	€5000.00
TOTAL	€182,000.00

Given the above project will provide safe and off road greenway route to the main Dublin Road and will provide essential amenity and recreation provisions that will directly benefit this development the Authority is seeking a contribution to the value of €40,000 to enable the advancement of the project.”

It is noted that the figures as set out total €177,500 as opposed to €182,000.00. Your clarification on this point is welcomed.



Development Contribution Scheme

Section 48 of the Planning and Development Act 2000 (as amended) sets out how development contributions may be required:

“48.—(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).”

- (2)
- a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.*
 - b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.*
 - c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.”*

It is noted that section 48(2)(c) is of relevance here.

It is noted that the extant Galway City Development Contribution Scheme 2008-2012 is under review, with a draft Development Contribution Scheme 2020-2026 having been published for public consultation in December 2020. That consultation has now ended. The draft Scheme notes in relation to special development contributions:

“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 (“the Board”).”

The draft Scheme also provides details on Class 1: Transport/Roads and Class 2: Recreation and Amenities, which we assume the works proposed relate to. Please confirm. For completeness, the draft Scheme defines these classes as follows:

“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.”

A review of the projects included in the Draft Scheme at Appendix 2 has been undertaken.

A review of the Galway City Parks maps illustrates two areas in proximity to the subject site:



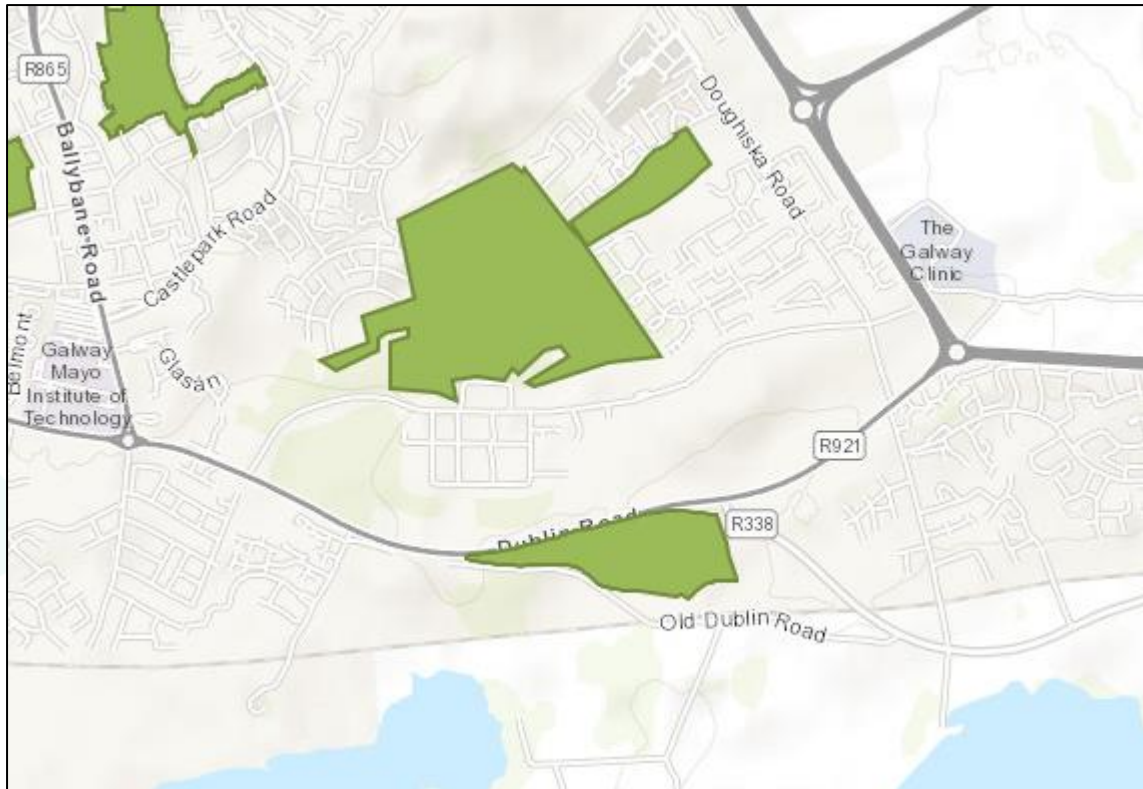


Figure 1: Galway City Parks (Source-
<https://galwaycity.maps.arcgis.com/apps/PublicGallery/map.html?appid=3853b01e8241421999b9b933265ea4ec&group=f6b38dabbbbc074c99a251fc18e3f1b97c&webmap=6246ba022ad94805ab0ddfdb40fec2ac>)

Roscam Park is located in close proximity to the subject site while beyond that further north lies Merlin Woods and Doughiska Park. Please confirm which 'woods' the special contribution is related to.

It appears from the breakdown included in the Opinion that some work has already been undertaken in terms of routes, layout, scope etc. We note also your offer to issue the applicant with a copy of a map/plan regarding the route in question. To inform our discussions on whether or not a special contribution is applicable in relation to the current SHD proposals, we would very much welcome a copy of this information to facilitate our negotiations.

Yours sincerely,

Meabhann P. Crowe

Meabhann Crowe, MRTPI

MKO Planning

c.c Liam Blake, Galway City Council -Planning





APPENDIX 2

**SENIOR EXECUTIVE PARKS
SUPERINTENDENT RESPONSE**

To: Ms. Meabhann Crowe
Project Planner
MKO

28/04/2021
Ref:SW

Re: Rosshill SHD S48 Contribution
A Chara,

Further to recent meeting where the above was noted and your further email and letter seeking clarifications. I have attached a number of basic drawings that indicate our policy and goals with respect to the provision of tertiary and secondary greenways that will serve as recreational assets and permeable links to the main primary walking & cycling routes that are being delivered under the smarter travel plan.

I have provided two attachments with this letter (1) an extract from the 2017-2023 City Development plan that indicates the tertiary network proposed in the immediate vicinity of the Rosshill SHD site. You will note the plan indicates the connectivity with proposed Greenways (secondary) and primary walking cycle routes (Dublin Road). The project will connect residents in the Rosshill SHD development by off road routes to our two woodlands off the Rosshill Road (they are Aunteen & Uncleen's Woods and to our greenway networks proposed to link to Merlin Woods and the Coastal Route. As you can this will be an extensive network of paths, signage and associated public realm furniture.

I have also attached an aerial photograph of the area under consideration in which I have indicated in blue outline the woodlands in public ownership. The south wood i.e. Uncleen's wood is not currently open and available to the public. The project will entail creating walking and cycling routes in these woods and upgrading the existing trails in the opposite Aunteen's Woods – these routes are indicated in green. As you will see the aim here is create connectivity using off road routes as far down as Murrough (near Galway Crystal), and to connect also to Merlin woods via the HSE RA Lands.

We are working to acquire or create a legal easement on the RA Lands behind Ross Alta to create an off road route to Uncleen's wood that will allow a through put of pedestrians through the woods and improve its passive surveillance. Negotiations are still in progress and the valuation placed presently is €70,000 which is the figure presented in the report. The tertiary greenway here is indicated in an orange colour.

A critical and the most complex part of the route is between the Rosshill SHD site and the Ross Alta RA Lands due to the Rail Bridge underpass and the gradient difference between the Rosshill site and the Rosshill Road. For this reason we have included costs to undertake a road safety audit to guide the design and implement actions to create the connectivity desired in a safe manner.

As we are proposing to enable public access to both woodlands it is necessary to provide measures to conserve and manage them for long-term sustainability and public safety. The costs estimates provided are for the purpose, all supported by the necessary public signage required including directional and informational.

I note your comments on the total costs and agree that there is an error the total should read €177,500. The contribution sought can be adjusted pro-rata.

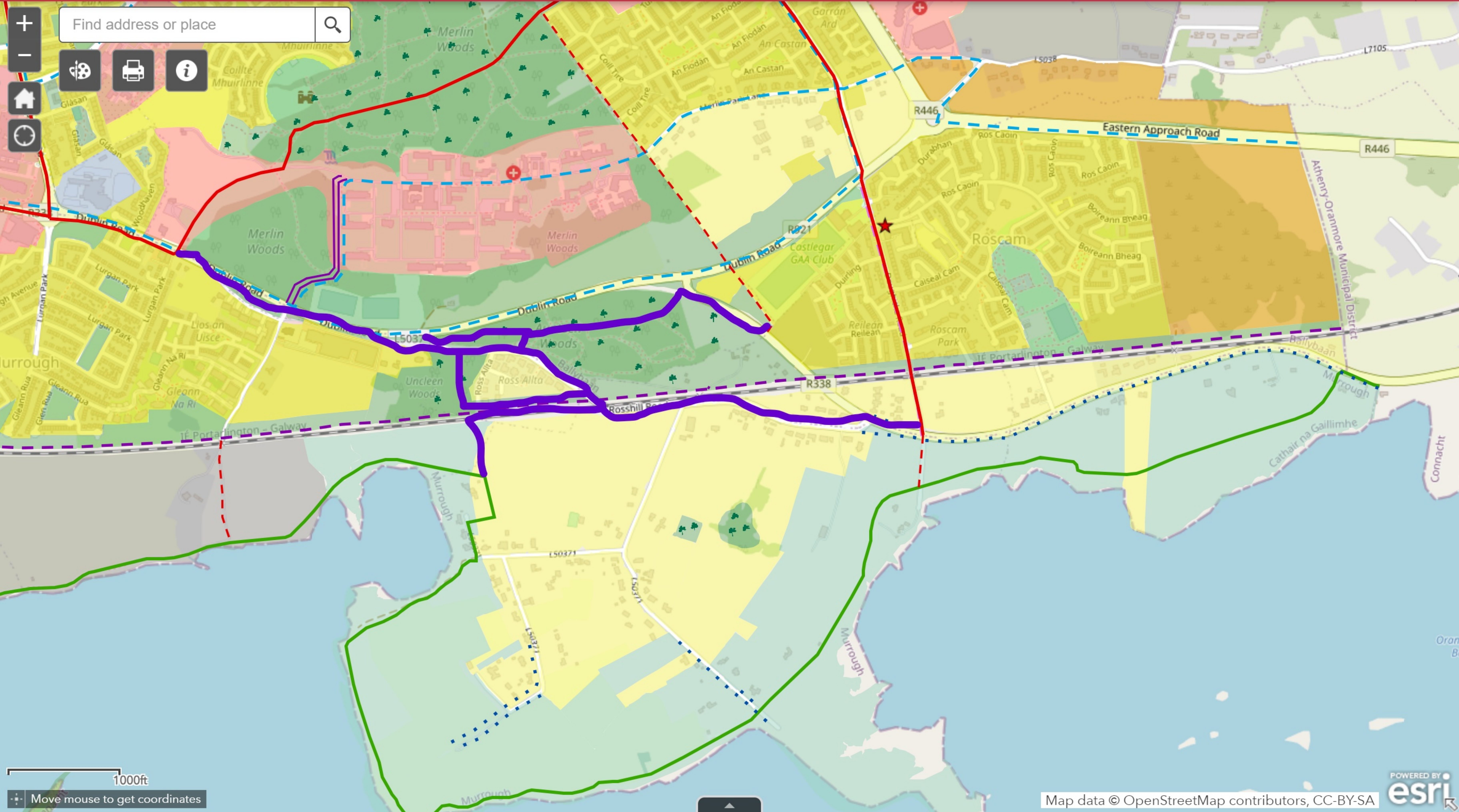
The pathway & cycleway aspects of the project are being progressed in tandem with our colleagues in the Transport Department and the National Transport Authority.

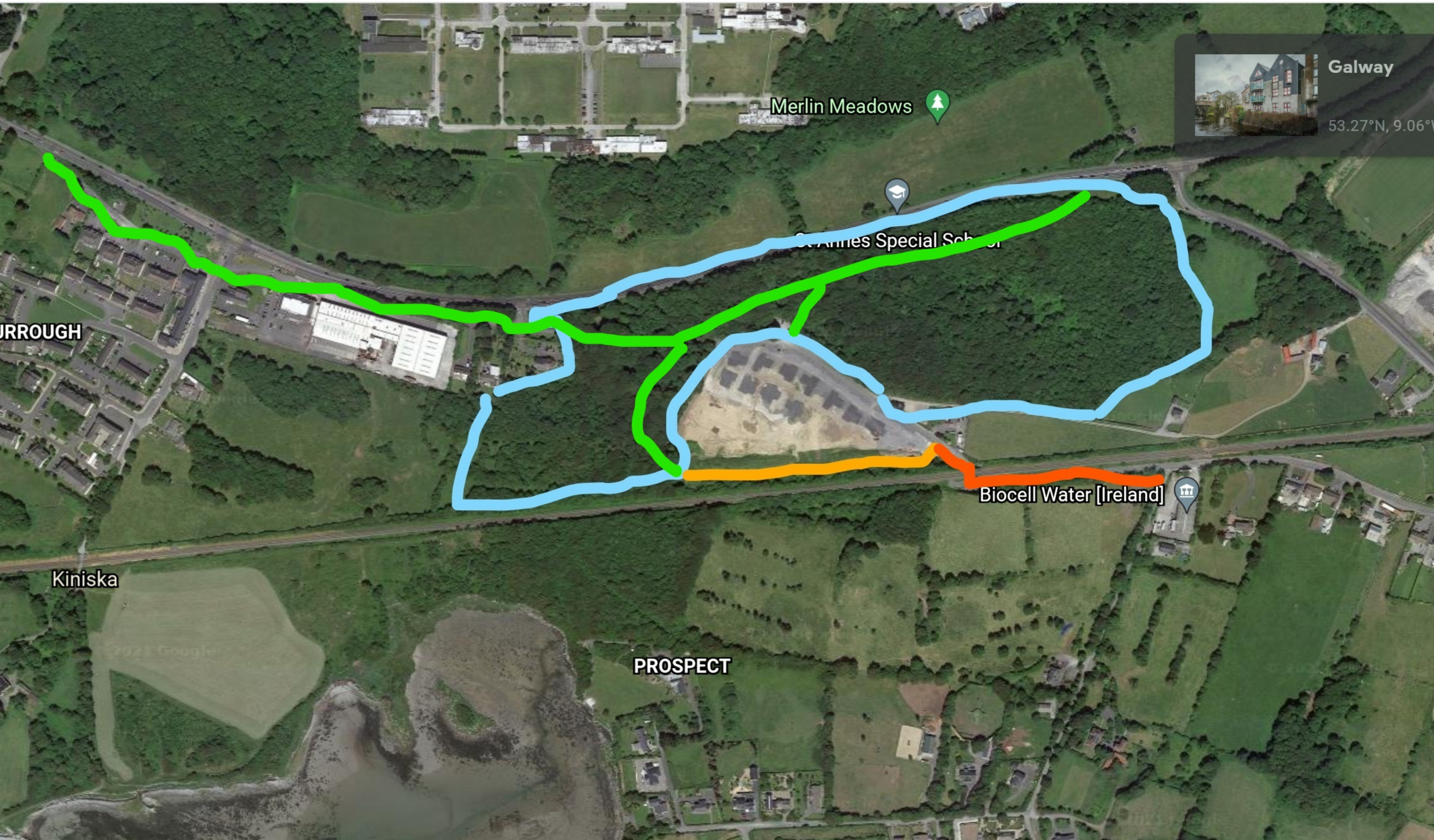
Stephen Walsh

Senior Executive Parks Superintendent

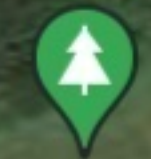
Galway City Council

Galway City Council Development Plan Map 2017-2023

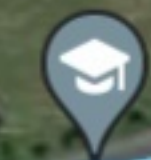




Merlin Meadows



St. Anne's Special School



URROUGH

Kiniska

PROSPECT

Biocell Water [Ireland]



Galway

53.27°N, 9.06°W