

An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Atlantic Technological University (ATU)
Galway City Campus

(b) Address

c/o Buildings & Estates Department
ATU, Dublin Road, Galway, H91 T8NW

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

N/A

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Galway City Council

(b) Planning authority register reference number

(for example: 18/0123)

S5.33.24

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

ATU, Dublin Road, Galway, H91 T8NW

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

See attached Document

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Dlíseall
Teicneolaíochta
an Atlantaigh

Atlantic
Technological
University

Galltímh

Galway

Eagraíocht Chultúr Gailtímh,
1841 1846 1847

Dúlaí, Rann, Cúlraí
1841 1846 1847

The Secretary
An Bord Pleanála
64 Marlborough Street,
Dublin 1,
D01 V902

AN BORD PLEANÁLA	
LDG-	<u>0763.50-24</u>
ABP-	
20 NOV 2024	
Fee: €	<u>220</u> Type: <u>chg</u>
Time: <u>8.56</u>	By: <u>Post</u>

18th November 2024

RE: John Behan sculpture – Megalithic Memories (1981)

Planning Declaration under Section 5 of the Planning & Development Act, 2000 (as amended) & the Planning & Development Regulations, 2001, (as amended).

A Chara,

We wish to refer a decision made by Galway City Council in relation to a Declaration of Exemption application for the provision of a sculpture on the Atlantic Technological University (ATU) Galway City campus grounds. (Appendix A)

Also find enclosed fee of €220 (R1).

As a brief background, the sculpture piece, called 'Megalithic Memories' (1900 mm High / 3000 mm Long / 1450 mm Wide) was created in 1981 by renowned sculptor John Behan, was commissioned by an architect in 1981 and has been on display in the AIB Dublin collection since that date. It has now been donated to ATU by AIB. (Appendix B)

Further to the Council's rejection of our Declaration of Exemption application, it is the view of ATU that this sculpture is exempted development under the Planning and Development Regulations 2001-2024, Schedule 2, Part 1, Class 36:

CLASS 36

(a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure in connection with or for the purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park.

The grounds within ATU are specifically defined as "Institutional Open Space", providing open / unfettered access to the wider public, as defined within the Galway City Council's 'Open spaces within the Green Network' hierarchy list, set out in Table 5.2 of the Galway City Development Plan 2023-2029. (Appendix 3)



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an Atlántaigh

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Bealach Áine, Corrib, Galway,
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Dublin Road, Cobh,
E84 1A4W, Éire

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ATU deems that the term 'park' has been applied too narrowly applied by the planning authority in this case and does not reflect the broader 'public open space' definition set out in their own development plan. According to the Oxford dictionary, the term 'park' is defined as *"an area of public land in a town or a city where people [can] go to walk, play and relax."* Alternatively defined as *"an area of public property maintained in its natural state; and/or a tract of land that can include lawns which is accessible to the public."* The grounds of ATU fulfil this definition.

The Bord's determination of this appeal is extremely important, as it will have a bearing on further art installations proposed throughout ATU's eight campuses in Galway, Mayo, Sligo and Donegal, and other 'parks' controlled by educational institutions throughout Ireland.

Regards,

David Quinn
Technical Officer
Buildings & Estates



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an Ailinnigh
Atlantic
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University

Gaillimh

Galway

Exchequer Quay, Galway,
E8 1TAN, Ireland

Dublin Road, Galway,
E8 1TAN, Ireland

Tel: 091 931 7511

Appendix A:

Determination of Galway City Council in relation to Declaration of
Exemption Application. Ref: S5.33.24



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an Ailbheartaigh

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Gaillimh

Galway

École Supérieure Galway,
1831 Galway, Irlande

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Appendix B: Images of the sculpture

Front View:



Rear View:





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University

Dublin

Galway

Exeter Area, Exeter, UK
1841-1842

Exeter Road, Exeter
1841-1842

1841-1842

Side View A:



Side View B:





Dilspoll
Teicneolaíochta
an Atlántaigh

Atlantic
Technological
University

Galway

Galway

Edna Áine O'Leary Gallery,
184-186A, 187, 188

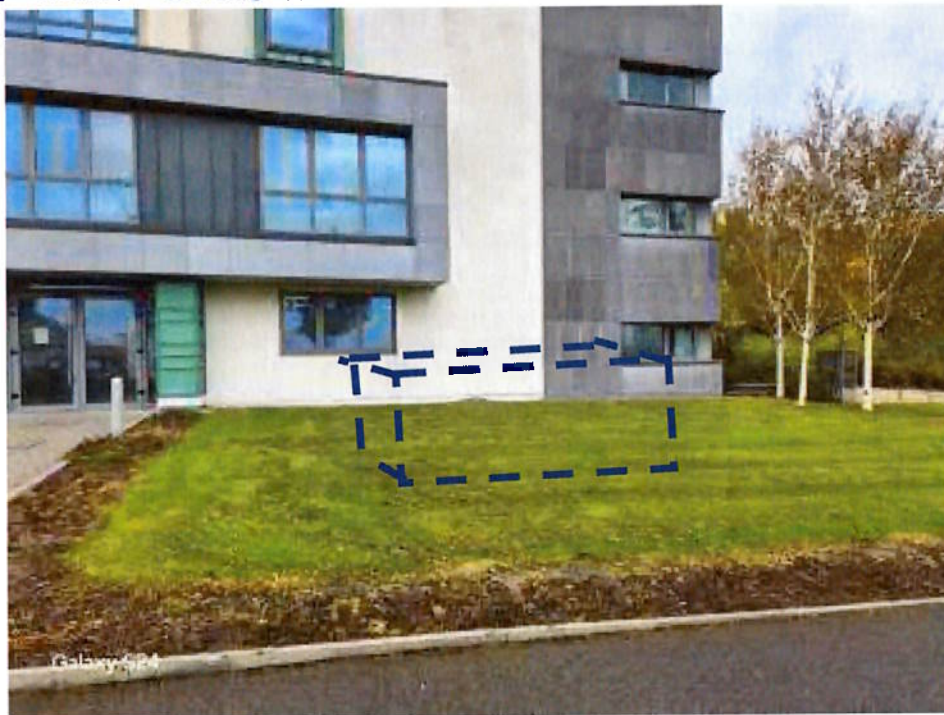
Dublin Road, Galway
E8 1YNA, Ireland

Tel: 091 930 7300

Aerial View: (Illustrating location of sculpture)



Montage View: (Illustrating typical location of sculpture)





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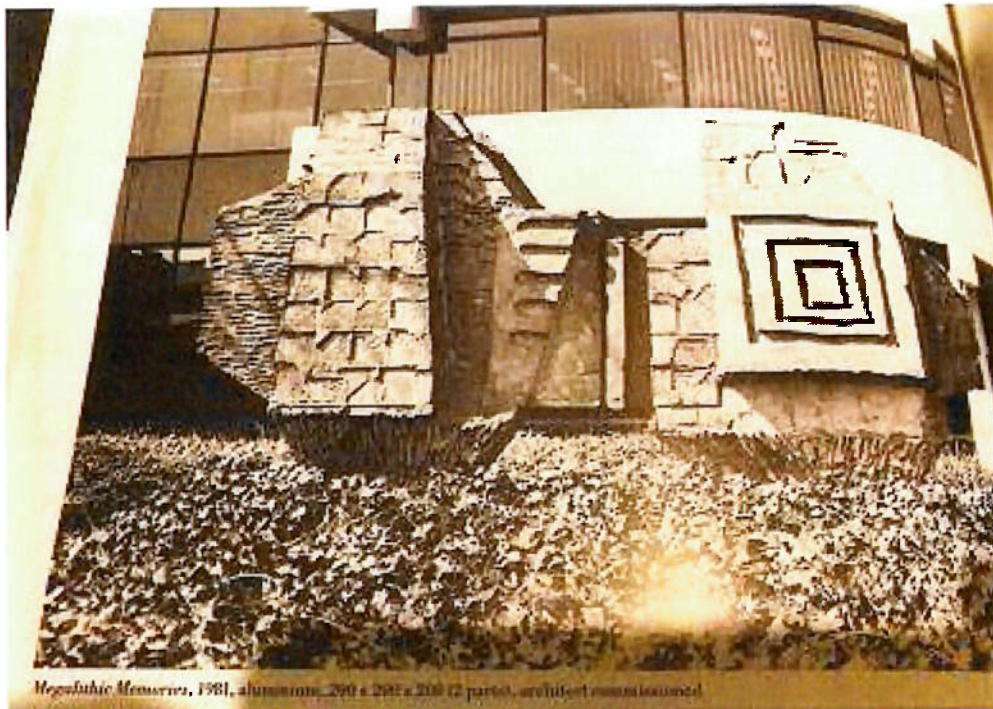
Galway

Edin. Arts. Coll., Galway,
1841-1846/1847

Dublin. Royal College,
1841-1846/1847

1841-1846/1847

Newspaper extract of Sculpture in original location in Dublin:



Megalithic Memories, 1981, aluminium, 290 x 200 x 200 (2 parts), architect commission



Appendix C: Extract of Galway City Development Plan 2023-2029

Natural Heritage, Recreation and Amenity

Table 5.2 Open spaces within the Green Network

Open Space Type	Location	Primary Purpose
Three City Parks	• Barna Woods/Lough Rusheen • Merlin Park Woods • Terryland Forest Park	Large scale open spaces for passive and active recreation, wildlife conservation and education (over 10 hectares)
Neighbourhood Parks	Mixed sized parks located adjacent to residential areas e.g. Renvyle Park, Cappagh Park, Marvua, McGrath's Field (Knocknacarra), Ballinfeale Park, South Park, Shantalla.	Parks formally designated for passive and active recreation (1-10 hectares)
City Centre Parks	Central city locations including Kennedy Park, Millennium Children's Park, Riverside Walk, Fr. Burke Park, Cella Griffin Memorial Park and Wood Quay	Small scale parks designated for passive and active recreation, streetscape value and civic function (less than 1 hectare)
Enclosed Marine/Wetland and Coastal Areas	Silverstrand to Roscam including Lough Rusheen, Lough Atalia, Ballyloughane Beach	Naturally occurring environments used for passive and active recreation, bathing, shore fishing, wildlife conservation and education
Rivers, Waterways and Lakes	River Corrib, canal systems, Sandy River and Ballindookey Lough	Open spaces adjacent to river and canal system or means of access to river and canal system offering townscape value, water based sporting opportunities, passive recreation, fishing and wildlife conservation
Civic Spaces	Eyre Square, Fishmarket Square, Shop Street/Quay Street, Courthouse Square, Wind Quay, The Small Crane	Urban spaces composed of soft or hard landscape treatment or a combination of both, offering venues for civic events or passive recreation
Greenways	Greenways including coastal, river, canal and woodland walk and cycle ways	These are established or potential amenity corridors facilitating non-motorsed travel along linear routes (including rights of way), often with wildlife corridor importance along coastal areas, through woodlands and parks, river or canal corridors. Recreation and alternative circulation routes for pedestrians and cyclists
Residential Open Space	Open space in residential areas occur throughout the city	Provides for general amenity, biodiversity, passive and active recreation in particular children's play. In general all open space lands above 0.2 hectares, (1/2 acre) in residential areas are zoned RA Recreation and Amenity



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Natural Heritage, Recreation and Amenity

Commercial and Industrial Open Spaces	Throughout the city including IDA lands and St James Health Centre	Areas offering general amenity value often with landscape planting within the grounds of commercial or industrial developments. These areas can provide a setting for buildings and soften the visual impact of development and contribute to biodiversity.
Institutional Open Space	Throughout the city including University of Galway and Atlantic Technological University (ATU) grounds and Merlin Park Hospital grounds	These comprise of open space as part of educational, health, religious or residential institutional use, often with some access to the wider public.
Cemeteries	Throughout the city including Rahoon Cemetery	Graveyard or burial ground, church or within a churchyard providing a green area within the heart of the community.
Recreational and Amenity Zoned Lands	Located at the fringes of the city including Ballybriart Racecourse, Dangan Woods, Roscam Woods and lands at Kingston	Areas zoned recreational and amenity, which do not fall into any of the above categories.
Agricultural Lands & High Amenity	Throughout the city including land at Monlough Castle and woods and lands at Roscam	Lands used for agriculture purposes, often forming greenbelt, offering amenity, passive recreation and visual aspect, contributing to biodiversity.

In the context of NPF growth targets for the city, the Council will continue to acquire lands zoned for recreation and amenity use or other lands with potential to enhance the quality of the green network, support connectivity, climate resilience and to provide additional sports and recreation facilities. Initiatives including the "Healthy Green Spaces", "Green Flags for Parks" and "Greening of the Laneways" will be progressed in conjunction with local communities, schools and voluntary groups to enable the development of amenity spaces and support biodiversity. Opportunities for public/private partnerships will also be investigated where a high standard of recreation facility can be developed, including with public access.

The green network plays an important role in sport and physical activity. The 'National Sports Policy 2015 - 2027' and *National Physical Activity Plan (2021)* sets targets and actions for increasing participation in sport for all ages and abilities. Existing and proposed active recreation facilities such as playing pitches, MUGAs, ball walls, tennis courts and running tracks are important facilities located within the green network which contribute to healthier lifestyles and social and community interaction. The review of the RANS will inform additional requirements for such facilities.

The Galway Sports Partnership also has an important role in increasing participation in sport delivering programmes of activity, training and education opportunities and raising awareness. A range of clubs and leisure providers also help improve facilities and increase participation.

