



An
Bord
Pleanála

Inspector's Report

ABP-321970-25

Development	Large-scale residential development (LRD): Construction of 156 residential units, a creche and all associated site works.
Location	Ballymoneen Road (L5024), Keeraun and Ballynahown East, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2460270
Applicant	Cairn Homes Properties Limited.
Type of Application	Large Scale Residential Development
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Cairn Homes Properties Limited
Observer(s)	Canley Owners Management Company Ltd CLG Ruth Burke
Date of Site Inspection	22 nd March 2025.
Inspector	Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located in the townlands of Keeraun and Ballynahown East, at the edge of the western suburbs of Galway City. The site is approximately 5km west of Galway City Centre. The site is partially included in a Gaeltacht area.
- 1.2. The site includes two single dwelling units both of which are accessed off the northern section of the Ballymoneen Road. There is an existing agricultural entrance to part of the site off the Ballymoneen Road. The site is on the edge of an established area including the Maoilin residential development to the south of the site and the Sli Gheal residential development adjoining the site to the east. On the opposite side of the Ballymoneen Road is the Ard Cre development and the Maolchnoc development which is partially complete. There is an apartment block on the opposite side of the proposed development entrance. This has commercial units on the ground floor which are not yet occupied.
- 1.3. There are existing childcare facilities south of the site including a creches in Sli Gheal and in Drisin. Coláiste na Coirbe, a secondary Gaelscoil, is located 1km south of the site. Cappagh Park is 2km southwest of the site and Galway Retail Park which includes supermarkets is 2km east of the site.
- 1.4. Save for the two dwellings, the site is a greenfield undulating site with stone wall boundaries and has been recently cleared of vegetation.
- 1.5. Directly to the northwest of the site is the route of the proposed N6 Galway City Ring Road (GCRR). The application for this road is currently with the Board for decision. (ABP.ref: 318220)
- 1.6. Part of the site is in the Bearna & Cnoc na Cathrach Gaeltacht Language Planning Area.
- 1.7. The site has significant changes in topography, with a falls of c. 20 metres north to south and c. 10 meters east to west. In its northern section the site raises form the Ballymoneen Road towards the northwestern corner of the site.

2.0 Proposed Development

2.1. The proposed development is a Large Scale Residential Development of 156no. residential units and a creche, all on the Ballymoneen Road, Galway.

2.2. The proposed development will consist of the following:

- Demolition of 2 no. existing dwellings including 1 no. two-storey dwelling (199 sqm) and 1 no. bungalow (234 sqm) and shed (13.64 sqm).
- Construction of 156 no. residential units comprising: 113 no. houses (16 no. 2-bed, 91 no. 3-bed, and 6 no. 4-bed) and 43 no. apartment units (21 no. 1-bed, 22 no. 2-bed).
- Provision of a creche (179 sqm).
- Provision of all surface water, watermain and foul water services and connections to existing facilities on Ballymoneen Road (L5024).
- Provision of a new vehicular and pedestrian access with the Ballymoneen Road (L5024) and the provision of a new pedestrian crossing on the Ballymoneen Road (L5024). Provision of a grass verge and cycle lane in accordance with the Galway Transportation Strategy.
- Provision of a potential pedestrian and cyclist connection on the eastern site boundary to the existing Slí Gheal development and the provision of 2 no. potential pedestrian connections from the proposed play area to the adjoining Slí Gheal development.
- The provision of landscaping including play areas and SUDS features.
- Provision of shared communal and private open space, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, site landscaping and public lighting, and all associated site development works.
- Erection of a retaining wall varying in height from 0.5m to 3.5m along parts of the western boundary of the site to be constructed in the event the subject site is developed prior to the proposed N6 Galway City Ring Road Strategic Infrastructure Development (ABP-318220-23).

- Throughout the site, maximum fill depths of up to approximately 3.5m are expected in isolated cases but typically below 1.5m depth.
- Majority of cut required falls below 1.5m depth, however maximum cut depths of 4.5m are expected in isolated cases.

2.3. The principal development statistics of the initial proposal are as shown in a tabular format below:

Table 1: Key Statistics

Site Area (Gross)	4.11 ha
Site Area (Net)	3.92 ha
Total GFA	15,593.9 sqm
Unit Mix	<div>1 bed (apartments): 21 14%</div> <div>2 bed (apartments: 22 + houses: 16): 38 24%</div> <div>3 bed (houses): 91 58%</div> <div>4 bed (houses): 6 4%</div> <div>Total: 156</div>
Plot Ratio	<div>0.37:1 (gross)</div> <div>0.39:1 (net)</div>
Amenities & Facilities	Creche
Density	40 dwellings per hectare
Building Height	4 storey apartment blocks
Car Parking	271 no.
Bicycle Parking	112 no.
Public Open Space	15.7%
Creche	<div>179 sqm</div> <div>28 children</div>

2.4. The proposed residential mix is presented in the tables below:

Table 2(a): Summary of Residential Units Mix

Houses and Apartments			
Unit Type	Houses	Apartments	Overall Total
Total	113	43	156
% of Total	72%	28%	100%

Table 2(b): Overview of Provision of Houses

Houses			
Unit Type	2 Bed	3 Bed	4 Bed
Total	16	91	6
% of Total	14%	81%	5%

Table 2(c): Overview of Provision of Apartments

Apartments		
Units Type	1 Bed	2 Bed
Total	21	22
% of Total	49%	51%

3.0 Planning Authority Pre-Application Opinion

A Section 32 Consultation Meeting took place on the 5th July 2022 with representatives of the applicant and planning authority in attendance.

A Section 32B LRD meeting was held with the applicant and Galway City Council on the 29th April 2024.

Galway City Council issued a Large-Scale Residential Opinion on the 29th April 2024, this set out that the documentation submitted pursuant to section 32D(2) required further consideration with respect to:

- A report demonstrating compliance with the Galway City Development Plan 2023-2029.
- How the development gives priority to the reservation of the N6 GCRR Preferred Route Corridor.
- Appropriate Assessment and EIAR if necessary.
- Flood Risk Assessment.
- Climate Change.
- Noise Impact/Mitigation as a result of N6 GCRR.
- Noise Impact Assessment due to rock breaking.
- Omission of 'back-to back' duplex units.
- Potential overlooking.
- Active frontages.
- Compliance with DMURS.
- Omission of unsupervised open space.
- Microclimate Report.
- Consideration of the provision of a community facility.
- Movement Strategy to ensure pedestrian/cycling connections.
- Provision of a creche.
- Bicycle parking provision.
- Scheme Sustainable Statement.
- Climate Action Statement.
- Statement of Housing Mix.
- Design Statement.
- Active Travel
- Potable Water Supply
- Foul Water Supply

- Surface Water Drainage.

4.0 Planning Authority Decision

4.1. Decision

On the 22nd October 2024 Galway City Council requested the applicant to submit Further Information relating to

- Information demonstrating that the proposed development will not impact upon the delivery of the N6 GCRR scheme and as the proposed development, as currently outlined in the application, is in conflict with the delivery of the N6 GCRR. Information required related to the retaining walls proposed, construction sequencing, proposed mitigation measures, if required for environmental impacts (noise, visual etc.) arising from the N6 GCRR.
- The submission of a Traffic and Transport Assessment and a Mobility Management Plan.
- Revised proposals including for necessary pedestrian and cyclist permeability routes to both Sli Gheal to the east of the development site and also routes to Maolin to the south including lighting details.
- Compliance with the Galway City Development Plan with regard to distances between side gables and side boundaries.
- Amendments to the proposed landscaping provision.

On the 29th January 2025, Galway City Council refused permission for the following reason:

‘The proposed development directly abuts the proposed N6 Galway City Ring Road (GCRR) project route, it is the Core Strategy, policy and priority of the Galway City Development Plan 2023 – 2029, and in particular Chapter 4: Sustainable Mobility and Transport and Section 11.2, Land use Zoning General, to protect and deliver this piece of strategic infrastructure for Galway City. In this case, the installation of any permanent works within the proposed development site would have the potential of being damaged by blasting, including but not limited to structures, drainage and

services and would therefore, delay and impinge upon the delivery and construction of the N6 GCRR, therefore, development on these lands would be premature pending the determination of the road layout and its construction, and would be contrary to the development plan policies and contrary to the proper planning and sustainable development.'

4.2. Planning Authority Reports

4.2.1. Planning Reports

The main points of the Planner's first report dated the 18th October 2024 can be summarised as follows:

- The Planning Authority, based upon the scientific evidence provided in the Flood Risk Assessment considers this is sufficient to progress the assessment of this development.
- Based on the submitted bat survey and report it is considered that a condition can be formulated to include mitigation measures.
- The Energy and Sustainability report addresses the City Development Plan requirement for a Scheme Sustainability Statement.
- A condition can be formulated to ensure the implementation of the mitigations as recommended in the submitted Invasive Alien Plant Species Survey.
- The Planning Authority agrees with the submitted Screening for Appropriate Assessment.
- The Planning Authority has adopted the submitted Screening for EIA and consider that an EIAR is not required.
- The findings of the submitted Ecological Impact Assessment are adequate to progress the assessment of the development.
- The development is acceptable in principle on the 'R' residential zoning.
- As the TII report has concern that the applicant has failed to demonstrate that the development would not have a detrimental impact on the delivery of the N6GCRR the applicant should be requested to comment on the issue.
- Due to the N6 Project Team concerns the applicant should be requested to demonstrate compliance with the points highlighted by the N6 Project Team.

- In principle the proposed development complies with Galway City Council Housing Strategy.
- Given the topography of the site the density of the proposed development complies with the Compact Settlement Guidelines.
- The mix of units is acceptable and complies with the Apartment Guidelines and the Development Plan.
- The size of the apartment exceeds the minimum standards required in the Apartment Guidelines.
- The proposed height and increased density of the development is welcomed.
- The provision of enclosed balconies should be required by condition.
- Conditions recommended to agree details of the apartment entrance and open space for garden units.
- The proposed development will not cause undue overlooking.
- Information is required relating to bike storage.
- The layout of the proposed development would meet the quantitative requirements of the development plan.
- A number of Parks Department requirements need to be addressed.
- Four points of Further Information are required.

The main points of the Planner's second report dated the 27th January 2025 can be summarised as follows:

- The N6 Project Team are not satisfied with the FI response and stated that the development is in conflict with the N6 project unless a number of conditions can be complied with.
- The proposed conditions are too onerous and therefore permission should be refused.
- The development would be premature pending the determination and construction of the bypass, or at least until the blasting elements along this section have been completed.
- The protection of the N6 route and its construction remains the priority.

- The proposed development impinges or may impinge upon the N6 delivery and would be contrary to the CDP policies and objectives and permission should be refused.
- The proposed development does not meet the Development Plan standards.
- A revised landscaping and recreational plan has been submitted.

4.2.2. Other Technical Reports

- Transportation Planning Report dated the 14th October 2024. Recommends the applicant submit further information relating to the pedestrian and cycling permeability to both Sli Gheal to the east and Maolin to the south and compliance with the GCC pre-planning guidance.
- Flood Risk Department Report dated the 8th November 2024 states that there is no risk from fluvial/tidal flood risk and that the applicant should have included an assessment of residual flood risk for the site.
- N6 Project Manager: Report dated 10th October 2024.

Report included an attached report from ARUP Design Team.

The report states:

'Insufficient information has been provided in the planning application to demonstrate that the proposed development will not impact delivery of the N6 GCRR scheme. Further details should be submitted to the NRPO Galway County Council for consideration.'

The proposed retaining wall design and construction sequencing are not adequately set out in the application. The detail of the design of the retaining wall should be submitted to the NRPO for consideration.'

The N6 GCRR scheme is currently under consideration by An Bord Pleanála and the applicant is aware of the N6 GCRR proposal and its design. It is the applicant's obligation to provide any additional mitigation, if required, for their proposal with regards to impacts (e.g. noise, visual environmental etc.). The applicant should demonstrate and confirm that they have considered this in their application.'

- N6 Project Manager: Report dated 17th January 2025.

Report states:

'the proposed development is in conflict with the N6 Galway City Ring Road unless the following can be conditioned in a grant of permission:

- *It is the applicant's obligation to provide any mitigation measures for the proposed development with regards to any potential impacts from the construction and operation of the Galway City Ring Road.*
 - *The installation of any permanent works within the proposed development with the potential of being damaged by blasting, including but not limited to structures, drainage and services among other things, are not to begin until the applicant gets written confirmation from the National Roads Project Office of Galway County Council that blasting adjacent to the proposed development for the Galway City Ring Road has concluded.*
 - *Excavations at the Galway City Ring Road boundary greater than 500mm, other than in rock, are not to proceed until method statements for those excavations are agreed with the National Roads Project Office of Galway County Council.*
 - *Where the Galway City Ring Road is bounded by retaining walls retaining the proposed development the retaining walls are not to rely on passive resistance of soil on the GCRR side.'*
- Environment Report dated the 11th September 2024 states no objection subject to conditions.
- Drainage Section report dated the 8th November 2024 has no objections.
- Active Travel report dated the 9th October 2024 recommends the provision of additional cycle and pedestrian connections.
- Transportation Section report dated 14th October 2024 requires the applicant to submit further information relating to the provision of pedestrian and cyclist connection with Sli Gheal and Maoilin.
- Recreation and Amenity Section's report dated the 9th October 2024 requires further information.

4.3. Prescribed Bodies

The main points of the TII report dated the 2nd October 2024 can be summarised as follows:

- TII is concerned that insufficient information has been provided to demonstrate that the proposed development will not impact on the delivery of the planned N6 GCRR Scheme.
- Recommends that the applicant engage with the N6 GCRR Project Team and include incorporate any amendments which would be submitted as part of the planning application before a decision be reached.

The second report dated the 7th January 2025 states that with regard to the further information received, the TII positions remains as set out in the letter dated the 2nd October 2024

4.4. Third Party Observations

Twelve observations were received on the planning application. An additional 2no. observations were received after the submission of further information. The main points raised can be summarised as follows:

Rock Breaking

- The amount of rock breaking that will be required in close proximity to existing houses.
- A condition survey of the existing houses on Sil Gheal and Fana Bui is required to allow assessment of any adverse impacts.
- Further details are required relating to the berms/mounds proposed and potential vibrations.
- A condition of planning should require continuous noise and vibration monitoring for sample houses in the adjoining estate.

- Any damage to existing properties should be the responsibility of the developer.
- Concern relating to the noise of rock breaking.

Existing Residential Amenity

- A sunlight day light analysis is required as the proposed development is in close proximity to existing dwellings.
- Impact on amenity due to overshadowing.
- The sunlight analysis did not include properties in Sli Gheal.
- Greater distance is required between the proposed dwellings and existing dwellings on Sli Gheal and Fana Bui.
- Concern of overlooking of the property to the north from the proposed houses at the entrance to the development.
- To prevent over development of the houses abutting Sli Gheal and Fana Bui a condition should be attached restricting exempted development.

Public Transport

- Lack of public transport and no cycle lane on the Upper Ballymoneen Road.
- Increase in public transport on the Upper Ballymoneen Road.
- Inaccuracies in the application with regard to the provision of public transport.
- Autotrack Analysis of buses turning in the estate is required.
- If buses are unable to turn in the estate the amount of car parking should be increased to the maximum allowed to comply with the development plan standards.

Traffic

- The proposed development is premature pending the completion of the N6 Galway City Ring Road.
- Upgrades to the Upper Ballymoneen Road should be undertaken first before granting permission and continuing the piecemeal development.

- The Upper Ballymoneen Road is dangerous and inadequate for the level of traffic using it.
- There are no cycle facilities on the Ballymoneen Road.
- Concern about increased traffic, including trucks using Sli Gheal.
- The proposed development will add to traffic delays.
- The proposed junction has insufficient visibility splays.
- The visibility to the north is inadequate.
- A redesigned wider entrance is required.
- Further development of applicant's land to the north will add to the problem
- Details of the proposed pedestrian/cycle route through Sli Gheal should be submitted.

EIA

- The EIA screening does not consider all development in the area.
- An EIA is required for the development.

Landscaping

- Concern that the proposed development will have a negative impact on the root system of the 12m high trees on the boundary with property immediately to the north.
- Possibility of these trees falling into the proposed properties exposing the objector to liability.
- The gardens of the houses at the entrance are too small and these houses should be omitted.
- A condition should be attached agreeing to a proper constituted owners management company.
- Objection to the concrete panel fence on the northern boundary with Hillcrest House

Visual Amenity

- A condition should be attached restricting any additional development above roof parapet level on the four-storey apartment block.

Social Infrastructure

- A condition should be attached requiring the allocation of more space to recreation and amenity spaces.
- A condition should be attached requiring the provision of a community centre.

Irish Speakers.

- A linguistic impact assessment should be provided for each unit by the purchaser.
- Linguistic ability to a standard of B2 should be acceptable for occupiers of these houses.
- A percentage of the houses should be reserved for only Irish speakers.
- Resale of units to only Irish speakers is recommended.
- The creche should only provide care through Irish

Consent

- The owner of the property does not give a letter of consent for part of their land being used at the entrance of the development.

5.0 Planning History

P.A. Ref: 12/21

Permission refused on the 29th March 2012 for extension of time on Pl. Ref. 06/481. Permission for 210 Residential Units, Creche, Doctors Surgery and 2 Commercial Units. The EOT was refused due to the introduction of the Ministerial Guidelines "Sustainable Urban Housing: Design Standards for New Apartments"

P.A. Ref: 07/346

Permission granted on the 6th September 2007, for 5 No. additional two storey detached houses with attic development on site 104 and 107 to 110. Full planning

permission for revised house type for two storey detached houses with attic development on site 106 and 115. Full planning permission for revised boundary and revised house positions and boundaries to sites no. 104 to 106 and sites 111 to 115. Full planning permission for 2 No. additional two bedroom apartments on site 190 in lieu of semi-detached house to include revised position of apartment block and sub-division of rear garden boundaries on sites 190-193. All previously granted full permission under Pl. Ref. 06/481 and all to connect to already permitted services under Pl. Ref. 06/481 and full permission to demolish existing chalet

P.A. Ref: 06/481

Permission granted on the 7th February 2007 for 210 Residential Units, Creche, Doctors Surgery and 2 Commercial Units. The works consist of (a) the demolition of a detached dwelling house; (b) the construction of 3 basement car parks with a total of 208 spaces; (c) the Residential Units include 14 detached houses, 40 semi-detached houses, 13 townhouses, 39 two and three storey terraced houses and 104 apartments in 11 three storey blocks over two basements, 2 two storey blocks over one basement and 2 two storey blocks; (d) the Commercial consists of 250 sq.m. of Creche, 110 sq.m. of Doctors Surgery and 2 Commercial Units of 66 sq.m. each. The development has three access points through Sli Gheal and two new entrances onto the Ballymoneen Road. All the above works and associated services, including pumping station, are to be carried out in the townlands. Revisions include Omission of Apartment Block No. 2 and adjacent townhouse (9 units) in favour of four no 2/3 storey terraced townhouses. Omission of 2 Apartment units (192-193) in favour of one no 2 storey semi-detached house. Housing revised from 106 to 110 units; apartment revised from 104 to 94 units. Total number of units revised from 210 to 204. Reposition of pumping station and associated drainage details.

Adjoining Site: Galway N6 Galway City Ring Road

ABP. Ref: 318220-23

N6 Galway City Ring Road. There is no decision on this case.

ABP. Ref: 318217-23

N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme 2018. Local Authority Road Scheme CPO. There is no decision on this case.

ABP. Ref: 302848-18

N6 Galway City Ring Road. Board's Decision quashed by Order of the High Court (Perfected on the 9th February 2023), New Case Number 318220-23

ABP. Ref: 302885-18

N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme 2018. Local Authority Road Scheme CPO. Board's Decision quashed by Order of the High Court (Perfected on the 9th February 2023), New Case Number 318217-23

Nearby Sites of Note

ABP. Ref: 318465- 23

Permission granted on the 11th March 2024 for the development of 148 residential units consisting of 93no. houses, 20 no. duplex units and thirty-five apartments on a site south of Letteragh Road.

6.0 Policy Context

6.1. National

6.1.1. The Revised National Planning Framework – Project Ireland 2040, (2025).

This document sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

NPO 3: Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million.

NPO 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

NPO 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

NPO 10: Deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.

NPO 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. Housing for All – A New Housing Plan for Ireland to 2030, 2021.

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

6.1.3. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity

- Objective 2 - Meet Urgent Conservation and Restoration Needs • Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

6.1.4. **Climate Action Plan 2025**

The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Climate Action Plan 2025 builds upon Climate Action Plan 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

This Plan, along with its predecessors, outlines the strategies necessary to progress towards the goals re-affirmed in this Government's Programme for Government of a 51% reduction in greenhouse gas (GHG) emissions by 2030 and reaching climate neutrality by no later than 2050.

6.2. **Section 28 Ministerial Guidelines**

6.2.1. The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Cycle Design Manual (2023).
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Spatial Planning and National Roads Guidelines 2012

6.3. Regional Policy

Regional Spatial and Economic Strategy for the Northern and Western Region

The Regional Spatial and Economic Strategy (RSES) for the Northern & Western Regional Assembly provides for the development of eight counties (the Ulster and Connacht counties) including the Galway County area and supports the implementation of the National Development Plan (NDP).

The RSES includes the Metropolitan Area Strategic Plan (MASP) for the Galway Metropolitan Area.

The MAPS outlines that Galway Metropolitan Area has a considerable land capacity that can significantly contribute to meeting the housing demands based on population targets set out in the NPF and the RSES.

The MAPS targets are:

- The population of Galway MASP to grow by 27,500 to 2026 and by a further 14,500 to 2031 with the population of the city and suburbs accommodating 23,000 to 2026 and a further 12,000 to 2031 2.
- Deliver at least half (50%) of all new homes that are targeted within the MASP to be within the existing built-up footprint.

6.4. Development Plan

The Galway City Development Plan is the operational plan for the area. This plan came into effect on the 4th January 2023.

Zoning - The appeal site is zoned 'R' for Residential use in the Development Plan. R- To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.

There is a specific development objective (SDO) for these undeveloped residentially zoned land North West of the Western Distributor Road as detailed in Figure 11.7:

The SDO states: *'In this general area, residential development on the higher slopes shall, by means of density distribution, layout and design, assimilate into the topography of the site and protect the ridge view and provide for linkage and address to the adjoining RA zoned lands.'*

The main policies are set out below. This is not an exhaustive list and should not be read as such. The Board should consider inter alia the following: Chapter 1 - Introduction, Strategic Context & Core Strategy.

- Table 1.7 - RSES Settlement Hierarchy as applicable to Galway City notes that the REES classification of Ragoon is as a Strategic Growth Area

Chapter 3 - Housing and Sustainable Neighbourhoods

- Policy 3.3 Sustainable Neighbourhood Concept

7. Ensure the design of residential developments have regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and demonstrate compliance with the Urban Design Manual—A Best Practice Guide and the Design Manual for Urban Roads and Streets (2019).
- Policy 3.4 Sustainable Neighbourhoods: Outer Suburbs including:

1. Facilitate consolidation of existing residential development and densification where appropriate within the outer suburbs to deliver on population targets while ensuring the reasonable protection of residential amenities.

- 2. Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form with appropriate community infrastructure delivered in tandem with new growth.*
- 3. Require the integration of biodiversity measures, green infrastructure and energy efficiency in the design and layout of residential development.*
- 4. Encourage a mix of housing types and sizes within residential developments.*
- 5. Encourage the use of homezones within residential developments.*
- 6. Require residential developments of over 10 units to provide recreational facilities as an integral part of the proposed open space.*
- 7. Ensure the design and layout of residential developments has regard to adjoining developments.*
- 8. Encourage the promotion of universal design principles and lifetime adaptability in the design and layout of residential developments.*
- 9. Promote the use of appropriate placenames for new residential development in accordance with the policy of An Coiste Logainmneacha and in support of recognition of Galway City as a Bilingual city.*

Chapter 4 - Sustainable Mobility and Transportation

- Section 4.1 - Galway Transport Strategy (GTS) states - The planned N6 Galway City Ring Road (N6 GCRR) is a strategic project that is also identified in the NPF, NDP, RSES and MASP. This orbital route is a key project in the transport strategy for the city that will support journeys that are not always convenient by non-car modes.
- Section 4.2 states – Implementation of the GTS measures will support the integration of housing with transportation, fostering sustainable transportation patterns. The Core Strategy has been informed by the GTS and provides for a co-ordinated approach with investment and the delivery of essential infrastructure, services and community facilities. It is predicated on

consolidation within the established settlements at appropriate densities and the prevailing associated policies in the City and County Environs.

- Policy 4.4 Sustainable Mobility – Walk and Cycle

8. Promote, facilitate and maintain maximum connectivity and permeability for pedestrians and cyclists in the design and management of new public and private projects and in upgrading and retrofitting existing developments in accordance with the Design Manual for Urban Roads and Streets (2019) and Permeability a Best Practice Guide, NTA (2015)

- Policy 4.6 Road and Street Network and Accessibility

1. Support the N6 Galway City Ring Road project in conjunction with Galway County Council and Transport Infrastructure Ireland (TII) in order to develop a transportation solution to address the existing congestion on the national and regional road network.

2. Enhance the delivery of an overall integrated transport solution for the city and environs by supporting the reservation of the designated strategic road corridor to accommodate the N6 GCRR project.

Chapter 5 – Natural Heritage, Recreation and Amenity

- Policy 5.1 Green Network and Biodiversity

1. Promote the integration of nature-based solutions and green/blue infrastructure in all new developments as appropriate to contribute to the city's climate resilience and require large scale development proposals to include a green infrastructure and biodiversity plan.

- Policy 5.2 Protected Spaces: Sites of European, National and Local Ecological Importance

13. Support the inclusion of natural features, such as trees, hedgerows, stone walls, ponds and the use of green design features and the incorporation of biodiversity measures in developments layouts.

14. Support and implement measures to control and manage alien/invasive species, where appropriate in accordance with the EU (Birds and Natural Habitats) Regulations 2011

Chapter 7 – Community and Culture.

- Policy 7.4 Bilingual City

2. Promote the use of the Irish language in the naming of new residential developments, public roads and parks and encourage the preferential use of Irish and bilingual signage in the commercial and public realm.

- Policy 7.5 Community Facilities

4. Encourage and facilitate the provision of community facilities and local services of a nature and scale appropriate to serve the needs of the local community in tandem with the development of residential areas.

- Policy 7.7 Childcare

2. Contribute to the provision of childcare facilities by requiring that such facilities be provided in conjunction with residential developments over 75 dwelling units. An exception can only be considered where it can be clearly established and professionally supported that adequate childcare facilities already exist to service the area and where acceptable alternative arrangements to support childcare, play and or other child specific facilities are deemed acceptable.

Chapter 8 – Built Heritage, Placemaking and Urban Design

- Policy 8.7 Urban Design and Placemaking

1. Encourage high quality urban design in all developments.

Chapter 9 – Environment and Infrastructure

- Policy 9.4 Sustainable Urban Drainage Systems (SuDS)

1. Ensure the use of Sustainable Urban Drainage Systems (SuDS) and sustainable surface water drainage management, wherever practical in the design of development to enable surface water run-off to be managed as near to its source as possible and achieve wider benefits such as sustainable development, water quality, biodiversity local amenity and climate adaptation.

- Policy 9.6 Air Quality and Noise

2. Ensure the design of development incorporates measures to minimise noise levels in their design and reduce the emission and intrusion of any noise or vibration which might adversely impact on amenities, in particular residential amenities where appropriate.

Chapter 11 - Land Use Zoning Objectives and Development Standards and Guidelines

- 11.3.1 (c) Amenity Open Space Provision in Residential Developments

Private Open Space:

Private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit.

- 11.3.1 (f) Distance between Dwellings for New Residential Development
 - The distance between side gables and side boundaries of dwellings shall generally be a minimum of 1.5 metres.
 - Within all other residential developments, including apartment buildings and large dwellings, (greater than 200m²), the distance between buildings shall generally be greater unless deemed acceptable under specific site performance based criteria, this is to provide a good layout and context for the development.

6.5. Natural Heritage Designations

Galway Bay Complex Special Area of Conservation is c. 1.0km from the application site.

Lough Corrib Special Area of Conservation is c.3.4km from the application site.

Inner Galway Bay Special Area of Protection is c. 1.5km from the application site.

Lough Corrib Special Area of Protection is c. 3.5km from the application site.

6.6. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on lands zoned lands (Residential), and other relevant policies and objectives in the Galway City Development Plan 2023- 2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The greenfield nature of the site and its location in an urban area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment & Noise Impact Assessment, Resource Waste Management Plan, Operational Waste & Recycling Management Plan, Energy Statement and Climate Action Plan, Flood Risk Assessment, Civil Design Report, Construction and Environmental Management

Plan, Invasive Species Report, Social Infrastructure Audit and Traffic and Transport Assessment.

It is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The main points of the first-party appeal can be summarised as follows:

- It appears that the decision to proceed with the N6 Galway City Ring Road (N6 GCRR) will take some time and may be challenged in judicial review proceedings.
- The effect of the decision of Galway City Council will sterilise the development site within the foreseeable future.
- During discussion with the GCRR Design Team and the applicant's engineers, the design team stated that they insist on a condition ensuing that no construction takes place within 100m of the boundary prior to blasting having taken place on the N6 GCRR.
- This would preclude the provision of the site access road and services and effectively sterilise the site.
- The 100 buffer would encompass a number of existing houses to the northwest and several properties in the Sli Gheal development.
- The 100m buffer exceeds beyond the CPO area of the N6 GCRR and if large areas of land are to be sterilised, they should have been included in the CPO.
- Estimated that 18.34 ha of R and R2 zoned lands falls within the 100m buffer of 'Possible Blasting' and 'Proposed Blasting' areas as proposed part of the N6 GCRR. This is the equivalent to 700 dwellings.

- The proposed LRD has incorporated mitigation measures, and it is expected that the works for the proposed N6 GCRR to have further mitigation measures.
- The submitted details of the retaining walls provide for either sequencing scenario of the GCRR/ Ballymoneen LRD and have been designed with consideration for both existing and proposed levels.
- The EIAR of the GCRR appears to have expressed a preference for blasting however alternative, non-explosive methods are available and have been used in the local area. These methods may be implemented by both or either party depending on the sequencing of the N6 GCRR and the proposed development.
- Implementing a self-supporting rock face ensures that no excavation is required into the proposed lands of N6 GCRR.
- Stabilisation systems are available to increase the resistance of the weathered rock face if deemed necessary through detailed design.
- A suitably worded condition requiring the approval by TII of detailed design of the retaining structure would provide certainty over the loading characteristics of the wall.
- As the ground on the opposite side of the wall is to generally remain unexcavated, the proposed cantilever retaining wall will not be undermined or lose any passive resistance.
- Given the presence of the rock and the route of N6 GCRR construction traffic being confined to the unretained side of the wall, the transfer of pressures to the cantilever wall will be minimal.
- There have been two recent large residential developments granted along area of the route where 'Possible Blasting' and 'Proposed Blasting' area exist. These are ABP 304762-19 for 238 units on the east side of Ballymoneen Road and ABP 318465-23 LRD for 148 units located south of Letteragh Road.

- The proposed development complies with all relevant planning and environmental policy and the application should be granted in the interest of proper planning and sustainable development.

7.2. Planning Authority Response

No response has been received from the Galway City Council.

7.3. Observations

Two observations have been received. The main points of observations can be summarised as follows:

Rock breaking/Blasting

- Insufficient distance between the houses in Sli Gheal and the area to be developed, consideration should be given to the potential for damage to the dwellings in Sli Gheal.
- Proposed clay mounds not sufficient to block out noise and vibrations to Sli Gheal.
- Before rock breaking a geologist should be employed giving potential alternatives to blasting.
- If permission is to be granted conditions should be attached to ensure vibration free rock-breaking methods are used and a study of the houses on Sli Gheal, adjacent to the development, to form a baseline for assessment of any damages arising from the proposed development.

Transportation

- There is no access to public transport on the Upper Ballymoneen Road.
- Provision should be made within the site to facilitate buses to turn.
- Planning permissions have been refused on this section of Ballymoneen Road due to substandard road network.
- Upgrades to the Upper Ballymoneen Road should be undertaken before granted planning permission and continuing piecemeal development.

Proposed Entrance

- The proposed development has a road frontage of less than 35m on to Ballymoneen Road. The visibility splays have to be set back between 2.5m and 4.5 m from the road edge and a minimum of 45m in either direction. To achieve this, the observer's lands will be required. They do not consent to the required land to be used as part of the application.
- Proposed entrance could cause traffic conflicts and accidents.
- A wider traffic light-controlled access with separate turn lanes should be considered.

Boundary Treatment

- Concerns with the proposed boundary treatment at the observer's boundary.
- The proposed dwellings by the entrance will have unacceptably short gardens adjacent to tall mature trees.

Overlooking

- Concerns relating to overlooking.

7.4. Further Responses

None

8.0 Assessment

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

- **Principle of Development**
- **Residential Amenity**
- **N6 Galway City Ring Road**
- **Rock Breaking**
- **Transportation**
- **Public Transport and Road Infrastructure**
- **Boundary Treatment**
- **Overlooking**

8.2. Principle of Development

- 8.2.1. The proposed development consists of the demolition of 2 existing dwellings and the development of 156 no. residential units including 43 apartments and a creche.
- 8.2.2. The subject site is zoned Objective R - 'To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods' in the Galway City Development Plan 2023-2029 (CDP). Section 11.2.8 of the CDP establishes that Residential use and Childcare are 'uses which are compatible with and contribute to the zoning objective' and therefore acceptable.
- 8.2.3. The appeal site is located within the Western Outer Suburb as identified in CDP and accompanying Galway Urban Density and Building Heights Study. The provision of residential development on lands zoned 'R' would be consistent with the policies of the Planning Authority as set out in section 3.5 Sustainable Neighbourhoods: Outer Suburbs and Policy 3.4 Sustainable Neighbourhoods: Outer Suburbs 1 which sets out that it is the policy of the Council to facilitate consolidation of existing residential development and densification where appropriate within the outer suburbs to deliver

on population targets while ensuring the reasonable protection of residential amenities. The density of the proposed development is consistent with established density in the area. I note the PA raised no concerns in this regard. The proposed density at 40 dph is in accordance with the Galway Urban Density and Building Heights Study, targeting levels of up to 35- 40 dph (Pg. 153) and Table 3.2 - Area and Density Ranges of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

- 8.2.4. The proposed development consists of 2-storey dwellings and one 4-storey apartment block. Given the setting of the apartment block adjacent to a significant area of open space I consider the height to be acceptable and that the development complies with Galway Urban Density and Building Heights Study.
- 8.2.5. I consider the proposed residential development, in an area with good levels of infrastructure, is consistent with the concept of urban sustainability and provides for increased residential density in an urban area in line with the objectives of the National Planning Framework, the RSES and City Development Plan.

8.3. **Residential Amenity.**

- 8.3.1. I have assessed the submitted drawings and had regard to the Planning Authorities reports with regard to the residential amenity for the future occupants of the proposed development.

Mix of Units

- 8.3.2. The proposed development includes for 156 residential units including 43no. apartment and 113no. two-storey dwellings. The apartments are contained in one four storey block consisting of 49% one-beds and 51% two beds. The mix therefore complies with Specific Planning Policy Requirement (SPPR) 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). The proposed housing is made of 16no. 2 beds, 91 no. 3-bed and 6no. 4-bed units and the housing units have been designed to adaptable and accessible. I therefore consider that an adequate mix of house types are proposed. In this regard the proposed development complies with Section 3.4 *Sustainable Neighbourhood Concept – Housing Mix* of the Galway City Development Plan.

- 8.3.3. The size of all of the proposed apartments, including rooms sizes, storage and private open space all comply with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- 8.3.4. The size of all of the proposed house types, including rooms sizes, storage and private open space meet or are in excess of the Sustainable Residential Development and Compact Settlements 2024, the & Quality Housing for Sustainable Communities 2007 and the Galway City Development Plan 2023-2029.

Creche

- 8.3.5. A creche is proposed on the ground floor of the apartment block. This creche is 179sqm and will accommodate 28no. children and c.6 staff members. The Social and Community Infrastructure Audit, submitted with the application, identifies that there is a total of 13no. childcare facilities within 2km of the proposed development site.
- 8.3.6. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2022) introduce some further clarification and flexibility to the blanket requirement of the Childcare Guidelines 2001 to provide 1no. childcare facility (20no. spaces) for every 75no. new dwellings.
- 8.3.7. The Apartment Guidelines state that the threshold for provision of childcare facilities in apartment schemes: "...should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms."
- 8.3.8. Omitting both the one and two-bedroom units from the calculation would result in a childcare requirement for 113 houses. To meet the Childcare Guidelines requirements 30 childcare spaces should be provided. Given the existing stated childcare facilities in the area, I consider that the proposed shortfall of 2 spaces is acceptable for this location and for this development.

Separation Between Dwellings

- 8.3.9. Section 11.3.1. (d) Overlooking of the Galway City Development Plan states that residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 meters minimum. While the proposed development does not meet this standard, it does meet the SPPR1 – Separation distance of 16m between opposing windows serving habitable rooms above first floor level as contained in the Sustainable and Compact Settlements, Guidelines for Planning Authorities. The distances proposed between proposed first floor rear window and the existing opposing windows of the dwellings in Sli Gheal and Fana Bui is greater than 16m.

Distance between dwellings.

- 8.3.10. Section 11.3.1 (F) of the Galway City Development Plan requires that the distance between the side gables and side boundaries of dwellings shall generally be a minimum of 1.5 meters. As part of the further information request the applicant was requested to submit a revised site layout plan to show compliance with this standard as the proposed development did not comply. In response the applicant contended that the proposed development achieves adequate separation distance between the side gables and boundaries of dwellings for the purpose of maintenance and access to rear gardens.
- 8.3.11. The applicant sites several developments in the area which do not achieve the 1.5m separation distance between side gables and side boundaries. They state that ‘In the context of the precedents, it is considered that the shortfall of c.500 millimetres among the side passages is justified and is in compliance with the policy agenda to achieve compact growth set out in the National Framework and the Sustainable Compact Growth Guidelines for Planning Authorities 2024.’
- 8.3.12. I note that the separation distances between the side gables and the side boundaries are at least 1m. I consider that this to be an adequate distance for access to the rear gardens and for maintenance. I note that the development plan standard states that dwellings shall ‘generally’ be a minimum of 1.5 meters. I recognise that the proposed development materially contravenes this development plan standard. I note that the planning authority did not cite this as a material contravention so 37(2)(b) does not apply, however I draw the Board’s attention to the fact that section 37(2)(a) does apply in this instance.

- 8.3.13. While I recognised that proposed separation distances are not 1.5m, I consider that in this instance given the difficulties achieving the required density of development on a narrow site with challenging topography, that the proposed separation distance between side gables and side boundaries are acceptable.
- 8.3.14. Having regard to the above I consider that the proposed development will provide an adequate level of residential amenity for the future occupants.

8.4. N6 Galway City Ring Road

- 8.4.1. The single reason attached to Galway City Council's decision to refuse permission for the proposed development related to the proposed N6 Galway City Ring Road (N6 GCRR). The reason for refusal stated that *'the installation of any permanent works within the proposed development site would have the potential of being damaged by blasting, including but not limited to structures, drainage and services and would therefore, delay and impinge upon the delivery and construction of the N6 GCRR'*. Galway City Council considered the proposed development to be premature until the determination of the road layout and its construction and would therefore be contrary to the proper planning and development of the area.
- 8.4.2. In December 2021, An Bord Pleanála granted permission for the N6 Galway City Ring Road Motorway Scheme 2018 and Protected Road Scheme. This decision was quashed by the High Court and remitted to the Board, taking effect from the point after the submission of the Inspector's Report. Further Information has been recently received on the remitted LA Road Development Application: (ABP. Ref: 318220-23) A decision has yet to be made on the application.
- 8.4.3. The Planning Authority requested the current applicant to submit further information to demonstrate that the proposed development will not impact upon the delivery of the N6 GCRR. Details required related to the design and the construction sequencing of the retaining walls adjoining the site of the proposed N6 GCRR and the overall construction sequencing.
- 8.4.4. The proposed development site bounds a c.163m section of the N6 GCRR road reservation. House numbers 57 - 65 will back onto the boundary with the GCRR road reservation. The distance from the rear elevations of these dwellings to the GCRR

boundary range from 4.188m for No.57 to 24.653 for No.54. The side boundary of house No.13 is shared with the GCRR road reservation. At its closest point, the side of the dwelling is 3.335m.

- 8.4.5. As part of further information, the applicant submitted section drawings showing the level of rock cut and fill that is required and drawings showing the proposed retaining walls required. It is stated that approximately 40m of this boundary the levels are to be reduced within the development site and approximately 90m where the levels are to be raised within the site. Drawing Nos 10585-2025, 10585-2030, 10585-2031, 10585-2032 detail the changes in the site level for the proposed development and the changes in level for the proposed N6 GCRR. When the level of the development site is lower than the adjoining N6 GCRR reservation corridor it is proposed to cut into the existing rock and use it as a self-supporting rock face with a 1.8m block boundary wall above
- 8.4.6. The report of the N6 Project Team on the further information submitted, dated the 17th January 2025, stated that housing is proposed 15m from the edge of the proposed rock cutting for the N6 GCRR with various finished floor levels and depending on the sequencing of construction of both or either project there is potential for interaction and conflict. The N6 project team state the proposed development is in conflict with the N6 GCRR unless recommended conditions can be included in a grant of permission. These conditions include that construction of any permanent works within the proposed development with the potential of being damaged by blasting, including but not limited to structures, drainage and services, are not to begin until blasting adjacent to the proposed development for the Galway City Ring Road. Another recommended condition requires that where the GCRR is bounded by retaining walls they do not rely on passive resistance of soil on the GCRR side. The submitted sections do not indicate that any of the retaining walls are relying on passive resistance of soil on the GCRR side and indicate that the retain walls consist of a self-supporting rock face.
- 8.4.7. In his report signed the 27th January 2025 the Planner considered that the N6 Project Teams conditions were too onerous to attach to a grant of permission and would be ultra vires. The planner considered that the proposed development impinges upon the delivery of the N6 Route in terms of its delivery and also the speed of delivery of the route.

- 8.4.8. In the grounds of appeal DBFL Consulting Engineers states that implementing a self-supporting rock face ensure that no excavation is required into the proposed lands of N6 GCRR. It states that based on rock characteristics typically found in the area, a self-supporting rock face below the weather rock is achievable and offers a robust solution. DBFL also states that stabilization systems are available to increase the resistance of the weathered rock face if deemed necessary during detailed design stage. It is also stated that all temporary traffic loadings generated though construction of the N6 GCRR shall be allowed for at detail design stage. DBFL suggest that a condition requiring a detailed design of the retaining wall to be approved by TII prior to construction would provide TII certainty over the loading characteristics of the wall.
- 8.4.9. I note that Condition No.2 of permission granted on the 11th March 2024 for the development of 148 residential units on a site south of Letteragh Road. (ABP. Ref: 318465- 23) required the design of the retaining wall and other detailed shared boundary design elements that interface with the proposed alignment of the N6, to include the replacement of the proposed Gabion Structure with a structure that accords with the TII publication, Design for Durability (DN-STR-03012) to be agreed in order to ensure that the development does not impinge on the proposed alignment of the N6.
- 8.4.10. Chapter 18 of the updated EIAR for the N6 GCRR that has been submitted to An Bord Pleanála on ABP Ref. 318220 deals with the impacts that arise from the N6 GCRR of Noise and Vibration on the environment. With regard to vibration, it states that *‘In the case of the proposed N6 GCRR, blast events will be clearly perceptible at the nearest sensitive receptors due to ground vibration and air overpressure levels, however the duration of the effects are intermittent. The overall impacts are therefore considered to be significant, momentary and localized. The closest sensitive properties to the identified likely blast sites are at a distance of 30 to 50m. It is expected that these potential impacts can be appropriately mitigated through the implementation of best practices blasting control measures...’* The chapter concludes that vibration impacts during the construction phase will be well controlled through the use of low impact equipment and adherence to strict limit values which will be subject to monitoring at the nearest sensitive building. As part of the mitigation measures for the effects of vibrations, property condition surveys will be

offered for all buildings within 50m of the Assessment Boundary and those within 150m of proposed blasting works across the Project. The surveys will consist of a pre-construction condition survey and a post-construction condition survey.

- 8.4.11. I note in the report dated the 9th October 2024 from ARUP, the design engineers of the GCRR states 'if the proposed development is constructed and completed prior to the N6 GCRR, the N6 GCRR will need to undertake pre and post conditions surveys in all these properties which is in line with the current Schedule of Commitment for the N6 GCRR.'
- 8.4.12. In the grounds of appeal, it is stated that the applicant, during discussions with the N6 Design team after the submission of further information, was told that the team would insist on a planning application, that no construction take place within 100m of the boundary prior to blasting taking place on the N6 GCRR corridor. This restriction does not appear in the application reports from the N6 GCRR design team or is not included in the mitigation measures contained in the EIAR. The applicant states that in effect this 100m boundary would result in the sterilization of the site until the blasting required for the N6 GCRR is complete and there is no timeframe for N6 GCRR or guarantee that it will be delivered. It is noted that the 100m buffer is outside the land included in the CPO for the N6 GCRR.
- 8.4.13. The applicant has applied this 100m buffer for all lands zoned 'Residential' (R) and 'Residential 2' (R2) adjacent to area of proposed blasting for the N6 GCRR and has calculated that 18.43ha of lands would be affected. They state that this is the equivalent of circa 700 residential units. It is claimed that this equates to 14% of the total area of residentially zoned land in Galway City that would be sterilized until the blasting for the N6 GCRR has taken place. It does not appear that the planning authority relied upon this 100m buffer in their assessment.
- 8.4.14. The reason for refusal stated that 'the installation of any permanent works within the proposed development site would have the potential of being damaged by blasting, including but not limited to structures, drainage and services and would therefore, delay and impinge upon the delivery and construction of the N6 GCRR'. As stated above the EIAR submitted with the application for the N6 GCRR (ABP. Ref: 318220-23) and the amended EIAR recently submitted (ABP. Ref: 302848-18) states that vibration impacts during the construction phase will be well controlled through the

use of low impact equipment and adherence to strict limit values which will be subject to monitoring at the nearest sensitive building. Having regard to the Planning Authority's reports and the N6 GCRR design office I do not consider that there is adequate information to suggest that the proposed residential development will be damaged by the blasting required for the construction of the N6 GCRR.

- 8.4.15. Policy 4.6 Road and Street Network and Accessibility of the Galway City Development Plan states that is policy to support the N6 Galway City Ring Road project in conjunction with Galway County Council and Transport Infrastructure Ireland (TII) and also to enhance the delivery of an overall integrated transport solution for the city and environs by supporting the reservation of the designated strategic road corridor to accommodate the N6 GCRR project. Section 11.2 of the Development Plan states that 'Priority will be given to the reservation of the N6 GCRR designated strategic road corridor and any associated land requirements over other land use zonings and specific objectives.' I recognize that additional residential development adjacent to the route of the N6 GCRR will result in more pre and post construction surveys. However, the proposed development is not out of character with other residential development in the city environment and along the Ballymoneen Road. This area of Galway is a dynamic environment, and a balance needs to be achieved between the demand for housing and the support for the N6 GCRR, which has yet to be granted permission.
- 8.4.16. Having considered the details of the proposed N6 GCRR, its EIAR and the land included in the CPO, I do not believe that the proposed development on these lands zoned for residential development outside the road reservation and not included in the GCRR CPO, will have a significant impact on the delivery and construction of the N6 GCRR. Therefore, I do not consider that the proposed development would be contrary to Galway City Council policy to support the N6 Galway City Ring Road.
- 8.4.17. If the Board is minded to grant permission, I recommend that a condition be attached agreeing details of the proposed retaining walls.

8.5. Rock Breaking

- 8.5.1. One of the observers has raised concerns relating to the issue of rock breaking/blasting which is required to construct the development. It is claimed that

there is not sufficient space between the houses on Sli Gheal and the site not to cause potential damage to structures, drainage and services.

- 8.5.2. The observer suggests that a suitably qualified geologist should assess the potential for damage and that no work should commence until the geologist report is produced and considered. There is also concern relating to the impact of noise from the proposed rock breaking/blasting.
- 8.5.3. A Preliminary Construction Environmental Management Plan (CEMP) has been submitted with the planning application. It states that the Contractor shall select and utilize methods of working and items of plant so that the maximum measured ground vibrations do not exceed a peak particle velocity of 8.5mm per second at any occupied property, and 10mm per second at any other residential property. The CEMP states that vibrations at selected locations shall be monitored. It also states that rock breaking will form a significant part of the works and will be carried out between 08hr 15 & 17hr 45, and no rock breaking will be carried out during the weekend or on Bank Holidays. Alternative options to percussive rock breaking will be continuously reviewed, particularly at critical locations.
- 8.5.4. I refer to the British Standard BS 5228: 2009+A1 2014: Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration. The standard notes that the risk of cosmetic damage to residential buildings starts at a Peak Particle Velocity (PPV) of 15mm/s at 4Hz rising to 20mm/s at 15Hz and 50mm/s at 40Hz and above for unreinforced or light framed structures. The standard also states that below 12.5mm/s PPV the probability of damage tends to zero. I note that the maximum measured ground vibrations allowed for in the CEMP are below BS figures for cosmetic damage.
- 8.5.5. A Noise Impact Assessment has been submitted with the planning application. A number of mitigation measures are proposed to ensure that there is no structural damage to nearby dwellings. This includes continuous vibration monitoring of a minimum of 3 No. structures within 50m of the rock breaking. The monitored structures shall be at representative locations. Monitoring shall be carried out by an independent specialist monitoring company. The noise report also states that the allowable vibration velocity limits below which cosmetic damage of structures would not occur, as given in BS 5228-2:2009+A1:2014 will not be exceeded.

- 8.5.6. The Noise Impact Assessment also states that the vibrations will be continuously monitored on each building or at the site boundary, as appropriate, and shall be reviewed daily by an independent instrumentation specialist to ensure that the trigger limits have not been exceeded. A daily report shall be submitted by the specialist to the Contractor summarising the results. If the vibration limits are exceeded, the report states that the work shall cease, and the excavation methodology shall be modified to ensure that the vibration limits are not exceeded.
- 8.5.7. Having regard to the above I am satisfied that the application has adequately assessed the impact of the proposed rock breaking on the adjoining properties and that with the implementation of the mitigation measures as proposed there will not be a significant long-term impact on the surrounding residential properties.

8.6. Public Transport and Road Infrastructure.

- 8.6.1. It is stated in one of the observations that there is no access to public transportation on the Upper Ballymoneen Road. It is stated that the BusConnects plan is dependent on a turning area for buses which is currently not provided by the council. The observer recommends that consideration should be given to the provision in the proposed development for a facility for bus turning. I note that in the proposed BusConnects Galway Network Map a route is proposed on Ballymoneen Road. This route is proposed to have a 20min frequency and stop adjacent to the entrance of the site.
- 8.6.2. It is also stated that there are no pedestrian footpaths on sections of the Ballymoneen Road and it is reduced to single lane traffic at certain points. It is stated that the closest public transport is on the Clybaun Road which would encourage people pedestrians to use the northern end of the Ballymoneen Road.
- 8.6.3. There is a footpath on the entire length of the Ballymoneen road on one or both sides from the Western Distributor Road to the application site. On the Western Distributor Road there are currently three bus services to Eyre Square with a frequency of 30 and 60 min. This bus stop is within walking distance of the site. This is the closest bus stop to the application site not the bus stop on the Clybaun Road as contended.

- 8.6.4. The observer makes reference to proposed residential developments on Ballymoneen Road which were refused permission (ABP 31294-21 & ABP 313761-22). One for reason for refusal related to the lack of safe and appropriate and safe pedestrian linkages and distance to public transport. I note that these sites are further north on Ballymoneen Road which does not benefit from footpaths at this location.
- 8.6.5. I note that the N6 Galway City Ring Road scheme proposes improvement to this section of the Ballymoneen Road with footpaths proposed on both sides of the road north of the proposed site entrance.
- 8.6.6. I consider that given the existing and planned public transport in close proximity to the development site that the proposed development will be adequately served with public transport and safe and adequate pedestrian linkages.

8.7. Entrance

- 8.7.1. In their observation the owners of Hillcrest House, directly to the north of the entrance to the proposed development site, have concerns relating to the design of the proposed entrance. The observation states that given the volume of traffic on the Ballymoneen Road, the increase of traffic, vehicular, cycling and pedestrians from the proposed development, the proposed entrance will not have adequate visibility splays and would lead to traffic conflicts and accidents.
- 8.7.2. The Observer notes that Chapter 11 Part B of the Galway City Development Plan (GCDP) requires that 'Roads shall meet requirements of the Traffic Management Guidelines (2019). Section 'd' of the guideline states that in urban areas for minor roads, an 'x' distance of 4.5m or greater should be provided. This may be reduced to 2.4m in exceptional circumstances. The observer claims that no explanation or justification is provided in the application for why this case is 'exceptional.'
- 8.7.3. The proposed entrance has allowed for a 2.4m x 45m visibility spay for a design speed of 50kph. It is stated that this is in accordance with the Design Manual for Urban Roads and Streets (DMURS). DMURS states that longer 'x' distance in urban area is not desirable as it does not prioritise the pedestrian and that at priority

junctions in urban areas should be designed as Stop Junctions, and a maximum X distance of 2.4 meters should be used.

- 8.7.4. I consider that the proposed road at the main entrance to be a Link Street as it provides the link to the Ballymoneen Road. Section 11.3.1 (b) Standards for Roads and Streets in New Residential Development of the GCDP, requires that 'Road shall meet requirements of the Traffic Management Guidelines (2019) and DMURS (2019) with respect to geometric and visibility standards.' As the visibility spay meets the requires the DMURS, I am satisfied that the visibility distances used is in accordance with the GCDP.
- 8.7.5. I note that the report, dated the 14th October 2024, from the Planning Authority's Transportation Section stated that the vehicular access details have been provided and clearly demonstrated compliance with DMURS.
- 8.7.6. The observer refers to the submitted Road Safety Audit which highlighted the presence of trees and vegetation from their property as being a safety concern, the hazard being that 'Users may exit the development into the path of oncoming traffic'. The applicant has addressed this in the Traffic and Transportation Assessment which states that this has been dealt with by the provision of a suitable access junction visibility splay of 2.4m x 45 meter with the speed limit of 50km.
- 8.7.7. As stated above, the N6 Galway City Ring Road scheme proposes improvement to this section of the Ballymoneen Road with footpaths proposed on both sides of the road north of the proposed site entrance. I note that the report from ARUP dated the 9th October 2024 and attached to the N6 GCRR design office report, states that the provision of access onto the Ballymoneen Road does not conflict with the proposed N6 GCRR junction with the Ballymoneen Road
- 8.7.8. Having inspected the site and the location of the entrance I also consider that the proposed visibility splay will not encroach into lands in separated ownership directly to the north. I am satisfied that as designed the proposed entrance will provide an adequate visibility distance in both directions and I do not consider that the proposed entrance will be prejudicial to pedestrian or traffic safety.

8.8. Boundary Treatment

- 8.8.1. The owners of Hillcrest House to the north of the proposed development site also have concerns about the size of the rear gardens of the proposed dwellings adjoining their property and the resulting impact on the shared boundary with their property. The private open space for proposed houses no. 1-5 along the boundary with Hillcrest House range from 59m² to 90m². SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 requires a 3-bed house to have a minimum private open space standard of 40sqm. All the Type C3 dwellings have more than 40sqm.
- 8.8.2. Section 11.3.1 (c) Amenity Open Space Provision in Residential Developments of the development plan requires that private open space (areas generally not overlooked from a public road) exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit. Proposed houses no.1-5 have private open space which is greater than 50% of the gross floor area of the residential unit. I therefore consider that the private open space for these Type C3 dwellings is adequate.
- 8.8.3. In the Tree Survey submitted with the planning application, the trees along the northern boundary have been designated a Tree Protection Area. A protective fence line is shown in the Tree Protection Plan (Dwg No. 22163_T_103). This fence encloses the tree protection areas indicated on the drawing. The fence is to be installed prior to any plant, vehicle or machinery access on site. No excavation, plant or vehicle movement, materials handling or soil storage are to be permitted within the fenced tree protection areas indicated on plan. I am satisfied that adequate measures are proposed to maintain the trees along the northern boundary at the entrance to the proposed development.

8.9. Overlooking

- 8.9.1. The observation received from the owners of the Hillcrest House states that rear windows of the proposed houses No.1-4 appear to be closer than the normal 11m and are concerned about potential overlooking of their property. The rear windows on the first floor of these proposed dwelling, Type C3 are serving non habitable rooms, bathroom and stair wells, if these windows are glazed in obscuring glass, I

consider that there is not the potential for significant overlooking of the adjoining property. If the Board is minded to grant permission, I recommend that a condition be attached requiring that the first-floor rear windows of Type 3 be glazed in obscure glazing. I am satisfied that no other overlooking issues arise.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Inner Galway Bay SPA and Galway Bay Complex SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The scale of the development and its construction.
- The residential nature of the proposed development
- The location of the site, its distance from nearest European sites and lack of significant connections.

See Appendix 2.

10.0 Recommendation

Following from the above assessment, I recommend that permission is **GRANTED** for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

11.0 Reasons and Considerations

Having regard to the following:

- a) the location of the site in Galway City,
- b) the policies, zoning objectives and objectives of the Galway City Development Plan 2023-2029, The Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 and the Metropolitan Area Strategic Plan (MASP) for the Galway Metropolitan Area and the Revised National Planning Framework – April 2025.
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- g) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- h) the nature, scale and design of the proposed development
- i) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- j) the pattern of existing and permitted development
- k) the submissions and observations received

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety and would not unduly impact on the delivery and construction of the proposed N6 Galway Ring Road. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Recommended Draft Order

Appeal by Cairn Homes Properties Limited against the decision made on the 29th January 2025 by Galway City Council to refuse permission to Cairn Home Property Limited.

Proposed Development

The development will consist of a large scale development consisting of 156 no. residential units located to the west of the Ballymoneen Road in the townlands of Keeraun and Ballynahown East. The particular of the development are as follows:

- Demolition of 2 no. existing dwellings including 1 no. two-storey dwelling (199 sqm) and 1 no. bungalow (234 sqm) and shed (13.64 sqm).
- Construction of 156 no. residential units comprising: a. 113 no. houses (16 no. 2-bed, 91 no. 3-bed, and 6 no. 4-bed) b. 43 no. apartment units (21 no. 1-bed, 22 no. 2-bed).
- Provision of a creche (179 sqm).
- Provision of all surface water, watermain and foul water services and connections to existing facilities on Ballymoneen Road (L5024).
- Provision of a new vehicular and pedestrian access with the Ballymoneen Road (L5024) and the provision of a new pedestrian crossing on the Ballymoneen Road (L5024). Provision of a grass verge and cycle lane in accordance with the Galway Transportation Strategy.
- Provision of a potential pedestrian and cyclist connection on the eastern site boundary to the existing Slí Gheal development and the provision of 2 no. potential pedestrian connections from the proposed play area to the adjoining Slí Gheal development.
- The provision of landscaping including play areas and SUDS features.
- Provision of shared communal and private open space, resident and visitor car parking, electric vehicle charging points, bicycle parking, refuse storage, site landscaping and public lighting, and all associated site development works.

- Erection of a retaining wall varying in height from 0.5m to 3.5m along parts of the western boundary of the site to be constructed in the event the subject site is developed prior to the proposed N6 Galway City Ring Road Strategic Infrastructure Development (ABP-318220-23).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

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

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

- a) the location of the site in Galway City,
- b) the policies, zoning objectives and objectives of the Galway City Development Plan 2023-2029, The Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 and the Metropolitan Area Strategic Plan (MASP) for the Galway Metropolitan Area and the Revised National Planning Framework – April 2025.
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)

- f) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- g) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- h) the nature, scale and design of the proposed development
- i) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- j) the pattern of existing and permitted development
- k) the submissions and observations received

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety and would not unduly impact on the delivery and construction of the proposed N6 Galway Ring Road. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- The scale of the development and its construction.
- The residential nature of the proposed development
- The location of the site, its distance from nearest European sites and lack of significant connections.

Environmental Impact Assessment Screening:

The Board completed an Environmental Impact Assessment Preliminary Examination of the project and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the project on the environment. Regard has been had to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on lands zoned lands (Residential), and other relevant policies and objectives in the Galway City Development Plan 2023- 2029, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The greenfield nature of the site and its location in an urban area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended.
- ij) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Ecological Impact Assessment & Noise Impact Assessment, Resource Waste Management Plan, Operational Waste & Recycling Management Plan, Energy Statement and Climate Action Plan, Flood Risk

Assessment, Civil Design Report, Construction and Environmental Management Plan, Invasive Species Report, Social Infrastructure Audit and Traffic and Transport Assessment.

In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7th day of January 2024 by the further plans and particulars received by An Bord Pleanála on the 25th February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority the design of the proposed retaining walls that interface with the proposed alignment of the N6. The proposed retaining walls shall accord with the TII publication, Design for Durability (DN-STR-03012).

Reason: To ensure the development does not impinge on the proposed alignment of the N6.

3. The mitigation measures as detailed in the Bat Survey Report, the Ecological Impact Assessment and the Japanese Knotweed Management Plan shall be implemented in full as part of the development.

Reason: in the interest of wildlife protection.

4. (a) The mitigation measures as detailed in the Noise Impact Assessment and the CEMP shall be implemented in full as part of the development.
(b) Rock/Blasting operations shall take place only between 08hr15 &-17hr 45, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays.
(c) Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor. All monitoring records shall be made publicly available.
(d) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In order to protect the residential amenity of adjoining dwellings and future occupants.

5. The first-floor rear windows of the proposed house numbers 01-05 shall be permanently glazed in obscure glass.

Reason: In the interest of residential amenity of the adjoining dwelling.

6. Not more than 50% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

7. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be in the Irish Language based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s)

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

9. (a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter

into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and

Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

11. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

13. (a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.
(b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: In the interest of public health.

14. (a). Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, an up-to-date Construction and Environmental Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, off-site disposal of construction/demolition waste and details of proposed rock breaking or blasting.
- (b) A designated Community Liaison Officer (CLO) shall be appointed prior to commencement of construction works, appointment shall be confirmed in writing with Planning Authority.

Reason: In the interest of public safety and amenity.

15. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

16. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of

agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic and pedestrian safety.

17. Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance with the Ballymoneen Road, internal road and path layouts, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.

18. All roads and footpaths and cycleways where applicable shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of permeability and proper planning and sustainable development.

19. The landscaping scheme shown on drawing number 22163-1-100, as submitted to the planning authority on the 7th day of January 2024 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously

damaged or diseased, within a period of five]years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

20. No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

21. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety

22. Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of the Invasive Species Management Plan for this site shall be incorporated within this plan. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

24. The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.
- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.
- (c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: In the interests of orderly development and to provide for the satisfactory future maintenance of this development.

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

Peter Nelson
Planning Inspector

15th June 2025

Appendix 1 EIA Screening

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321970-25		
Proposed Development Summary	Large Scale Residential Development consisting of 156 residential Units and a creche.		
Development Address	Ballymoneen Road, Keeraun and Ballynahown East, 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	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5, Part 2, Class 10 Infrastructure Projects (b) (i) dwellings units, (iv) urban development	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	10(b)(i) Threshold 500 no. dwelling units: proposed development 156 no. dwelling units. 10(b)(iv) Urban development 10 hectares, development site: 4.11 ha	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321970-25
Proposed Development Summary	Large Scale Residential Development consisting of 156 Residential Units and a creche.
Development Address	Ballymoneen Road, Keeraun and Ballynahown East, Galway.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development is for a residential development of apartment and 2 storey dwellings and a crèche. Demolition of two dwellings is proposed. The size and design of the project is in keeping with the urban settlement surrounding environment and no significant negative impacts are likely. There will be active on-site management to mitigate any loss of residential amenity to private housing that could occur. The construction of the development will not cause significant use of resources or create significant production of waste, pollution and nuisance. The construction or operation of the proposed residential

	development will not cause significant risk or accidents or disasters and or to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	While the proposed development will require rock breaking, the proposed development site is adjacent to existing residential developments and will therefore be absorbed into the expanding suburban landscape. The site is zoned for residential use in the Galway City Development Plan. Galway Bay Complex Special Area of Conservation is c. 1.2km from the application site. The AA screening (below) has concluded that that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site area (4.11 ha) is small in the context of the larger metropolitan settlement. The nature of the use is appropriate to the suburban location and proximity to existing facilities.

		<p>There are no operational phase transboundary impacts. The development will be occupied all year round and impacts will be irreversible.</p> <p>The Noise Impact Assessment and CEMP submitted provides for measures to mitigate against potential impact from noise and vibrations from rock breaking.</p> <p>The design and landscaping of the proposed development has avoided, reduced or mitigated significant negative impacts in relation to overlooking; impact on daylight of adjacent properties.</p>
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2 AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Large Scale Residential Development consisting of 156 Residential Units and a creche, Ballymoneen Road, Galway City.		
Brief description of development site characteristics and potential impact mechanisms		<p>The proposed development includes the demolition of two dwellings and the construction of 113no. houses and 43 no. apartments. The site size is a stated 4.11 ha and at the edge of an existing residential area of Galway City. Proposed storm water drainage incorporates SuDS measures.</p> <p>Foul water from the dwellings to the south will discharge via a gravity sewer to a pumping station in the southeast of the site, out falling to the existing foul sewer. Foul water from the dwellings in the north of the site will flow via gravity to an existing.</p> <p>The site is predominately of Wet grassland (GS4) with a small area of Dry humid acid grassland (GS3). Other habitats present include Dense bracken (HD1), Scrub (WS1) and Recolonising bare ground (ED3). Japanese Knotweed was identified in two locations.</p> <p>Potential impact mechanisms include ground water deterioration and disturbance during construction. None considered during Operational Phase.</p>		
Screening report		Y Galway City Council screened out the need for AA.		
Natura Impact Statement		N		
Relevant submissions		None		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed	Ecological connections²	Consider further in screening³

		development (km)		Y/N
Galway Bay Complex SAC (000268)	ConservationObjectives.rdl 17no. Qualifying Interest, including a diverse range of marine, coastal and terrestrial habitats, NPWS 2013	1.0km	The Barna Stream is 60m to the west of the site and is 1.3km upstream of the SAC. The applicant screening report states that there is no surface water connectivity between the development site and this stream. While recognizing that the bedrock in the area is granite, given the distance from the site to the stream. I consider that there is potential for limited (local) ground water/surface to enter the stream from the site.	Y
Lough Corrib SAC (00297)	ConservationObjectives.rdl 24 No. Qualifying Interests, Including Oligotrophic Waters, raised bog, woodland, grassland and limestone pavement. A number of rivers are included in the site which are important for Atlantic Salmon. NWPS 2017	3.4km	No hydrological connectivity identified between the site and Lough Corrib SAC. There is no pathway for likely significant effect on the SAC during construction or operation of the proposed development. Therefore, the site is not within the Likely Zone of Impact.	N

Connemara Bog Complex SAC (002034)	ConservationObjectives.rdl 18 no. Qualifying Interest, including the main habitat: Atlantic blanket bog. NWPS 2015	8.4km	No hydrological connectivity identified between the site and the Connemara Bog Complex SAC. There is no pathway for likely significant effect on the SAC during construction or operation of the proposed development. Therefore, the site is not within the Likely Zone of Impact.	N
Inner Galway Bay SPA (004031)	ConservationObjectives.rdl 21no. Qualify Interests, including a diversity of wintering wetland birds, with two wintering species having populations of international importance and a further sixteen wintering species having populations of national importance. NPMS 2013	1.5km	The Barna Stream is 60m to the west of the site and is 1.3km upstream of the SPA. The applicant screening states that there is no surface water connectivity between the development site and this stream. While recognizing that the bedrock in the area is granite, given the distance from the site to the stream I consider that there is potential for limited (local) ground water/surface to enter the stream from the site.	Y
Lough Corrib SPA (004042)	CO004042.pdf	3.5km	No hydrological connectivity	N

	14 no. Qualifying Interest, international important site of wintering waterbirds including internationally important population of wintering Pochard. NWPS 2023		identified between the site and Lough Corrib SPA. There is no pathway for likely significant effect on the SPA during construction or operation of the proposed development. Therefore, the site is not within the Likely Zone of Impact.	
Connemara Bog Complex SPA (004181)	CO004181.pdf 4 Qualifying Interests: Cormorant Merlin Golden Plover Common Gull NWPS 2023	12.8km	No hydrological connectivity identified between the site and Connemara Bog Complex SPA. There is no pathway for likely significant effect on the SPA during construction or operation of the proposed development. Therefore, the site is not within the Likely Zone of Impact.	N

Further Commentary/discussion

In the applicants AA Screening report additional protected sites considered, I do not consider that these need to be considered further as they do not come within a likely zone of interest. Having visited the site and recognizing the geology of the site and the proximity of the site to the Barana Stream that flows into the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) I do not consider that there is adequate evidence in the application to demonstrate that the site is not the Likely Zone of Impact of these two protected sites. While any hydrological connectivity may be marginal, taking the precautionary approach, I consider the likely effects of the project on these two European sites need to be considered further.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Galway Bay Complex SAC (000268)</p> <p>QI list: Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Turloughs [3180] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230]</p>	<p><i>Direct:</i></p> <p>None</p> <p><i>Indirect:</i></p> <p>localized, temporary, impacts from noise from rock breaking, dust and construction related emissions to surface water during construction.</p>	<p>Given the week pathways, I do not consider that the project might compromise the objective of restoration or make restoration more difficult for the following QI's: Coastal Lagoons, Atlantic salt meadows, Mediterranean Salt Meadows, Juniperus communis formations on heaths or calcareous grasslands, & Otter.</p> <p>Conservation objectives of all QI would not be undermined.</p>

Limestone pavements [8240] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]		
	Likelihood of significant effects from proposed development (alone) No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 2: Inner Galway Bay SPA (004031) QI list Black-throated Diver (Gavia arctica) [A002] Great Northern Diver (Gavia immer) [A003] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Red-breasted Merganser (Mergus serrator) [A069] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149]	<i>Direct:</i> None <i>Indirect:</i> localized, temporary, impacts from noise from rock breaking, dust and construction related emissions to surface water during construction. The identified pathway is via ground water/hydrology.	The site of the Proposed Development does not provide significant supporting habitat for bird species associated with Inner Galway Bay Complex SPA and is separated from suitable habitats. Therefore, ex situ disturbance and displacement of these species can be excluded. Survey Data confirms that the site does not provide significant supporting foraging or nesting habitat for the Qualifying Interest in the Inner Galway Bay SPA. Conservation objectives of all QI would not be undermined.

Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Sandwich Tern (Sterna sandvicensis) [A191] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site.		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Inner Galway Bay SPA and Galway Bay Complex SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Inner Galway Bay SPA and Galway Bay Complex SAC in view of the

conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development and its construction.
- The residential nature of the proposed development
- The location of the site, its distance from nearest European sites and lack of significant connections.