

## **Material Contravention Statement**

Proposed Strategic  
Housing Development at  
Bóthar an Chóiste,  
Castlegar, Galway





## DOCUMENT DETAILS

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# 1. INTRODUCTION

This Statement of Material Contravention has been prepared by MKO on behalf of Lock House Developments Ltd, in support of an application to An Bord Pleanála (ABP) for permission for a strategic housing development located at on lands at Bóthar an Chóiste, Castlegar, Co. Galway. The application is made pursuant to the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016.

This Statement of Material Contravention has been prepared in accordance with Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 in order to address 3 no. aspects of the proposed development which may be deemed to potentially materially contravene the provisions of the Galway City Development Plan 2017-2023:

1. Car parking standards;
2. GCRR reservation route; and
3. Plot ratio standards for new residential development.

## 2. SITE CONTEXT

### 2.1 Site Location

The application site is located to the north of Bóthar an Chóiste within the townland of Castlegar. The N84 Galway-Headford Road is situated approximately 600 metres to the west and Galway City Centre is situated approximately 2.8km to the south east (see **Figure 1**).

Single detached dwellings occupy lands to the immediate east and west. The wider locality to the south is suburban in character. Residential estate developments include Caireal Mór, Baile an Chóiste, Cluain Riocard, Lochan, Árd an Chóiste, and Maigh Riocard which provide a mix of terraced houses, semidetached houses, townhouse and apartment developments. The area is very accessible in terms of connectivity to the city centre. Bus services are available outside Murphy’s Centra on Bóthar an Chóiste which is about a 5-minute walk from the application site (approximately 400 metres).



Figure 1: Site location (Source: MyPlan.ie. Edited by MKO)

The application site is located in an area designated as ‘Outer Suburbs’. The application site in the context of the neighbourhood areas is shown in **Figure 2** below.



Figure 2. Application site in context of 'neighbourhood areas' (Source: Figure 11.34 GCDP. Edited by MKO.)

## 2.2 Site Description

The application site extends overall to 4.626 ha in size. This includes the Bóthar an Chóiste road where it is proposed to lay service connections. The developable site is 3.762 ha. The balance of the application site is currently undeveloped and used as agricultural/greenfield land. There is a derelict dwelling and outbuilding in the southeast corner which addresses Bóthar Na Chóiste.

The proposed N6 Galway City Ring Road development boundary is located immediately north of the application site. A designated Greenway runs adjacent to the western boundary (see **Figure 3** below). Access to the Greenway from the road is overgrown and not visible.

With regard to topography, the lands are elevated from the road and rise gently south to north. A vegetation covered stone wall marks the boundary fronting Bóthar an Chóiste. Hedgerows define parts of the east and west boundaries. Overhead lines traverse the front of the site in parallel to the road.

A review of the most up to date Office of Public Works flood mapping indicates that the subject site is not prone to flooding. A review of the mapping associated with the National Monuments Service indicates that there are no national monuments or archaeological sites on or in the vicinity to the subject site.

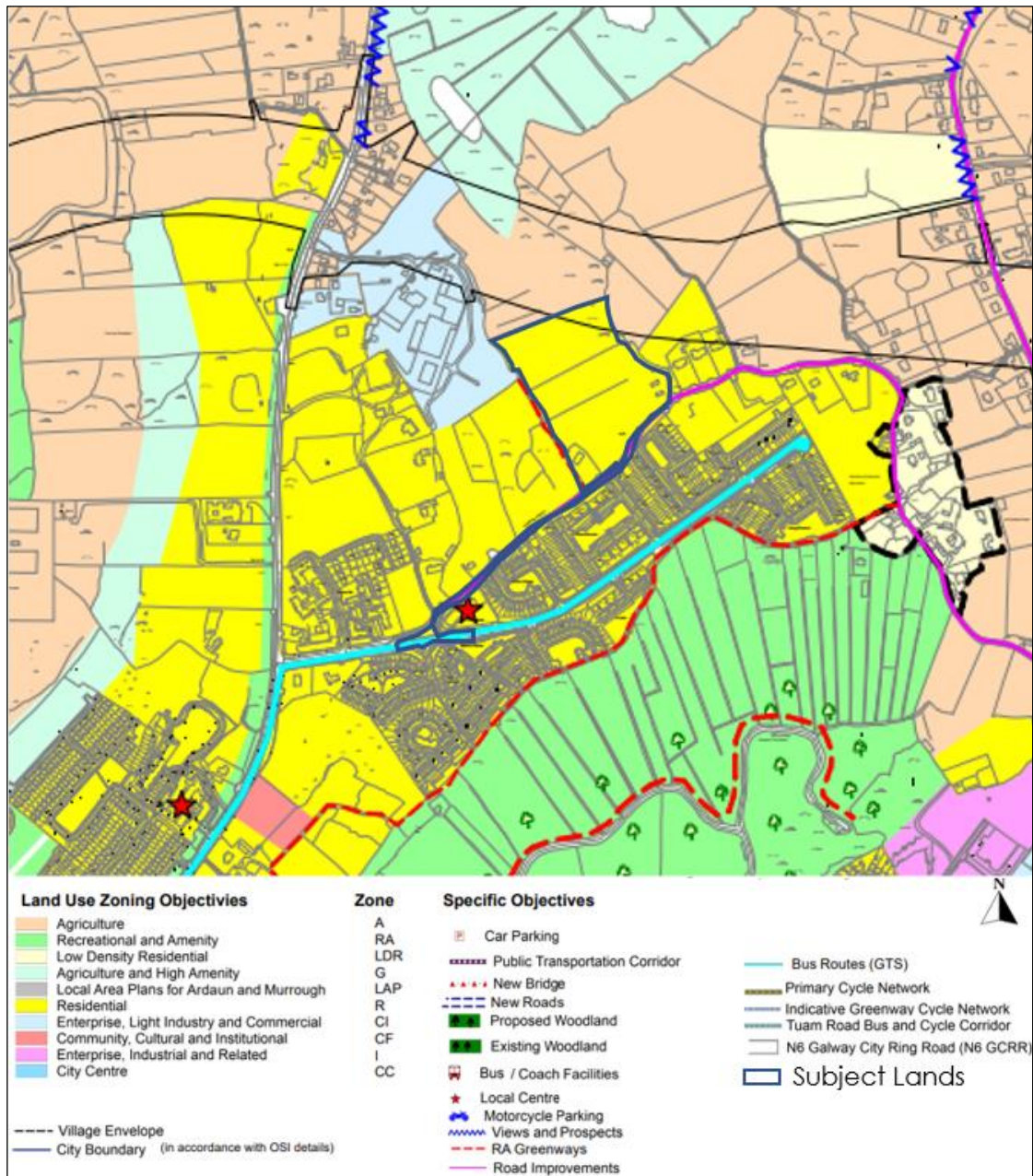
In respect of ecology, the application site is located within approximate proximity to the following designated Natura 2000 sites:

- 1.1 km east of the Lough Corrib Special Area of Conservation (SAC) (Site Code: 000297)
- 3km east of the Lough Corrib Special Protection Area (SPA) (Site Code: 004042)
- 2 km north of the Inner Galway Bay Special Protection Area (SPA) (Site Code: 004031)
- 2km north of the Galway Bay Complex SAC (Site Code: 000268)
- 4.5km east of the Moycullen Bog NHA (Site Code: 002364)

The application site is located entirely within the Corrib Catchment (EPA ENVision, 2016). There are no watercourses present. The nearest watercourse is the Terryland Sandy River which is located approximately 5km to the south of the application site.

The subject lands are zoned ‘Residential’ as per the extant *Galway City Development Plan 2017-2023* (see **Figure 3** below) with a stated objective

*“to provide fore residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”.*





3.

## PROPOSED DEVELOPMENT

The full development description as per the public notices is as follows:

*Planning permission is sought by Lock House Developments Limited (the applicant) for development on a site which extends to 4.626 ha on lands located to the north of Bóthar an Chóiste (also known as Bóthar na Cóiste), in the townland of Castlegar, Galway.*

*The development will consist of the following:*

- 1) Demolition of an existing house (124.6 m<sup>2</sup>), a ruined outbuilding (42.8 m<sup>2</sup>), and a ruined dwelling (41.7 m<sup>2</sup>)*
- 2) Construction of 170 no. residential units comprising:
  - i. 84 no. two storey houses (34 no. two-beds, 42 no. three-beds, 8 no. four-beds),*
  - ii. 1 no. apartment block comprising 17 no. apartments (10 no. one-beds, 7 no. two-beds),*
  - iii. 1 no. apartment block comprising 21 no. apartments (12 no. one-beds, 9 no. two-beds),*
  - iv. 48 no. duplex units (11 no. one-beds, 24 no. two-beds, 13 no. three-beds).**
- 3) Development of a two-storey creche facility with 46 no. child spaces (c. 300.36 sqm), associated outdoor play areas and parking.*
- 4) Provision of all associated surface water and foul drainage services and connections including pumping station with all associated site works and ancillary services.*
- 5) The upgrade of the existing Bóthar an Chóiste road from the proposed development to the junction at L5041 consisting of road improvements, road widening and junction re-alignment.*
- 6) Pedestrian, cyclist, and vehicular links throughout the development and access with Bóthar an Chóiste, and pedestrian and cyclist link to the adjacent Greenway route.*
- 7) Provision of shared communal and private open space, site landscaping and public lighting, resident and visitor parking including electric vehicle charging points, bicycle parking spaces, and all associated site development works.*
- 8) The application is accompanied by a Natura Impact Statement (NIS).*

4.

## LEGISLATIVE CONTEXT

This application for permission for a strategic housing development on lands located at Bóthar an Chóiste, Castlegar, Galway, is made pursuant to the provisions of the *Planning and Development (Housing) and Residential Tenancies Act 2016* (“the 2016 Act”).

Under Section 8(1)(iv)(II) of the 2016 Act, where a proposed strategic housing development materially contravenes the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the application must include a statement indicating why permission should, nonetheless, be granted, having regard to a considerations specified in section 37(2)(b) of the Planning and Development Act 2000 (“the 2000 Act”).

This statement on Material Contravention is submitted in accordance with Section of 8(1)(iv) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.

In accordance with Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016* the Board may grant permission for a proposed strategic housing development that materially contravenes the development plan or local area plan, other than in relation to zoning:

*(6)(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*

*(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*

*(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.’*

Section 37(2)(b) of the 2000 Act (as amended) provides that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

## 5. PLANNING POLICY CONTEXT

The application site is governed by the policies and provisions contained in the *Galway City Development Plan 2017-2023* (CDP). The current CDP sets out an overall strategy for the proper planning and sustainable development of the functional area of Galway City Council.

### 5.1 Car Parking Requirements

The car parking standards for the proposed development are set out in the *Galway City Development Plan 2017-2023, Sustainable Urban Housing: Design Standards for New Apartment Guidelines (as updated in December 2020)* and the *Childcare Facilities Guidelines for Planning Authorities (2001)*. The car parking spaces are set out for 1) Houses 2) Creche 3) Duplexes 4) Apartments. The car parking standards for the houses and the creche are set out in the CDP, whilst the car parking standards for the duplexes and apartments are set out in the Apartment Guidelines.

#### 5.1.1 Galway City Development Plan 2017-2023

##### 5.1.1.1 Houses

Development Management Standard 11.3.1(g) of the CDP which relates to car parking spaces applied to residential development in the Outer Suburbs, states that the following additional standards should be applied to a development in an Outer Suburb:

*“In order to provide for flexibility in residential layouts the following are the options for car parking requirements:*

- *2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or*
- *1 on-site space per dwelling and 1 grouped visitor space per dwellings or*
- *1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings*
- *3 spaces for dwellings over 200m<sup>2</sup> and 1 grouped visitor space per 3 dwellings*
- *1 space for one bedroom residential dwellings and 1 grouped visitor per 3 dwellings*

*These standards should not be exceeded unless acceptable additional need can be demonstrated.*

*Where on site car-parking space is to be provided in the front garden the following standards shall apply:*

- *The car parking space shall be 2.5m x 5m minimum.*
- *The vehicular entrance shall not normally exceed 3m in width, and where feasible the maximum extent of boundary wall/hedging shall be retained.*
- *Where gates are provided they shall not open outwards.*
- *Front gardens shall not be completely dedicated to car parking. The balance of space shall be suitably landscaped.*

*To prevent the area to the front of small scale apartment and townhouses developments being completely dedicated to car parking, the parking area shall be visually broken up.*

*Car parking rows shall be broken up with trees, planters or some other feature which shall soften the visual impact of the car parking areas at a minimum interval of 6 car parking spaces.*

*Where grouped parking is provided, the parking shall be dispersed throughout a residential development. Group car-parking spaces shall not be allocated to individual residential units.*

*Where possible the grouped car parking shall be surfaced in a different material treatment or colour to the road surface”.*

In order to determine the number of car parking spaces required for the development, the above requirements were applied to the number of houses in the proposed development. 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings x 84 no. houses outlines a requirement for 154 no. car parking spaces for the houses. (126 no. spaces per dwelling, and 28 no. visitor spaces per every 3 dwellings). The proposed development is providing 154 no. spaces; therefore this element of the car parking is not a material contravention.

### 5.1.1.2 Creche

Development Management Standard 11.10.1 of the CDP relates to car parking requirements for commercial developments, of which are applicable to the creche in the proposed development. The CDP states that

*“Parking spaces for people with disabilities shall be provided in accordance with Part M of the Building Regulations and best practice as promoted by the National Disability Authority ([www.nda.ie](http://www.nda.ie)), and in particular their publication Building for Everybody: A Universal Design Approach 2012.*

*In the case of any use not specified above, the Council will determine the parking requirement, having regard to the traffic levels likely to be generated as a result of the development. In the case of developments with significant car trip generation potential, a Traffic and Transport Impact Assessment shall be carried out in accordance with the Traffic and Transport Impact Assessment Guidelines (TII 2014).*

*Consideration will also be given to grouped and dual use parking provision where peak demands do not coincide and cognisance will be given to the potential for multi-purpose trips, subject to assessment.*

*In commercial developments, one parking space shall be equipped with one fully functional and clearly marked EV charging point in accordance with the requirements of Transportation Section and ESB.*

*In the City Centre area and in the area defined as Inner City Residential areas (see Fig 11.27 and Chapter 2) parking requirements shall not be exceeded. In all other areas these figures shall not be exceeded by more than 10% unless an acceptable case demonstrates a need for additional car parking spaces.*

*A reduction in these car-parking standards may be acceptable when an application for development includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation associated with the proposed development.”.*

Table 11.5 outlines the parking requirement, and for childcare facilities this 1 space per 20sqm of operational space. The overall creche area is 288.7sqm and the operational space extends to 158.9sqm, applying this requirement to the creche outlines that 8 no. spaces are required. The proposed development provides for 5 no. parking spaces for the creche facility with a shortfall of 3 no. spaces; therefore, this element of the car parking is a material contravention.

## 5.2 Childcare Facilities Guidelines for Planning Authorities (2001)

Appendix 3 of the Childcare Facilities Guidelines which sets out the Information that should be supplied when applying for planning permission for a childcare facility, includes that the “parking

provision for both customers and staff (our emphasis added) should be submitted with a planning application.

## 5.3 N6GCRR Reservation Corridor

Within the CDP, Policy 3.4 relating to Traffic Networks states that it is a policy of the Planning Authority to:

*“ Enhance the delivery of an overall integrated transport solution for the city and environs by supporting the reservation of a corridor route to accommodate an orbital route as provided for in the N6 GCRR project”.*

It is also noted that the Core Strategy of the extant Development Plan affirms the need for a strategic ring road incorporating a new river crossing.

## 5.4 Plot Ratio

Chapter 11 of the CDP relates to development management, where section 11.3.1 relates specifically to the Outer Suburbs areas.

11.3.1 (a) general:

*- A plot ratio of 0.46:1 for new residential development shall not normally be exceeded.*

### 5.4.1 Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020)

The Design Standards for New Apartments Guidelines form part of the Section 28 ministerial guidance and take precedence over a City Development Plan, where the CDP may be older than the guidance and therefore containing (elements of) outdated planning policy and development standards.

This guidance includes development standards for duplexes and apartments, which are not included for in the extant CDP. The proposed development is located in an Peripheral and/or Less Accessible Urban Location. For these areas, the Apartment Guidelines outline that,

*“As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.*

*For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage. It is also a requirement to demonstrate specific measures that enable car parking provision to be reduced or avoided.*

*As well as showing that a site is sufficiently well located in relation to employment, amenities and services, it is important that access to a car sharing club or other non-car-based modes of transport are available and/or can be provided to meet the needs of residents, whether as part of the proposed development, or otherwise. ‘Car free’ development is permissible and if developed, must be fully communicated as part of subsequent apartment sales and marketing processes”.*

#### 5.4.1.1 Duplexes and Apartments

As outlined above, the parking requirement for duplexes and apartments is 1 no. space per unit, and 1 visitor space per every 4 no. units. The overall number of duplexes is 48 no. units, applying this requirement to the duplexes outlines that 60 no. spaces are required (48 no. spaces for the duplexes and 12 no. visitor spaces). The proposed development provides for 47 no. spaces for the duplexes with a shortfall of 13 no. spaces; therefore, this element of car parking is a material contravention.

The overall number of apartments is 38 no. apartments, applying this requirement to the apartments outlines that 48 no. spaces are required (38 no. spaces for the apartments, and 9.5 visitor spaces). The proposed development provides for 41 no. spaces for the apartments with a shortfall of 7 no. spaces; therefore, this element of car parking is a material contravention.

## 6. MATERIAL CONTRAVENTION

### 6.1 Car Parking

In the context of the subject planning application, it is considered that elements of the proposed car parking provision are deemed to materially contravene the car parking standards for the proposed duplex units (section 11.3.1(g) of the CDP) and the parking standards applicable to the creche facility (section 11.10.1 of the CDP). **Table 1** below summarises the Material Contravention.

Table 1: Parking Requirements and Provision

Proposed Development	Requirement	Provided	Material Contravention?
Houses	154 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings	154	No
Creche	8 1 space per 20sqm of operational space (Proposed Development = 158.9sqm)	5	Yes
Duplexes	60 1 no. space per unit, and 1 visitor space per every 4 no. units	53	Yes
Apartments	48 1 no. space per unit, and 1 visitor space per every 4 no. units	48	No
<b>Total</b>	<b>270</b>	<b>260</b>	<b>Shortfall of 10 no. spaces</b>

Whilst the proposed development and provision of reduced car parking spaces would be a contravention of the planning policy, it is considered that this shortfall of car parking spaces allocated to the development is appropriate and should be considered favourable by An Bord Pleanála. Our justification is outlined below in **Section 7**.

### 6.2 N6GCRR Reservation Corridor

Within the CDP, Policy 3.4 relating to Traffic Networks states that it is a policy of the Planning Authority to:

“ Enhance the delivery of an overall integrated transport solution for the city and environs by supporting the reservation of a corridor route to accommodate an orbital route as provided for in the N6 GCRR project”.

It is also noted that the Core Strategy of the extant Development Plan affirms the need for a strategic ring road incorporating a new river crossing.

Since the adoption of the Galway City Development Plan 2017-2023, a planning application for the proposed road has been prepared and considered, which resulted in a more refined red line application boundary compared to the wider reservation corridor provided for in the CDP.

Galway County Council, on behalf of itself and on behalf of Galway City Council, is proposing to develop the N6 Galway City Ring Road (N6 GCRR) around Galway City. The application for the N6 GCRR was lodged with An Bord Pleanála in October 2018 (ABP-302885 refers). The oral hearing for this application took place in October 2020, and a decision to grant permission for this new road was subsequently made on 6th December 2021. This decision is now subject of a Judicial Review of the decision-making process.

With regards to the proposed project, consultation has taken place with Arup (the N6 GCRR project consultants) and all parties are satisfied that there are no conflicts arising from the proposed development. Discussion relating to the consultation with Arup regarding the proposed scheme in the context of the recently granted N6 GCRR, which is currently subject to judicial review, are provided in **Appendix 1**.

## 6.3

### Plot Ratio

MKO wish to clarify that the Stage 2 SHD submission previously submitted to An Bord Pleanála incorrectly indicated that the plot ratio was 0.33:1. This was because of a drafting error in the architect’s gross floor area calculations. This error has now been identified and remedied and the plot ratio of the proposed scheme equates to 0.40:1

Section ‘11.3.1 Outer Suburbs’, sub section ‘11.3.1 (a) General’ of the operative GCDP states that:

‘a plot ratio of 0.46:1 for new residential development located in the outer suburbs shall not normally be exceeded’.  
[Our emphasis added].

The proposed development comprises 170 no. residential units and a creche facility, with an overall total gross floor space of 14,997 sqm on a developable site area of 3.762 ha (37,620 sqm), which equates to a plot ratio of 0.40:1 and a density of 45.19 units per ha (170 units on 3.762 ha developable site area).

It is noted that this plot ratio of 0.40:1 is below the 0.46:1 maximum permissible density within the GCDP and the Notice of Pre-Application Consultation Opinion suggests that consideration should be given to possible contravention of the plot ratio standards for new residential development as set out in the *Galway City Development Plan 2017 – 2023*.

This report contends that the plot ratio standards provided for within the GCDP provide for a maximum plot ratio standard but do not prohibit plot ratios below the maximum threshold. The design approach adopted for the proposed development has taken cognisance of a myriad of specific site constraints (N6GCRR route, greenway, the topography of the land etc) and the character of the surrounding area; in addition to the GCDP requirements relating to open space, car parking, overlooking, overshadowing etc. On balance, this report submits that the proposed density of 0.40:1 is an appropriate plot ratio for the proposed site, and that it does not constitute a material contravention of the GCDP, as no minimum plot ratio standards are provided in the statutory development plan. The proposed density is in compliance with Section ‘11.3.1 Outer Suburbs’, sub section ‘11.3.1 (a) General’



as the proposed plot ratio of 0.40:1 does not exceed a plot ratio of 0.46:1 for new residential development located in the outer suburbs.

Furthermore, the proposed density is in compliance with s.28 Ministerial Guidance in relation to density standards:

- The proposed density is in accordance with Section 2.4 of the 2020 Apartment Guidelines identifies the types of location in cities and towns that may be suitable for apartment development. In relation to ‘Peripheral and/or Less Accessible Urban Locations’ the Guidelines state:
 

*‘Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:*

  - *Sites in suburban development areas that do not meet proximity or accessibility criteria;*
  - *Sites in small towns or villages.*
- The proposal also complies with ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)’. The subject site is classified as an ‘Outer Suburban/ Greenfield’ site associated with cities and larger towns, with a density in the general range of 35-50 dwellings per hectare as per Section 5.11 of the Guidelines.
- The proposed density is in accordance with *Urban Development and Building Heights Guidelines for Planning Authorities December 2018*.

In summary, this report asserts that the proposed site density is not a material contravention of the plot ratio standards set out in Section ‘11.3.1 Outer Suburbs’, sub section ‘11.3.1 (a) General’ of the operative development plan.

## 7. JUSTIFICATION FOR MATERIAL CONTRAVENTION

As is evident in the preceding sections and the technical documentation and justification furnished to the Board with this application, while the proposed development materially contravenes the Galway City Development Plan in relation to car parking provision and the N6 route reservation corridor, as will be set out below, the proposed development would be in accordance with regional spatial and economic strategy for the area, the guidelines under section 28, specifically the Sustainable Urban Housing: Design Standards for New Apartment guidelines for planning authorities, and any relevant policy of the Government, the Minister or any Minister of the Government.

### 7.1 (i) The Proposed Development is of Strategic Importance

An Bord Pleanála *Overview Summary* document with respect to Strategic Housing Development (SHD) sets out the type and scale of development which are considered to constitute Strategic Housing Development. Planning applications for housing developments of more than 100 residential units and 200 plus student bed spaces can now be made directly to An Bord Pleanála. The Overview Summary goes onto state that:

*‘This new type of application has been introduced as part of Rebuilding Ireland to speed up the planning application process and accelerate delivery of larger housing and student accommodation proposals’.*

The strategic and national importance of the delivery of homes across the country is a fundamental principle of the *Rebuilding Ireland* programme. This programme sets out a range of measures to facilitate both the construction of new homes (including the SHD process) but also a range of schemes which facilitate social and affordable sale and lease models. A key concept of the *Rebuilding Ireland* programme state that it is:

*‘Designed to accelerate housing supply in this country, Rebuilding Ireland is tackling our country’s housing shortage. This action-driven plan will result in a dramatic increase in the delivery of homes nationwide’.*

The strategic goals of the Government in relation to the delivery of new residential development, and their national importance, is reflected in the policies and objectives of the National Planning Framework and the Regional Spatial and Economic Strategy 2020-2032 (Northern & Western Regional Assembly). A comprehensive assessment of the proposed development in respect of those publications is enclosed with this planning application submission. It is considered that the proposed development accords with the provisions of those documents.

The *Housing For All: Housing Plan for Ireland* published by the Government of Ireland in September 2021 is the government’s housing plan to 2030. It is a multi-annual, multi-billion-euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The government’s overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system. The Housing For All plan recognises the importance of the SHD process, and will introduce new arrangements for Large Scale Residential Developments (LSRD) that will replace the SHD process. The LSRD arrangements have the potential to be as time efficient as the SHD process and will apply to applications for 100 homes or more, or student accommodation bed spaces of 200 or more.

The proposed development will deliver 170 no. residential units, of which 17 no. units are intended to be social and affordable housing (as per Part V proposals outlined in the planning application submission). The proposed development will also deliver a crèche facility. The development is situated in an accessible and sustainable location helping to deliver on objectives for efficient use of land and compact urban development.

Based on the above it is considered reasonable to conclude that the proposed development, which is the subject of this Strategic Housing Development application, is of strategic importance.

7.2

## **(ii) Conflicting objectives in the development plan**

The Galway City Development Plan 2017-2023, (CDP) as discussed in sections 3 and 4 above, sets out the car parking standards for new developments in Galway City. These standards are set requiring 1 visitor car parking space per 3 dwellings for outer suburban developments, as indicated in Section 11.3.1(g) of the CDP, along with 1 parking space required for every 20m<sup>2</sup> operational space within the creche, as set out in Table 11.5 of the CDP.

However, it must also be acknowledged that the Galway City Development Plan includes that, subject to individual assessment based on a scheme's merits, a reduction in parking may be appropriate and permitted. Policy 3.4 of the CDP sets out that it is a policy of the Council to "promote changes in the management of car parking, including for the reduction of on-street parking ..." (our emphasis added). In addition, as discussed previously, it is set out in section 3.4 of the Development Plan, that "consideration for new developments within the city will also be given to grouped and dual usage car parking, where peak demands do not coincide and cognisance will also be taken of where there is the potential for multi-purpose trips".

Further, Section 11.10.1 of the plan includes that "Consideration will also (be) given to grouped and dual use parking provision where peak demands do not coincide and cognisance will be given to the potential for multi-purpose trips, subject to assessment", and that "A reduction in these car-parking standards may be acceptable when an application for development includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation associated with the proposed development" (our emphasis added).

7.3

## **(iii) Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant**

## policy of the Government, the Minister or any Minister of the Government

### 7.3.1 National Planning Framework: Project Ireland 2040

Under the provisions of the *National Planning Framework – Project Ireland 2040* (February 2018) (NPF) the Government has outlined the proposed long-term strategic planning framework to guide national, regional, and local planning and investment decisions over the next 25 years. The NPF is a high-level document which provides a framework for future development and investment in Ireland, providing a long-term and place-based aspect aiming to coordinate sectoral areas such as housing, jobs, transport, education, health, environment, energy, and communications into an overall coherent strategy.

**National Policy Objective 13** states:

*‘In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected’. (Our emphasis added).*

**National Policy Objective 27** states:

*‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.*

The proposed development encourages safe and convenient alternatives to the car in the form of high-quality pedestrian and cycle links within and external to the development. The accessibility to the recognised Greenway, and the road improvements to Bóthar na Chóiste that will be carried out in conjunction with the residential development all aid in promoting and prioritising pedestrian and cycle accessibility for the residents. The site is within 400m walking distance of Castlegar neighbourhood shops, and approximately 400metres to Bus Stop No. 523841 which operate the 407-bus route. This operates every 30 minutes Monday to Saturday to Eyre Square and every 60 minutes on a Sunday.

All relevant guidance as it relates to development management standards including car parking have been considered carefully in the design of the proposed development. To achieve targeted growth, design standards such as car parking must be considered based on performance criteria. The proposed reduced provision of car parking for the creche, duplexes, and apartments, and the implementation of dual use car parking can be justified due to the accessibility of the site and the need to encourage the use of public transport, walking, and cycling in line with national policy.

The proposed development provides for 170 no. residential units and provides a significant response to Galway’s housing needs in accordance with the population targets set out in the NPF.

### 7.3.2 Regional Spatial and Economic Strategy (Northern & Western Regional Assembly) 2020-2032

The Northern & Western Regional Assembly (NWRA) adopted the *Regional Spatial and Economic Strategy* (RSES) on the 24<sup>th</sup> of January 2020. As part of this RSES, a co-ordinated Metropolitan Area Strategic Plan (MASP) is prepared for Galway Metropolitan area. The RSES amplifies the provisions of

the NPF and the MASP sets out the strategic direction the city will grow to achieve compact growth, as envisaged within the first national strategic outcome in the NPF.

The Galway Metropolitan Area Strategic Plan (MASP) “sets out the strategic direction the city will grow to achieve compact growth, as envisaged within the first national strategic outcome in the NPF”. The vision for the Galway MASP is “that it will be a leading European city renowned for its quality of life, its history, its culture and its people”.

**Regional Policy Objective 3.6.7** states:

*“The Assembly supports the delivery of the infrastructure projects outlined below to develop the MASP:*

- Galway City Ring Road (S)
- Galway Transport Strategy (S/M/L)”

**Regional Policy Objective 3.6.8** states:

*“The Assembly will support the concept of reverse commuting to encourage the increased and efficient use of resources particularly public transport”.*

**Regional Policy Objective 6.30** states:

*‘Planning at the local level should promote walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level such as schools’.*

Further, Section 3 of the RSES states in its subsection relating to the Galway Transport Strategy (GTS) and City Centre Transport Management Plan (CCTMP) that

*“The GTS supports opportunities that will reduce congestion and car dependency through increased capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking, which in turn promotes the reduction of greenhouse gas emissions”.*

It is therefore submitted that permission for the proposed development should be granted, notwithstanding the material contravention of the CDP in relation to parking standards, having regard to the RSES, on the grounds that the proposed development provides for 170 no. residential units with a reduced level of car parking, and as such, an increased opportunity for the reduction in congestion and increased opportunity for use of public and sustainable transport methods with the Galway MASP as set out in the RSES.

### 7.3.3

## Design Standards for New Apartments Guidelines 2020

As set out in Section 5.1.2 of this Report, the Design Standards for New Apartments Guidelines 2020 outlines in Section 4.22 referring to Peripheral and/or Less Accessible Urban Locations, that:

*“As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.*

*For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage. It is also*

*a requirement to demonstrate specific measures that enable car parking provision to be reduced or avoided.*

*As well as showing that a site is sufficiently well located in relation to employment, amenities and services, it is important that access to a car sharing club or other non-car-based modes of transport are available and/or can be provided to meet the needs of residents, whether as part of the proposed development, or otherwise. 'Car free' development is permissible and if developed, must be fully communicated as part of subsequent apartment sales and marketing processes" [our emphasis added].*

On the basis of the wording set out above in the Apartment Guidelines, the shortfall of parking spaces can be justified. The location of the proposed development lends itself to utilising other forms of travel that that of the private car. The development is located 400m from a Bus Stop, with services to Galway City Centre, 400m to amenities and service at Castlegar Village, it is accessibly located adjacent to the recognised Greenway, and will be carried out in conjunction with major road improvements that will serve to improve pedestrian and cycle accessibility on the Bóthar na Chóiste Road to the development.

The proposed development provides for 9 no. disabled parking spaces, 2 no. EV Charging Points, and 268 no. bicycle parking spaces (at a surplus of the 253 no. spaces required). All grouped and dwelling spaces are ducted to allow for future connection to provide more electrical charge points. It is considered that the above design elements that prioritise and encourage pedestrian and cycle accessibility, and the accessibility to amenities and services to the development justify the shortfall of car parking spaces.

8.

## CONCLUSION

It is submitted that since the adoption of the Galway City Development Plan 2017-2023, a planning application for the proposed N6GCRR road has been prepared and considered, which resulted in a more refined red line application boundary compared to the wider reservation corridor provided for in the CDP. With regards to the proposed project, consultation has taken place with Arup (the N6 GCRR project consultants) and all parties are satisfied that there are no conflicts arising from the proposed development.

It is submitted that permission for the proposed development of 170 no. residential units and 247 no. car parking spaces should be granted, notwithstanding the Material Contravention of the CDP Development Management Standards 11.10.1, and the shortfall of 10 no. car parking spaces on the grounds that:

- Pedestrian and cycle accessibility is prioritised throughout the development,
- The site is located within 400m of services and amenities, 400m to the nearest bus stop of which the 407 bus route travels to and from Galway City Centre, and adjacent to a recognised Greenway,
- 417 no. bicycle spaces have been provided,
- As per the CDP, dual use parking is considered,
- A reduced number of car parking spaces is justified through National Policy Objectives 13 and 17, Regional Policy Objectives 3.6.7, 3.6.8, and 6.30, and the Galway Transport Strategy to reduce car dependency where there is *capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking.*
- The Apartment Guidelines encourage reduced car parking where justified.

In this regard, this Material Contravention Statement clearly outlines the justification to the shortfall of 10 no. spaces, the proposed development will deliver a high-quality residential scheme which incorporates a crèche facility, together with high-quality public spaces for its residents. It is considered that the proposed development accords with the principles of proper planning and sustainable development.

It is requested that An Bord Pleanála, having had regard to the justification set out within this statement, should grant permission for the proposed development pursuant to the provisions of Section 9(6)(c) of the 2016 Act and Section 37(2)(b) (i), (ii) and (iii) of the Planning and Development Act 2000 (as amended).



## **APPENDIX 1**

**CORRESPONDENCE FROM SEAN  
DEVANEY REGARDING  
COMPATIBILITY WITH THE  
N6GCRR**



**From:** Sean Devaney <[sdevaney@galwaycoco.ie](mailto:sdevaney@galwaycoco.ie)>  
**Sent:** 28 June 2022 15:21  
**To:** Brendan Heaney <[Brendan.Heaney@tobin.ie](mailto:Brendan.Heaney@tobin.ie)>; [N6GCOB@arup.com](mailto:N6GCOB@arup.com)  
**Cc:** Pamela Harty <[pharty@mkoireland.ie](mailto:pharty@mkoireland.ie)>; John O'Neill <[john.oneill@onom.ie](mailto:john.oneill@onom.ie)>; Michael Naughton <[michael.naughton@tobin.ie](mailto:michael.naughton@tobin.ie)>  
**Subject:** RE: Bothar an Choiste -Site Layout

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Brendan,

I had a look at the GCRR boundary indicated on your drawing/maps and it seems to be correct, (although I couldn't figure which coordinate system you were using). I also note that you have an offset from the GCRR to your planning boundary and they don't conflict. If there are other details that could be impacted by the GCRR (e.g. drainage etc.) send them on and we can have a look.

Regards,  
Sean

**From:** Brendan Heaney <[Brendan.Heaney@tobin.ie](mailto:Brendan.Heaney@tobin.ie)>  
**Sent:** Thursday 23 June 2022 11:45  
**To:** Sean Devaney <[sdevaney@galwaycoco.ie](mailto:sdevaney@galwaycoco.ie)>; [N6GCOB@arup.com](mailto:N6GCOB@arup.com)  
**Cc:** Pamela Harty <[pharty@mkoireland.ie](mailto:pharty@mkoireland.ie)>; John O'Neill <[john.oneill@onom.ie](mailto:john.oneill@onom.ie)>; Michael Naughton <[michael.naughton@tobin.ie](mailto:michael.naughton@tobin.ie)>  
**Subject:** FW: Bothar an Choiste -Site Layout

Sean,  
Hope all is well with you.  
We refer to a proposed residential development at Bothar an Choiste off the Headford Road, Galway.  
We are in the process of lodging the stage 3 planning application with ABP in the coming weeks.

We attach the site layout and location map showing our planning red line site boundary. We want to make sure our planning red line boundary is not conflicting with the N6 boundary. We would be grateful if you would have a quick look at it.

Thanking you for your assistance in this matter.

Regards,

**Brendan Heaney BEng CEng MIEI**  
**Technical Director**

**TOBIN Consulting Engineers**  
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