

**An
Bord
Pleanála**

**Board Direction
BD-015952-24
ABP-317835-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development the likely significant effects of the proposed development on European Sites,
- (d) the conservation objectives and qualifying interests for Lough Corrib Special Area of Conservation (Site Code: 000297) and Lough Corrib Special Protections Area (Site Code: 004042),
- (e) the policies and objectives of the Galway County Development Plan 2022-2028 and the results of the Strategic Environmental Assessment and Appropriate

Assessment of this plan undertaken in accordance with the Strategic Environmental Assessment Directive (2001/42/EC),

- (f) the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024,
- (g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2023,
- (h) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019,
- (i) the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage, and Local Government in 2009,
- (j) the nature and extent of the proposed works,
- (k) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (l) the submissions received in relation to the proposed development, and,
- (m) the report and recommendation of the person appointed by the Board to make a report and recommendation on this matter.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening for appropriate assessment and conclusions contained in the Planning Inspector's report, concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Sites in view of the conservation objectives of such Sites, other than for Lough Corrib Special Areas of Conservation (Site Code: 000297) and Lough Corrib Special Protections Area (Site Code: 004042).

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and the associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Planning Inspector's assessment and carried out an appropriate assessment of the implications of the proposed development for Lough Corrib Special Areas of Conservation (Site Code: 000297) and Lough Corrib Special Protections Area (Site Code: 004042), in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- ii. the mitigation measures that are included as part of the current proposal, and,
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Planning Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, including requiring compliance with the submitted details and with the mitigation measures, the proposed development would not be likely to have significant effects on the environment. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The proposed development shall be amended as follows:
 - (a) provision of windows overlooking the public open space at first-floor level in the eastern elevation of proposed unit number 29 and the provision of windows overlooking the public open space at first and second-floor level on the northern elevation to proposed block VI,
 - (b) reduced carriageway widths to a maximum of 5.5 metres for the local neighbourhood roads/internal estate access roads and reduced shared surface/home zone carriageway widths to a maximum of 4.8 metres throughout the proposed development, with omitted areas absorbed into open spaces and unit curtilages,
 - (c) provision of a pathway through the proposed northeast corner public open space, extending to the boundary and providing potential future pedestrian and cycle access to lands to the northeast (as per the details on the Landscape Plan drawing number 22242_1_100),
 - (d) provision of play facilities within the proposed public playground to cater for all ages, including older children aged 12 years plus,
 - (e) provision of an alternative boundary treatment enclosing the private amenity space serving proposed unit number 82, measuring a minimum height of 1.8 metres from ground level with natural stone finish facing onto the public realm, similar to boundary treatment type 4 on the

applicant's Boundary Treatment Plan and Details drawing number 210503-03-010 Revision A,

- (f) provision of a right-turning traffic lane for vehicles at the proposed vehicular entrance to the development from the regional road (R381) fronting the site,
- (g) maintained pedestrian and cycle paths along Lakeview Road (L7110 local road) fronting the site, including along the proposed childcare facility set-down area, in line with the provisions of the Cycle Design Manual issued by the National Transport Authority in September 2023, and,
- (h) finalised details of the proposed wastewater treatment pumping station, including layout, sections, and elevations.

Revised drawings and details showing compliance and these requirements shall be placed on the file and retained as part of the public record.

Reason: In the interests of visual and residential amenities of the area, the amenities of future occupants of the proposed development, road safety, promoting sustainable modes of transport, the adequate servicing of the proposed development and to ensure the development accords with the provisions of the Galway County Development Plan 2022-2028, the Design Manual for Urban Roads and Streets and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

3. The proposed development shall be carried out on a phased basis, in accordance with details to be placed on the file and retained as part of the public record, with the proposed public playground to be completed prior to the occupation of any of the proposed residential units on site.

Reason: To ensure the timely provision of services and to comply with the provisions of the Galway County Development Plan 2022 - 2028, for the benefit of the occupants of the proposed residential units and the general public.

4. A minimum of 20% of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht for a period of 15 years. Prior to commencement of development, the local authority shall restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish.

The appropriate competence/fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause will have to provide to the local authority proof that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing/occupying the respective residential unit.

Reason: To ensure that development in the area in which the site is located is appropriately restricted.

5. Mitigation measures outlined in the plans and particulars, including the Ecological Impact Assessment, the Construction Environmental Management Plan and the Natura Impact Statement submitted with the application, shall be carried out in full, except where otherwise required by conditions attached to this permission. Prior to the commencement of the development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the local authority, placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed houses.

7. Proposals for a development name and numbering scheme and associated signage shall be agreed prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. A justification for the development name and numbering scheme shall be prepared and placed on file and retained as part of the public record.

Reason: In the interest of urban legibility.

8. The road works along the R381 regional road and Lakeview Road (L7110 local road), including the vehicular accesses serving the proposed development, and the layout of the proposed development, shall be in accordance with the design standards outlined in the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. Prior to commencement of development, the local authority, or any agent acting on their behalf, shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

11. (a) Prior to commencement of development a Stage 2 – Detailed Design Stage Storm Water Audit, shall be prepared, placed on the file and retained as part of the public record.
(b) Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during

construction, shall be prepared, placed on the file and retained as part of the public record.

- (c) Prior to the occupation of proposed development, a maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be prepared, placed on the file, retained as part of the public record and thereafter implemented.

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

- 12. Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public open space and front street areas, details of which shall be prepared prior to commencement of development and placed on file and retained as part of the public record. The design of the lighting scheme shall take into account the existing public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit. Any bat-sensitive lighting for the proposed development shall accord with the updated guidance contained in 'Bats and Artificial Lighting in the UK Guidance Note GN 08 23'.

Reason: In the interests of amenity, public safety and bat species.

- 13. 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.

- 14. (a) A plan containing details for the management of waste, in particular recyclable materials, within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular recyclable materials, shall be prepared prior to the commencement of the development and placed on file and retained as part

of the public record. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each residential unit plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

- 15. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be contoured, soiled, seeded, and landscaped in accordance with the landscape plan (drawing no.22242_1_100).
This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose

- 16. The local authority, or any agent acting on its behalf, shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an Archaeological Impact Assessment Report for the written agreement of the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works, topsoil stripping, site clearance and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.

Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record archaeological excavation and/or monitoring may be required. Any further archaeological mitigation requirements specified by the National Monuments Service, shall be complied with by the local authority, or any agent acting on its behalf.

No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and agreed in writing with the National Monuments Service. The National Monuments Service shall be furnished with a final archaeological report describing the results of any

subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work.

All resulting and associated archaeological costs shall be borne by the local authority, or any agent acting on its behalf. All reports prepared shall be placed on file and retained as part of the public record.

Reason: In order to ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

17. Prior to the commencement of development, the local authority or any agent acting on its behalf, shall prepare a Resource Waste Management Plan as set out in the Environmental Protection Area's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. All records, including for waste and all resources, pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management

18. The construction of the proposed development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be placed on file and retained as part of the public record. This plan shall provide details of the construction practice for the development, including:
 - (a) location of the site and materials compound(s), including areas identified for the storage of construction refuse,
 - (b) location and details of areas for construction site offices, staff facilities, site security fencing and hoardings,

- (c) details of on-site car parking facilities for site workers during the course of construction,
- (d) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (e) measures to obviate queuing of construction traffic on the adjoining road network,
- (f) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network,
- (g) alternative arrangements to be put in place for pedestrians, cyclists, and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (h) details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hertz to 80Hertz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels,
- (i) details of appropriate mitigation measures for noise and dust and monitoring of such levels.
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local sewers or watercourses, and,
- (m) a record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be placed on file and retained as part of the public record.

Reason: In the interest of amenities, public health, the environment, and safety.

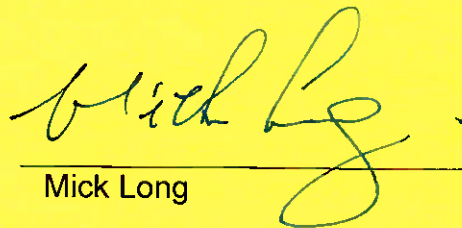
19. The proposed development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998.

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

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Board Member


Mick Long

Date: 27/03/2024