



An  
Bord  
Pleanála

## Record of Meeting ABP-310796-21

<b>Case Reference / Description</b>	Demolition of buildings on site, construction of 114 no. residential units (76 no. houses, 38 no. apartments), creche and associated site works. Lakeview, Claregalway, Co. Galway.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	27 <sup>th</sup> September 2021	<b>Start Time</b>	10:00 am
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	11:30 am
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Helen Keane

### Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Una O'Neill, Senior Planning Inspector
Helen Keane, Executive Officer

### Representing Prospective Applicant:

Walter King, Applicant
Sean McCarthy, MKO Planning & Environmental
Colm Ryan, MKO Planning & Environmental
John O'Neill, O'Neill O'Malley Architects
Michael Scott, O'Neill O'Malley Architects
Keith Mitchell, CSR Landscape Architects
Tony Cawley, Hydro Environmental
Richard Daly, Tobin Consulting Engineers
Brendan Heaney, Tobin Consulting Engineers
Micheal Geraghty, Tobin Consulting Engineers

## Representing Planning Authority

Eimear O'Doherty, Executive Planner
Rachel Lowe, Acting Senior Engineer, Housing
Jack Houlihan, Executive Engineer, Roads
Martina Connaughton, Senior Executive Engineer, Water Services

### Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) and introductions were made. The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public once the Opinion has issued,
- ABP received a submission from the PA on 5<sup>th</sup> August 2021 providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000, as amended and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 9<sup>th</sup> July 2021 formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with the definition of SHD as set out in the (Housing) and Residential Tenancies Act of 2016, as amended, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

### Agenda

1. Development Plan Policy and Core Strategy
2. Development Strategy – ecology and landscape features; pedestrian connections
3. Residential Amenity
4. Flood Risk Assessment
5. Transportation Issues
6. Any Other Matters

## 1. Development Plan Policy and Core Strategy

### • **ABP Comments:**

- In relation to the Policy Context, ABP representatives sought further elaboration/discussion/consideration in relation to the following:
- Documentation should be clear on where Baile Chlár sits within the various policy documents. Elaborate on status of Galway Transport Strategy given its reference in relation to the sustainable development of the town as part of the Galway MASP.
- Compliance with Core Strategy.
- Compliance with R2 phasing.
- Justification to be made in terms of sequential approach and Objective UHO 10.
- Set out considerations in terms of a material contravention of the development plan, indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000.
- Density - Documentation needs to elaborate on considerations in relation to density and justification, including in relation to context of the site and necessity to secure urban design or other objectives of the plan.

### • **Prospective Applicant's Comments:**

- Claregalway is a Tier 5 settlement. This is reflected in the number of units allocated in the proposed development.
- The criteria for the Material Contravention will be met at application stage.
- There is a significant change to the draft county plan, with 300 units allowed for in Claregalway as part of the core strategy.
- Claregalway is a strategic area for new residential development.

### • **Planning Authority's Comments:**

- The new County Development Plan is due to be adopted in April/May 2021.
- The application site is proposed to remain as R2 lands in the draft plan.
- The PA intends to seek planning permission by the end of 2021 for a R1 site near the proposed development site for the construction of 95 no. residential units.
- The prospective applicant should refer to development plan in relation to density.

## 2. Development Strategy - ecology and landscape features; pedestrian connections

### • **ABP Comments:**

- In relation to the Development Strategy, ABP representatives sought further elaboration/discussion/consideration in relation to the following:
- Ecology – trees and hedgerows being removed, as well as stone walls. Tree report recommends maintaining certain trees and hedgerows. Further consideration of the existing environment and how it can be used to contribute to the character of the area instead of being entirely removed. Further consideration of positioning of open space relative to existing tree line; consideration of impact on adjoining vegetation given proximity of a number of dwellings to the boundaries of the site.

- EIAR screening information, as referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations to be considered.
- Permeability of the site – Not clear if there are pedestrian connections north into existing housing development. Need to establish how this development is connected back into the town centre for pedestrians/cyclists as this is an important consideration in terms of the location of the site. Impact of any connections/pathways/removal of vegetation etc to be considered in Flood Risk Assessment.
- Proximity to boundaries of neighbouring dwellings and impact on landscape features; privacy; overshadowing.
- EclA – clarify appropriateness of surveys undertaken, in particular around wintering birds.

- **Prospective Applicant's Comments:**

- The landscape masterplan identifies the hedgerows being retained.
- The prospective applicant will reassess the ash trees on the proposed development site.
- The project design endeavours to save all trees and hedgerows as far as is possible.
- The prospective applicant is conscious of the need to provide a strong justification for removal of ecology and landscape features.
- There are four potential access routes into the village from the proposed development across lands the applicant owns.
- The PA is also removing hedgerows on the site that they are to seek planning permission on.
- The prospective applicant intends to build the proposed development in a timely manner.
- The prospective applicant will take account of impact of any works on the Flood Zone A/B area.
- The prospective applicant will provide clarity at application stage from the GAA that they are supportive of a connection into the proposed development.

- **Planning Authority's Comments:**

- The PA would like to see the trees and hedgerows retained on the proposed development site.
- Cuir na hAbhainn is not taken in charge. Note proposed path on flood zone lands? Consents will be required.

### 3. Residential Amenity

- **ABP Comments:**

- In relation to the Residential Amenity, ABP representatives sought further elaboration/discussion/consideration in relation to the following:
- Ensure compliance with all required standards in apartment guidelines, including consideration of single aspect north facing units.
- Sunlight-Daylight Analysis required as per Building Height Guidelines and Apartment Guidelines. It would be advisable to undertake a Sunlight and Daylight analysis and this report should address the full extent of requirements of BRE209/BS2011, as

applicable – need to show an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and impact on neighbouring properties, including impacts on their open space and compliance with BRE standards. Identify where not meeting standards. Address alternative compensatory design solutions where appropriate. Rationale required in relation to approach adopted.

- Issue of safety and security around provision of alleyways for bin access.
- Proximity of dwellings to site boundaries.

- **Prospective Applicant's Comments:**

- Will have consideration for the above comments.

- **Planning Authority's Comments:**

- Refer to comments in the PA's report.

#### 4. Flood Risk Assessment

- **ABP Comments:**

- In relation to the Water Services and Flood Risk Issues, ABP representatives sought further elaboration/discussion/consideration in relation to the following:
- Development proposal will need to be accompanied by a Development Management Justification Test and Site-Specific Flood Risk Assessment in accordance with the criteria set out under with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and Circular PL2/2014 (as updated/superseded), as per development plan policy DO7.
- Surface water drainage proposals and elaboration in relation to disposal of surface water to ground.
- Consideration of all works, including pathways and pipes within open space and flood zone A and B areas.

- **Prospective Applicant's Comments:**

- The prospective applicant will have regard for soakaways and separation distances.

- **Planning Authority's Comments:**

- Have consideration for the proximity of the attenuation tanks to the proposed buildings and compliance with building regulations.
- Further detail is required on the depth of soakaways.
- Have consideration on the impacts on Block 1 and provisions of CFRAMs.

## 5. Transportation Issues

### • **ABP Comments:**

- In relation to the Transportation Issues, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Sightlines
- Footpaths
- Road Safety Audit

### • **Prospective Applicant's Comments:**

- The prospective applicant is confident that there is not an oversupply of carparking in the proposed development.
- A speed survey will be submitted at application stage.
- The junction alignment to the proposed development is poor. The prospective applicant will submit proposals at application stage to regularise this junction.

### • **Planning Authority's Comments:**

- The prospective applicant is to define the carriageway extents at application stage.
- Submit a speed survey at application stage.
- Have consideration for any knock-on implications for the centre line if works are to be carried out on Lydacan Road.
- Concerns in relation to sight lines and compliance with DMURS.

## 6. Any other matters

### • **ABP Comments:**

- Site Specific Flood Risk Assessment
- Material Contravention Statement
- Access and sightlines

### • **Prospective Applicant's Comments:**

- The proposed development will be delivered in a timely manner if planning permission is granted. It is near the required amenities.
- The access point to the site has been changed since the previous application.
- The prospective applicant is eager to further liaise with the PA.
- Will ensure that the application documentation correlates and there are no conflicts.

### • **Planning Authority's Comments:**

- The PA is open to liaising with the applicant on the issues raised.
- The prospective applicant is to ensure the necessary consents are provided.
- There is some inconsistency on the documentation in relation to the identified boundaries.

## Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published.
- A Schedule of Documents and Drawings should be submitted with the Application.
- Sample notices, application form and procedures are available on the ABP website.
- Irish Water would like prospective applicants to contact Irish Water at [cdsdesignqa@water.ie](mailto:cdsdesignqa@water.ie) **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is [spatialplanning@water.ie](mailto:spatialplanning@water.ie).

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Tom Rabbette  
Assistant Director of Planning  
October, 2021