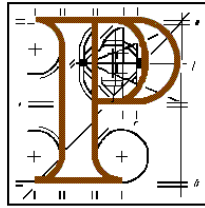


An Bord Pleanála



Inspector's Report

PL 61.246315

DEVELOPMENT: 68 two storey houses, associated site works, and landscaping at Oranhill, Oranmore, Co. Galway.

Planning Authority: Galway County Council

Planning Authority Reg. No: 15/1107

Applicant: Thomas Considine, Patrick Sweeney and Ronnie Greene.

Application Type: Permission

Planning Authority Decision: Grant

Appellants: Oranhill Residents Association
John Barry

Type of Appeal: Third Party –v- Grant

Observers: None

Date of Site Inspection: 18 May 2016

INSPECTOR: **Patricia Calleary**

1.0 INTRODUCTION

PL 61.246315 relates to 2 no. **third party appeals** against the decision of Galway County Council to issue a notification to **grant permission** for a residential development consisting of **68** two storey houses (reduced to **61** at further information stage), associated site works and landscaping at Oranhill residential area in Oranmore, Co. Galway.

2.0 SITE LOCATION AND DESCRIPTION

The appeal site, with a stated area of 2.66 hectares is situated in a townland known as Oranhill, south of Oranmore town in county Galway. Oranmore is positioned along the inner shoreline of Galway bay, c.7km east of Galway city. The area is characterised by existing and emerging residential development, much of which is relatively new, likely to have been developed prior to the economic downturn. The appeal site is a relatively flat greenfield site, triangular in shape and is surrounded by a vacant site and existing residential development (Oranhill Avenue) to the west and by existing residential development to the south (Oranglen, Orangreen, Orangrove and Orancrent). Lands to the east and north east consists of a greenfield site which currently enjoy planning permission under PL07.237219 /GCC Plan Ref: 09/1925 as extended under Plan ref: 15/1334. The N18 runs in a north south direction further east. The lands to the north consist of a greenfield site where the site of Caislean an Mhuine Dhuibh (Moneyduff Castle) is identified on OS maps. Current access to the site is from the west located off the Oranhill distributor/access road which directly bounds the site and which connects the site northwards to Maree/Oranmore road (L-4101).

3.0 PROPOSED DEVELOPMENT

This development as initially proposed would consist of 68 houses with a total gross floor space of 8265 sq.m. It would include a mix of house types as follows:

- 48 x 4 bedroom semi-detached houses
- 4 x 3 bedroom semi-detached houses
- 9 x 4 bedroom detached houses
- 4 x 3 bedroom detached houses
- A terrace of 3 bedroom houses

3 no. vehicular access roads would be provided from the local road network (Oranhill access/ distributor road) which connects onwards to Maree/Oranmore road (L-4101). These internal estate roads would serve 59 houses. As initially proposed, 9 other houses would have direct access onto the Oranhill access/distributor road.

The planning application was accompanied by a Road Safety Audit (Stage 1/2), a Traffic and Transportation Assessment, Civil Works Planning report (including foul water, storm water drainage and watermain design) and a landscape plan.

Following a request for further information, a **revised scheme** was submitted to the planning authority which consisted of **61 houses**. This amended scheme would include a mix of house types as follows:

- 46 x 4 bedroom semi-detached houses
- 4 x 3 bedroom semi-detached houses
- 11 x 4 bedroom detached houses

The revised layout proposed 3 internal estate roads off the existing Oranhill access/distributor road, which would serve the majority of the houses with separate individual direct access to the access/distributor road from 4 proposed detached houses. The revised layout included minor amendments which would facilitate the future extension of the Oranhill access/distributor road at the east of the site. An Appropriate Assessment (AA) screening report and a Flood Risk assessment (FRA) were also submitted to the planning authority at further information stage.

It is proposed to connect the development to the piped foul sewer network. Surface water is intended to be disposed on site via 3 no. stormwater network zones. Attenuation and the use of a bypass separators and silt trap are proposed at each of the 3 zones.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning Authority Decision

The Planning Authority issued a decision to **grant permission** on 1 March 2016 subject to 14 conditions, the following of note:

- Condition No.2 – **61 houses** permitted.
- Condition No.4 – Areas of **public open space** shown on the lodged plans shall be reserved for such.

- Condition No.12 – **Compliance with Part V** of the Planning and Development Act 2000, as amended.

4.2 Planning Authority Reports

4.2.1 Planning Report

In the initial assessment, the planning officer noted the development plan provisions and the relevant planning history. 8 no. submissions were received (including 1 from TII, 2 from DAU of DAHG and 5 from third parties). The Planning officer stated that all issues raised were taken into account in the Planning Authority's assessment of the application. It was also noted that there was a Traffic and Transport Assessment and Road Safety Audit submitted and that it is proposed to connect the development to an existing public sewer.

The Planning Officer initially recommended a request for further information on the following matters:

- Appropriate Assessment (AA) Screening or if so required following screening, a full Appropriate Assessment.
- Proposals to address concerns raised in the Road Safety Audit with respect to pedestrian crossings.
- Site layout and house design.
- Consent for connection to services which are not taken in charge by the Local Authority.
- Submission of a Flood Risk Assessment (FRA) and amendments to layout if deemed necessary as a result of the FRA.

On the basis of the response to the request for further information received, the Planning Authority was satisfied with the scheme as amended including the additional details received. A **grant** of permission was recommended and a subsequent **decision to grant permission** issued thereafter.

4.2.2 Local Authority Technical Reports

Roads and Transportation Section – No objection subject to reconfiguration of parts of the site and conditions. Disagrees with the raised junctions which were [indirectly] recommended by TII and required controlled pedestrian crossings with details to be agreed with GCC R&T.

4.2.3 Prescribed Body Reports

Two separate reports were received from the **Development Applications Unit (DAU)** of the **Department of Arts, Heritage and Gaeltacht**, the contents of which are summarised as follows:

- Due to proximity to recorded monument **GA095-084**, requests an archaeological monitoring condition would attach.
- Screening for appropriate assessment required and preparation of an NIS if required.
- GCC to consider if development is sub-threshold under EIA Directive.

The Planning authority also notified An Taisce, Fáilte Ireland and The Heritage council but no responses are on file.

4.2.4 Third Party Submissions

The Planning Authority received **5 no. third party submissions** from Grainne Cotter (with 232 signatures), Carol Joyce, John Barry, Paul Fitzmaurice and Helen, Michael Duclaux and family. The collective principal planning issues raised in the submissions are summarised below as follows:

- Lack of recreation facilities and amenities in the area for the residential community; hence development is premature;
- Excavated area (known locally and referred to on social media as 'The Hole') has not been addressed;
- Insufficient open space proposed;
- Excessive density;
- Traffic and Transport Assessment is not representative;
- Past failures of developer regarding previous developments in Oranhill which remain unfinished;
- Road and Infrastructural issues;
- Procedural and validation issues.

5.0 PLANNING HISTORY

There is **no planning history** recorded on **the appeal site**. The following planning history **in the vicinity** of the appeal site, which have been referred to throughout the appeal are considered relevant and are set out below:

5.1 In the vicinity of the appeal site

- **PI Ref: 11/407** (west of site) – Extension of duration **granted** for the construction of a new 244 sq.m medical centre, 106 child crèche, 547 sq.m office space, 5 no. retail units totalling 276 sq.m, 5 no.2 bed town houses, 10 no. 2 bed apartments, parking, all in 3 blocks over a basement (GFA of 3372 sq.m). This permission **expired on 15th May 2016**.

- **PI Ref:15/931** (south west of site) – permission **granted** for residential development consisting of 35 no. dwellings to replace part of a previously permitted development. Also - **Board Ref: PL07. /243794 / GCC Plan ref: 14/626** – development contribution appeal for ‘elevational changes and minor alterations to floor plans to previously permitted housing development’ is also applicable to this same site.
- **PL07.237219 /GCC Plan Ref: 09/1925** and as extended under **PI ref: 15/1334**. (north east of site). Permission **granted** for 161 residential units, 2 no. commercial units, hotel, leisure centre. Note: This permission was due to expire in December 2015 but was the appropriate period was extended up to December 2020. The permission includes for the completion of the North South distributor road linking to the N18 at Rocklands roundabout.
- **99/2433** (south of site) – Permission was **granted** for the demolition of ruin and outhouse and the provision of 239 residential units together with associated roadworks, ducting, sewers and watermain on reduced site. **03/6047** – Permission was **granted** for variations to the development approved under **99/2433** on the same site. This development was since constructed to the south of the site.

6.0 PLANNING POLICY CONTEXT

6.1 Regional Planning Guidelines for the West Region 2010-2022

The aim of the Regional Planning Guidelines for the West region is to provide a framework for long term strategic development of the West Region for the period 2010 – 2022 which is consistent with the National Spatial Strategy (NSS) 2002 – 2020 and which ensures the successful implementation of the NSS at regional, county and local level. Within the regional planning guidelines for the west region, Oranmore is identified as being within the Galway Metropolitan area, an area in and around Galway city which is considered of high importance for economic growth. **Policy SPP6** of the RPGs supports the role of Galway City and metropolitan area as a catalyst for growth in the region.

6.2 Galway County Development Plan 2015-2021

The proposed development is governed by the policies and provisions contained in the Galway County Development Plan 2015-2021 (CDP). Oranmore is identified as a *‘thriving satellite settlement’* and a key town with a population >1500 within the Galway Metropolitan area, which sits within Tier 1 at the top of the settlement hierarchy. The appeal site is located within the Galway Transport Planning Study (GTPS) area.

Objective SS 1 aims to support the growth of Galway city and its metropolitan area (including Oranmore).

Other objectives which are relevant to this application and appeal include the following:

Objective DS 2 – Galway Transportation and Planning Study Area (GTPS)

Objective DS 6 – Natura 2000 Network and Habitats Directive Assessment

Objective DS 7 – Flood Risk Management and Assessment

Objective CS1 – Provision of a Settlement Hierarchy

Objective CS2 – Development Consistent with the Core Strategy

Objective CS 4 – Development of Serviced Lands

Objective CS 5 – Phasing of Development of Lands

Objective CS6 – Local Area Plans

Objective NHB 1 – Protected Habitats and Species

The site is located in an area designated as **landscape sensitivity class 3** with a high landscape value rating.

Policies FL1 (implement Flood Risk directive) and **FL4 (flood risk management)** pertaining to flood risk apply.

A strategic Flood Risk Assessment (SFRA) was carried out as part of the Galway CDP. The SFRA notes that Oranmore is an area identified under the Western CFRAM study as an area requiring further study.

13.3 DM Standard 2 - Proposals for large residential schemes (50 units or more) should be presented in the context of a Masterplan.

13.3 DM Standard 2 – Side Boundaries: 2m desirable.

6.3 Oranmore Local Area Plan 2012-2018

The provisions of the Oranmore Local Area Plan 2012-2018 also apply as the site is located within the settlement boundary of Oranmore. The principal relevant planning policies, objectives and provisions of this plan is as set out below.

The site is zoned 'R', **Residential Phase 1** which are identified for short to medium term growth in suitable locations that are serviceable and accessible.

Objective LU3 – Residential (R) provides the following:

*'Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of the area. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area. A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under **Objective RD1** in Section 3.2.2'.*

Other planning objectives and guidance which are relevant include the following:

- **Objective DS 2** – Consistency with the Core Strategy
- **Objective DS 3** – Natura 2000 Network and Habitats Directive Assessment.
- **Objective DS6** – Residential Development.
- **Objective DS 8** – Flood Risk Management and Assessment (Refer to Map 3A and 3B).
- **Objective LU13** – Flood Risk Areas and Land Use Zones.
- **Objective LU14** – Development Densities.
- **Objective LU15** – Residential Densities.
- **DM Guideline LU1** – Development Densities.
- **Objective RD1** – Phased Residential Development (Refer to Map 1A/1B Land Use Zoning).
- **Policy RD 2** – Phased Development on Residential Zoned Lands.
- **Objective RD3** – Housing Options.
- **Objective RD 4** – Open Space in Residential Areas
- **Objective RD5** – Social and Affordable Housing
- **Objective RD 11** – Neighbourhood Centre at Oranhill.
- **Objective CF 8** – Provision of Recreation and Amenity Facilities in Oranhill. Ensure the provision of recreational and amenity facilities as an integral part of any development proposals for Oranhill.
- **Objective TI 24** – Oranhill Distributor Route.
- **Objective TI 25** – Oranhill Distributor Route (Maree Road).
- **Objective TI 26** – Junction of Oranhill Distributor Route & Maree Road.

- **Policy UI4** – Implementation of Flood Risk directive (2007/60/EC)
- **Objective UI 12** – Flood Risk Management and Assessment.

Map 1A sets out the **Land Use Zoning**.

Map 2A sets out the **Specific objectives**.

Map 3A sets out areas of **Flood Risk Management**.

I have included copies of extracts from the Galway County CPD and the Oranmore LAP attached as an appendix to this report.

7.0 THE APPEAL

7.1 Grounds of Appeal

Two third party appeals were lodged by **Oranhill residents' association** and **John Barry**.

The principal collective grounds of the appeal are summarised under as follows:

Lack of provision of facilities and open space

- Development has occurred in an ad-hoc and piecemeal manner and further development is premature pending a sequential development proposal/masterplan.
- Facilities which were previously promised were not provided for the residents (including playing fields, an amenity area, neighbourhood/community facilities, civic square and linear parks).
- Oranhill lacks usable open space and has become a carpet for standardised houses.
- Appeal site was indicated as 'Future Neighbourhood centre' on original planning drawings.
- Site should be retained to provide amenities for the residents, including a population of 1409 people rather than used for additional houses.

Past failures of developer to comply

- Past failures of developer to comply with previous planning permission should be considered when assessing the development.
- Concern regarding the extent of unfinished development in the area including unfinished commercial development which remains as an excavated 'hole in the ground' notwithstanding enforcement proceedings. No further permission should be granted until this issue is resolved.

- Palisade fence erected around unfinished area caused the removal of the public footpath, resulting in a significant safety issue for school children.
- Site has been used for ‘dumping’ of a variety of materials during the development of the existing houses.

Roads and Infrastructure Problems

- Final road surface leading to Oranhill Avenue is not finished.
- Dust and debris from existing site operations are covering road markings.
- Traffic congestion at the junction of the Maree Road on a daily basis.
- Central junction in the estate (a 90 degree junction) lacks geometric clarity and proposed development makes no attempt to lessen its existing severity.
- Traffic impact assessment is deficient and unrepresentative of actual peak traffic on a wet day. Increased traffic volume has not been addressed.
- Having regard to Planning reference PL 07.237219, specifically Condition No.4, no further development should take place in Oranhill pending the completion of the North-South link road.

Residential Density and Procedural

- At 10 dwellings/acre, site constitutes overdevelopment/ excessive density for a rural/suburban area.
- Lack of dimensions on site layout drawings and the site map does not indicate adjoining lands outlined in a blue colour.
- Insufficient separation distance between side wall and house boundaries.

Masterplan and sequential development

- Development occurring in an ad-hoc manner.
- No masterplan or sequential approach.

7.2 Planning Authority Response

- None

7.3 First Party Response

A response to the grounds of the third party appeals, as prepared by James O’Donnell (Planning Consultancy Services) was received by the board. The response includes a brief description of the site location and context. It states that there is no planning history on the subject site and that

references by the appellants to Planning reference no. P99/2433 and 03/6047 are incorrect as they relate to the lands to the south which are already developed. The response also provides details of planning policy context.

The main items in the response to the grounds of the appeal are summarised below:

Lack of Amenity /recreation space

- No requirement within the Oranhill LAP for provision of amenity and recreation facilities on the subject site other than open space to serve the development.
- References to Oranhill Action Plan 2000 and Oranhill Development Plan 2001 have expired and are superseded by current Oranmore LAP 2012.
- 23% usable open space proposed in the development which exceeds the 15% required.
- If the Board considered it absolutely necessary, applicant is willing to provide an additional open space for use as a 'kick about area' or 'small playground' within the largest communal space located to the east of the appeal site and would accept a condition of this nature.

Need for sequential development

- Subject lands are identified as Phase 1 Residential in the LAP and accordingly the development would not be premature.
- Lands are fully serviced with existing roads, footpaths and cycle lanes in place.
- Site in an infill location and represents a logical progression for development of lands in Oranhill.

Density of proposed development

- The Development Management Guidelines – LU1 of the Oranhill LAP entitled 'Development Densities' permits a plot ratio of between 0.1-0.5 on lands which enjoy an 'R' zoning. The development of 61 houses (as reduced during the planning process) represents a plot ratio of 0.11 which is acceptable.
- 23 units per hectare proposed in the scheme which is considered acceptable in an infill fully serviced residential site. Does not consider the lands could be classified as '*urban periphery, outlying lands*' or '*areas with capacity/environmental constraints*' where low density of 5-15 units are considered appropriate.
- Site is without environmental constraints which could temper the density provision.

- Density of 23 dwelling units / hectare is within the range permitted in the national guidelines for such an area which provide for 20-35 dwelling units/hectare.

Site Boundaries

- 1m-1.5m side boundary distances are provided which is considered normal and adequate.
- Privacy of future residential amenities is provided for.
- A requirement for a 2m between gables and side boundaries would be contrary to the principles of urban enclosure and would result in unnecessary loss of residential densities.

Road Issues

- Matters of geometry and safety of the Oranhill distributor/access road are raised by the appellants. However, the road has the benefit of a long established planning permission and it lies outside of the subject site.
- Application is accompanied by a Traffic Impact Assessment and a Road Safety Audit where no significant road safety issues arose.
- 4 no. crossing points with dropped kerbs and tactile paving are proposed.
- There are no records of collisions along the Oranhill road or at the junction with the Maree road.
- Survey data collected was representative of peak traffic flows, taken at on a day when schools were open at peak commuter times.
- Noted the reference to Condition 4 attached to a proposed residential development to the east of the subject site, ABP Ref. PL07.237219. Condition 4 required the completion of the final section of the Oranmore distribution route. Such a condition would not apply on the current application as the relevant section of the Oranmore distributor route and cycle lane to serve the subject development is already in place.

Completion and Compliance issues

- Main grounds of appeal relate to non-completion of commercial development west of the subject site. This is on a separate site and should have no bearing on the assessment of this application.
- Non-completion of the commercial site is directly related to the economic downturn and as such would be inappropriate and unreasonable to invoke the provisions of Section 35 of the PDA 2000 (as amended).

- The development of the site and adjoining lands would help to create critical mass to support the development of a neighbourhood centre.

Procedural Issues

- Validation matters of the application are matters which are to be raised by the Planning Authority and are not relevant to the assessment of this application at appeal stage.

7.4 Further Responses

Two further responses were received by third parties, i.e. **Oranhill residents'** association and **John Barry**. Collective new planning points raised are summarised below.

- Continuous disregard for standards set out in various Local Area Plans was shown as the developments progressed.
- Lack of facilities restated.
- Open space provision is on residual lands which is poor and inadequate.
- References Section 13.3 (k) of the Galway County Development Plan 2015-2021 which states that large residential schemes of 50 houses or more should be presented in the context of a masterplan.
- Site is located 1.45km from village and lower density should apply.
- Galway Bay Complex SAC presents an environmental constraint.
- Side boundaries are ambiguously shown on drawings and separation distances between houses are not adequate.
- Oranhill Distributor Road has not the benefit of a long established planning permission. Footpath was to be provided on both sides but only one footpath is provided.
- Maree road junction and the priority of the internal 90-degree bend is inadequate.
- Expressed concerns regarding the unfinished development- lack of safety, negative impact on visual and residential amenity.
- Given the past failures, it would be reasonable to invoke Section 35 (1) & (2) of the PDA, as amended.
- Restates that the applicant categorically indicated the current site as a 'future neighbourhood centre'. Provision of a neighbourhood centre which meets the needs of the community must precede further residential development in the area.

- Development does not comply with specific objectives within the Oranhill LAP 2012, including the following: RD11, CF8, LU2, LU3, LU14.
- Offer of football and playground facilities is vague.
- Community have little confidence that outstanding works will be complete.

7.5 Observations

There were no observers in relation to this appeal.

8.0 ASSESSMENT

I have examined the documents on file, inspected the site and environs and considered the relevant planning policy. The following assessment covers the points made in the appeal submission and also encapsulates my *de novo* consideration of the application. I consider that the key planning issues in the assessment of this appeal case are as follows:

- Principle of the development
- Lack of facilities and non-development of neighbourhood centre
- Lack of open Space
- Non-compliance and unauthorised development
- Traffic and road safety
- Masterplan and sequential development
- Excessive density or inadequate separation between houses
- Flood Risk
- Appropriate Assessment – Screening
- Sub-threshold EIA.

I outline my considerations on each of those aspects under. At the outset I note that 68 houses were originally applied for and following a request for further information, the revised layout submitted by the applicant consisted of 61 houses. I consider this revised layout to be the preferred layout in that it addresses concerns raised by the Planning Authority and it provides for a reduction of the number of houses which would directly access onto the Oranhill distributor/access road. Accordingly I have based my assessment on 61 houses in accordance with the layout received by the planning authority on 3rd February 2016.

8.1 Principle of the development

Oranmore is identified as a 'thriving satellite settlement' and a 'key town' (population >1500) within the Galway Metropolitan area of County Galway. **Objective SS 1** of the Galway County CDP 2015-2021 aims to support the growth of Galway city and its metropolitan area (including Oranmore). The appeal site is located in an area zoned **R1 – Residential (Phase 1)** within the current Oranmore Local Area Plan 2012-2018 which are lands identified for short term-medium term growth. The development of an infill site on residential zoned land accords with the **R1 residential** zoning and **Objective LU3 – Residential (R)** of the development plan. **Objective DS6 – Residential Development Phasing** requires that development be directed into lands which are zoned and serviced. Accordingly, I consider the development is acceptable in principle.

8.2 Lack of Facilities and non-development of neighbourhood centre

The third parties raise concerns regarding lack of facilities to support the emerging residential community and state that the provision of a neighbourhood centre must precede any further residential development in the area. They contend that this aspect has been circumvented notwithstanding stated policy within previous and current plans for Oranhill.

Having reviewed the policies and objectives of the Oranmore LAP and based on observations made during my site inspection, I note there is a vacant site located west of the appeal site and adjoining road. This site is identified on Map 2A within the Oranmore LAP having a stated objective **(RD11- Neighbourhood Centre at Oranhill)** to *'ensure that a Neighbourhood centre is provided as part of the development of the lands at Oranhill'*. It is zoned **R – Residential Existing**. The site is referred to throughout their appeal as the unfinished development / neighbourhood centre. Having reviewed the planning history on Galway County Council's planning register, I note that permission was granted on this site for a medical centre, crèche, office, retail and residential development under Planning Ref: 11/407. Permission expired on 15th May 2016.

Separately, lands to the east of the appeal site are zoned **CF-Community Facilities** on Map 1A – Land Use zoning within the LAP. I note that these lands have been included in a site which enjoys permission under **PL07.237219 /GCC Plan Ref: 09/1925**, as extended under **PI ref: 15/1334**. (north east of site) for 161 residential units, 2 no. commercial units, hotel, leisure centre. The applicant does not appear to have any stated interest in these lands. In addition, there is also an area shown as **'OS – Open Space/Recreation & Amenity'** directly south of the CF zoned lands, also on the east of the appeal site and which it appears lie within the control of the applicant.

I recognise the concerns that the appellants raised in relation to the lack of facilities. They are residents of Oranhill, having moved into the area in recent years and anticipated that the area would be serviced by neighbourhood commercial development previously proposed and amenity areas but this has not realised. There are a number of recent housing developments in the area with no evidence of complimentary neighbourhood services or amenities being or planned to be developed, notwithstanding the lands reserved for these through successive plans, including the current Oranmore Local Area Plan. The first party responded to the concerns raised stating that the commercial aspect on the adjoining lands to the west has not occurred due to the economic downturn and the construction crash. The first party also states that the additional houses now proposed would help to provide critical mass to support future commercial development on the adjoining site to the west.

The site with an objective for 'Neighbourhood Centre' appears to have been partially excavated and the current ground level lies below the adjacent housing with exposed reinforced concrete retaining walls which detract from their amenity. Some efforts have been made to tidy and secure the site but there are no signs evident that it would be developed in the near future.

I accept that it would be preferable if the neighbourhood centre would precede or at least run parallel to further residential development in order to provide for complimentary services to serve the expanding residential community at Oranhill. I agree on one hand with the third parties that the development now before the board might be premature in the absence of the development of the neighbourhood centre on the site to the west, the community facilities and recreation & amenity to the east and north east. Nonetheless, having regard to a host of other objectives, particularly **Objective LU3 – Residential (R)** and **Objective DS6 – Residential Development Phasing** within the Oranmore LAP, detailed in section 8.1 above, there is no doubt that the site is suitable for short to medium term residential development. I also note that the development of the site as proposed would not preclude the development of the neighbourhood centre to the west or community facilities and recreation and amenities on lands to the east and north east. I also consider the point made by the first party that adding additional residential development would serve to increase the critical mass to facilitate the completion of the neighbourhood centre. On balance, while I have some reservations of the sequence of the development in the context of the wider area, I consider the development of this site should not be refused because of lack of community facilities and non-development of the neighbourhood centre at Oranhill given the stated zoning objective and the availability for other lands identified above, which

lie outside of the appeal site, for future such development of community facilities and a neighbourhood centre.

8.3 Lack of open space

Further concerns are raised by the third parties regarding the lack of usable open space which would be provided within the proposed development. **Objective RD 4 – ‘Open Space in Residential Areas’** requires the provision of adequate areas of high quality, safe and overlooked open space within residential developments and to support the provision of play and recreational areas in all new large residential developments. **DM Guideline LU1 – Development Densities** requires 15% as a minimum open space provision. Having reviewed the drawings, I note there are a number of smaller open amenity spaces included in the design which are well laid out and would be directly overlooked by the majority of houses. Discounting the residual space to the east of the site which adjoins the future Oranhill distributor road, there is c.20% open space provided in the housing scheme based on the revised layout of 61 houses. Therefore, I am satisfied that there is sufficient open space incorporated into the development which is well in excess of the minimum 15% required. At appeal stage, the applicant offered that, if the board consider it necessary, they are willing to provide a dedicated ‘kick about area’ or ‘playground’ on the communal open space area to the east of the site on an area of 2.37 sq.m and that such details could be agreed by way of a planning condition. While there is no map attached of the area referred to, I expect it is the area shown as ‘**OS – Open Space/Recreation & Amenity**’ on Map 1A Land use zoning within the Oranmore LAP. I welcome this proposal which I consider would provide a positive benefit the existing and future residents of the area. I note the area lies outside of the application and appeal site boundaries and that no landholding map is included with the application. However, given that this is offered by the applicant and that the lands are shown within the same Folio as the site on the Property Registration Authority’s website (landdirect.ie), I am satisfied that such works lie within the control of the applicant to deliver. I consider it would go some way to balancing my concerns and the concerns of the third parties regarding lack of recreation and amenity facilities. I also note that the adopted development contribution scheme 2016 for County Galway which will be applied to the development will require a financial contribution for recreation/amenities and for economic and community development.

In conclusion, I consider the open space proposed at 20% is above the minimum required (15%). I consider that while there is sufficient open space proposed, having regard to the existing and proposed development and the delivery of the objectives of the LAP for Oranmore, that it would be

appropriate to attach a condition requiring the adjoining land (OS) would to be developed and reserved for recreation and amenity in parallel with the development of the housing scheme. Having regard to the foregoing, I consider that the development should not be refused on the basis of lack of open space.

8.4 Non-compliance and unauthorised development

One of the main arguments in the appeal centres around non-completion of previous development as well as past failures by the developer to comply with previous planning permissions on adjacent lands. Reference is made to the site west of the appeal site (referred to in Section 8.2 above). The site has an objective for the delivery of a neighbourhood centre under the current Oranmore LAP. The applicant states that the non-development of the site was as a consequence of the economic downturn. One third party states that it was open to the Planning Authority to invoke Section 35 of the Planning and Development Act 2000, as amended. I note that in order to invoke such a provision, the planning authority would need to have formed the opinion that *'there is a real and substantial risk that the development in respect of such permission is sought would not be completed in accordance with such permissions if granted or with a condition to which such permission if granted would be subject'*. The Planning Authority did not invoke this provision.

On the day of my inspection, I noted that the site was excavated to a substantial lower level to the adjoining houses where initial site development works occurred to basement level and is referred to by the appellants as 'the hole'. This site was, and continues to be, reserved for 'neighbourhood centre' uses under Objective RD 11 within the current Oranmore LAP. There are no proposals to develop it presently, but it is well secured and is available for future development. Matters of non-compliance in relation to the particular site would appear to have been addressed by the Planning Authority by way of planning enforcement where such enforcement notices are referenced by the third party. I am cognisant that the Planning Authority remains the enforcement authority and such matters do not come within the remit of An Bord Pleanála.

In relation to the third party's contention of the use of the appeal site for dumping of a 'variety of materials', I saw some evidence of inert building materials on the appeal site, mainly timber and remains of builder's rubble. The site also had evidence of soil movement/disturbance and soil mounds on site, likely to have occurred during the construction of the adjoining

housing and roads. There were also 2 temporary lock up metal containers/stores on site. Together this had all the evidence of a place used in connection with the construction of the adjoining houses rather than an area for 'dumping' of a 'variety of materials' *per se*. Any enforcement action, where unauthorised depositing of 'waste' would have occurred would also be a matter for the Local Authority and, as such, lies outside the assessment of the planning merits of this appeal. In any case, should permission be granted and implemented, the ground would be required to be redistributed to the levels proposed on the site layout plans presented with the application, which I consider acceptable.

In summary, having regard to the foregoing, I consider that it would not be appropriate to refuse the development on the basis of non-compliance and unauthorised development.

8.5 Traffic and road safety

The third parties raise issues in relation to the surface and the geometry of the distributor road serving the development. They state that the junction of the internal Oranhill distributor/access road and Maree road experiences daily congestion and that the development of the site for housing would be premature pending the completion of the North-South link road, having particular regard to Condition No.4 of ABP PL07.237219. The first party affirms that the estate road is in existence and does not form part of the subject development. In relation to reference made to Condition No.4 of ABP PL07.237219, it is stated that this related to the final section of the Oranmore distribution road which formed part of that specific planning permission. In response to that statement, a third party states that there is only one footpath on the section of the road constructed where 2 were required.

Having regard to the drawings submitted, particularly **Drawing No. 7731-2003 Rev B** as received by the Planning Authority on 3 February 2016 and based on my site inspection and a review of planning history in the vicinity of the site, I am satisfied that the road infrastructure, including cycle paths and footpaths are in place, including the relevant section of the distributor/access road sufficient to service the proposed development. I am further satisfied that an extension to the distributor would be more appropriately delivered as the adjoining lands to the north east are developed as was the intention under condition No.4 attached to PL07.237219 wherein the last section of the Oranhill distribution road was included in that application. The current application shows a small area of lands reserved for the delivery of the onward connection to the extension of the distributor road to the north east (ref: Drawing No. 7731-2003 Rev B

referred to above). As noted by the appellants, there is a footpath on one side of the road only for a portion of the existing road which abuts the non-developed neighbourhood site to the west of the appeal site. This second footpath to the west of the road would normally be delivered when that site to the west would be developed but as it lies outside of the current appeal site, it would be unreasonable to require its completion as part of this application, especially when the development would be the subject of financial contributions which include a charge for 'roads, footpaths and transportation' under 1b of the adopted development contribution scheme 2016 for County Galway.

Both a Traffic and Transport Assessment and Road Safety Audit are contained within the planning file. The TTA assessment calculated the volume of traffic which is expected would be generated by the proposed residential development, in order to assess the impact which the traffic would have on the operation and capacity of the road network. It also analysed the impact on the priority junction on Maree road. The assessment drew on TRICS database of trip rates, together with a traffic survey on 8th September 2015 at peak times when the schools were open, which I consider to be representative of the traffic flows. The assessment also included the 2 relevant committed developments in the vicinity of the site (shown on Fig 2.1 of the TTA report). The analysis found that the existing priority junction would operate below the desired 0.85 ratio of flow to capacity (RFC) for all years up to and including its design year of 2032. It also found that the L4014 (Maree/Oranmore road) would operate with 31% spare capacity during peak traffic hours.

In relation to road safety issues raised in the Road Safety Audit, it is stated that these have been addressed by ensuring visibility splays would be unobstructed and the addition of a table crossing, 4 no. uncontrolled pedestrian crossings (including dropped kerbing) and road markings and signage proposals. I note that these works lie on the distributor/access road which is outside of the site boundary and that no landholding map is included with the application. However, they are offered by the applicant and are accompanied by a letter confirming the applicant has control of the road. I also note from my own research that the road is located within the same Folio as the appeal site on the Property Registration Authority's website (landdirect.ie). I am therefore satisfied that such road/traffic works proposed would be provided on land which lie within the control of the applicant.

I do not have a particular concern with the 90-degree bend on the Oranhill distributor/access road which was a matter raised by the third parties, as this alignment would help to maintain low traffic speeds on the access/distributor road in my view and there is adequate forward visibility

when travelling in both directions along the road. The 90-degree bend was not raised as an issue by the independent audit team who carried out the road safety audit. Neither was it raised as an issue by the roads and transportation section of the Local Authority. It is also stated by the first party, backed up by a map from the RSA website, that there have been no road collisions along the Oranhill access/distributor road which would serve the development or at the junction with the Maree/Oranmore road.

I am satisfied that the road network can accommodate the proposed development and that access arrangements are generally acceptable. I have some reservations regarding the direct access of 4 individual houses onto the existing distributor/access road. However, given the geometry of the road and the proposals for road markings and pedestrian crossings which align with natural desire lines, I am satisfied that road safety has been considered and responded to appropriately in the scheme design. Noting comments from the Roads and Transportation department, I consider the final details of road crossings and road markings be agreed with GCC roads and transportation section. Overall, I am satisfied that the proposed development would not endanger road safety or compromise the capacity of the road network which exists. Accordingly, I recommend that permission should not be refused on the grounds of traffic hazard and/or road safety issues.

8.6 Masterplan and sequential development

The third parties consider that the development is ad-hoc, premature and lacks a masterplan to guide the development in a sequential manner. References are made to 13.3 –DM Standard 2 of the Galway County Development Plan 2015-2021 which states that large residential schemes of 50 houses or more should be presented in the context of a masterplan.

Under Section 2.2.4 – Land Use Management and Zoning of the Oranmore LAP, it is stated that residential lands have been identified for short to medium growth in suitable locations and that these lands include infill sites and extensions to the existing residential fabric.

Notwithstanding the preference for a masterplan, I consider that the LAP effectively acts as the masterplan, guiding location of development in the short, medium and long term. I am satisfied, as put forward by the first party, that the lands are identified as Phase 1 Residential in the Oranmore LAP and accordingly are not premature.

In conclusion, I am satisfied that the development of the serviced infill site aligns with the orderly, sequential and phased residential development and

the development management and zoning provisions set out in the Oranmore Local Area Plan and should not be refused permission because of lack of a masterplan to guide the development in a sequential manner.

8.7 Excessive density or inadequate separation between houses.

The third parties raise concern regarding the excessive density and overdevelopment of the site on lands which they consider to be classified as *'urban periphery, outlying lands'* or *'areas with capacity/environmental constraints'* where low density of 5-15 units are considered appropriate. They also raise concern regarding insufficient separation distance between house walls and side boundaries.

Having regard to the extent of lands where development has occurred and which is reserved/zoned for future development, I consider that the area is more aligned to a neighbourhood centre than outlying lands, being an area which permits dwelling units of 15-35 units/ha under **DM Guideline LU1 – development densities**. The density proposed on the appeal site is 23 dwelling units / hectare which lies within the range permitted for such an area. **DM Guideline LU1 – development densities** also permit a plot ratio of between 0.1-0.5 on lands with 'R' zoning. The development of 61 houses (as reduced during the planning process) represents a plot ratio of 0.11 which is acceptable.

In conclusion, I consider the densities are acceptable as they align with the guidelines set out in the Oranmore LAP and Galway County Development Plan. In relation to the separation of gables of houses, I note that a width of 1m-1.5m is provided between the side of the house and the side boundary which is less than the desirable 2m included under Section 13.3 DM Standard 2 – Side Boundaries. However, I note that this is a provision which is desirable rather than mandatory and accordingly, having regard to the scheme satisfying the density and plot ratio requirements, I do not consider that the development should be refused on the grounds of excessive density or inadequate separation between houses and site boundaries.

8.8 Flood Risk

The site lies c.500m east of Oranmore bay where coastal flooding poses a potential risk. Based on the LAP mapping, the site is located in **Flood Zone C** which is an area with return period for flooding is less frequent than 1 in 1000 years which is considered a low probability area. The Planning System and Flood Risk Management guidelines 2009 refer to residential developments as 'Highly Vulnerable Developments'.

A review of the OPW Flood maps shows that there is no record of flooding occurrence on or immediately adjacent to the appeal site. A review of the preliminary flood risk assessment maps also produced by the OPW shows that the site lies outside of areas marked as *'in risk of pluvial, fluvial or coastal flooding'*.

A Flood Risk Assessment (FRA), prepared by Tobin Consulting engineers was submitted to the planning authority at further information stage. It estimated that the primary source of flood risk was that of coastal flooding. It shows that the proposed housing development lies outside the predicted flood extents areas identified by the OPW in their preliminary flood risk assessment mapping. An extract of this map is included in the FRA submitted. The FRA concludes that *'the proposed development (lowest ground level 5.5mOD) lies approximately 1m above the predicted 1 in 1000-year sea level. Based on flood analysis carried out as part of the PFRA, ICPSS and Western CFRAM, it is estimated that the proposed housing development at Oranhill is located in Flood Zone C and therefore will not be inundated by the 1 in 1000-year flood event.'*

In conclusion, I note that the development, located in Zone C with a low probability of flooding is considered appropriate under the matrix of 'vulnerability v flood zones' set out in the Planning System for Flood Risk Management guidelines. Accordingly, I am satisfied that the development should not be refused for reasons of flood risk.

8.9 Appropriate Assessment - Screening

The site is not located within or directly adjacent to any Natura 2000 site. There are 8 cSACs and 4 no. SPAs within 15km of the site which is considered to be the likely zone of impact of the proposed development. Having regard to the location, topography and source/receptor pathways, the Natura sites which need to be considered are the **Galway Bay Complex cSAC (Site Code 00268)**, c.50m north of the site, **Inner Galway Bay SPA (Site Code 004031)** which lies c.380m north east of the site and **Creganna Marsh SPA (Site Code 004142)** which lies c.200m south of the site and is separated by an existing housing development. These sites form part of the Natura 2000 network of sites which are protected due to their high biodiversity importance for rare and threatened habitats and species across Europe. In order to minimise any effect of the development on these sites, Articles 6(3) and 6(4) of the Habitats Directive (92/43/EEC) set out the decision making tests for plans and policies which are likely to have an effect on Natura 2000 sites, and establishes the requirement for Appropriate Assessment. The features of the Natura 2000 sites referred to

above are listed within the AA Screening report which was received by the Planning Authority.

The question arising in this section of my assessment relates to the potential effects of the development on the integrity of these sites. An Appropriate Assessment Screening report prepared by Tobin Consulting Engineers was submitted to the Planning Authority. The AA screening considers the effect of the development on the designated sites. The AA Screening considers all the European sites which could potentially be affected which they consider to be the Galway Bay Complex cSAC (Site Code 00268), Inner Galway Bay SPA (Site Code 004031) and Creganna Marsh SPA (Site Code 004142). The report lists the features of interest of those Natura 2000 sites.

Desk research and field survey confirmed that direct and indirect effect are not likely as the site is considered unsuitable for mobile qualifying fauna (including birds).

The report concludes that the development would not give rise to significant effects on features of interest (habitats/species) in either of the Natura 2000 sites. Apart from the implementation of good standard environmental management practice during construction site clearance, no mitigation measures are recommended or deemed necessary.

I consider that the key issue in this AA is the threat to the features of interest from sediment run-off or pollutants, noise effects, loss of supporting habitats, invasive species from disturbance/compaction of soils. I am mindful that the site is an infill site in a sub-urban area of emerging and existing residential development which is serviced by a foul sewer network. Surface water including attenuation, and installation of 3 no. silt traps, is proposed to be disposed on site. The site is buffered by an adjoining field and hedgerow from the adjacent Natura 2000 sites. Standard precautionary pollution control measures are proposed which would serve to block pathways and avoid potential adverse effects on habitats.

I consider, that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites No.s 00268, 004031 and 004142, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.10 Sub-threshold EIA

As part of my assessment I have considered the proposal and its location in terms of its sub-threshold category. I have had regard to the policies for protection of natural heritage in the current Galway County Development plan given the site's proximity to environmentally/conservation sensitive areas and as referred to in correspondence received by the Planning Authority from the DAU of the Department of Arts Heritage and the Gaeltacht. Having regard to the nature and scale of the development and the infill site location, I consider that the development, when taken in combination with existing and planned development, would not likely give rise to significant effects on the environment such as to warrant the carrying out of EIA and the preparation of an EIS.

9.0 RECOMMENDATION

I recommend that the proposed development should be granted, subject to conditions in accordance with the following draft order.

REASONS AND CONSIDERATIONS

Galway County Development Plan 2015-2021 identifies Oranmore as a *'thriving satellite settlement'* and a key town (population >1500) positioned in Tier 1 at the top of the settlement hierarchy within the Galway metropolitan area. **Objective SS1** aims to support the growth of Galway city and its metropolitan area (including Oranmore). The development is proposed to be located on lands zoned '**R**', **Residential Phase 1** within the Oranmore Local Area Plan 2012-2018, which are lands identified for short to medium term growth within suitable locations which are serviceable and accessible. The proposed development would align with the stated zoning objective and the wider planning policies and objectives of both the Galway County Development Plan and Oranmore Local Area Plan for the area. Having regard to the applicable planning policies and objectives, including the zoning objective, to the nature and scale of the proposed development and the existing and emerging pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety, would not give rise to any

unacceptable flood risk in the area and would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 14th day of September 2015, as amended by the further plans and particulars lodged on 3rd day of February 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

3. Public lighting shall be provided in accordance with a scheme, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interest of visual amenity and public safety.

4. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

5. Details of the development of the lands to the east for open space/recreation and amenity, together with the timescale, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to improve the amenity and recreation facilities in the area.

6. Boundary treatments shall generally be constructed in accordance with Dwg No.3003 Rev A (Boundary Wall Treatment) received by the planning authority on 3 February 2016, except the boundary shown between rear gardens which shall be revised to a solid block wall, 1.8 metres in height, which shall be capped and rendered on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

7. 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.

8. Prior to the making available for occupation of any house, the internal road network serving the house shall be constructed to at least base wearing course.

Reason: To ensure timely and satisfactory provision of such site development works.

9. The internal road layout, access, line-marking and road crossings shall be carried out generally in accordance with DWG 7731-2003 Rev B (Proposed Road Layout) received by the Planning Authority on 3rd February 2016 and shall include any amendments as may be required by the Galway County Council's Roads and Transportation section. Where such amendments are required, these shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and safety of vulnerable road users.

10. Prior to commencement of development, land required by the planning authority for junction arrangement and extension of the distributor road on

the eastern boundary of the site as indicated on Drawing Number 7731-2003 Rev B (Proposed road layout), received by the planning authority on 3rd February 2016, shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future road and junction works.

11. Proposals for the estate name, house 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 signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility.

12. The 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 October, 1998 and Galway County Council's current 'Taking in charge of Developments' policy. 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.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

1. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

2. Employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

Should archaeological material be found during the course of the works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service of the Department of Arts, Heritage and Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

15. 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.

16. 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 planning authority of roads, footpaths, surface water drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

17. 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.

Patricia Calleary
Senior Planning Inspector

20 June 2016

Appendix:

1. Extract from Galway County Council Development Plan 2015-2021
2. Extracts from Oranmore LAP 2012-2018
3. Maps and Photographs