



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-300009-17

Strategic Housing Development

Demolition of existing outbuildings and the construction of 113 no. dwelling houses.

Location

Trusky East, Bearna, Co. Galway

Planning Authority

Galway County Council

Applicant

Burkeway Homes Ltd

Prescribed Bodies

Minister for Culture, Heritage and the
Gaeltacht (Development Applications
Unit)
Heritage Council
An Taisce
Údarás na Gaeltachta
Inland Fisheries Ireland
Irish Water

Observer(s)

Michael and Martina Byrne
Heather Hill Management Company
Geraldine and Paul Sheridan
Burns Family
Maura and David Dunne
John and Adrienne Devlin
Ultan and Niamh Costello
Dr. Aonghus Flavin and Dr. Nicola de Faoite
Dermot and Marguerite Kilfeather
Gabriel McGoldrick
Martin and Eileen Cassidy
Des Higgins
Muireann Faherty
Justin May and Sinead Flanagan
Amanda Burke
Michelle and Kieran Gorey
Donal McWeeney and Aoife Kearney
PJ and Aisling Griffin
Vincent J.P. Farry and Company Ltd

Date of Site Inspection

January 2nd 2018

Inspector

Lorraine Dockery

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site, with a stated area of 7.2 hectares is located in Trusky East, Bearna, Co. Galway. Bearna Village is approximately 6km to the west of Galway City and the subject site is located c.250 metres north of the Main Street/Moycullen Road crossroads. The site has no direct frontage onto a public road but adjoins the existing Heather Hill (Cnoc Fraoigh) housing estate which is accessed from the Moycullen Road. The Moycullen Road runs in a north-south axis connecting with Bearna's Main Street to the south.
- 2.2. The site is currently under grass and is undulating, sloping by c.10 metres from north to south. The Trusky Stream flows through the site from north to south. The site contains a substantial amount of rock outcropping and heather/gorse bushes. A treatment plant which serves the existing housing estate to the west is located in the southern portion of the site. There is also evidence of significant earthworks located directly adjacent the terminus of the access road serving the existing housing estate. The land to the north and rear of the Heather Hill housing estate is substantially higher than the rear gardens of the existing properties. On the adjoining site to the southeast there is a residential development at a higher level than the subject site.
- 2.3. Bearna is located within the Gaeltacht.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of 113 no. houses, 2 no. vehicular entrances and 6 no. pedestrian link bridges, provision of visitor parking areas, landscaping, decommissioning of existing wastewater treatment plant and all associated site development works.

3.2. All proposed units are houses, with the breakdown being as follows:

- 46 x two-storey, detached units
- 64 x two-storey, semi-detached units
- 2 x two-storey, terraced units

3.3. The housing mix is as follows:

Unit Type	No. of units
1 bed	0
2 bed	8
3 bed	33
4 bed	72
4+ bed	0
Total	113

3.4. The proposal provides for pedestrian and vehicular access from the L-1321 (Moycullen Road) via the Cnoc Froaigh development located immediately west of the proposed site.

3.5. The proposal provides for a new connection to the public mains while proposed wastewater treatment is by means of a new connection. Surface water disposal is via a watercourse.

3.6. In terms of Part V compliance, it is proposed to transfer 11 units (8 x 2 bed and 3 x 3 bed) to the planning authority. The location of these proposed units has been outlined on Dwg. No. 924-01-90.

3.7. In order to comply with Gaeltacht and Bearna LAPs, 23 no. residential units will be reserved for Irish speaking members of the community.

4.0 Planning History

- Ref. 09/1278 (PL07.236240) – 94 dwellings, 5 retail/commercial units, 10 apartments & crèche (Refusal Reason - premature, pending the upgrading of the existing Mutton Island Sewerage Treatment Plant or the operation of an alternative public sewerage treatment plant for the Bearna area)
- Ref. 06/903 – relocation of wastewater treatment plant – Grant
- Ref. 04/4249 – 15 dwellings – Refused
- Ref. 04/3846 – revisions to scheme below – Grant
- Ref. 03/4315 – 22 dwellings with treatment plant – Grant

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation took place at the offices of Galway County Council on the 4th September 2017. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The issues raised were as follows:

1. Density

Further consideration of the documents as they relate to the density proposed in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009).

2. Connections to Bearna Village Centre

Further consideration of the documents as they relate to pedestrian facilities connecting the proposed development with Bearna Village centre. The consideration should have regard to the 'Design Manual for Urban Roads and Streets' which prioritises pedestrians in the user hierarchy. The consideration should also have regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated 'Urban Design Manual' which seek to minimise the need for car journeys and encourage walking and cycling and the creation of well-connected new communities (see section 4.10 in the Guidelines and Criteria No. 2 in the Design Manual).

3. Public Open Space

Further consideration should be given in relation to the design rationale/justification outlined in the documents as they relate to the open space proposed particularly in the context of the usability of the active open space on the site and the proposals for the passive open space in the context of the landscaping proposals. Information should also be provided demonstrating the impact, if any, on the usability/functionality of areas of open space indicated as active recreational space that are also proposed as part of the urban drainage infrastructure serving the site.

4. Flooding

Further consideration of the documents as they relate to the design rationale/justification for the proposed layout as it relates to the 1.0% and 0.1% AEP flood events having regard to the proximity of a number of dwellings to the flood risk area.

The applicants were advised in all instances that the further consideration of the issues may require an amendment to the documents and/or design proposals submitted.

- 5.2. Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:
1. A site layout plan outlining those units located within the residential zoned lands and within the Environmental Management Zone in the context of the zoning provisions within the current Bearna Local Area Plan.
 2. Details regarding extant permissions for residential units within the Bearna LAP area since the adoption of the Core Strategy.
 3. A phasing plan for the proposed development.
 4. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

Applicant's Statement

- 5.3. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the four issues raised in the opinion- density, connections to Bearna village, public open space and flooding. It also details a response to the specific information required, namely site layout plan showing units on residential and EMZ lands, extant permissions in the area, phasing plan and areas to be taken in charge. The applicant states that these issues have been addressed in full and that the layout and design changes incorporated into the final scheme are considered to result in improvements to the overall development.
- 5.4 In relation to density, the applicant responds by stating that they consider the proposed design response respects the character of the adjacent scheme whilst also complying with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- 5.5 In relation to connections to Bearna village centre, it is stated that following on from the issuing of the opinion by An Bord Pleanála, the applicants undertook a feasibility study in relation to provision of a pedestrian priority link from the proposed site to the village of Bearna. Having considered all options, it was considered that the provision of pedestrian footpath (NTA/TII compliant) link to the village core would be the optimal solution. The provision of this footpath is not included within the scope of

this application, Galway County Council have confirmed that the footpath and associated works can be delivered under licence by a private contractor carrying out work on their behalf. The applicant has expressed their agreement in principle to construct the works on behalf of Galway County Council as part of the overall development works, which would be funded through the local authority Development Contribution Scheme, to which the development would contribute towards.

- 5.6 In relation to public open space, a Landscaping Report has been prepared which details the relationship between the proposed landscaping, the existing ecology and the possible impact any landscape development could have within the identified flood zone. It also identifies areas of active and passive open space. It is stated that the areas proposed as part of the urban drainage infrastructure will not impact on usability of the spaces identified.
- 5.7 In relation to flooding, a site specific flood risk assessment has been prepared and accompanies the application. All development has been placed at a level to ensure that the Finished Floor Levels of all dwellings have a minimum protection above 1:100 AEP flood level of 500mm freeboard.
- 5.8 In relation to phasing, it is stated that the Phase 1 lands in the current plan are as follows: A. Trusky East B. Forramoyle East and C. An Leac Liath. The proposed development would provide approximately 70% of housing allocation of Phase 1 lands. The majority of existing Phase 1 lands have remained undeveloped during the Plan period, although there are currently 47 units in the planning system in Forramoyle East. If the application in Forramoyle East and the current application were to be granted permission, 3.8 hectares of land would remain available for the provision of approximately 70 units.

6.0 Relevant Planning Policy

6.1. National

6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Street'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

6.2. Local

6.2.1. The site is located within the boundary of the Bearna Local Area Plan 2007-2017.

The LAP provides two mixed use zonings, village consolidation zone and village enhancement zone (Policy 2.3.2A). The site is predominately located within the village consolidation zone with a small area to the northeast within the village enhancement zone. The site also includes an area within the environmental management zone/area (Policy 2.3.2C) which seeks to protect areas with high biodiversity, landscape, amenity and/or flood risk potential.

6.2.2. Policy 2.3.2B of the LAP outlines development areas within the village with the site located within the Outer Village Zone. Objective LU5 pertains to the Outer Village Zone –Outer Village area to have lower density residential development, community facilities, local services and enterprise as appropriate with larger plot sizes and landscaped areas.

6.2.3. In terms of development phasing (Policy 2.3.2E), the site is within Phase 1, the development of which is supported within the lifetime of the Plan. The Core Strategy provides an allocation of 420 people for Bearna with a housing land requirement of 12.12ha (50% over-zoning).

6.2.4. It was noted at the tri-partite meeting that the current LAP expires in December 2017 and that a Draft LAP is proposed by way of Variation of the Galway County Development Plan. The Draft was placed on public display c. October 2017. Variation No. 2(a) and 2(b) of the County Development Plan was on display until January 8th 2018. Galway County Council have confirmed that the aforementioned variations are off display and a Chief Executive report is now being prepared with a view to going to Council in February 2018.

6.2.5. Bearna is within District F, Imeall Na Cathrach/An Eachreidh, as set out in the Gaeltacht Local Area Plan 2008-2018. A Language Inurement Clause is applicable to 20% of the units in residential developments of two or more units which is of 15 years' duration.

6.3. Applicant's Statement of Consistency

6.3.1. A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

6.4. Designated Sites

6.4.1. The following Natura 2000 site are located within 10km of the subject site:

Site Name and Code	Stated Distance From Site
Galway Bay Complex SAC (000268)	1.2km east
Inner Galway Bay SPA (004031)	1.3km east
Lough Corrib SAC (000297)	6.5km north-east
Lough Corrib SPA (004042)	6.5km north-east
Connemara Bog Complex SAC (002034)	8.4km north-west

6.4.2. An Ecological Impact Assessment was submitted with the application. This Assessment concludes that with proper mitigation measures, the proposed development could have a moderate to neutral long-term impact upon local ecology. With the implementation and management of the proposed landscaping plan as designed, new areas of biodiversity could be created.

- 6.4.3. An Appropriate Assessment Screening Report was submitted with the application, which concludes that the proposed development will have no impacts upon any SAC or SPA. The integrity and the conservation objectives of all sites will be maintained and the habitats and species associated with the sites will not be adversely affected. The development does not need to proceed to Stage II of the Appropriate Assessment process. Best practice measures were recommended.

7.0 Third Party Submissions

- 7.1. A number of third party submissions have been received, primarily from persons with an address in the Cnoc Fraoigh residential development. Submissions received may be summarised as follows:

Principle of development

- Excessive scale/density of proposed development- not in keeping with existing area- remote and disconnected from village core- scale not proportionate- will increase the housing stock in LAP by 15% in one LAP lifetime
- Lack of masterplan outlining access to amenities and facilities, including availability of school places, as required in the Galway County Development Plan 2015, Bearna LAP and S.28 Ministerial Guidelines
- Inadequate facilities to cater for additional population, for example school places
- Community gain
- Quality/type of open space provision
- Location of some dwellings within EMZ
- Strict phasing needed to avoid issue of 'ghost estate'- connection to IW and subsequent replacement of existing treatment plant must be completed before

any development work takes place

- Sequencing of development/leap-frogging
- Queries whether there is a need for such an amount of housing in the Bearna area- current vacancy rate of 10.3% from 2016 Census

Access and Transportation

- Access and safety concerns, with access through an existing residential development where up to 40 children currently play on green spaces- proposed access route is not suitable for such a large scale development and was not designed to handle such volumes of traffic- site is not land locked and there are other alternative access routes available
- Creation of traffic hazard due to additional traffic movements on existing roadway with no pedestrian facilities into the village
- Inadequate road network, traffic management, public transport or safe pedestrian/cycle routes for a development of this size- no timeframe submitted or binding agreement submitted in relation to footpath from the development to the village-insufficient options submitted in this regard - upgrades to road, pedestrian facilities and street lighting should be completed before construction work commences
- Considers proposal should have its own separate access points onto the public roadway due to anticipated traffic volumes
- Sightlines and compliance with DMURS
- No Road Safety Audit submitted
- Parking for construction workers

Drainage/Flooding

- History of flooding on subject lands- photographs included
- Sewerage arrangements- concerns regarding construction of new foul sewer pipe in the street outside residential properties- sewage should be pumped from the lower section of the subject site through the pipe network which already exists within Cnoc Fraoigh
- Alternative design options for the main sewer connection which are more direct, less risky and less damaging to the common areas are possible but have not been properly considered

Amenity

- Damage to properties during excavation due to rock extent
- Impacts on amenity including overlooking, loss of privacy, glare from public lighting, disturbance/security concerns, noise and vibration, health/safety concerns, wheel wash facilities should be provided, devaluation of property
- Intensification of use which will destroy character and atmosphere of Cnoc Fraoigh estate
- Environmental damage due to construction vehicles, parking of construction vehicles, inconvenience

Other Matters

- Validity of right of way and entitlement to use common areas to gain access to proposed development. Contended that the development does not have clear

title to ownership of the Cnoc Fraoigh common areas, nor right of access over the roadways of the estate to the development site

- Proposed works involving deep excavations of the estate roadways for the decommissioning of the Cnoc Fraoigh treatment plant are outside the red line area of this planning application
- Taking in charge
- Contends that 'Record of Public Consultation' lack certain details raised
- Proposal contravenes policies of the current LAP
- Role of Bearnna within Core Strategy
- Discrepancies in drawings
- Procedural issues in relation to pre-application consultation and making of an application

7.2. I have considered all of the documentation included with the above third party submissions.

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 01st December 2017. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were outlined in relation to planning history, plans and policies pertaining to the area, European and National designations, Protected Structures/ACAs/Sites and

Monuments. With regards European designated sites, it is stated that that it is considered that the design and location of the proposal along with any construction management plans will, either alone or in combination with other projects, have no significant adverse impacts on the conservation objectives of any of the European sites. The DAU submission has been noted. In relation to public water supply and public sewerage facilities, it is stated that a pre connection enquiry has been made to Irish Water in this regard and Irish Water will be required to give their view on the matter.

In relation to the capacity and safety of road network, it is stated that there are no objections from Roads and Transportation Unit, subject to conditions. These conditions relate, inter alia, to the submission of a road safety audit and further details relating to 'Option 5', as set out in Appendix H of Roads Transport & Pedestrian Connectivity document in relation to provision of works to public roadway, together with a condition stipulating that the works be undertaken by the applicant or a special contribution be paid towards such works.

In relation to the Flood Risk Assessment Report, the Chief Executive report states that that the SSFRA submitted with the application identifies that residential development proposed is located within Flood Zone C. No flood zone map is included within the SSFRA, however a Trusky East Stream Flood Study is included on the website. The Planning Authority notes that the flood zones for current AEP events do not appear to include an extra allowance for climate change. They further states that the zones that have been considered by the assessment are the zones for current AEP events, not for future AEP events, taking into account climate change. It is noted however that the difference between the levels associated with both zones are not hugely significant. It is recommended that if the reports are being updated it would be useful for the SSFRA Report to incorporate the issues raised above. Also, given the proximity to the coast, it would be useful for sections relating to climate change factors (namely Section 2.3.3 of Trusky East Stream Flood Study to identify why mean sea level rise factor is not relevant).

The Chief Executive Report states that with regards to Consultation with Elected Members, no comments were received.

The report concludes with the Planning Authority's view in relation to decision to be made by An Bord Pleanála, which states that it notes the submission of consistency and concurs with its contents. In principle, the planning authority is favourably disposed to a grant of permission on this site, subject to comments made under various sections and conditions have been attached. The conditions are largely standard in nature and includes an occupancy condition restricting that a minimum of 20% of the proposed dwellings be restricted to use by those who can demonstrate ability to preserve and protect language and culture of the Gaeltacht; submission of road safety audit; further details required in relation to 'Option 5' in relation to works to public roadway; development contributions and special contributions.

- 8.2. An addendum report was received on 19th January 2018 from the planning authority making amendment to some of the conditions attached in their original report. The contents of this addendum report is noted.

9.0 Prescribed Bodies

Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit):

In terms of archaeology, given the scale and location of the proposed development it is possible that subsurface archaeological remains could be encountered during construction phases that involve ground disturbance. Recommends condition in relation to undertaking of archaeological impact assessment be attached in any grant of permission.

In relation to nature conservation, states that proposed development is approximately 950m west of the European site Galway Bay Complex SAC (site code 00268). Likely effects of bridge or culvert construction on the watercourse, taking design into account, are not assessed in Ecological Impact Assessment and it is unclear whether areas of 'riparian habitat' can be retained in the final development.

In relation to potential bat and/nesting birds, the Board should consider any potential adverse effects of the proposed development on nesting birds.

Heritage Council:

None received to date

An Taisce:

None received to date

Údarás na Gaeltachta:

Recommends that recognition is given to the Irish language in the development, with a number of recommendations included

Inland Fisheries Ireland:

None received to date

Irish Water:

Proposed connection(s) to Irish Water network(s) can be facilitated based on details provided. In order to ensure that a connection for the development can be facilitated the developer must sign and pay for a Project Works Services Agreement to deliver the connecting public infrastructure in advance of commencement of the development.

10.0 Assessment

10.1. I have examined all the documentation before me, including, inter alia, the Record of Section 5 Consultation Meeting, Inspector's Report at Pre-Application Consultation stage and Recommended Opinion, the Notice of the Pre-Application Consultation Opinion, the Chief Executive report from the Planning Authority and subsequent addendum report and all submissions received. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of proposed development
- Density
- Design and layout of proposed development
- Impacts on amenity of area
- Access and Transportation Issues
- Drainage and Flooding Issues
- Ecology and Appropriate Assessment
- Other Issues

10.2. Principle of Proposed Development

10.2.1. Having regard to the nature and scale of development proposed, namely an application for 113 residential units substantially located on residentially zoned lands, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. The subject site has three main zoning objectives, namely the Village Consolidation Zone; Village Enhancement Zone and Environmental Management Zone.

10.2.3. The majority of the site is located within the Village Consolidation Zone, which seeks to 'promote the development and consolidation of the village as a high quality, mixed use environment that is supported by a range of facilities and amenities that is accessible to the local community, that supports public transport and that can be adequately and cost effectively serviced'. A very small portion (at the north-eastern end of the site is identified as being within the Village Enhancement Zone, which seeks to 'promote the enhancement, protection and appropriate use of the lands surrounding the village as a high quality visual, recreational and community amenity that protects the landscape character, setting and unique identity of the village (particularly from ribbon development), that accommodates genuine rural generated housing need in appropriate locations and patterns and that allows for the future growth and expansion of the village beyond the lifetime of the Plan'. The site is traversed by the Trusky stream and its associated floodplain and this area is designated as part of the overall Environmental Management Zone (EMZ) for Bearna. The zoning objective for the EMZ seeks to 'protect areas with high biodiversity, landscape, amenity and/or flood risk potential and promote the sustainable management and use of these areas, including European sites that form part of the Natura 2000 network, Natural Heritage Areas, the coastal buffer/amenity and areas along the coast, Trusky stream and Liberty stream. Ensure that any flood risk areas within this zone/area are appropriately managed to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding. Promote the appropriate use of this zone/area to provide for sustainable drainage, flood risk management, biodiversity and nature conservation, ecological corridors and connectivity, greenway linkages and open space amenities and to structure and provide visual relief from the built environment, as appropriate'.

10.2.4. It is noted that four dwellings and a portion of a fifth dwelling are located within the Environmental Management Zone (namely dwellings No.s 40-44 inclusive). This issue was raised in the Pre-Application Consultation Opinion. In response, the applicant puts an argument forward for the location of these said dwellings at this location. It is stated that this is a relatively small portion of the overall development and that a central tenant of the design scheme has been to respect the nature and character of the existing stream and to ensure that all required measures relating to flood risk are accommodated. The applicant states that the LAP does not identify

residential development as being either 'permissible' or 'not permissible' in such zones and notes that at the Section 5 pre-application consultation meeting, the planning authority confirmed that any development within such zones was acceptable subject to flood risk assessment. The Record of the Meeting available to me records that the Planning Authority stated that any proposal for development within EMZ lands will be subject to a flood risk assessment. This is very different. I note that Table B4 (pg150) of the LAP states that the entire area of the overall EMZ at 63.2 hectares would remain undeveloped/rural area in nature and that issues like maximum development percentage/density guidelines/building height/maximum residential use are all n/a in areas with such a zoning objective. This gives a strong indication to me that it is envisaged that such areas are to remain undeveloped/rural in nature.

10.2.5. The Environmental Management Zone has been introduced to provide specific guidance for greenfield lands at risk of flooding and areas with high environmental sensitivity or biodiversity/landscape/amenity value. The Trusky stream is one such area. The Plan envisages a streamside greenway linkage along the Trusky stream that will provide safe pedestrian and cycling route connecting the R336 to the coastal amenities to the south and the new village street to the north of the village. There are a number of objectives in the LAP relating to this linkage (Objective CH3, Objective CF15). The provision of such an amenity network within the village forms part of the Village Core Framework/Outer Village Framework and would provide an important amenity to the people of Bearna and the surrounding area. Allowing development impede on this zone without sufficient justification is inappropriate. It is my opinion that there is sufficient undeveloped lands within the area, zoned for residential development, without having to develop on the designated environmental management zone. I consider that the case put forward for doing this by the applicant is not strong enough to allow for such development to proceed on these lands. The provision of housing on this element of the zone would severely detract from its character and setting at this location, would set an undesirable precedent for other similar type developments along the length of this zone and is considered not to be an appropriate form of development for such lands. Section 3.7.1 of the LAP aims to provide land uses that will retain the EMZ areas as natural heritage, amenities and landscape elements that protect the village character. The provision

of housing does not achieve this, in my opinion. If the Bord is disposed towards a grant of permission, I recommend that these properties (No.s 40-44 inclusive) be omitted from the proposal. I draw the attention of the Bord to Section 10.7.6 below which also recommends the removal of these units due to reasons of possible flooding.

10.2.6. The provision of residential development is considered acceptable in principle on the remainder of the site and generally in accordance with the zoning objectives for the area.

10.3. **Density**

10.3.1. The density of development proposed is stated as being 16 units/hectare inclusive of the lands zoned within the Environmental Management Zone (EMZ) and 20 units/hectare exclusive of lands zoned as EMZ. When all lands exclusive of flooding are removed from the calculations, the stated density is 18 units/hectare. I consider that the provision of housing on the EMZ is inappropriate in this instance as dealt with above and therefore I consider that the density of 20 units/hectare is the figure that should be used in reaching conclusions on density.

10.3.2. I note the argument put forward by the applicant in this regard. The stated density of the adjoining Cnoc Fraoigh development is 10 units/hectare. The subject site is identified as being Outer Village in the LAP, adjoining an area designated as being Rural Fringe. It is the applicant's opinion that the site contains characteristics of both Edge of Centre and Edge of Small Town/Village, as detailed in Section 6.11 and 6.12 of the Guidelines for Planning Authorities on *Sustainable Residential development in Urban Areas* (2009). These Guidelines state that edge of small town/village developments should have a density of between 15-20 units per hectare. The Galway County Development Plan states low to medium residential density should have a density of between 15-35 units per hectare. The density proposed is considered by the applicant to straddle both the outlined density requirements for both typologies. The applicant considers that the proposed design response respects the character of the adjacent scheme, while also complying with section 28 Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009).

10.3.3. I have examined all of the information before me in this regard. I draw the attention of the Board to the fact that the issue of density was raised at the Section 5 Consultation meeting and in the subsequent Opinion which issued. I note the location of Bearna approximately 6km from Galway city. The operative County Development Plan acknowledges that the core strategy is statutorily required to provide for a settlement hierarchy which forms the basis of the spatial strategy for the County. A six tiered system has been adopted by the Planning Authority with the Galway Metropolitan Area identified as the top tier- it is an identified gateway and vital economic driver for the entire West region. The Plan states that significant employers include large public service and industrial organisations that draw employees for the network of satellite towns surrounding the City. The Galway Metropolitan Area includes the gateway and a number of electoral divisions adjacent to the city which are inextricably linked to and function as part of the Greater Galway City and includes the thriving satellite settlements of Oranmore and Bearna. In the interests of clarity therefore, I note that Bearna forms part of the top tier of the settlement hierarchy and is located within the Galway Metropolitan Area. Within the Core Strategy, Bearna is allocated a population equivalent of 420 persons, which is stated to amount to approximately 162 houses within the Plan boundary. Approximately 15-20 persons of this population is accounted for by an extant permission, while there is an application for 48 dwelling houses currently under review. Section 2.6.2 of the operative County Development Plan states in relation to the Galway Metropolitan Area (GMA), the future prosperity of towns and villages near the city and the quality of life of people living within the commuter band around Galway city depend on the gateway and GMA retaining its dynamic growth character. It continues by stating that given it attracts significant inward investment and is a provider of regional services and facilities it is essential that the regional settlement strategy provides for the sustainable, dynamic development of the Galway Gateway and GMA to support the economic growth of the region.

10.3.4. There may be some merit to the argument put forward by the applicants if it were applied to one of the 'Other Villages' or even 'Key Towns' within the settlement strategy. There appears to be some disparity between the vision for Bearna as set out in the 'Strategic Vision for Bearna' as outlined in the LAP and its role as set out in the County Development Plan, top of the hierarchy as part of the GMA. I

acknowledge that examined in isolation, Bearna reads as a village/small town with a population of less than 2000 persons. However, in my opinion, it shouldn't be examined in such isolation and should instead be assessed more strategically in terms of its role within the county hierarchy. It is located within the Metropolitan Area of Galway City, as set out in the Core Strategy, and should therefore be assessed as such. The County Development Plan trumps the LAP in such instances and therefore leaving aside the references to Bearna as a village within the LAP, I consider that the proposal should be examined from a strategic viewpoint in light of the relevant section 28 guidelines. The section 28 Ministerial Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009) outlines sustainable approaches to the development of urban areas. Guidance in relation to density is set out therein.

10.3.5. I am of the opinion that this subject site in Bearna should not be classified as edge of small town/village as suggested by the applicants but should instead be classified as an 'Outer Suburban/Greenfield' site associated with cities and larger towns, with a density in the general range of 35-50 dwellings per hectare (Section 5.11). This document continues by stating that such densities (involving a variety of housing types where possible) should be encouraged generally. Densities at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. In this instance, the site area is stated as being 7.19 hectares with a maximum density of 20 units per hectare. The site is located approximately 6km from Galway city- it is a thriving satellite settlement. The density proposed of maximum 20 units per hectare is considered to be misplaced and not in keeping with the Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009). This is a serviced site within the development envelope of Bearna, in an area earmarked for Phase 1 residential development. The site is close to the centre, with all the services and facilities that it has to offer and importantly is located within the Galway Metropolitan Area. The proposal is considered to be an inefficient and unsustainable use of serviceable land in an area zoned for residential development- the proposal would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up areas of Bearna and Galway city and their associated social and community services.

Furthermore, it is considered that the such a density would be contrary to the Ministerial Guidelines cited above, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. I consider that the proposed development would therefore be contrary to the proper planning and sustainable development of the area and I recommend that permission is refused for this reason.

10.4. Design and Layout

- 10.4.1. The proposal provides for 113 residential units on a site a little over 7 hectares in area. The Trusky stream traverses the site from south to north and the layout is largely dictated by this. The public open space straddles either side of the Trusky stream, primarily in the area zoned as the Environmental Management Zone. There are some smaller pockets of open space proposed, but the bulk is associated with the EMZ and the Trusky stream. I do not have undue concerns in relation to the public open space provision, which is in excess of Plan standards. Both active and passive open space is proposed, catering for a range of needs and the urban drainage infrastructure is located on the passive open space only. A landscaping plan is submitted and the scheme has the potential to be very attractive with the stream and its associated open space as the central feature. The proposed layout is such that passive surveillance of the public open space is good. Community gain will be achieved, as the proposed streamside green area will form an attractive space for locals to enjoy. Private open space in the form of rear gardens is provided to all properties. Two vehicular routes traverse the stream to provide access to the properties on the eastern side of the site. The layout is such that links may, in the future be provided through the proposed development to lands on the east. No details relating to such have been provided with the application. A Design Concept has been submitted with the application, which outlines the rationale behind the proposed development. The layout is generally considered acceptable.
- 10.4.2. The mix of units proposed has been detailed above and shows that that the vast bulk of properties are three and four bed properties (29% and 64% respectively). There are 8 x two bed properties. No one-bed units are proposed. The mix of housing type is as follows:

46 x detached dwellings

64 x semi-detached dwellings

3 x terraced dwellings

No apartments are proposed. The Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009) and the accompanying Design Manual state that a variety of housing types should be provided where possible; new homes should meet the aspirations of a range of people and households and that housing types and tenure should add to the choice available within the area. Having regard to the above, I note that the existing Cnoc Fraoigh development adjoining comprises primarily two-storey, detached dwellings. I consider that a greater housing mix and type could have been provided in this current scheme to add to the housing variety within the general area. This could have also aided in the provision of a higher density on site. No apartments or duplex units are proposed, with only three terrace units proposed. The vast bulk of the properties are four-bed, semi-detached dwellings. In addition, there are no one-bed units and only a handful of two-bed units. This does not lend well to a good population mix or the provision of different housing types to cater for those at differing stages of the lifecycle. The limited housing type/mix is such that there is only limited choice available within the proposed development and the similarity of housing type is such, particularly when the adjoining Cnoc Fraoigh residential development is taken into consideration, that the proposed scheme would not meet the aspirations of a range of people or households. This is considered not to be good planning practice and not in compliance with the aforementioned Urban Design Manual. I draw the attention of the Bord to the issue. It is my opinion that a greater variety of unit type/mix may have the potential to aid an increase in density on the site while at the same time providing a high quality scheme that attracts a good population mix to the area.

10.5. Impacts on Amenity of the Area

- 10.5.1. I note the concerns raised in relation to impacts on the amenity of the area, in particular in relation to overlooking, impacts on privacy, noise/disturbance from construction works/vehicles and devaluation of property. I acknowledge that there will be a change in outlook for many properties within the Cnoc Fraoigh estate. This is presently a small estate of 21 dwellings. However from the documentation before me, I note that the intention appears to be that Cnoc Fraoigh was Phase 1 of a number of phases of development, with access through this estate being earmarked to the subject lands. This is shown on drawings submitted to the planning authority under 04/3846, where the Cnoc Fraoigh development is shown as 'Phase 1' and the lands the subject of this current application, marked as 'Phase 2 Possible Separate Future Application'. It is also shown on drawings submitted to the planning authority under Reg. Refs. 03/4315 and 04/4249. The existing access roadway is approximately 6 metres wide, with footpaths on either side. This issue was dealt with in the Inspector's Report of PL07.236240 and I would concur with the assertion therein. The proposed development represents the completion of a further phase of development, previously initiated under the original Cnoc Fraoigh permission (03/4315 and 04/4249). I consider that the estate has been designed to cater for additional through traffic and as such I consider this to be acceptable in principle.
- 10.5.2. I do acknowledge that there will be some disruption/inconvenience during the course of the works and this has been raised in numerous submissions received. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance/vibrations once construction works are completed. It is proposed to construct the development in three distinct phases, working from south to north and this is considered acceptable. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.
- 10.5.3. Concerns regarding overlooking and loss of privacy were raised in some of the submissions received, in particular in relation to proposed Units 16, 21 and 27. Having examined the documentation, I do not have undue concerns in this regard. I

do note that cross-sections showing the proposed development relative to the existing properties in Cnoc Fraoigh have not been submitted. However, having regard to the levels involved, the separation distances and the design of the proposed dwellings with only bathroom/en-suite windows at first floor level in the gable elevations, I consider that overlooking issues or loss of privacy would not be excessive. Issues of glare from proposed public lighting are expected not to be excessive and this matter could be dealt with by condition, if the Bord were disposed towards a grant of permission. Concerns regard security/anti-social behaviour are a matter for law enforcement, a matter for An Garda Siochana, outside the remit of this planning appeal. Issues raised in relation to health and safety are also outside the remit of this planning application.

10.5.4. I have no information before me to believe that the proposed development would lead to the devaluation of property in the vicinity. In fact, the provision of the green linkage along the river will be a valuable asset to the community, as would the provision of a footpath with street lighting from the site entrance into the town.

10.5.5. Having regard to all of the information before me, I consider that impacts on the amenity of the area would not be so great as to warrant a refusal of permission.

10.6. Access and Transportation Issues

10.6.1. A TIA has been submitted with the application, which concludes that the proposed development has little impact on the operation of the local road network. It is nevertheless recommended that the local area should be monitored in terms of transportation efficiencies into the future. I note that the stated number of dwellings is incorrectly referred to as 111 no. units when in fact the proposal is for 113 no. units. This is considered to be a relatively minor discrepancy. It is acknowledged within the document that the primary mode of travel to/from the development will be by private car. In terms of alternative options, it is stated that there are public transport bus stops 500 metres from the subject site to Galway city. It is stated that there are 18 services per day, 7 days a week. There are also some private operators serving this route, with 6 services per day.

10.6.2. TII Transport Assessment Guidelines (2014) states that a Transport Assessment is required for residential development in excess of 200 dwellings. In this instance, it is

considered that the proposal will not exceed any of the sub-threshold criteria cited and it is therefore not considered necessary to perform further detailed assessment of the local road network. This is considered acceptable. It is stated that for construction stage, a Construction Management Plan will be agreed with the local authority, prior to the construction of any works on site. Again this is considered acceptable.

10.6.3. It is stated that the local transport network is considered capable of supporting development of the type proposed. While this statement may be correct in terms of capacity for vehicular traffic and while I do not have undue concerns in relation to the existing access from the Cnoc Fraoigh residential development onto the L1321, I do consider that the network is lacking in terms of pedestrian connectivity and linkages into the centre of Bearna. The issue of pedestrian connectivity between the proposed development and the centre of Bearna is an issue which requires addressing. It has been raised in many of the third party submissions received and was highlighted at the Section 5 Pre-Application Consultation Meeting and in the subsequent Opinion which issued from An Bord Pleanála. A Statement in Response to this issue was submitted with the application, which states that following the tripartite meeting a feasibility study was undertaken in relation to the provision of a pedestrian priority link from the proposed site to Bearna. The feasibility study is included with the application and outlines five possible solutions. It is stated that in conjunction with Galway County Council, the provision of a pedestrian footpath to the village core was determined to be the optimal solution. The footpath would be NRA/TII compliant, would have a minimum width of 1.2m (up to maximum width of 2.3m) and would be placed along the western side of the L1321. The associated works would include public lighting, surface water drainage, increased signage, pedestrian crossing and tactile paving.

10.6.4. However, the provision of the footpath is not included within the scope of this current application. I consider this to be a substantial omission in the file. It is stated that Galway County Council have confirmed that the footpath and associated works can be delivered under licence by a private contractor carrying out the works on their behalf. The applicant has expressed their agreement in principle to construct the works on behalf of the Council as part of the overall development works, which would be funded through the prevailing Development Contribution Scheme, to which

the proposed development would contribute towards. The Chief Executive Report from the planning authority does not raise issue with this proposal and attaches a condition in this regard. From the documentation included, it would appear to me that under Option 5, a footpath could be provided, generally 1.2 metres in width without the need for any third party consents or CPOs. It is stated in the documentation that the verge in front of the non-set back boundary walls along the local road network are available to the Council to carry out works for improvements without third party permission. The planning authority have not disputed this in their report. However, I do consider that while Appendix H outlines further details in relation to the design of the proposed footpath, no details relating to timescale or expected delivery dates are included within the documentation submitted. There is a lack of information relating to this issue. I query why, the proposal did not include for this proposed footpath and associated works within the application. It is not included within the red line boundary, nor in the public notices. In the absence of such a proposal for the provision of a meaningful pedestrian link along the L1321 as part of the subject application, the development as currently proposed is considered to be premature.

10.6.5. The proposal for the footpath is to be welcomed in principle, however no hard proposal is included in this application for the said footpath and its associated works. I agree that Option 5 would be the superior proposal in terms of the options put forward by the applicants. I draw the attention of the Bord to this, namely that it would appear to me that the works could be carried out, by or on behalf of the local authority, without the need for third party consents and without the need for CPO. Notwithstanding the above, if the Bord is disposed towards a grant of permission, I do consider that a condition could be attached to any grant of permission stipulating that no dwelling unit be occupied until such time as this linkage, with its associated drainage, lighting, and signage into Bearna centre be fully constructed.

10.6.6. I consider that the provision of this linkage is hugely important for the proper planning and development of the lands going forward. Section 4.10 of the Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009), together with Criteria No. 2 (Connections) in the accompanying Design Manual, which seeks in the creation of well-connected communities, to minimise the need for car journeys and encourage walking and cycling. I also note

Objective RD3 of the Draft Bearna Plan 2017 which aims to encourage the development of sustainable residential communities through the promotion of innovative, high quality building design and appropriate layouts, that prioritise walking, cycling and public transport options and provide for a high level of permeability, accessibility and connectivity to the existing built environment, services and facilities. Presently, the site is located in close proximity to the centre of Bearna and the facilities and services on offer therein are places where people would want to access. However, pedestrian access into Bearna from the subject site is presently very poor with no footpaths and no public lighting on a narrow public roadway where speeds are high. It is not an attractive route for pedestrians or cyclists and a high volume of pedestrians using this route could be deemed to lead to the creation of a traffic hazard. Giving the proximity of the subject site to the core of Bearna and considering the distinct lack of meaningful pedestrian connections presently thereto, I consider that this is a major issue that needs further resolving.

- 10.6.7. As I have stated above, while I note the details contained within the file relating to the provision of the footpath and associated works under Option 5 of Appendix H, I am not satisfied that there is sufficient detail on file in this regard, that the proposal has not been worked up sufficiently and recommend that permission be refused for this reason. The proposal is not included within the red line boundary, nor is it provided in the submitted public notices. No detailed costings are included and it is unclear to me whether Part 8 of the Planning and Developments Regulations 2001 would be required. I note objective RT3 of Variation No 2(a) of the Galway County Development Plan -Draft Bearna Plan 2017 which aims to support the provision of footpaths and public lighting from existing residential development to the village centre. I consider that this is an issue that the planning authority needs to address further, in order to facilitate the orderly development of their Phase 1 zoned lands in a safe and sustainable manner.
- 10.6.8. If the Bord is disposed towards a grant of permission however, I do consider that the matter could be dealt with by condition stipulating that no dwelling be occupied until such time as the subject footpath and associated works are fully completed. The outcome would be the same- the footpath and associated works would be in place before any dwelling is occupied. The primary reason for refusal in this application relates to issues of density. I consider that in the absence of the information detailed

above, this current issue could reasonably be attached as a second reason for refusal. It would give guidance to the applicant as to what details would be required in any subsequent application on the lands. I consider that a superior option would be to have the proposal fully worked out with sufficient detail on file in which to fully assess the proposal in this regard. Therefore, having regard to the uncertainty regarding the timing of the improvement works outlined in the application to the L1321 roadway, together with insufficient information on file in this regard, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. Furthermore, it is considered that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of a traffic hazard, including hazard to pedestrians and cyclists. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

10.6.9. I note that 2 parking spaces are provided per dwelling, together with a total of 4 no. visitor spaces, giving an overall total of 230 spaces. The operative Development Plan has a requirement for 205.5 spaces $[(1.5 \times 41) + (2 \times 72)]$, as set out in Table 13.5, which gives an excess of 24.5 spaces. Sufficient justification has not been given for the need for the additional spaces and if the Bord is disposed towards a grant of permission, I recommend that the additional spaces be omitted by means of condition.

10.7. Drainage and Flooding Issues

10.7.1. This issue formed the reason for refusal which previously issued on the site under PL07.236240. In that instance, the proposed development sought to treat the effluent with an on-site wastewater treatment plant, prior to discharge to the Mutton Island Sewerage Treatment Plant via a pumping station in Bearna. This proposal was considered to be premature, pending the upgrading of the existing Mutton Island Sewerage Treatment Plant or the operation of an alternative public sewerage treatment plant for the Bearna area. The current proposal includes for the decommissioning and removal of the existing WWTP, filtration bed and associated pipe network from site, which currently serves the 21 units in the adjoining Cnoc

Fraoigh residential development. Both existing and proposed units will then connect into an existing Irish Water foul water network, with the proposed connection point being on the L1321 close to the village.

- 10.7.2. Proposed drainage infrastructure has been dealt with in the Site Specific Flood Risk Assessment submitted with the application. The proposed drainage system incorporates SuDS and the proposed design adheres to hydraulic performance criteria set out in the Greater Dublin Strategic Drainage Study and Part H of Building Regulations, in order to achieve self-cleansing velocity, minimising the potential for blockages leading to flooding. It is the applicant's opinion that the previous reason for refusal has been overcome. The report of Irish Water is noted in this regard, which states that that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water watermain and wastewater network can be facilitated. A wastewater connection for a total of 134 houses (existing and proposed) to the existing 300mm Irish Water foul sewer at a point approximately 340m to the south of the entrance to the existing estate can be facilitated. Also, a watermain connection to the existing 100mm DI Irish Water watermain, which exists along the road fronting the existing housing estate, can be facilitated. The planning authority did not raise any issues in this regard within their Chief Executive Report. Having regard to all of the above, I consider that the previous reason for refusal on the site appears to be overcome and the drainage proposal appears acceptable. I have no information before me to believe that the proposed development would be prejudicial to public health in this instance.
- 10.7.3. It is acknowledged that there will be some disturbance caused to existing residents during the course of this element of the proposed works. However, the upgrade of the system connecting to the public sewer is such that there will be long-term benefits to these existing residents. This short-lived disturbance is therefore considered acceptable. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached to any such grant stipulating that a construction management plan be submitted to the planning authority for their written approval, prior to the construction of any such works.
- 10.7.4. The issue of flooding was raised at pre-application consultation meeting and in the subsequent Opinion which issued from An Bord Pleanála. The applicant was advised to provide further consideration of the documents as they relate to the

design rationale/justification for the proposed layout as it relates to the 1.0% and 0.1% AEP flood events, having regard to the proximity of a number of dwellings to the flood risk area. A Trusky Stream Assessment Report and a Site Specific Flood Risk Assessment have been submitted with the application, which includes the OPW Western CFRAM Bearna Site Assessment Report and OPW ICPSS West Coast map. It is noted that no flood map appears to have been submitted with the SSFRA. The Site Specific Flood Risk Assessment states that in accordance with best practice, as per the Greater Dublin Strategic Drainage Study, all proposed housing finished floor levels have been designed to provide a 500mm freeboard above the 1% AEP fluvial flood level. There is no record of flooding events within a 2.5km radius of the subject site, as per OPW website www.floodmaps.ie.

10.7.5. Residential development is classified as a highly vulnerable class within 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' while amenity open space, outdoor sports and recreation are classified as water-compatible development. The Western CFRAM Site Assessment applies to the site. The pink shading outlines the flood extents for the 100 year event which is based on the Preliminary Flood Risk Assessment. The flood risk zones show a relatively narrow linear area running longitudinally adjacent to the stream channels. The Site Specific Flood Risk Assessment, submitted as part of this application concludes that based on the information to hand, the residential units of the proposed development are within Flood Zone C for fluvial, tidal and pluvial flooding and there is no significant risk of flooding. It is anticipated that the proposal will not negatively impact or further exacerbate the extents of flooding in the surrounding area or downstream than that predicted by the CFRAM Study. It is stated that the lowest floor level of 14.97 mAOD for habitable space (House No. 38) is such that it is adequately protected from tidal flood risk in current and future climate scenarios. In relation to pluvial flooding, the OPW's Western CFRAM Flood Risk Review determined that due to recent improvements to surface water drainage network in the surrounding area, Bearna was at a low frequency of pluvial flooding. It is recommended that the proposed drainage system be designed in accordance with the relevant standards and regulations; that the flood risks arising from the proposed drainage infrastructure will be negligible and it is considered that no further mitigation measures are required.

10.7.6. I have examined all of the information before me, including the photographs submitted with some of the submissions showing waterlogged lands. While some photographs would appear to be of the subject site, with others it is unclear where exactly they were taken from. I note the Strategic Flood Risk Assessment undertaken on behalf of Galway County Council, including Variation No. 2(a), and the various information available from the OPW, the lead agency for flood risk management in Ireland. Bearna is located within the Western River Basin District under the CFRAM programme. I note the Western CFRAM FRR Final Report which states that in relation to Bearna, there is a low frequency of flooding assumed given recent drainage improvements. I note the location of the pink line on the Flood Risk Review Map, published by OPW which in the vicinity of the site, shows it running very close to the stream channel- this line is essentially outlining flood risk zones. While the zone generally follows the path of the stream quite closely, there is an exception to this, where it extends out a greater distance towards the southern end of the site, close to proposed Units 38-44. The majority of the residential element of the proposal lies primarily within Flood Zone C, which is considered appropriate for development of the type proposed, in accordance with the Flood Risk Management Guidelines. An exception to this appears to relate to Units 38-44, located in the EMZ which would appear to be located within Flood Zone A, as per the Indicative Flood Risk Zones in the SFRA. This is recognised in proposed Variation No. 2(a) to be at an elevated risk of flood risk along the river and the PFRA Fluvial mapping is consistent with this. The issue of the removal of these dwellings due to their location within the EMZ has been dealt with above (Section 10.2.5). For reasons of potential increased flooding and taking the precautionary principle, I consider this to be another valid reason for their omission from the proposal. This matter could be adequately dealt with by condition if the Bord is disposed towards a grant of permission. For the remainder of the proposed development, I note the measures proposed in accordance with best practice, namely all proposed housing finished floor levels have been designed to provide a 500mm freeboard above the 1% AEP fluvial flood level. I note the Planning Authority Chief Executive Report in this regard. They highlight the fact that Appendix D of the Trusky Stream Flood Study drawings map flood zones for current AEP events and do not appear to include extra allowance for climate change. However, it does acknowledge that the main body of the report provides details of predicted water levels under both current and future

(taking into account climate change) AEP events. However, the Study does not demonstrate that the future AEP events (taking into account climate change) have been taken into account by the proposed development. It is acknowledged by the planning authority that the difference between the levels associated with both zones are not hugely significant.

10.7.7. I undertook a visit of the site and environs on January 2nd 2018, during a period of heavy rain (just before Storm Eleanor hit land) and following a period of heavy rainfall. Conditions were wet underfoot and there was some ponding noted, relatively significant in places, most considerable in the areas immediately adjacent to the stream but this was anticipated considering the weather conditions around that time. There is no record of flooding events within a 2.5km radius of the subject site, as per OPW website www.floodmaps.ie. There is a significant volume of information available in relation to this matter. I note that this is a serviced, appropriately zoned site at an urban location. It is zoned for Phase 1 residential development within the current and draft LAP for the area, with the intention to develop the lands within the lifetime of the draft Plan. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter can be adequately dealt with by means of condition.

10.8. Ecology and Appropriate Assessment

10.8.1. I note the report of the Development Applications Units, Department of Culture, Heritage and the Gaeltacht which raises the issue that the likely effects of the bridge or culvert construction on the watercourse, taking design into account, are not assessed in the Ecological Impact Assessment and it is unclear whether areas of 'riparian habitat' can be retained in the final development. I note the Ecological Impact Assessment's evaluation that the Trusky stream and its riparian habitats are of high ecological value and they are important at a local level. It is acknowledged within the Ecological Impact Assessment that the riparian habitats along the Trusky Stream may be lost or fragmented, which would reduce biodiversity locally and may also impact upon local populations of birds and small mammals as nesting sites and ground cover habitats will be lost. Sources of nectar for local populations of

pollinators will also be reduced. Mitigation measures are proposed in relation to the riparian habitats which states that the riparian zone of the Trusky Stream must be maintained and cordoned off from the development activities on site. If the bank or riparian zones of the stream are damaged during the development, they should be restored as soon as possible using natural materials. It is proposed to construct two vehicular bridges and six pedestrian bridges over the stream. These works associated with construction of these access points would be likely to cause greatest damage to the riparian habitats and the river banks. However, I note the landscaping plan submitted with the application which is aiming to retain the natural setting of the stream as part of the Environmental Management Zone with inaccessible protected ecology areas identified. Additional planting is proposed alongside the stream which I anticipate will lead to an enhancement of the existing habitat. The mitigation measures proposed in this regard are considered reasonable. Having regard to all of the information before me in this regard, I consider that the benefit from providing the green linkage at this location, taken with the relatively limited reduction in habitat given the overall length of the stream, is such that this element of the proposal acceptable in this instance.

10.8.2. The Ecological Impact Assessment states that it is likely that bats forage over the site in summer evenings and the derelict dwelling on the northern section of the site may host suitable bat roosting sites. The presence of a number of bat species have been identified within 10km of the subject site. The derelict structure at the northern end of the site is proposed for demolition and should there be bats roosting or nesting within this, they will be affected by its demolition. It is acknowledged that disturbance to their feeding habitats may occur due to new lighting schemes associated with the development. Mitigation measures are proposed, which are considered acceptable. Having examined all of the information before me in this regard, including the mitigation measures proposed, I consider that the issue could be adequately dealt with by condition, if the Bord were disposed towards a grant of permission.

10.8.3. The proposed development is located on a greenfield site within the town boundary of Bearna, on lands zoned for Phase 1 residential development. As is stated above, the subject application includes an Ecological Impact Assessment, with a Screening for Appropriate Assessment forming part thereof. I note the five designated sites

within 10km of the application site including Galway Bay Complex SAC and SPA, which is located approximately 1.2km east of the application site. The generic conservation objectives for all of these sites is to maintain or restore the favourable conservation condition of the Annex I habitats and Annex II species for which these sites have been selected.

10.8.4. The proposed development lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat. There will be no direct disturbance to any species listed in Annex I or II of the Habitats Directive. No ecological corridors within the proposed site and any SAC or SPA will be damaged or destroyed. There will be no negative impacts upon surface or ground water quality. It is noted that the sewage treatment plant serving the existing dwellings in Cnoc Fraoigh will be decommissioned and fully removed off site. Wastewater from all existing and new housing will flow into the existing village pipe network where it will be diverted to the main Galway Sewage Treatment Plant. It is concluded within the Appropriate Assessment Screening that the proposed development will have no impacts upon any SAC or SPA; the integrity of all sites will be maintained and the habitats and species associated with the sites will not be adversely affected.

10.8.5. Based on all of the information before me and having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.9. **Other Matters**

10.9.1. No childcare facility is proposed in this current application and a Childcare Facility Assessment has been included with the application, which concludes that the existing area is adequately serviced at present and there is sufficient capacity to cater for the potential additional demand via existing facilities. It is stated that a capacity survey found that there is vacancy within existing facilities. No further details/ documentation relating to this survey have been submitted. While capacity of the existing units is outlined, no details relating to occupancy levels have been submitted. It is also stated that consultation was undertaken with the Galway City

and County Childcare Committee in July 2017 and they confirmed that no audit of the provision and demand for childcare spaces in the Bearna area has been carried out to date. There is no such letter from the Committee on file. Notwithstanding the census data on file, I consider that there is not sufficient information on file to adequately assess whether there is a need, or otherwise for a childcare facility on this site.

- 10.9.2. In terms of Part V compliance, it is proposed to transfer 11 units (8 x 2 bed and 3 x 3 bed) to the planning authority. The location of these proposed units has been identified and is considered acceptable. The Planning Authority raise no issue in this regard in their Chief Executive Report.
- 10.9.3. I note a Linguistic Impact Statement was submitted with the application, which is considered acceptable. I note the recommended condition attached by the planning authority in their Chief Executive Report with regard to this issue. I note the condition places restrictions in terms of linguistic ability, which is considered acceptable.
- 10.9.4. Procedural issues relating to the forming of the opinion at pre-application stage were raised in one of the submissions received. The pre-application consultation and the subsequent forming of the opinion was carried out fully in accordance with the Planning and Development (Housing) and Residential Act 2016 and associated Regulations. The Pre-Application Consultation Opinion is a delegated function of An Bord Pleanála. In any event, section 6(9) of the Act of 2016 states that neither (a) the holding of a consultation under this section, nor (b) the forming of an opinion under this section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area or areas the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016, or any enactment and cannot be relied upon in the formal planning process or in legal proceedings.
- 10.9.5. In relation to stated levels, I note there are some minor discrepancies between drawings submitted from various agents working on behalf of the first party. While these discrepancies are noted, they are not so great as to affect the outcome of the recommendation.

10.9.6. The issue of site ownership and right of way has been raised in some of the submissions received. I note a letter of consent attached to the file, dated July 19th 2017, which states that Burkeway Barna Ltd, the owner of the subject lands at Trusky, Bearna gives consent to Burkeway Homes Ltd to submit a planning application for new residential development on these lands (signed Fred Fullard, Director). I note the submitted 'Existing Site Plan' (Drawing 924-01-35) which clearly outlines the site in red, an area in blue stated to be the 'extent of applicants legal interest' and an area hatched in yellow stated to be the 'entend (sic) of third party easement'. The areas demarcated in blue and yellow would appear to me to comprise the common areas of the Cnoc Fraoigh residential development. I note the points raised in the submissions in relation to this matter, and also relating to taking in charge. This appears to me to be a protracted historical issue that is outside the remit of this current application. I can only undertake my assessment based on the information provided to me, which appears that the applicant has sufficient legal interest to make the application. Any disputes relating to such matters as ownership and rights of way are a legal matter, outside the remit of this planning application. In a related matter, it has been raised in some of the submissions received that the proposed connection to the foul sewer is outside the application site, as outlined in red. This is the case. However, from the information available to me, it would appear that the applicant has sufficient interest to undertake these works, being within the blue line boundary. Works along the public roadway would require the consent of the planning authority. This has not been raised as an issue by the planning authority in their Chief Executive Report but I recommend that the issue relating to relevant consents be dealt with by condition, in the event of the Bord being disposed towards a grant of permission. In any event, Section 43(13) of the Act of 2000 states that a permission shall not be entitled solely by reason of a permission to carry out any development.

6 Recommendation

Having regard to all of the issues raised above, I recommend that permission be REFUSED in accordance with section 9(4) of the Act of 2016.

7 Reasons

1. The Bord considers that the density proposed is contrary to the provisions of the Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009). The site of the proposed development is on serviceable lands, within the development boundary of Bearna, in an area earmarked for Phase 1 residential development and within the Galway Metropolitan area as designated in the settlement strategy for the County. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Bearna and Galway city and to the established social and community services in the immediate vicinity. Furthermore, it is considered that such a low density would be contrary to these aforementioned Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Section 4.10 of the Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009), together with Criteria No. 2 (Connections) in the accompanying Design Manual, seeks in the creation of well-connected communities, to minimise the need for car journeys and encourage walking and cycling. Having regard to the uncertainty regarding the timing of, and approvals which may be required for, the improvement works outlined in the application to the L1321 Moycullen roadway, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. Furthermore, it is considered that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety

by reason of a traffic hazard, including hazard to pedestrians and cyclists.
The proposed development, would therefore be contrary to the proper
planning and sustainable development of the area.

Lorraine Dockery
Senior Planning Inspector

23rd January 2018