



An
Bord
Pleanála

Inspector's Report ABP-300252-17

Development	Application for Permission to demolish 1 no. existing single-storey house and construct 31 no. 2-storey Houses with associated landscaping, site works & services.
Location	Lakeview, Claregalway, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/1082
Applicant(s)	DWK Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeals	Third Party
Appellant(s)	Thomas & Miriam McCann Hubert Newell Lakeview Residents Association Claregalway Community Centre.
Observer(s)	None
Date of Site Inspection	22nd February 2018
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 1.755 hectares is located at Lakeview to the south east of Claregalway village centre. Claregalway or Baile Chláir is located approximately 10 kilometres northeast of Galway City, within the County Galway Gaeltacht. The village is situated where the N83(formerly N17 Galway to Sligo Collooney) crosses the River Clare and is also at the junction with the R381 (formerly N18) Galway to Limerick. The village takes a linear form stretching from north of the Clare River to south of the N83/R381 junction. Claregalway in the past twenty years has seen notable flooding from the River Clare, Recent works by the OPW included drainage works to alleviate flooding including a new bridge. The northern extremity of the village comprises an ecclesiastical cluster with the castle and the remains of the Franciscan friary, a graveyard and the remains of the medieval parish church providing an impressive backdrop for the village on the banks of the Clare River.
- 1.2. The appeal site comprises a single dwellinghouse site, occupied by a bungalow type dwelling and adjoining lands to the rear. According to the application details these undeveloped lands to the rear were formerly used as a soccer pitch and latterly were partly occupied by a sewage treatment plant and raised percolation area serving the Cúirt na hAbhainn estate. The systems were decommissioned when the Cúirt na hAbhainn development connected to the upgraded foul sewer. Site boundaries are defined by a mix of walling, fencing and block and stone walling with a high ball net located adjacent to the southwestern boundary and there are also a number of spoil heaps on the site. Vegetation on the northern part of the site is indicative of wet conditions / flooding. A gateway access to the lands is provided from Lakeview road to the southeast. Topographical survey of the site shows the ground levels of the site to be typically 9.75 to 13.75mOD falling from southeast to northwest.
- 1.3. The unfinished housing development - Cúirt na hAbhainn adjoins to the northwest of the appeal site whilst low density single dwelling sites back onto the appeal site from the southeast with a dwelling and farm buildings to the north east of the Lakeview road frontage of the site. The grounds of Claregalway GAA club and Claregalway

Community Centre are located to the west and southwest respectively. Within the wider area, the recently constructed Coláiste Baile Chláir Post Primary School is located to the southwest and the Claregalway Business Park, to the south-west of this. Notably Lakeview Road in the vicinity of the school site has been subject to significant road improvements with a signal controlled junction with the R381 and footpath and cycle lanes.

2.0 Proposed Development

- 2.1. The proposal seeks permission for the demolition of the existing single storey dwellinghouse and construction of 31 no two storey houses consisting of 18 no four-bedroom semi-detached houses, 4 no three-bedroom semi-detached houses and 9 no four-bedroom detached houses together with associated landscaping, site works and services. Vehicular access is proposed via Lakeview Road with provision for a 2m wide footpath connection to the adjacent Cúirt na hAbhainn development.

- 2.2. It is proposed that the development will be serviced by the recently constructed Irish Water Waste Water Treatment Plant. The exact nature and detail of the proposal is set out in planning documentation provided as part of the application and as unsolicited additional information following an extension of time including:
 - Planning Assessment Document by O Neill O Malley Architecture project management.
 - Flood Risk Assessment by Hydro Environmental Ltd.
 - A linguistic impact statement by McCarthy Keville O Sullivan.
 - Road Safety Audit by Atkins Ltd
 - Transportation Response by Atkins Ltd.
 - Appropriate Assessment Screening Report by Eire Ecology

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 27th October 2017. Galway County Council issued notification of its decision to grant permission and to which 20 conditions were attached of which I note the following:

Condition 2. Public lighting roads footpaths sewers and open space in accordance with the requirements of taking in charge policy.

Condition 3. Management Company. Details to be agreed.

Condition 4. Access road and frontage details to be agreed.

Condition 5. Road opening license.

Condition 6. Services operational. Phased development.

Condition 7. External finishes in accordance with plans submitted.

Condition 8. Flood risk Assessment recommendations to be implemented in full.

Condition 9. Numbering and naming scheme.

Condition 10. Irish Water connection agreement.

Condition 11. Cables underground.

Condition 12. Demolition waste management.

Condition 13. Landscaping scheme to be agreed.

Condition 14. Construction hours.

Condition 15. Best practice mitigation to prevent significant adverse impacts to nearby European Sites.

Condition 16. Sight distance triangle.

Condition 17. A minimum of 20% of houses restricted to use by those who can demonstrate the ability to preserve and protect language and culture of the Gaeltacht. Section 46 legal agreement.

Condition 18. Measures to prevent spillage or deposit of clay rubble or other debris on the public road.

Condition 19. Development bond €217,000

Condition 20. Development contribution €487,905.75

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1. Assistant Planner's initial report deems the proposed to be peripheral and poorly connected to the settlement. Report refers to recommendation from roads and transportation unit requesting further information regarding basis for guidance of Design Manual for Urban Roads and Streets as opposed to Design Manual for Roads and Bridges and for sightlines to be shown in greater clarity and a road safety audit. (I note that this report has not been provided to the Board) Planner recommended refusal for four reasons based on:

- Haphazard disorderly development contrary to sequential development.
- Contrary to objectives TI6 and T10 of the County Development Plan and would endanger public safety by reason of traffic hazard.
- Premature pending completion of the Clare River Flood Relief Scheme.
- Having regard to lacunae in respect of flood risk significant effect on the qualifying interest of the Lough Corrib cSAC and SPA sites cannot be ruled out.

Following an extension of time in respect of the period for decision on the application during which unsolicited additional information was submitted by the applicant including a road safety audit, linguistic impact statement, the second Planner's report maintained that the proposal would constitute fragmented and disorderly development as there are more appropriate sites close to the village. Refusal was again recommended.

3.2.1.2 The Senior Planner as Acting Director of Services noted the location of the site in close proximity to school and community centre with newly constructed pedestrian / cycle infrastructure and therefore expressed the view that the site could not be

considered peripheral. Previous zoning of the lands for residential purposes Phase 2 was noted. Proposal does not increase intensity on national roads and screening for AA notes finding of no significant effects. However, the issues regarding flood risk and language impact assessment remain to be addressed.

Following submission of unsolicited additional information, the Director of Services issued a direction for appropriate conditions to be drafted for a grant of permission. He indicated that whilst it is preferable to develop R1 lands, it is appropriate to facilitate development at this location subject to resolution of issues with regard to traffic safety and flooding. Having reviewed the flood risk assessment the proposal is in compliance with flood risk management guidelines 2009. Development discharges to the public sewer therefore impact on SAC can be ruled out. Report indicated that the roads and transport section indicated no objection. Condition to apply regarding lighting.

3.2.2. Other Technical Reports

Director of Services Report refers to a roads and transportation unit report dated 25th October 2017 however the report has not been provided to the Board and having interrogated scanned documents on Galway County Council's website ¹ I found that the report is not available here either.

¹ <http://www.eplanning.ie/GalwayCC/AppFileRefDetails/171082/>

3.3. Prescribed Bodies

3.3.1 TII submission requests that the planning authority rely by official policy in relation to the development on/ affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012. Section 2.5 of the guidelines addresses development within transitional zones and states that the proliferation of entrances which would lead to a diminution in the role of the transition zones must be avoided.

3.3.2 I note that the Area Planner refers to comments of Irish Water on file however no such correspondence is provided on the Board's file.

3.4. Third Party Observations

3.4.1. A number of third party submissions to the local authority object to the development on grounds of

- Development is contrary to sequential development
- Premature pending adoption of the local area plan
- Will result in traffic hazard and exacerbate congestion.
- Inadequate pedestrian and vehicular access
- Flooding. Fluvial and by way of Kempel's turlough
- Area should be zoned amenity
- Development is out of character.
- Cúirt na hAbhainn unfinished and should be completed prior to further development.
- Submission from Údarás na Gaeltachta refers to the significance of the Gaeltacht and stresses the need for prioritisation of the Irish language generally in decision making and specifically for instance in relation to naming and signage.

4.0 Planning History

15/1168 Application for residential development of 31 houses accessed through the Cúirt na hAbhainn development. Withdrawn prior to determination.

98/4294 Refusal 30th January 2001 of permission for 42 dwellinghouses including roads and all services. Two main grounds for refusal were as follows:

“The site is located along and takes its access from a minor public roadway which has limited width and capacity and which serves a community centre and a number of residences, and the traffic which would be generated by the development would create serious traffic congestion and would injure the residential amenity of houses in the vicinity. The proposed development would therefore be contrary to the proper planning and development of the area.

The proposed development would be premature pending the completion of an Action Area Plan for Claregalway Village.”

Site in the vicinity.

ABP300328 17/1038 Concurrent appeal before the Board. The application seeks permission for A) a new 2 storey 3,889 sq.m extension to the existing post primary school, Coláiste Bhaile Chláir including a 2 classroom special needs unit and sports hall with ancillary pupil and staff facilities, B) a new Claregalway Educated Together National School consisting a new 2 storey 16 classroom 3, 064 sq.m primary school with a 2 classroom special needs unit including all ancillary courts and hard and soft play areas.

5.0 Policy Context

5.1. Development Plan

- The Galway County Development Plan 2015-2021 refers. Claregalway (Baile Chláir) is designated as a Tier 5 settlement within the settlement strategy.
- The Core Strategy in tabulated format on p45 sets out population growth allocation 2015-2021 wherein Claregalway has a projection of 245 persons.
- I note that on Monday 28th May 2018, since the appeal was lodged with the Board, Galway County Council made variation no 2(b) to the Galway County Development Plan 2015-2021 – Gaeltacht Plan which includes the Settlements of An Cheatruú Rua, An Spidéal and Baile Chláir. The Claregalway Local Area Plan 2005-2011 had expired and at the time of the decision of Galway County Council. The land use zoning objective pertaining to the main body of the site is R – Residential (Phase 2) with northern strip zoned Open Space Recreation and Amenity.

R2: Phase 2 Residential - Objective is *“to protect, provide and improve residential amenity areas.”*

“To facilitate for the provision of high quality new residential development at appropriate densities with layout and design well linked to the village centre and community facilities. Phase 2 residential is generally not developable during the lifetime of this plan subject to the provisions below

- *Single house developments for family members on family home lands*
- *Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area;*
- *Where it is apparent that R-Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development maybe considered in a phased manner on some residential (Phase 2 lands)”*

- Flood Risk Management Map indicates that the main body of the site is located in Flood Zone C with a small northern part of the site located within Indicative Flood Zone B.
- DM Guidelines CSB 2 – Development Densities. Within Zone R Plot Area Ratio 0.10 to 0.50 PAR, Maximum Site Coverage of 50% and Minimum Public open space 15%.

Low residential density 5-15 units / ha identified as possibly appropriate on urban periphery, outlying lands, areas with capacity / environmental constraints.

- DM Guideline CSB 233 – Flood Zones and Appropriate Land Uses.

Objective DO 2-Language Enurement Clause for Two or More Houses in An Cheathrú Rua, An Spidéal and Baile Chláir

(b) A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in Baile Chláir. The proportion of homes to which a language enurement clause will be a minimum of 20% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census whichever is greater.

5.2. Natural Heritage Designations

Designated sites in the vicinity include:

- Lough Corrib SAC 280m to the north and east of the site.
- Lough Corrib SPA 5km.
- Galway Bay Complex SAC 6.5km.
- Inner Galway Bay SPA 7km.
- Creganna Marsh SPA 9km.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 There are four third party appeals. I note that two of the third-party appellants namely Claregalway Community Centre and Lakeview Residents Association requested an oral hearing of the grounds of appeal. The Board decided at meeting on May 12th 2018 that there was sufficient written evidence on file to enable an assessment of

the issues raised and therefore considered that an oral hearing should not be held. I have summarised the grounds of appeal as follows:

6.1.2 Thomas & Miriam McCann Lakeview Galway.

- Proposal is premature pending review of the Claregalway Local Area Plan 2005-2011.
- Proposal on peripheral lands zoned phase 2 is contrary to core strategy and not in accordance with the requirement of objective UH010 sequential development in Section 3.6 of the Development Plan.
- Backland development which does not take account of the pattern of existing development characterised by bungalow development on large individual sites.
- Estate design is unsatisfactory and not in accordance with the principles of good design. Open space is incidental open space left over after the site has been designed and is subject to flooding.
- New vehicular access is inadequate and substandard and will create a traffic hazard. Substandard sight distance of 45m with a 2m setback. The applicant does not have ownership or control of the lands required to achieve this reduced standard. No account taken of parked cars in front of adjoining houses and trees on south side of the road.
- Lakeview Road unsuitable for the proposed development. It currently serves 18 houses and an additional 31 houses will triple the volume of traffic with further future development potential for adjoining lands.
- Access from Cúirt na hAbhainn distributor road is more appropriate. Conflict between vehicles pedestrians and cyclists as highlighted in road safety audit and design team dismissive of concerns.
- Negative impact on established residential amenity of the appellant's dwelling directly opposite. Light, noise, traffic and disturbance.
- Potential for future flooding having regard to climate change.
- Request a refusal of permission. If the Board is disposed to grant permission it should be a condition that the L71180 be upgraded with provision for footpath and

cycle lane. Trees on south side of the road in front of the McCann's house be removed and road widened. A new boundary wall 1.5m high finished in stone to be constructed along the front of McCann's House to mitigate light and privacy impact.

6.1.3 The second third party appeal is submitted by Hubert Newell. Lakeview, Galway.

Grounds of appeal are as follows:

- Traffic and Transport assessment should have been undertaken.
- Application failed to address the junction of the cul de sac with the local primary road on a 90-degree bend.
- Potential for significant pedestrian cycle traffic via Cúirt na hAbhainn. Local road inadequate to accommodate traffic arising.
- Sight distance claims refuted.
- Lakeview Road has significantly changed in last year with numerous traffic incidents arising from school.
- Impact on residential amenity of established dwellings. Development is out of character.
- Premature pending completion of the flood remediation works and local area plan.
- Impact on SAC. Precautionary principle should apply.
- Insufficient information regarding water supply.
- Sewer connection through flood zone will be a significant hazard.
- Insufficient evidence regarding surface water flows. Concerns regarding location of soakways within flood zone A/B. Insurance issues.
- Turloughs not included in the flood analysis or associated modelling.
- No evidence of right of way through Cúirt na hAbhainn.

6.1.4 The Third of the third-party appeals is submitted by Stephen Dowds Associates on behalf of Lakeview Residents Association.

- Note significant surplus of residentially zoned land in Claregalway.

- Proposal is premature pending the adoption of a local area plan for Claregalway.
- Proposal conflicts with the sequential test - no justification for allowing housing to extend to phase 2.
- Flooding. Site adjoins what is known locally as Kempel's Trough. (Hence name Lakeview).
- Any development of these lands should be accessed from the northwest. Proposed development in conjunction with the concurrent school proposal ABP300328 which is also under appeal by Lakeview Residents Association will result in significant traffic.
- Overturning of the planning recommendation by Director of Services not justified.
- No report from transport section of the local authority.
- Potential impact on SAC arising if sewer floods and untreated sewage reaches the Clare River and hence Lough Corrib SAC.
- In relation to condition 11 – Undergrounding of cables in a flood zone gives rise to hazard.
- No Part V requirements as the land is not zoned.
- Participation by residents prevented regarding local road improvements.
- Letters in support of the appeal from Councillors Mr Malachy Noone and Mr Jim Cuddy.

6.1.5 The fourth of the third-party appeals is submitted by Claregalway Community Centre. Grounds of appeal are summarised as follows:

- Planning permission process compromised by the financial difficulties of the County
- Permission contravenes the principle of phased sequential development.
- Permission is in direct opposition to the express wishes of the community to provide for community amenity space. Anti-community strategy.
- Permission will significantly increase the risk of accident involving children.
- The granting of permission should not proceed before completion of relevant traffic management, flood control and local development plans.

- Area should be zoned amenity due to proximity to Community Centre, GAA pitches and Claregalway College.
- Support by Councillor Malachy Noone, Claregalway Leisure Centre Ltd.
- RPS Outline Feasibility Study in relation to the upgrade of the Claregalway Community Centre also appended to the appeal to demonstrate community vision.

6.2. Applicant Response

6.2.1 The response on behalf of the first party is submitted by McCarthy Keville O Sullivan with responses by Hydro Environmental Ltd on matter of flood risk and Eire Ecology with regard to Appropriate Assessment Screening. Response is summarised as follows:

- Planning application and supporting documentation is comprehensive in scope.
- Proposed development taking account of the recommendation of the road safety audit will have no negative impact on road safety or road users.
- Core strategy provides a total population allocation of 245 people in the Galway City Development Plan 2015-2021 which is equivalent to housing land requirement of 7.1hectares. Taking average household size of 2.4 persons the growth allocation requires approximately 100 new housing units up to 2021.
- Note draft Gaeltacht Plan including the settlement of Baile Chláir zones the lands residential phase 2 with a small section to the north west zoned open space recreation and amenity.
- Note national housing crisis.
- Site is fully serviced, centrally located and adjacent to a number of community facilities.
- Pedestrian and cycle linkages to the village centre via Cúirt na hAbhann development.

- Detailed and comprehensive flood risk assessment submitted with the application meets the requirements of the flood risk management planning guidelines. Development will not impact flooding elsewhere and is climate change proofed.
- Foul sewerage network is designed in accordance with the Irish Water code of practice for wastewater infrastructure. Manholes will be fitted with sealed manhole lids to prevent egress and discharge of water sewage in the event of a flood.
- Proposed development will result in the creation of a sustainable residential neighbourhood within the county, accords fully with the proper planning and sustainable development of the area while providing an attractive high quality contemporary development which enhances the development of Claregalway village.
- Sight distance in the order of 50m is readily achievable.
- Development traffic is likely to have a negligible impact on the capacity safety or operational efficiency of the cul de sac.
- It is not possible to provide a vehicular access to the northern side of the site due to land ownership issues. A pedestrian access has been provided at this location to service the shorter walking distance to Claregalway centre.
- Issues with regard to school drop off and collection are not relevant to the application.
- Trees on appellant's site on a relatively flat and straight section of the cul de sac and are in full sight of approaching drivers within a low speed environment.
- Planned changes to the cul de sac have been subject to the full rigour of an independent road safety audit. All issues identified have been accepted and addressed in full by the design team.
- Development levels are set to ensure protection against future climate change events and against uncertainty in hydrology and flood calculations. Proposed development including road levels in the estate will not flood under design

flood condition (100 year with climate change) and therefore no house will be inaccessible.

- The proposed development will have no perceptible impact on flooding either on site or elsewhere.
- Flood risk assessment took cognisance of the groundwater flooding in the area which appears as two turlough areas to the north west of the site in the Cúirt na hAbhainn area and the second to the southwest in the corporate park area. The proposed development footprint will not encroach these turlough areas nor will it encroach their respective flow paths being upgradient of these turloughs. In the critical 100 year and 100-year flood conditions in the Cúirt na hAbhainn area the flood levels are such that the entire flood prone area becomes a lake with groundwater flooding and river flooding as one. Such flood levels have been taken into account by the FRA in defining the flood zone map for the site and the development. The OPW have installed a large drainage pipe to relieve regular flooding from these turloughs in these areas.
- The flood risk assessment undertaken by Hydro Environmental Ltd considered the status of works carried out as part of the Claregalway Flood Relief scheme including the impact of the Claregalway Bridge flood eye, the channel dredging works at Claregalway Bridge and the constructed Corporate park storm pipe and its non-return valve. The assessment and conclusions arrived at from the FRA assessment do not rely on any outstanding elements of the flood relief scheme. (The only outstanding element to be completed for the Claregalway Section of the Flood Relief Scheme is a small bridge section of river channel realignment downstream of Claregalway Bridge. This realignment has only local benefit and will have no material effect on upstream flood levels in the vicinity of Cúirt na hAbhainn.)
- The proposed development footprint is on land that has not previously flooded as the flooding in 2009 was the worst in living memory and the development section of the site was well clear of any flooding.
- There should be no grounds in terms of obtaining flood insurance for dwellings in this site as the development is not a defended site and satisfies flood risk management guidelines having a very low residual flood risk.

- Letter from John Curtin, Eire Ecology reiterates findings of initial screening assessment that the development is not expected to have an impact on the integrity of the surrounding Natura 2000 sites.

6.3. Planning Authority Response

The Planning Authority did not respond to the appeals.

6.4. Further Responses

Response from Stephen Dowds Associates on behalf of Lakeview Residents Association notes recent publication of the Proposed Variation 2(b) to the Galway County Development Plan 2015-2021 (Gaeltacht Plan) which includes the town of Claregalway / Baile Chláir. Note emphasis on sequential development. Appeal site lands are in phase 2.

7.0 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider the key issues to be:

- Development Plan Policy and Considerations
- Density, layout and design
- Traffic and road safety
- Flooding
- Appropriate Assessment Screening

7.2 Development Plan Policy and Considerations.

7.2.1 I note on the question of prematurity pending adoption of the Gaeltacht Plan including settlements of an Ceathrú Rua, An Spidéal and Baile Chláir as this plan has been adopted as variation 2(b) to the Galway County Development Plan 2015-2021 the issue of prematurity is no longer relevant to this case. The Galway County Development Plan places a significant emphasis on phased sequential development to address overzoning and environmental constraints. Objective UHO10 – Sequential Development notes “a positive presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands in zoned towns and villages.... Regarding phasing of undeveloped residential zoned land, development on Residential – Phase 2 lands will normally only be considered where 50% of the lands in Residential Phase 1 are committed to development.”

7.2.2 At 2.2 of Variation No 2 Land Use Zones it is stated that “Phase 2 residential is generally not developable during the lifetime of this plan subject to the provisions below

- *Single house developments for family members on family home lands*

- *Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area;*
- *Where it is apparent that R-Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development maybe considered in a phased manner on some residential (Phase 2 lands)”*

7.2.3 The exceptional provisions do not arise in the current appeal case and the application does not provide any justification for an advance to Phase 2 lands. Given the recent adoption of variation no 2 and the significant amount of phase 2 lands in Claregalway (Residential Phase 2 lands 24ha Residential Phase 1 7.12ha), I consider that a grant of permission would be contrary to the sequential approach and the core strategy, would set an undesirable precedent undermining the phasing provisions as set out in the Development Plan. In this regard I consider that the proposal would materially contravene the objectives of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

7.3 Density, Layout and Design

7.3.1 As regards the demolition of the existing dwelling, I note that the existing dwelling is of no particular architectural merit and therefore I consider that there is no objection in principle to its demolition to facilitate the development of the lands for residential purposes. As regards density, the proposal equates to 18 units per hectare which would be considered low however in the context of the character of development in the vicinity and having regard to the environmental and site constraints posed particularly in terms of the location of portion of northern part of the site within flood zones A and B a lower density approach would be considered appropriate.

7.3.2 As regards the layout it is somewhat suburban in character however provides for future access to adjoining lands and individual house designs tend to attempt to provide for some element of animation to public road frontages, though this could be improved. Separation distances from adjacent properties are adequate in terms of preventing overlooking or significant impact on established residential amenity. As regards the issue of residential amenity of the proposed dwelling units, the proposed

layout and design provides for an adequate standard of residential amenity in terms of meeting the minimum standards for floor areas and private open space provision.

7.3.3 As regards the provision of public open space I note that this is largely provided within the northern part of the site on the lands zoned open space/ recreation and amenity, also coinciding with flood zone A / B. Given the nature, location and zoning of this space, I consider that a high level of detailing would be required to demonstrate the provision of high quality open space / recreation and amenity facilities. This is not evident within the submitted application. I further note that the application is deficient in terms of exploring permeability and the projection of pedestrian and cycle desire lines to promote sustainable modes of transport particularly having regard to the location of the schools, community facilities and Claregalway Business Park to the south east of the site and the relative to the location of Claregalway Village Centre to the northwest. I noted on the date of my site visit that the issue of pedestrian and cycle permeability is somewhat constrained within the village. I have a number of other concerns also with regard to the layout of this northern part of the site and the interface particularly with the Cúirt na hAbhainn development. The likely use or potential for the intervening section of land is not clear. In my view all these matters should be resolved prior to consideration of development of the appeal site.

7.4 Traffic and Road Safety.

7.4.1 The third-party appellants question the suitability of The Lakeview Road to provide access to the site. I note that the Road Safety Audit submitted as unsolicited additional information identified three key problems namely the absence of public lighting in the pedestrian only link to the housing estate to the north, provision of visibility splays at the public road access on the cul de sac which are commensurate with the operational speed of the road and the safety of pedestrians on the cul de sac given the absence of separate cycle lanes / footpaths. The designer's response indicates the intention to provide for public lighting and to provide sightlines compliant with DMURS to exceed the operational speed of the road which is in the

order of 30kph. It is noted that a sight distance in the order of 50 metres is readily achievable.

7.4.2 As regards traffic on the Lakeview Road cul de sac, the low volume of vehicular traffic is noted and hence it is asserted that the risk to pedestrians and vulnerable road users is low. I would accept these arguments regarding the low speed environment and low traffic volumes and I consider it reasonable to conclude that the risk is low. It should be noted that the Lakeview Road has been recently significantly improved in the vicinity of Coláiste Baile Chlair and these road improvements including carriageway resurfacing, the provision of footpaths and cycle lanes and the application of a 60kph zone provides significant benefit to the wider area.

7.4.3 As regards the impact of the proposal on the local road network, I consider that it has been demonstrated based on the scale of the proposal that the impact associated with the development based traffic will be negligible. As noted above further exploration of pedestrian / cycle permeability and movement would be desirable however I consider that the proposal is generally acceptable from a traffic safety perspective.

7.5 Flooding.

7.5.1 The Flood Risk Assessment Study completed by Hydro Environmental Ltd. which accompanied the planning application considered potential sources of flood risk to the subject site being fluvial flooding from the Clare River and potentially groundwater from two turloughs that form in the Lakeview / Cúirt na hAbhainn area and Corporate Park which can under extreme flood conditions, brought about by high flood waters in the River Clare, inundate these lands. The higher turlough in the corporate park drains to the lower turlough via a narrow neck located at the GAA pitch. CFRAM mapping shows the site to be generally in flood zone C whilst the northern part of the site is within flood zone A and B.

7.5.2 The majority of the development site and in particular the area for the residential units and the internal roads are within flood zone C (low probability of flooding). Two

localised sections of internal road slightly encroach into flood zone B (172m² within flood zone B). Regarding the portion of the proposed green space areas in flood zone A and B it is asserted that such features are less vulnerable development and water compatible. It is noted that the green space is generally of a higher elevation than the neighbouring Cúirt na hAbhainn estate road and path levels and will function as usable green space as the risk of flooding / inundation is in the order of 1% or less.

7.5.3 As regards the justification test it is noted that the proposed development footprint site lands are zoned residential (phase 2) in the recently adopted Variation 2b to the Galway County Development Plan Gaeltacht Plan. I note that a strategic Flood Risk Assessment was undertaken alongside the preparation of the variation in accordance with “The Planning System and Flood Risk Management Guidelines for Planning Authorities” ((DEHLG and OPW 2009).

7.5.4 The Flood risk assessment asserts that the proposed finished floor level of 12m OD provides a minimum freeboard of 700mm over the estimated 1000-year flood level which represents the future 100 year plus climate change allowance. It is asserted that the slight encroachment of the estate road into flood zone B representing an encroachment area of 172m² and a potential loss of flood storage of 18m² at the predicted 1000-year flood level of 11.31m OD (Flood Flow in the river Clare 244 cumec) represents a very minor encroachment and will have an imperceptible impact on flooding and flood risk to the development and surrounding lands and properties. Vehicular access within the development will not be prevented at the 1000-year flood event. It is possible if required to lower other flood zone C lands adjacent to flood zone B towards the west site boundary to provide compensation flood storage at a like for like basis in respect to flood area.

7.5.5 On this basis of the mitigation outlined it is asserted that the proposed development will not exacerbate flooding elsewhere and will not require any significant infill of flood plain lands and will not obstruct any potential flood pathway or access to any flood defences or drainage features. It is noted that the assumptions within the flood risk assessment do not rely on any outstanding elements of the flood relief scheme.

On the basis of the details submitted, I consider that the design measures outlined appropriately mitigate flood risk.

7.6 Appropriate Assessment Screening

7.6.1 On the issue of appropriate assessment, I note the AA Screening Report prepared by Eire Ecology identifies the Natura 2000 sites potentially affected. The Lough Corrib SAC (Site Code 00297) is located approximately 480m to the east of the site. No direct impacts arise. Any significant change in river quality of the River Clare and Lough Corrib (8km downstream) either alone or in combination with other project or plans because of indirect pollution of groundwater is unlikely given the distance and lack of source pathway receptor. Other Natura 2000 sites including the Lough Corrib SPA, Galway Bay Complex SAC, The Inner Galway Bay SPA and Creganna Marsh SPA are screened out based on distance and lack of source pathway receptor. It is reasonable to conclude that on this basis of the information on the file, which I consider adequate to issue a screening determination that the proposed development, individually or in combination other plans or projects is not likely to have significant effect on the Lough Corrib SAC or any other European sites in view of the site's conservation objectives and a Stage 2 Appropriate Assessment and submission of an NIS is not therefore required.

8.0 Recommendation

8.1. I have read the submissions on the file, visited the site, had due regard to the development plan and all matters arising. I recommend that permission be refused for the following reasons.

Reasons and Considerations

1. The site is located in an area zoned R – Residential Phase 2 in the Galway County Development Plan 2015-2021 Variation No 2b Gaeltacht Plan. It is an objective of the Development Plan UHO 10 – Sequential Development to endeavour to promote the orderly and phased

development of residential lands in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities Towns and Villages) Guidelines 2009. This shall include a positive presumption in favour of the sequential development of suitable serviced (Phase 1) lands in zoned towns and villages. This objective is considered reasonable. It is considered that the proposed development would be contrary to the said objective, and contrary to the Core Strategy, would set an undesirable precedent for similar such development in the vicinity and would thus be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
2 July 2018