

An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-301193-18

Strategic Housing Development	192 homes, including 172 houses and 20, and a childcare facility
Location	Moneyduff, Oranmore, Co. Galway
Planning Authority	Galway County Council
Prospective Applicant	Arium Ltd.
Date of Consultation Meeting	24 th April 2018
Date of Site Inspection	13 th April 2018
Inspector	Stephen J. O'Sullivan

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The site lies between 600m and 1.2km south of the town centre of Oranmore, Co. Galway. It has a stated area of 8.85ha and consists of several fields under rough pasture. Suburban housing has been built on the adjoining lands to the north and south. The N67 national secondary road is c210m to the west of the site. The intervening land is undeveloped, although a roundabout has been built on the main road. The land to the west of the site is flat and only c2m above sea level. The land on the site slopes unevenly up from that level to c7.6m to 9.7m above OD along the western boundary of the site. The remnants of a medieval tower at Moneyduff Castle stand in the south-eastern part of the site.

3.0 Proposed Strategic Housing Development

It is proposed to build 192 homes and a childcare facility on the site. The houses would be of the following types

20 apartments in two three-storey buildings in the south-east of the site

29 terraced houses

120 semi-detached houses

23 detached houses

The apartments would have two bedrooms each, with floor areas of 82² or 97m². 61 of the houses would have four bedrooms, and 111 would have three bedrooms. Their floor areas would be between 111m² and 165m².

The creche would have a floor area of 206m².

The submitted details indicate that access to the development would be provided by building some of the roads that are part of the adjoining housing scheme to the west that was authorised under Reg. Ref. 09/1925, PL61. 237219. The foul sewerage and water supply would be across those adjoining lands, with the foul connection being a rising main from a proposed pumping station in the south-west of the proposed development.

A buffer zone of 20m would be provided around Moneyduff Castle.

4.0 Planning History

Reg. Ref. 09/1925, PL07. 237219 – the board granted permission for a housing development of 161 units and a commercial centre to the east of the site in 2010. The planning authority extended the duration of that permission until 2020. This permission has not been implemented.

Reg. Ref. 15/1107, PL07. 246315 – the board granted permission for 68 houses to the south of the current site on 25th July 2016. This permission has not been implemented.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

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 Streets'

- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'The Framework and Principles for the Protection of the Archaeological Heritage'
- 'Childcare Facilities Guidelines for Planning Authorities'

5.2 Statutory Plan for the area

The Galway County Development Plan 2015-2021 applies. The core strategy of that plan allocates a population of 1,170 to the town of Oranmore/Garraun to be accommodated on the 34ha zoned under its LAP. Oranmore is listed as part of the Galway Metropolitan Area and a town in its own right, depending on which DED it is in.

The Oranmore Local Area Plan 2012-2022 applies. Most of the site is zoned Residential Phase 1, apart from some of its western margins which are zoned for open space. Objectives TI24 and TI 25 are to provide a distributor road at Oranhill to the Maree Road from the roundabout on the N67. Objective NH11 is for a summer botanical survey at Moneyduff. Section 3.13 of the plan stated that residential densities of 35-50 dph would be appropriate at town centres or public transport hubs, 15-35 dph at neighbourhood centres and inner urban suburbs and 5-15 dph at the urban periphery.

5.3 Heritage Designations

Moneyduff Castle is a recorded monument, GA095-084.

The low land to the west of the site is part of the Galway Bay Complex SAC 000268.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

6.1 Documentation Submitted

The prospective applicant submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, *inter alia*, scaled drawings (plans, sections and elevations), a planning report and statement of consistency with policy, an architectural design statement, proposals for compliance with Part V of the planning act, an ecological impact assessment, a natura impact statement report, an archaeological report, a flood risk assessment, an engineering services report and a completed pre-connection enquiry feedback form from Irish Water.

The response from Irish Water stated that it could facilitate connection to the proposed development.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required. It notes that the development would comply with the zoning of most of the site for residential use, with other parts used for open space. The net density of the development, excluding the parts of the site zoned for open space and the exclusion zone around the recorded monument, would be 26 dph which is in keeping with the definition for medium density development of between 25dph and 35dph at section 3.13 of the local area plan. The density would also comply with paragraph 6.11 of the sustainable urban residential guidelines which refer to small towns and recommends densities of between 20dph and 35dph. It is also above the density of 22dph authorised by the board on the neighbouring site to the south under PL07. 246315 in 2016. The development would not impinge upon the adjacent SAC but an appropriate assessment would be required. The scheme would give proper protection to Moneyduff Castle and would be in flood risk zone C as identified by the CFRAM study. The applicant has an agreement with the

adjoining landowner allowing it to provide access to the proposed development via roads authorised under another permission. On the advice of the council it is not proposed to have any direct access from houses onto that road. The roads in the proposed development would comply with DMURS. 19 units are proposed to be provided under Part V, consisting of 10 apartments and 9 terraced houses.

6.2 Planning Authority Submission

A submission was received by An Bord Pleanála on the 12th day of April 2018. It included a record of a pre application meeting with the prospective applicants under section 247 of the planning act. The submission may be summarised as follows-

- The planning authority expressed concerns at the meeting with the prospective applicant regarding the provision of access onto the distributor road, which has now been amended to a single access point. The planning authority also expressed concern regarding the concentration of Part V units.
- The proposed development complies with the zoning of the site under the LAP and the core strategy set out in the county development plan.
- The provision of a single access onto the distributor road is acceptable.
- The revised proposals for compliance with Part V are acceptable in principle.
- The design and density are in keeping with the local area plan. The site is outside the Galway Metropolitan Area as so is part of a key town under the settlement hierarchy set out on page 40 of the development plan.
- The proposals for drainage and water supply are generally acceptable.
- The proposed development would have a pedestrian connection to the town centre which is acceptable.
- The proposals with regard to childcare, flood risk, archaeology, ecology and appropriate assessment are considered reasonable.

6.3 Consultation Meeting

A Section 5 Consultation meeting took place at the offices of Galway County Council on the 24th April 2018, commencing at 1130. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the agenda issued in advance which included the following issues-

1. The integration of the proposed development with the urban structure of Oranmore, in particular the provision of road access for the proposed housing in accordance with the applicable standards in DMURS, including access for pedestrians as well as vehicular traffic, and the provision of a permeable urban form which facilitate links to the town centre and neighbouring residential areas including the estate at Coill Clocha to the north and a pedestrian link towards the Maree Road via Orancourt
2. The rationale for the number and type of houses proposed, having regard to national policy on residential density in urban areas and the provision of a suitable mix of housing types to meet the needs of the community
3. The layout of the proposed housing development having regard to the need to provide a high standard of urban design and residential amenity that respects the context of the site
4. Impact on natural heritage and ecology
5. Impact on cultural heritage and archaeology
6. Proposals for compliance with Part V of the planning act and the phasing of development
7. Foul and surface water drainage, including connection to the public sewerage, pumping on site, capacity at the WWTP; SUDS measures; water supply.
8. Any other matters

With regard to issue no. 1, the board's representatives sought clarification on the proposals to provide access to the site, given that it did not have frontage onto

existing roads. They also noted that the roads authorised on the adjoining lands would not comply with DMURS standards, and that direct accesses from house plots were not proposed onto those roads even though this pattern occurred in the authorised development. The prospective applicant responded that it had a binding agreement with the adjoining landowner to use the roads authorised in the previous permission and if necessary to construct the links to the north, south and west if the rest of that permission was not implemented. It was acknowledged that the width and alignment of the authorised roads did not meet current standards and that direct accesses were omitted for this reason. Nonetheless the layout of the development, including the crescent of houses and the apartment blocks, sought to provide a proper frontage onto the authorised road. The adjoining roads were in private ownership, but the layout of the development would facilitate a pedestrian link to the south onto Orancourt. The planning authority said that it accepted the prospective applicant's approach.

With regard to issue no. 2 the board's representatives queried the references in the submitted documents to Oranmore as a small town within the meaning of section 6 of the sustainable urban residential development guidelines, given that its population in the 2016 census was 4,990 and the core strategy of the development plan envisaged that it would increase by 1,100. It was also queried whether the reference to DED boundaries in the development plan would justify excluding the site from the Galway Metropolitan Area given its contiguity with the built up area of Oranmore and its servicing by the city's WWTP. The prospective applicant stated that the submitted proposal sought to achieve a proper density of development on a site subject to constraints due to the proximity of the SAC, the open space zoning, the recorded monument and the proximity of existing and authorised housing.

With regard to issue no. 3 the board's representatives noted the prominence of the site facing the SAC on one side and the line of the distributor road on the other. The prospective applicant acknowledged these circumstances and stated that the layout and design of the housing sought to provide proper frontage to both, as well as around Moneyduff Castle. It pointed out that gable fronted houses were proposed at various corners to reduce the extent to which streets and footpaths were bounded by side walls or blank gables. The planning authority stated that the development achieved a high standard of design.

With regard to the other issues the prospective applicant referred to the documentation which it had already submitted, and the planning authority indicated its acceptance of this approach. The board's representatives noted that the area of the site was somewhat below the threshold of 10ha above which proposals for urban development would require EIA under Class10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations, but that there were sensitivities regarding the presence of the monument on the site and the proximity of the SAC, and also works were required outside the site as currently delineated to allow the proposed housing to proceed. It might be the case, therefore, that development on the site would require EIA.

6.4 Submission from the National Monuments Service of the Department of the Culture, Heritage and the Gaeltacht

Further information would be required regarding the likely effects of proposed development on the site on the recorded monument at Moneyduff Castle.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear 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.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: the number and type of houses that are proposed, the provision of access to them by various modes of travel, and the connections to the municipal water supply and foul sewerage networks.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could

result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of the documents as they relate to the number and type of housing units proposed on the site. In relation to the former, regard should be had to the advice given at section 5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued in 2009 regarding greenfield suburban sites. In relation to the latter regard should be had to advice at section 2.4 of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Guidelines for New Apartments issued in March 2018, as well as to the profile of housing need in Galway across all sections of the community.
2. Further consideration of the documents as they relate to the provision of access to the proposed housing development. In this regard it is noted that the road links from the site to existing roads that are authorised under Reg. Ref. 09/1925, PL07.237219 would not conform with the provisions of DMURS or the National Cycle Manual. Reliance on the previously authorised links might therefore raise issues of compliance with current road safety standards. Housing development upon the prospective application site could also be constrained by limited period left within which to implement the previous permission. Consideration should therefore be given to the inclusion of the required connections to the existing road network in any proposed housing development and the site of the application, in which case the proposed development would also include the consequent variations to planning permissions for housing on the adjoining land that might be necessary. The provision of direct and convenient access for pedestrians and cyclists from housing on every part of the site to the rest of the town, and in particular to its centre, would also be a key consideration for any development of the site.
3. Further consideration of the documents as they relate to connections between the development and the existing water supply and foul sewerage systems, having regard to the separation of the site from the proposed connection points on the existing networks and the scope of the planning exemptions available for works by Irish Water. Consideration should

therefore be given to the inclusion of the works to provide the necessary connections as part of any proposed development within the application site.

4. Further consideration as to whether the submitted documents should or might need to include an EIAR, having regard to the threshold set out at section 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2002-2018, and to the requirement for works outside the site as currently delineated to provide access to roads, the public foul sewerage network and the public water supply, as well as to the criteria set out in Schedule 7 of the regulations regarding sub-threshold projects and the proximity of the proposed housing development to an SAC and recorded monument.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Department of Culture, Heritage and the Gaeltacht (in the interests of nature conservation and archaeological protection)
3. The Heritage Council (in the interests of nature conservation and archaeological protection)
4. An Taisce (in the interests of nature conservation and archaeological protection)
5. The Galway County Childcare Committee

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and

Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A Natura Impact Statement
2. A report prepared by a suitably qualified person on the likely impact of the proposed development on archaeology, in particular upon the recorded monument at Moneyduff Castle GA095-084. It should include a report on archaeological test excavations that have been informed by a prior geophysical survey, and a detailed conservation and management proposal to ensure the future preservation of the recorded monument including a description of its current status and condition.
3. A site specific flood risk assessment and details of proposals for the drainage of the site and the attenuation of surface water runoff, as well as details demonstrating the capacity of the receiving waters for stormwater effluent and of the wastewater treatment plant to cater for foul effluent from the proposed development.

(items nos. 1 to 3 above may be incorporated into an EIAR, if one is necessary for an application for permission)


4. A statement specifying who would be responsible for carrying out any works to provide the supporting infrastructure that would be required to service the proposed housing development, including roads, watermains and sewers, and specifying when the works would be carried out in relation to a phasing programme for the proposed housing development. Information should also be submitted to demonstrate that the responsible person would have the requisite legal interest in land to carry out those works, or the agreement of a person who does. If the works are not included within the proposed development and the boundary of the application site, then information should be submitted that demonstrates that the consents necessary for those works under the planning act and other laws have been obtained.
5. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the

Design Manual for Urban Roads and Streets and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links from each part of the proposed development on the site to the rest of the town.

6. Proposals for the taking-in-charge of common areas, services and facilities in the development and their ongoing management and maintenance, including a building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines. The proposals should have due regard to section 180 of the Planning and Development Act, 2000 (as amended), the taking-in-charge policy of the planning authority and any relevant ministerial policies, including those stated in Circular Letter PL5/2014.
7. Proposals for compliance with Part V of the planning act

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area 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 other enactment and cannot be relied upon in the formal planning process or in legal proceedings.



Stephen J. O'Sullivan
Planning Inspector

4th May 2018