



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

301346

Strategic Housing Development	199 dwellings, a community room, decommission wastewater treatment plant, 2 vehicle and 4 pedestrian bridges, pedestrian and vehicular access from the L-1321.
Location	Trusky, Bearna, Co. Galway.
Planning Authority	Galway County Council.
Prospective Applicant	Burkeway Homes Limited
Date of Consultation Meeting	4 May 2018.
Date of Site Inspection	23 April 2018.
Inspector	Stephen Rhys Thomas.

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 subject site, with a stated area of 7.2 Hectares, is located in Trusky East, about 250 metres north of the Main Street/Moycullen Road crossroads. Bearna Village is approximately 6km to the west of Galway City. 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.

The site undulates with noticeable rises and depressions, and slopes by roughly 10 metres from north to south. The Trusky Stream flows through the site from north to south, there is also significant areas of damp ground. The site contains a substantial amount of rock outcropping, substantial stone walls, stone bridge 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 to the terminus of the access road serving the existing housing estate. The land to the north and rear of 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. Bearna is located within the Gaeltacht.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 199 dwellings as follows:

- 2 two bed houses (1%)
- 69 three bed houses (35%)
- 34 four bed houses (17%)
- 9 one bed apartments (4.5%)
- 53 two bed apartments (26.5%)
- 32 three bed apartments (16%)

One bed units 4.5%, two bed units 27.5%, three bed units 51% and four bed units 17%. The split between apartments and dwelling houses is 53% apartments and 47% dwelling houses.

The proposed development also includes a multi-purpose community room (373 sqm), pedestrian and vehicular bridges, decommissioning a wastewater treatment plant and the demolition of outbuildings.

It is proposed to access the proposed development through the existing Cnoc Fraoigh (Heather Hill) residential development. The layout includes 21,156 sq.m of open space which includes a linear open space along the banks of the stream with areas of open space extending to the west from the linear park incorporating a kick-about area and a number of pocket parks. It is also proposed to decommission and remove a waste water treatment plant located adjacent to the southern site boundary, which serves the existing Cnoc Fraoigh (Heather Hill) residential development. It is proposed to connect the proposed development and the Cnoc Fraoigh (Heather Hill) residential development into the village network which is diverted to the main Galway Sewage Treatment Plant.

Shared open space amounts to 2.1 Hectares (29%) of the overall site. The proposed density is a stated at 35 units per Hectare.

4.0 National and Local 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 S.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')
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Local Policy

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. The LAP also outlines the development areas (Policy 2.3.2B) within the village with the site located within the outer village. In relation to Outer Village (objective LU5), the plan states, develop the areas surrounding the Village Core and Inner Village area as a less intensive Outer Village area with lower density residential development, community facilities, local services and enterprise as appropriate with larger plot sizes and landscaped areas. 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).

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

The status of the draft Bearna LAP, proposed as a variation to the County Development Plan, was clarified at the tripartite meeting. The material amendments are currently on public display and includes the area of the proposed site.

5.0 Planning History

- ABP reference **ABP-300009-17**. Demolition of existing outbuildings and construction of 113 houses, 2 vehicular entrances and 6 pedestrian link bridges, provision of visitor parking areas, landscaping, decommissioning of existing wastewater treatment plant. Refused February 2018. The density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and does not have an adequate mix of dwelling types.
- Ref. 09/1278 (PL07.236240) – 94 dwellings, 5 retail/commercial units, 10 apartments and crèche. Refused September 2010. 1. 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
- **ABP TC0004** – Pre-application consultation for the construction of 113 no. dwelling houses, a playground, astro-turf kick about area, putting green and a designated picnic area. Required further consideration and amendment regarding Density, Connections to Bearna Village, Public Open Space and Flooding.

6.0 Forming of an Opinion

- 6.1.1. 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

Documentation Submitted

- 6.1.2. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.3. The information submitted included the following: a Completed Application Form; site layout plans and architectural and engineering drawings, letter of consent from land owner to make application, Design Concept Report, Irish Water pre-connection enquiry, Draft Part V offer and costs and letter of understanding from Galway County Council, Site Meeting (28/03/18) minutes regarding footpath provision, Statement of Consistency, Linguistic Impact Statement, Childcare Facilities Assessment, Note of statutory consultations, Landscaping Layout and Report, Appropriate Assessment Screening Report, Ecological Impact Statement, Part L compliance information pack, services/lighting layout, a Civil Engineering Services Report which incorporated sections on foul, surface water, water supply, roads and transport and flooding.
- 6.1.4. I have reviewed and considered all of the above mentioned documents and drawings.

Planning Authority Submission

- 6.1.5. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway County Council, submitted a note of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 26 April 2018.
- 6.1.6. The planning authority's 'opinion' included the following matters: planning history; draft Bearna LAP, core strategy and population allocation in the context of the

Galway Metropolitan Area, residential layout and housing mix, access arrangement and traffic including proposals for a footpath connection to the village centre, Part V, water services, flooding and drainage, childcare facility requirement, cultural and built heritage including the archaeological potential of the site, ecology, AA screening and further clarification in relation to the conservation objectives of nearby sites.

- 6.1.7. The planning authority conclude that though the proposed development will contravene the core strategy of the Development Plan but it will accord with national guidelines concerning residential density.

The Consultation Meeting

- 6.1.8. A section 5 Consultation meeting took place at the offices of Galway County Council on the 4 May 2018, commencing at 10.45am. 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.

- 6.1.9. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Dwelling unit distribution, proposed site layout and building orientation.
2. Development Phasing.
3. Planning policy framework, LAP status.
4. Pedestrian Connectivity to Bearna Village Centre – Implementation and Delivery.
5. Any other matters.

- 6.1.10. In relation to dwelling unit distribution, proposed site layout and building orientation, ABP representatives sought further elaboration/discussion on the proposal to develop the proposed building typologies on the eastern bank of the stream. Specifically, clarification was sought in relation to the distribution of all apartments on one portion of the site. Attention was also drawn to the assembly of duplex buildings along the bank of the stream and the relationship between some opposing blocks. The relationship between blocks and the way that marginal open space is maintained and monitored was queried.

- 6.1.11. In relation to development phasing, ABP representatives sought further elaboration/discussion on the proposed phasing of the development. Specifically, clarification on the delivery of different house types and Part V housing was raised. Infrastructural phasing was also discussed with respect to the wastewater treatment facility decommission and the provision of construction crossing points over the stream. The provision of open space and particularly the treatment and management of the central environmental zone around the stream was noted as requiring clarification.
- 6.1.12. In relation to the planning policy framework and LAP status, ABP representatives sought further elaboration/discussion around land use zoning and the status of the local LAP.
- 6.1.13. In relation to the pedestrian connectivity to Bearna Village Centre – Implementation and Delivery, ABP representatives sought further elaboration/discussion regarding the detailed design of the proposed pedestrian connection to the village centre. The requirement for statutory planning processes or land acquisition. The mechanism by which the footpath could be delivered and the requirement for legal consents if necessary.
- 6.1.14. Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 301346' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

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: Layout – Dwelling unit distribution; Movement through the site; and Connections to Bearna Village Centre; details of which are set out in the Recommended Opinion below.

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. Layout – Dwelling unit distribution

Further consideration of the documents as they relate to the site layout strategy with specific reference to the development proposed on the eastern side of the Trusky stream. The layout strategy should be cognisant of the need to visually ‘anchor’ the structures within their receiving environment and respond to the particular context of the site. Factors such as site topography, proximity to the Trusky stream and landforms on and off the site should be fully explored and resolved by a design that makes visual sense and successfully defines this part of Bearná.

In particular, justification for, or amendments to, the layout of the duplex blocks proposed in the eastern section of the application site. The layout and relationship of these blocks relative to one another, the site boundary, the apartment blocks and relative to the open space should be fully justified and/or reconsidered. The nature and functionality of the intervening space created between all apartment/duplex

structures and between the structures and site boundary should also be fully considered and justified.

The views of the overall development from, inter alia, the east looking towards the development and also views within the development should be used to inform the site layout strategy at this location. Justification, or further consideration, at application stage for the various different orientations and positioning on site of the same or similar duplex block typology is needed to ensure that residential amenity standards are met and preferably exceeded.

Further consideration of, or justification for, the dwelling unit type distribution throughout the site should also form part of the preceding considerations. The considerations should have regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated 'Urban Design Manual' that seek to deliver mixed neighbourhoods that can support a variety of people through all stages of their lives and public open spaces that are comfortable and safe. Further consideration of the above matters may require amendment to the documents and/or design proposals submitted.

2. Movement through the site

Further consideration of the documents as they relate to vehicular movement through the site and national guidance on such matters. In this regard it is noted that the site layout subject of the previous Strategic Housing Development application for the site, reference number ABP-300009-17, provided for a continuous and logical route through the site which is now being replaced by three cul-de-sac arrangements. Justification for such a proposal should have regard to, inter alia, the Design Manual for Urban Roads and Streets and the Urban Design Manual that accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

3. Connections to Bearna Village Centre

Further consideration of the documents as they relate to the delivery of a footpath connecting the application site to Bearna village centre. Specifically, a future application should include details of proposed improvement works to the L1321 Moycullen roadway, to allow for improved connectivity with the centre of Bearna, including proposals for delivery of the works. In this regard, the documentation at application stage should clearly indicate who is providing the footpath, what consents, if any, are required to deliver the footpath and when is the footpath to be delivered relative to the proposed dwellings. The consideration should have regard to the 'Design Manual for Urban Roads and Streets' which prioritises pedestrians in the user hierarchy. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

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 site layout plan outlining those units located within the residential zoned lands and those, if any, that are within the Environmental Management Zone in the context of the zoning provisions within the current Bearna Local Area Plan.
2. Full and complete drawings, including levels and cross sections showing the relationship between the proposed development and existing Heather Hill (Cnoc Fraoigh) housing estate to the west.
3. Relevant photomontage images that show the proposed development from a variety of viewpoint locations around Bearna Village should be provided.
4. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development. In the event that a crèche facility is not proposed a detailed assessment of the existing and likely future provision of childcare facilities in the area and how these would meet demand.
5. Detailed analysis that shows the achievement of an acceptable residential density, in terms of gross and net residential density per hectare. The inclusion,

or otherwise, of open space within these calculations should be clearly justified at application stage.

6. A schedule of accommodation and a long term management and maintenance structures plan, in accordance with section 6 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.
7. A Construction and Demolition Waste Management Plan should be provided.
8. Detailed phasing plan, that demonstrates the provision of suitable and appropriate levels of public open space and mix of house types in each phase.
9. Sufficiently detailed drawings that show the proposed pedestrian and vehicular bridges over the Trusky stream.
10. Details, including photographic samples, of the materials, colours and textures of all the external finishes to the proposed buildings, having regard to the need for low maintenance/high quality finishes that take account of the climatic characteristics of the area.

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:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Udaras na Gaeltachta
- Inland Fisheries Ireland
- Irish Water

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 Rhys Thomas
Planning Inspector

21 May 2018