



An  
Bord  
Pleanála

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

## Inspector's Report ABP-301952-18

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### Strategic Housing Development

212 no. residential units, crèche, new vehicular and pedestrian site access from the North-South Oranmore distributor road, communal and private open space, landscaping, car parking, site services and all associated site development works.

### Location

Moneyduff and Oranhill, Oranmore, Co. Galway

### Planning Authority

Galway County Council

### Applicant

Arlum Limited

### Prescribed Bodies

Dept. of Culture, Heritage and the Gaeltacht  
Transport Infrastructure Ireland

Irish Water

**Observers**

24 submissions – see Appendix I

**Date of Site Inspection**

30<sup>th</sup> July 2018

**Inspector**

Sarah Moran

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## **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 site lies between 0.6 km and 1.2 km south of the town centre of Oranmore, Co. Galway and c. 8 km from Galway city centre. It has a stated area of 8.7 ha and consists of several fields under rough pasture containing stone walls and hedgerows. Suburban housing has been built on the adjoining lands to the north (Beech Park and Coill Clocha) and south (Orancourt, Oranhill Road / Drive) and further development is permitted on lands to the immediate east and south, see section 4.0 below. The N67 (formerly N18 Galway to Gort road) is c. 210 m to the east of the site, this has been bypassed by the M18 since 2017. The land to the immediate west of the site is flat and only c. 2 m above sea level, this area is part of the Galway Bay Complex SAC (site code 000268) and proposed Natural Heritage Area (pNHA). The site is also c. 0.5 km to the east of lands within the Inner Galway Bay SPA (site code 04031). Cregganna Marsh SPA (site code 004142) and NHA (site code 000253). is c. 0.3 km south of the development site. The land on the site slopes unevenly up from that level to c. 7.6 m – 9.7 m above OD along the western boundary of the site, with some higher mounds within the site. The remnants of a medieval tower at Moneyduff Castle (recorded monument GA095-084) stand in the south-eastern part of the site.
- 2.2. The application site boundary includes an existing road within Coill Clocha estate to the immediate north of the main part of the development site, connecting to a local access road to the north of the site.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The development involves 212 no. residential units as follows:

UNIT TYPE	NO. OF UNITS	%
<b>Houses</b>		
House Types A, C, E, F 4 bed semi / detached	74	35%
House Types B and D 3 bed semi / terraced units	70	33%
House Type J 2 bed terrace	12	6%
<b>Apartments</b>		
House Types G, H 2 bed duplex apartment units	56	26%
<b>Total Houses and Apts</b>	<b>212</b>	

3.2. The application also includes:

- Crèche (206 sq.m.) and associated play area and car parking.
- Landscaping and public open space. The remains of Moneyduff Castle are to be surrounded by a 20m exclusion zone to be incorporated into the public open space.
- New vehicular and pedestrian access from the North-South Oranmore Distributor Road as permitted under PL07.237219. There is an agreement between the applicant and the adjoining landowner for the construction of an access road from the existing roundabout, the north-south Oranmore road and the roundabout where both roads meet. The applicant has the benefit of appurtenant rights of way, wayleave and other easements, rights and privileges allowing access to and egress from the public road.
- Connection to the Irish Water foul network at an existing watermain near Coill Clocha. A letter of consent from Galway County Council is submitted.
- Part V proposals comprising the transfer of units at the development site to the planning authority.

3.3. The development is to be phased as follows over c. 4 years:

- Phase 1 at the northern end of the site. 71 no. units including the duplex apartments. Also road access to the roundabout at the development access, to be used as construction access.
  - Phase 2 at the centre of the site, adjoining the roundabout. 52 no. houses.
  - Phase 3 at the south western corner of the site, adjacent to Orancourt. 35 no. houses.
  - Phase 4 at the south eastern corner of the site, including Moneyduff Castle. 54 no. houses and the play area.
- 3.4. The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

## 4.0 Planning History

### 4.1. Development Site

- 4.1.1. There are no details on file of any relevant planning history relating to the development site.

### 4.2. Adjacent Sites

- 4.2.1. Lands to the East of the Development Site 04/305, 09/1925, PL07.237219 and 15/1334

Relating to the parcel of land to the east, between the development site and the N67 (formerly N18). Permission was granted under reg. ref. 04/305 for the construction of 89 no. residential units, a crèche and all associated roads and services, incorporating part of the Oranmore north-south distributor route as contained in the Oranhill Action Plan. The Board granted permission for a housing development of 161 no. units, a hotel and a commercial centre in 2010 under PL07.237219, including the completion of the Oranmore north-south distributor road as permitted under 04/305 and an east / west link from the distributor road to the Rocklands roundabout on the N67 (then the N18). The duration of permission was extended until 2020 under 15/1334. These lands remain undeveloped at present.

- 4.2.2. 15/1107 PL07.246315 Lands to the South of the Development Site

The Board granted permission for 68 houses to the south of the current site on 25<sup>th</sup> July 2016. This site has not been developed to date.

## **5.0 Section 5 Pre Application Consultation**

### **5.1. Pre-Application Consultation**

5.1.1. The pre-application consultation related to a proposal to construct 192 no. residential units including 172 no. houses and a childcare facility.

5.1.2. A section 5 consultation meeting took place at the offices of Galway County Council on 24<sup>th</sup> April 2018. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, ABP 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. The issues raised were as follows:

- The number and type of housing units proposed on the site, with regard 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 and the 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.
- The provision of access to the proposed housing development. It was noted that the road links from the site to existing roads that are authorised under 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 the limited period left within which to implement the previous permission. Consideration to 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, to be a key consideration for any development of the site.

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

5.1.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

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.



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.

## 5.2. Applicant's Response to Pre-Application Opinion

- 5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows.
  - The proposed residential density has increased from 26.56 units / ha at the section 5 consultation to 30.94 units / ha in the current proposal. The plot ratio has increased from 0.32 to 0.37. This is in accordance with the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'

guidance for greenfield suburban sites. This is considered an appropriate density for the development site with regard to constraints comprising:

- Presence of a Recorded Monument in the south eastern corner of the site, with the associated 20 m exclusion zone.
  - Presence of an NHA and SAC to the immediate west of the site.
  - Lands to the immediate west of the site are within the 10-year tidal flood extent.
  - The narrow shape of the land zoned for residential development at the site.
- It is submitted that the more apt policy provision for the development site is that as a small town / village 'edge of centre' site, as per the guidelines on sustainable residential development. This is due to the location of the site outside the Galway Metropolitan area and to the current population of Oranmore of 4,900 (2016 census). The guidelines provide for densities of 20-35 dwellings / ha at such locations. In addition, the site is located in a 'peripheral and / or less accessible urban location' as per the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', which allow for development with a minority of apartments at low-medium densities (broadly < 45 dwellings / ha) at such locations.
  - The Galway Council Housing Strategy identifies a need for c. 4,133 units for the plan period 2015-2021 and an anticipated social housing need of 513 units. An assessment of the changing demographic profile of the county indicates a need for a greater mix of housing types and sizes in the future. The development plan core strategy estimates a population increase of 1,170 for Oranmore and 363 new dwelling units. The development provides 212 no. residential units with a mix of 32.1% 2 bed units, 33% 3 bed units and 34.95% 4 bed units and a mix of house types of 26.4% duplex units, 10.4% terraced, 55.7% semi-detached and 7.5% detached. It is submitted that current market prices do not meet the delivery costs of apartments, based on a recent report by the Society of Chartered Surveyors of Ireland 'The Real Costs of New Apartment Delivery, Analysis of Affordability and Viability'.

- The applicant proposes to transfer 21 no. units to meet Part V requirements.
- The applicant has submitted proposals to construct the north/south and east/west links permitted on the adjoining site to the east under PL07.237219 and 15/1334, to the satisfaction of Galway County Council. The permitted layouts include pedestrian and cycle facilities. Elements of the permitted roads have been revised within the permitted corridor to achieve compliance with DMURS. A public lighting scheme is incorporated in compliance with condition no. 15 of 15/1334. The proposed roads layout of the development will also provide a high level of pedestrian accessibility between the development and the Oranhill estate, the Maree Road and Coill Clocha to the north and onwards to the centre of Oranmore. The application includes proposals to provide a new footpath on the L4103, Old Limerick Road, to ensure a continuous footpath between the development and Oranmore town centre. A statement of compliance with DMURS is submitted.
- The red line site boundary has been revised to include the proposed water supply and foul sewerage connections, resulting in a revised site area of 8.7 ha.
- The application includes a sub-threshold EIAR and a NIS.
- The specific information required by the Board has been submitted including an archaeology report; a conservation management plan; a flood risk assessment; a report on civil works; statement in relation to who would be responsible for carrying out any works to provide supporting infrastructure to serve the development; details of legal interest for the construction of adjoining access roads and services; phasing plan; details of compliance with DMURS and the National Cycle Manual; proposals for taking in charge; building lifecycle report; Part V proposals.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

6.1.1. The following is a list of relevant section 28 Ministerial Guidelines:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' including the associated Urban Design Manual.

- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ as updated March 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’
- ‘Architectural Heritage Protection Guidelines for Planning Authorities’
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Framework and Principles for the Protection of Archaeological Heritage’ (Dept. of Arts, Heritage, Gaeltacht and the Islands, 1999)
- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ (Consultation draft, August 2018)

## 6.2. Galway County Development Plan 2015-2021

- 6.2.1. The overall development plan approach is based on the promoting the development of Galway City and the associated Galway Metropolitan Area (GMA) along with the development of key towns and smaller villages along strategic development corridors focussed on transportation routes. There is a strategic economic corridor to the east of Galway city between Oranmore and Attymon, which is identified as an area with potential to attract significant levels of investment and stimulate economic development and employment creation, performing a number of economic functions to support both the city, county and broader region. The development plan incorporates the Galway Transportation and Planning Study (GTPS), as adopted by both Galway City and County in 2003, which also proposed consolidating development within Galway City and County within a planned corridor for expansion to the east.
- 6.2.2. The core strategy identifies Oranmore as a ‘key town’ at the edge of the GMA, which is at the top of the settlement hierarchy. Key towns are at the 4<sup>th</sup> tier of the settlement strategy with populations > 1,500. Oranmore is partially located within the GMA but the development site is located outside this area. The following development plan objectives apply.

Objective SS 1 – Galway Metropolitan Area:

*“Galway County Council shall support the important role of Galway City and the Galway Metropolitan Area (which includes the City area and the Electoral Divisions of Oranmore, Bearna, Galway Rural and Ballintemple which are inextricably linked to and function as part of a greater Galway City), as key drivers of social and economic growth in the County and in the wider Western Region and will support the sustainable growth of the strategic settlements, including the future development of Ardaun and Garraun, within the Galway Metropolitan Area.”*

Objective SS 5 – Development of Key Towns:

*“Support the development of the key towns of the County as outlined in the Core Strategy and Settlement Strategy in order to sustain strong, vibrant urban centres which act as important drivers for the local economies, reduces travel demand and supports a large rural hinterland, while providing a complementary role to the hub town of Tuam and the smaller towns and villages in the County.”*

The core strategy allocates a population of 1,170 to the town of Oranmore / Garraun with a housing land requirement of 22.67 ha, as originally provided for under the 2012 Oranmore LAP.

- 6.2.3. Housing policy objective UH0 10 – Sequential Development includes a positive presumption in favour of the sequential development of suitably serviced Residential Phase 1 lands in zoned towns and villages. Development on Residential Phase 2 lands will normally only be considered where 50% of the lands in Residential Phase 1 are committed to development. Objective UHO 11 – Development Densities states:

*“Galway County Council shall ensure that the density of new development is appropriate to the particular land use zone and/or site context, is in keeping with the existing development pattern of the area, does not unduly impact on the amenities of the area and results in a positive relationship between existing development and any adjoining public spaces. The development of higher density development shall be promoted in appropriate locations, such as suitable sites within the town/village centre and adjacent to public transport facilities, where such development is compatible with heritage and urban design objectives, infrastructure capacity and environmental considerations. New development shall also have regard to the ‘Sustainable Residential Development in Urban Areas’ Guidelines (or any updated/superseding document).”*

6.2.4. Development plan table 13.1 provides the following indicative density standards for residential developments:

<b>Residential Density</b>	<b>Units / ha</b>	<b>Possible Appropriate Locations</b>
Medium to high	35-50	Town centre or immediately adjacent to public transport hubs.
Low to medium	15-35	Neighbourhood centres (typically within 400m walking distance of centre point), inner urban suburbs.
Low	5-15	Urban periphery, outlying lands, areas with capacity/ environmental constraints.

### 6.3. Oranmore Local Area Plan 2012-2022

6.3.1. The Oranmore LAP 2012 has been extended to from 2017 to 2022. The originally allocated population growth of 1,170 additional persons and housing land requirement of 22.67 ha have been incorporated into the core strategy of the current county development plan. The report of the Chief Executive of Galway County Council on the proposed deferral of notices under Section 20 of the Planning & Development Act 2000 noted that, as of May 2017, there had been limited development in Oranmore in the period since the adoption of the LAP and there was no evidence that this was going to change substantially in the immediate period ahead. Practically all of the 22 ha required for phase 1 residential development remained undeveloped.

6.3.2. The majority of the site is zoned 'R1', 'Residential Phase I', with some of the western margins zoned 'OS', 'Open Space / Recreation and Amenity'. As per LAP objective DS 6 – Residential Development Phasing, residentially zoned lands are to be developed sequentially with Phase 1 lands identified for development in the short to medium term in locations that are serviceable and accessible. LAP section 3.1.3 provides the following standards for residentially zoned lands:

- Plot ratio 0.10 to 0.50

- 50% maximum site coverage
- 15% minimum public open space

It also repeats residential density standards set out in development plan table 13.1 as above.

6.3.3. The following relevant LAP policies and objectives are noted:

- LU 3 – Residential (R)
- LU 15 – Residential Densities
- Policy RD1 – Residential Development
- Policy RD 2 – Phased Development on Residential Zoned Lands
- Objective RD 1 – Phased Residential Development
- Objective RD 2 – Quality Housing Environments
- Objective RD 3 - Housing Options
- Objective RD 4 – Open Space in Residential Areas
- Objective RD 5 – Social and Affordable Housing
- Objective CF 3 – Childcare Facilities
- Objective CF 8 – Provision of Recreation and Amenity Facilities in Oranhill is to ensure the provision of recreational and amenity facilities as an integral part of any development proposals for Oranhill to the south of the development site.
- Objectives TI 24 and TI 25 to provide the Oranhill Distributor Route from the Maree Road to the Rocklands roundabout on the N18 (now N67). Objective TI 27 – Maree Road is to preserve and improve the Maree Road.
- Policy UI4 – Flood Risk Management and Objective UI 13 – Flood Zones and Appropriate Land Uses (Refer to Map 3A/3B)
- Objective UD 7 – Landscape Character, Values, Sensitivity and Views / Prospects
- Objective HC 8 – Monuments and Places and Objective HC 9 – Archaeological Assessment.

- Objective NH 11 – Summer Botanical Survey for Lands at Moneyduff is to ensure that a Summer Botanical Survey is undertaken and submitted as part of any planning application for development of lands beside the cSAC/pNHA designated site in Moneyduff.

#### 6.4. Statement of Consistency

6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the County Development Plan and the LAP and other regional and national planning policies. The following points are noted.

- The development complies with the national policy objectives of the National Planning Framework (NPF) relating to the provision of new homes in existing built-up settlements and suburbs, also at locations that can support sustainable development and at an appropriate scale of provision relative to location, also objective policy 3A in relation to lifetime adaptable homes and policy objective 35 in relation to residential density.
- The development complies with the ‘Sustainable Residential Development in Urban Areas’ in relation to the sequential approach to development; the provision of community facilities; residential density and the 12 criteria provided in the accompanying Urban Design Manual.
- The proposed housing mix complies with SPPR 1 of the apartment guidelines. The apartment floor areas comply with SPPR 3. The design and layout comply with SPPRs 4, 5 and 6. The development complies with other design criteria set out in the apartment guidelines in relation to storage space, private amenity space, security considerations, communal facilities, children’s play, car and cycle parking.
- A statement of compliance with DMURS is submitted. The development provides a total of 383 no. car parking spaces, exceeding the total no. of 371 required to comply with development plan car parking standards. Cycle parking is to be provided in accordance with the requirements of the National Cycle Manual.
- The development is consistent with the population target for Oranmore set out in the County Development Plan core strategy and settlement strategy. The



development meets the 10% Part V obligation. It complies with development plan objectives in relation to high quality residential development, urban design and sequential residential development. Also relevant traffic and transportation objectives and car / cycle parking provision. Also other relevant development plan objectives relating to wastewater treatment; waste management; energy efficiency; green infrastructure; flood risk assessment and climate change; archaeological heritage and protection of recorded monuments; natural heritage and biodiversity; landscape and environmental management; education and childcare facilities; social and community development.

- The development site is zoned for residential development under the LAP. Lands within the site that are zoned for open space will be landscaped. The development is in accordance with LAP objective DS6 – Residential Development Phasing. The proposed residential density of 30.94 units / ha is in accordance with LAP section 3.1.3 with regard to plot ratio and units / ha and consistent with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas guidance on ‘edge of centre’ sites. It corresponds to the location ‘peripheral / less accessible urban location’ in the apartment guidelines, i.e. suitable for limited, very small scale higher density development. The proposed open space provision complies with the LAP requirement of 15% minimum open space provision. The private open space provision exceeds the standards set out in the Galway County Development Plan. A design statement is submitted in accordance with LAP objective UD 6. The development complies with other LAP objectives in relation to housing mix; part V; open access fibre ducting; childcare facilities; amenity, sports, play and recreation facilities; cycling, parking and mobility management, climate change, flooding and site services; cultural and natural heritage.
- The applicant proposes to construct an access route between the existing and permitted residential developments north and south of the development site and an east/west link between the development and the N67 Rocklands roundabout. These routes are permitted under PL07.327219, as extended under 15/1334 and

the works will be carried out in compliance with those permissions, in consultation with the planning authority. A statement of compliance with DMURS is submitted. A map indicating pedestrian access routes to the centre of Oranmore is submitted. The applicant submits proposals to achieve a new footpath on the L4013. The car and cycle parking provision meet or exceed development plan standards.

- The submitted flood risk assessment includes a statement of compliance with flooding policies in the County Development Plan and LAP.
- The design of the proposed childcare facility is in accordance with the recommendations of the Childcare Facilities Guidelines for Planning Authorities.

## **7.0 Third Party Submissions**

7.1. The submissions were primarily made by or on behalf of local residents, particularly residents of Coill Clocha and Oranhill. There is also a submission by Hildegarde Naughton T.D. The main points made in the submissions may be summarised as follows

- Unsustainable development that will help to perpetuate the expansion of Galway in a car dependent form. The density is below the 35-50 dwellings / ha range recommended for outer suburban / greenfield sites in the Sustainable Residential Developments in Urban Areas guidelines. There are traffic congestion and poor public transport connections between Oranmore and Galway. The development will be car dominated with on street parking. The 2016 census indicates that 82% of workers in Oranmore travel to work by car and other private vehicles. The submitted Traffic and Transportation Statement is misleading with regard to pedestrian connectivity to public transport and other services.
- Lack of strategic planning for the development of the Oranmore area, which has been ad-hoc and piecemeal. Lack of social infrastructure and amenities in Oranmore to cater for the development, i.e. open spaces, schools, playgrounds, sports facilities, community centre, crèche.
- Impacts on residential amenities by way of noise, disturbance, overlooking and loss of privacy, overshadowing.
- Development out of character with the surrounding area.

- Excessive density of development in the context of the small town of Oranmore.
- Proposed housing mix does not cater for the need for family housing in Oranmore. Development will encourage speculative landlords in the area.
- Clustering of social housing provision at the southern end of the site, close to Oranhill estate.
- Impacts on visual amenities, in particular at the Maree Road, which is part of the Wild Atlantic Way.
- Adverse impacts on property values in the area.
- Non compliance with DMURS.
- Development will generate additional traffic congestion on existing road junctions in the area, especially the entrance to Coill Clocha estate.
- Traffic safety issues due to additional traffic through adjoining estates, particularly Coill Clocha and the entrance to Oranhill from the Maree Road, due to the presence of many young families. Use of the north/south distributor road as a 'rat run'. Need for traffic calming measures on adjoining roads in residential areas.
- Traffic hazard at the entrance to Coill Clocha estate due to its proximity to the Lidl car park and delivery access. This entrance is likely to be heavily used by traffic travelling to the centre of Oranmore from the proposed development. Concerns about pedestrian safety at this location due to lack of pedestrian crossing facilities.
- Development will result in the creation of a low quality pedestrian environment. Need for additional pedestrian and cyclist facilities to serve the development including a connection to Beech Park to the south of the proposed development. Need to ensure the development of the proposed pedestrian link to the Oranhill development at the south western corner of the development. Need for adequate cycle parking for the apartments.
- Concerns about the safety of cyclists at local junctions due to increased traffic. The development will result in additional cycle traffic on the L4103 between Coill

cloche and the centre of Oranmore, which serves several local schools. There are several junctions on the L4013 that are very hazardous for cyclists at present.

- Construction traffic congestion.
- Flood risk due to proximity to an existing flood plain to the west of the site.
- Adverse impacts on European Sites. Development will result in the destruction of Annex I habitat within the site. The survey work carried out was not of sufficient duration to determine the status of the grassland habitat with regard to the potential presence of orchid species.
- Additional development should not be permitted in the area until unfinished parts of the adjoining Oranhill estate are completed, including an unfinished commercial development, medical centre and crèche, 'The Hole in the Ground', reg. ref. 05/4805 and 11/407.

## 7.2. **Third Party Submissions Conclusion**

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

## 8.0 **Planning Authority Submission**

8.1. Galway County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Oranmore Municipal District, as expressed at their meeting of the 16<sup>th</sup> July 2018. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

### 8.2. PA Comment on Zoning and Core Strategy

- The development plan core strategy allocates a population of 1,170 to Oranmore / 363 dwellings over the plan period. A small amount of this population is accounted for by extant planning permissions including the permission for 68 units on the adjoining lands to the south under PL07.246315. The site is located outside the Galway Metropolitan Area (GMA) but functions as part of Oranmore town, which is located within the GMA. The site is also located within the Draft

Metropolitan Area Plans for Galway, which are being prepared as part of the Regional Spatial and Economic Strategy for the North and Western Regions. The planning authority is satisfied that the development is consistent with the core strategy and settlement strategy of the current county development plan.

- The site is predominantly zoned Residential Phase 1 under the Oranmore LAP, with the western extremities zoned 'Open Space / Recreation and Amenity', corresponding to the Indicative Flood Zones A and B of the Strategic Flood Risk Assessment. The planning authority is satisfied that the development of the area of the site that is zoned for residential development is compliant with the LAP.

### 8.3. PA Comment on Traffic and Vehicular Access

- The permitted north/south distributor road through the Coill Clocha estate was originally envisaged under the 2000 Oranhill Area Action Plan and is facilitated by the existing roundabout on the N67.
- Galway County Council has recently issued a Letter of Compliance with respect to conditions nos. 4 and 10 of PL07.237219, copy of same submitted. Details of the legal agreement to construct the distributor road are submitted, comprising folio details for folio GY121724F and a corresponding solicitor's letter.
- The link road is to be constructed as phase 1 of the proposed development, including footpaths and cyclepaths. No units shall be occupied until the road is completed and the planning authority has given written confirmation of same under PL07.237219. A similar approach is proposed for the subject application.
- The planning authority requires a financial contribution towards the development of a footpath within the hard shoulder of the L4103, as proposed in the submitted TTA. This will result in a safe pedestrian connection to Oranmore town centre and is welcomed by the planning authority.
- The Roads Dept. of Galway County Council recommends permission for the development subject to conditions including the completion of the permitted link road in advance of the commencement of development; the north / south link road will not be opened until the proposed development has been completed in its entirety and the payment of a special development contribution of €100,000 to Galway County Council for the provision of a footpath on the south side of the

L4103 unless an alternative agreement between the applicant and the planning authority can be reached.

#### 8.4. PA Comment on Water Services and Flooding

- The planning authority is satisfied that the development can be facilitated by the existing Irish Water infrastructure and that the proposed surface water drainage arrangements are acceptable.
- On the basis of the information submitted with the application, in conjunction with the provisions of the current Galway County Development Plan and the Oranmore Local Area Plan, the planning authority is satisfied that the development will not exacerbate flood risks or cause flooding on site or elsewhere and therefore meets the requirements of the Flood Risk Management Guidelines.

#### 8.5. PA Comment on Cultural Heritage

- The Oranmore Architectural Conservation Area (ACA) is located c. 585 m north of the development site. The planning authority is satisfied that the development will not result in adverse impacts on the character of the ACA.
- The integration of Moneyduff Castle into the layout of the development will provide an important focal point and sense of place, whilst maintaining the cultural heritage of the area and accommodating new development. The planning authority is satisfied that the development will not result in adverse impacts on the archaeological heritage of Oranmore.

#### 8.6. PA Comment on Childcare Facilities

- Refers to LAP Objective CF 3.
- Based on the 2016 census figures for the 0-4 age cohort in Oranmore at 10.6% of the overall population and the projected population of approx. 595 for the proposed development, it is estimated that the development will have a population of c. 63 children of the 0-4 age cohort. The proposed childcare facility has capacity for 25 children. It is acknowledged that 31% of the development is 2 bed residential units and, therefore the overall number of children between 0-4 is likely to be less than 63 persons.

- The application does not include a Childcare Facility Assessment. The planning authority notes that there are currently no existing or permitted childcare facilities in the vicinity of the site. However, based on a review of the Tusla website in relation to existing childcare facilities in Oranmore and Galway City, the planning authority is satisfied that there are sufficient existing childcare options available in Oranmore that can accommodate the additional demand generated by the development. The planning authority considers that the crèche building should have a more flexible use outside childcare hours and should be made available to the local community for community purposes.

#### 8.7. PA Comment on Design, Density, Layout and Open Space

- The 2016 census indicates that 31% of the population of Oranmore lives in 2 or less bedroom dwellings. Therefore, the provision of 32% of 3 bedroom units in the proposed development is considered appropriate to the area.
- The proposed net density of 30.94 units / ha complies with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas guidance for small towns, i.e. densities of between 15-35 units / ha. The site is also considered to function as part of the GMA. The proposed density is higher than that permitted on the adjoining site to the south under PL07.246315. The planning authority is satisfied with the proposed density on this basis.
- The proposed open space provision, site coverage and plot ratio are within acceptable parameters as per relevant requirements of the Oranmore LAP.
- The development meets relevant LAP standards with regard to open space, car parking, landscaping, overlooking, overshadowing and boundary treatment.
- The planning authority considers that the design, density, layout and open space provision of the proposed development are of a high standard, accord to best practice and are appropriate to the character of the surrounding area and the relevant provisions of the LAP and county development plan.

#### 8.8. PA Comment on Part V

- The planning authority is satisfied that the proposed social housing units with associated costings meet the requirements of the Planning and Development Act

2000, as amended, and that the locations of the proposed units within the development promote social integration.

#### 8.9. PA Comment on Appropriate Assessment

- Although the submitted AA screening report and NIS did not specifically identify the location and distribution of all Alkaline habitat within the Galway Bay Complex SAC, it did state that the site synopses and conservation objectives of these sites were considered at the time of preparing the report and in this regard, the location of alkaline fen was considered during the desk study. The screening report notes potential pathways for indirect effects on aquatic features of the SAC, including alkaline fens. The NIS report notes that the fen habitat to the west of the development site has been degraded by grazing and artificial drainage but these habitats will not be impacted upon as a result of the proposed development.
- The NIS notes that pathways for surface water runoff from the proposed development to the nearby SACs and SPAs are blocked by several means.
- The planning authority is satisfied that Creganna Marsh SPA was assessed in the AA screening and can be screened out due to its separation from the development site by Oranhill road and the associated Oranhill housing estate. The SPA therefore does not need to be considered further in the NIS. The Inner Galway SPA can also be screened out as it is separated from the site by > 300m of hedgerows, marsh / wet grassland and the Maree road, with no potential for significant effects on the SCI species for which the site has been designated.
- The planning authority notes the conclusions of the NIS and is satisfied that the proposed development is not located within or directly connected to or necessary to the management of any European site. The proposal, by reason of its nature and location and proposed implementation of best practice construction methods, either alone or in combination with other plans or projects, would not adversely affect the integrity of any European site.

#### 8.10. PA Comment on EIA

- The PA accepts the justification submitted by the applicant for a sub-threshold EIAR.



- The EIAR does not include the consideration of alternatives. However, the planning authority is satisfied, having regard to the zoning objective of the site and the several iterations of the layout and design of the strategic housing scheme during stages 1 and 2 of the SHD process.
- The planning authority is satisfied that the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.
- The planning authority is satisfied that the development will likely have a long term and positive impact on human health as a result of the provision of the north/south distributor link road and the creation of high quality accommodation.
- The planning authority is satisfied that the noise and vibration emitted by the development are not likely to have significant effects on the population or on human health, subject to noise monitoring, adherence with stated measures and a construction management plan.
- The planning authority notes the comments of the Dept. of Culture, Heritage and the Gaeltacht with regard to the Biodiversity section of the EIAR and a relevant third party submission from Coill Clocha estate with regard to impacts on the Annex I habitat within the development site.
- The planning authority is satisfied that detailed faunal records are outlined in the EIAR desk study, noting specific tables and sections of the report, also the field study carried out. It is also satisfied that there was no justification for a bat survey as no suitable structures or features for roosting bats were located within the site and that such data / information would not influence the outcome of any impact assessment for the proposal. The development includes the retention of treelines and hedgerows where possible to ensure connectivity for commuting and feeding bats.
- The site has been subject to scrub clearance, soil movement and grazing by horses since it was surveyed by the NPWS in 2006. This has altered the extent and character of the habitats on site and reduced the area of Annex I calcareous habitat within the site. As identified during the desk study, small white orchid (*Pseudorchis Albida*) has been recorded within the hectad in which the site is

located. However, this species was not recorded during the 2016 or 2017 field visits. Although there will be some loss of grassland habitat used by local pollinators, grassland habitat will be reinstated to the west in an open space to be managed as part of a wildflower area. The EIAR concludes that residual impacts on ecological receptors will be minor with no potential cumulative impacts.

- The EIAR chapter on land, soils and geology is noted. The development would alter the use of the land from rough agricultural to grassland. Its impact on land would therefore be significant. There is a recognised shortage of housing in Galway. There is no equivalent scarcity of land to graze animals. The site is zoned for residential use. The effect on land is therefore positive.
- The findings of the EIAR chapters on hydrology and hydrogeology and air and climate are noted.
- The landscape chapter of the EIAR is noted. The planning authority considers that the development will be most prominent in the landscape as viewed from the Maree road to the west of the site, due its elevation location relative to the road and to the low-lying nature of the SAC wetlands between the road and the site. The development will change the landscape of a relatively large site from one of rough agricultural lands to that of a residential suburb. This is considered to be a permanent and moderate impact as the site adjoins existing residential developments to the east, north and south. The design is of a reasonable standard and the urban form is similar to existing developments. The provision of parklands and open space within the development will help to reduce visual impacts. The planning authority considers that the development would not have a significant negative visual impact.
- The archaeology and cultural heritage chapter of the EIAR is noted. The planning authority considers that the development will not result in adverse impacts on the built or archaeological heritage of the development site or the wider area of Oranmore.
- The material assets and interactions chapters of the EIAR are noted.

## 8.11. PA Conclusion

8.11.1. The planning authority recommends permission subject to conditions.

## 9.0 Prescribed Bodies

### 9.1. Department of Culture, Heritage and the Gaeltacht

9.1.1. The following comments are made in relation to nature conservation issues:

- There was insufficient time at pre-application stage for the Department to provide nature conservation observations to the applicant's consultants prior to an application being made.
- The Galway Bay Complex SAC, which borders the application to the west, supports alkaline fen which grades seawards into salt marsh habitat. The smaller SAC outliers to the east and north-east support alkaline fen habitats. These fen areas and their location relative to the proposed development are not identified in the NIS. In addition, Cregganna Marsh SPA (not included in the NIS) is approximately 270m to the south of the development.
- The information and analysis provided in the NIS will need to be supplemented by the following in order to enable an appropriate assessment to be carried out:
  - Additional data and analysis available from the EIAR (including appendices), notably in respect of soils, geology, hydrology and hydrogeology;
  - Additional assessment and analysis with respect to the conservation objectives of the European sites at risk, and noting the habitats, species and attributes and targets of relevance.
  - Further assessment of the likely effects of the development along and in combination with other plans and projects, in particular on (a) qualifying interest alkaline fen habitats within the SAC, including as a result of water supply, water levels, directions of flow, water quality, need for drainage or drainage maintenance, need for flood risk measures, etc.; (b) special conservation interest bird species, including as a result of increasing disturbance and potential increases in recreational and amenity pressures.
- The biodiversity chapter of the EIAR lacks information on fauna arising from surveys. The site has been subject to scrub clearance and ground excavations over time but is species rich and diverse and supports a mosaic of open

calcareous grassland and herbaceous communities of open / disturbed ground and developing mixed scrub and woodland where soil cover is thin or absent. Lower areas fringing the SAC have deeper soils and there are indications of poor drainage and waterlogging. The submission lists the following considerations for the Board in its EIA:

- The size of the site (8.7 ha) and area of natural and semi-natural habitats present (and which will be lost);
- The presence of the Annex I habitat, Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites) [6210], outside of a European site, and noting that this habitat is more extensive than indicated in Figure 4 of the EIAR, in the context of the significance of its national conservation status.
- The potential presence of rare and legally protected (Flora (Protection) Order, 2015) plant species, noting the type of habitats present and the limited information available in relation to vegetation communities and flora of the site;
- The potential presence of legally protected species of fauna, noting the extent of scrub cover on the site and the limited species surveys undertaken (no bat surveys);
- The value of the site for invertebrate communities and pollinators, e.g. butterflies and bees;
- Cumulative effects including the combined losses of limestone pavement and other rocky calcareous habits in the wider Oranmore area over the recent decades;
- The extent to which biodiversity issues will be consistent with or will contravene objectives and policies of the Galway County Development Plan and Oranmore LAP.

## 9.2. **Transport Infrastructure Ireland**

### 9.2.1. Recommends the following:

*“The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as Conditions in the Permission, if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.”*

## 9.3. **Irish Water**

### 9.3.1. The following is noted:

- Irish Water has issued a Confirmation of Feasibility for the proposed development. The development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.
- Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water network can be facilitated.

## 10.0 Assessment

10.1. The following are the principal issues to be considered in this case:

- Principle of Development
- Roads and Traffic / Transport Impacts
- Design and Layout
- Landscape and Visual Impacts
- Impacts on Moneyduff Castle
- Drainage, Flood Risk and Site Services
- Part V

These matters may be considered separately as follows.

### 10.2. Principle of Development

#### 10.2.1. Zoning / LAP

The development site is located outside the Galway Metropolitan Area as per the Galway County Development Plan 2015-2021 but is within the development boundary of the Oranmore Local Area Plan 2012-2022. The development is in accordance with the LAP Phase 1 residential zoning of the site, to be developed prior to other residential zoned lands within the LAP area. The development plan core strategy and LAP allocate an additional population of 1,170 or c. 363 residential units for Oranmore for the period up to 2022. The submission of Galway County Council notes that only a small amount of this allocation has been developed with permission recently granted for 68 no. residential units on adjoining lands to the south of the development site under PL07.246315. Therefore, there is capacity for the development.

The proposed layout corresponds to the zoning of the eastern and southern parts of the site for residential development with areas on the western margin zoned 'OS', 'Open Space / Recreation and Amenity', to correspond to the indicative Flood Zones A and B as per the Strategic Flood Risk Assessment of the Oranmore LAP. The roads layout corresponds with LAP objectives TI 24 and 25 to provide a distributor route at Oranhill as it provides a link to the Rocklands roundabout on the N67 and a

north/south link between Coill Clocha to the north and Oranhill to the south. The site coverage and plot ratio of the development are in accordance with the standards for same set out in LAP section 3.1.3. The development is therefore generally in accordance with LAP objectives.

#### 10.2.2. Residential Density and Housing Mix

The development has a stated net residential density of 30.94 units / ha. This was increased from a density of 26.56 units / ha, on foot of pre-planning advice from ABP. Given the location of the site contiguous to the 'key town' of Oranmore and close to the edge of the Galway Metropolitan Area (GMA), I consider that the site corresponds with the definition of an 'outer suburban / greenfield site', as per the Section 28 'Guidelines for Planning Authorities for Sustainable Residential Development in Urban Areas'. The Guidelines encourage densities of 35-50 units / ha at such sites, to involve a variety of housing types where possible. Development at net densities of < 30 units / ha is discouraged. The LAP does not include any specific objective in relation to residential density at this location. Both the LAP and the development plan provide an indicative density standard of 15-35 units at 'neighbourhood centre' locations typically within 400m walking distance of the town centre or at inner suburban locations. I consider that the proposed density is low for zoned and serviced land in an established residential area close to the edge of the GMA. However, given the site constraints including flood zones, proximity to a pNHA and to several European sites, roads objectives and the presence of a Recorded Monument, it is considered that the overall density is appropriate.

Development plan section 3.3.3 states that housing mix should be influenced by a range of factors including the nature of the existing housing stock and existing social mix in the area, the desirability of providing for mixed communities, the provision of a range of housing types and tenures to meet demand and the need to provide a choice of housing, suitable to all age groups and persons. The development is located in an area that is predominantly characterised by large, single family houses with some apartment development adjacent to the south at Oranhill. The proposed development comprises 35% 4 bed detached and semi-detached houses, 33% 3 bed semi-detached and terraced units and 32% 2 bed units, of which 6% are terraced houses and 26% 2 bed duplex apartments. I consider this mix to be

reasonable as it avoids a preponderance of large, detached houses and includes a mix of unit types and sizes that will enhance the housing mix of the area.

### 10.2.3. Childcare Facility

LAP Objective CF 3 – Crèche Facilities requires the provision of crèche facilities in mixed use / residential developments in accordance with the Childcare Facilities Guidelines for Planning Authorities. These guidelines recommend a minimum provision of 20 childcare places per 75 no. dwellings, i.e. c. 57 no spaces for the proposed development. The submitted statement of consistency indicates that the proposed childcare facility will cater for 25 no. children with 5 no. staff members. This falls short of the above requirement. I note that Section 4.7 of the ‘Sustainable Urban Housing: Design Standards for New Apartments’ states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area, with 1 bed or studio units generally not be considered to contribute to a requirement for any childcare provision. Subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

I note the comment of Galway County Council that, based on the 2016 census figures for the 0-4 age cohort in Oranmore at 10.6% of the overall population and the projected population of approx. 595 for the proposed development, it is estimated that the development will have a population of c. 63 children of the 0-4 age cohort. I also accept that 32% of the proposed residential units are 2 bed units which may not generate a demand for places in the childcare facility, as per the apartment guidelines. However, even if the 2 bed units are omitted entirely from the requirement for childcare, this would result in a requirement of c. 38 spaces to cater for the 3 and 4 bed units in the scheme. I note the comments in third party submissions regarding the failure to develop a permitted childcare facility in the adjoining Oranhill development and, while I accept the planning authority comment in relation to existing childcare facilities in Oranmore and Galway City, I consider that the scale of the proposed development at 212 no. 2, 3 and 4 bed units requires an adequate childcare facility. In addition, there can be issues around the viability of smaller childcare facilities and a risk that such facilities are eventually changed to other commercial uses. The applicant has not provided a rationale for the proposed



childcare provision with regard to the availability of existing facilities in the area. In the absence of same, I consider that the proposed crèche should be increased in size to a larger facility in accordance with the recommendations of the Childcare Guidelines. A condition requiring same may be imposed if the Board decides to grant permission.

#### 10.2.4. Principle of Development Conclusion

To conclude, the proposed density, housing mix and crèche are considered to be acceptable in the context of site constraints and to be generally in accordance with relevant LAP, development plan and national policies. The development is therefore considered to be acceptable in principle.

### 10.3. **Roads and Traffic / Transport Impacts**

#### 10.3.1. Existing and Proposed Roads Infrastructure

The development site has no direct road access at present. The N67 is c. 210 m to the east of the site. This was previously the N18 Galway to Gort route but has been bypassed since the new N18 motorway opened in September 2017. The eastern site boundary adjoins the parcel of land between the site and the N67, on which development has been permitted under PL07.237219, with an existing access to the Rocklands roundabout on the N67. The northern site boundary adjoins the Coill Clocha estate, including an internal road within that development. There are undeveloped lands fronting onto the Maree Road to the immediate west of the site and further undeveloped lands to the immediate south. A small area at the south western corner of the site fronts onto a distributor road within the Oranhill housing development. There are limited public transport services in the area. Oranmore train station is 1.5 km north west of the town centre, c. 33 minutes walk / 9 minutes cycle from the development site. The station provides services to Dublin, Galway and Cork. There are 2 bus stops nearby, one a 10 minute walk / 3 minute cycle and another a 23 minute walk / 7 minute cycle from the development site. Both serve routes to Galway, NUIG, GMIT and other locations.

The proposed development involves the construction of 2 no. connecting link roads, as permitted under the adjoining development PL07.237219:

- A north/south link between Coill Clocha estate to the north (which has been taken in charge by Galway County Council) and the Orancourt / Oranhill housing estate to the south (Oranmore distributor road).
- A roundabout at the development site access to the Oranmore north/south distributor road will also link to an east/west spur within the adjoining development permitted under PL07.237219 and connecting to the existing Rocklands roundabout on the N67.

The red line site boundary includes the access road through Coill Clocha estate but not the lands between the development site and the N67. The applicant submits that the permission PL07.237219 has been extended and will expire on 20<sup>th</sup> December 2020, reg. ref. 15/1334. There is a legal agreement in place between the applicant, Arlum Ltd. and the owner of the adjoining lands to the east, Roykeel Ltd, for the construction of both roads. The applicant has the benefit of right of way, wayleave and other easements to allow access and egress to / from the N67. Details of the legal agreement are submitted. The applicant will comply with roads conditions of PL07.237219 (conditions nos. 4 and 10), as extended under 15/1334, and has agreed same with the Roads Dept. of Galway County Council, details of the agreement are submitted. Elements of the permitted roads have been revised within the permitted corridor to achieve compliance with DMURS and other requirements of Galway County Council Roads Dept. Correspondence from Galway County Council dated 21<sup>st</sup> June 2018 states satisfaction with the submitted proposals for compliance with conditions nos. 4 and 10 of PL07.237219. It is submitted that the roads can therefore be constructed under that permission and a Commencement Notice can be submitted to Galway County Council if the subject development is permitted by the Board. Both roads will therefore be provided with Phase 1 of the proposed development and will be used for construction traffic, with access from the N67. The construction also includes a roads lighting scheme, in compliance with condition no. 15 of PL07.237219. Galway County Council states that it has recently issued a Letter of Compliance with respect to conditions nos. 4 and 10 of PL07.237219. It recommends that permission be granted subject to the construction of the link roads as part of Phase I of the development, with the east/west link to the N67 to be used for construction traffic and the north/south link to Coill Clocha to be opened when the development has been completed in its entirety.

These arrangements are acceptable in principle and I recommend that, if permission is granted, a condition is imposed requiring the construction of the proposed link roads in advance of the remainder of the development. While the concerns of the residents of Coill Clocha are noted, the north/south link at this location is an objective of the current Oranmore LAP and, as per the comment of Galway County Council, was originally envisaged under the 2000 Oranhill Area Action Plan. In addition, the access through Coill Clocha must be considered in the context of the overall road works proposed, i.e. a new link to the N67 to the east and to Oranhill to the south. The proposed roads layout is considered acceptable on this basis.

#### 10.3.2. Pedestrian and Cycle Connections

The application includes a map of existing pedestrian and cycle connections to Oranmore town centre, also local schools, shops, etc. The main pedestrian and cyclist access route to the development will be via the Coill Clocha estate to the north of the site. This will connect to the link roads permitted under PL07.237219. The permitted layout includes pedestrian and cycle facilities on the north/south and east/west link roads. There is also a secondary pedestrian and cycle connection at the southern end of the development to the distributor road within the Oranhill development, linking to the Maree Road further to the south. I note that the proposed site layout also indicates a 'possible future pedestrian connection' at the south western corner of the site where it fronts onto the Oranhill distributor road. The provision of this connection would be very desirable as it would greatly enhance pedestrian connectivity in the area and should be required by condition if permission is granted.

The applicant submits the following proposals in relation to a new footpath on the L4103 Old Limerick Road to the north west of the development, to ensure a pedestrian connection to the centre of Oranmore and improved connections to bus stops, etc.:

- A development contribution to Galway County Council towards the development of the footpath.
- Galway County Council would enter into an agreement for the applicant to provide a footpath on their behalf.

The applicant notes that the hard shoulder on the southern side of the L4103 is at least 3 m wide and would accommodate a footpath and that correspondence from Galway Council Council confirms that the requisition of lands would not be required to facilitate the provision of a new footpath. Galway County Council have estimated that the cost of providing the footpath is less than the Part VIII threshold and therefore would not require planning permission. It requires a special financial contribution of €100,000 towards the provision of the footpath as proposed by the applicant. This proposal is acceptable and would significantly improve pedestrian facilities in the area. It may be required as a condition of permission.

### 10.3.3. Traffic Impacts

The application includes a Traffic and Transportation Assessment (TTA) and a Mobility Management Plan. The TTA estimates trip generation rates of 108 no. vehicular movements in the AM peak and 131 no. movements in the PM peak. The TTA states that traffic volumes on the N67 have reduced significantly since the opening of the M18 in 2017. A strategic traffic counter on the N67 between Kilcolgan and Clarinbridge previously showed AADT's of 19,470 and 16,683 for the years 2016 and 2017 respectively but has fallen to 6617 in 2018, a reduction of some 66%. The adjacent N67 and Rocklands roundabout were designed to accommodate traffic volumes prior to the opening of the M18 and therefore have substantial excess capacity for the development permitted under PL07.237219, as well as traffic generated by the proposed development. Traffic impacts are assessed as 'imperceptible' on this basis. This assessment is accepted.

### 10.3.4. Car and Cycle Parking

Development plan table 13.5 sets out the following car parking standards:

<b>Development</b>	<b>Car Parking Standard</b>
Dwellings/Apartments (1-3 bed)	1.5 Spaces / Dwelling (2 spaces in curtilage)
Dwellings/Apartments (4+ bed)	2 Spaces / Unit
Childcare Facilities	1 car parking space / staff member + 1 space / 4 children

The site layout states that proposed development provides the following car parking for each house type:

House Type	No. of Units	Development plan requirement	Proposed Provision
A semi-detached 4 bed	34	2 x in curtilage spaces / unit = 68 spaces	68 in curtilage spaces
B semi-detached 3 bed	54	2 x in curtilage spaces / unit = 108 spaces	108 in curtilage spaces
C detached 4 bed	10	2 spaces / unit = 20 spaces	20 in curtilage spaces
D terraced 3 bed	16	1.5 spaces / unit = 24 spaces	24 shared spaces
E semi-detached 3 bed	24	2 x in curtilage spaces / unit = 48 spaces	48 in curtilage spaces
F detached 4 bed	6	2 x in curtilage spaces / unit = 12 spaces	12 in curtilage spaces
G and H 2 bed duplex units	56	1.5 spaces / unit = 84 spaces	84 shared spaces
J terraced 2 bed	12	18	18 shared spaces
Crèche	1	25 children + 5 staff members = 11 spaces	11 spaces
Visitor parking		0	22
<b>Total</b>		<b>393</b>	<b>415</b>

The above figures are as per drawings nos. 2325-P-004 and 2325-P-005. I note that they do not accord with those provided in the TTA, section 6 of which states that the total provision is 383 no. spaces. The above drawings also indicate that at the northern end of the site a total of 55 no. shared spaces are provided for 28 no. house types D and J (2 / 3 bed terraced units) and 15 no. 2 bed duplex units, i.e. a total development plan requirement of 64.5 no spaces. At the southern end of the site, 45 no. shared spaces are provided for 41 no. 2 bed duplex units, i.e. a development plan requirement of 61.5 spaces. Visitor parking / shared spaces are provided elsewhere on the layout, however these would not be accessible to the terraced houses and duplex units. I note the recommendations of section 4.22 of the updated apartment guidelines:

*“As a benchmark guideline for apartments in relatively peripheral, less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.”*

I also note national policy objective 13 of the National Planning Framework 2018:

*“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”*

The proposed car parking provision for the residential development is considered acceptable on this basis. However, the proposed crèche car park of 11 no. spaces would be inadequate to cater for an enlarged crèche as per my above recommendation. There is scope in the adjoining areas to provide additional car parking in accordance with development plan standards and this could be required as a condition of permission.

Development plan Standard 22, section (f) requires the provision of secure cycle parking facilities for residential and employment generating development, to be located in a prominent position within 30m of the facility served. The TTA states that cycle parking is to be provided at a rate of 2 spaces per terrace and duplex unit, as per section 5.7.7. of the National Cycle Manual. The site layout indicates cycle parking at various locations throughout the site. This is satisfactory.

#### 10.3.6. Construction Traffic

As per the submitted Construction and Environmental Management Plan (CEMP), construction traffic to the development site will use the east/west link road permitted under PL07.237219 and the existing Rocklands roundabout access from the N67, therefore avoiding adjacent residential areas. The north/south link road will be constructed up to the existing estate roads but not opened for public use until the future phases of the development are progressed. Construction traffic volumes will vary during the development phases. Construction traffic impacts are assessed as ‘imperceptible negative’ overall and this evaluation is accepted.

### 10.3.7. Roads and Traffic Impacts Conclusion

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition. I am also satisfied that the development will achieve adequate pedestrian and cycle connections to Oranmore town centre and to the wider area, subject to conditions.

## 10.4. **Design and Layout**

### 10.4.1. Proposed Design and Layout

The development has been designed around the constraints present at the site, i.e. the roads layout permitted under PL07.237219; the flood zones along the western site periphery; the location of Moneyduff Castle in the south eastern corner of the site and its associated 20m exclusion zone and the layouts of adjoining existing and permitted residential developments. There is a single vehicular access to the entire development via a new roundabout on the north/south distributor road. The layout provides a transitional open space at this roundabout and a crescent of 2.5 storey 'Type E' houses. This is an attractive entrance to the scheme and helps to create legibility and a strong sense of place. The crèche and associated parking area are accessed via a short axial route from the main entrance, thereby avoiding drawing associated traffic through the rest of the development.

The remainder of the scheme is laid out in a series of zones that each have a distinct character. The area at the northern end of the site comprises a mix of duplex units and 2 / 3 storey terraced houses around a landscaped public open space and shared surface. There is a group of duplex types G and H at the southern eastern corner of the scheme, providing an attractive frontage to the north/south distributor road and an internal courtyard. The duplex units have an innovative layout that provides active frontages on all sides, achieving passive overlooking of the central open space.

There is another crescent of large 2 storey houses around Moneyduff Castle, which is to be landscaped as detailed below. A play area to the north of the castle is accessible to both the crèche and to many of the units within the development.

Beyond the play area, the peripheral areas along the western site boundary are to be planted as wildflower meadows as a biodiversity enhancement measure, along with the area around Moneyduff Castle, to create 0.4 ha of semi-natural meadow habitat.

This habitat is to be cut once or twice per year to reduce sward height and allow for wildflower establishment. Existing trees and hedgerows along the site boundary will also be retained. Finally, there is a mix of detached and semi-detached houses at the south western corner of the scheme. The mix of house types creates variety, with detached houses providing active frontages to corner sites. A smaller open space in this area is well overlooked.

I consider that the proposed layout overall satisfactorily addresses the constraints and site features, while providing a good standard of public space and amenity. The open space is stated as 20.22% of the total site area, well in excess of the 15% development plan quantitative standard. The landscaping plan by Cunnane Stratton Reynolds indicates that trees and shrubs to be planted are to be native species typical of those found in the surrounding environment, as a biodiversity mitigation measure, this will achieve a high quality of public open space. Private open spaces meet or exceed development plan quantitative standards. The mix of dwelling unit types adds interest and the contemporary design language of the houses and duplex units and use of natural stone give the scheme a strong character and quality finish. The layout also provides a good standard of residential amenity as back-to-back distances meet or exceed the 22m standard and the scheme interacts satisfactorily with adjoining existing / permitted residential developments such that there would not be any significant adverse impacts on residential amenities by way of overlooking or overshadowing. Proposed boundary treatments comprise concrete post and panel fencing to rear gardens and metal railings and stone walls to front gardens / spaces. The front boundary treatments are acceptable, the rear boundaries may be amended to capped concrete block walls by condition. The layout includes adequate provision for waste storage with individual areas provided in front of duplex and terraced housing units, which are adequately screened.

#### 10.4.2. Internal Roads Layout

The internal roads layout has been designed to reduce vehicle speeds in accordance with the principles of DMURS with narrow road profiles, small corner radii and the use of hard surfaces and landscaping features to denote pedestrian areas and open spaces. The layout is accessible to cyclists and includes pedestrian routes through the open spaces with pedestrian crossings at appropriate locations. Vehicular permeability is more limited with many of the 'shared spaces' laid out as cul-de-sacs.



The application includes a statement of DMURS compliance and the findings of a Road Safety Audit have been incorporated into the design. The roads layout provides a clear hierarchy and is acceptable overall with regard to DMURS. I consider that the development achieves a good level of connectivity to surrounding residential areas and the provision of a new footpath on the L4103 will improve connectivity of the area to Oranmore town centre. However the achievement of an additional pedestrian connection at the south western corner of the site would be desirable, as discussed above.

#### 10.4.3. Quality of Residential Accommodation

The house types all provide a high standard of residential accommodation in terms of floor plans and private open space provision. The duplex units have been designed to comply with the 'Sustainable Urban Housing Design Standards for New Apartments' and the floor areas meet or exceed the required provision in all instances. A Building Lifecycle Report is submitted. This includes proposals for the ongoing maintenance of communal areas including a property management company. I am satisfied that the development will provide a high standard of residential accommodation.

#### 10.4.4. Design and Layout Conclusion

To conclude, I consider that the design and layout of the development are generally satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

### 10.5. **Landscape and Visual Impacts**

10.5.1. The site is located in 'Landscape Character Area (LCA) 13 – East Galway Bay (Oranmore to Kinvarra Bay and inland to N18 road)', as per the *Landscape and Landscape Character Assessment for County Galway*, published by Galway County Council in 2002 and adopted into the current County Development Plan. This is assessed as an area of high landscape value. The development plan map 'Landscape Sensitivity and Character Areas – LCM2' classifies the landscape sensitivity of the area as 'Class 3 – Medium' with a coastal edge of 'Class 4 – Special'. The landscape character assessment describes LCA 13 as follows:

*“The coastline is intimate and sinuous with many sheltered inlets. The coast is scenic and relatively undeveloped. The landscape adjacent to the coast comprises pastureland in large fields bordered by mature hedgerows. The existing vegetation screens the coastline from roads and properties inland of the N18 road.”*

The Landscape Character Assessment includes the following recommendations for LCA 13:

*3.36 The sinuous coastline is scenic and is relatively undeveloped. It is therefore highly sensitive. Future development should therefore be located further inland in order to protect this coastline and the panoramic views to be gained from it.*

*3.37 In general, groups of dwellings or holiday homes should be located further inland within the area indicated as class 3 on the landscape sensitivity map. These developments are to be located close to existing settlements. As in other areas, advantage is to be taken of both landform and existing vegetation to carefully conceal these developments from view.*

There are no designated focal points or views within a 5 km radius of the development site. There are two designated views in the wider area, within 5.1 and 7.4 km of the site, the development would not be visible from either of these. The development will be visible from the Oranmore Slí walking route along the Maree Road, c. 280m to the east of the site. Development plan objective RA6 applies:

*“Prohibit the intrusion of development along public walking routes and public rights of way, particularly those in scenic areas, the sea coast and along inland waterways.”*

The development will also be visible from the Wild Atlantic Way at the N67 to the east and the Maree Road to the west.

10.5.2. I note the LVIA included in EIAR chapter 10. It considers visual impacts from 7 no. vantage points within a 2 km radius of the development site, including the adjoining residential areas of Orancourt, Oranhill, the Maree Road, Coill Clocha and the N67, and concludes that it will have a neutral / negative, slight to moderate and permanent landscape impact overall on the adjoining public roads and residential areas. Having inspected the site and viewed it from a variety of locations in the area, I am satisfied that visual impacts would be localised and generally limited to the adjoining

residential areas, the N67 and the Maree Road. Views from the Maree Road will be offset by the intervening undeveloped lands and the presence of landscaping along the western site margins. Views from the N67 will eventually be obliterated by the permitted development to the immediate east of the site. Due to the low profile of the development and to its location contiguous to existing and permitted residential schemes, I am satisfied that the development will read as a continuation of the built up area of Oranmore in views from the wider area. I also note that the site is well set back from the shore, beyond existing housing and the Maree road, and therefore will have no significant impact on coastline views, as per the recommendations of the Landscape Character Assessment. The potential landscape and visual impacts are considered acceptable on this basis.

## **10.6. Impacts on Moneyduff Castle**

10.6.1. Potential cultural heritage impacts primarily relate to impacts on the setting of Moneyduff Castle (RMP no. GA095-084), the remains of which are located on a mound on top of a rocky outcrop at the south eastern corner of the development site. Little is known of the history of the castle and the origin and occupation of the site are not known. The information provided with the application states that it most likely formed part of a wider group of castles in the barony of Dunkellin, connected by their similarities in their dates and construction, also that the castle is recorded as the seat of David Ballagh and Slíghe Tybacht in 1574. It is possible that the site was a tower house, but it is not possible to classify the castle solely based on the current remains, which may be of more recent date. The remains are an overgrown, rectangular area with some mortared rubble walls. Some of the collapsed fabric of the building is likely to remain, along with potential sub-surface archaeological features, deposits or artefacts in the immediate vicinity. There is evidence of attempts at the consolidation of the castle through the addition of what is most likely mid 20<sup>th</sup> century cementitious mortar. It is unclear if features possibly associated with the castle, such as a bawn wall or other functional buildings, were constructed in the vicinity. The archaeological investigations carried out at the site identified 2 no. features of possible archaeological significance, suggesting that sub-surface archaeological features may be present within the development site. The testing did not reveal any structural remains.

- 10.6.2. A Conservation Management Plan for the castle is submitted as EIAR Appendix 11-2, prepared by an archaeologist and a historic buildings consultant. This assesses the significance of the castle as (i) its historic value to the area and (ii) its place in the local community. The plan proposes the removal of existing vegetation at the castle, the conservation of the structural remains and the landscaping of the rocky mound on which the castle stands. This would allow safe public access to the castle. Signage providing information on the historical significance of the castle is to be provided. It is submitted that the castle is currently physically vulnerable and likely to deteriorate further if left in its current condition. The submitted CEMP sets out measures to protect the castle during construction, including fencing off the 20m exclusion zone.
- 10.6.3. I consider that the proposed measures to protect and enhance the setting of the castle are appropriate and that, subject to conditions including archaeological monitoring during construction, the development will not have a significant adverse impact on the archaeological resource of the area.

## 10.7. **Drainage, Flood Risk and Site Services**

### 10.7.1. Surface Water Drainage and Flood Risk

The site does not contain any natural watercourses or field drains and it is likely that much of the rainfall that reaches it drains through the soils. Rainfall data and the predominant well-draining mineral soils and relatively flat ground indicate that the site is characterised by low surface water runoff rates and high groundwater recharge rates. The site is generally dry but has some waterlogged areas. The presence of areas of rock-based fill influence the direction of runoff to some extent but the natural topography of the site underlying the fill is sloping from higher land to the east to lower land to the west. Due to proximity to the coast, all drainage from the site will ultimately end up in Oranmore Bay. The Millpot stream drains lands to the immediate west, also discharging to Oranmore Bay. That area is peaty, poorly drained and wet underfoot. It is separated from the development site by a stone wall. The Site Specific Flood Risk Assessment (SSFRA) by Hydro-Environmental Services submitted therefore identifies potential for coastal flooding as the key flood risk issue at the development site. The OPW PFRA map indicates that areas of the western part of the development site are within the indicative 200 year coastal flood

zone (Flood Zone A) and 1,000 year coastal flood zone (Flood Zone B). This is due to proximity to Oranmore Bay and the flat profile of lands between the development site and the sea. The LAP land use zonings are based on the PFRA maps, however they have been superseded by more accurate CFRAM mapping. The CFRAM mapping indicates that large sections of lands to the west of the site are within the 10-year tidal flood event, however the development site is outside this zone due to higher ground levels. There are no areas within the development site in Flood Zones A or B. The entire development site is therefore entirely within Flood Zone C, in accordance with the sequential approach set out in 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities'. No instances of historic flooding at the development site are identified in OS maps and there are no instances of recurring flooding in relevant OPW flood maps. The site survey found depressions in the west of the site that are prone to fluvial flooding. These are to be developed as open space within the development.

The proposed housing layout therefore ensures that vulnerable development is outside flood zones as per LAP and CFRAM maps. Minimum floor levels are set above > 5.1 m O.D. This includes allowances for tolerances in completed PFRA, CFRAM / ICPSS modelling and predicted sea level rise due to climate change and also includes an additional freeboard of 0.3m. The development therefore includes allowances for predicted sea level variations over its intended lifetime. In addition, the wastewater pumping station within the development is a sealed underground tank and therefore would not be affected by any tidal flooding.

The SSFRA concludes that the site is not constrained by coastal flooding and that there is no pluvial, groundwater or fluvial flood risk associated with the site, also that the proposed storm water drainage system will adequately cater for surface runoff from the development. In addition, the development does not include any structures that would affect surface water flows or result in increased flood risk. The proposed storm water drainage system will discharge via an oil / petrol interceptor to a total of 5 no. soakaways situated in the centre, north and west of the site. Stormwater design calculations are provided, which are based on a 30 year return period plus an additional 10% climate change allowance. The soakaways will discharge to groundwater. This is acceptable with regard to the findings of the SSFRA.

### 10.7.2. Foul Drainage and Water Supply

Wastewater from the development is to drain via gravity to a pumping station on the western side of the site, then discharge via a rising main to an existing foul sewer at the entrance to Coill Clocha. The development will also connect to an existing watermain at this location. The Coill Clocha estate road has been taken in charge by Galway County Council. The applicant has obtained a letter of consent from same to allow connection to the Irish Water foul sewer and watermain over the estate road. I note the Irish Water correspondence on file, which states that existing Irish Water water and wastewater infrastructure has the capacity to cater for the development and that no wastewater treatment upgrades are required. The proposed water supply and foul water treatment arrangements are acceptable on this basis.

### 10.7.3. Drainage, Flood Risk and Site Services Conclusion

Having regard to the above, I consider that the development can be facilitated by existing Irish Water infrastructure and that the proposed surface water drainage arrangements are acceptable. I also note and accept the findings of the SSFRA, such that the development will not impinge on Flood Zone A or B and will not result in additional flood risk. The proposed foul drainage and water supply arrangements are satisfactory.

## 10.8. **Part V**

10.8.1. The applicant has submitted Part V proposals comprising the transfer of 21 no. units at the site to the planning authority comprising 12 no. 2 bed apartments, 3 no. 2 bed terraced houses and 6 no. 3 bed terraced / semi-detached houses. A schedule of estimated costs has been submitted and details of the numbers of units to be transferred at each phase of the scheme. I note the third party comments regarding the location of the Part V units within the development. However, Galway County Council is satisfied that the proposed social housing units and costings meet the requirements of the Planning and Development Act 2000, as amended, and that the locations of the proposed units within the development promote social integration. I therefore recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

## 10.9. Planning Assessment Conclusion

- 10.9.1. The development is acceptable in principle with regard to the Galway County Development Plan 2015-2021 and the Oranmore Local Area Plan 2012-2022. The proposed design and layout are satisfactory with regard to the creation of a high quality residential environment, to meeting LAP roads objectives TI 24 and 25 and to achieving adequate pedestrian and cycle connections. The development is also considered to be compliant with the Design Manual for Urban Roads and Streets. I am satisfied that the development would not have significant adverse impacts on visual or residential amenities such as would warrant a refusal of permission. The development provides for the adequate protection of Moneyduff Castle (RMP no. GA095-084) and would not have a significant adverse impact on the archaeological resource of the area. The proposed surface water and wastewater drainage arrangements are satisfactory and the comments of Irish Water regarding connection to water and foul infrastructure are noted. I am also satisfied with regard to the submitted Site Specific Flood Risk Assessment that the site is not constrained by coastal flooding and that the proposed residential development is entirely within Flood Zone C and is therefore acceptable with regard to flood risk. The submitted Part V proposals are in accordance with the requirements of the planning authority for same.
- 10.9.2. However, having regard to the EIAR assessment of impacts on flora and fauna and to the comments of the Dept. of Culture, Heritage and the Gaeltacht, and given the presence of several Natura 2000 designated sites in the wider area, including the Galway Bay Complex SAC (site code 000268) and pNHA, the Inner Galway Bay SPA (site code 04031) and Cregganna Marsh SPA (site code 004142) and NHA, all in close proximity to the development site, along with the presence of Annex I habitat, Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites) [6210] at the development site, it is considered that there is insufficient information available to enable the Board to carry out a robust assessment of potential impacts on flora and fauna and corresponding impacts on designated sites. In addition, having regard to the information provided with the application, including the Natura Impact Statement, I am not satisfied that the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Galway Bay Complex

SAC (000268), Inner Galway SPA (04031), Cregganna Marsh SPA (004142) and Rahasane Turlough SPA (000322), in view of the sites' Conservation Objectives.

## 11.0 Environmental Impact Assessment

### 11.1. EIA Statutory Provisions

11.1.1. This application was submitted to the Board after 16<sup>th</sup> May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 transpose the requirements of Directive 2011/52/EU into Irish planning law. Circular Letter PL 05/2018, dated 24<sup>th</sup> August 2018 states:

***“Article 2 of the 2018 Regulations: The new Regulations transposing Directive 2014/52/EC come into effect on 1 September 2018 in respect of development consent applications requiring EIA made on or after that date (save for specific provisions below which come into effect on 1 January 2019).”***

The ‘specific provisions’ referred to relate to the introduction of applications for screening for EIA in advance of making a planning application under sections 176A to 176C of the Planning and Development Act 2000 as provided for in the Planning and Development (Housing) and Residential Tenancies Act 2016. This matter is to be the subject of a further Circular Letter and is not relevant to the subject case. The requirements of the 2018 Regulations thus do not apply to the subject case, which was lodged on 27<sup>th</sup> June 2018. I therefore propose to apply the provisions of Circular Letter PL 1/2017, dated 15<sup>th</sup> May 2017, which applied prior to the 2018 Regulations and set out transitional arrangements in advance of the commencement of transposing legislation. The Board may wish to seek legal advice on this matter.

11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provide that an EIA is required for infrastructure projects comprising of urban development which would exceed:

- 500 dwellings
- an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.



The development involves a total of 212 residential units and the site has a stated area of 8.7 ha, located in a built-up area. It therefore falls below the above thresholds and does not require mandatory EIA. EIAR section 1.4 provides the applicant's rationale for sub-threshold EIA with regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), due to its nature, size and location close to an environmentally sensitive area, i.e. the Galway Bay Complex SAC (site code 000268). I concur with this assessment having regard to the location of the development site adjoining the Galway Bay Complex SAC (site code 000268) and proposed Natural Heritage Area (pNHA) and in close proximity to the Inner Galway Bay SPA (site code 04031) and Cregganna Marsh SPA (site code 004142) and NHA (site code 000253). As per article 102 of the 2001 Regulations, a planning application for sub-threshold development accompanied by an EIAR shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

11.1.3. The EIAR is laid out in one volume including a non-technical summary. The introductory chapters establish the context of development and describe the proposal in detail, including construction and phasing. The adjoining access roads are included in the description of the proposed development. The EIAR considers cumulative impacts including several permitted developments in the vicinity, ref. PL07.246315, PL07.237219, PL07.237409, Reg. Ref. 17/1268. The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy. Chapter 1 provides details of the competent experts that carried out the assessments in each chapter. Chapter 13 considers interactions but does not provide a summary of mitigation measures. The likely significant direct and indirect effects are considered under the following headings, after those set out in Article 3 of the EIA Directive 2014/52/EU:

- Human beings, population and human health
- Biodiversity, flora and fauna
- Land, soils and geology
- Hydrology and hydrogeology
- Air and climate

- Noise and vibration
- Landscape and visual
- Archaeology and cultural heritage
- Material assets

11.1.4. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. However, there are identified deficiencies in the survey data on which the Biodiversity, Flora and Fauna chapter is based. This matter is discussed in detail below.

11.1.5. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies and observers has been set out at sections 7.0, 8.0 and 9.0 of this report.

11.1.6. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed in Section 10.0 above.

## 11.2. Alternatives

11.2.1. Article 5(1)(d) of the 2014 EIA Directive requires the following:

*“a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the project on the environment.”*

Annex IV (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

*“2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of*

*the main reasons for selecting the chosen option, including a comparison of the environmental effects.”*

11.2.2. The submitted EIAR does not include any specific consideration of alternatives. It is reasonable that alternative sites would not be considered given the LAP zoning of the site for residential development, which underwent SEA. I note that EIAR chapter 3, along with other documentation submitted by the applicant, provide a detailed rationale for the design and layout of the proposed development with regard to site constraints including roads access; proximity to the Galway Bay pNHA and several European sites; the presence of the recorded monument GA 095-084 and adjoining permitted development. As noted in the planning authority submission, the development has emerged from an iterative process including section 247 discussions with Galway County Council and the section 5 pre-application consultation process with ABP, details of which are on file. It is therefore considered that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the competent authority in the EIA process.

### 11.3. **Likely Significant Direct and Indirect Effects**

#### 11.3.1. Population and Human Health

The site adjoins established residential areas and permitted residential developments. The nearest existing occupied dwelling is c. 30m from the northern site boundary. The population of the Clarinbridge and Oranmore EDs grew by 55% in the period 2006-2011 and 3.3 % in the period 2011-2016. The rate of population growth was much higher than that recorded for the state in the 2011-2016 period. Aside from the built up area, local land use is dominated by agriculture and tourism. There are 3 no. primary schools and one secondary school within 1 km of the site as well as various amenities and sports clubs in the Oranmore, Clarinbridge and Carnmore area. The proposed development would provide accommodation for 594 persons, based on the average size of household in the county, which is 2.8 persons. Potential significant impacts relate to health and safety, traffic, noise, dust and air quality during the construction phase and impacts associated with employment, population, land use and economic activity. There are slight / imperceptible short term negative impacts during construction associated with noise,

dust and air quality and traffic, proposed mitigation measures are outlined in relevant chapters, no significant residual impacts. No significant residual impacts on health and safety, employment and investment, population, tourism or land use. There is a potential long term slight negative traffic impact. There are no significant impacts associated with vulnerability of the project to natural disaster. No significant cumulative impacts are envisaged.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

#### 11.3.2. Biodiversity: Flora and Fauna

The biodiversity chapter of the EIAR has been prepared by competent experts with details of relevant credentials supplied. It is based on ecological walkover surveys of the site on the 8<sup>th</sup> September 2016 and the 16<sup>th</sup> August 2017, including a search for non-native invasive species, supplemented by other sources of data / information including breeding and wintering bird atlases; Bat Conservation Ireland database, the National Biodiversity Centre web mapper; Inland Fisheries Ireland reports, NPWS records including specially requested records from the NPWS Rare and Protected Species Database for the hectads in which the proposed development is located.

The eastern section of the site is predominantly overgrown by scrub species, interspersed by habitats classified as dry calcareous and natural grassland on thin soils with some bare limestone rock visible in parts. The Annex I habitat 'semi-natural dry grasslands (Festuco-Brometalia) (\*important orchid sites) [6210]' is present at the development site. This habitat is listed as a Qualifying Interest of the adjoining Galway Bay Complex SAC (000268). A total of 9 discrete mappable areas of the habitat type were identified within the site in the 2016-2017 survey period, equating to approx. 0.89 ha or 10.3% of the development area. These areas occur in disjointed patches which are threatened by scrub encroachment. Given the nature and extent of scrub encroachment surrounding the smaller areas, most are not considered to be 'viable areas' of Annex I habitat and are therefore considered to be

of local importance (higher value). There are 2 'viable areas' of Annex I habitat comprising a total of 0.51 ha at the development site. The south west portion of the site comprises dry grassland. A small area within the northern part of the site, that will form part of the site access road, comprises of spoil and bare ground. No invasive species were recorded at the site. The habitats outside the site boundary, in the wider area, comprise built land, semi-improved agricultural pasture hedgerows, treelines and degraded poor fen. The fen habitat to the west of the site has been degraded by grazing and artificial drainage. It is likely that this has reduced its suitability for usage by wintering waterfowl.

The field surveys found no evidence of protected faunal species or species of conservation concern. The habitats within the site, in particular hedgerows and treelines, are likely to provide suitable commuting and foraging habitat for bat species in the wider area. However, no suitable structures or features for roosting bats were located within the site.

The primary potential impacts identified in the EIAR are as follows:

- Short term moderate negative impact associated with loss of scrub, hedgerow and grassland habitats.
- Permanent slight negative impact associated with loss of 0.51 ha of 'viable' Annex I habitat classified as habitat of local importance (higher value).
- Long term neutral impacts relating to disturbance and habitat loss of faunal species.
- No predicted impacts on habitats outside the site boundary.
- Short term neutral impact on designated sites during the construction phase, associated with impacts on soils and water quality. The nearest NHA, Cregganna Marsh NHA, is situated 0.26 km to the south of the site and is separated from the site by an existing housing estate and agricultural grassland.
- There are not believed to be any existing stands of invasive species at the site.
- No significant cumulative impacts are predicted.

Proposed mitigation measures include landscaping with biodiversity enhancement measures such as the use of native species to create a total of 0.4 ha of semi-

natural meadow habitat. The submitted CEMP includes control measures for the management of invasive species.

I note the comments of the Department of Culture, Heritage and the Gaeltacht (DoCHG) in relation to the Biodiversity chapter of the EIAR, in particular the following points:

- The Biodiversity chapter describes the baseline environment based on a walkover survey and a desktop study and the focus is primarily on habitats occurring with the development site. Information on fauna arising from surveys is lacking.
- The site was originally rocky and, when surveyed for the NPWS in 2006, supported a mosaic of species-rich calcareous heath (including Juniper), calcareous grassland and rocky outcrops, as well as some disturbed ground. Scrub clearance and ground excavations have occurred from c. 2005 onwards and there is evidence of past areas of water-worn limestone rock on the site (now stored / disposed on lower ground in the southern end of the site). More recently, substantial excavations (which may constitute development) have taken place in connection with archaeological testing. Despite these disturbances, the site is species – rich and diverse, and supports a mosaic of open calcareous grassland and herbaceous communities of open / disturbed ground, and developing mixed scrub and woodland where soil cover is thin or absent. Lower areas fringing the SAC have deeper soils and there are indications of poor drainage and waterlogging.

The DoCHG comments that the following should be included among the Board's considerations:

1. The size of the site (8.7ha), and area of natural and semi-natural habitats present (and which will be lost);
2. The presence of the Annex I habitat, 'Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites) [6210]', outside a European site, and noting that this habitat is more extensive than indicated in Figure 5.4 of the EIAR. Note it would be appropriate to evaluate the significance of the losses of this habitat in the context of its national conservation status;

3. The potential presence of rare and legally protected (Flora (Protection) Order, 2015) plant species, noting the type of habitats present, and the limited information available in relation to vegetation communities and flora of the site;
4. The potential presence of legally protected species of fauna, noting the extent of scrub cover on the site, and the limited species surveys undertaken (e.g. no bat surveys);
5. The value of the site for invertebrate communities and pollinators, e.g. butterflies and bees;
6. Cumulative effects, including the combined losses of limestone pavement and other rocky calcareous habitats in the wider Oranmore area over recent decades;
7. The extent to which the biodiversity losses will be consistent with or will contravene objectives and policies of Galway County Development Plan and Oranmore LAP in relation to the conservation and protection of the natural heritage of the plan areas.

As per section 3.6.2 of the EPA 'Draft Guidelines on Environmental Impact Assessment' (August 2017):

*"The need for site specific and up-to-date data is to be reviewed on a case-by-case basis in the context of available data and to determine whether new surveys or research are required."*

And:

*"The description of any aspect of the environment should provide sufficient data to facilitate the identification and evaluation of the likely significant effects on that topic. Systematic, accurate and comprehensive descriptions include descriptions of the context, character, significance and sensitivity of the existing environment."*

I note section 4.3 'Biodiversity' of the draft EPA 'Advice Notes for Preparing Environmental Impact Statements' (September 2015), which recommends that seasonal variations will need to be considered when investigating the existing environment and deciding on appropriate methods of survey. As discussed above, the Biodiversity chapter of the EIAR is based on desktop data and on ecological walkover surveys of the site on the 8<sup>th</sup> September 2016 and the 16<sup>th</sup> August 2017. This does not allow for any seasonal variations in the flora and fauna present at the

development site. I note in this regard the following comment in the submission by Galway County Council with regard to the presence of Annex I habitat and the potential presence of rare and legally protected plant species at the development site:

*“Since the site was originally surveyed by the NPWS in 2006, the site has been subject to scrub clearance, soil movement and grazing by horses. This has altered the extent and character of the habitats on the site and reduced the area of Annex I calcareous habitat within the site. As identified during the desk study, small white orchid (Pseudorchis Albida) has been recorded within the hectad in which the site is located. However, this species was not recorded during the 2016 or 2017 field visits.”*

Having regard to the comment of the DoCHG above and to the limited survey data available, it appears that the exact extent of the Annex I habitat at the development site is unclear, in particular with regard to the uncertainty around the presence of orchid species (the Annex I habitat is considered a priority habitat only if it is an important orchid site). On this basis, I consider that the submitted EIAR does not allow for a full assessment of potential impacts on the Annex I habitat.

I note that the EIAR section 5.4 states that no bat surveys were undertaken at the site as no suitable structures or features for roosting bats were located within the site. I also note that the development involves the retention of hedgerow and treeline features where possible as a mitigation measure, in order to ensure connectivity is maintained for commuting and feeding faunal species including birds, bats and invertebrates. I am satisfied on this basis that the development will not have significant adverse impacts on bats.

With regard to the value of the site for invertebrate communities and pollinators, e.g. butterflies and bees, any development at this site will result in some loss of habitat for same and I note that the development includes the creation of areas of wildflower meadow as a mitigation measure.

With regard to cumulative effects including the combined losses of limestone pavement and other rocky calcareous habits in the wider Oranmore area over the recent decades, EIAR section 5.5.6 includes cumulative impacts and finds that the development will not result in any significant residual cumulative impacts on sensitive ecological receptors. However, as noted above this is based on limited survey data



and in the context of uncertainty around the extent of Annex I habitat at the development site.

I have considered all of the written submissions made in relation to biodiversity. Having regard to the limited survey data on which the Biodiversity assessment is based, I am not satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, or through suitable conditions. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

#### 11.3.3. Land, Soils and Geology

This chapter and that on water impacts are based on site investigations carried out on 5<sup>th</sup> January 2018. The site is dominated by shallow, well drained mineral soils and shallow, rocky, peaty complexes. The majority of the site is underlain by karstified limestone bedrock outcrop / subcrop with some areas of raised peat in the southwest of the site. There are no recorded geological heritage sites or areas of soil contamination within the site. Potential impacts relate to the alteration of ground levels with soils / subsoil excavation. Cut and fill works at the site will be neutral as material will be reused on site resulting in a permanent relation of soil and subsoil at most excavation locations. There will be a requirement for c. 20,000 m<sup>3</sup> of aggregate for building works. There is potential for soil contamination as a result of leakages and spillages including hydrocarbons. Proposed mitigation measures are outlined for the construction phase. No significant residual or cumulative impacts are predicted.

I have considered all of the written submissions made in relation to land and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

#### 11.3.4. Hydrology and Hydrogeology

The hydrological mapping of the site and surrounding area is based on site investigations carried out on 5<sup>th</sup> January 2018. A flood risk assessment has also been carried out. The surface water characteristics of the site and flood risk are

discussed in above section 10.7. There is a high degree of interaction between surface and groundwater at the site due to the presence of permeable, karstified limestone. Groundwater flow is through conduit systems, generally in a westerly direction. There is a Regionally Important limestone aquifer under the site. The groundwater vulnerability rating is 'extreme' due to the presence of rock at or near the surface. The Clarinbridge groundwater body underlying the site has an 'at risk' status. There are no groundwater protection zones or mapped private well locations within the site.

Potential impacts on water quality generally relate to surface water impacts during construction as a result of contamination / spillages and the release of suspended solids, also short term impacts on surface and groundwater as a result of dewatering. Proposed construction mitigation measures are outlined, to ensure protection of downstream receiving waters and groundwater. As outlined in above section 10.7, surface water runoff from the development is to be attenuated such that there are no changes to surface water flow volumes leaving the site. Water draining to soakaways will pass through hydrocarbon interceptors and silt traps prior to reaching each soakaway. Foul drainage is to the public network (Irish Water). No significant residual or cumulative impacts on surface or ground water from the construction or operation of the development are predicted.

I have considered all of the written submissions made in relation to hydrology and hydrogeology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of hydrology and hydrogeology.

#### 11.3.5. Air and Climate

11.3.6. The air quality in the vicinity of the development is typical of that in rural areas of the west of Ireland, EPA Air Quality Zone D. The area has a temperate oceanic climate with mild winters and cool summers and a prevailing wind direction between south and west, bringing moist air and frequent rain. Potential air quality impacts primarily relate to fugitive dust and combustion gas emissions during construction. Mitigation measures comprise construction management measures. Impacts are anticipated to

be imperceptible. No long term cumulative impacts on air quality are predicted. No significant climate impacts are predicted.

I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

#### 11.3.7. Noise and Vibration

The EIAR assessment of noise impacts is based on daytime noise monitoring carried out at 3 residential locations north and south of the site on 31<sup>st</sup> May 2018. The existing noise climate in the area is generally dominated by road traffic. Vibration was not perceptible.

Potential noise impacts during the 4 year construction phase relate to site works and construction machinery, resulting in slight to moderate impacts. Construction noise modelling indicates that the *British Standard BS 5228;2009+A1:2014* construction day time criterion of 65 dB LAeq 1 h can typically be complied with during enabling and construction works without noise attenuation measures, except for one instance of excavation works at the northern site boundary where noise levels will marginally exceed the criterion. Proposed mitigation measures are outlined. Construction traffic will not pass existing dwellings and will be inconsequential in the context of existing road traffic in the area. Any cumulative impacts would be as a result of other sites in the area simultaneously being developed and would be temporary, localised and imperceptible. No adverse noise impact on the local population or on human health is predicted. No significant vibration impacts are predicted as the development will not involve blasting or piling and only small amounts of rock breaking.

I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

#### 11.3.8. Landscape and Visual

The Board is referred to section 10.5 above in respect of landscape and visual impacts.

The LVIA considers visual impacts from 7 no. vantage points within a 2 km radius of the development site, including the adjoining residential areas of Orancourt, Oranhill, the Maree Road, Coill Clocha and the N67. I am satisfied that the viewpoints selected allow for an adequate assessment of overall visual impacts.

The development site is currently well screened from the surrounding area. The development will have a neutral / negative, slight to moderate and permanent landscape impact overall on the adjoining public roads and residential areas. Proposed mitigation measures comprise construction management measures, the retention of existing trees and boundaries and the landscaping scheme. No significant or profound residual landscape or visual impacts are identified in the long term. Cumulative impacts are possible in view of other zoned lands nearby and the ongoing development of the area.

I note that the submitted LVIA does not include photomontages of the proposed development and may be considered deficient in this respect. However, having inspected the site, I am satisfied that visual impacts would be localised and that the development would read as a continuation of the built up area of Oranmore in the wider landscape. The submitted LVIA is therefore considered adequate.

I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts.

#### 11.3.9. Archaeology and Cultural Heritage

The Board is referred to section 10.6 above in relation to impacts on Moneyduff Castle (RMP no. GA095-084)

This chapter of the EIAR is based on a walkover survey of the site carried out on 2<sup>nd</sup> November 2017 and subsequent pre-development testing at the site between 26<sup>th</sup>

and 29<sup>th</sup> March 2018. A report on the findings of the archaeological testing is submitted as EIAR appendix 11-1.

The EIAR lists 29 no. Recorded Monuments within 1 km of the development. Of these, 7 are not scheduled for inclusion in the next revision of the RMP. Of the remaining 22, none are within 100m of the development site. A large area of the northern part of the development site has been subject to field clearance with levels reduced, removing any potential archaeological features and / or deposits. The western half of the southern part of the site appears to be undisturbed and may contain sub-surface archaeological features, deposits and / or artefacts associated with Moneyduff Castle. The archaeological testing found 2 no. features of possible archaeological significance, suggesting that potential sub-surface archaeological features may survive within the development site. A midden was found at Trench A in the south western corner of the site and an area of burnt soil at Trench I to the south of Moneyduff Castle. It is not possible to date these features without full excavation and these areas should be archaeologically resolved prior to the development of the site. There are 15 no. protected structures within 1 km of the site, the closest of which, 'Roseville House' (RPS no. 920) is c. 300m away.

The EIAR rates the significance of the impacts on cultural heritage as moderate, due to the visual impact on the Moneyduff Castle Recorded Monument. The development should have no impact on the cultural heritage of the wider area given the distance to protected structures and other recorded monuments. The proposed mitigation measure is an exclusion zone of 20m, implementation of a conservation and management plan, archaeological monitoring during construction and excavation of the features of potential archaeological significance prior to development. Residual impacts are assessed as not significant.

I have considered all of the written submissions made in relation to cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of cultural heritage.

11.3.10. Material Assets Including Traffic and Transport

The Board is referred to section 10.3 above in respect of traffic and transportation.

The construction of the development will have no impact on above ground or underground telecommunications networks or other utility services. Mitigation measures to protect such services are incorporated into the Construction and Environmental Management Plan. No significant residual or cumulative impacts on telecommunications or other utilities are predicted.

I have considered all of the written submissions made in relation to material assets, traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets, traffic and transport.

11.3.11. Significant Interactions

I have also considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.

EIAR Chapter 13 provides a summary of principal interactions. There are no potential significant negative interactions. It is submitted that all of the potential interactions are dealt with in the relevant individual chapters of the EIAR, which present an integrated report of findings from the impact assessment process rather than a collection of individual assessments. The development will not result in any significant cumulative or synergistic adverse impacts on the environment.

In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. However, having regard to the above assessment of the Biodiversity chapter of the EIAR, impacts on biodiversity cannot be clearly ruled out due to the lack of sufficient survey data on the presence of Annex I habitat at the development site.

#### 11.4. Reasoned Conclusion on the Significant Effects

11.4.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Biodiversity impacts cannot be clearly ruled out due to the lack of sufficient survey data on the presence of Annex I habitat at the development site due to the lack of sufficient flora and fauna survey data and to the uncertainty regarding the exact extent of the Annex I habitat 'Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites)' [6210] at the development site.
- Land and soils impacts, to be mitigated by construction management measures including reuse of overburden material, minimal removal of topsoil and subsoil, reuse of excess material within the site, management and maintenance of plant and machinery.
- Hydrology and hydrology impacts, to be mitigated by management of surface water run-off during construction to attenuate surface water flow and avoid uncontrolled discharge of sediment, also appropriate interceptor drainage and measures to avoid release of cement based products. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Landscape and visual impacts, which will be mitigated by the retention and enhancement of existing trees and hedgerows and new landscaping along the western site boundary.
- Cultural heritage impacts, which will be mitigated by a 20m exclusion zone around Moneyduff Castle (RMP no. GA095-084), by a conservation and management plan for the monument and by landscaping.
- Traffic and transportation impacts, which will be mitigated by the management of construction traffic and by the construction of the Oranmore north/south distributor road and a new east/west connection to the N67.

11.4.2. The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). Although the assessments provided in many of the individual EIAR chapters are satisfactory, it is considered that the baseline surveys on which the Biodiversity: Flora and Fauna chapter are based do not allow for seasonal variations in the flora and fauna present at the development site and the exact extent of the presence of the Annex I priority habitat 'Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites)' [6210] as associated potential biodiversity impacts are therefore unclear.

## **12.0 Appropriate Assessment**

### **12.1. AA Introduction**

12.1.1. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS), prepared by McCarthy Keville O'Sullivan Planning and Environmental Consultants.

### **12.2. The Project and Its Characteristics**

12.2.1. See the detailed description of the proposed development in section 1.0 above.

### **12.3. The European Sites Likely to be Affected Stage I Screening**

#### **12.3.1. Sites Within 15km**

12.3.2. The applicant's screening assessment notes the following designated sites within a 15 km radius of the development, as recommended in the DoEHLG 'Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities' (2010). Designated sites outside the 15 km buffer zone were considered but no pathway for effects on sites outside this zone were identified.



Name of Site Site Code	Distance to Development Site	Qualifying Interests and Conservation Objectives  * Denotes a priority habitat	NIS Screening Conclusion
<b>Galway Bay Complex SAC</b>  000268	To the immediate west of the site.	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of Annex I habitats and Annex II species. There are detailed targets for each habitat and species:  1140 Mudflats and sandflats not covered by seawater at low tide 1150 Coastal lagoons* 1160 Large shallow inlets and bays 1170 Reefs 1220 Perennial vegetation of stony banks 1310 <i>Salicornia</i> and other annuals colonising mud and sand 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) 1355 Otter <i>Lutra lutra</i> 1365 Harbour seal <i>Phoca vitulina</i> 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 3180 Turloughs* 5130 <i>Juniperus communis</i> formations on heaths or calcareous grasslands 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco Brometalia</i> ) (*important orchid sites) 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * 7230 Alkaline fens	<b>Screened In</b>  Taking a precautionary approach, potential pathways for indirect effects on the surface water dependent Qualifying Interests were identified. Such effects may arise as a result of deterioration of surface water quality resulting, from pollution associated with the surface water runoff from the hard-standing areas of the proposed development.
<b>Lough Fingall Complex SAC</b>  000606	7.3 km	The conservation objectives for the SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species:  3180 Turloughs* 4060 Alpine and Boreal heaths 5130 <i>Juniperus communis</i> formations on heaths or calcareous grasslands 6210 Semi-natural dry grasslands and scrubland facies on calcareous	<b>Screened Out</b>  The NIS states that there will be no direct effects as the proposed development is located entirely this SAC. No complete impact source-pathway-receptor chain was identified during the Screening Assessment. Significant effects on the SAC resulting from the proposed development can be excluded and it is 'Screened Out'.

		<p>substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</p> <p>8240 Limestone pavements*</p> <p>1303 Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i></p>	
<p><b>Lough Corrib SAC</b> 000297</p>	8.4 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of Annex I habitats and Annex II species. There are detailed targets for each habitat and species:</p> <p>1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i></p> <p>1092 White-clawed Crayfish <i>Austropotamobius pallipes</i></p> <p>1095 Sea Lamprey <i>Petromyzon marinus</i></p> <p>1096 Brook Lamprey <i>Lampetra planeri</i></p> <p>1106 Salmon <i>Salmo salar</i></p> <p>1303 Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i></p> <p>1355 Otter <i>Lutra lutra</i></p> <p>1393 Slender Green Feather-moss <i>Drepanocladus vernicosus</i></p> <p>1833 Slender Naiad <i>Najas flexilis</i></p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i></p> <p>3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.</p> <p>3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia)</p> <p>(* important orchid sites)</p> <p>6410 <i>Molina</i> meadows on calcareous, peaty or clayey-silt-</p>	<p><b>Screened Out</b></p> <p>As above.</p>

		<p>laden soils (<i>Molinion caeruleae</i>)</p> <p>7110 Active raised bogs*</p> <p>7120 Degraded raised bogs still capable of natural regeneration</p> <p>7150 Depressions on peat substrates of the Rhynchosporion</p> <p>7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</p> <p>7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p> <p>7230 Alkaline fens</p> <p>8240 Limestone pavements*</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91D0 Bog woodland*</p>	
<p><b>Rahasane Turlough SAC</b> 000322</p>	8.9 km	<p>The conservation objectives for the SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitat:</p> <p>3180 Turloughs*</p>	<p><b>Screened Out</b> As above.</p>
<p><b>Castletaylor Complex SAC</b> 000242</p>	9.6 km	<p>The conservation objectives for the SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species:</p> <p>3180 Turloughs*</p> <p>4060 Alpine and Boreal heaths</p> <p>5130 <i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>8240 Limestone pavements*</p>	<p><b>Screened Out</b> As above.</p>
<p><b>Kiltiernan Turlough SAC</b> 001285</p>	9.8 km	<p>The conservation objectives for the SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitat:</p> <p>3180 Turloughs*</p>	<p><b>Screened Out</b> As above.</p>
<p><b>Ardrahan Grassland SAC</b> 002244</p>	10.9 km	<p>The conservation objectives for the SAC generally relate to the maintenance of a favourable conservation condition of the</p>	<p><b>Screened Out</b> As above.</p>

		<p>following Annex I habitats:</p> <p>4060 Alpine and Boreal heaths</p> <p>5130 Juniperus communis formations on heaths or calcareous grasslands</p> <p>8240 Limestone pavements*</p>	
<p><b>East Burren Complex SAC</b> 001926</p>	15.5 km	<p>The conservation objectives for the SAC generally relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species:</p> <p>3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.</p> <p>3180 Turloughs*</p> <p>3260 Water courses of plain to montane levels with the Ranunculum fluitantis and Callitriche-Batrachion vegetation</p> <p>4060 Alpine and Boreal heaths</p> <p>5130 Juniperus communis formations on heaths or calcareous grasslands</p> <p>6130 Calaminarian grasslands of the Violetalia calaminariae</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>6510 Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)</p> <p>7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae*</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>7230 Alkaline fens</p> <p>8240 Limestone pavements*</p> <p>8310 Caves not open to the public</p> <p>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>1065 Marsh Fritillary Euphydryas aurinia</p> <p>1303 Lesser Horseshoe Bat</p>	<p><b>Screened Out</b> As above.</p>

		Rhinolophus hipposideros 1355 Otter Lutra lutra	
<b>Inner Galway Bay SPA</b> 004031	0.34 km	<p>The conservation objectives for SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA. There are detailed targets for each species.</p> <p>A003 Great Northern Diver Gavia immer</p> <p>A017 Cormorant Phalacrocorax carbo</p> <p>A028 Grey Heron Ardea cinerea</p> <p>A046 Brent Goose Branta bernicla hrota</p> <p>A050 Wigeon Anas penelope</p> <p>A052 Teal Anas crecca</p> <p>A056 Shoveler Anas clypeata</p> <p>A069 Red-breasted Merganser Mergus serrator</p> <p>A137 Ringed Plover Charadrius hiaticula</p> <p>A140 Golden Plover Pluvialis apricaria</p> <p>A142 Lapwing Vanellus vanellus</p> <p>A149 Dunlin Calidris alpina alpina</p> <p>A157 Bar-tailed Godwit Limosa lapponica</p> <p>A160 Curlew Numenius arquata</p> <p>A162 Redshank Tringa totanus</p> <p>A169 Turnstone Arenaria interpres</p> <p>A179 Black-headed Gull Chroicocephalus ridibundus</p> <p>A182 Common Gull Larus canus</p> <p>A191 Sandwich Tern Sterna sandvicensis</p> <p>A193 Common Tern Sterna hirundo</p> <p>There is also an objective to maintain the favourable conservation condition of wetland habitat in the SPA.</p>	<p><b>Screened In</b></p> <p>The development site is located outside the SPA. No aquatic habitats suitable for the SCI species for which the SPA has been designated occurs within the site. Although there will be no direct effects on the supporting wetland (A999) habitat of waterbirds within the SPA, taking a precautionary approach, there is potential for indirect effects on supporting wetland habitat with regard to surface water pollution.</p>
<b>Cregganna Marsh SPA</b> 004142	0.26 km	<p>The conservation objectives for SPA generally relate to the maintenance of the bird species listed as Special Conservation</p>	<p><b>Screened Out</b></p> <p>See discussion below.</p>

		<p>Interests for the SPA.</p> <p>A395 Greenland White-fronted Goose <i>Anser albifrons flavirostris</i></p>	
<p><b>Rahasane Turlough SPA</b> 004089</p>	8.8 km	<p>The conservation objectives for SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA.</p> <p>A038 Whooper Swan <i>Cygnus cygnus</i></p> <p>A050 Wigeon <i>Anas penelope</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A156 Black-tailed Godwit <i>Limosa limosa</i></p> <p>A395 Greenland White-fronted Goose <i>Anser albifrons flavirostris</i></p> <p>There is also an objective to maintain or restore the favourable conservation condition of the wetland habitat at the SPA.</p>	<p><b>Screened Out</b></p> <p>There will be no direct effects as the proposed development is located entirely outside the SPA. No complete impact source-pathway-receptor chain was identified during the Screening Assessment. Significant effects on the SPA resulting from the proposed development can be excluded and it is 'Screened Out'.</p> <p>See discussion below.</p>
<p><b>Lough Corrib SPA</b> 004042</p>	10.7 km	<p>The conservation objectives for SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA.</p> <p>A051 Gadwall <i>Anas strepera</i></p> <p>A056 Shoveler <i>Anas clypeata</i></p> <p>A059 Pochard <i>Aythya ferina</i></p> <p>A061 Tufted Duck <i>Aythya fuligula</i></p> <p>A065 Common Scoter <i>Melanitta nigra</i></p> <p>A082 Hen Harrier <i>Circus cyaneus</i></p> <p>A125 Coot <i>Fulica atra</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A179 Black-headed Gull <i>Chroicocephalus ridibundus</i></p> <p>A182 Common Gull <i>Larus canus</i></p> <p>A193 Common Tern <i>Sterna hirundo</i></p> <p>A194 Arctic Tern <i>Sterna paradisaea</i></p> <p>A395 Greenland White-fronted Goose <i>Anser albifrons flavirostris</i></p> <p>There is also an objective to</p>	<p><b>Screened Out</b></p> <p>As above.</p>

		maintain or restore the favourable conservation condition of the wetland habitat at the SPA.	
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The applicant's Stage I screening identifies the following likely effects of the proposed development on European sites:

- The development site borders Galway Bay Complex SAC along its western boundary. However, there will be no land take associated with the development from the SAC. Therefore, there will be no reduction in habitat area of this or any other European site as a result of the development.
- There will be no exploitation of any resources within any European Site as part of the development.
- There is no potential for fragmentation of habitats and species as a result of the development.
- There will be no disturbance to key species associated with the development given the nature of the habitats within the adjacent European Site which are not suitable for the QI Species (otter and harbour seal). There is no potential for significant habitat or species fragmentation and significant effects are not anticipated.
- Based on the nature and extent of the proposed works no disruption to QI or SCIs of any European Sites are anticipated.
- The Inner Galway Bay SPA is located 0.34km to the west of the site and is buffered from it by a national road, urban infrastructure and grassland. No pathway for effects as a specific result of these distances was identified.
- There is a pathway for potential impacts on the water quality of the Galway Bay Complex SAC and the Galway Bay SPA during the construction phase of the development. There is also potential for effects on these sites during the operational phase the form of runoff from hardstandings, foul water discharge and noise emissions. Effects resulting from emissions to surface water during construction and operation need to be fully assessed given the nature and scale of the proposal and its proximity to Galway Bay Complex SAC and Inner Galway Bay SPA. For this reason, potential effects on the aquatic features of the SAC

and SPA cannot be screened out at this stage and further assessment is required.

- The proposed development was considered in combination with other plans and projects in the area that could result in cumulative effects on European Sites. The online planning system for Galway City Council was consulted on the 14<sup>th</sup> February 2018. A total of 15 other projects were found in the Moneyduff area within the last 10 years and comprised: 12 regarding the construction of and alterations to dwelling houses and domestic garages and 3 regarding commercial premises / residential development. Where pathways for effects on European Sites have been identified in relation to the construction and operation of the development, the potential for cumulative effects cannot be discounted at this stage and further assessment is required.

#### 12.3.3. Applicant's Screening Conclusion

The applicant's Stage I screening conclusion notes that applying a precautionary principle, it is not possible to exclude the European Sites Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031). It concludes that, in view of best scientific knowledge and on the basis of objective information, the proposed development either individually or in combination with other plans or projects, is not likely to have significant effects on the European Sites Lough Fingall Complex SAC (000606); Lough Corrib SAC (000297); Rahasane Turlough SAC (000322); Castletaylor Complex SAC (000242); Kiltiernan Turlough SAC (001285); Ardahan Grassland SAC (002244); East Burren Complex SAC (001926); Creggana Marsh SPA (004142); Rahasane Turlough SPA (004089) and Lough Corrib SPA (004042).

#### 12.3.4. Creggana Marsh SPA (004142) and Rahasane Turlough SPA (004089)

The comment of the DoCHG makes the following points in relation to potential effects on the Creggana Marsh SPA (004142) and Rahasane Turlough SPA (004089) with regard to the sites' Conservation Objectives:

- The Creggana Marsh SPA is approx. 270m to the south of the proposed development and is designated for the conservation of the Annex I species Greenland White-fronted Goose, a wintering species that is highly susceptible to



disturbance from human activity. The geese that occur in Cregganna Marsh also utilise Rahasane Turlough; the importance of the former for the geese increases when water levels in the turlough are high.

- Pressures of increasing amenity and recreational activity, including dog-walking, due to increasing development and population pressure in the area, and progressive losses and fragmentation of open spaces, require particular attention, noting the potential for increased disturbance in the Cregganna Marsh SPA.

The relevant site synopses state that Cregganna Marsh is of major conservation importance as a feeding site for a nationally important flock of Greenland White-fronted Goose. Rahasane Turlough is a traditional site for Greenland White-fronted Goose and also supports a population of national importance. The Annex I species is listed as a Special Conservation Interest for both SPAs. As per the DoCHG comment, there is an inter relationship between the SPAs with regard to their use by the species.

The BirdWatch Ireland website states that the Greenland White-fronted Goose is Amber-listed in Ireland as the majority of the population winter at less than ten sites. The species has very localised distribution, occurring mostly (up to 9,000 birds) at the Wexford Slobs, with smaller numbers (usually low hundreds) elsewhere. Wexford (North & South Slobs, Tacumshin Lake & Cahore Marshes), Loughs Swilly & Foyle in County Donegal, Lough Gara in County Roscommon, Midland lakes (Loughs Derravarragh, Iron, Owel & Ennell) in County Westmeath, Little Brosna in County Offaly and River Suck/Shannonbridge in County Roscommon are the most important sites. EIAR chapter 5 Biodiversity: Flora and Fauna uses information from National Biodiversity Data Centre (NBDC) datasets and from the *Bird Atlas 2007-11: The breeding and wintering birds of Britain and Ireland* (2013) and notes that the Greenland white-fronted Goose is listed as present but not breeding in the relevant hectads in the 2007-2011 period. EIAR section 5.4 states that the site surveys did not record any EU Annex I bird species at the development site and concludes, based on findings of the desk study, the species recorded and the habitat composition, that the development site does not provide suitable habitat for protected bird species. However, as discussed above the Biodiversity: Flora and Fauna chapter of the EIAR is based on limited survey information. The BirdWatch

Ireland website states that the Greenland white-fronted Goose grazes on a range of plant material and forages over peat bogs, dune grassland, and occasionally salt marsh, with the use of agricultural grassland increasing in recent years. The habitats present at the development site, as listed in EIAR table 5.9, comprise:

- Scrub
- Dry calcareous and neutral grassland
- Hedgerow
- Stone walls and other stonework
- Spoil and bare ground
- Wet grassland

The development footprint is situated within habitats dominated by scrub and rank grassland vegetation.

On the basis of the information provided and having regard to the comments of the DoCLG, specifically (i) potential effects on the Greenland White-fronted Goose which is highly susceptible to disturbance from human activity as a result of increased amenity and recreational activity, including dog-walking; (ii) potential effects on the grazing habitat of the Greenland White-fronted Goose, which may be present at the development site, the Board cannot be satisfied that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the European Sites Cregganna Marsh SPA (004142) and Rahasane Turlough SPA (004089), in view of the sites' Conservation Objectives. These sites therefore should be screened in and the submitted NIS is deficient in this respect. I therefore consider that the information submitted is not sufficient to allow the Board to carry out AA.

#### 12.3.5. Stage I Screening Conclusion

12.3.6. It is reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites, in view of their Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required for the following sites:

Lough Fingall Complex SAC (000606)

Lough Corrib SAC (000297)  
Castletaylor Complex SAC (000242)  
Kiltiernan Turlough SAC (001285)  
Ardrahan Grassland SAC (002244)  
East Burren Complex SAC (001926)  
Inner Galway Bay SPA (004031)  
Lough Corrib SPA (004042)

12.3.7. The following European sites are screened in with regard to potential effects on the Greenland White-fronted Goose, which is listed as a Conservation Objective for both sites:

Cregganna Marsh SPA (004142)  
Rahasane Turlough SPA (004089)

The following European Sites are also screened in, as per the applicant's screening conclusion:

Galway Bay Complex SAC (000268)  
Inner Galway Bay SPA (004031)

#### 12.4. **Stage II AA**

12.4.1. The NIS states that there will be no direct effects on the Galway Bay Complex SAC or the Inner Galway Bay SPA as the footprint of the proposed development is located entirely outside the designated sites and there is no direct surface water connectivity between the proposal and any EU Designated Site. In addition, there is no pathway for effects on the terrestrial habitats for which the Galway Bay Complex SAC is designated. Potential pathways for indirect effects on the following surface water dependent qualifying interests of the SAC were identified:

Mudflats and sandflats not covered by seawater at low tide [1140]
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Coastal lagoons [1150]
Large shallow inlets and bays [1160]
Reefs [1170]
Salicornia and other annuals colonising mud and sand [1310]
Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]
Alkaline fens [7230]
Lutra lutra (Otter) [1355]
Phoca vitulina (Harbour Seal) [1365]

These effects may arise as a result of deterioration of surface water quality resulting, from emissions to surface water during construction and from pollution associated with the surface water runoff from the hard-standing areas of the proposed development. The applicant's Stage 2 AA states that no indirect effect has been identified as pathways have been robustly blocked by the following means:

- The proposal layout has been designed to be entirely located outside of SAC and behind an existing stone wall and hedgerow,
- A grass buffer is maintained between the development and the western site boundary, in the form of amenity grassland and meadow habitat. This increases the separation between the proposal and the SAC.
- Construction best practice measures are implemented.
- Operational services, including all foul water will be connected to the local public sewer. All surface water runoff will enter appropriately designed petrol interceptors prior to discharge to specified percolation areas.

Based on the design measures described above, the absence of surface water connectivity (Hydro-Environmental Services, 2018) and the separation of the proposal from both SAC and the SPA, no pathway for indirect effect has been identified with regard to surface water pollution or disturbance to any designated site. In addition, the site is separated from the Inner Galway Bay SPA by over 300 m to the west of the development (separated by hedgerows, marsh/wet grassland and a main road / Maree Road). The applicant's Stage 2 AA concludes that there will

therefore be no potential for significant effects on the species for which the sites have been designated. It states that there will be no reduction in key habitats supporting populations of Annex I & II species and no reduction in the populations of any Annex II species as a result of the proposed development.

12.4.3. I note the comment of the DoCHG that the information and analysis in the NIS will need to be supplemented by additional data, assessment and analysis, including with respect to the conservation objectives of the relevant European sites, aspects of habitat structure and function, and the effects of the current proposal in combination with other plans and projects. The comment also notes the potential for effects associated with pressures of increasing amenity and recreational activity, including dog-walking, due to increasing development and population pressure in the area, and progressive losses and fragmentation of open spaces, require particular attention, noting the potential for increased disturbance in two SPAs in particular (i.e. the Inner Galway Bay SPA and the Cregganna Marsh SPA). The DoCHG also comments that the information and analysis in the applicant's Stage 2 AA will need to be supplemented by:

- Additional data and analysis available from the EIAR (including appendices), notably in respect of soils, geology, hydrology and hydrogeology;
- Additional assessment and analysis with respect to the conservation objectives of the European sites at risk, and noting the habitats, species, and attributes and targets of relevance;
- Further assessment of the likely effects of the proposed development alone, and in combination with other plans and projects, on the following in particular: (a) qualifying interest alkaline fen habitats within the SAC, including as a result of water supply, water levels, directions of flow, water quality, need for drainage or drainage maintenance, need for flood risk measures, etc. and (b) special conservation interest bird species, including as a result of increasing disturbance and potential increases in recreational and amenity pressures.
- Further assessment of the likely effects of the proposed development alone, and in combination with other plans and projects, on special conservation interest bird species, including as a result of increasing disturbance and potential increases in recreational and amenity pressures.

- 12.4.4. I also note that the Annex I habitat 'semi-natural dry grasslands (Festuco-Brometalia) [6210]' is present at the development site. This habitat is listed as a Qualifying Interest of the adjoining Galway Bay Complex SAC (000268), with a Conservation Objective to maintain the favourable conservation condition of Annex I habitats and Annex II species. This matter is not considered in the applicant's Stage 2 AA.
- 12.4.5. In addition, as discussed above, the European sites Cregganna Marsh SPA (004142) and Rahasane Turlough SPA (004089), which have been screened in by the Stage 1 assessment, are not included in the applicant's Stage 2 AA. It is therefore not possible for the Board to carry out an AA on these sites.
- 12.4.6. Having regard to the above, I am not satisfied that the data, assessment and analysis submitted are sufficient to enable the Board to carry out an AA.

#### **12.5. Mitigation Measures and Residual Impacts**

- 12.5.1. The NIS states that the measures employed in the design of the development to prevent impacts on designated sites are best practice construction measures, are standard procedures and are an integral part of the design of the project and are not considered to be mitigation measures.

#### **12.6. Other Plans or Projects (In Combination Effects)**

- 12.6.1. No significant 'in combination' effects are envisaged.

#### **12.7. AA Conclusion**

- 12.7.1. On the basis of the information provided with the application, including the Natura Impact Statement, and in light of the assessment carried out above and with regard to the precautionary principle, it is not possible to reach a conclusion of no adverse effects on the integrity of the following European Sites, in view of their Conservation Objectives:

Galway Bay Complex SAC (000268)

Inner Galway Bay SPA (004031)

Cregganna Marsh SPA (004142)

Rahasane Turlough SPA (004089)

## 13.0 Conclusion

- 13.1.1. The proposed development is considered to be in accordance with the provisions of the Galway County Development Plan 2015-2021 and the Oranmore Local Area Plan 2012-2022.
- 13.1.2. The baseline surveys on which the Biodiversity: Flora and Fauna chapter of the EIAR are based do not allow for seasonal variations in the flora and fauna present at the development site and the exact extent of the presence of the Annex I priority habitat 'Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites)' is therefore unclear. There is therefore insufficient information on which to base a robust assessment of potential impacts on bird species, or to consider potential impacts on the qualifying interests of European sites in the vicinity.
- 13.1.3. The above assessment concludes on the basis of the information provided and having regard to the comments of the DoCLG, specifically (i) potential effects on the Greenland White-fronted Goose which is highly susceptible to disturbance from human activity as a result of increased amenity and recreational activity, including dog-walking and (ii) potential effects on the grazing habitat of the Greenland White-fronted Goose, which may be present at the development site, that the Board cannot be satisfied that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the European sites Cregganna Marsh SPA (004142) and Rahasane Turlough SPA (004089), in view of the sites' Conservation Objectives. The applicant's Stage I AA screens out both of these European sites and it is therefore not possible for the Board to carry out AA. In addition, the applicant's Stage 2 AA does not consider (i) the potential for effects on special conservation interest bird species of the Inner Galway Bay SPA (004031) and the Cregganna Marsh SPA (004142) including as a result of increasing disturbance and potential increases in recreational and amenity pressures or (ii) potential effects on qualifying interest alkaline fen habitats within the Galway Bay Complex SAC (000268) including as a result of water supply, water levels, directions of flow, water quality, need for drainage or drainage maintenance, need for flood risk measures, etc.

13.1.4. Having regard to the above, I am not satisfied that the data, assessment and analysis submitted are sufficient to enable the Board to carry out an AA. I therefore recommend that the Board refuse permission.

## 14.0 Recommendation

14.1. Having considered the contents of the application including the Environmental Impact Assessment Report and the Natura Impact Statement, the planning history of the vicinity, the provisions of the Galway County Development Plan 2015-2021 and the Oranmore Local Area Plan 2012-2022 and relevant national planning policy as listed in above section 6.1, the comment of Galway County Council, the submissions of prescribed bodies and the observations made in writing to the Board. I recommend that permission be refused for the reasons and considerations set out hereunder.



## 15.0 Reasons and Considerations

15.1. Having regard to the information provided in the Screening Report dated 14<sup>th</sup> June 2018, the Board could not be satisfied that the exclusion from the Natura Impact Statement of the European Sites Cregganna Marsh Special Protection Area (SPA) (Site Code: 004142) and Rahasane Turlough SPA (Site Code: 004089), on the basis that the development is entirely outside the designated sites with no complete source-pathway-receptor chain, was appropriate given the possible use of the development site by the Greenland White-fronted Goose, which is listed as a species of Special Conservation Interest for both SPAs. In addition, the Natura Impact Statement does not consider (i) the potential for effects on Special Conservation Interest bird species of the Inner Galway Bay SPA (Site Code: 004031) and the Cregganna Marsh SPA (Site Code: 004142) including as a result of increasing disturbance and potential increases in recreational and amenity pressures or (ii) potential effects on qualifying interest alkaline fen habitats within the Galway Bay Complex Special Area of Conservation (Site Code: 000268). The Board therefore cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites Galway Bay Complex Special Area of Conservation (Site Code: 000268), Inner Galway Bay SPA (Site Code: 004031), Cregganna Marsh SPA (004142) and Rahasane Turlough SPA (004089), in view of the sites' Conservation Objectives.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Sarah Moran  
Senior Planning Inspector  
24<sup>th</sup> September 2018

## **Appendix I List of Third Party Submissions**

Siobhan and Mike Lever

Teresa Keehan

Wayne Donnellan

Leona King and Family

Marie Irwin and Simon Kelly

Maureen Donohoe

Oranmore Community Development Association Ltd.

Phillip Smith

Frank Mannion

Galway Cycling Campaign

Grainne Cotter

Hildegarde Naughton

Celine Graham

Claire Quinn

Coill Clocha Management Company

Hugh and Ailish Hamill

Oliver Quinn

Frank and Mairead McManamon

Jill Holtz

John and Susanne Lawlor

Neil Dunworth

Stuart McLaren

Constatin and Vicorita Acabei

Alacoque Morris