



An  
Bord  
Pleanála

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

## **Inspector's Report ABP-302216-18**

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<b>Strategic Housing Development</b>	Demolition of existing outbuildings and construction of 197 no. dwellings, community room and associated site works.
<b>Location</b>	Trusky East, Barna, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Applicant</b>	Burkeway Homes Limited
<b>Prescribed Bodies</b>	Department of Culture, Heritage and the Gaeltacht
<b>Observers</b>	20 submissions – see Appendix I

**Date of Site Inspection**

14<sup>th</sup> October 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.
- 1.2. **NOTE: This report should be read in conjunction with the Inspector's report of ABP-300009-17, the recent Board decision relating to the subject site.**

## 2.0 Site Location and Description

- 2.1. The subject site, with a stated area of 7.2 hectares is located in Trusky East, Bearna, Co. Galway. Bearna Village is approximately 6km to the west of Galway City and the site is located c. 250 m north of the Main Street R336 / Moycullen Road L1321 crossroads. It has no direct frontage onto a public road but adjoins the existing Cnoc Fraoigh (Heather Hill) housing estate which is accessed from the L1321. The L1321 runs in a north-south axis connecting with Bearna's Main Street to the south.
- 2.2. The site is currently under grass and is undulating, sloping by c.10 metres from north to south. The Trusky Stream flows through the site from north to south. The site contains a substantial amount of rock outcropping and heather / gorse bushes. A treatment plant which serves the existing Cnoc Fraoigh estate to the west is located in the southern portion of the site. There is also evidence of significant earthworks located directly adjacent to the terminus of the access road serving the existing housing estate. The land to the north and rear of Cnoc Fraoigh is substantially higher than the rear gardens of the existing properties. On the adjoining site to the southeast there is a residential development at a higher level than the subject site.
- 2.3. Bearna is located within the Gaeltacht

## 3.0 Proposed Strategic Housing Development

- 3.1. The development involves 197 no. residential units as follows:

UNIT TYPE	NO. OF UNITS	%
<b>Houses</b>		
4 bed detached / semi-detached Types 2, 2A, 4, 4A, 5, 5A, 5C, 5D, 5E	29	15%
3 bed semi-detached / terraced Types 6, 6A, 7A, 9, 9A, 9B	74	38%
2 bed terraced Type 7	4	2%
<b>Apartments</b>		
1 bed	9	5%
2 bed	51	26%
3 bed apartment / duplex	30	15%
<b>Total Houses and Apts</b>	<b>197</b>	

3.2. The application also includes:

- 1 no. single storey multi purpose community room (197 sq.m.)
- 3 no. vehicular and 4 no. pedestrian link bridges, visitor parking areas, bicycle parking, bin storage areas, landscaping and public open spaces.
- Pedestrian and vehicular access from the L1321 via Cnoc Fraoigh.
- New connections to the public watermain and foul sewer. Surface water discharge to the Trusky Stream. Existing WWTP to be decommissioned.
- Part V proposal to transfer 20 units to the planning authority. The location of these proposed units has been outlined on drawing no. 924-01-92.
- Residential units to be reserved for Irish speaking members of the community in order to comply with Bearna and Gaeltacht LAPs.

3.3. The development is to be phased over c. 3 years as follows:

- Enabling works. Decommissioning of existing WWTP; foul drainage system; pedestrian link to Bearna village.
- Phase 1 January 2019 – July 2020. Works at the southern end of the site, accessed from Cnoc Fraoigh. 41 no houses, 8 no. duplex units and 14 no.

apartments, i.e. 63 no. units in total. Community centre. 2 no. stream crossings. Landscaped areas, 74% of public open space provided in this phase.

- Phase 2 January 2020-April 2021. In 2 separate blocks at the eastern and western sides of the site. 33 no. houses, 18 no. duplex units, and 22 no. apartments, i.e. 73 no units in total. Landscaped areas, remaining 16% of public open space provided.
- Phase 3 September 2020 – November 2021. At the northern end of the site. 33 no. houses and 28 no. duplex units, i.e. 61 no. units in total. 1 no. stream crossing.

## 4.0 Planning History

### 4.1. Recent Board Decision ABP-300009-17

4.1.1. Permission sought for the demolition of outbuildings and the construction of 113 no. houses at the development site comprising 8 no. 2 bed houses, 33 no. 3 bed houses and 72 no. 4 bed houses; 2 no. vehicular and 6 no. pedestrian link bridges; visitor parking areas; public realm landscaping including shared public open space and public lighting; decommissioning of existing WWTP and provision of all associated surface water and foul drainage services and connections; pedestrian and vehicular access from the L1321 via Cnoc Fraoigh and all associated site development works and services.

4.1.2. The Board refused permission for the following reason:

*The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act. The site of the proposed development is on serviceable lands, within the development boundary of Bearna, in an area earmarked for Phase 1 residential development and within the Galway Metropolitan Area as designated in the settlement strategy for the county. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area*

*of Bearna and Galway City and to the established social and community services in the immediate vicinity. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would be contrary to the aforementioned Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.1.3. The Board Direction also included the following note:

*Any future planning application on the site should include details of proposed improvement works to the L1321 Moycullen roadway, to allow for improved connectivity with the centre of Bearna, including proposals for the delivery of the works.*

#### **4.2. Other Applications at the Development Site**

4.2.1. PL07.236240 Reg. Ref. 09/1278

Permission sought for 94 dwellings, 5 retail / commercial units, 10 apartments and a crèche. Refused by the Board for one reason relating to prematurity pending the upgrading of the Mutton Island Sewerage Treatment Plant or the operation of an alternative public sewerage treatment plant for the Bearna area.

4.2.2. Reg. Ref. 06/903

Permission granted for relocation of WWTP.

4.2.3. Reg. Ref. 04/4249

Permission refused for 15 dwellings.

4.2.4. Reg. Ref. 03/4315 and 04/3846

4.2.5. Permission granted for 22 dwellings under 03/4315. Permission granted for revisions to the scheme under 04/3846.

## **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 199 no. dwellings as follows comprising 2 no. 2 bed houses (1%); 69 no. 3 bed houses (35%); 34 no. 4 bed houses (17%); 9 no. 1 bed apartments (4.5%); 53 no. 2 bed apartments (26.5%) and 32 no. 3 bed apartments (16%). The proposed development was, as in the previous case, to be accessed via Cnoc Fraoigh.
- 5.1.2. A section 5 consultation meeting took place at the offices of Galway County Council on 4<sup>th</sup> May 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:

1. Layout – Dwelling Unit Distribution

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

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

The views of the overall development from, inter alia, the east looking towards the development and also views within the development should be used to inform the site layout strategy at this location. Justification, or further consideration, at application stage for the various different orientations and positioning on site of



the same or similar duplex block typology is needed to ensure that residential amenity standards are met and preferably exceeded.

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

## 2. Movement Through the Site

Further consideration of the documents as they relate to vehicular movement through the site and national guidance on such matters. In this regard it is noted that the site layout subject of the previous Strategic Housing Development application for the site, reference number ABP-300009-17, provided for a continuous and logical route through the site which is now being replaced by 3 cul-de-sac arrangements. Justification for such a proposal should have regard to, inter alia, the Design Manual for Urban Roads and Streets (DMURS) and the Urban Design Manual that accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

## 3. Connections to Bearna Village Centre

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

- 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 site layout plan outlining those units located within the residential zoned lands and those, if any, that are within the Environmental Management Zone in the context of the zoning provisions within the current Bearna LAP.
2. Full and complete drawings, including levels and cross sections showing the relationship between the proposed development and existing Cnoc Fraigh housing estate to the west.
3. Relevant photomontage images that show the proposed development from a variety of viewpoint locations around Bearna village should be provided.
4. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development. In the event that a crèche facility is not proposed a detailed assessment of the existing and likely future provision of childcare facilities in the area and how these would meet demand.
5. Detailed analysis that shows the achievement of an acceptable residential density, in terms of gross and net residential density per hectare. The inclusion, or otherwise, of open space within these calculations should be clearly justified at application stage.
6. A schedule of accommodation and a long term management and maintenance structures plan, in accordance with section 6 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.
7. A Construction and Demolition Waste Management Plan should be provided.
8. Detailed phasing plan, that demonstrates the provision of suitable and appropriate levels of public open space and mix of house types in each phase.
9. Sufficiently detailed drawings that show the proposed pedestrian and vehicular bridges over the Trusky Stream.
10. Details, including photographic samples, of the materials, colours and textures of all the external finishes to the proposed buildings, having regard to the need for low maintenance / high quality finishes that take account of the climatic characteristics of the area.

## **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

- Layout Duplex units dispersed through the site. Reconfigured housing mix at the eastern side of the stream to increase the mix of terraced, semi-detached and detached units. Total of 16 different dwelling types located along 'streets' that provide access to landscaped areas. Lifetime Homes compliance statement submitted. All areas of open space adjacent to boundaries designated as private, removing any potentially isolated common areas. Native hawthorn hedges to be planted and maintained as part of the communal areas.
- Movement Redesign of roads layout with the main circulation route looping through the site in a 'figure 8'. Removal of cul-de-sacs. Clusters of units accessed from the loop, character areas.
- Connections to Bearna village Details of proposed new pedestrian link submitted, this provides a continuous minimum 1.8m wide footpath on the east side of the L1321 and a minimum carriageway width of 5.5m. A Memorandum of Understanding (MOU) with Galway County Council has been agreed, all parties shall enter into a binding contract to ensure delivery of the footpath by the applicant.
- Environmental Management Zone This zoning is not included in the new Bearna plan. The site layout does not indicate any buildings in the OS zoned area of the site.

### 5.3. National Policy

5.3.1. 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'
- '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)

#### 5.4. Galway County Development Plan 2015-2021

- 5.4.1. 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. Bearna is identified as within the GMA. Objective SS 1 – Galway Metropolitan Area applies:

*“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.”*

The development plan core strategy allocates a population of 420 to Bearna with 130 no. housing units with a zoned land allocation of 12.2 ha.

- 5.4.2. 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).”*

## **5.5. Bearna Plan**

- 5.5.1. A new Bearna Plan was adopted as Variation 2(a) of the current Galway County Development Plan 2015-2021 on 23<sup>rd</sup> July 2018, to replace the Bearna Local Area Plan 2007-2017.
- 5.5.2. The development site is zoned ‘Residential (Phase 1)’ and ‘Open Space / Recreation & Amenity’ in the Bearna Plan. There are also flood zones at the development site associated with the Trusky Stream, which are subject to ‘Objective CCF6 – Inappropriate Development on Flood Zones’.

Objective LU2 – Residential (R):

*“Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of the area. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.”*

Objective LU4 seeks to:

*“Promote the development of open spaces and recreational activities in accordance with best practice and on suitable lands with adequate access to the local community and retain existing open space and recreational facilities, unless it can be demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community. Ensure that any flood risk areas within the OS zone are appropriately managed to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding.”*

- 5.5.3. Objective RD1 - Residential Development Phasing supports the development of lands designated as Residential (Phase 1) within the lifetime of the plan, subject to

normal planning, access and servicing requirements, with Residential (Phase 2) zoned lands reserved for the longer term growth needs of the village. The following residential development objectives are also relevant: RD2, RD3. Development management guideline DM1 specifies a plot ratio of 0.1 - 0.5, maximum site coverage of 50% and minimum public open space provision of 15% for residentially zoned lands. The following guidance is provided on residential density:

<b>Residential Density</b>	<b>Units / ha</b>	<b>Possible Appropriate Locations</b>
Medium to high	35-50	Village 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.

5.5.8. Objective BNH4 - Local Streams applies:

*“Protect the riparian zones of watercourse systems throughout the plan area, recognising the benefits they provide in relation to flood risk management and in relation to the ecological integrity of watercourse systems. This will include a general 10 metre protection buffer from rivers within the plan area as measured from the near river bank (this distance may be increased and decreased on a site by site basis, as appropriate).”*

5.5.9. Objective CCF6- Inappropriate Development on Flood Zones:

*“Where a development/land use is proposed within any area subject to this objective the development proposal will need to be accompanied by a detailed hydrological assessment and robust SUDS design which demonstrates the capacity to withstand potential flood events to maintain water quality and avoid potential effects to ecological features.”*

Other factors to be considered where Objective CCF6 applies include:

- Development proposals to comply with The Planning System and Flood Risk Management Guidelines for Planning Authorities / Circular PL2/2014 and the associated Development Management Justification Test.
- Climate Change should be duly considered.

- Protect the riparian zones of watercourse systems through a general 10 m protection buffer from rivers as measured from the near river bank, (this distance may be increased and decreased on a site by site basis, as appropriate).
- Any development proposals submitted for this site will require a detailed ecological report(s), carried out by suitably qualified personnel for the purposes of informing AA Screening by Galway County Council, the competent authority.

## 5.6. Gaeltacht Local Area Plan 2008-2018

5.6.1. Bearna is within District F, Imeachall Na Cathrach / An Eachreidh. A Language Inurement Clause is applicable to 20% of the units in residential developments of 2 or more units which is of 15 years' duration. County Development Plan objectives UHO 12 & UHO 13 also apply.

## 5.7. Statement of Consistency

5.7.1. 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, the Bearna Plan and other regional and national planning policies. The following points are noted.

- The site location may be classified as 'outer suburban / greenfield', as per the Inspector's report of ABP-300009-17, i.e. a density of 35-50 units/ha, as per the Sustainable Residential Development in Urban Areas Guidelines. The proposed development has a density of 35 units / ha, based on a net developable area that excludes the OS zone.
- The Inspector's report of ABP-30009-17 considers that Bearna should be assessed strategically in terms of its role within the county hierarchy. Bearna should be considered as part of the GMA with regard to the development plan core strategy. The growth allocation for Bearna is 175 new housing units up to 2021. There are 3 no. Phase 1 zoned lands in the current plan:
  - Trusky East (development site)
  - Forramoyle East, c. 5 ha. Permission recently granted for 48 no. dwellings, Reg. Ref. 17/1314.

- An Leac Liath. These lands have been the subject of low density one off housing developments, Reg. Ref. 14/1175, 14/1146 and 14/1174.

Therefore, a total of c. 50 units have been granted on Phase 1 lands since the adoption of the core strategy. The submission also considers recent permissions in Oranmore, the other settlement within Tier 1 of the GMA in the county settlement hierarchy. A total of 117 units have been granted at Oranmore. The core strategy indicates that the Tier 1 settlements of Bearna and Oranmore can accommodate a population increase of 1,590 and 538 no. new dwellings. A total of 167 units have been granted. Therefore, there is capacity for additional residential development.

- The development complies with the residential zoning of the site under the Bearna Plan. It is laid out with landscaping at the OS zoned lands with no buildings in this area. The Bearna Plan permits utilities infrastructure within the OS zone subject to flood risk assessment and roads, bridges and car parking are proposed in this area.
- A Site Specific Flood Risk Assessment (SSFRA) is submitted, this confirms that no vulnerable development will be located within Flood Zone A or B. The AA Screening Report and Ecological Impact Assessment confirm that the development will not impact on the Trusky Stream or associated riparian habitat. A total of 39.4 sq.m. or 0.45% of the total development area would be located within the 10m buffer to the stream.
- The layout complies with the Guidelines on Sustainable Residential Development in Urban Areas. A Statement of Compliance with Housing quality is submitted. The development would largely comply with the requirements of the Bearna Plan in terms of site coverage, plot ratio and public open space. Most of the development would comply with the building height of 2.5 storeys specified in the Bearna Plan. However, there are 7 no. 3 storey duplex buildings and 3 no. 4 storey apartment blocks. The application site must be viewed in the context of its role in supporting the development of Galway City and the GMA and therefore increased development densities are considered to be appropriate at this location. The development is designed to retain an open residential character and addresses issues of overlooking, overshadowing and overbearing. An



assessment of the development against the 12 Best Practice Design Manual Criteria is submitted.

- The development includes a range of residential units and types to consolidate and augment the existing residential community of Bearna, as this fully serviced location is within close proximity to the existing services and amenities available within the village centre.
- The development meets the requirement of 15% public open space provision. Private open space provision meets or exceeds relevant criteria.
- A Childcare Facility Assessment is submitted. This justifies the lack of childcare provision in the development on the basis of available capacity in the Bearna area and population projections.
- The application includes a Traffic and Transport Assessment (TTA) and a Road Safety Audit. The development is unlikely to have any significant effect on the local road network.
- The development is compliant with DMURS and development plan car parking standards.
- The development includes the provision of a pedestrian priority link from the site to Bearna village. The design has been developed in conjunction with, and to the required standards of Galway County Council. A MOU between Galway County Council and the applicant has been agreed and, if permission is granted, it is agreed that all parties shall enter into a binding contract to ensure the delivery of the footpath by the applicant.
- The development will not interfere with any existing views towards the sea from the public roads in the vicinity. It will be predominantly located within the Village Consolidation Zone, the majority of which is identified as Phase 1 lands and situated adjacent to an existing housing estate. It is therefore considered that the development would not impact upon either the character of the surrounding landscape or impinge upon the identified viewing corridor of View 72 “View of the Sea from North Bearna” as identified within Map 2.6.3G of the LAP.
- A Linguistic Impact Statement is submitted. The provision of an additional 197 no. units at this location will not have an adverse impact on the linguistic integrity of

the area due to the population levels and numbers of Irish speakers in the vicinity. A total of 40 residential units within the scheme will be reserved for Irish speaking members of the community for a 15-year period, in compliance with the Gaeltacht Local Area Plan. This will have a positive impact on the Irish language and culture in Bearna.

- Part V proposals are submitted on foot of pre-planning discussions with Galway County Council.
- The development includes a substantial level of community gain in the form of both a public footpath and a Greenway Linkage through the centre of the site, along route of the Trusky Stream. This involves the provision of a high quality and active route, which can be extended both northwards and southwards enabling the eventual continuous stream side path, as envisaged by the Bearna Plan.

## 6.0 Third Party Submissions

6.1. The submissions were primarily made by or on behalf of residents of Cnoc Fraoigh, including the Heather Hill Management Company. The main points made in the submissions may be summarised as follows

### 6.2. Third Party Comment on Principle of Development

- The planning authority has over zoned land for development in Bearna village. The population target of 420 can be accommodated in already permitted development and other zoned lands at Bearna. It is not necessary to develop the subject site to achieve the population target. Existing housing need could be accommodated by implementing outstanding permissions and bringing vacant dwellings back into use. The permission granted at the subject site under PL07.234243 and Reg. Ref. 14/788 could accommodate 83 residents and that granted under Reg. Ref. 17/1314 for 48 units could accommodate a population of 125.
- The development plan core strategy contains a housing output target for 13,160 population and the plan indicates that there is already permission for 2,272 units, with a further 1,180 houses in the county being vacant. Given the average

household formation of 2.6 people, these units could accommodate a population of 9,000.

- The development would accommodate over 546 people, based on the submitted Childcare Facility Assessment. This is well in excess of the 420 target and almost a third of the existing population of Bearna and would result in inadequate provision of school places, play areas, etc. Concern about the cumulative impacts on Bearna if other zoned lands are developed at the same density.
- The proposed development represents c. 151% of the statutory target for Bearna when considered alongside other permitted development within the settlement. The application is a material contravention of the County Development Plan.
- There are several units located outside the residentially zoned lands, i.e. units nos. 143-145 on lands zoned OS, nos. 147-155 on flood prone terrain and zoned OS and apartments nos. 01-28 on flood prone lands.
- Other, less environmentally sensitive zoned lands should be developed before the subject site.
- Bearna does not have adequate infrastructure to cater for the development, i.e. roads, footpaths, lighting, schools and public transport. The Guidelines for the Sustainable Residential Development of Urban Areas require that no substantial residential development should proceed without an assessment of schools capacity or the provision of new school facilities in tandem with development.
- The County Development Plan requires that proposals for large residential schemes > 50 units are presented in the context of a masterplan scheme that indicates access to schools, shops, public transport, recreational facilities and childcare facilities, also proposals for management of public open spaces.

### 6.3. Third Party Comment on Design and Density

- Development is excessive in scale and out of character with Bearna village.
- The development will be much denser than the existing Cnoc Fraoigh estate and it is not in keeping with surrounding residential development. Density of development should be consistent with surrounding development.

- Density of development contravenes development plan objectives ‘UHO10 – Sequential Development’ and ‘UHO11 – Development Densities’. The Board should not permit densities in accordance with the Guidelines on the Sustainable Residential Development of Urban Areas if they contravene the development plan as this undermines the democratic planning process.
- Excessive height of 4 storey apartment blocks, contravention of Bearna Plan.
- Lack of active open space to serve the development.
- Permission was already granted for 48 houses at Forramoyle East recently.

#### 6.4. Third Party Comment on Impacts on Residential Amenities

- Concerns about overshadowing and overlooking of the rear of houses within Cnoc Fraoigh.
- Discrepancy in levels between the proposed development and existing houses within Cnoc Fraoigh will result in overlooking.

#### 6.5. Third Party Comment on Traffic and Transport

- Development will result in a substantial increase in the amount of vehicular traffic in the area, particularly travelling through Cnoc Fraoigh. There is already significant traffic congestion in Bearna.
- Development would generate an additional 1,200 vehicular movements per day, adverse effects due to noise and disturbance.
- The L1321 is narrow, poorly aligned and lacks a footpath or public lighting. It is inadequate to cater for the traffic generated by the development.
- The submission made on behalf of the residents of 8 Cnoc Fraoigh includes a traffic count / speed survey of traffic on the L1321. It is submitted that existing traffic speeds are much higher than the speed limit. The survey shows that a northbound 85<sup>th</sup> percentile of 72.5 kph and southbound 85<sup>th</sup> percentile of 69.9 kph, also maximum recorded speeds of 114.6 kph and 99.3 kph in these directions.
- It is submitted that existing traffic will increase significantly on the L1321 when the Bearna Inner Relief Road is complete as it will act as a ‘feeder route’ between the centre of Bearna and the ring road. Also the Bearna to Moycullen road will in

turn serve the Galway City Outer Bypass, which will result in further traffic congestion.

- Development should be delayed until the Bearnna Inner Relief Road and Galway City Bypass are complete.
- Traffic hazard in Cnoc Fraoigh and safety concerns relating to the use of green areas by children living in the estate.
- The Inspector's report of PL07.236240 did not consider that the development lands should be accessed through the Cnoc Fraoigh estate.
- The proposed development is much larger than that envisaged as Phase 2 of Fraoigh when that scheme was granted, Reg. Ref. 04/3846.
- Inadequate sightlines at the entrance to Cnoc Fraoigh from the L1321.
- Any permission should be subject to a condition that no further development will be allowed to the north, south or east of the site using the same access.
- Development should have a separate access from the L1321.
- Development should be accessed from the new Bearnna Inner Relief Road.
- Lack of pedestrian / cycle connections and public lighting between the site and the centre of Bearnna. The submitted MOU lacks a timeframe for the construction of the footpath and lacks a cycle lane. Lack of details submitted with the MOU, possibility that third party agreements would be required. The proposed link would not comply with DMURS. The road is too narrow to accommodate a 1.8m wide footpath.
- The TTA underestimates the number of traffic movements that the development will generate. It is deficient as the sight distances are insufficient for the actual speeds recorded at this location. Also it does not include any reference to the proposed N6 Galway City Ring Road, which will intersect the L1321 c. 1 km north of the development site and will significantly increase the traffic passing the entrance to Cnoc Fraoigh.

#### 6.6. Third Party Comment on Drainage / Flooding

- There is a history of flooding at the development site including flood events in December 2015 and July 2017. Photographs of flooding at the site are submitted.
- It is submitted that the site suffers from pluvial and fluvial flooding and that development at the site would contravene The Planning System and Flood Risk Management Guidelines as it does not meet the justification test as there is zoned land available elsewhere.
- It is submitted that a greater area of the site is flood prone than that indicated in the application and that the development involves construction on a flood zone. Also, there are tributaries of the Trusky Stream and another watercourse at the development site that are not indicated on the submitted flood maps or the strategic flood risk assessment of the Bearna Plan.
- A SSFRA was carried out to accompany the new Bearna Plan. This highlighted incontrovertible evidence of flooding at the development site, as per several third party submissions. The area shown as the existing flood zone should be regarded as the smallest area at elevated risk of flooding. Refer to the SEA, Chief Executive's Report and meeting minutes from the Bearna Plan process. It is submitted that the Department of Housing, Planning and Local Government wrote to the planning authority with regard to the issue of flooding at the development site during the review of the Bearna LAP. The submission made on behalf of the residents of 8 Cnoc Fraoigh quotes this correspondence.
- The SSFRA submitted with the application attributes the flooding at the site to pluvial flooding within Cnoc Fraoigh and 'ponding' within the development site. This is incorrect. The Cnoc Fraoigh estate has a properly designed surface water drainage system and there have been no incidences of fluvial flooding within Cnoc Fraigh since its construction. Flood events at the development site in 2015 and 2017 were caused by overtopping of the Trusky Stream at several locations upstream of the flooding location. Photos are submitted.
- The SSFRA submitted with the application is invalid as it cannot explain the proven flood events. The flood events of 2015 and 2017 suggest that the hydraulic model and flood maps submitted with the application underestimate the

design flood levels for the 1% and 0.1% AEP events. Due to the frequency of these events, it is highly likely that they are more frequent than a 1% AEP and that flood events of 1% or 0.1% AEP will result in flooding of more areas of the site.

- Residences downstream of the site will be at increased risk of flooding as a result of the development. Also, the development could redirect flood waters into Cnoc Fraoigh. This will be exacerbated by the demolition of the existing storm water attenuation tank serving Cnoc Fraoigh.
- The cut / fill development proposed in the Trusky Stream assessment document is not allowed in the OS zoned area and Flood Zone A. The Board should determine what, if any, development is allowed in these areas.
- No allowance for the required 10m buffer zone on either side of the stream in certain parts of the site.
- The Board should condition the installation of flood barriers at both access points to Cnoc Fraoigh to mitigate the elevated flood risk as a result of the development.

#### 6.7. Third Party Comment on Other Matters

- It is submitted that the Board ignored the submissions and observations of residents in its consideration of ABP-300009-17, particularly with regard to concerns about flooding issues. The residents are likely to lodge a Judicial Review if the development is permitted. The Board should provide explicit reasons for rejecting specific submissions so that residents will have sufficient information for determining if a Judicial Review is appropriate in each case.
- Need for adequate construction management and monitoring to ensure traffic safety and protection of residential amenities. Concerns about noise, dust, security, traffic safety, disruption etc. during the construction period.
- Concerns about structural impacts of ground works and rock excavation on surrounding properties. Permission should be subject to a condition that blasting does not take place without the agreement of local residents.

- The construction of foul sewers within Cnoc Fraoigh will result in significant disruption and safety risks to existing homeowners. Existing foul connections within Cnoc Fraoigh estate could be used by the developer.
- The decommissioning of the existing WWTP in Cnoc Fraoigh should take place before the proposed development is commenced.
- AA should have been completed for the application due to the source-pathway-receptor connection to the Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) via the Trusky Stream.
- Development will have an adverse impact on property values in Cnoc Fraoigh due to increased flood risk, increased traffic and road safety issues and visual impacts from the 4 storey apartment blocks.
- Heather Hill Management Company: Concerns over damage to property by the excavation method proposed for the decommissioning of the WWTP. Request that the Board (1) condition that the decommissioning should be successfully complete before any other development take place; (2) blasting cannot take place without planning and without agreement from residents; (3) appropriate measures be taken to ensure no damage occurs to existing property and that appropriate measures to monitor damage will be put in place; (4) No further development be allowed to the north, east or south of the site using the same access; (5) insurance be put in place by Burkeway Barna Ltd to cover the liability for injuries to persons on the Common areas and entrance roadway and (6) apply a local need clause.

## 6.8. **Third Party Submissions Conclusion**

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

## 7.0 **Planning Authority Submission**

- 7.1. 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 Connemara Municipal District, as expressed at their meeting of the 13<sup>th</sup> September 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.

## 7.2. PA Comment on Zoning and Core Strategy

- It is acknowledged that the development of 197 units would exceed the core strategy figures set out for Bearnna. The current proposal seeks to address the recent Board decision on the site, ref. ABP-300009-17, which considered that Bearnna village functions as part of the GMA and therefore should have an appropriate density in this strategic location. The current County Development Plan defines the GMA as including the gateway and a number of electoral divisions adjacent to the city which are inextricably linked to and function as part of Greater Galway City including the thriving satellite settlements of Oranmore and Bearnna. It is also noted that the current GMA boundary is likely to be extended further in the Metropolitan Area Strategic Plan for Galway, which is being prepared as part of the RSES for the North and Western Regions. It is accepted that Bearnna should not be viewed in isolation in the core strategy but should be viewed in the context of overall quantum of development permitted by the core strategy and the fact that there is a significant gap between the overall development envisaged under the core strategy and that which has actually taken place.
- Section 3.2.2 of the submitted Statement of Consistency provides an increased population allocation to Bearnna from Oranmore on the basis of the balance of population surplus between both settlements, in view of the core strategy. It is noted on pages 21-22 that 2 no. planning applications are omitted 15-1107 (68 units) and 15-1334 (161 units) totally 229 units with the LAP.
- The development site is predominately zoned 'Residential (Phase 1)' in the Bearnna Plan but is bisected by 'Open Space/Recreation and Amenity' zoned lands associated with the Trusky Stream and its associated fluvial flood risk areas (Flood Zone A). No residential units are proposed within the open space

zoned lands. The proposal seeks to create a linear park along the Trusky Stream in the open space zoned lands within the site area.

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

- The submitted TTA, Road Safety Audit and Travel Plan are noted.
- The proposed new pedestrian connection to the centre of Bearna is welcomed as a community gain to residents of Bearna. The planning authority recommends a condition that the development shall not be constructed until the public footpath has been constructed to its satisfaction.
- No report has been received from the Roads and Transportation Section of Galway County Council with respect to the application.

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

- The proposed foul and surface water drainage arrangements are noted, also relevant Irish Water correspondence. The planning authority is satisfied that the development can be facilitated by the existing Irish Water infrastructure, and that the surface water drainage proposals on site are acceptable.
- No built development is located within the Preliminary Flood Risk Area (PFRA) identified by the OPW. However, the Strategic Flood Risk Assessment (SFRA) carried out in the preparation of the Bearna Plan increases the extent of the PFRA indicative fluvial flood risk area within the site area, resulting in some residential properties of the SHD application now being located within Flood Zone A in the Bearna Plan. The lands containing the affected proposed residential units within Flood Zone A were subject to material amendments from the Draft Bearna Plan, resulting in the change of zoning from open space to residential. The adopted plan includes hazard symbols on the zoning map for the site relating to flood risk and referring to Objective CCF6 (Inappropriate Development on Flood Zones) of the plan.
- The submitted Trusky East Stream Flood Study and SSFRA are noted. Appendix D of the Trusky East Stream Flood Study report includes flood extent site plans for both pre-development (dwg. no. B861-H101) and post-development (dwg. no. B861-H103), using Flood Zones A and B. The pre-development site plan shows proposed residential units no. 69, 70, 114 and duplex block 106-113 located

within or partially encroaching into Flood Zone A. The post-development site plan shows no new residential units located within Flood Zone A or B. However, the post-development site plan is informed by ground level raising and compensatory ground level lowering to facilitate the development. The reduction of flood storage and the impact of land raising downstream does not appear to be robustly addressed in the application.

- The SSFRA states that the residential units are located outside of areas of potential risk for fluvial, tidal and pluvial flooding, and therefore are within Flood Zone C. The SSFRA relies on the surface water drainage plan for the site to ensure that the development will not negatively impact or further exacerbate the extents of flooding in the surrounding area or downstream than that predicted by the CFRAM study, wherein, final discharge to the Trusky Stream will be limited to pre-development greenfield run-off rates of 21 l/s/ha. The planning authority notes that the SSFRA does not specifically address the flood risk identified in the Bearna Plan but rather refers to the preceding Bearna LAP.
- Serious concerns are expressed in relation to land raising on site. Relevant recommendations of the Flood Risk Guidelines are noted. The planning authority recommends omitting proposed residential unit no. 69, also that the semi-detached units nos. 70 & 71 be replaced by a detached unit outside of the pre-development flood risk area and the position of the affected duplex block and terrace block (includes unit no.114) be slightly amended to move outside of the pre-development flood risk area.

#### 7.5. PA Comment on Cultural Heritage

- The planning authority is satisfied that the development will not result in adverse impacts on protected structure(s) or on the setting of any protected structure.
- The application site is located outside of the Bearna ACA, which relates to Bearna Pier Road and Pier and is approx. 370m south of the development site at its closest point. The planning authority is satisfied that the development will not result in adverse impacts on the ACA.
- There are no Recorded Monuments or other archaeological features of note on, adjoining or in the vicinity of the development site. The nearest recorded monument (GA093-010: Settlement Clusters) is located in Bearna village centre,

approx. 360m south of the development site. The planning authority is satisfied that the development will not result in adverse impacts on any recorded monuments or on the archaeological heritage of Bearna, subject to the condition recommended by the DAU.

- The application site is located within District F of the Connemara Gaeltacht in the Gaeltacht LAP. The submitted Linguistic Statement is noted, in accordance with County Development Plan objectives UHO 12 & UHO 13 and Objective GL1 of the Gaeltacht LAP. The planning authority is satisfied that the provision of 40 no. dwellings for native Irish speakers will contribute towards the protection, preservation and promotion of the Irish language in District F of the Galway Gaeltacht.

#### 7.6. PA Comment on Childcare Facilities

- The submitted Childcare Facility Assessment report is noted. Section 3.1 of same refers to a scheme of 188 units, as opposed to proposed 197 residential units, and the childcare projections are based on 188 units. However, based on the 2016 census figures for 0-4 age cohort (7.65%) and the projected population of the proposed development (197 units x 3 = 591 persons), it is estimated that the number of children within the 0-4 age cohort is 45 persons.
- An additional 45 no. children would result in a significant impact on existing childcare facilities in Bearna, particularly when taking into account with the extant planning permissions for residential developments in the area. Furthermore, there is no guarantee that places will be available in existing childcare facilities in Knocknacarra and other areas within Galway City, as many are already at capacity. The planning authority recommends a condition that the proposed multi-purpose community building is also used as a childcare facility during normal daytime hours.

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

- The development adheres to the density, site coverage and plot ratio set out in the Bearna Plan and national residential standards. It also meets relevant standards with respect to open space (private and public), car parking, landscaping, overlooking, overshadowing and boundary treatment.

- The planning authority considers that the design, density, layout and open space provision of the development are of a high standard that accords to best practice, are appropriate to the character of the surrounding area and comply with the provisions of the County Development Plan, including the Bearna Plan.

#### 7.8. PA Comment on Part V

- The planning authority is satisfied that the proposed social housing units and 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.

#### 7.9. PA Comment on Ecology and Appropriate Assessment

- The comment of the DAU of the Department of Culture, Heritage and the Gaeltacht is noted, also the submitted AA screening report, Ecological Impact Assessment and bat survey.
- The Trusky Stream bisects the site as it flows towards Galway Bay at the quay in Bearna village. The stream is a potential pathway for pollutants during the site enabling works, construction and operational stages of the proposed development. While Bearna quay is located outside of the Galway Bay Complex SAC and the Inner Galway Bay SPA, it is hydrologically connected to these nearby European sites. Therefore, the development is located within the zone of influence of the Galway Bay Complex SAC & the Inner Galway Bay SPA.
- Based on recent CJEU judgement (Case C 323/17), the reliance on the use of preventative measures off-set potential impacts on European sites is a trigger to proceed to Stage 2 AA, which needs to be considered by the Board. A Construction and Demolition Waste Management Plan is contained in Appendix K of the Engineering Consultants Report. It is considered that a condition of planning should include water quality testing upstream and downstream of the Trusky Stream to establish baseline information to ensure the effectiveness of the

surface water drainage management plan for the site, which includes final discharge to the Trusky Stream.

#### 7.10. PA Conclusion

7.10.1. The planning authority is favourably disposed in principle to a grant of permission on this site, subject to recommended conditions.

### 8.0 **Prescribed Bodies**

#### 8.1. **Department of Culture, Heritage and the Gaeltacht**

##### 8.1.1. Comment on Nature Conservation Issues

The following points are noted:

- The development is approximately 950m west of the European sites, Galway Bay Complex SAC and Inner Galway Bay SPA. It is recommended that the Board should consider if the development would have indirect or cumulative effects on these European sites, including as a result of increased amenity and recreational pressures near the margins of Galway City; the growing infrastructural needs, including roads and cycleways; and the wastewater from the site which will be treated in and discharge to Galway Bay and to the SAC and SPA.
- The application area (approximately 7.2 ha) comprises a network of small fields of grassland, with encroachment by bracken and scrub, and a small area of dry heath. The Trusky Stream, a minor watercourse, passes through the site and a total of 7 new bridges are proposed; 3 for vehicular access and 4 pedestrian bridges. Almost all areas of natural / semi-natural habitat will be lost or modified as a result of the development. The likely effects of bridge or culvert construction on the watercourse, taking design into account, are not assessed in Ecological Impact Assessment and it is unclear whether areas of 'riparian habitat' can be retained in the final development.
- The submitted bat survey established that Soprano and Common Pipistrelle Bats utilise the site. While it appears that there are no bat roosts on the site, all bats are strictly protected (Annex IV of the Habitats Directive) by the European Communities (Birds and Natural Habitats) Regulations, 2011. The Board should

consider any potential adverse effects of the development on bats, nesting birds, and any other protected species.

#### 8.1.2. Comment on Archaeology Issues

The following point is noted:

- Given the scale and location of the development it is possible that subsurface archaeological remains could be encountered during the construction phases that involve ground disturbance. With regard to national policy (Framework and Principles for the Protection of the Archaeological Heritage 1999, Section 3.6.2), the Department recommends that a condition to undertake an archaeological impact assessment should be included in any grant of permission.

### 9.0 **Assessment**

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

- Principle of Development
- Design and Layout
- Drainage and Flooding
- Access and Transportation Issues
- Impacts on Visual and Residential Amenities
- Childcare Facility
- Ecological Impact Assessment and Appropriate Assessment
- Other Issues

These matters may be considered separately as follows.

#### 9.2. **Principle of Development**

##### 9.2.1. Quantum and Density of Development

A new Bearna Plan has been adopted as Variation no. 2(a) to the Galway County Development Plan 2012-2021 since the Board's previous decision relating to the development site under ABP-300009-17. The land use zoning map for the new Bearna Plan indicates 3 zoning objectives at the development site, i.e. 'R –

Residential (Phase 1)', 'OS – Open Space / Recreation and Amenity' and 'Objective CCF6 – Inappropriate Development on Flood Zones'. The majority of the site is located on residentially zoned lands.

The County Development Plan core strategy designates Bearna as within the Galway Metropolitan Area (GMA), at the top of the settlement hierarchy for the county. The GMA is described as the identified Gateway and vital economic driver for the entire West Region and including the 'thriving satellite settlements' of Oranmore and Bearna. The strategy indicates a population allocation of 420 for Bearna for the period 2015-2021. This entails a total of c. 162 no. residential units based on the household size of 2.6 specified in development plan section 2.4.11. Objective RD1 of the Bearna Plan provides for sequential development of Phase 1 residentially zoned lands at infill sites, extensions to the existing residential fabric and future growth areas to be developed in the short to medium term, prior to the development of Phase 2 lands, which are reserved for longer term growth beyond the plan period. Permission was recently granted for 48 dwellings on Phase 1 lands at Forramoyle East, Reg. Ref. 17/1314 PL 07.246315 and Galway County Council confirms that a small number of the population allocation is accounted for by extant planning permissions granted within the Bearna Plan area.

The proposed development of 197 no. units would therefore significantly exceed the core strategy population allocation for Bearna. However, I note section 10.3 of the Inspector's report of ABP-300009-17, which stresses the strategic role of Bearna within the GMA and concur with this view. That development proposed a total of 113 no. dwellings at the subject site, with a residential density of c. 20 units/ha excluding the EMZ lands at the site. The Board decision of ABP-300009-17 refused permission on the basis that (i) the residential density of that development was contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas; (ii) the development would not be of a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Bearna and Galway City and to the established social and community services in the immediate vicinity and to its location on Phase 1 lands and within the GMA. I also note the comment of Galway Council, which accepts that Bearna should be viewed in the context of overall quantum of development permitted by the development plan core strategy and the fact that there



is a significant gap between the overall development envisaged under the core strategy and that which has actually taken place. The proposed quantum of development is acceptable on this basis.

The development has a stated net residential density of 35 units/ha, based on a 'developable area' that excludes OS zoned lands, i.e. a significant increase on that proposed under ABP-300009-17. As per the Inspector's report of ABP-300009-17, this location is considered to correspond to the definition of an 'outer suburban / greenfield site' in the 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. While a density of 35 units/ha is at the lower end of the scale, it is considered acceptable in this instance given the constraints that apply to the development site, i.e. the presence of OS zoned lands and flood zones.

#### 9.2.2. Housing Mix

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 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 mixed development to the south in the centre of Bearna. I note that the Board decision of ABP-300009-17 referred to inadequate housing mix as that development comprised predominantly semi-detached and detached housing. It involved 113 no. houses (no apartments) with 7% 2 bed houses, 29% 3 bed houses and 64% 4 bed houses. The current proposal comprises 5% 1 bed apartments; 26% 2 bed apartments; 15% 3 bed apartments / duplex units; 2% 2 bed terraced houses; 38% 3 bed terraced / semi-detached houses and 15% 4 bed detached / semi-detached houses. 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. In addition, given the proximity of the site to the centre of Bearna, I consider that the scheme is in accordance with objective RD2 of the

Bearna Plan, which is to facilitate the development of apartments at appropriate locations.

### 9.2.3. Principle of Development Conclusion

To conclude, the proposed quantum of development, residential density and housing mix are considered to be acceptable in the context of site constraints and to be generally in accordance with the Bearna Plan, the Galway County Development Plan 2015-2021 and relevant national policies. The development is therefore considered to be acceptable in principle.

## 9.3. **Design and Layout**

### 9.3.1. Proposed Design and Layout

The overall layout is similar to that proposed under ABP-300009-17 and has been laid out around the flood zones associated with the Trusky Stream. The submitted Design Statement provides a rationale for the layout such that it has been designed to overlook and complement a greenway through the site along the Trusky Stream, providing a communal amenity area and addressing the OS zoned lands to the immediate south. The development has two separate accesses from existing roads within Cnoc Fraoigh. The layout west of the Trusky Stream contains houses with some 3 storey duplex units and terraced housing to provide an improved housing mix to the overall scheme. The main public open spaces are also located in this part of the site, including open areas at the southern end of the site that are compatible with the OS zoned lands to the south. There are 3 no. 4 storey apartment blocks east of the stream, 4 no. 3 storey duplex blocks, houses and associated roads and parking areas. Shared car and cycle parking and bin storage are provided for the apartments and duplex units. The community facility is also located to the east of the Trusky Stream.

The existing stone walls at the site are to be dismantled and reused in the proposed landscaping works. An existing stone bridge over the Trusky Stream at the northern end of the site is to be retained as a feature. There is no tree growth at the site. The proposed landscaping strategy incorporates native vegetation present at the site and is satisfactory. The landscaping proposals include the preservation of marsh ground within the flood zones identified in the SSFRA and use locally sourced rock and boulders as permeable geotextile to retain topsoil in flood zones outside the OS

zoned lands. The landscaping includes a fence along the banks of the Trusky Stream. While the necessity of this measure for safety purposes is accepted, full details of the structure used should be agreed with the planning authority prior to the commencement of development.

I consider that the proposed design and layout overall satisfactorily address the constraints and site features, while providing a good standard of public space and amenity. The total open space provision is 16.3% of the development site, excluding OS zoned lands. This quantum is acceptable and further details of the layout and use of each space could be agreed by condition. The layout provides a satisfactory level of passive surveillance of open spaces and individual dwellings have been designed to address corners, which improves the overall legibility of the scheme. Details of boundary treatments to open spaces may also be agreed by condition such that a satisfactory interaction with the public realm is achieved. The individual houses are finished with stone and render and the duplex units are presented in a similar style. The apartments are contemporary with large areas of glazing and white render. It is considered that the design of the development will achieve a good quality of public realm and will be harmonious with the Cnoc Fraoigh estate and the wider Bearna area, subject to the use of high quality materials, which may be addressed by condition. I consider that the rear of the duplex blocks has not been designed to address the public realm and should be revised such that all frontages achieve a high standard of design. This matter is particularly important in relation to the duplex blocks to the east of the Trusky Stream, which will be highly visible both within and outside the development site. The layout indicates laneways to the rear of terraced housing units, providing access to rear gardens. They are not included in the areas to be taken in charge. The management and maintenance of such areas can be problematic and I recommend that they are omitted in favour of well designed bin storage in front of individual terraced units.

I note the stated concerns of third parties regarding 4 storey apartments at the development site and their compatibility with the character of the area and the policies and objectives of the Bearna Plan. I note Bearna Plan 'Objective UD2 – New Buildings', which states:

*“Increased building heights may be considered in exceptional circumstances where they contribute positively to the village character and design, subject to a high standard of urban design and have no adverse impacts on amenity.”*

The proposed 4 storey apartment buildings provide a high standard of design and residential amenity and contribute to the achievement of satisfactory residential density at the development site. It is considered that they do not have any significant adverse impacts on visual or residential amenities (see section 9.6 below). They are therefore satisfactory.

### 9.3.2. 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 and apartment units have been designed to comply with the ‘Sustainable Urban Housing Design Standards for New Apartments’ and the floor areas exceed the required provision in all instances. There is a total of 9 no. single aspect one bed apartments in the apartment blocks, however these all have a west facing aspect with balconies overlooking the Trusky Stream and the main public open spaces within the scheme. They are acceptable on this basis. 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.

### 9.3.3. 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 and across the Trusky Stream. Vehicular permeability is more limited with many of the ‘shared spaces’ laid out as cul-de-sacs, partially due to the necessity of traversing the Trusky Stream and avoid the related flood zones. The application includes details 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 areas and the

footpath on the L1321 provide a new pedestrian link to the centre of Bearna. The pedestrian route along the Trusky Stream also opens up possible future connections to the south of the site.

#### 9.3.4. 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 satisfactory standard of residential accommodation for future residents of the scheme.

#### 9.4. **Drainage and Flooding**

9.4.1. The Trusky Stream traverses the site from north to south and discharges to Galway Bay near Bearna pier. There is also a land drain along the southern boundary of the site. The OPW flood maps database does not indicate any history of flood events in the area. However, many of the third party submissions have raised concerns about flooding at the development site and refer to flood events at the site in 2015 and 2017, including photographs of same.

#### 9.4.2. Proposed Development and Bearna Plan Flood Zones

Local residents also made submissions on flooding issues in response to the draft Bearna Plan when it was placed on public display as proposed Variation No.2 (a) of the Galway County Development Plan 2015-2021. Several of the submissions contained video and photographic evidence of flooding at the development site in 2015 and 2017. The Elected Members of Galway County Council considered the draft Bearna Plan and the public submissions at a Council Meeting on the 26<sup>th</sup> February 2018 and proposed a number of material alterations to Variation No.2 (a), including MA3 relating to the development site:

*(a) Remove the area increased as Open Space/Recreation and Amenity (0.48ha) and rezone this area as Residential Phase 1 (0.48ha) from the subject lands as per the attached map (Material Alterations Proposed to the Variation No.2a – Map 1A Land Use Zoning –Bearna Plan);*

*(b) Remove the area zoned Residential Phase 1(0.48ha) and rezone this area as Residential Phase 2(0.48ha). (Material Alterations Proposed to the Variation No.2a – Map 1A Land Use Zoning –Bearna Plan);*

A Strategic Flood Risk Assessment (SFRA) of the Bearna Plan was carried out by CAAS as part of the plan preparation process. This identified flood zones at the development site based on the OPW Preliminary Flood Risk Assessment (PFRA). The more accurate CFRAM mapping is not available for this location and SFRA section 1.5 states that the PFRA is based on emerging and incomplete data as well as estimates of the locations and likelihood of flooding. The SFRA finds that Cnoc Fraoigh is a location of elevated flood risk due to its proximity to the Trusky Stream and risk of fluvial flooding. There are Flood Zones A (1% Annual Exceedance Probability) and B (0.1% AEP) along the banks of the Trusky Stream at the development site, as identified in the OPW PFRA and zoned as the Environmental Management Zone in the previous Bearna LAP. SFRA Figure 5 indicates flood zones at the development site outside those identified by the PFRA, taking into account the evidence of flooding submitted by local residents. SFRA section 4.2 notes that a Flood Study for the Cnoc Fraoigh lands that was included as part of a separate submission requesting zoning of the flood plain did not provide any contrary evidence that the photos of flooding submitted by local residents were incorrect, or that there was any rationale for flooding on these lands in 2015 and 2017. SFRA Section 4.3 states:

- *Material Alterations No. 1-6 provide for a range of incompatible uses within areas that are at elevated risk of flooding (these areas were identified by the Strategic Flood Risk Assessment);*
- *Material Alterations No. 1-6 provide incompatible uses that are contrary to proper and sustainable flood risk management and contrary to The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Circular PL2/14;*
- *If any of the lands subject to Proposed Material Alterations No. 1-6 that are located within Flood Zones A or B were developed, there would be a heightened risk of flooding and associated adverse effects on people and their assets. Such effects are identified on Table 4.1 and range from loss of life, to damage to property, to loss of income; and*
- *Material Alterations No. 1-6 would result in elevated potential for water quality to be adversely affected (as a result of flooding of water treatment systems and*

*collection networks and flooding of unknown substances stored onsite). Polluted or contaminated waters would have the potential to adversely affect human health and biodiversity and flora and fauna (including designated European Sites).*

In addition, SFRA section 4.2 states:

*In order to be consistent with the need to contribute towards proper planning and sustainable development and in order to comply with the Flood Risk Management Guidelines, it was recommended by the SEA that zoning as proposed by Variation 2 (a) and not zoning as proposed by the Material Alterations was selected.*

*Elected Members decided to select zoning as proposed by the Material Alterations. This zoning is contrary to The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Circular PL2/14. Consequently, the Variation is contrary to these Guidelines and associated Circular.*

The Bearna Plan was adopted by Galway County Council as Variation 2(a) of The Galway County Development Plan 2015-2021 at their meeting on 23<sup>rd</sup> July 2018. I note that the Bearna Plan land use zoning map indicates OS zoned lands along the Trusky Stream. The OS zoned lands correspond with the Environmental Management Zone at the development site under the previous Bearna LAP and with the Flood Zones A and B as identified in the OPW PFRA. The current Bearna Plan zoning map indicates additional hatched areas at the development site that are subject to 'Objective CCF6 – Inappropriate Development in Flood Zones', as set out above, at the locations identified in SFRA Figure 5 'Revised Flood Zones Taking Into Account Evidence of Flooding Submitted Within Submissions'. A detailed SSFRA is therefore required as per Objective CCF6.

#### 9.4.3. Proposed Drainage Measures and Site Specific Flood Risk Assessment

The proposed development involves the decommissioning and removal of the existing WWTP, filtration bed and associated pipe network from site that serves Cnoc Fraoigh. A new gravity flow foul drainage network is to be constructed to serve both the proposed development and Cnoc Fraoigh, to discharge to the existing Irish Water foul sewer located on the L1321 c. 300m to the south. I note the Irish Water design acceptance correspondence on file. This is satisfactory subject to adequate construction management measures during the decommissioning of the existing

WWTP. As was the case for the previous proposal under ABP-30009-17, the foul sewerage works will cause some disturbance to existing residents, however this must be considered in the context of the benefits associated with the upgrade and connection to the Irish Water foul network. With regard to surface water drainage, the development site is poorly drained and unsuitable for soil infiltration methods. The applicant proposes to manage surface water run off by on-site attenuation, petrol interceptors, grit manholes and hydrobrake flow control valves in 4 separate collection systems with an attenuation tank system and discharge beds, prior to discharge to the Trusky Stream. The layout includes a surface water filtration system adjacent to the stream which, it is stated, has been agreed with Inland Fisheries Ireland. The attenuation system has been designed for a 1:100 year storm period with run-off to be controlled to greenfield rates. The pipe networks and attenuation tanks are designed to accommodate a 10% climate change factor. The proposed drainage system incorporates SuDS and the design adheres to hydraulic performance criteria set out in the Greater Dublin Strategic Drainage Study and Part H of Building Regulations, in order to achieve self-cleansing velocity, minimising the potential for blockages leading to flooding.

Residential development is classified as a highly vulnerable class within The Planning System and Flood Risk Management Guidelines for Planning Authorities while amenity open space, outdoor sports and recreation are classified as water-compatible development. A Trusky East Stream Flood Study is submitted. This considers topographical survey information and contains a hydrological assessment of the stream catchment to establish the estimated flood flows for both current and future climate scenarios and the geometry of the river channel into the design of the proposed development. Appendix D of the report includes fluvial flood extent site plans for both pre-development (drawing no. B861-H101) and post-development (drawing no. B861-H103), using Flood Zones A and B and excluding climate change factors, as per The Planning System and Flood Risk Management Guidelines. The 'pre-development' layout is based on the topographical survey information and hydrological assessment. The 'post-development' scenario is based on the following proposed measures:

- 3 road bridges provided with 500mm freeboard between the bridge soffit and the 1.0% AEP flood level



- All proposed housing finished floor levels are designed to provide a 500mm freeboard above the 1% AEP fluvial flood level. This involves ground re-profiling to raise ground levels in some areas and provide compensatory ground lowering at other locations, as per drawing no. B861-H102.
- Surface water flow from the development to be limited to greenfield run off rates.

The SSFRA considers pluvial flooding at the development site and Cnoc Fraoigh. SSFRA section 4.3.2 notes that the photographs submitted by local residents show flooding at the southeast corner of Cnoc Fraoigh, which is the lowest point in the existing estate. The SSFRA states that topographical survey information for the existing estate and the development site show an area of high ground located between the southeast corner of the Cnoc Fraoigh and the Trusky Stream channel. This would prevent water flowing from Cnoc Fraoigh into the Trusky Stream. Road levels within the development are to be designed such that flooding in the Cnoc Fraoigh estate will be relieved by provision of an overland flow route along the development roads and open space to the stream. In addition, the ponding at the development site is attributed to an undulating topography with localised low spots that might become filled with water during heavy rainfall. The proposed layout will provide clear overland flow routes and ensure that there are no low points on the site in which run-off can become trapped and pond, causing flooding.

The SSFRA concludes that the proposed residential units will be located in Flood Zone C with no significant risk of fluvial or pluvial flooding, on the basis of the proposed mitigation measures, and that the Justification Test is therefore not required. Given that the development will limit discharge rates to pre-development, greenfield run off rates, it is anticipated that it will not negatively impact or further exacerbate the extent of flooding in the surrounding area or downstream than that predicted in the CFRAM study.

#### 9.4.4. Drainage and Flooding Assessment

The submissions of local residents and the Bearna Plan SFRA are noted. The additional hatched areas identified in the Bearna Plan map that are subject to Objective CCF6 are locations where flooding has occurred in the past as per Figure 5 of the Bearna Plan SFRA and where a SSFRA is required, however development is not precluded in these parts of the site. The most substantive guidance available

regarding flooding at the development site is the Flood Zones A and B as identified in the OPW PRFA, i.e. the OS zoned lands (the Environmental Management Zone under the previous Bearna LAP) and the 'pre-development' flood zones excluding mitigation measures and 'post development flood extents including mitigation measures', as identified in the SSFRA carried out by the applicant. The most relevant drawings illustrating these flood zones are the proposed site layout relative to OS zoned lands provided in Appendix 2 of the Design Statement and drawings no. B861-H101 of the 'pre-development flood zone' and B186-H103 of the 'post-development flood zone' provided with Appendix D of the Trusky Stream East Flood Study submitted with the application.

The proposed residential units are entirely outside the Flood Zones A and B identified in the OPW PRFA and are outside the 'post-development flood zone' identified in SSFRA drawing no. B186-H103. The planning authority notes that several of the proposed units are located in the 'pre-development flood zone' as per drawing no. B861-H101, i.e. houses nos. 69, 70 and 114 and part of duplex block 106-113. It recommends the omission of house no. 69, the replacement of semi-detached houses nos. 70 and 71 with a detached unit outside the pre-development flood risk zone and moving duplex unit no. 106-113 and house no. 114 such that they are outside the zone.

The 'post-development flood risk zone' identified in drawing no. B86-101 is based in the implementation of mitigation measures including cut and fill works at the development site to provide finished floor levels 500mm above the 1% AEP fluvial flood level, as per SSFRA drawing no. B861-H102. The planning authority states serious concerns about these measures on the basis that potential downstream impacts have not been fully considered in the SSFRA. The planning authority refers to the following comment in the Appendix 'Frequently Asked Questions' of The Planning System and Flood Risk Management Guidelines for Planning Authorities:

*“Even in a defended floodplain, land-raising may reduce the potential amount of flood storage or affect a flood-flow route, with consequent effects on flood risk elsewhere. During a flood event that can be contained by the defences, land-raising behind those defences may have little or no impact. However, should overtopping or a breach occur (or the defences be by-passed by flood waters), land-raising could adversely affect the surrounding low-lying areas by causing areas to flood that would*

*not have flooded previously due to loss of floodplain storage. The beneficial effects of land-raising should therefore be balanced against potential increased flood risk elsewhere. New development should be planned in such a way that residual flood risk is equitably shared by new development and maintained or reduced for existing developments.”*

I note that all of the proposed dwellings are located outside Flood Zones A and B as identified in the OPW PFRA, as per the layout provided in Appendix 2 of the applicant’s Design Statement, however areas of hard standing and roads and bridges, etc. are inside the flood zones. While the concerns of the planning authority are noted, the Planning System and Flood Risk Management Guidelines for Planning Authorities allow for mitigation measures to be taken into consideration in the assessment of flood impacts of developments. However, I also consider that the omission of the proposed mitigation measures could result in other flood impacts that have not been considered. I note the guidance provided on conditions in the Flood Risk Guidelines, i.e. that in most cases conditions will be required to amend, clarify or further detail flood mitigation measures. I consider that permission should be granted for the development as proposed, subject to further assessment of any impacts of the proposed mitigation measures to the satisfaction and agreement of the planning authority prior to the commencement of development. I also note that the Bearna Plan provides for ‘utilities infrastructure’ within OS zoned lands and consider that the proposed roads, bridges, etc. within the flood zone and the 10m riparian buffer identified in Objective CCF6 are generally acceptable on this basis.

#### 9.4.5. Drainage and Flood Risk Conclusion

To conclude, I do not consider that the development would result in an unacceptable residual flood risk for the development, its occupants or adjoining property such as would warrant a refusal of permission.

### 9.5. **Access and Transportation Issues**

- 9.5.1. The site is accessed via Cnoc Fraoigh on the L1321 Moycullen road c. 400m north of the junction of the L1321 and the R366 at the centre of Bearna village. The L1321 links Bearna to Moycullen and is heavily trafficked. The 50 kph zone applies at the Cnoc Fraoigh / L1321 junction. The L1321 is c. 6m wide with grass verges on both sides at this point. It serves multiple individual houses and the Leac Lian

development between Cnoc Fraoigh and Bearna village centre. There is currently no pedestrian link between Cnoc Fraoigh and the centre of Bearna village. The Board Direction of ABP-300009-17 included a note recommending that any future application on the development site should include details of proposed improvement works to the L1321 to allow for improved connectivity to the centre of Bearna, including proposals for the delivery of the works. The Bearna Plan indicates a route for a proposed Inner Relief Road that would traverse the L1321 south of the development site, close to the centre of Bearna, which is to form a new village street rather than act solely as a circulatory route. In addition, the proposed route of the Galway Outer Bypass traverses the L1321 some distance to the north of Cnoc Fraoigh.

#### 9.5.2. Access from the L1321 via Cnoc Fraoigh

The concerns of the residents of Cnoc Fraoigh residents regarding the vehicular access via the estate are noted. However, Cnoc Fraoigh was originally designed as part of a larger residential scheme including lands at the development site as per Reg. Ref. ref. 03/4315 and 04/4249. This matter is considered in the Inspectors' reports of PL07.236240 and ABP-300009-17, both conclude that the existing roads within Cnoc Fraoigh have adequate capacity to cater for further development and that the proposed access is acceptable in principle. The subject site is zoned for development under the new Bearna Plan, to be accessed from the L1321. There are no other new issues that apply to the current case that amend the previous assessment and I agree that the access via Cnoc Fraoigh is acceptable in principle.

The issue of site ownership and right of way has been raised in some of the submissions received. This matter arose in relation to ABP-300009-17 and is considered in detail in section 10.9.6 of the Inspector's report. That assessment notes that any disputes relating to such matters as ownership and rights of way are a legal matter, outside the remit of the planning application and I see no reason to revisit the issue in relation to the current proposal. The Board generally does not arbitrate on matters of dispute in relation to private property as they are not strictly planning matters. It should also be noted that the granting of planning permission does not entitle the applicant to carry out works, if the consent of 3<sup>rd</sup> parties is required. As per section 34(13) of the Planning and Development Act 2000 (as amended),

*“A person shall not be entitled solely by reason of a permission under this section to carry out any development”.*

Drawing no. B861-OCSC-ZZ-XX-DR-C-0851 indicates the layout of the Cnoc Fraoigh / L1321 junction, along with proposed improvement works. The existing junction achieves a visibility splay of 45m forward visibility, which is in accordance the DMURS Table 4.2 standard for the 50 kph zone. The development includes the provision of a new road surface over the existing grass verge on the L1321 as a traffic calming feature to the north of the Cnoc Fraoigh access to reduce vehicular speeds approaching the junction. There is an existing footpath on the eastern side of the L1321 at the junction and new pedestrian facilities on the L1321 to the south are proposed, as discussed below. An auto track analysis of the junction layout is submitted and is satisfactory. The proposed junction layout is considered acceptable on this basis.

#### 9.5.3. Pedestrian Connection to Bearná

The development includes a new pedestrian connection between the existing footpath at the Cnoc Fraoigh / L1321 junction and the approach to Bearná village, a distance of c. 305m. This is based on a topographical survey and has been agreed with Galway County Council. The proposal provides a 1.8m wide footpath on the east side of the L1321 with a carriageway width of 5.5m minimum. Some sections of the western side of the L1321 are to be altered to facilitate the 5.5m carriageway width, such that the existing grass verge is to become part of the road surface. Autotrack drawings are submitted. The proposal includes street lighting ducting, with the lighting to be provided in the future taking the overall street lighting of Bearná village into account. The footpath is to terminate at the approach to Bearná village centre, where there is an existing footpath on the western side of the road that continues to the village centre. An uncontrolled pedestrian crossing is indicated at this location with tactile paving on both sides of the road. Additional road signage is to be provided.

The footpath is to be constructed as enabling works for the development, prior to the first phase of residential development. It is outside the red line site boundary and is to be delivered via a MOU between the applicant and Galway County Council such that the works are to be carried out by a licenced private contractor (the applicant) on

behalf of the Council. Galway County Council have stated that the verge in front of the boundary walls along the L1321 is in their control, also that works carried out along the verge areas from the face of the boundary wall on each side of the road are not the subject of 3<sup>rd</sup> party land acquisition. A copy of the proposed MOU is submitted. This states that a design and costings for the works have been approved in principle by Galway County Council, also that the works shall be constructed exclusively within the footprint of the public road and that no third party consents or licences are therefore required.

The pedestrian connection is welcomed by Galway County Council in their written submission. These arrangements are acceptable in principle and I recommend that, if permission is granted, a condition is imposed requiring the construction of the pedestrian connection in advance of the remainder of the development.

#### 9.5.4. Traffic Impacts

The application includes a TTA. The development is below Transport Infrastructure Ireland (TII) threshold rates for Transport Impact Assessment and it is not considered that it will have any significant effect on the local road network. The TTA is based on traffic surveys carried out in May 2018. It estimates trip generation rates of 105 no. vehicular movements in the AM peak and 92 no. movements in the PM peak. The TTA considers traffic impacts on the Cnoc Fraoigh / L1321 junction, the L1321 / Thornberry Road junction (future Bearna Inner Relief Road) and the L1321 / Bearna Road East junction for an opening year of 2020, opening year + 5 2025 and opening year + 15 2035. All junctions will operate well within capacity for all future scenarios. I note that the area also has good public transport connections with regular bus services to Galway city from stops that are c. 6 minutes walk from the development. The projected traffic impacts are therefore acceptable.

#### 9.5.5. Parking

The car proposed parking provision is in accordance with development plan standards as follows:

Unit Type	No. of Units	Development Plan Standard	Proposed provision per unit	Total Provision
2 bed house	4	1.5 spaces / unit	2	8

3 bed house	74	1.5 spaces / unit	2	148
4 bed house	29	2 spaces / unit	2	58
Duplex units	48	1.5 spaces / unit	1.5	72
Apartments	42	1.5 spaces / unit	1.5	63
Visitor spaces				10
<b>Total</b>	<b>197</b>			<b>359</b>

A total of 99 no. cycle parking spaces are provided for the 66 no. duplex and apartment units, a provision of 1.5 spaces per unit. This is satisfactory.

9.5.6. Access and Transportation Issues 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 connections to the centre of Bearna.

9.6. **Impacts on Residential and Visual Amenities**

9.6.1. Residential Amenities

Potential for adverse impacts on residential amenities arises in relation to the proposed units adjacent to existing houses within Cnoc Fraoigh. In all cases, intervening distances are acceptable due to the large rear gardens within Cnoc Fraoigh. I note that the development will be at a ground level c. 1m higher than adjacent houses within Cnoc Fraoigh, as per cross sections D and E on drawing no. 924-05-02. However, given the intervening distances, I do not consider that this will result in any substantial increased impact on residential amenities by way of overlooking or overshadowing. As discussed above, Cnoc Fraoigh was originally intended as Phase I of a larger development including the development site. Potential impacts on residential amenities arising during construction, including construction traffic, may be addressed through construction management measures as required by condition. I am satisfied overall that the development will interact well with Cnoc Fraoigh and will function as a continuation of the existing residential

development at this location and I do not consider that the development will result in any undue impacts on residential amenities.

#### 9.6.2. Visual Amenities

Bearna is located in an area of 'High' landscape value rating and 'Class 3 – Medium' sensitivity as per development plan section 9.10. I note designated focal point / view no. 72 'View of the sea from North of Bearna' in the vicinity of the development site. I note the photomontages submitted with the Design Statement. These indicate views of the development from 6 no. nearby vantage points to the east, west and south of the development site. 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 rural and residential areas and the L1321. The development would not be visible from the R336 to the south at Bearna due to the presence of intervening structures. I consider that views from Cnoc Fraoigh would also be localised and the development would read as a continuation of the existing residential environment at this location. Due to the generally low profile of the development and to its location contiguous to existing residential development, I am satisfied that it will read as a continuation of the built up area of Bearna in views from the wider area. I also note that the site is well set back from the shore, beyond existing housing and therefore will have no significant impact on coastline views or on views from the sea north of Bearna. The potential landscape and visual impacts are considered acceptable on this basis.

#### 9.6.3. Impacts on Residential and Visual Amenities Conclusion

To conclude, I am satisfied that the development will not have any significant adverse impact on residential or visual amenities.

### 9.7. **Childcare Facility**

- 9.7.1. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings, 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. The standard provided in the childcare guidelines would entail a requirement of c. 53 no. childcare places to cater for the development, reduced to 50 places if the 9 no. 1 bed apartments are discounted.

9.7.2. The proposed development does not include a childcare facility. The applicant has submitted a Childcare Facility Assessment. The following points of same are noted:

- Based on census data, the Bearna area had a population increase of 120 in the period 2011-2016 from 1,878 in 2011 to 1,998 in 2016. There were 189 children aged 0-4 in 2011 (10.6% of the total population) and 153 children aged 0-4 in 2016 (7.65% of the total population). This reflects declining national birth rates during the same period.
- The average household size for Bearna in the 2016 Census was 3 persons per household, which equates to a total of 564 for the proposed development (excluding 9 no. 1 bed units). The development has a projected total population of 43 children, based on 2016 Census results for the study area.
- The report lists 5 no. childcare facilities, 4 of which are located in the Bearna area (total capacity 136 places) and one in Knocknacarra, Co, Galway (30 places). There are also several facilities between Bearna and Galway City which have available childcare places and permission was recently granted for a crèche to cater for 50 children at Ballymoneen Road, Knocknacarra under ref. 17/30 ABP-300032-17. Appendix 1 includes letters from childcare providers in Bearna, who consider that there is an oversupply of childcare facilities in the area. It is submitted that the area is adequately serviced by childcare facilities at present and that there is sufficient capacity to cater for the additional demand associated with the proposed development.
- It is also submitted that a crèche could be accommodated at the development site, in a suggested location at the southern end of the development site, close to the access from Cnoc Fraoigh. The Board recently granted permission for 128 no. houses at Balgaddy Road, Tuam, Co. Galway, ref. ABP-300560-18. Condition 2(a) of same stated:

*Prior to the commencement of development, the developer shall demonstrate, to the satisfaction of the planning authority, that capacity exists in existing childcare facilities in Tuam to cater for the additional demand generated by the proposed development. Unless otherwise agreed in writing with the planning authority, or with An Bord Pleanála in default of agreement with the planning authority, prior to commencement of development, provision shall be made for a childcare facility on the site in accordance with the document "Childcare Facilities: Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government in June 2001. An application for planning permission for such facilities shall be made and the facility shall be operational prior to commencement of construction of the third phase of development as indicated on Drawing No. 3014.*

It is suggested that a similar condition could be imposed in this instance.

- 9.7.3. Several of the third party submissions state concerns about the availability of childcare places in the area. I also note the comment of Galway County Council that the development will result in a significant impact on existing childcare facilities in Bearna, particularly when taking extant planning permissions for residential developments into account. Furthermore, there is no guarantee that places will be available in existing childcare facilities in Knocknacarra and other areas within Galway City, as many are already at capacity. The planning authority therefore recommends that permission be subject to a condition that the proposed multi-purpose community building includes a childcare facility during normal daytime hours.
- 9.7.4. I consider that the development is likely to be populated by many young families with children and that a childcare facility should be provided in accordance with the requirements of the Childcare Guidelines. While the recommendation of the planning authority is noted, it is considered that a purpose built structure would be necessary to provide the required standard of facility. The provision of a separate unit at the location suggested by the applicant would result in the omission of 4 no. houses and reduce the overall residential density of the scheme. Given that the use and management of the proposed community facility are unclear and that there is no specific development plan objective to provide a community facility at this location, it is considered that permission should be granted to provide a childcare facility in

accordance with the requirements of the Childcare Guidelines, in lieu of the proposed community facility and at the same location within the overall development.

## 9.8. **Ecological Impact Assessment and Appropriate Assessment**

### 9.8.1. Ecological Impact Assessment

The Ecological Impact Assessment is based on a site visit carried out on July 12<sup>th</sup> 2017. The development site is largely comprised of habitats which are of low to moderately high value to biodiversity on a local level. The area of highest ecological value within the site is the Trusky Stream and its associated riparian and marsh habitats. On-site consultation with Inland Fisheries Ireland found that small trout occasionally use the stream. The stream is also important for a range of invertebrate species such as mayfly and dipterns. The EPA have not defined the ecological status of the Trusky Stream or its tributaries, however the brief bank side assessment carried out as part of the site survey found that macroinvertebrates that are tolerant of moderate levels of organic pollution are dominant in the stream and pollution sensitive species were absent. The presence of indicator species determined that a biological rating of Q3 could be applied to the Trusky Stream at this point, indicative of moderate ecological status.

Potential impacts generally relate to habitat loss and fragmentation, particularly the riparian habitats along the Trusky Stream. There are also potential impacts by way of disturbance to local wildlife and on water quality in the stream during the construction phase. I note the comment of the Department of Culture, Heritage and the Gaeltacht with regard to potential impacts on the stream, including the proposed road and pedestrian bridges. Proposed mitigation measures include construction management and landscaping using rock outcrops and native species and wetlands. In addition, the bridges and pedestrian walkways have been designed to avoid the river bed and have minimal impacts on the riparian zone of the stream. The Ecological Impact Assessment concludes that residual impacts will be slightly negative to neutral and this conclusion is accepted. This matter is considered in further detail in section 10.8.1 of the Inspector's report of ABP-30009-17.

Dedicated bat surveys were carried out at the site on 31<sup>st</sup> May 2018 and a bat survey report is included as Appendix IV of the Ecological Impact Assessment. The survey concluded that the site of the proposed development provides few potential roosting

sites for bats with no evidence of roosting bats recorded and low levels of bat activity recorded overall. The development will have negligible effect on the local bat populations. The report recommends mitigation measures comprising the retention of mature trees and shrubs at the site boundaries and the planting of trees and native shrub species within and around the site to provide sheltered foraging areas for bats, also suitable external lighting.

Having regard to the above, it is my view that the ecological impacts arising as a consequence of the proposed development have been satisfactorily identified and assessed and that the development will not result in any significant direct, indirect or cumulative adverse ecological impacts, subject to the satisfactory implementation of the proposed mitigation measures as summarised in section 6 of the submitted Ecological Impact Assessment.

#### 9.8.2. Appropriate Assessment Stage I Screening

The AA Screening Report submitted identifies 5 no. European Sites within 10 km of the development site. The report considers the following designated sites within 10 km and identifies potential for effects on the following sites:

Site (Site Code)	Distance to Development Site
Galway Bay Complex SAC (000268)	1.2km east or 2.2km via the Trusky Stream
Inner Galway Bay SPA (004031)	1.3km east or 2.2km via the Trusky Stream
Lough Corrib SAC (000297)	6.5km northeast
Lough Corrib SPA (004042)	6.5km northeast
Connemara Bog Complex SAC (002034)	8.4km northwest

The following designated sites are hydrologically connected to the development site via the Trusky Stream, a pathway of c. 2.2 km:

Site	Qualifying Interests and Conservation Objectives
	<b>* Denotes a priority habitat</b>
Galway Bay Complex SAC (site code 000268)	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*

	<p>1160 Large shallow inlets and bays</p> <p>1170 Reefs</p> <p>1220 Perennial vegetation of stony banks</p> <p>1310 <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>1355 Otter <i>Lutra lutra</i></p> <p>1365 Harbour seal <i>Phoca vitulina</i></p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>3180 Turloughs*</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>7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</p> <p>7230 Alkaline fens</p>
<p>Inner Galway Bay SPA (site code 004031)</p>	<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 <i>Gavia immer</i></p> <p>A017 Cormorant <i>Phalacrocorax carbo</i></p> <p>A028 Grey Heron <i>Ardea cinerea</i></p> <p>A046 Brent Goose <i>Branta bernicla hrota</i></p> <p>A050 Wigeon <i>Anas penelope</i></p> <p>A052 Teal <i>Anas crecca</i></p> <p>A056 Shoveler <i>Anas clypeata</i></p> <p>A069 Red-breasted Merganser <i>Mergus serrator</i></p> <p>A137 Ringed Plover <i>Charadrius hiaticula</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A142 Lapwing <i>Vanellus vanellus</i></p> <p>A149 Dunlin <i>Calidris alpina alpina</i></p> <p>A157 Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>A160 Curlew <i>Numenius arquata</i></p> <p>A162 Redshank <i>Tringa totanus</i></p> <p>A169 Turnstone <i>Arenaria interpres</i></p> <p>A179 Black-headed Gull <i>Chroicocephalus ridibundus</i></p> <p>A182 Common Gull <i>Larus canus</i></p> <p>A191 Sandwich Tern <i>Sterna sandvicensis</i></p> <p>A193 Common Tern <i>Sterna hirundo</i></p> <p>There is also an objective to maintain the favourable conservation condition of wetland habitat in the SPA.</p>

The AA screening report identifies potential effects of the development on designated sites with regard to their conservation objectives. Having regard to the source-pathway-receptor model and to the limited ecological value of the habitats present at the development site as per the Ecological Impact Assessment, I am satisfied that the above are the only two European sites with the potential to be impacted by the development and that there is no potential for direct, indirect or cumulative effects on any other European sites. The remaining sites within 15 km are considered to be of a sufficient distance so as not to be affected by the proposal having regard to the scale and nature of the development.

I note the comment of the Department of Culture, Heritage and the Gaeltacht with regard to potential effects on the Galway Bay Complex SAC and Inner Galway Bay SPA. The development will not be immediately adjacent to these designated sites and will not involve any land take or loss of habitat. The only potential pathways for effects on the SPA and SAC are through hydrological connections, i.e. the Trusky Stream discharging to Galway Bay at Bearna. There will be no run-off from the site directly to any SAC or SPA. Best practice measures will be undertaken to minimise emissions to the Trusky Stream during the construction and operation of the development. These measures will ensure the protection of water quality and fisheries resources in the Trusky Stream. Emissions into Galway Bay at Bearna from the Trusky Stream will be negligible and any slight emissions that do enter Galway Bay at Bearna will be quickly dissipated by tidal currents. Waste water from the development will be accepted at the upgraded Mutton Island plant in Galway City.

It is reasonable to conclude that on the basis of the information on the 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 European Sites Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 9.9. **Other Issues**

### 9.9.1. Part V

The applicant has submitted Part V proposals comprising the transfer of 20 no. units at the site to the planning authority comprising 8 no. 3 bed houses; 2 no. 2 bed houses, 5 no. 2 bed duplex units, 3 no. 3 bed duplex units. A schedule of estimated costs has been submitted. Drawing no. 924-01-92 indicates the locations of the units to be transferred, it is considered that they are appropriately distributed throughout the development. I note that 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.

#### 9.9.2. Gealtacht Local Area Plan

The development site is located within District F: Imeall Na Cathrach of the Gaeltacht. The applicant proposes that 40 no. residential units will be reserved for Irish speaking members of the community. This is welcomed by Galway County Council and is acceptable. The application includes a Linguistic Impact Statement in accordance with Objective GL1 of the Gaeltacht LAP and development plan Objective UHO 12 – Linguistic Impact Statements. I note that sections 4, 5, 6 and 7 appear to have been omitted from the document submitted to ABP. However, this issue may be dealt with by condition.

#### 9.9.3. Archaeology

The comment of the DAU of the Department of Culture, Heritage and the Gaeltacht is noted. There are no Recorded Monuments or other archaeological features of note on, adjoining or in the vicinity of the site. Subject to the condition recommended by the DAU, I am satisfied that the development will not result in any significant adverse impacts on the archaeological resource of the area.

### 10.0 **Conclusion**

- 10.1. The proposed development is considered to be acceptable in principle with regard to the provisions of the Galway County Development Plan 2015-2021 and the Bearna Plan adopted as Variation 2(a) of the County Development Plan on 23<sup>rd</sup> July 2018. The proposed design and layout are satisfactory with regard to the need to develop

at a sufficiently high density to achieve an acceptable efficiency in serviceable land usage. The proposed housing mix provides a range of housing types and will enhance the housing mix of the area. The development will result in the creation of a high quality residential environment with 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 proposed surface water and wastewater drainage arrangements are satisfactory. I am also satisfied with regard to the submitted Site Specific Flood Risk Assessment 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.

## **11.0 Recommendation**

11.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.



## 12.0 Reasons and Considerations

### 12.1. Having regard to the:

1. site's location adjoining the established settlement of Bearna, Co. Galway;
2. policies and objectives in the Galway County Development Plan 2015-2021 and the Bearna Plan adopted as Variation 2(a) of the County Development Plan on 23<sup>rd</sup> July 2018;
3. Rebuilding Ireland Action Plan for Housing and Homelessness;
4. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities;
6. Design Manual for Urban Roads and Streets (DMURS);
7. nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
8. pattern of existing and permitted development in the area, and
9. submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would represent an appropriate density of residential development having regard to the location of the site close to the centre of Bearna, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not lead to a risk of flooding and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:-
  - (a) The proposed community facility shall be replaced by a childcare facility in accordance with the document "Childcare Facilities: Guidelines for Planning Authorities" issued by the Department of Environment and Local Government in June 2001. An application for planning permission for the facility shall be made and the facility shall be operational prior to commencement of construction of the third phase of development as indicated in the Phasing Report submitted with the application.
  - (b) The proposed duplex blocks shall be redesigned such that all frontages satisfactorily address the public realm.
  - (c) All rear gardens of houses shall be bounded with concrete block walls, which shall be a minimum of 1.8 metres high, and shall be suitably capped and rendered on both sides, except where bounding public open spaces or roads, when the walls shall be 2 metres in height. All boundary walls

facing open spaces shall be finished in local natural stone. Post and timber fences shall not be used for any rear garden boundaries.

- (d) The alleys accessing gardens to the rear of terraced units shall be omitted and adequate bin storage shall be provided to the front of terraced houses in lieu.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential and visual amenities, in order to ensure the provision of durable boundary treatments and to ensure that childcare facilities are provided in association with residential units.

3. A minimum of 20% of the houses hereby permitted shall be restricted to use as a house by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the planning authority, for a period of 15 years. The applicant shall submit a completed Linguistic Impact Statement to the planning authority providing details of compliance with this requirement prior to the commencement of development.

Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish.

Details of the standard of Irish to be achieved and method of evaluating same shall be agreed in writing with the planning authority prior to the finalization of the agreement hereby conditioned. (Qualification for the Sceim Deontais Tithe will automatically qualify).

Within three months of commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of

which shall be to give effect to the above restrictions. No house shall be occupied until an agreement has been entered into with the planning authority pursuant to section 47 of the Planning and Development Act, 2000, as amended.

**Reason:** To ensure that development in the area in which the site is located is appropriately restricted.

4. The period during with the development hereby permitted may be carried out shall be 5 years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development.

5. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. In particular, the pedestrian connection on the L1321 shall be completed in Phase 1 prior to the occupation of any residential units.

**Reason:** To ensure the timely provision of services, and the provision of a pedestrian connection to the centre of Bearna, for the benefit of the occupants of the proposed dwellings.

6. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment Report submitted with this application, as set out in Section 6 “ Mitigation Measures”, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

7.

- (a) Prior to commencement of development, the developer shall submit to, and obtain the written consent of the planning authority for:

- (i) A detailed landscaping plan including specific details as to the plant sizes and species to be used.
  - (ii) Detailed design proposals for natural and local play areas proposed.
  - (ii) Detailed proposals for the management of riparian habitat along the Trusky Stream including enhancement of existing vegetation, road and pedestrian bridges, wetland areas, filtration beds and soil cut and fill measures. Also details of proposed fencing along the banks of the Trusky Stream.
  - (iii) Details of the proposed pedestrian bridges over the Trusky Stream.
- (b) All front and rear private garden spaces shall be soiled and seeded prior to the occupation of any dwelling unit within each phase.
  - (c) The public open space / pocket parks shall be developed for and devoted to public use. They shall be free from any development and shall not be enclosed by any means, except where otherwise agreed. When the development is being taken in charge, the open spaces shall be vested to the planning authority, at no cost to the planning authority, as public open space.
  - (d) The establishment of new hedgerow, hedge boundaries and public open space areas shall take place at an advanced or initial stage of each phase of the proposed development. Such measures shall include a three-year maintenance or aftercare contract for all landscape elements, hedgerow, tree planting and open spaces on an on-going basis. All defects would be identified and corrected as necessary.
  - (e) A suitably qualified Landscape Architect shall be appointed prior to the commencement of any development on the subject site to oversee and monitor the project construction and early operational stages of development.
  - (f) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan required under condition 7(a) above and

shall be carried out and completed prior to the completion of each phase. The completion of landscaping and boundary treatments with respect to each phase of development shall be completed in full post the construction of the relevant phase and prior to the occupation of any units within the following phase.

**Reason:** To protect the riparian habitat along the Trusky Stream and ensure a high quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

8. The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

**Reason:** In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of residential amenity

11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

**Reason:** In the interest of the amenities of the occupants of the proposed housing.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The applicant shall comply with the following particular requirements:

(a) The applicant shall satisfy the planning authority that all new road and pedestrian bridges have adequate capacity to carry the predicted flood flows of relevant return periods and that all appropriate consents from statutory bodies including the Office of Public Works and Inland Fisheries Ireland have been obtained.

(b) The applicant shall satisfy the planning authority that discharge of surface water run-off to the Trusky Stream and the construction of a new road and pedestrian bridges thereon are fully compliant with all relevant statutory requirements that apply thereto following consultation with the relevant statutory bodies including the Office of Public Works, Inland Fisheries Ireland regarding inter alia temporary channel diversions during construction, hydraulic capacity and flood impact and the planning authority regarding the pollution prevention requirements during and after construction.

(c) The applicant shall satisfy the planning authority that adequate drainage provision is being made for the Trusky Stream and any other watercourses / ditches traversing the development site.



(d) The applicant shall submit full details of the proposed surface water attenuation system to the planning authority for consent in writing prior to the commencement of development, to include details of outflow rates, design calculations to allow for a 20% climate change factor, SUDs measures, storm attenuation storage chambers, pipe network design and connections to the existing surface water network in the area.

(e) The developer shall submit a revised Site Specific Flood Risk Assessment, to provide full assessment of any impacts of the proposed ground works and cut and fill measures at the development site, to the planning authority prior to the commencement of development.

**Reason:** In the interest of public health and in order to address flood risk.

13. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house / unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

16. The applicant shall facilitate an archaeological appraisal of the site and shall comply with the following requirements of the Department of Culture, Heritage and the Gaeltacht:

- (a) The applicant shall engage the services of a suitably qualified archaeologist to carry out an archaeological impact assessment of the development site.
- (b) The archaeologist should carry out any relevant documentary research and inspect the site. A programme of test excavation should be carried out at locations chosen by the archaeologist and licensed under the National Monuments Acts 1930-2004.
- (c) Where archaeological material/features are shown to be present the archaeologist should consult with the National Monuments Service of the Department of Culture, Heritage, and the Gaeltacht regarding further mitigation.
- (d) Having completed the assessment the archaeologist should submit a written report to the planning authority and to the National Monuments Service.

Preservation in situ, preservation by record (excavation) or monitoring may be required.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

17. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of the proper planning and sustainable development of the area.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking for construction workers during the construction phase, and arrangements for delivery of abnormal loads to the site.

**Reason:** In the interests of public safety and residential amenity.

21. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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Sarah Moran  
Senior Planning Inspector  
30<sup>th</sup> October 2018

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

Toni Greally

Residents of 8 Cnoc Fraoigh

Heather Hill Management Company

John and Adrienne Devlin

Justin May and Sinead Flanagan

Dermot and Marguerite Kilfeather

Gabriel McGolderick

Nicole Burns

PJ and Aisling Griffin

Jerry Twomey

Lorna and Desmond

Mark Grogan

Muireann Faherty

Aonghus Flavin and Nicola de Faoite

Donal McWeeney and Aoife Kearney

Eamon and Brenda Delaney

Eileen and Martin Cassidy

Amanda Burke

Michelle and Kieran Gorey

Michael and Martina Byrne