



An
Bord
Pleanála

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

Inspector's Report ABP-304203-19

Strategic Housing Development

Construction of 212 no. residential units, crèche, new vehicular and pedestrian access and ancillary site works. An EIAR and NIS have been submitted with the application.

Location

Townlands of Moneyduff and Oranhill, Oranmore, Co. Galway

Planning Authority

Galway County Council

Applicant

Arlum Ltd

Prescribed Bodies

Dept. of Culture, Heritage and the
Gaeltacht
Heritage Council
An Taisce
Irish Water

Galway County Childcare Committee

Observer(s)

9 submissions- see Appendix A

Date of Site Inspection

July 10th 2019

Inspector

Lorraine Dockery

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The Inspector's Report pertaining to ABP-302952-18 described the site and surroundings as follows:

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

- 2.2. I would generally concur with this description.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of 212 residential units, childcare facility, provision of new vehicular and pedestrian site access from the north-south Oranmore Distributor Road (the route of which was permitted under ABP PL07.237219) and all ancillary site works.
- 3.2. The following tables set out some of the key elements of the proposed scheme:
- 3.3. Table 1: Key Statistics

Site Area	8.7 ha
No. of units	212 residential units (56 apts and 156 houses)
Other uses	Childcare Facility- 374m ² - capacity for 58 children
Density	30.94 units/ha (nett)
Height	Maximum three storey
Car Parking Provision	409 spaces
Bicycle Parking Provision	146 spaces
Part V	21 units- 15 x 2 bed and 6 x 3 bed

- 3.4. Table 2: Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Apartments	-	56	-	-	56
Houses	-	12	70	74	156
Total	-	68	70	74	212
As % of total	0%	32%	33%	35%	100%

- 3.5. The proposal also includes for the provision of a new vehicular and pedestrian site access from the North-South Oranmore Distributor Road (the route of which was permitted under An Bord Pleanála Reference PL07.237219, with a time extension permitted under Ref 15/1334). The proposed road infrastructure comprises of the construction of a new link road from the existing road network infrastructure of the Coill Clocha Housing in the north to the Orancourt/Oranhill Housing Estate in the

south. In addition, it includes a link road from the N67 Rocklands Roundabout Junction to the East, proposed across the adjacent greenfield site to the applicant's site, linking with the proposed north-south link road.

- 3.6. In terms of site services, the proposal provides for a new connection to the public water mains while proposed wastewater treatment is by means of a new connection to the public sewer. Surface water disposal is via a soakpit. An Irish Water Pre-Connection Enquiry (dated 29/01/19) in relation to water and wastewater connections has been submitted, as required. It states that the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place. Based upon the CoF issued by Irish Water, they confirm that subject to a compliant water and wastewater layout and a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated. An Irish Water Statement of Design Acceptance (dated 28/02/19) has been submitted which states that Irish Water has no objection to the proposal.
- 3.7. A letter of consent from Galway County Council (dated 19/06/18) has been submitted with the application which gives consent to Arlum Ltd to make a SHD planning application to An Bord Pleanála on referenced road network for ancillary services associated with a residential housing scheme comprising 212 units, childcare facility and all associated site development works at Moneyduff, Oranmore (signed Daithi Flood).
- 3.8. The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS)

4.0 Planning History

Subject Site:

ABP-301952-18

Permission REFUSED for SHD application for 212 no. residential units, crèche, new vehicular and pedestrian site access from the North-South Oranmore distributor road, communal and private open space, landscaping, car parking, site services and all associated site development works. The reasons for refusal were as follows:

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

The Board considered that the proposed development would contravene materially Policy NHB 1 of the Galway County Development Plan 2015-2021 for the

conservation and preservation of European sites and species. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Nearby Sites:

04/305

Permission GRANTED for the construction of 89 no. residential units, a crèche and all associated roads and services, incorporating part of the Oranmore north-south distributor route as contained in the Oranhill Action Plan (land to the east between the development site and the N67 (formerly N18)).

09/1925 (PL07.237219) and 15/1334

Permission GRANTED for a housing development of 161 no. units, a hotel and a commercial centre, including the completion of the Oranmore north-south distributor road as permitted under 04/305 and an east/west link from the distributor road to the Rocklands roundabout on the N67 (then the N18). The duration of permission was extended until 2020 under Ref. 15/1334. These lands remain undeveloped at present (2010).

15/1107 (PL07.246315)

Permission GRANTED for 68 residential units and all associated site works

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre application consultation took place at the offices of Galway County Council on the 8th February 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that the following specific information should be submitted with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application:
 - a) the prospective applicant should satisfy themselves that the Natura Impact Statement to be submitted with the application satisfactorily addresses the points raised by the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht as indicated in their submission dated 29/01/19 and entitled 'Nature Conservation'. In addition, the reasons for refusal and notes attached by the Board in the previous planning application should be satisfactorily addressed.
 - b) likewise, and in relation to an Environmental Impact Assessment Report (EIAR), the prospective applicant should satisfy themselves that the EIAR to be submitted with the application satisfactorily addresses the points raised by the Development Applications Unit in the same submission with relation to 'Nature Conservation'.
2. A report prepared by a suitably qualified person on the likely impact of the proposed development on archaeology, in particular upon the recorded monument at Moneyduff Castle GA095-084. It should include a report on archaeological test excavations that have been informed by a prior geophysical survey, and a detailed conservation and management proposal to ensure the future preservation of the recorded monument including a description of its current status and condition. The prospective applicant should satisfy themselves that any report prepared addresses the points raised by the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht as indicated in their submission dated 29/01/19 and entitled 'Archaeology'.
3. A site specific flood risk assessment and details of proposals for the drainage of the site and the attenuation of surface water runoff, as well as details demonstrating the capacity of the receiving waters for stormwater effluent and of the wastewater treatment plant to cater for foul effluent from the proposed development.

(Items 2 and 3 above may be incorporated into an EIAR, if one is to be submitted with the application for permission).

4. A statement specifying who would be responsible for carrying out any works to provide the supporting infrastructure that would be required to service the proposed housing development, including roads, watermains and sewers, and specifying when the works would be carried out in relation to a phasing programme for the proposed housing development. Information should also be submitted to demonstrate that the responsible person would have the requisite legal interest in land to carry out those works, or the agreement of a person who does. If the works are not included within the proposed development and the boundary of the application site, then information should be submitted that demonstrates that the consents necessary for those works under the planning act and other laws have been obtained.
5. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links from each part of the proposed development on the site to the rest of the town.
6. Proposals for the taking-in-charge of common areas, services and facilities in the development. Streets and footpaths/cycle links should be shown up to the boundaries of the site and facilitate future access. Ongoing management and maintenance, including a building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines. The proposals should have due regard to section 180 of the Planning and Development Act, 2000 (as amended), the taking-in-charge policy of the planning authority and any relevant ministerial policies, including those stated in Circular Letter PL5/2014.

Applicant's Statement

- 5.2. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement details a response to the specific information raised in the Opinion.

6.0 Relevant Planning Policy

6.1. National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 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
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999

6.2. Local

The Galway County Development Plan 2015-2021 is the operative County Development Plan for the area.

The overall development plan approach is based on the promoting the development of Galway City and the associated Galway Metropolitan Area (GMA) along with the development of key towns and smaller villages along strategic development corridors focussed on transportation routes.

There is a strategic economic corridor to the east of Galway city between Oranmore and Attymon, which is identified as an area with potential to attract significant levels of investment and stimulate economic development and employment creation,

performing a number of economic functions to support both the city, county and broader region.

The Development Plan incorporates the Galway Transportation and Planning Study (GTPS), as adopted by both Galway City and County in 2003, which also proposed consolidating development within Galway City and County within a planned corridor for expansion to the east.

The core strategy identifies Oranmore as a 'key town' at the edge of the GMA, which is at the top of the settlement hierarchy. Key towns are at the 4th tier of the settlement strategy with populations > 1,500. Oranmore is partially located within the GMA but the development site is located outside this area.

Objective SS 5 – Development of Key Towns:

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

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

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).”

A policy of note:

Policy NHB 1 – Natural Heritage and Biodiversity

It is the policy of Galway County Council to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries and Conamara National Park (and other designated sites including any future designations) and the promotion of the development of a green/ecological network within the plan area, in order to support ecological functioning and connectivity, create opportunities in suitable locations for active and passive recreation and to structure and provide visual relief from the built environment.

Oranmore Local Area Plan 2012-2022 applies

The Oranmore LAP 2012 has been extended to from 2017 to 2022. The originally allocated population growth of 1,170 additional persons and housing land requirement of 22.67 ha have been incorporated into the core strategy of the current county development plan.

Zoning:

The majority of the site is zoned ‘R1’, ‘Residential Phase I’, with some of the western margins zoned ‘OS’, ‘Open Space / Recreation and Amenity’.

Section 3.1.3 provides the following standards for residentially zoned lands:

- Plot ratio 0.10 to 0.50
- 50% maximum site coverage
- 15% minimum public open space

It also repeats residential density standards set out in Development Plan Table 13.1 in relation to densities.

A number of policies and objectives in relation to residential development as contained within the LAP.

6.3. Applicant's Statement of Consistency

6.3.1. A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

7.0 Third Party Submissions

7.1. In total, 9 third party submissions were received. The content of the submissions may be broadly summarised as follows, with the topics expanded upon where necessary within my assessment:

- traffic congestion- short cut through Coill Clocha to avoid heavy traffic on Limerick Road
- traffic safety
- consistency with DMURS
- concerns regarding phasing of link road development and its potential use by construction traffic
- pressure on existing schools and facilities/amenities
- suburban sprawl- character of a dormitory town
- impacts on ecological sustainability; impacts on Renville Park

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

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 10th June 2019. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to description of proposal, site location and description, planning history, key variances from ABP-301952-18, national and local

policy, views of elected members, submissions/observations, strategic considerations, core strategy, zoning, site specific considerations, access arrangements and traffic, village connectivity, internal roads report, water services, flooding, cultural heritage, childcare facilities, density, density, layout and open space, Part V, appropriate assessment, EIA and Opinion. A summary of representations received was outlined.

Summary of Inter-Departmental Reports (reports not received, summarised within Opinion)

Drainage Division:

Satisfied that proposed development can be facilitated by existing IW infrastructure and that surface water drainage proposal on site is acceptable

Transportation Planning Division:

Satisfied that internal and external road infrastructure, including footpaths will be constructed in compliance with best practice roads and transport standards, as well as in accordance with the national street design principles for all users. Conditions attached.

The main issues raised in the assessment were as follows:

Core Strategy: proposal consistent with Core Strategy and Settlement Strategy of the current Galway CDP

Zoning: compatible with zoning objectives of the Oranmore LAP

Access Arrangements and Traffic: sets out proposed traffic arrangements

Village Connectivity: upon completion, there will be a safe pedestrian connectivity to Oranmore town centre, which is welcomed by PA and in compliance with DMURS

Internal Road Report: conditions attached, which includes that the road network under Ref. 15-1334 be constructed in its entirety prior to the commencement of the Moneyduff Housing Development

Water Services: satisfied that the proposal can be facilitated by the existing IW infrastructure and that surface water drainage proposal on site is acceptable

Flooding: satisfied that proposal will not exacerbate flood risks or cause flooding on site or elsewhere- meets requirements of Flood Risk Management Planning

Guidelines

Cultural Heritage: No Protected Structures on, adjoining or in immediate vicinity of site. Located outside ACA for Oranmore town. One Recorded Monument on site. Satisfied that the proposal will not result in adverse impacts on the built and archaeological heritage of Oranmore

Childcare Facilities: Satisfied that there are sufficient existing childcare options available in Oranmore that can accommodate additional demand generated by proposed development- considers that crèche building should have more flexible use outside childcare hours and should be made available to local community for community purposes

Design, Density, Layout and Open Space: provision of 32% 2 bed units is considered appropriate in the area. Satisfied with density proposed. Open space provision, site coverage and plot ratio acceptable. Meets relevant standards in relation to car parking, landscaping, overlooking, overshadowing and boundary treatment. Consider proposal to be of a high standard, is appropriate to character of the area and complies with provisions of relevant plans. In agreement that site is located outside of Galway Metropolitan Area and that density provisions of Oranmore LAP apply.

Part V: satisfied with proposal

AA: satisfied that the proposed development is not located within or directly connected with or necessary to the management of any European site. The proposal, by reason of its nature and location and proposed implementation of best practice construction methods, either alone or in combination with other plans and projects, would not adversely affect the integrity of any European site

EIA: Generally satisfied with content of EIAR

Conclusion: PA favourably disposed towards a grant of permission on the site, subject to comments made in various sections of the Opinion. Conditions attached

The report includes the minutes of the views of relevant Elected Members, as expressed at the Athenry/Oranmore Municipal District Committee meeting held on 13/05/19 and these are summarised below:

- Generally supportive of the proposed development in the context of current demand for housing

Concerns expressed at:

- Lack of amenities and traffic congestion
- Traffic management implications with reference to impacts on nearby residents
- Previous decisions of ABP not taking traffic concerns into consideration
- Quantum of housing proposed
- Absence of a playground facility
- Need for affordable housing

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Department of Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce
- Irish Water:
- Galway County Childcare Committee:

Three bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit):

In terms of archaeology, notes that the proposed development is in proximity to the zone of archaeological potential established around the Recorded Monument GA095-084, Castle, which is subject to statutory protection in the Record of Monuments and Places. The Department were in receipt of archaeological reports detailing the impact assessment, archaeological test excavation and conservation issues related to the proposed development. No objection to this development proceeding provided that archaeological conditions are included in any grant of any planning permission that may issue. Conditions attached.

In relation to nature conservation, the Department acknowledges that there was consultation at pre-application/scoping stage. A pre-planning meeting was held with the developer and the consultants.

The site is a lowland undulating site which generally slopes towards wetlands of Galway Bay Complex Special Area of Conservation (SAC) in the west; the elevation ranges from 3.4-12.8m OD. Flood mapping indicates that a small area in the west of the site is located in the coastal Flood Zone A (5% AEP or 200-year flood zone) and Flood Zone B (1000-year flood zone). The remainder of the proposed site is located in Flood Zone C – where the probability of flooding is low (less than 0.1% or 1000-year flood zone).

The current proposal and other surrounding developments (recent and permitted) are located between three European sites, Galway Bay Complex SAC (site code 000268), Cregganna Marsh Special Protection Area (SPA) (site code 004142), and Inner Galway Bay SPA (site code 004031). The SAC has been protected in Ireland as a European site since 1997, and has site specific conservation objectives. Cregganna Marsh SPA has been protected as a European site since 2002, and has generic conservation objectives. Inner Galway Bay SPA has been protected since 1994, and has site specific conservation objectives.

Cregganna Marsh SPA is approximately 270m to the south of the proposed development and is designated for the conservation of Greenland White-fronted

Goose, a wintering species that is highly susceptible to disturbance from human activity. The geese that occur in Cregganna Marsh also utilise Rahasane Turlough; the importance of the former for the geese increases when water levels in the turlough are high.

Galway Bay Complex SAC, which borders the application to the west, supports alkaline fen which grades seawards into salt marsh habitat. The smaller SAC outliers to the east and north-east of the application area also support alkaline fen habitats. These fen areas, and their location relative to the proposed development, are not identified in mapping in the NIS. For an assessment of the potential hydrological and hydrogeological effects of the proposed development on alkaline fens, the EIAR will need to be consulted and the scope and findings of the hydrological assessment will need to be reviewed in the context of relevant attributes and targets of the conservation objectives for this habitat within the SAC (see also NIS section 5.5.2.1.1).

In the case of Inner Galway Bay SPA, increased recreation and amenity pressure along the shoreline, at a distance of 370 metres from the current proposed development, and associated disturbance of birds, is considered to be the main potential risk. While less likely, Cregganna Marsh SPA might also come under increased recreation and amenity pressure from continuing increases in population locally, and pressures on other infrastructure in and serving Oranmore.

Matters relating to the appropriate assessment

- When the appropriate assessment is carried out, the NIS should be taken into account, but will need to be supplemented by additional data, assessment and analysis, including with respect to the attributes and targets of the conservation objectives of the European sites of relevance.
- Pressures of increasing amenity and recreational activity, including dog-walking, due to increasing development and population pressure in the area, and progressive losses and fragmentation of open spaces, require particular attention, noting the potential for increased disturbance in two SPAs in particular.

- To enable an appropriate assessment to be carried out, gaps in the information and analysis in the NIS will need to be addressed and supplemented by additional data such as:
 1. Additional data and analysis available from the EIAR (including appendices), notably in respect of soils, geology, hydrology and hydrogeology (see also above);
 2. Additional assessment and analysis with respect to the attributes and targets of the conservation objectives of the European sites at risk, and noting the habitats, species, and attributes and targets of relevance (see above and the associated habitat and species datasets);
 3. Further targeted assessment of the likely effects of the proposed development alone, and in combination with other plans and projects, on the following, in particular:
 - a. Qualifying interest alkaline fen habitats within the SAC, including as a result of water supply, water levels, directions of flow, water quality, need for drainage or drainage maintenance, need for flood risk measures, etc.
 - b. Special conservation interest bird species, including as a result of increasing disturbance and potential increases in recreational and amenity pressures

Matters relating to the EIAR – Biodiversity

- The habitat map (EIAR Figure 5.3) and descriptions confirm the presence of approximately 0.9ha of Annex I habitat on the site, i.e. Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210]. Other substantial areas of dry calcareous and neutral grassland and scrub surround the mapped areas of Annex I habitat.
- Notes that no scientific justification is presented for excluding these areas as examples of Annex I habitat or degraded Annex I habitat. Some permanent losses of Annex I habitat will result from the proposed development; the full extent of such losses cannot be ascertained from the available baseline habitat information but is likely to exceed 0.9ha.

- Notes that while compensatory grassland habitats form part of the landscape mitigation measures (EIAR Figure 5.7), these are unlikely to deliver like-for-like habitat in the areas in question and under the conditions that currently prevail. This would mean that the habitat losses that are predicted may not be compensated and should, accordingly, alter the level of significance of the negative effects that will result.
- Despite disturbances, the site is species-rich and diverse, and supports a mosaic of open calcareous grassland and herbaceous communities of open/disturbed ground, and developing mixed scrub and woodland where soil cover is thin or absent. Lower areas fringing the SAC have deeper soils and there are indications of poor drainage and waterlogging.

When the EIA is carried out, the following should be included among the Board's considerations:

1. The size of the site (8.7ha), and area of natural and semi-natural habitats present (and which will be lost);
2. The presence of the Annex I habitat, semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210], outside a European site (see above). Note it would be appropriate to evaluate the significance of the losses of this habitat in the context of its national conservation status, see, for example, the Habitats Directive Article 17 reports for 2007 and 2013 which are available from [http://www.npws.ie/article-17-reports-0.](http://www.npws.ie/article-17-reports-0;);
3. The potential presence of rare and legally protected (Flora (Protection) Order, 2015) plant species, noting the type of habitats present, and the limited information available in relation to vegetation communities and flora of the site;
4. The potential presence of legally protected species of fauna, noting the extent of scrub cover on the site;
5. The limited survey data available (one night in early April 2019) to characterise usage of the site by bats, and to evaluate the effects of further habitat loss and fragmentation on this species group;

6. The value of the site for invertebrate communities and pollinators, e.g. butterflies and bees;
7. The extent to which the biodiversity losses will be consistent with, or will contravene objectives and policies of the Galway County Development Plan and Oranmore Local area Plan in relation to the conservation and protection of the natural heritage of the Plan areas.

Irish Water:

Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

An Taisce:

Proposal does not meet objectives of Oranmore LAP. The proposed loss of EU Annex 1 habitat (6210), while found at only 25 locations in Co. Galway, is very significant and should be avoided when a feasible alternative exists to incorporate most (80%) of that habitat into the development.

Risk to wetland/fen in the event of failure of the pumping station- should be 100% redundant capacity in the pumping station with automatic changeover if the primary pump fails. There should also be a backup generator to provide independent electrical power in the event of main power loss.

Bus stop should be provided for in the estate for a future public transport route through the development.

Although not notified, the following submission was received from Transport Infrastructure Ireland:

Not notified nor circulated with a copy of the application. Attaches scoping response in relation to ABP-301952-18

10.0 Assessment

10.0.1 I have examined all the documentation before me, including, inter alia, the Record of Section 5 Consultation Meeting, Inspector's Report at Pre-Application Consultation stage and Recommended Opinion, the Notice of the Pre-Application Consultation Opinion, the Chief Executive report from the Planning Authority and all submissions received. I have also had regard to a report received from the internal An Bord Pleanála Ecologist, which addressees primarily points raised within the Department of Culture, Heritage and the Gaeltacht submission. This report is attached to the file. I have visited the site and its environs.

10.0.2 The attention of the Bord is drawn to the fact that the plans and particulars of this current application are very similar to that which formed the previous SHD application on the site, ABP-301952-18. The main differences to the layout are a redesign and general enlargement of the childcare facility and a redesign of the open space and an increase in car parking associated with same. The floor area of the childcare facility has increased from 206 square metres to 373 square metres while the number of car parking spaces associated with the facility has increased from 11 to 25 no. Amendments have been made to both the NIS, EIAR and other related aspect of the proposals in an attempt to address the previous reasons for refusal. This shall be dealt with in greater detail below.

10.0.3 In my mind, the main issues for assessment are as follows:

- Principle of Proposed Development
- Amenity of the Area
- Access and Transportation
- Drainage and Flooding
- Other Matters
- Appropriate Assessment
- Environmental Impact Assessment

10.1. Principle of Proposed Development

- 10.1.1. Having regard to the nature and scale of development proposed, namely an application for 212 residential units substantially located on residentially zoned lands, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.1.2. The provision of residential development is considered acceptable in principle on the site and generally in accordance with the zoning objectives for the area. Residential development is located in the eastern and southern parts of the site, in accordance with the residential zoning objective, while the western margins are zoned open space/recreation and amenity and correspond to indicative Flood Zones A and B as per the Strategic Flood Risk Assessment of the Oranmore LAP. The principle of residential development was generally considered to be accepted in the previous application on site and the proposal is considered to be in accordance with the objectives of the LAP Phase 1 residential zoning for the site.
- 10.1.3. The layout is generally considered acceptable and issue was not raised in this regard, in the previous application on the site. The layout is such that the proposal would be an attractive place in which to reside, while the integration of Moneyduff Castle into the open space is greatly welcomed and will provide an important amenity, a reference to local history, for all to enjoy. An Architectural Design Statement has been submitted with the application. Density at 30.94 units/ha (nett) was considered acceptable in the previous application. I note that this figure includes for the omission of the crèche, which I would question. Density such as that proposed would generally be considered low/possibly unacceptable given the locational context of the site, close to the edge of, but outside of the Galway Metropolitan Area. However, in this instance I am cognisant of the site constraints which include flood zones, proximity to a number of designated sites, roads objectives and the presence of a Recorded Monument. Therefore on balance, I would concur and consider that the density proposed is acceptable in this instance. It is noted that the planning authority state that the proposal is consistent with the core strategy and settlement strategy, as set out in the operative County Development Plan for the area.

- 10.1.4. Housing mix was generally considered acceptable in the previous application and I would concur with this. The mix has been detailed above and differs slightly from that previously proposed (increase in number of Type C properties and omission of Type F properties). Although the relatively high proportion of semi-detached properties is noted, I am of the opinion that given the location of the site, the mix proposed would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Unit size is also acceptable and most units are in excess of minimum standards. Open space is considered acceptable and is generally overlooked. If the Bord is disposed towards a grant of permission, I recommend that a condition relating to landscaping of same should be attached to any such grant. The zoned recreation and amenity/open space lands will provide a buffer between the proposed development and the environmentally sensitive lands to the west. This is considered acceptable.
- 10.1.5. The childcare facility has increased in size from that previously proposed in ABP-301952-18. This is one of the most notable changes on the layout plan from that previously proposed. The issue of size of the original facility proposed was raised within the Inspector's Report in that previous application. The planning authority in their Opinion states that they are satisfied that there are sufficient existing childcare options available in Oranmore that can accommodate additional demand generated by proposed development. I note the unit mix within the proposed scheme and based on all of the information before me, I am satisfied with the proposal before me in this regard.
- 10.1.6. The principle of the layout, density, housing mix and childcare facility was accepted in the previous application on this site and I would concur with this. The planning authority in their Chief Executive report consider the proposal to be of a high standard, to be appropriate to character of the area and that it complies with the provisions of relevant plans.
- 10.1.7. Given the location of the site on zoned lands, within the built-up area of Oranmore, in proximity to Galway city, I am satisfied that there are sufficient services and facilities within the general area to cater for a development of the nature and scale proposed.

10.2. Amenity of the Area

10.2.1. I note the concerns raised in relation to impacts on the amenity of the area in particular in relation to impacts of construction traffic. This matter has been dealt with below in the assessment of the EIAR. I do acknowledge that there will be some disruption/inconvenience during the course of the works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance/vibrations once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site. The issue of construction noise has been dealt with in sections 3.3 and 9.5 of the submitted EIAR.

10.2.2. I have no information before me to believe that the proposed development would lead to the devaluation of property in the vicinity. Overlooking or overshadowing are considered to be negligible. Having regard to all of the information before me, including the layout of the proposed development and the separation distances involved, I consider that impacts on the amenity of the area would not be so great as to warrant a refusal of permission. In fact, I am of the opinion that the proposal may improve the amenity of the area in terms of improved road, cycle and pedestrian facilities, together with the provision of the childcare facilities, which will add to the amenities within the area. The integration of Moneyduff Castle into the layout of the proposed scheme embraces the archaeological significance of the site. The site is undeveloped at the current time, surrounded on many sides by existing development. It currently adds very little to the amenity of the area and its appropriate development is welcomed.

10.3. Access and Transportation

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

- A north/south link between Coill Clocha estate to the north (which has been taken in charge by Galway County Council) and the Orancourt / Oranhill housing estate to the south (Oranmore distributor road).

- A roundabout at the development site access to the Oranmore north/south distributor road will also link to an east/west spur within the adjoining development permitted under PL07.237219 and connecting to the existing Rocklands roundabout on the N67.

10.3.1. I note that the site is currently land locked with no existing access options and that this roadway will provide a vehicular link to the Main Street in Oranmore via Coill Clocha housing estate to the north, the Maree Road and Oranhill to the south and the N67 to the east. There is currently a roundabout on the N67 to facilitate the distributor link road. It is noted that the Roads Legal Agreement to construct the distributor road is included in the documentation. One site entrance is proposed, which will access directly onto an approved roundabout along the route of the permitted distributor road. The issue of roads and traffic/transport impacts was dealt with extensively within section 10.3 of the Inspector's report of ABP-301952-18. The proposal before me is very similar to that previously submitted. The conclusion of the previous report was the Inspector was satisfied that the development would 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. The Inspector was also satisfied that the development would achieve adequate pedestrian and cycle connections to Oranmore town centre and to the wider area, subject to conditions. The Bord did not raise concern in this matter.

10.3.2. A Traffic and Transportation Statement, together with DMURS Statement of Consistency and Road Safety Audit have been submitted with this application. I note the contents of these documents, which appear reasonable and robust. The TTA estimates trip generation rates of 108 no. vehicular movements in the AM peak and 131 no. movements in the PM peak. The TTA states that traffic volumes on the N67 have reduced significantly since the opening of the M18 in 2017 and that the additional volumes of traffic proposed for the N67 generated from the proposed development will have a minimal effect on traffic volumes. In terms of parking provision, 409 car parking spaces are proposed, together with 146 cycle spaces.

10.3.3. I note many of the submissions received raise concerns in relation to traffic issues. While I acknowledge the concerns raised, I consider that this is a zoned piece of land and that the improvements included in the application, which already have the

benefit of a grant of permission from An Bord Pleanála, will improve access and connectivity within the area, in line with Government policy. The proposed road upgrade works will aid in the opening up of these lands and in improving connectivity within the wider area. The proposal was previously considered acceptable in this regard. I note the report of the planning authority in this regard, which states that they are satisfied in relation to traffic and transport matters, subject to conditions.

10.3.4. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached to any such grant in relation to the phasing of development. This is a matter that has been raised in a number of submissions received. I also consider, given the extent of road works proposed, that it would be appropriate for a grant of permission for 10 year period in this instance. In addition, the provision of a bus stop within the development for future public transport route, as suggested by An Taisce, could be dealt with by condition, if the Bord were so minded. I have no information before to be believe that the proposal if permitted would lead to the creation of a traffic hazard or obstruction of road user in the vicinity and consider the proposal to be consistent with the proper planning and sustainable development of the area.

10.4. Drainage and Flooding

10.4.1. The issue of drainage, flood risk and site services was dealt with comprehensively in section 10.7 of the Inspector's Report of ABP-301952-18 and I refer the Bord to same. An Irish Water Pre-connection enquiry, together with a Design Submission was submitted with this current application. Irish Water states that based on the information provided, Irish Water has no objections to the proposal. A submission was received at application stage from Irish Water which states that based on the details provided by the developer and the CoF issued by Irish Water, they confirm that subject to a valid connection agreement being put in place between Irish Water and the development, the proposed connection(s) to the Irish Water network can be facilitated.

10.4.2. The Bord did not raise concerns in relation to the matter of drainage or flood risk in the previous refusal on this site. I note the information submitted with the application which includes for a Site Specific Flood Risk Assessment (see Appendix 7-1 of submitted EIAR). I note the information contained therein and am satisfied in this regard. I note that there are no field drains, channels or other surface water features

within the application site, with no visual evidence of tidal influence observed. Ground depressions were observed towards the west of the site, which may be prone to flooding and the layout has been designed accordingly with open space/amenity lands located therein. Climate change has been accounted for in the submitted SSFRA. A minimum floor level of 5.1mOD is set for the proposed development. The OPW's Preliminary Flood Risk Assessment (PFRA) identifies an indicative coastal and fluvial flood risk along the western boundary of the site, which partially encroaches into the site area. An Indicative Flood Zone A (PFRA Fluvial Year 100/Coastal) and Indicative Flood Zone B (PFRA 1000 year/Coastal) were identified in the Strategic Flood Risk Assessment, undertaken as part of the preparation of the Oranmore LAP. No built development is proposed on this area of land- zoned 'Open Space/Recreation and Amenity- and it is proposed to use this area as open space/parkland amenity. The remainder of the site is entirely within Flood Zone C. The planning authority is satisfied with same.

10.4.3. In my opinion, the matter of drainage could be adequately dealt with by means of condition, if the Bord is disposed a grant of permission. This could include a condition relating to the capacity of the pumping station, as highlighted by An Taisce in their submission. I note the report of the planning authority in relation to water services and flooding matters, which raises no objections in this regard, subject to conditions. I have no information before me to believe that the proposal would be prejudicial to public health and am satisfied with the information before me in this regard.

10.5. Other Matters

10.5.1. The issue of visual impacts of the proposed development was dealt with comprehensively in the report of the Inspector, in relation to ABP-301952-18 and I refer the Bord to same. I have examined all information before me in this regard and have conducted a visit of the site and its environs. I note that the site is located outside of the Oranmore ACA. Given the nature and scale of the development proposed, together with its location within the urban environment, I do not have undue concerns in this regard.

10.5.2. The issue of archaeology was examined in detail in the Inspector's report on the previous application on this site and I again refer the Bord to same. Archaeology

was not raised as an issue in the previous decision on the site. I acknowledge the proximity of the site to the zone of archaeological potential established around the recorded monument GA095-084, Castle, which is subject to statutory protection. I note all of the information included with the application in relation to this matter and that this was one of the points of specific information requested in the Section 5 Pre-Application Notice of Opinion from An Bord Pleanála. The information submitted includes for an Archaeological Impact Assessment, Pre-Development Testing Survey and Conservation Management Plan. The contents of these documents appear reasonable and robust. The report of the Department of Culture, Heritage and the Gaeltacht is noted in this regard which states that the information on file has been reviewed and they have no objection to this development proceeding in relation to this matter, provided that archaeological conditions are included in any grant of permission. I recommend that if the Bord is disposed towards a grant of permission, such conditions be attached to any such grant of permission.

10.5.3. The absence of a playground facility was raised by some of the elected members at the Area Committee Meeting. It is noted that a playground is demarcated on the submitted Site Layout Plan, with detailed information provided in Drwg. No. 18223-3-100. I am satisfied in this regard.

10.5.4. A total of 21 units are proposed to satisfy the requirements of the legislation in relation to Part V. This matter may be adequately dealt with by means of condition. The planning authority has not raised concern in this matter.

10.5.5. I note that there are some discrepancies within the documentation, in particular in cross referencing documents, for example Figure 3.2 of the EIAR is Pedestrian Site Access Details not Areas covered by Otter Survey (which is Figure 5.5). Any such errors are considered to be minor in nature and do not affect the outcome of my recommendation.

11.0 **Appropriate Assessment**

11.1. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS), prepared

by McCarthy Keville O'Sullivan Planning and Environmental Consultants. A 'Report to Inspector' from An Bord Pleanála Ecologist has been received in relation to nature conservation, particularly the submission from National Parks and Wildlife Service to An Bord Pleanála. This is attached to my report.

The Project and Its Characteristics

See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected Stage I Screening

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

Table 3:

Site Name & Code	Distance from Development Site
Galway Bay Complex SAC (000268)	To immediate north & west of site
Lough Fingall Complex SAC (000606)	7.3 km
Lough Corrib SAC (000297)	8.4km
Rahasane Turlough SAC (000322)	8.9km
Castletaylor Complex SAC 000242	9.6km
Kiltiernan Turlough SAC (001285)	9.8km
Ardrahan Grassland SAC (002244)	10.9km
East Burren Complex SAC (001926)	15.5km
Inner Galway Bay SPA (004031)	0.34km
Cregganna Marsh SPA (004142)	0.26km
Rahasane Turlough SPA (004089)	8.8km
Lough Corrib SPA (004042)	10.7km

- 11.2. A Screening Report and NIS, prepared by McCarthy Keville O'Sullivan Ltd, were submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within these reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

11.3. The Stage One Screening conclusions note that it cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, that the proposed development, either individually or in combination with other plans and projects, could have a significant effect on the following European Sites and as a result, Appropriate Assessment of the proposed development is required in relation to the four designated sites below:

Table 4:

Site Name & Code	Distance from Development Site
Galway Bay Complex SAC (000268)	To immediate north & west of site
Inner Galway Bay SPA (004031)	0.34km
Cregganna Marsh SPA (004142)	0.26km
Rahasane Turlough SPA (000322)	8.9km

11.4. I agree with the conclusions of the Screening Report and consider that the Stage 2 Appropriate Assessment can be confined to these four sites listed above. The remaining sites identified above within the 15km radius have no pathway for significant effects identified. The attention of the Bord is drawn to the fact that the applicant now screens in likely significant effects on Cregganna Marsh SPA and Rahasane Turlough SPA, which were screened out in the previous SHD application on the site (ABP-301952-18). This therefore overcomes the first reason for refusal in the previous application, which related to the exclusion from the NIS of the Cregganna Marsh SPA and Rahasane Turlough SPA.

11.5. The Qualifying Interests/Special Conservation Interests of the four sites are outlined below:

Table 5:

Galway Bay Complex SAC (000268)	Inner Galway Bay SPA (004031)	Cregganna Marsh SPA (004142)	Rahasane Turlough SAC (000322)
<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Coastal lagoons*</p> <p>Large shallow inlets and bays</p> <p>Reefs</p> <p>Perennial vegetation of stony banks</p> <p><i>Salicornia</i> and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Turloughs*</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)</p> <p>(*important orchid sites)</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i>*</p> <p>Alkaline fens</p> <p>Limestone pavements</p> <p>Otter</p> <p>Harbour Seal</p> <p>*denotes priority habitat</p>	<p>Great Northern Diver</p> <p>Cormorant</p> <p>Grey Heron</p> <p>Brent Goose</p> <p>Wigeon</p> <p>Teal</p> <p>Shoveler</p> <p>Red-breasted Merganser</p> <p>Ringed Plover</p> <p>Golden Plover</p> <p>Lapwing</p> <p>Dunlin</p> <p>Bar-tailed Godwit</p> <p>Curlew</p> <p>Redshank</p> <p>Turnstone</p> <p>Black-headed Gull</p> <p>Common Gull</p> <p>Sandwich Tern</p> <p>Common Tern</p>	<p>Greenland White-fronted Goose</p>	<p>Whooper Swan</p> <p>Wigeon</p> <p>Golden Plover</p> <p>Black-tailed Godwit</p> <p>Greenland White-fronted Goose</p>

11.6. The Conservation Objectives for the above sites are as follows:

Table 6:

Galway Bay Complex SAC (000268)	Inner Galway Bay SPA (004031)	Cregganna Marsh SPA (004142)	Rahasane Turlough SAC (000322)
Detailed conservation objectives Detailed targets for each habitat and species	Detailed conservation objectives Generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA. There are detailed targets for each species	Generic conservation objective: 'To maintain or restore the favourable consideration condition of the bird species listed as Special Conservation Interests of this SPA'	Generic conservation objective: 'To maintain or restore the favourable consideration condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected'

11.7. The report of the DoCHG is noted, which is very similar in content to their previous report on ABP-301952-18, with the following matters relating to appropriate assessment having been raised:

- Potential hydrological and hydrogeological connections to water dependant habitats, particularly fen habitat
- Potential for increased disturbance of bird species associated with nearby SPA sites due to increased residential population (amenity pressures, recreation including dog walking)

11.8. In relation to potential hydrological and hydrogeological connections, the Department suggests that further analysis and assessment of the of the potential hydrological and hydrogeological effects of the proposed development on habitats for which the SAC is designated, in particular alkaline fen, is required with respect to the attributes and targets of the conservation objectives of this habitat type. Alkaline fen is a qualifying interest feature of Galway Bay complex SAC which borders the development site to the west and there are SAC outliers which also support alkaline fen to the east and north east of the proposed development site. The submission suggests that information provided in the EIAR chapters relating to land, soils and

geology and water, together with any associated appendices should be integrated into this assessment.

- 11.9. In relation to potential for increased disturbance of bird species associated with nearby SPA sites due to increased residential population, the Department suggests that in order to undertake the appropriate assessment, further consideration of the potential for increased disturbance of bird species associated with the nearby SPA sites is required, taking into account the attributes and targets of the conservation objectives of the SPA sites of relevance. The effects of an increased residential population and associated increased amenity and recreational activity, including dog walking and the progressive losses and fragmentation of open spaces are specifically referred to.
- 11.10. At the outset, I draw the attention of the Bord to the fact that I do not have undue issue that certain information contained within the EIAR is not included within the NIS, as has been raised in the NPWS submission. While it may have been helpful to have the entirety of the information relating to designated sites within the one document, the fact remains that the information has been submitted and is available on file.
- 11.11. In terms of an assessment against targets and objectives for habitats and potential hydrological and hydrogeological effects of the proposed development, I note that the assessment of potential pathways for adverse effects is dealt with in section 5.5 of the submitted NIS and the Bord is referred to same. It is noted that potential effects on surface water, ground water, and hydrological regime that may arise through the development of the site are presented. The text in this section does not explicitly test the potential effects against the attributes and targets of the conservation objectives of these habitats, however a full assessment is presented in Appendix 9 of the NIS, see Tables 1.22 to 1.32. In this regard, I also refer the Bord to section 7 Water of the submitted EIAR and I refer the Bord specifically to section 7.4.2 of same for construction phase potential impacts and section 7.4.3 for operational phase impacts. I also refer the Bord is Appendix 5-1 of the submitted EIAR 'Habitats Assessment of Fen'.
- 11.12. Figure 7.6 gives a very useful Hydrogeological Conceptual Site Model in this regard, which shows the interpreted shallow and deep groundwater flowpaths below the

development site. This model was used by the applicants to assess impacts on the SAC east and west of the site. It is noted that there will be no impacts on the local hydrological regime during the construction phase due to a number of detailed reasons which include, inter alia, no net change in recharge at the development site; no significant dewatering is proposed during construction; no new drainage channels are proposed and no deep foundations are required or proposed. Existing groundwater flowpaths will be maintained. It is stated that there will be no direct or indirect impacts on the existing fen to the east of the N18, which are part of the Galway Bay SAC. It is also stated that for similar reasons, there will be no effect on the hydrological regime, water levels or water quality at Cregganna Marsh SPA/NHA located to the south of the proposed development site. I note the mitigation measures proposed for both construction and operational phases, which include on site drainage control measures, for example silt fences and silt bags, together with measures to address possible risks associated with hydrocarbon/chemical or cement use. It is concluded that there are anticipated to be no significant impacts on groundwater or surface water quality of downstream designated sites. In addition, no significant impacts on groundwater levels, existing hydrological regime or groundwater flow paths relating to upstream or downstream areas of Galway Bay SAC or Cregganna Marsh SPA/NHA are anticipated. There is no potential for the proposed development to result in effects on the downgradient fen to the north or west of the development site or on the wetlands that are located in the wider area to the east of the N18 or the south in Cregganna Marsh. I am satisfied with the information provided in this regard.

11.13. In terms of faunal species, otter and harbour seal are the only two faunal species of Qualifying Interest for the **Galway Bay SAC**. Disturbance and displacement were identified as having the potential to result in adverse effects on the otter. Effects of disturbance and displacement on otter has been examined within section 5.5.2.2 of the submitted NIS. An assessment has been undertaken and a dedicated otter survey was undertaken in February and April 2019. Details of same are available in Figure 5.5. It is noted that no suitable habitat for otter exists on the site of the proposed development and the fen that is located to the west provides few aquatic features, thus providing little suitable habitat for the species. None of the other surrounding lands provide any suitable habitat for the species. The proposed

development does not have the potential to impact on otter species in terms of habitat fragmentation. The habitats within the site are dominated by dry calcareous grassland and scrub habitats, with no water courses present. The assessment concludes that it can be concluded in view of the best scientific knowledge, on the basis of the objective information that the proposed development will not adversely affect the otter associated with the Galway Bay Complex SAC during wither construction or operation of the proposed development. Based on the above, I am satisfied that there is no potential for adverse effect on otter.

11.14. In terms of assessment against targets and objectives for bird species, I note that Appendix 9 of the NIS presents an assessment of impacts on targets and attributes for the special conservation interests of **Inner Galway Bay SPA**. Detailed attributes and targets have not been set for the conservation objectives of maintaining or restoring favourable conservation condition of Greenland White-fronted Goose at Cregganna Marsh SPA. Disturbance and displacement of birds of the Inner Galway Bay SPA, Cregganna Marsh SPA and Rahasane Turlough SPA have been examined within section 5.5.2.3 of the submitted NIS and I refer the Bord to same. The bird survey results for these designated sites are detailed in Table 3.4 (Inner Galway Bay SPA) and Table 3.5 (Cregganna Marsh SPA) of the submitted NIS. The survey results show that there were no movements of wintering wildfowl and waders between the Inner Galway Bay SPA and the development site on the four dates surveyed. None of the listed SCI species of Inner Galway Bay SPA were recorded utilising habitats within the development site during the field surveys undertaken. The development site did not support significant wintering bird populations. None of the SCI species for any nearby SPAs were recorded roosting or feeding within the development site or in the surrounding wetlands during the surveys.

11.15. As stated above, Greenland White-fronted Geese are a Special Conservation Interest of the **Cregganna Marsh SPA** and **Rahasane Turlough SPA**. As the Greenland White-fronted goose population for Cregganna Marsh SPA are part of the Rahasane Turlough SPA population, disturbance and displacement to the population for both SPAs were considered as a combined assessment. I consider this to be a reasonable approach. It is noted that the Greenland White fronted geese were not recorded at Cregganna Marsh SPA or the development site, during any of the four survey dates. I am satisfied with this information. The Cregganna Marsh SPA is

located 260m from the proposed development site, buffered from the development by urban infrastructure, roads, housing and agricultural fields. It is stated in the NIS that there is no potential for the development to cause disturbance to the Greenland White-fronted goose population listed as an SCI for the Cregganna Marsh SPA. By extension, there is no potential for impact on the Rahasane Turlough SPA population. Again, this is considered acceptable.

11.16. An assessment of the distance at which birds respond to human disturbance (flight initiation distance) was undertaken for each of the SCI species. Details of same have been provided and I refer the Bord to Table 5.5 of the NIS, which provides scientific information on disturbance distances that could be triggered by pedestrian disturbances for each bird species. The information provided indicates that the proposed development is outside the disturbance of any SCI species of the Inner Galway Bay SPA. The most sensitive disturbed species potentially disturbed at 71 metres. The proposed development is over 340 metres from the SPA and separated from it by tree lines and the main Maree Road. No disturbance effects on the SCI species of Inner Galway Bay are anticipated. I am satisfied with this information.

11.17. An assessment of indirect disturbance in the wider Oranmore area as a result of population increase has been undertaken within section 5.5 the NIS. It acknowledges that site is located on zoned lands; that the Oranmore LAP itself was the subject of AA; that the development does not in any way provide access to any designated site, nor does it encourage such access. Furthermore, the proposal ensures the provision of a network of recreational green spaces located within the development site. The Natura Impact Report of the LAP identified disturbance to qualifying habitats and species from encroaching development and human presence as a key issue and also examined the objective of the development of a coastal walkway which has the potential to disturb qualifying bird species of the Inner Galway Bay SPA. The Inner Galway Bay SPA Conservation Objectives supporting document, Version 1 (NPWS, 2013) provides more detail on the special conservation interest (SCI) bird species, their distribution, risks and threats. The NIS makes reference to this document in section 5.2.1, stating that it was reviewed and considered in the assessment. This informed the site specific pressures and threats for the SPA as a whole. I have examined this document online as part of my assessment. Information specific to the Oranmore area (Site No. 0G495) shows that

for the period up to 2009/2010, walking (including with dogs) exerted a moderate level of disturbance to birds (disturbance score of 4, where 4-6 is considered moderate, >7 high).

- 11.18. It is concluded within the NIS that based on all of the above, in view of the best scientific knowledge and on the basis of objective information, that the proposed development will not adversely affect any of the SCI species associated with the Inner Galway Bay SPA, Cregganna Marsh SPA or the Rahasane Turlough SPA during either construction or operation of the proposed development. There is no potential for adverse effect on any of these species.
- 11.19. Cumulative effects was examined under section 6 of the NIS and I refer the Bord to same. It concludes that the proposal will not result in any residual adverse effects on any European sites, their integrity or their conservation objectives when considered on their own. There is, therefore, no potential for the proposal to contribute to any cumulative adverse effects on any European site when considered in combination with other plans and projects. A review of the projects was undertaken and no connection that could potentially result in additional or cumulative impacts was identified. Neither was any potential for different (new) impacts results from the combination of the various projects and plans in association with the proposed development. No residual cumulative impacts have been identified with regard to any ecological receptors.
- 11.20. I have examined all of the information before me in this regard, including submissions received from observers; submissions received from prescribed bodies; together with the reports of the Chief Executive of the planning authority, that of the Department of Culture, Heritage and the Gaeltacht and the internal report received from An Bord Pleanála Ecologist. I note all of the information before me in relation to this matter. I note that the development site is not located within a designated area. There will be no direct loss to the species of Green White-fronted Geese or any other species as a result of the proposed development. I note the zoning objective for the site, as set out in the adopted Local Area Plan and County Development Plan and the fact that the preparation of these Plans was informed by both Strategic Environmental Assessment and Appropriate Assessment, which were undertaken as a parallel process in tandem with the development of the Plans. At the end of that process, the LAP was adopted with a 'R1', 'Residential Phase I' zoning objective for

the majority of the site, under which residential development is permitted in principle. In light of the above assessment, I am of the opinion, on the basis of the information before me, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the four relevant European sites, in view of their Conservation Objectives.

12.0 Environmental Impact Assessment

12.1. Statutory Provisions

- 12.1.1. This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 12.1.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.
- 12.1.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure projects comprising of urban development which would exceed:
- 500 dwellings
 - an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- 12.1.4. The development proposes 212 residential units and has a stated area of 8.7 hectares, located within the built-up area. It therefore falls below the above thresholds and does not require mandatory EIA. Section 1.4 of the submitted EIAR provides the applicant's rationale for sub-threshold EIA with regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

due to its nature, size and location close to an environmentally sensitive area, i.e. the Galway Bay Complex SAC (site code 000268). I concur with this assessment having regard to the location of the development site adjoining the Galway Bay Complex SAC (site code 000268) and proposed Natural Heritage Area (pNHA) and in close proximity to the Inner Galway Bay SPA (site code 04031) and Cregganna Marsh SPA (site code 004142) and NHA (site code 000253).

12.1.5. The EIAR contains one volume and includes a Non-Technical Summary. Chapters 1, 2 and 3 set out an introduction to the project, background to proposed development, methodology used, description of the proposed development. The adjoining access roads are included in the description of the proposed development. The EIAR considers cumulative impacts including several permitted developments in the vicinity, Ref. PL07.246315, PL07.237219, PL07.237409, Reg. Ref. 17/1268 and reg. Ref. 19/44. The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy.

12.1.6. The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity
- Land, soils and geology
- Water
- Air and Climate
- Noise and Vibration
- Landscape and Visual
- Archaeology and Cultural Heritage
- Material Assets
- Interaction of the Foregoing

12.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the

environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

12.1.8. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and observers has been set out above. It is noted that the EIAR has been updated from that submitted under ABP-301952-18.

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

12.2. Alternatives

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

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

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

12.3. **Assessment of Likely Significant Direct and Indirect Effects**

12.3.1. Population and Human Health

Section 4 of the EIAR is entitled population and human health. The site adjoins established residential areas and permitted residential developments. The nearest settlement to the site of the proposed development is Oranmore, located 590m from the proposed development site. The nearest existing occupied dwelling is c. 30m from the northern site boundary. The population of the Clarinbridge and Oranmore EDs grew by 55% in the period 2006-2011 and 3.3 % in the period 2011-2016. Aside from the built up area, local land use is dominated by agriculture and tourism. There are 3 no. primary schools and one secondary school within 1 km of the site as well as various amenities and sports clubs in the Oranmore, Clarinbridge and Carnmore area. The proposed development would provide accommodation for 594 persons, based on the average size of household in the county, which is 2.8 persons. Potential significant impacts relate to health and safety, traffic, noise, dust and air quality during the construction phase and impacts associated with employment, population, land use and economic activity. There are slight/imperceptible short term negative impacts during construction associated with noise, dust, air quality and traffic. Proposed mitigation measures are outlined in relevant chapters. No significant residual impacts are anticipated. Also noted that there are no significant residual impacts on health and safety, employment and investment, population, tourism or land use anticipated. There is a potential long term slight negative traffic impact. There are no significant impacts associated with vulnerability of the project to natural disaster. No significant cumulative impacts are envisaged.

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

12.3.2. Biodiversity

Section 5 of the EIAR refers to biodiversity. I would also refer the Board to Section 11 above where the matter of appropriate assessment is addressed. The EIAR states that dedicated ecological surveys of the site were undertaken on the 8th

September 2016 and the 16th August 2017, including a search for non-native invasive species, supplemented by other sources of data/information. Detailed winter bird usage surveys were undertaken over six dates, together with dedicated otter and bat surveys.

It is noted that the eastern section of the site is predominantly overgrown by scrub species. An area of approximately 0.9ha of semi natural dry grassland which conforms to the Annex I habitat Semi-natural dry grassland and scrubland facies on calcareous substrates (*Festuca -Brometalia*) (*important orchid sites) [6210] is present on the proposed development site, at dispersed locations but primarily within fields to the east, northeast and southeast of the development boundary. This was determined from botanical surveys undertaken in 2016 and 2017 which identified nine discrete areas of this habitat type within the site. The EIAR indicates that similar habitat also occurs interspersed within areas of scrub.

This habitat is listed as a Qualifying Interest of the adjoining Galway Bay Complex SAC (000268). The submitted EIAR states that given the nature and extent of scrub encroachment surrounding the smaller areas, these areas are not considered to be 'viable areas' of Annex I habitat.

The comments of the Department are noted in relation to loss of habitat and in summary, they recommended further consideration of the loss of this habitat and implications of same with regard to biodiversity objectives and policies applicable to the area. The potential presence and use of the proposed development site by protected faunal species, including bats should also be among the issues considered in the EIA. In addition, the biodiversity value of the site for invertebrates and pollinators should be considered.

I have examined all of the information before me, including Figure 5.3 Habitat Map of the submitted EIAR. To my mind, the identified areas are clearly set out in Figure 5.3. Having regard to the information before me, I am of the opinion that it is reasonable to assume, as indicated in the Department's submission, that there may be an underestimate of the overall area of semi natural dry grassland 6210 on site based on the interspersed nature of the habitat as recorded. Data from eight locations is provided in Appendix 5-2 (which all conform to the Annex I habitat type).

I note that no such detailed species composition is presented for other areas/habitat types within the site.

Notwithstanding this, it appears that the site has undergone deterioration since an earlier survey undertaken by the National Parks and Wildlife Service in 2006. Scrub encroachment, scrub clearance in places and ground excavations have led to the current situation where isolated pockets of Annex I habitat exist within a wider mosaic of scrub, dry calcareous and neutral grassland.

Even if the area calculated as Annex I habitat 6210 is an underestimate, it is unclear if a marginal increase in the area of this habitat at the site would change the evaluation score, from that presently of locally important to the next level of County Importance given the level of scrub encroachment on the site and lack of management. Section 5.11.2 of the EIAR defines the habitat at this site being of local importance (higher value). This evaluation is based on the long-used standard of site evaluation presented in the National Roads Authority (2009) Guidelines for Assessment of Ecological Impacts of National Road Schemes.

I refer the Bord to the internal report from An Bord Pleanála Ecologist, in relation to this case which states that *'The National Parks and Wildlife Service (2013) reporting on The Status of EU Protected Habitats and Species in Ireland (Article 17 Reports) shows that the Annex I habitat Semi-natural dry grassland and scrubland facies on calcareous substrates (Festuca -Brometalia) (*important orchid sites) [6210] is not at favourable conservation status. The overall status of this habitat assessed as 'Bad' due to historic loss and fragmentation caused by agricultural intensification and ongoing succession to scrub caused by the abandonment of pastoral systems. There has also been a recorded decline of 0.8% in the area covered by this habitat. Although this seems like a relatively small amount, the threats and pressures to this habitat types put it at less than favourable range area. The 2013 report shows that only 22% of the area of 6210 assessed had a Favourable structure and functions. Scrub encroachment is the main threat to this habitat type followed by lack of grazing/abandonment. This scenario is evident at the proposed development site. Across much of its range the 6210 habitat is represented by small fragmented areas of the Annex I habitat and this impedes both the structure and functions of the habitat'.*

I acknowledge that permanent loss of this habitat is significant in the local context and contributes to the overall decrease in semi natural habitats and connectivity of natural features and sites in the urban and peri-urban area. There will be an associated loss of invertebrate species including pollinating species which rely on the flora present in this sward. However notwithstanding this, regard is had to the fact that the unmanaged nature of the site and evident scrub encroachment means that in the absence of specific management for the improvement of the Annex I habitat, there will be long term deterioration in the quality of the calcareous grassland and further encroachment of scrub through succession. It is my understanding that unless the site was specifically managed for this habitat type at this stage, it is unlikely that it could be considered a viable area of Annex I habitat in the long term. Based on all of the information before me in this regard, I consider the loss of habitat to be reasonable and I am satisfied with its loss in this instance, given the characteristics of the site.

The field surveys found no evidence of protected flora species or species of conservation concern. I am satisfied with this information.

In terms of the presence of legally protected species of fauna, I note the survey work undertaken in this regard. Dedicated otter surveys were carried out in February 2019 and April 2019, with it being noted that no evidence of otter was found and there is no suitable habitat for otter within the proposed development. The site of the proposed development was assessed for its suitability to support protected bird species and it is noted within the EIAR that while the scrub and hedgerow habitats on the site provide potential habitat for a range of common farmland bird species, they do not provide significant habitat for the species for which the nearby SPAs are designated or for any other species listed on Annex I of the EU Birds Directive or on the BOCCI Red List. Following a precautionary principle, monthly bird surveys were undertaken between Oct 2018 and March 2019 and the results are included within the EIAR. In summary, the site of the proposed development did not support significant wintering bird populations and none of the SCI species for any nearby SPAs were recorded utilising the site or surrounding fens. No Greenland white fronted geese were recorded at any location during the surveys completed. I am satisfied with this information before me.

I note that bat activity was low within the development site, with no roosting opportunities identified within or adjacent to the development site and that bat foraging and commuting activity was largely restricted to treelines and hedgerows along the site boundaries. Three bat species were recorded foraging and commuting through the site. I am generally satisfied with this information. It is noted that relatively limited bat surveys were undertaken- on the night of 8th/9th April 2019 with both dawn and dusk surveys undertaken. The EIAR states that seasonal factors that affect distribution patterns and habits of species were taken into account when conducting the surveys. The potential of the site to support certain populations (in particular those of conservation importance that may not have been recorded during the field survey due to their seasonal absence or nocturnal/cryptic nature) was assessed. The issue of limited survey data in this regard has been raised by the NPWS in their report to An Bord Pleanála. I note Appendix 3-4 of the submitted EIAR contains a Habitat Management Plan, which states, inter alia, that in order to enhance the habitat within the land ownership boundary for wildlife ten new bat boxes will be provided along the tree line habitat, which will provide greater potential for the establishment of roosting bats in the area. While additional survey work would be considered best practice in this regard, I am of the opinion that given the habitats present and the lack of suitable roost sites, it is not likely that additional data would change the overall impact prediction to a degree that it would be significant for the local bat population. I am satisfied with this information and if the Bord is disposed towards a grant of permission, I recommend that this matter be dealt with by means of condition.

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

Mitigation measures have been detailed with the general objectives for the management within the grassland areas being to increase botanical diversity, especially wildflowers, reduce the dominance of grasses in the sward and prevent scrub establishment. This would appear reasonable. Further mitigation measures have also been outlined which include for a habitat management plan has to facilitate positive habitat and biodiversity enhancement measures and to mitigate

against the loss of grassland, hedgerow and treeline habitats. It includes the planting and management of calcareous grassland as an integral part of its design. The native wildflower meadows will be primarily located along the western boundary of the site, adjacent to the neighbouring lands within the SAC, with this area comprising approximately 0.7 hectares.

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

Lands, Soils and Geology

Section 6 of the EIAR deals with land, soils and geology. Ground conditions beneath the site comprise outcropping rock and a variable thickness of peat in the south-west of the site while the bedrock could be classified as being of 'low' importance. There are no known areas of soil contamination. There are no recorded geological heritage sites within the development area. Potential impacts include excavation for site levelling, installation of foundations and service trenching. Mitigation measures proposed include the excavated soil and bedrock material being used for landscaping and infill at the site. An assessment of the construction and operational phases of the development have been undertaken, together with cumulative assessment.

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

12.3.3. Hydrology and Hydrogeology

Section 7 of the submitted EIAR deals with hydrology and hydrogeology. The hydrological mapping of the site and surrounding area is based on site investigations carried out on 5th January 2018. A flood risk assessment has also been carried out. All units within the development are located within Flood Zone C. Drainage matters are also discussed within my assessment under the heading 'Drainage and Flooding'. There is a high degree of interaction between surface and groundwater at

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

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

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

12.3.4. Air and Climate

The site of the proposed development lies within Zone D, which represents rural areas located away from large population centres. Air quality sampling was deemed unnecessary due to the nature of the development and the general character of the surrounding area. Potential air quality impacts primarily relate to fugitive dust and exhaust emissions during construction. Mitigation measures comprise construction management measures. Impacts are anticipated to be imperceptible. No long term

cumulative impacts on air quality are predicted. No significant climate impacts are predicted.

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

12.3.5. Noise and Vibration

Section 9 of the submitted EIAR deals with noise and vibration. Assessment of noise impacts was based on daytime noise monitoring carried out at 3 residential locations north and south of the site on 31st May 2018. The existing noise climate in the area is generally dominated by road traffic. Vibration was not perceptible. There will be no onsite noise sources following completion of the development.

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

I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the

proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

12.3.6. Landscape and Visual

Section 10 of the submitted EIAR deals with the topic of Landscape and Visual. The LVIA considers visual impacts from a number of vantage points within a 2 km radius of the development site, including the adjoining residential areas of Orancourt, Oranhill, the Maree Road, Coill Clocha and the N67. I am satisfied that the viewpoints selected allow for an adequate assessment of overall visual impacts. The submitted LVIA is considered adequate.

The development site is currently well screened from the surrounding area. The visual impact is deemed permanent, negative and not significant to moderate. The proposed development is in keeping with the zoning objective and emerging trends in the vicinity. Proposed mitigation measures comprise construction management measures, the retention of existing trees and boundaries and the landscaping scheme. No significant or profound residual landscape or visual impacts are identified in the long term. Cumulative impacts are possible in view of other zoned lands nearby and the ongoing development of the area.

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

12.3.7. Archaeology and Cultural Heritage

The Board is referred to my assessment above in relation to impacts on Moneyduff Castle (RMP No. GA095-084). This section of the EIAR is based on a walkover survey of the site carried out on 2nd November 2017 and subsequent pre-development testing at the site between 26th and 29th March 2018. A Conservation Management Plan has been submitted as an appendix to the EIAR (Appendix 11-2) while a Testing Report is included within Appendix 11-1.

The EIAR lists 29 no. Recorded Monuments within 1 km of the development site, with the site of Moneyduff Castle (RMP No. GA095-084), located within the proposed development site. Pre-development testing in March 2018 revealed two no. features of potential archaeological significance. No further archaeological features were revealed and it is noted that approximately 50% of the site area has been subject to field clearance with levels clearly reduced. There are no Protected Structures within or in the immediate area of the site. Fifteen no. Protected Structures are within 1 km of the site, the closest of which, 'Roseville House' (RPS no. 920) is c. 300m away.

The EIAR considers that in terms of potential direct effects, the pre-development testing suggests that the undisturbed half of the proposed development site may contain potential sub-surface archaeological features, deposits and/or artefacts, possibly associated with Moneyduff Castle. Potential indirect effects are stated as being that the proposed development will adversely impact on the monument setting rather than the actual monument itself, Moneyduff Castle. The development should have no impact on the cultural heritage of the wider area given the distance to protected structures and other recorded monuments. The proposed mitigation measure is an exclusion zone of 20m around the site of Moneyduff Castle, implementation of a conservation and management plan, archaeological monitoring during construction and excavation of the features of potential archaeological significance prior to development. Residual impacts are assessed as not significant.

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

12.3.8. Material Assets

Section 12 of the EIAR deals with Material Assets, which includes for traffic and transportation. The Board is referred to my assessment above in respect of traffic and transportation.

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

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

12.3.9. Significant Interactions

EIAR Chapter 13 provides a summary of principal interactions. Table 13.1 provides an interaction matrix between the various aspects of the environment already assessed in the EIAR. There are no potential significant negative interactions. It is submitted that all of the potential interactions are dealt with in the relevant individual chapters of the EIAR, which present an integrated report of findings from the impact assessment process rather than a collection of individual assessments. The development will not result in any significant cumulative or synergistic adverse impacts on the environment.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

12.3.10. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer,

and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Biodiversity impacts mitigated by the creation of an area of semi-natural grassland to the west of the site; measures set out in the Habitat Management Plan which include for the establishment and maintenance of grasslands; retention of habitats that support higher biodiversity value; replacement of hedge along eastern boundary and supplementary tree planting.
- Land and soils impacts, to be mitigated by construction management measures including reuse of overburden material, minimal removal of topsoil and subsoil, reuse of excess material within the site, management and maintenance of plant and machinery.
- Hydrology and hydrology impacts, to be mitigated by management of surface water run-off during construction to attenuate surface water flow and avoid uncontrolled discharge of sediment, appropriate interceptor drainage and measures to avoid release of cement based products. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Landscape and visual impacts, which will be mitigated by the retention and enhancement of existing trees and hedgerows and new landscaping along the western site boundary.
- Cultural heritage impacts, which will be mitigated by a 20m exclusion zone around Moneyduff Castle (RMP no. GA095-084), by a conservation and management plan for the monument and by landscaping.
- Traffic and transportation impacts, which will be mitigated by the management of construction traffic and by the construction of the Oranmore north/south distributor road and a new east/west connection to the N67.

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely

significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

13.0 Conclusion and Recommendation

- 13.1. I note the planning history on this site and consider that, in my opinion, the previous reasons for refusal on this site have been overcome. The proposal is considered to be in accordance with local and national policy in relation to the creation of high quality, compact urban developments and I am satisfied with the proposal before me in terms of layout, design, density and mix, subject to conditions. I consider that the proposal is such that this would be an attractive place in which to reside. I do not have issue in relation to transport and consider that the provision of the road network, as previously permitted and which is proposed to be delivered in this current application, would aid in opening up these lands and creating improved connections for the wider community. Issues relating to drainage and flooding could be adequately dealt with by means of condition.
- 13.2. I note the report of the Department of Culture, Heritage and the Gaeltacht in relation to Appropriate Assessment. In particular, I note the comments relating to the fact that certain information was not included within the updated NIS but included within the updated EIA. While it would have been helpful to have this information included within the one document, I am of the opinion that the information was available on file, irrespective of its location and am satisfied with same.
- 13.3. In relation to the issue of appropriate assessment and impacts on designated sites, I note the sensitivity of lands in close proximity to the development site. The fact is such that the proposed development site is sandwiched between existing development on almost all sides, apart from its immediate western side. There is permitted and constructed development closer to some of the designated sites than the development site. The development site itself is not located within a designated site, although there is some Annex I habitat located thereon. Appropriate Assessment and Environmental Impact Assessment has been undertaken above. I am of the opinion that the proposal is compliant with Policy NHB1 of the operative

County Development Plan and am also satisfied that the previous reasons for refusal under ABP-3019532-18 have been substantially overcome.

- 13.4. Having regard to the assessment outlined in the preceding sections, 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.

14.0 Reasons and Considerations

Having regard to the:

- a) the policies and objectives in the Galway County Development Plan 2015-2021;
- b) the policies and objectives of the Oranmore Local Area Plan 2012-2022
- c) Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- e) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March, 2018,
- f) the Urban Development and Building Height Guidelines issued by the Department of the Environment, Community and Local Government in December 2018
- g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- i) nature, scale and design of the proposed development and the availability in the area of a wide range of social infrastructure;
- j) pattern of existing and permitted development in the area,
- k) the planning history within the area and
- l) submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design and quantum of development 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.

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.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

3. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

4. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

(d) 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, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site

(e) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

5. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development

(b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Reason: In the interests of amenity, ecology and sustainable development

6. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species

Reason: In the interests of amenity, ecology and sustainable development

7. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, including the environmental impact assessment and natura impact assessment submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:

(a) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least 5 weeks in advance of site clearance works

(b) The applicant shall appoint and retain the services of a qualified ecological consultant for the duration of the development. The consultant shall ensure that the mitigation measures recommended are implemented in full. In

particular, the consultant shall supervise the erection of bird nest boxes at secluded/unlit retained trees

- (c) A pre-construction survey shall be undertaken to ensure no protected species of fauna have moved onto the site. This survey shall be undertaken by a suitably qualified ecologist, within a timeframe that allows for management of such an occurrence, for example securing appropriate licences
- (d) Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st- August 31st)
- (e) All buildings proposed for demolition and all mature trees proposed for felling shall be examined for evidence of bats, prior to any works by a bat specialist, including an examination of internal roof features. If required, an NPWS derogation licence shall be obtained
- (f) The applicant shall appoint a bat ecologist to carry out a bat survey, during the appropriate period, prior to commencement of development on site, to revise the assessment of potential impacts in the Ecological Impact Assessment Report and to determine if a derogation licence for bats would be required. The bat survey shall include a range of trees and buildings by several surveyors on several nights. The bat ecologist shall also review the engineer's lighting plan for the development and make such recommendations for adjustments to the plan as necessary to mitigate light spill on feeding bat habitats
- (g) After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification
- (h) If required, the applicant shall commission and implement a Japanese Knotweed Control/Eradication Plan, prior to the commencement of development for the written agreement of the planning authority

Reason: In the interest of protecting the environment and to address any potential impacts on biodiversity

8. Details of the materials, colours and textures of all the external finishes, including pavement and link finishes shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. There shall be no render finish on the apartment/duplex blocks.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

12. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement. The full length of the north-south distributor link road shall be constructed as part of the first phase of development (as permitted under PL07.237219 and extended under Reg. 15/1334). No development shall commence on any subsequent phase of the development authorised by this permission until such time as the planning authority has certified in writing that the works in the previous phase have been completed to their satisfaction.

Reason: To provide for the orderly development of the site

14. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

15. 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.

16. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

17. 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, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

18. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners’ Management Company. This shall include a layout map of the permitted development showing the

areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

19. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

20. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

21. 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.

Lorraine Dockery

Senior Planning Inspector

22nd July 2019

Appendix A- List of submissions received

An Taisce

Christina and Robert Parkinson

DAU

Irish Water

John and Suzanne Lawlor

Leona King

Marie Irwin and Simon Kelly

Sean Grealy

Transport Infrastructure Ireland