



An
Bord
Pleanála

Inspector's Report

ABP-305587-19

Development	Construction of 64 residential units and all associated site works and connection to existing services. This application includes a Natura Impact Statement (NIS).
Location	Baunoge, Loughrea, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	181860
Applicant(s)	Jardonnelle Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Elaine Gough
Observer(s)	None
Date of Site Inspection	30 th December 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Baunoge, approx. 1km southeast of Loughrea town centre. The existing Baunoge housing estate is located to the west and south of the site. This area is generally characterised by medium density residential estates comprising detached and semi-detached houses and agricultural lands.
- 1.2. The site is irregular in shape and has a stated area of 3.41ha. It is currently a greenfield site and is undulating in nature with a low-lying section in the centre. There is a watercourse to the south of the site.
- 1.3. The site is accessed via the internal road network serving the Baunoge estate. Access to the site is from the L-4213. The existing site boundaries include estate walls to the west and south and natural stone walls and hedgerows.

2.0 Proposed Development

- 2.1. The development comprises:
 - The construction of a residential development consisting of 64 units. The units comprise of 32. No. four bedroom semi-detached houses, 29 no. three bed terrace houses, three no. two bed terrace houses.
 - All associated site works and connection to existing services.
- 2.2. The planning application was accompanied by a Natura Impact Statement and a Flood Risk Assessment. A Road Safety Audit was submitted following a request for further information.

3.0 Planning Authority Decision

Decision

- 3.1.1. The planning authority granted permission subject to 18 conditions. The following conditions are of note:

Condition no. 5 refers to compliance with Section 96(2)

Condition no. 11 refers to landscaping

Condition no. 13 refers to best practice measures to prevent any significant adverse impacts to nearby European Sites.

Condition no. 17 refers to development bond.

Condition no. 18 relates to Development Contribution.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The initial Area Planners report (21st February 2019) notes the zoning objectives for the site, planning history and raised no concerns regarding flooding or Appropriate Assessment noting the contents of the NIS submitted. Further information was recommended in relation to junction design and Road Safety Audit. Further clarification was sought in relation to 1 / 2 Road Safety Audit. The final report (12th September 2019) recommends permission should be granted subject to conditions.

3.2.2. Other Technical Reports

Roads, Transportation and Operations – Initial report dated 13th February 2019 recommend refusal as the local road accessing the site (L85075) Station Road is not of a standard to facilitate the development and there is insufficient pedestrian infrastructure. The final report dated 6th September 2019 (email) notes that the application has not been audited for road safety to the required standards as set out in the national design standard. Refusal recommended.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

A total of seven submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Impact of additional traffic
- Housing density and the need for additional housing
- Estate previously left unfinished

- Concern raised with respect to construction works
- Concern raised with respect to flooding
- Impact on biodiversity
- Consent not given to use the existing estate access road and services

4.0 Planning History

Site (Recent)

GCC Reg. Ref. 12/694 – Permission refused in 2012 for an astro turf pitch and associated lighting (gross floor space 1250sqm)

GCC Reg. Ref. 12/555 – Permission granted in 2012 for the retention of a 1.8m high boundary wall and completion of same at Baunoge Housing Estate, Loughrea, previous reference no. 03/7295.

Adjoining – (Parent planning permissions)

GCC Reg. Ref. 14/1250 – Permission granted for amendments to house no.'s 117-120

GCC Reg Ref. 06/2148 – Permission granted for amendments to 03/7295

GCC Reg. Ref. 03/7295 – Permission for 140 dwellings

5.0 Policy Context

5.1. Development Plan

5.1.1. Galway County Development Plan 2015-2021

The relevant policies of the County Development Plan are set out below.

- Loughrea is designated as a Tier 4 settlement within the settlement strategy.
- The Core Strategy in tabulated format on p45 sets out population growth allocation 2015-2021 wherein Loughrea has a projection of 1,133 persons
- Section 3.3 relates to Housing Location/Design and Density in Urban Areas

- Section 3.3.2 Layout and Design
- Chapter 5 relates to Roads and Transportation
- Objective TI 10 – Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA)
- Objective TI 11 – Urban Street Network and the Design Manual for Urban Roads and Streets
- Flood Risk Management Map indicates that the main body of the site is located in Flood Zone C with the south part (open space) of the site located within Indicative Flood Zone A.

5.1.2. Loughrea Local Area Plan 2012 (extended)

The site is a split zoning. The northern section of the site is zoned Residential (Phase 1). The southern section is zoned Open Space/ Recreation and Amenity.

- Section 3.1 refers to Land Use Management

Objective LU3 – Residential (R) (refer to Map 1 and Objective RD1) -Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities together with complementary land uses, such as community facilities, local services and public transport facilities, to serve the residential population of the area.

Protect existing residential amenities and facilitate compatible and appropriately designed new infill development in accordance with the proper planning and sustainable development of the area

Objective LU7 – Open Spaces/Recreation and Amenity - Promote the development of open spaces and recreational activities in accordance with best practice and on suitable lands with adequate access to the local community and retain existing open space and recreational facilities unless it can be demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community. Ensure that any flood risk areas within the OS zone are appropriately managed to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding

Objective LU12 – Flood Risk Areas and Land Use Zones

Section 3.1.3 refers to Development Management Guidelines

- DM Guideline LU 1 – Development Densities

Residential Development Objectives

Objective RD1 – Phased Residential Development

Objective RD2 – Quality Housing Environments

Objective RD3 – Housing Options

Objective RD4 – Open Space in Residential Areas

5.1.3. National Guidance

National Planning Framework (2018)

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).

Urban Design Manual, A Best Practice (DOEHLG, 2009)

Design Manual for Urban Roads and Streets DMURS (2013)

Quality Housing for Sustainable Communities, Best Practice Guidelines (2007).

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 0.71km east of Lough Rea SPA (site code 004134) and Lough Rea SAC (site code 000304), and 4.5km north of Slieve Aughty Mountains SPA (site code 004168)

5.3. EIA Screening

On the issue of Environmental Impact Assessment screening I note that the relevant classes for consideration are class 10(b)(i) “Construction of more than 500 dwelling units” and 10(b)(iv) “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”. Having regard to the size of the development site (3.41ha) and the scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the receiving

environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the Road Safety Audit is incomplete and not an accurate reflection of normal traffic conditions as it was carried out in August during the school holidays.
- The Road Safety Audit does not address all traffic and pedestrian safety concerns.
- The development will increase the number of dwellings in the estate to over 200 and no childcare facility is proposed.
- Connection to gas services queried.
- It is set out that the visual impact of the development is not addressed, and the development will overshadow several dwellings in the estate.
- It is set out that bat species have been observed in the beech trees on site.

6.2. Applicant Response

- It is set out that the alterations to the development were made following the Road Safety Audit and the purpose of the RSA is to identify issues/problems that may have an adverse effect on road safety for all users. The purpose of the report was not to reflect traffic volumes.
- It is also stated that the scope of the RSA was to cover the proposed development and not the unrelated housing developments which are outside of the control of the applicant.

- Vehicular access, adequate footpaths and pedestrian crossings including signage and tactile paving have been proposed and the accessible proximity to local schools noted.
- In relation to mature trees on site, it is set out that the site has been the subject of a full Natura Impact Statement and includes recommendations and mitigation measures required to protect wildlife, trees and plant life.
- It is stated that the development will not be connecting to the gas network.
- It is set out that the development will not overshadow any existing dwellings and adequate separation distance and boundary treatments have been proposed in line with Galway County Council Development Plan standards.
- It is set out that adequate green areas are proposed to accommodate the development.

6.3. **Planning Authority Response**

The planning authority did not respond to the grounds of appeal.

6.4. **Observations**

None

7.0 **Assessment**

7.1.1. The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Layout
- Traffic Concerns
- Other Issues
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The site has two zonings. The northern section of the site is zoned *Residential* (Phase 1). The southern section is zoned *Open Space/ Recreation and Amenity*. It is proposed to construct the 64 residential units on lands zoned Residential (Phase 1).

The lands to the south will accommodate additional open space. In this regard I note this portion of the site is identified as being within a flood zone.

7.2.2. The principle of developing the proposed houses on lands identified for “Residential (phase 1)” in the Loughrea Local Area Plan 2012 (extended) is acceptable, subject to planning and environmental considerations addressed below.

7.2.3. I further note that the residential density and dwelling types are reflective of the existing pattern of development to the west of the site and consistent with National Guidance in respect of residential development is set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009.

7.3. **Design, layout and connections**

7.3.1. Neither the application documentation as submitted nor the planning report prepared by the PA mention the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 nor do they reference the Quality Housing for Sustainable Communities, Best Practice Guidelines (2007). In this regard I have a number of concerns about the proposed layout and design. Section 3.14 of the Sustainable Residential Development in Urban Areas Guidelines, 2009 sets out design principles to be considered in the layout and design of streets in residential area to include connectivity and permeability, sustainability, safety, legibility and sense of place. Similarly, Section 4.2 *Design Approach* of the Quality Housing for Sustainable Communities, Best Practice Guidelines (2007) sets out the main considerations underpinning the overall design of a housing scheme.

7.3.2. In terms of the appeal site the proposed houses are located on a sloping visually prominent site rising from south to north, by contrast the majority of houses run east to west. As a result, the cross-section drawings submitted with the application indicate significant cutting and manipulation of the landscape to accommodate the dwellings resulting in terraced rear gardens and large retaining walls. Whilst, the house designs reflect the general character of the area, the elevated nature of the site in conjunction with the layout as proposed will result in the houses, in particular the dwellings to the extreme north and west of the site reflecting a visually prominent feature/s in the landscape against a backdrop of agricultural fields. The creation of smaller cul de sacs similar to the existing pattern of development to the west, in my

opinion would reduce the visual impact of the development and also serve to reduce the physical impact of the landscape of the site.

- 7.3.3. Furthermore, the layout has no regard to the adjoining housing development and provides no connectivity and permeability between the schemes. Incorporating potential connections within schemes to adjoining lands is best practice layout design and critical to the principles of the Urban Design Manual and DMURS. The general layout reflects linear block forms with individual units enclosed behind 1.2m high boundary walls with on-site car parking. No attempt has been made create a sense of place or community as per the relevant guidelines. In terms of visual amenity, the layout reflects significant amount of exposed high boundary walls and the linear layout reflects visual monotony, the landscaping plan submitted with the planning application does nothing to alleviate these concerns. The layout also provides for side and rear alley type access to the rear of a number of dwellings, I would have serious concerns in terms of the provision of narrow enclosed laneway access routes and associated safety and potential anti-social behaviour.
- 7.3.4. With respect to the quality of the open space to be provided, as stated above the southern portion of the site is zoned for *Open Space/Recreation and Amenity* and as part of the application the applicant is proposing to landscape this portion of the site to include culverting the existing stream. As stated above, this portion of the site is identified with a flood zone and not considered appropriate for development.
- 7.3.5. In addition, a central green area is proposed towards the north of the site, however, this area in my opinion does not represent a useable open space owing to the sloping nature of the site with an approx. 5m level change across the entire width of the green area. The extensive manipulation of site levels will also impact on proposals to retain the line of beech trees along the western site boundary. Consequently, I do not consider that this represents quality, useable open space.
- 7.3.6. In conclusion, I consider that the development as proposed results in a poor design layout that is unimaginative and substandard in its design and layout, resulting in a visually prominent development that fails to provide high quality usable open spaces and fails to facilitate adequate and appropriate natural surveillance of pathways.

7.4. **Traffic Concerns**

- 7.4.1. The site is access via the internal spine road serving the existing housing development to the west of the site. Access onto the public road is via an existing roundabout onto Cross Street with a pedestrian footpath located on the southern side of Cross Street linking the site and adjoining development to St Mary's School and the town centre beyond.
- 7.4.2. The appellant has raised a number of concerns with respect the impact of the additional traffic generated by the development and the existing road and pedestrian network and connectivity in the wider area. It is argued that the Road Safety Audit is incomplete and not an accurate reflection of normal traffic conditions as it was carried out in August during the school holidays.
- 7.4.3. In response the applicant states that amendments to the development were made following the Road Safety Audit and the purpose of the RSA is to identify issues/problems that may have an adverse effect on road safety for all users. The purpose of the report was not to reflect traffic volumes. It is also stated that the scope of the RSA was to cover the proposed development and not the unrelated housing developments which are outside of the control of the applicant. Vehicular access, adequate footpaths and pedestrian crossings including signage and tactile paving have been proposed and the accessible proximity to local schools noted.
- 7.4.4. In this regard, I note the Roads, Transportation and Operations initial report dated 13th February 2019 recommended refusal stating that the local road accessing the site is not of a standard to facilitate the development and there is insufficient pedestrian infrastructure. A subsequent report (6th September 2019) following review of the RSA submitted in response to a request for further information and amended by way of clarification of further information states that "the application has not been audited for road safety to the required standards as set out in the national design standard. Refusal recommended".
- 7.4.5. I note the planning officer made no reference to the above report in her final assessment dated 19th September 2019 and I further note that a planning condition relating to compliance with Stage 2 – Completion of detailed design Road Safety Audit was not attached to the recommendation to grant planning person issued by the planning authority.

- 7.4.6. In this regard, I note the guidance from the TII does not recommend conditioning in this manner. Notwithstanding same, I note a Road Safety Audit relates principally to future operational safety of the scheme and whilst the revised site layout drawing submitted on 18th August 2019 provides for elements of tactile paving, signage and raised pedestrian crossings, the location of a number of access/egress points in close proximity to bends in the road network have not been addressed in terms of safety, visibility and turning movements in addition to the provision of appropriate and safe pedestrian connectivity.
- 7.4.7. However, notwithstanding the shortcomings in the RSA and the specific concerns expressed above, as per section 7.3 I consider the general design and layout of the scheme unacceptable in this instance. Any revised scheme will be subject to a site-specific Road Safety Audit.

7.5. Other Issues

- 7.5.1. The site-specific **Flood Risk** Assessment was carried out. The source of flood risk for the site is determined to be fluvial from the stream located to the south of the site within the identified "Open Space" green area. Pluvial flooding and groundwater flooding due to rise of water tables were also examined.
- 7.5.2. The report concludes that the site is not at risk of pluvial flooding as the site is sloping towards the valley of the stream.
- 7.5.3. It is also set out that the proposed dwelling houses have finished floor levels from 95.4m AOD to 107.3m AOD, the estimated flood level for 0.1% chance (return period of 1000 Years) flood is 93.53m AOD at the eastern side boundary. Therefore, the minimum freeboard against a 0.1% chance flood is 1.4m. This is even after taking account for climate change. Therefore, all houses are to be located in Flood Zone C – Low Probability of Flooding as defined in section 2.23 of the Planning System and Flood Risk Management Guidelines 2009. As such a justification test is not required.
- 7.5.4. Groundwater flooding due to rise in water table is based on the flood levels of the stream. Therefore, the flood risk due to groundwater flooding due to water table rise is the same as for fluvial flooding.
- 7.5.5. It is noted that the Planning Authority raised no concerns regarding the proposed development. I have reviewed all the submitted relevant documentation and I would

conclude that the proposed development would adequately satisfy the flood risk concern.

- 7.5.6. The appellant expresses concern that the development will increase the number of dwellings in the estate to over 200 and no **childcare facility is** proposed. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009) recommend the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units. However, the threshold for such provision should be established having regard to the existing geographical distribute on of childcare facilities and the emerging demographic profile of areas, in consultation with city / county childcare committees. There appears to be a number of childcare facilities in the wider Loughrea area and I note the planning authority expressed no concerns in this regard.

7.6. **Appropriate Assessment**

Stage 1 Screening

- 7.7. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.
- 7.7.1. A Natura Impact Statement accompanied the application documentation received by the Board. The NIS submitted provides a description of the development. The site is described in section 2.2.2 noting that it is dominated by improved grassland (GA1) to the north, artificial surfaces (BL 3) and recolonised bare ground (ED3) to the south. Other habitats identified within the development site include stone walls, hedgerows and a mature beech treeline located to the northwest of the site. These habitats are not linked to any habitats listed under Annex 1 of the EU Habitats Directive. Furthermore, no evidence of badger activity was found in the vicinity of the site. Similarly, no evidence of bat species was found in line of mature beech trees along the north western site boundary. Any loss of habitat is proposed to be substituted by additional landscaping.
- 7.7.2. The subject site itself is not located within any Designated European site, however the following Natura 2000 sites are located within 15km of it

Site Name & Code	Approx. Distance from Site	Qualifying Interests
Lough Rea SPA (004134)	0.71km	Shoveler (<i>Anas clypeata</i>) [A056] Coot (<i>Fulica atra</i>) [A125] Wetland and Waterbirds [A999]
Lough Rea SAC (000304)	0.72 km	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]
Slieve Aughty Mountains (004168)	3.96km	Hen Harrier (<i>Circus cyaneus</i>) [A082] Merlin (<i>Falco columbarius</i>) [A098]
Soonagh Bog SAC (001913)	8.93km	Blanket bogs (* if active bog) [7130]
Peterswell Turlough SAC (000318)	12.8km	Turloughs [3180] Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidention</i> p.p. vegetation [3270]
Rahasane Turlough SAC (000322)	13.14km	Turloughs [3180]
Rahasane Turlough SPA (004089)	13.2km	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Golden Plover (<i>Pluvialis apricaria</i>) [A140]

		Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]
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7.7.6. Figures 2.3 of the NIS illustrates the SPA's and SAC's within 15km of the site. Figure 2.2 highlights the hydrological pathway from the appeal site to the Rahasane Turlough and Lough Rea SPA. It is noted that the hydrogeological connection does not pass through the Lough Rea SAC. The NIS provides a brief screening within Section 2, table 2.2 of the report which states due to the hydrological pathway and proximity, the screening assessment undertaken resulted in the conclusion that the Lough Rea SPA and the Lough Rea SAC occur within the zone of influence of the project and in the absence of appropriate mitigation measures are at risk of likely significant effects from elements of the project. It is further stated that during the screening assessment that the other European sites listed were not within the zone of influence of the project with no potential pathways given their removed location from the site.

7.7.7. Potential indirect effects on the Lough Rea SPA and the Lough Rea SAC relates to sediment laden surface water run-off entering small stream located to the south of the site, and ultimately entering the Lough Rea SPA and the Lough Rea SAC. In the absence of mitigation measures, it is not possible to rule out impacts on water quality which could negatively impact on water sensitive qualifying interests of the SPA and SAC.

Conclusion on Screening

7.7.8. I have outlined in the table above the sites within c.15km of the subject site and provided the Board with information on the sites within the area. However, I concur with the applicant's agent that only two of the sites have a potential hydrogeological connection to the subject site those being: - Lough Rea SPA and the Lough Rea SAC. The remainder of the sites are at such a distance and/or have no pathway such that any potential impact could not be considered to have a potential adverse effect.

7.7.9. Therefore, it is reasonable to conclude that on the basis of the information on the file which I consider adequate that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites:- Slieve Aughty Mountains (004168), Soonagh Bog SAC (001913), Peterswell Turlough SAC (000318), Rahasane Turlough SAC (000322) and Rahasane Turlough SPA (004089)

7.7.10. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is not possible to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 004134 and 000304, or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment is therefore, required.

Appropriate Assessment – Stage 2 NIS

7.7.11. Introduction

As outlined in the screening undertaken above, this AA relates to the following site:

- Lough Rea SPA
- Lough Rea SAC

Lough Rea SPA (004134)

Lough Rea SPA is located 0.71km west of the appeal site. The site synopsis states that Lough Rea is of considerable ornithological interest. Nationally important numbers of Shoveler overwinter at the site. Nationally important numbers of Coot also occur. A further 10 species of waterfowl reach regionally or locally important numbers - all population sizes are the mean of peak counts for the five years.

The site is a Special Area of Conservation (SAC) and is listed for the following qualifying interests:

- Shoveler (*Anas clypeata*) [A056]
- Coot (*Fulica atra*) [A125]
- Wetland and Waterbirds [A999]

The conservation objectives for the qualifying interest seek to maintain the favourable conservation condition of the qualifying interests.

Lough Rea SAC (000304)

Lough Rea SAC is located 0.72km west of the appeal site. The site synopsis states that Lough Rea is of considerable ornithological interest. Internationally important numbers of Shoveler overwinter at the site and nationally important numbers of Tufted Duck have also been reported. A further 10 species of waterfowl reach regionally or locally important numbers. Brown Trout (*Salmo trutta*) are present in the lake.

The site is a Special Area of Conservation (SAC) and is listed for the following qualifying interests:

- Hard Water Lakes[3140]

The conservation objectives for the qualifying interest seek to maintain the favourable conservation condition of the qualifying interests.

7.7.12. The NPWS Conservation Objectives for the Lough Rea SAC (000304) and Lough Rea SPA (004134) set out that the sites overlap and the conservation objectives for each site should be used in conjunction with those for the overlapping site as appropriate

7.7.13. Potential Effects and Proposed Mitigation

As set out in the NIS there is a small stream located at the south of the site. This stream does not enter Lough Rea SAC boundary but is located 50m north of the SAC. The stream provides a hydrological link to the Lough Rea SPA.

At Section 3 of the NIS, the authors address the likely significant effects on each of the relevant features of interest within the zone of influence of the project with section 3.1 setting out the likely effect in the absence of mitigation. I propose to address the matter by way of addressing the potential effects and will reference where appropriate particular qualifying interests.

Loss of Habitat

The sites is covered by GA1 improved grassland and recolonised bare ground. The proposed development will convert the site to buildings and artificial surfaces and

amenity grasslands. As the improved grassland is of low conservation value, its loss will result in a neutral impact (no effect) to the conservation objectives of the designated site. It is noted that significant areas of habitat within the SPA and SAC are available to all wintering waterbird species, it is not expected that any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density. It is considered that there is ample overspill foraging for all relevant SCI species populations in the area. Therefore, no significant negative impact on local populations of Lough Rea SPA SCI species is expected, the impacts are likely to be imperceptible.

There is no predicated construction disturbance impacts on the Lough Rea SPA SCI species or the qualifying interests of the Lough Rea SAC as a result of the 0.71km buffer between the site and the designated sites.

Water Quality

Potential impacts include contaminants entering the waters of Lough Rea impacting on the water quality and qualifying interest species arising from surface water run-off, or impacts from foul water effluent storage, collection and disposal.

The NIS recommended sediment control mitigation measures to protect the environment from pollutants. These include the use of silt traps on the stream on site to be inspected fortnightly and replaced if silting up or leaking occurs, appropriate bunding of storage tanks (fuels, oils, greases and hydraulic fluids). It is recommended that excavation works be carried out in dry weather and connection to the foul sewerage network to be carried out by competent persons. Storm water collection and disposal on site is in accordance with Sustainable Urban Drainage to include two soakaways designed to BRE Digest 365, in addition to an attenuation tank at the entrance to the site which will flow through a class 1 interceptor and hydro brake before entering the public storm sewer network. I note also that no issue was raised regarding the discharge of effluent on site to the public sewer network. Adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks.

The full implementation of mitigation measures and adherence to best practice will ensure that downstream water quality is protected. Therefore, no adverse effects on this Qualifying Interest are anticipated.

Conclusion

Having regard to the nature and scale of the proposed development, notwithstanding the presence of an aquatic connection to a European site via the nearby Stream, and to the nature of the qualifying interests and the conservation objections, it is my opinion that the proposed development, subject the full implementation of the mitigation measures and compliance with best practice methodologies during the construction phase, would not have the potential to affect the Lough Rea SPA and Lough Rea SAC and their conservation objectives.

It can be reasonably concluded on the basis of best scientific knowledge therefore that the proposed development will not adversely affect the integrity of the Lough Rea SPA and Lough Rea SAC.

Appropriate Assessment conclusion:

I consider it reasonable to conclude on the basis of the information on file, 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 European Site 004134 and European Site 000304 any other European site, in view of the site's Conservation Objectives

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site, had due regard to the development plan and Loughrea local Area plan and all matters arising. I recommend that permission be refused for the following reason.

9.0 Reasons and Considerations

The "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government (2009), to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the development as proposed results in a poor design layout that is unimaginative and substandard in its scale and layout and fails to provide high quality usable open spaces. Furthermore, the proposed layout fails to adequately address the site topography resulting in a visually prominent development against a backdrop of agricultural fields. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area

Irené McCormack
Planning Inspector
1st February 2020