



An
Bord
Pleanála

Inspector's Report

ABP-305813-19

Development	50 bedroom Residential Care Centre and all associated works.
Location	Sean Purcell Road, Tuam, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19920
Applicant(s)	Health Service Executive
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Liam Madden
Observer(s)	None.
Date of Site Inspection	January 22 nd 2020.
Inspector	Paul Caprani

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Documentation Submitted with the Planning Application	5
3.3. Planning Authority Reports	8
3.4. Prescribed Bodies	8
3.5. Third Party Observations	8
3.6. Planning Reports.....	8
3.7. Further Information Submission	9
3.8. Further Assessment by Planning Authority	10
4.0 Planning History.....	11
5.0 Policy Context.....	11
5.1. Development Plan.....	11
5.2. Natural Heritage Designations	12
5.3. EIA Screening	12
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Applicant Response	13
6.3. Planning Authority Response.....	15
6.4. Observations.....	15
6.5. Further Responses.....	15
7.0 Assessment.....	15

7.2. EIAR Requirement	15
7.3. Access Arrangements	16
7.4. Land Use Zoning Issues	17
7.5. The Suitability of Tuam to Accommodate a Residential Care Centre.....	19
7.6. Open space provision	19
8.0 Recommendation.....	20
9.0 Appropriate Assessment.....	20
10.0 Reasons and Considerations	21
11.0 Conditions	21

1.0 Site Location and Description

1.1. The subject site is located in the town of Tuam, Co Galway. The site is located on the northeastern side of the Sean Purcell Road in the centre of Tuam Town. The former rail line and rail station runs along the southwestern side of the Sean Purcell Road, directly opposite the site. The site is currently an undeveloped and occupies an area of 1.27 ha. There are a number of stands of mature trees to the rear of the site. Lands adjoining the western boundary of the site accommodate a recently developed Primary Care Center and an associated surface car park. A separate institutional building used as an ambulance base is located at the southeastern corner of the site facing onto Sean Purcell Road. Lands to the North East of the site accommodate St Oliver's Child Education and Development Center and The Irish Wheelchair Association Offices. Lands further East accommodate sheltered residential development. The land along the northern boundary of the site is currently undeveloped. The site has road frontage of approximately 85 meters and is bounded by a low perimeter wall.

2.0 Proposed Development

Planning permission is sought for the construction of a 50 bedroom Residential Care Center and associated works with a gross floor area of 3843 sq. m. The building is to be centrally located within the site and is to accommodate the main residential care unit within a central block encompassing a courtyard with a kitchen wing and a day-care wing off the main building. The kitchen wing and day care wing are both single-storey structures while the main residential block comprises of a two-storey structure. Both the ground floor and first floor of the residential block incorporate a series of bedrooms located off a central corridor. Dining rooms, sitting rooms and activity rooms are also located within the main residential block.

The building incorporates a flat roof and rises to a maximum height of 11.8 meters. A light grey/blue brick work is proposed on the external elevation. Details of the external finishes proposed are indicated on Drawing No. RCC-COA-01-ZZ-DR-A-0507.

The building is centrally located within the site and is surrounded by a landscaped garden area. 43 car parking spaces are provided off the main access and are

located adjacent to the south eastern boundary of the site and in close proximity to the kitchen wing to the east of the main building. The delivery and service yard area is also located adjacent to the kitchen wing. A landscaped courtyard is also located centrally within the main residential block and the development also proposes a dementia/ sensory garden.

3.0 Planning Authority Decision

3.1. Decision

Galway County Council granted planning permission for the proposed residential care centre subject to 16 standard conditions.

3.2. Documentation Submitted with the Planning Application

The application was lodged on the 18th of June 2019. It was accompanied by the following documentation:

Design Statement This report sets out details of the design rationale relating to the site and the proposed development. It states that the proposed site layout provides an optimum use within the site and makes best use of the existing orientation, aspect and views which will enhance the streetscape. It is also stated that the building proposed is of an appropriate scale for the site in question. It notes but the building also includes a dementia garden which is directly adjacent to the dementia bedrooms at the northern end of the courtyard building. A sheltered garden is also proposed near the entrance to the building. The final section of the design report sets out details of the sustainability elements incorporated into the overall design.

Landscape Report This report provides details of the proposed landscaping to be incorporated within the overall scheme. Specific reference is made to the landscaping contained in the central courtyard garden and the dementia garden as well as details of planting in the external terraces. Detail of the proposed hard landscaping including paving, seating arrangements etc are also indicated in the report.

Engineering Services Report This report provides details of a site-specific flood risk assessment, details are stormwater drainage, foul water drainage, portable water supply, fire water supply traffic and transportation issues.

In terms of flood risk assessment, the OPW Flood Hazard Maps indicate that the proposed development site is in proximity to a known and recorded previous flood event located to the south of the site and to the south of the existing railway line. In terms of vulnerability, the development proposed is classified as 'highly vulnerable'. The available data indicates that the proposed development is located outside the areas of potential risk for fluvial and pluvial flooding. Furthermore, the report concludes that the flood risk represented by groundwater is negligible.

In terms of stormwater drainage, a single attenuation tank is proposed to store stormwater run-off from the proposed development. This tank is to be located adjacent to the southern boundary of that site. Stormwater collection and disposal for the proposed site is in accordance with sustainable drainage systems (SUDs) methodology.

In terms of foul water drainage, the proposed development is to discharge by gravity into an existing public foul mains along the Sean Purcell Road. The estimated foul waste generated by the proposed development equates to a discharge of approximately 1.8 l/s. Potable water supply is available to serve the development.

In terms of traffic and transport is stated that pre- application consultations were held with Galway County Council and at these meetings the applicant was requested to investigate the possibility of utilising the existing entrances on either side of the subject site. The applicant has indicated that neither of the property owners of the contiguous sites are willing to permit utilising existing entrances. Finally, the report states that a Traffic Assessment or a Road Safety Audit was not required.

An External Lighting Report This report set out the proposed design and considerations of lighting options for the external area of the site including the car parking area.

Tree Survey Report A tree survey was carried out and all individual trees on site were assessed. None of the trees were considered to be of 'high value', with the majority of trees being classed as either 'good' or 'fair'. One tree was categorised as being 'poor'. The new development has been designed to allow space for the

retention of the existing trees on site with the main buildings and infrastructure being located away from the root protection areas. Details of the proposed tree protection measures are also set out in the report.

Bat Survey A bat survey was submitted. The site was deemed to be of insignificant importance to bats. No evidence of bat activity was observed during the survey. Occasional bats may use the site for foraging and commuting routes. Very low activity of bats was recorded during the survey. It is likely that the proposed development itself will create habitats for bats as a result of landscaping. No mitigation measures are required.

Archaeological Assessment

A desktop study and site survey were undertaken by a qualified archaeologist. It concluded that the subject site may have potential negative impacts on any subsurface unrecorded archaeology on site. A methodology of archaeological mitigation is set out. It is recommended that archaeological test trenching be undertaken across the site.

Archaeological Test Excavation Report

A total of 6 test trenches were excavated across the site. No archaeology was found in any of the trenches. It is considered therefore that no further archaeology testing is required.

Traffic Assessment Report

This report concludes that a full-scale traffic impact report is not required as it falls below the threshold for instigating such a study on the basis the traffic to and from the development does not exceed 10% of the traffic flow on the adjoining road. The proposed development will cater for 43 car parking spaces. It is also stated that the criteria for a sub-threshold survey is not met. On this basis traffic and transport assessment was not undertaken

Appropriate Assessment Screening Report

The appropriate assessment screening report identifies designated sites within the likely zone of impact arising from the proposed development. The screening report assesses the potential impact arising from the proposed development in terms of the size and scale of the development, the distance from designated European sites, potential impacts from emissions, excavation requirements, transportation

requirements, duration of construction, the operation of the facility and the decommissioning of the facility. The report concludes that there is no potential for significant effects on any European site as a result of the proposed works.

Ecological Impact Assessment

The Ecological Impact Assessment provides details of the methodology employed in assessing the impact of the proposal. The baseline ecology of the site is described in the report. It notes the site is not located within or adjacent to a European site. The report also provides details of a field survey undertaken in respect of both on site flora and fauna. The potential impacts together with mitigation measures to be employed as part of the proposed development also detailed. It concludes that, provided the proposed development is constructed and operated in accordance with design and best practice that is described within the application, significant effects on ecology are not anticipated.

3.3. Planning Authority Reports

3.4. Prescribed Bodies

- A report from the Department of Culture Heritage and the Gaeltacht notes that two archaeological reports were submitted with the application and no archaeological material was uncovered. The Department agrees that there are no archaeological requirements in respect of the proposed development

3.5. Third Party Observations

- One third party observation was received from Mr Liam Madden. The contents of this observation have been read and noted.

3.6. Planning Reports

- The planners report assesses the proposed development in the context of development plan policy and considers the principle of development to be generally acceptable. The report also states that following consultations with the Roads and Transportation Section there are serious concerns with regard

to the proliferation of entrances along with Sean Purcell Road. The report goes on to assess the application with regard to archaeology services, design layout and visual impact, waste and ecology. The report recommends additional information should be sought from the applicant with regard to the following:

- Concern was expressed that there is a proliferation of entrances onto Sean Purcell Road. It is noted that adjoining land is also under HSE ownership. The applicant is therefore requested to investigate the possibility of utilizing the existing vehicle entrance at the Primary Health Care Center northwest of the subject site
- The applicant is also requested to submit a Road Safety Audit.
- The applicant is advised to note objective T17 of the Tuam Local Area Plan regarding to noise impact and mitigation measures. The applicant is asked to address this concern.
- The applicant is requested to address that deficiency in cycle parking provided as part of the scheme.
- The applicant is requested to submit additional information on fluvial flooding in the context of the flood risk assessment submitted.
- The applicant is requested to submit further details in relation to waste management.
- The applicants is requested to submit further details with regards to the external elevation treatments.
- The applicant is to liaise with ESB in order to remove electricity line traversing the site.

The further information request was made on the 9th of August 2019

3.7. Further Information Submission

Further information was submitted on behalf of the applicant on the 23rd of September 2019.

- In relation to access arrangements, it is stated that utilizing the existing vehicular access of the Primary Care Center is not feasible as the applicant has no legal access to this site, given that it was subject to a long lease agreement. A proposed alternative access with the adjacent ambulance service was considered unacceptable to Galway County Council. It is stated that the proposed access is the only viable safe option to serve the development and it is designed to meet safety and technical standards.
- A road safety audit was submitted and is contained in Appendix B of the submission. It identifies a number of traffic and transportation road safety issues and sets out recommendations to address these issues.
- In relation to Noise Impact Assessment, it is stated that, while the development is considered to be noise sensitive, it is not located within 300 meters of an existing new or planned national road. As such it is stated that objective TI-7 Tuam Local Area Plan is not applicable. It is further noted that the volume of traffic on Sean Purcell Road falls below the threshold required to trigger a Noise Impact Assessment.
- The applicant also submitted further details in relation to cycle parking.
- Further details are provided in relation to pluvial flooding as part of an updated site-specific flood risk assessment this is contained in Appendix A of the submission.
- Further details with regard to waste management are also submitted.
- Further details of the materials to be incorporated into the external elevations of the building are also submitted in Appendix E of the submission
- Finally, ESB have submitted a letter indicating that they have no objection to the proposed development - Appendix D of submission.

3.8. Further Assessment by Planning Authority

The further information submitted was assessed in a report by Galway County Council dated 17th of October 2019. It's considered that the additional information submitted is acceptable. It is noted that a report was received from the Roads and Transportation Section setting out a wording for a condition to be attached in relation

to traffic safety. The planning report therefore concludes that, having regard to the nature and scale and location of the proposed development, it was considered that the proposed development will generally be in accordance with the proper planning and sustainable development of the area. Planning permission was therefore granted subject to 16 conditions.

4.0 Planning History

No planning history files are attached. There appears to be no relevant planning history associated with the subject site. Details of planning history associated with surrounding sites are set out in the local authority planners report.

5.0 Policy Context

5.1. Development Plan

Tuam Local Area Plan 2018-2024

The subject site is governed by the land-use zoning objective CF – Community Facilities. Retirement homes and community facilities are uses which are open for consideration and permitted respectively, under the community facilities land use zoning objective.

Chapter 3 of the local area plan specifically relates to social and community facilities. It states that social and community policies and objectives should ensure full inclusion of all members of society recognizing special requirements for certain groups who have previously experienced social isolation including older persons, people with disabilities and the traveling community.

Objective CF4 seeks to facilitate the continued improvement and expansion of health and medical care facilities within Tuam in a planned coordinated way by seeking to accommodate projects that assist in providing health and medical care facilities together with the necessary support services and developments as well as their infrastructure requirements.

There are no protected structures, National Monuments on site. The site is located partially within 'The Record of Monuments and Places Zone of Notification'.

5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 Site. The nearest Natura 2000 Site, the Corrib SAC (Site Code 000297) is located over two km to the north-west of the subject site.

5.3. EIA Screening

Having regards to the size and location of the subject site and the fact of the development is below any of the threshold or categories set out in Schedule 5 Planning and Development Regulations, including Class 10 (b)(iv) of the Schedule, it is reasonable to conclude that there is no real likelihood of significant effects on the Environment arising from the proposed development and therefore an Environmental Impact Assessment is not required

6.0 The Appeal

6.1. Grounds of Appeal

An Appeal was submitted by Mr Liam Madden. The main issues raised in the appeal are summarised below:

- The proposed development either requires an EIAR or it doesn't. The Ecological Assessment falls very short of an Environmental Impact Assessment. It is argued that the threshold for E A has been reached as the proposal in conjunction with the existing development should have been considered as one. It is noted that the planning authority considered the generation of traffic arising from both developments should have been assessed together which implies that both developments should in fact have been assessed together.
- The vehicular accesses should be combined for both developments as requested by the planning authority. The applicants declined to amalgamate both accesses and, notwithstanding this, the planning authority nevertheless decided to approve a design which it had earlier found unacceptable. Safe

vehicular access should be provided from a single point and not a multiplicity of points along the Sean Purcell Road.

- The Local Area Plan land use zoning seeks to provide community facilities. It is stated that a 50-bed residential care centre is not a community facility. It is suggested that no land has been devoted to community facilities as part of the scheme. If the separate accesses were amalgamated, there may be some land left over for a small park.
- Finally, it was argued but the proposal would have been better located in Galway City.
- The proposal is contrary to the objectives in the approved development plan and therefore contrary to the proper planning and sustainable development of the area.

6.2. Applicant Response

A response to the grounds of appeal was submitted by MKO Planning and Environmental Consultants. It is summarised below

- Response initial sets out background details relating to the application. It notes planning authority was generally satisfied with the proposal and consider it to be in compliance with the zoning and policy objectives contained in the development plan.
- Section 3 out the response sets out a detailed rebuttal to the grounds of appeal.
- The grounds of appeal suggests that the development should be located within Galway City. Reference is made to the Health Information and Quality Authority Guidelines entitled '*National Standards for Residential Care Settings for Older People in Ireland*'. A key element this document is to ensure that older people integrate and stay connected with their local environment. It is important therefore that people availing of residential care, maintain links with local families and communities. The proposed facility is a replacement facility for the existing sub-standard residential care facility located nearby on the

Dublin Road in Tuam. It is concluded therefore that the residential care facility is appropriately located in the town in question.

- With regard to the requirement for an EIAR, it is acknowledged that an Ecological Impact Assessment and an Appropriate Assessment were submitted with the application. Reference is also made to Schedule 5 (10)(b) of the Regulations and in particular sub-section (iv) which relates to urban developments 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. The proposed development has a site area of 1.27 hectares. Therefore, the proposed development does not trigger a requirement for the mandatory EIA. This point was reflected in the local authority planner's report.
- Galway Co Council expressed a preference to amalgamate the accesses for the Residential Care Home and Primary Care Centre in order to reduce the number of access points along the Sean Purcell Road. The applicant undertook discussions with the both adjacent property owners in this regard. The owners indicated that they did not consider this arrangement to be appropriate. It is further stated that the HSE have entered into a long-term lease agreement with the operators of the Primary Care Centre and no longer have a legal right to access these lands. Thus, the HSE have no legal right to request a sharing of the facilities in question. A shared access is not legally possible within the terms of the lease agreement. The planning authority having imposed condition number 2 in the notification to grant permission which requires that all recommendations contained in the Stage 1 & 2 road safety audit be implemented. This should allay any concerns from a traffic safety perspective.
- With regard to land use zoning issues, it is noted that Care Centres are not specifically identified in the zoning matrix. However, the development plan notes that, where a proposal is not listed in the land use zoning matrix, the development proposal will be assessed on its individual merits. The response goes on to outline various policy statement in relation to community and social facilities contained in the Tuam LAP. It is considered that the proposal

represents beneficial uses that are in keeping with the surrounding development and the proper planning and sustainable development of the area. The response goes on to outline the design rationale behind the proposed development and argues that the proposal is not 'barrack-like' as suggested in the grounds of appeal.

6.3. **Planning Authority Response**

- It appears that the planning authority did not submit a response the grounds of appeal.

6.4. **Observations**

- None observations were submitted.

6.5. **Further Responses**

- No further responses were submitted.

7.0 **Assessment**

7.1. I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider pertinent issues in determining the current application and appeal are as follows:

- EIAR Requirement
- Access Arrangements
- Land Use zoning Issues
- The suitability of Tuam for a residential care facility.
- Open Space Provision

7.2. **EIAR Requirement**

7.2.1. The grounds of appeal suggest that an EIAR is required for the proposed development. The grounds of appeal do not indicate under which class of development and EIAR is supposedly required. This contention appears to be

predicated on the fact that the planning authority requested that the applicant investigate amalgamating the entrance for the Residential Care Home and the Primary Care Centre and also the fact that the applicant submitted an Ecological Impact Assessment with the application. The submission of an Ecological Impact Assessment or the request for the provision of a single entrance to serve both developments does not in any way imply, warrant or trigger the requirement of an EIAR.

- 7.2.2. The only class of development for the purposes of Part 10 as set out in Schedule 5 of the Regulations which would relate to the proposal before the Board is Class 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’.*
- 7.2.3. The subject site occupies an area of 1.27 ha. The adjacent site accommodating the Primary Care Centre is approximately 0.9ha in size. Even if the Board were to consider both sites in conjunction, the cumulative size would amount to c.2.17 ha. The subject site is not located in the central business district of a city. It is located in an urban area, approximately 400m south of Tuam Town Centre. The size of the development therefore falls considerably short of the 10ha threshold under Class 10(b)(iv) which would trigger the requirement of an EIAR. No cogent or convincing arguments have been set out in the grounds of an appeal which would justify the submission of a sub-threshold EIAR.
- 7.2.4. The grounds of appeal in my opinion have provided no justification to the submission of an EIAR of the proposed development.

7.3. Access Arrangements

It is acknowledged that Galway County Council requested that the applicant investigate the possibility of utilising or amalgamating entrances for both the Primary Care Center and the Proposed Residential Care Center. The applicant has indicated in both the additional information submission to the planning authority and the response to the grounds of appeal that the applicants (HSE) had no legal jurisdiction to seek this arrangement from the adjoining landowner. The adjoining lands at the Primary Care Centre, despite being HSE developed lands, are in fact under a long-

term lease agreement which precluded the HSE from enjoying sufficient legal interest to carry out the request of the planning authority.

In my view the amalgamation of a multiplicity of entrances would be beneficial from a road safety point of view. However, this does not imply that the provision of an additional entrance would necessarily constitute a traffic hazard. The Sean Purcell Road is a relatively heavily trafficked thoroughfare, accommodating just less than 8000 vehicles per day¹. Nevertheless, the road is relatively straight, and the vehicle entrance enjoys good visibility sightlines in both directions. Furthermore, the proposed entrance is located with a 50 kph speed zone. Residents will be in long term care and thus the main traffic generation to and from the facility will most likely be from staff, visitors and deliveries only. The preliminary Traffic Report submitted with the application ruled out a full TIA on the basis that the proposal will generate less than 10% of the volume of traffic associated with the adjoining road. Having inspected the site and its surroundings I don't consider that the provision of an additional entrance at this location would constitute a traffic hazard.

7.3.1. I further note that notwithstanding the initial request from the Roads and Transport Department with regard to entrance arrangements, on receiving the additional information from the applicant, the Roads Department did not object to the granting of planning permission subject to appropriate conditions in respect of a Road Safety Audit. The applicant submitted information which stated that all necessary technical surveys were carried out to determine that the proposed entrance is a safe and viable proposal.

7.3.2. I am satisfied therefore based on the above, that the incorporation of an additional entrance on the Sean Purcell Road to facilitate a new 50-bedroom residential care unit would not have adverse implications in terms of traffic safety and would not result in a traffic hazard. I therefore consider that planning permission should not be refused on this basis.

7.4. **Land Use Zoning Issues**

7.4.1. The grounds of appeal argue that the proposed development materially contravenes the Local Area Plan on the basis that the proposed development does not comply

¹ This information was submitted with the application however I refer the Board to my site inspection photo's. The Photo's indicate that the Road was very lightly traffic at the time of site inspection.

with the land use zoning objectives for the site. It is argued in the appeal that the proposed development does not constitute a 'community facility'.

7.4.2. It is acknowledged that there is no specific reference to a 'Residential Care Unit' as being a permissible use under the land use zoning matrix for Community Facilities contained in the Local Area Plan. However, it should be noted that there is no reference whatsoever to a Residential Care Unit in the land use zoning matrix set out in the LAP. It is also noted that a retirement home is open for consideration under the 'CF' land use zoning objective and a 'community facility' is a permissible use under the CF land use zoning objective. I don't consider it reasonable to argue that a residential care unit does not constitute a community facility. The appellant in the grounds of appeal does not offer any explanation as to why he considers that a Residential Care Unit would not fall under the category of 'community facility'. The provision of residential care for the elderly including a dementia centre and a day-care centre is a vital service within the community and is therefore in my view a compatible use with the zoning objective.

7.4.3. Lastly in relation to this issue, the LAP indicates under DM Guideline LU2 that the matrix does not provide an exhaustive list of potential uses. The uses listed in the matrix should be considered by the applicants to provide a clear indication of the overall acceptability of a particular land use within a specific zoning category. Where a use proposed that is not listed in the matrix, development proposals will be assessed on their individual merits in accordance with the general guidance provided by the matrix and having regard to the nature of the existing and proposed uses, to the general policies and zoning objectives for the area in the local area plan, and to the principles of the proper planning and sustainable development. Where there is no perceived conflict between existing and proposed uses, favourable consideration will be given to the proposed development, subject to all other normal requirements and the principles of the proper planning and sustainable development of the area.

7.4.4. I have argued above that the proposed development constitutes a community facility and notwithstanding the fact that there is no specific reference to a residential care centre in the zoning matrix, the use proposed is nevertheless in my opinion compatible with the zoning objective governing the site. Having regard to the above statement under DM Guideline LU2, the Board in my view could consider the proposal on its merits. Furthermore, the Board should note that the proposed

development is very compatible with adjoining uses including a Primary Care Centre and an Ambulance Base. The proposal is therefore compatible with the zoning objective and thus does not contravene the development plan.

7.5. The Suitability of Tuam to Accommodate a Residential Care Centre

- 7.5.1. The grounds of appeal argue that the service being provided would be more appropriately located in Galway city. The justification for this statement is not elaborated in the grounds of appeal. The applicant in the response to the grounds of appeal, makes reference to The Health Information and Quality Authority Guidelines in respect of *National Standards for Residential Care Settings for Older People in Ireland*. These guidelines provide a framework for effective residential services for the elderly. The guidelines emphasise the need for older people to maintain personal relationships and links with the community in accordance with their wishes.
- 7.5.2. Furthermore, there are numerous policy statements contained in the Galway County Development Plan which seek to ensure that facilities for older people and the disabled are provided within the community. DM standard 17 which relates to nursing home / care facilities and specialist housing, states that in general nursing home and care facility should be integrated wherever possible into established residential areas and should be in proximity to local services.
- 7.5.3. It is my considered opinion that it would be totally inappropriate that all residential care, nursing homes and retirement homes would be located in Galway City as suggested in the grounds of appeal. This would be totally contrary to the objective of maintaining established local links between older people and their local environment including families.

7.6. Open space provision

- 7.6.1. A cursory view of the drawings submitted with the application would indicate that there is significant levels of open space provided as part of the application. The open space provided includes a sensory garden and the dementia garden for the benefit of the residence living at the residential care unit. The proposed development is not, as is suggested in the grounds of appeal surrounded "sea of tarmac" There is

adequate landscaped open space surrounding the building particularly to the south west and north of the structure.

- 7.6.2. The appellant in the grounds of appeal suggests that the amalgamation of entrances may have provided an opportunity to develop a small park. The subject site is governed by zoning objective to provide community facilities and is not designated as public open space. Therefore, there is no onus on the applicant in my opinion to provide a public open park as suggested in the grounds of appeal.

8.0 Recommendation

- 8.1. Arising from my assessment above I recommend the Board uphold the decision of the planning authority and grant planning permission for the proposed development.

9.0 Appropriate Assessment

- 9.1. An appropriate assessment screening report was submitted with the application. It identified European sites within the likely zone of impact of the proposed development, the closest of which was Lough Corrib SAC which is located circa 2.26 kilometres from the subject site. The screening assessment notes but the subject site is located hydrologically up-gradient from this European site and that there are no water courses within the proposed site that could act as a conduit in terms of transporting pollution from the subject site to the SAC in question. No pathway for surface water has been identified and therefore, the assessment reasonably concludes in my opinion that there is no potential for adverse effects on any European Site including the Lough Corrib SAC in light of the site's Conservation Objectives.
- 9.2. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects, would not be likely to have a significant effect on the Lough Corrib SAC or any other Natura 2000 sites in view of the site's Conservation Objectives and a submission of an NIS is therefore not required

10.0 Reasons and Considerations

Having regard to the fact that the subject site is zoned for 'community facilities' in the current Tuam Local Area Plan 2018- 2024, it is considered that subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience, the proposed development would therefore be in accordance with the proper planning on sustainable development of the area

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 23rd day of September 2019 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All recommendations contained within this Stage 1 and Stage 2 Road Safety Audit Report shall be implemented in full. Prior to the commencement of development, the applicant shall submit revised drawings demonstrating compliance with these recommendations, particularly sightlines, boundary wall locations and junction radii for the written agreement of the planning authority. Any costs associated with implementing these recommendations shall be borne by the applicant.</p> <p>Reason: In the Interests of traffic safety</p>

3.	<p>Details of all sightlines, including the maintenance of such sightlines in both directions from the proposed entrance shall be agreed in writing with the planning authority prior to the commencement of development</p> <p>Reason: In the Interests of traffic safety</p>
4.	<p>The external finishes of the proposed Residential Care Facility (including roof tiles/slates) shall be agreed in writing with the planning authority prior to the commencement of development. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health</p>
6.	<p>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.</p> <p>Reason: In the interest of public health.</p>
7.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p>

	<p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>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 -</p> <p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and</p>

	to secure the preservation and protection of any remains that may exist within the site.
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0830 to 1900 Mondays to Fridays inclusive, between 0930 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>Any in-situ stone walls, hedgerows and or trees bounding the site shall be retained except for the provision of the site entrance work and sight distance triangles with the exception of those trees required to be felled in accordance with the recommendations of the Tree Survey Report received by the planning authority on the 18th of June, 2019</p> <p>Reason: in the interest of visual amenity</p>
12.	<p>All vehicles and machinery associated with construction works for the development permitted shall be contained within the site and adequate provision shall be made for same. In the event that vehicles or machinery associated with construction works park on the public road or grass verge, the Planning Authority our Roads Authority shall be empowered to cease all works on site and work shall not recommence without prior written</p>

	<p>agreement from the planning authority</p> <p>Reason: In the interest of orderly development and Traffic Safety.</p>
13.	<p>. That developer shall ensure that all construction operations are carried out in a manner such that air emissions, dust, odour, other waste or debris do not result in a significant impairment or significant interference with amenities and environment beyond the site boundary.</p> <p>Reason: To protect the amenities of the surrounding areas</p>
14.	<p>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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management</p>
15.	<p>The developer shall pay to the planning authority a financial contribution of €49,959.00 (forty nine thousand and nine hundred and fifty nine euro) 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. The</p>

application of any indexation required by this condition 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.

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.

Paul Caprani
Senior Planning Inspector

January 30th 2020