



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308310-20

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<b>Development</b>	Demolition of house and construction of 6 houses and ancillary site works.
<b>Location</b>	Oranhill, Oranmore, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	20173
<b>Applicant(s)</b>	Bridgemore Construction Management Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Bridgemore Construction Management Ltd
<b>Observer(s)</b>	(1) William Chadwick (2) David Clarke (3) Hugh Hamill (4) Maureen Donohoe

**Date of Site Inspection**

10<sup>th</sup> December 2020

**Inspector**

Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.265 hectares, is located to the south of Oranmore. The appeal site is occupied by a two-storey dwelling, which is currently vacant and in derelict condition. The existing dwelling links into an existing housing development (Oranhill) and uses the existing internal service road and vehicular entrance serving the development onto the Maree Road (L-401) to the north west of the site. Existing development in the vicinity consists of a two-storey detached dwelling to the east and similar dwellings on the opposite side of the internal service road to the north. The site backs onto the rear boundary (to the south east) of a number of semi-detached two-storey dwellings part of the overall Oranhill housing development. To the south and west of the site are undeveloped agricultural lands. The level of the site is at higher level than the ground floor level of adjoining dwellings within Oranhill and the internal service road.

## **2.0 Proposed Development**

2.1. Permission is sought for the demolition of an existing dwelling house and outbuildings and the construction of 6 no. dwellings consisting of 3 no. pairs of two-storey semi-detached four bed dwellings. Each dwelling has a floor area of 133.9sqm, a ridge height of 9m and feature a pitched roof and external finishes of plaster, stone and blue/black roof slates. Each dwelling has a driveway and vehicular access off the existing service road and a rear garden area. The proposal includes a separate area to the rear of the houses with access to the western side. This area is described as bio diversity area with existing trees and vegetation to be protected. This area is located at a higher level than the finished ground floor level of the proposed dwellings. A revised layout has been submitted with the appeal submission.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1 Permission refused based on three reasons...

1. In the absence of a satisfactory assessment of the junction of the Maree road and housing development road intended to serve the subject site, the planning authority are not satisfied that the additional traffic movements generated by the proposed development will not endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

2. It is not considered that the proposed development, by reason of number and type of units, the character of house types in the immediate vicinity, the absence of satisfactory public open space to serve the development, the development proposals outside of the site boundary in conjunction with inadequate provision of visitor car parkin, would constitute a substandard quality of residential design and layout seriously injurious to the residential amenities of prospective occupants and would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

3. The application details have not demonstrated the private foul effluent network and water network proposed to serve the development, prior to connecting to the Irish Water infrastructure, has available capacity, is structurally adequate and provides and adequate service for the demands of the development. Therefore, it is considered that eh proposed development if permitted would be prejudicial to public health and has the potential to pose an unacceptable risk to water quality and adversely affect the integrity of European site sin the vicinity of the site including Galway Bay Complex SAC and Inner Galway Bay SPA in light of their conservation objectives and materially contravenes Objective NHB1 and DS6 of the Galway County Development Plan 2015-2021, contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Planning report (06/04/20): Further information required including submission of a Natura Impact Statement, demonstration of adequate consent to access the existing service road, submission of details regarding traffic impact at the junction with the L-

401, details of visitor parking, demonstration of adequate capacity in existing water and wastewater treatment infrastructure, details of surface water and management of demolition waste, provision of sections and contextual elevations, details regarding plans for the area to the rear of the site and details to address the lack of public open space.

Planning report (04/09/20): The applicant was considered to have failed to demonstrate that the proposal would be satisfactory in the context of traffic impact at the junction of the existing housing development and Maree Road (L-401), the proposal was considered to be inadequate in terms of visitor parking, public open space and provision and be substandard in regards to future residential amenity and injurious to the amenities of existing dwellings and the applicant was also deemed to have failed to demonstrate that there is adequate capacity in the existing private water and wastewater infrastructure on site with concerns regarding potential significant effects on two Natura 2000 sites in the vicinity. Refusal was recommended based on the reasons outlined above.

### 3.2.2. Other Technical Reports

Environment Section (18/03/20): Further information required including plans for demolition waste, submission of an appropriate assessment and evidence of a connection agreement with Irish Water.

Roads & Transportation Section (06/04/20): Further information required including an assessment of the traffic impact on the junction of the existing housing development and the Maree Road (L-401). Concerns raised regarding lack of visitor parking.

Roads & Transportation Section (06/04/20): The applicant has failed to demonstrate adequate consent to access the existing service road, has failed to demonstrate that traffic impact at the junction with the L-401 would be satisfactory and failed to provide adequate visitor car parking.

Environment Section (02/09/20): No further comment.

### 3.3. **Prescribed Bodies**

3.3.1 None

### 3.4. **Third Party Observations**

3.4.1 A number of third party submissions were received. The issues raised include...

- Issues raised include excessive density, lack of open space, traffic impact, contrary existing pattern of development, environmental impact, appropriate consent and title over land, inadequate car parking provision.

## 4.0 **Planning History**

4.1 97/522: Permission granted to retain dwelling house and septic tank on revised site area to that approved under ref no. 96/2946.

4.2 96/2946: Permission to retain dwelling house and septic tank.

On sites in the vicinity...

PL07.246315 (151107): Permission granted for 68 two storey houses, associated site works, and landscaping. This site is located north east and links into the existing services.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The relevant plans are is the Galway County Development Plan 2015-2021 and the Oranmore Local Area Plan 2012-2022.

5.2 Galway County Development Plan 2015-2021

The proposed development is governed by the policies and provisions contained in the Galway County Development Plan 2015-2021 (CDP). Oranmore is identified as a 'thriving satellite settlement' and a key town with a population >1500 within the Galway Metropolitan area, which sits within Tier 1 at the top of the settlement hierarchy. The appeal site is located within the Galway Transport Planning Study (GTPS) area.

Objective SS 1 aims to support the growth of Galway city and its metropolitan area (including Oranmore).

Other objectives which are relevant to this application and appeal include the following:

Objective DS 2 – Galway Transportation and Planning Study Area (GTPS) Objective DS 6 – Natura 2000 Network and Habitats Directive Assessment

Objective DS 7 – Flood Risk Management and Assessment

Objective CS1 – Provision of a Settlement Hierarchy Objective CS2 – Development Consistent with the Core Strategy Objective

CS 4 – Development of Serviced Lands Objective

CS 5 – Phasing of Development of Lands Objective CS6 – Local Area Plans

Objective NHB 1 – Protected Habitats and Species

The site is located in an area designated as landscape sensitivity class 3 with a high landscape value rating.

Policies FL1 (implement Flood Risk directive) and FL4 (flood risk management) pertaining to flood risk apply. A strategic Flood Risk Assessment (SFRA) was carried out as part of the Galway CDP. The SFRA notes that Oranmore is an area identified under the Western CFRAM study as an area requiring further study.

DM Standard 2 – Side Boundaries: 2m desirable.

### 5.3 Oranmore Local Area Plan 2012-2022

The provisions of the Oranmore Local Area Plan 2012-2022 also apply as the site is located within the settlement boundary of Oranmore. The principal relevant planning policies, objectives and provisions of this plan is as set out below.

The site is zoned R-Residential Existing with a stated objective to “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 LU3 – Residential (R) provides the following: ‘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.

A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under Objective RD1 in Section 3.2.2’.

Other planning objectives and guidance which are relevant include the following:

- Objective DS 2 – Consistency with the Core Strategy
- Objective DS 3 – Natura 2000 Network and Habitats Directive Assessment.
- Objective DS6 – Residential Development.
- Objective DS 8 – Flood Risk Management and Assessment (Refer to Map 3A and 3B).
- Objective LU13 – Flood Risk Areas and Land Use Zones.
- Objective LU14 – Development Densities. • Objective LU15 – Residential Densities.
- DM Guideline LU1 – Development Densities.
- Objective RD1 – Phased Residential Development (Refer to Map 1A/1B Land Use Zoning).
- Policy RD 2 – Phased Development on Residential Zoned Lands.
- Objective RD3 – Housing Options. • Objective RD 4 – Open Space in Residential Areas
- Objective RD5 – Social and Affordable Housing
- Objective RD 11 – Neighbourhood Centre at Oranhill.



- Objective CF 8 – Provision of Recreation and Amenity Facilities in Oranhill. Ensure the provision of recreational and amenity facilities as an integral part of any development proposals for Oranhill.
- Objective TI 24 – Oranhill Distributor Route.
- Objective TI 25 – Oranhill Distributor Route (Maree Road).
- Objective TI 26 – Junction of Oranhill Distributor Route & Maree Road.
- Policy UI4 – Implementation of Flood Risk directive (2007/60/EC)
- Objective UI 12 – Flood Risk Management and Assessment. Map 1A sets out the Land Use Zoning. Map 2A sets out the Specific objectives. Map 3A sets out areas of Flood Risk Management.

#### 5.4 **Natural Heritage Designations**

- 5.4.1 Cregganna Marsh SPA (Site Code 004142), 22m from the site.  
Galway Bay Complex SAC (Site Code 000268), 184m from the site.  
Inner Galway Bay SPA (Site Code 004031), 346m from the site.  
Rahasane Turlough SPA (Site Code 004089), 9.2km from the site.

#### 5.5 **EIA Screening**

- 5.5.1 Having regard to nature and scale of the development, which is the construction of a dwelling, detached garage, wastewater treatment system and associated site works of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by MKO on behalf of Bridgemore Construction Management Ltd

- The appellant submitted a revised design to address issue raised in the refusal including a single access instead of individual access points of the service road for each dwelling.
- It is noted that the existing junction of at Maree Road is sufficient in design and layout to provide for the additional turning movement likely to arise, which is unlikely to be excessive in level. It is stated that permission was granted for an additional 61 dwellings in Oranhill under ref no. 15/1170 using this junction. The appellant has submitted a letter form Traffic Consultants that indicates that the level of additional traffic generated will be modest and below the threshold level for which a traffic impact assessment would be required.
- In terms of character and design it is stated that there are semi-detached dwellings within the overall housing development with the nearest being in Oran Close and the Planning Authority approved two applications for semi-detached dwellings in Oranhill in recent times (ref no.s 20/68 and 20/69). It is considered that the design, scale and pattern of development would not be out of character at this location.
- In relation to open space it is pointed out that the existing estate provides for in excess of 15% of the area of the housing development as open space in accordance with development Plan policy. It is also pointed out that the revised layout submitted with the appeal provides for 10% of the site area as public open space and such is complaint with DM Standard 1 of the development plan in relation to brownfield sites.
- In relation to visitor parking is stated that visitor parking in the existing housing development is along the kerb. It is pointed out that the revised layout submitted replaces individual entrance with one entrance and allows for more space for kerbside parking. It is also pointed out that the recent grant of

permissions under ref no.s 20/68 and 20/69 had no requirement for visitor parking.

- In regards to the NIS submitted it is noted that Environment Report dated the 2<sup>nd</sup> of September 2000 states no further comment in relation to such. The appellant notes that context of the NIS and its conclusion that no significant effects would arise on either of the Natura 2000 sites in the vicinity of the site.
- On the issue of wastewater and drainage it stated that a wayleave agreement with the original developers of the wider housing development was agreed in 2018 and such is an indication that infrastructure is of sufficient capacity. An engineering report has been submitted providing all relevant design calculations. A letter from Irish Water confirming the ability to facilitate this proposal was submitted with the Planning Application.

## 6.2. Planning Authority Response

6.2.1 No response.

## 6.3. Observations

Observations have been submitted by

William Chadwick, 26 Oranhill Avenue, Oranmore, Co. Galway

David Clarke, 27 Oranhill Avenue, Oranmore, Co. Galway

Hugh Hamill, 19 Oranhill Avenue, Maree Road, Oranmore, Co. Galway

Maureen Donohoe, 20 Oranhill Avenue, Oranmore, Co. Galway.

The issues raised are similar and can be summarised as follows...

- Use of land not under control of the applicant and part of the common areas of the estate. Loss of valuable amenity space.
- Excessive density of dwellings and type of dwelling out of character with the existing housing development.

- Traffic impact in terms of additional traffic generated and a single entrance point for entire development.
- Despite the revisions proposed by the first party appellants the observers questions the applicants'/appellants' right to access the existing road infrastructure and services. It is still considered that despite the revisions that the design and pattern of development proposal is out of character with the existing housing development and would be contrary Objective LU3 of the LAP. The elevated level of the proposed dwelling would resulting overlooking. The revised layout would lead to on street parking and impact on use of the open space area. Provision for parking is inadequate and turning movement for emergency vehicles would be curtailed.
- The NIS is not clear enough regarding mitigation measures and there is a failure to demonstrate that existing services have capacity.
- The revised layout fails to address any of the issues raised in the third party submissions with concerns persisting regarding the open space area, traffic impact, design, scale and density and potential for overlooking of existing dwellings.
- The fenced off area to the rear would be used for anti-social behaviour.
- Lack of demonstration of sufficient capacity or drainage infrastructure.
- Insufficient information on the revised plans regarding topography/finished floor levels with potential for adverse impact through overshadowing and overlooking.

#### **6.4. Further Responses**

6.4.1 No responses.

#### **7.0 Assessment**

7.1 Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/land use zoning

Design, scale, pattern of development

Traffic Impact

Wastewater/surface water

Revised layout

7.2 Principle of the proposed development/land use zoning:

7.2.1 The appeal site is occupied by a single-storey dwelling, which is accessed through an existing housing development (Oranhill). The appeal site is zoned R-Residential Existing with a stated objective to “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”. The proposal is to demolish the existing dwelling and construct 6 no. two-storey semi-detached four bed dwellings. The proposed land use is compatible with the zoning objective and the provision of additional dwellings would represent a more efficient use of zoned and serviced lands. I would consider that the proposal is acceptable in principle subject to a satisfactory physical and environmental impact, which are elements to be explored in the following section of this report.

7.3 Design, scale, pattern of development:

7.3.1 The refusal reason raises concerns regarding the design, number, type and layout of the proposed units and the observations raise similar concerns. The proposal is for 6 no. semi-detached dwellings, which link into an existing housing development. The existing housing in the immediate vicinity consist of two-storey detached dwellings and there are semi-detached dwellings in the wider housing development. In terms of the type and pattern of development the proposed dwellings conform to the pattern of development in terms of their general scale, their orientation and building line. The overall form and ridge height of the proposed dwellings is similar, feature a pitched roof and a ridge height consistent with the existing dwellings in the vicinity. I would be satisfied that the proposed development has sufficient regard to the existing pattern of development and despite being semi-detached dwellings, such would not represent a significant deviation from the existing pattern of

development. I would consider that the provision of additional dwellings on zoned and serviced land that makes more efficient use of such lands while at the same time having adequate regard to the existing pattern of development would be desirable. I would note that in the case of the proposed development this would be achieved.

- 7.3.2 Based on site size and number of dwellings the proposed development has a density of 22 units per hectare. Table 13.1 of the development plan relates to densities within settlements with a density of 5-15 (low) identified for Urban periphery, outlying lands, areas with capacity/ environmental constraints and 15-35 (low to medium) identified for neighbourhood centres (typically within 400m walking distance of centre point), inner urban suburbs. The location in this case would be the low density location however I would refer to the provision of Guidelines for Planning Authorities for Sustainable Residential Development in Urban Areas and recommendation in relation to density. This location would correspond to the definition of an 'outer suburban / greenfield site'. The Guidelines encourage densities of 35-50 units/ha at such sites, to involve a variety of housing types where possible. Development at net densities of < 30 units/ha is discouraged. I would note that given the site is an infill site in an existing housing development the density proposed is acceptable and provides for a more efficient use of zoned serviced land while having adequate regard to the existing pattern of development.
- 7.3.3 In relation to development management standards each dwelling is provided with off-street car parking for two cars, which is in accordance with Development Plan requirements under Table 3.5 ( 2 spaces per 4 bed plus dwellings). Levels of private open space is sufficient with Development Standard noting a requirement to maintain 22m separation distance between opposing first floor windows. The requirements of the development plan are met in all cases.
- 7.3.4 The refusal reason also related to the lack of public open space. The appeal site is an infill site with an existing dwelling that links into an existing housing development. The existing housing development has public open space areas and I would consider that the site itself is too small to impose a requirement for open space. The

proposal is for an infill development with the dwellings conforming to the established pattern of development and such does not lend itself to the provision of a meaningful public open space area. I would be of the view that the existing housing development would provide sufficient public open space and this requirement for public open space within the confines of the site is an onerous one.

#### 7.4 Traffic Impact:

7.4.1 In refusing permission it was stated that the applicant had failed to demonstrate that the existing entrance to the Oranhill development off the Maree Road (L-401) was sufficient to cater for the additional traffic likely to be generated. The reasons for refusal also stated that the level of visitor parking is insufficient for the proposed development. The appeal site is occupied by an existing dwelling that links into the Oranhill housing development including its service roads and vehicular entrance onto the public road. The existing entrance off the Maree Road (L-401) is within the 50kph speed limit and serves a housing development of over 200 units. The proposal seeks to replace one dwelling with 6 dwellings and use the existing service road and access point. The nature and level of traffic likely to be generated is unlikely to be high and is similar in nature to the existing traffic using the existing entrance and services road (residential traffic). I am of the view that the level of traffic likely to be generated is unlikely to have significant or adverse traffic impact over and above existing traffic levels and the existing junction onto the Maree Road (L-401) would be of sufficient standard to cater for such a level. I do not consider that a traffic impact assessment is merited or required in this case and that the proposal would be satisfactory in the context of traffic safety and convenience. I would also refer to point raised by the applicant/appellant regarding the fact that a housing development of over 60 no. dwellings was permitted under ref no. PL07.246315 (151107) linking into the main service road of the existing housing development and using the same junction with the Maree Road (L-401).

7.4.2 In relation to visitor parking the proposal provides for individual driveways with space for 2 no. off street car parking spaces. This standard is compliant with the requirements of the Galway County Development Plan 2015-2021, which requires 2 no. spaces per dwellings with 4+ bedrooms. The appeal site would be serviced by

an existing internal service road that features a just less than 6m wide carriageway with footpaths and is more than sufficient in standard to cater for the level and nature of traffic likely to be generated. This includes access for emergency and service vehicles.

7.5 Wastewater/surface water:

7.5.1 Permission was refused on the basis that the applicant has not demonstrated that the private foul effluent network and water network proposed to serve the development, prior to connecting to the Irish Water infrastructure, has available capacity, is structurally adequate and provides an adequate service for the demands of the development. The file does not appear to have been referred to Irish Water however the applicant has submitted a letter regarding connection to drainage infrastructure. This letter notes that Irish Water has no objection subject to demonstration that third party infrastructure serving the existing housing development has sufficient capacity to serve the proposed development. The applicant/appellant notes that they have wayleave agreement to connect to existing third party services and have submitted drainage calculations to indicate that sufficient capacity is available.

7.5.2 The proposal is to link into existing roads and drainage infrastructure serving a suburban housing development. The proposal is for 6 houses to replace one dwelling. I am satisfied based on information submitted that the proposal is unlikely to be a significant burden on existing drainage infrastructure and the planning history of the area provides for additional residential development of a larger scale without any issues concerning drainage infrastructure capacity.

7.6. Revised Layout:

7.6.1 A revised layout was submitted with the appeal submission. The revised layout entails a number of changes. The main change is the replacement of individual entrances onto the internal service road with one shared entrance and the provision



of a shared surface road along the front of the houses. The finished floor level, design and layout of the dwellings remains the same with a change to provide driveways that are shorter but wider and still providing off-street car parking for 2 no. cars. The revised layout would be satisfactory in the context of overall design, scale, pattern of development, qualitative development control standards and traffic impact.

7.6.2 One of the issues raised by the observers and in the third party submission relates to the fact that the site includes an area along the front of the site that it stated to be part of the common areas of the existing housing development and is currently maintained as a greenspace. The applicants' note that this area along the front of the site was to have been provided as a footpath under the original permission for the wider housing development (04/2614). The third party submission and observations have noted that the applicant does not have sufficient control over this area and such is an area of amenity space serving the existing housing development. It is notable that the revised layout also entails a revised boundary with such set back from the internal service road and the area to front indicated as being for the provision of footpath as per the requirement of ref no. 04/2614. I would consider that the revised layout submitted provides for a reasonable level and pattern of development. On the issue of the area of open space to the front of the site, I would note that such is not one of the main areas of public open space within the wider housing development and is a small strip left over. This piece of land is not zoned for amenity space as are the larger more formal open spaces within the wider housing development. The applicants indicated that this area was originally intended to provide for a footpath under the parent permission for dwellings at this location. The applicants revised the site layout to exclude the area immediately along the edge of the service road. On the issue of consents and control of land I would note that the onus is on the applicant to ensure they have appropriate control or consent to carry out development on land and as per Section 34(13 of the Planning and Development Act, 2000 (as amended), "a person shall not be entitled solely by reason of a permission under this section to carry out any development".

7.6.3 The original and revised layout entails the provision of a separate area labelled as a biodiversity area to the rear of the proposed dwellings. This is an area which is at a higher level than the finished floor level of the proposed dwellings and their rear gardens on which existing trees and vegetation are to be retained as a biodiversity area. The area is to be accessed through a pedestrian gate on the western side of the site. I would consider that it would be better served if this area was incorporated into the rear gardens of each of the proposed dwellings. The ground level of this area is to be retained as existing and at a higher level than the rear gardens of the proposed dwellings. In the event of a grant of permission I would recommend that access to this area be secure with provision of a gate with a lock to control access to this area.

## **8.0 Appropriate Assessment:**

8.1 A Natura Impact Statement Limited was submitted by the applicant, in response to further information

8.2. Screening

8.2.1 I followed the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

8.2.2 Project Description and Site Characteristics

8.2.3 The proposed development is as described in the report above and in the application submissions.

8.2.4. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives: Two sites are identified within the zone of influence of the proposed development based on proximity and potential hydrological links. These are the...

Cregganna Marsh SPA (Site Code 004142), 22m from the site.

Galway Bay Complex SAC (Site Code 000268), 184m from the site.

Inner Galway Bay SPA (Site Code 004031), 346m from the site.

Rahasane Turlough SPA (Site Code 004089), 9.2km from the site.

Site Code, Site Name and Designation	Approx. Distance from Site	Conservation Objectives; Qualifying Habitats and Species
004142 Creganna Marsh SPA	22m from the site	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:
000268 Galway Bay Complex SAC	184m from the site.	<p>A395 Greenland White-fronted Goose <i>Anser albifrons flavirostris</i></p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p>

		<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	
004031 Inner Galway Bay SPA	346m from the site.	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p>	

<p>004089 Site Code Rahasane Turlough SPA</p>	<p>9.2km from the site</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Rahasane Turlough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	
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		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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### 8.2.5 Assessment of likely Effects:

The applicants Screening Report identifies that further assessment is required in relation to the four sites...

Cregganna Marsh SPA (Site Code 004142), 22m from the site,  
Galway Bay Complex SAC (Site Code 000268), 184m from the site,  
Inner Galway Bay SPA (Site Code 004031), 346m from the site,  
Rahasane Turlough SPA (Site Code 004089), 9.2km from the site.

### 8.2.6 Screening Statement and Conclusions:

It was concluded in screening assessment that significant effects cannot be ruled out on the Cregganna Marsh SPA, Galway Bay Complex SAC, Inner Galway Bay SPA, Rahasane Turlough SPA and that a Stage 2 Appropriate Assessment is required. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

## 8.3 Stage 2 Appropriate Assessment

### 8.3.1 The relevant sites are

Cregganna Marsh SPA (Site Code 004142), 22m from the site.

Galway Bay Complex SAC (Site Code 000268), 184m from the site.

Inner Galway Bay SPA (Site Code 004031), 346m from the site.

Rahasane Turlough SPA (Site Code 004089), 9.2km from the site.

### 8.3.2 Assessment of potentially direct and indirect effects:

There will be no direct effects on the qualifying interests of any the Natura 2000 sites identified as the site lies outside the confines of any of the designated sites, does not contain any Annex 1 habitats or supporting habitats for Annex II species or bird species of special conservation interest (SCI).

Potential indirect effects include deterioration of groundwater due to pollution caused during the demolition, construction and operational phase for all four designated sites. Disturbance of SCI bird species during construction and operational phases due to proximity to Cregganna Marsh SPA and the link between Cregganna Marsh and the Rahasane Turlough SPA bird species. The NIS includes control/mitigation measures for the demolition and construction phase including control discharge to a public surface water network, no discharges of polluting materials, provision of appropriate boundary/hoarding around the development site, connection to existing public surface water network and foul sewer. The proposal does not provide or propose any access to any of the designated sites and will not have significant effects on any of qualifying interests of the listed Natura 2000 sites.

The NIS outlines the residual effects based on the conservation objectives in each of the listed designated sites. The proposal development will not prevent any of the qualifying interests from achieving or maintaining the conservation objectives listed.

### 8.3.3 Cumulative effects may arise in-combination with other plans and projects in the vicinity including residential and commercial development in the vicinity. Permitted residential developments are on zoned lands and benefit from connection to municipal infrastructure in terms of surface water drainage and sewerage. It is not considered that there will be in-combination effects with other plans and projects.

8.3.4 It has been demonstrated based on the information in the submitted Natura Impact Statement that with implementation of mitigation measures including construction management and operational measures that the proposed development, individually or in combination with other plans and projects would not adversely affect the Cregganna Marsh SPA (Site Code 004142), Galway Bay Complex SAC (Site Code 000268), Inner Galway Bay SPA (Site Code 004031) and Rahasane Turlough SPA (Site Code 004089).

#### 8.4 Appropriate Assessment Conclusions

8.4.1 I consider that it is reasonable to conclude on the basis of the information on the 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 and projects would not adversely affect the integrity of the Cregganna Marsh SPA (Site Code 004142), Galway Bay Complex SAC (Site Code 000268), Inner Galway Bay SPA (Site Code 004031) and Rahasane Turlough SPA (Site Code 004089).

8.4.2 A Construction Environmental Management Plan, which incorporates all mitigation measures indicated in the Natura Impact Statement should be agreed between the Council and the relevant statutory authorities prior to the commencement of development.

## 9.0 Recommendation

9.1 I recommend a grant of permission subject to the following conditions.



## 10.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Galway County Council Development Plan 2015-2021 and the Oranmore Local Area Plan 2012-2022,
- (b) The existing pattern of development at this location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Cregganna Marsh SPA, Galway Bay Complex SAC, Inner Galway Bay SPA, Rahasane Turlough SPA are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Cregganna Marsh SPA, Galway Bay Complex SAC, Inner Galway Bay SPA, Rahasane Turlough SPA, in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) the mitigation measures which are included as part of the current proposal, and
- iii) the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

## 11.0 Conditions

1. 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 lodged on the 01<sup>st</sup> day of October 2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity and public safety.

4. Access to the biodiversity area to the rear of the proposed dwellings shall be subject to a controlled access with provision of a lockable gated access. Prior to the commencement of development details of such shall be submitted and agreed in writing with the Planning Authority.

Reason: In the interests of orderly development.

5. 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.

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

Reason: In the interest of amenities, public health and safety.

7. 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, surface water 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.

8. 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.

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Colin McBride

Planning Inspector

13<sup>th</sup> January 2021