



An
Bord
Pleanála

Inspector's Report

ABP-308401-20

Development	Demolition of outbuilding and construction of 48 residential units, community facilities and access routes. An NIS accompanies this application.
Location	Ballyquirke Moycullen, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	201005
Applicant(s)	Baile UiChoire Fearainn Teoranta
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Baile UiChoire Fearainn Teoranta
Observer(s)	(1) An Taisce (2) Deidre & Bernard de Souza (3) Declan Walsh (4) Eugene & Siobhan McSharry (5) Brian & Annette Carpenter

(6) Isabella Mary Carter

(7) Caitriona Bannon

(8) Andrea Tighe

(9) J Keady

(10) Vincent Gilmore

Date of Site Inspection

09th December 2020

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.325 hectares, is located to the south east of Moycullen Village centre. The appeal site is located on the north eastern side of the N59. The appeal site is an undeveloped site with existing levels on site falling moving away from the public road. An open stream traverses the eastern corner of the site and is linked to a culvert that runs underneath a housing development to the north east of the site (Uillinn). The south western boundary of the site is defined by the N59 with an existing low stone wall along the boundary. The north western boundary has no defined boundary with part of the undeveloped lands adjoining the western corner not part of the appeal site. Beyond the north western boundary is existing development fronting Church Road and at the junction of Church Road and the N59. To the north east of the site is the Uillinn housing development consisting of two-storey dwellings. Immediately adjacent the north eastern boundary is a single-storey structure in use as a crèche (accessed off Church Road). To the south east are a number of dwellings that back onto the site as well as a terrace of dwellings fronting onto the N59.

2.0 Proposed Development

2.1. Permission is sought for the demolition of the existing outbuilding on site and construction of a mixed use residential scheme consisting of...

48 no. residential units comprising, 13 no. 1 bedroom and 1 no. 2 bed assisted living units for the elderly, 14 no. w storey 2 bedroom duplex houses, 1 no. 3 bedroom 2 storey duplex house, 4 no. 3 bedroom 3 storey terrace houses, 9 no. 2 bedroom 2 storey mid-terrace houses and 6 no. 3 bedroom 2 storey end terrace houses, crèche, community café, secure bicycle parking, external wheelchair accessible lift and associate bin storage. The proposed development also includes public realm landscaping including shared public open space and public lighting. A new pedestrian and vehicular access from the N59 Clifden Road and provision of all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on 9 reasons...

1. The subject site is zoned Village Centre-C1 for which the land use zoning objective is to promote the development of the Village Centre as an intensive, high quality, well-landscaped, human-scaled and accessible environment, with an appropriate mix of uses, including residential, commercial service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors to the village, with the village centre and associated main streets to remain the primary focus for retail and service activity within Maigh Cullinn. It is considered that the use mix proposed in the development at 92% residential and 8% commercial does not provide for the appropriate development response to give effect to the zoning objective of the site. The planning authority consider that if permitted as proposed the development would undermine the delivery of a satisfactory quantum of an appropriate mix in uses in the village centre, would contravene the zoning Objective LU1 and Objective ED 3 of the Maigh Cullinn Local Area Plan 2013-2023 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to:

- the information provided with the planning application;
- the submissions received which refer to recurrent flooding on site;
- the concerns expressed regarding surface water management on the site;
- the alleged recent works that have taken place on site which have not been considered in the NIS submitted;

The Planning Authority is not satisfied that the proposal will not adversely affect the integrity of the Lough Corrib SAC, Lough Corrib SPA, Galway Bay Complex SAC and the Inner Galway SPA in light of their conservation objectives. Therefore, if permitted as proposed the development has the potential to adversely affect the qualifying interests and conservation objectives of the protected European sites for

flora and fauna, would materially contravene Objective NHB1 and DS 6 of the Galway County Development Plan 2015-2021, and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the following

- the information provided with the planning application;
- the submissions received which refer to recurrent flooding on site;
- the concerns regarding the surface water management on site;
- the potential resultant flood risk elsewhere;
- the proposal to raise the site extensively;

The planning authority is not satisfied the subject site is not at risk of flooding in the future. Therefore if permitted as proposed, the development would materially contravene Objective FL 1 of the Galway County Development plan 2015-2021 in relation to flood risk and would also be contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act, 2000 (as amended)(The Planning System and Flood Risk Management Guidelines 2009) and would be contrary to the proper planning and sustainable development of the area.

4. Based on the information submitted, it is considered that the application fails to adequately demonstrate the impact of the development on the public road in terms of traffic safety, pedestrian safety and network capacity and does not provide for a satisfactory internal roads layout in terms of turning facilities, gradient of roads and location of car parking spaces. Therefore, if permitted as proposed the development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

5. The planning authority is not satisfied with the surface water drainage strategy as submitted and consider that if permitted as the proposed the development would be contrary to Objective WW7 of the Galway County Development Plan 2015-2021.

6. The site of the proposed development is on a steeply sloping site, in a visually prominent location, on the approach to Moycullen village, in a Class 3 sensitivity designated landscape within/adjoining a protected focal view. It is considered that the proposed development by reason of its scale, height, mass and uniformity of design would result in a dominant and obtrusive feature at this location and would be seriously injurious to the visual amenities of the area. If permitted as proposed the development would contravene Objectives LCM1 & LCM2 of the Galway County development Plan 2015-2021 and Objectives UD1 and UD7 of the Maigh Cullin Local Area Plan 2013-2023 and would set a precedent for further similar development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

7. The proposed development by reason of not adequately reinforcing the existing urban form of Maigh Cullin, contributing to a sense of place or perpetuating existing or creating new connected streets and public spaces thereby assimilating its village centre setting, is contrary to the provisions of Section 3.4.4 of the current Galway County development Plan 2015-2021, the provision of Section 6.3 and 6.8 of Sustainable residential in Urban Areas (Cities, Towns and Villages) DEHLG (2009) and sections 2, 6, 7 and 8 of the Urban Design manual - A Best Practice Guide DEHLG (2009). The proposed development may, in addition, and by reason of its proposed layout which fails to satisfactorily integrate with and relate to adjacent and nearby contextual development, tend to undermine the future sustainable urban development of Maigh Cullin village core. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

8. It is considered that the proposed development, by reason of the undesirable location of the public open space to the rear of the site as a level substantially below the residential units it serves in conjunction with the circuitous routes required to access same due to the topography of the site, would constitute a substandard quality of residential design and layout, which would be seriously injurious to the residential amenities of prospective occupants. The proposed development would

therefore be contrary to the proper planning and sustainable development of the area.

9. Having regard to the concerns identified in relation flood risk on site/potential resultant flood risk elsewhere and the concerns identified in relation to the surface water management proposals for the site, in conjunction with the alleged works that have been carried out on site in recent days which have not been considered or included in the Ecological Impact Assessment submitted, the Planning Authority is not satisfied that the proposal will not impact on the Lough Corrib pNHA or the Galway Bay Complex pNHA. Therefore, if permitted as proposed, the development would be contrary to Policy NHB 1, Objective NHB 1 and Objective NHB 2 of the Galway County Development Plan 2015-2021 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (15/09/20): There proposal was considered to be deficient in terms of overall design, layout, physical and environmental impact. The overall quality and of design and visual impact was considered to be unacceptable, the proposal was considered to be deficient in regards to flood risk and surface water drainage, overall traffic impact, have to potential to give significant effects on a number of designated Natura 2000 sites and to be contrary a number of Development Plan and Local Area Plan policies and objectives. Refusal was recommended based on the reason outlined above.

3.3. Prescribed Bodies

TII (17/08/20): Development to be undertaken in accordance with recommendations of Transport (Traffic) Assessment and Road Safety Audit submitted.

Urdaras na Gaeltachta (24/08/20): The submission refers to the importance of the Irish language as a resource for the country and the Gaeltacht in particular and that

that the council should comply with its obligations in this regard. The language is reasonably strong among the community in Maigh Cuilinn. It is important that the Irish language is considered in the decision on the application and that

DCH and G (DAU) (02/09/20): Archaeological monitoring conditions required, Account to taken of potential effects on the Lough Corrib SAC.

3.4. Third Party Observations

3.4.1 A number of submissions were received. The issues raised can be summarised as follows...

- Inappropriate mix of uses (residential) at this location, visual impact/impact on existing view/inappropriate scale and height, traffic safety and congestion, flood capacity issues in regards to infrastructure and existing provision for dwellings in excess of the core strategy, poor design in terms of residential amenity, loss of residential amenity to existing properties through overshadowing/loss of light, excessive density, removal of existing trees, provision for a percentage of the development for Irish Speakers, anti-social behaviour, requirement to ensure implementation of best practice measure regarding European Sites.

4.0 Planning History

4.1 42678: Outline permission granted for a housing development.

4.2 43985: Outline permission granted for a commercial/residential development.

5.0 Policy Context

5.1. Development Plan

Maigh Cuillin Local Area Plan 2013-2023

The appeal site is zoned Village-Centre, C1 with a stated objective

Objective LU 1 – Village Centre/Commercial (C1) (Refer to Map 1A/1B) Promote the development of the Village Centre as an intensive, high quality, well-landscaped, human-scaled and accessible environment, with an appropriate mix of uses,

including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors to the village. The village centre and associated main streets shall remain the primary focus for retail and service activity within Maigh Cuilinn.

Objective ED3

Support the development of appropriate types, scales and patterns of retail development in suitable locations within the village and with high quality designs that:

- Support the vitality and viability of the existing village centre and associated main streets and/or do not undermine their vitality and viability.
- Protect investment in strategic roads and infrastructure and that are easily accessible, particularly in terms of public transport.
- Comply with the Guidelines for Planning Authorities-Retail Planning 2012 (and any updated/superseding document) including the need for a sequential approach to retail development, the policies and objectives of any future Retail Strategy for Galway that may be adopted in the lifetime of this Local Area Plan and the guidance set out in the Retail Design Manual – A Good Practice Guide Companion Document to the Guidelines for Planning Authorities Retail Planning 2012 (and any updated/superseding document).
- Contribute to the creation of a high quality retail environment. The Village Centre (C1) zoning will remain the primary focus for the location of new retail development. The Planning Authority will ensure that the location of future retail development is consistent with the key policy principles and order of priority as set out in the Guidelines for Planning Authorities-Retail Planning 2012 (and any updated/superseding document) and will require Retail Impact Assessments, including details of the sequential approach, and Design Statements and Transport Impact Assessments, where appropriate, for retail developments in accordance with the Retail Planning Guidelines, the Retail Design Manual and DM Guideline ED1 and ED2.

Objective UD 1 – High Quality, Context Sensitive Design Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the existing character of the village centre/area in terms of scale, height, massing, building line, urban grain and definition and through high quality design proposals for buildings/structures/shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details. External lighting and light spill will be minimised in general and the use of lighting in areas of ecological sensitivity avoided and /or minimised where possible.

Objective UD 7 – Landscape, Villagescape, Views and Prospects Protect the landscape character, values, sensitivities, focal points and views in the Plan Area, including those identified in the Galway County Development Plan and included in the Landscape and Landscape Character Assessment for County Galway 2002. Ensure that new developments are responsive to the high and special sensitivity landscapes within the Plan Area, visually vulnerable areas, elevated areas or locally important villagescape contexts. a) Require Visual Impact Assessment for developments with potential to impact on areas of significant landscape character, value or sensitivity, including both urban and natural features, significant villagescapes and historic buildings, as appropriate. b) Prohibit development that will block or interfere with a significant focal point or view. Where it is considered that a development may impact on focal points or views, have regard to the significance of any such impact and any appropriate mitigation measures that should be incorporated.

Galway County Development Plan 2015-2022

Policy NHB 1 – Natural Heritage and Biodiversity It is the policy of Galway County Council to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed

Natural Heritage Areas Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries and Conamara National Park (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network within the plan area, in order to support ecological functioning and connectivity, create opportunities in suitable locations for active and passive recreation and to structure and provide visual relief from the built environment.

Policy FL 1 – Flood Risk Management Guidelines It is the policy of Galway County Council to support, in co-operation with the OPW, the implementation of the EU Flood Risk Directive (2007/60/EC), the Flood Risk Regulations (SI No. 122 of 2010) and the DEHLG/OPW publication The Planning System and Flood Risk Management Guidelines (2009) (and any updated/superseding legislation or policy guidance). Galway County Council will also take account of the Shannon International and Western Catchment Flood Risk Assessment and Management Studies.

Objective WW 7 – Surface Water Drainage and Sustainable Drainage Systems (SuDS) Maintain and enhance, as appropriate, existing surface water drainage systems in the County, ensure that new developments are adequately serviced with surface water drainage infrastructure and promote the use of Sustainable Drainage Systems in all new developments.

Objective LCM 1 – Landscape Sensitivity Classification The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/ Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan, and having regard to the zoning objectives of serviced development land within the Galway Metropolitan Areas.

Objective LCM 2 – Landscape Sensitivity Ratings Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

5.2 National Policy

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018)

Sustainable Urban House: Design Standard for New Apartments (March 2018)

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

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

Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013).

5.3 Natural Heritage Designations

Lough Corrib SAC (Site Code 000297), 996m from the site.

Lough Corrib SPA (Site Code 004042), 24.4m from the site.

Galway Bay Complex SAC (Site Code 000268), 8.5kmm from the site.

Inner Galway Bay SPA (Site Code 004031), 9.5km from the site.

5.4 EIA Screening

- 5.4.1 Having regard to the nature and scale of the development which consists of a 48 residential units, a crèche and a community café on zoned lands within an urban settlement, there is no real likelihood 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 Baile UiChoire Fearainn Teoranta.

- The appellant has submitted a revised layout including a reduction of the number of residential units from 48 to 46 and an increase of commercial floor space.
- In relation to refusal reason one it is acknowledged that the Council desire a higher percentage of development on site to be commercial in nature (30%-50%). The level of vacancy of commercial properties currently indicates that the demand for the level of commercial development desired by the Council is unlikely to be sustainable and that the mix of development proposed reflects this. The appellants consider that the proposal is not contrary development Plan policy as residential is partly permitted under Objective LU1.
- In relation to refusal reason 2, a comprehensive Natura Impact Statement was submitted and such demonstrates that the proposed development would have no significant effects on any designated Natura 2000 site.
- In relation to refusal reason 3 it is pointed out the site is with Flood Zone C. An Engineering report is also submitted with the appeal submission refuting the reason for refusal on the grounds of flood risk. A Flood Risk Assessment was submitted with the application and set out appropriate mitigation measures for the site and surrounding area.
- In relation to refusal reason 4 concerning traffic impact an engineering report is submitted indicating that the proposal would be satisfactory in the context of traffic impact. A Road Safety Audit was carried out for the proposed development. Entrance layout is compliant with DMURS. Internal road layout is adequate for the traffic likely to be generated. A Traffic Impact Assessment (TIA) was submitted despite the development being below the threshold level

for such an assessment and demonstrates that the proposal would be satisfactory in regards to traffic safety.

- In relation to reason no. 5 it is stated that surface water management proposals are sufficient and would enhance existing surface water management and reduce flood risk.
- A Landscape and Visual Assessment (LVIA) was submitted and such demonstrates that the proposal would be satisfactory in the context of visual amenities.
- The overall quality of the design is sufficient in terms of design, layout, character and permeability and would comply with national guidance (Sustainable Residential development in Urban Areas and Urban Design manual). The topography of the site is challenging however the proposal does provide for a good quality design layout despite such.
- In regards to refusal reason 8 it is noted that the public open space meets the 15% requirement under Development Plan policy. The public open space is accessible and functional for the proposed development. The 15% does not include the courtyard area linked to the community café and such is overlooked by a number of the residential units. The public open space is accessible to all and can be accessed from the north and south of the site and there is possibility of a future link to such via Church Road. It is considered that the rear of the site is the most suitable location for the public open space.
- There is no basis for concerns regarding flood risk and surface water management with extensive engineering proposals.
- In relation alleged works on site it is indicated such are site investigation works and subject to a separate enforcement case.

6.2. Planning Authority Response

6.2.1 No response.

6.3. Observations

6.3.1 Observations have been received from the following...

An Taisce

Deidre & Bernard de Souza, 51 Uillinn, Moycullen, Co. Galway, H91X4X9.

Declan Walsh, 4 Chapel Lane, Church Road, Moycullen.

Eugene & Siobhan McSharry, 54 Uillinn, Moycullen, Co. Galway.

Brian & Annette Carpenter, 50 Uillinn, Moycullen, Co. Galway.

Isabella Mary Carter, Ballyquirke, Moycullen, Co. Galway.

Caitriona Bannon, Crossroad, Moycullen, Co. Galway.

Andrea Tighe, Teach na Gaelige, Bothar and tSeipeil, Maigh Cullinn.

J Keady, Forbairt Pobail, Maigh Cuilinn Teoranta.

Vincent Gilmore, Crossroads, Moycullen, Co. Galway.

Having regard to fact that the issues raised in the individual observations are similar nature such shall be summarised together as follows...

- The existing stream on site has been subject to flood events. The information submitted by the applicant is inadequate and fails to indicate recorded flood events in Uillinn and that the site is within Flood Zone B and that housing is an inappropriate use.
- Works were carried out on site in recent times including raising levels on site adjoining the stream. The impact of such works has not been addressed in the application and its potential impact in terms of flood risk given previous flood events on site is raised. The lack of adequate consent for works altering level on site is also noted and the fact that all information the file refers to the site pre alteration.
- Inadequate proposal for surface water management taken in conjunction with existing flood risk issues. Concerns regard the proposed surface water management proposals in terms of their feasibility, future maintenance and in relation to how they fit in with the Council's planned infrastructural improvements.

- Traffic impact including concern regard traffic safety, existing capacity of road network and the proposal is considered premature pending provision of the Moycullen bypass. No provision for a new bus stop/shelter, which has been sought in the village for a significant period of time and should be facilitated.
- Lack of sufficient recreational facilities and requirement for such prior to a significant increase in population. No justification for the proposed development type (residential) and for such a level housing with existing permission in place for 400 units. Contrary zoning objective due to level for housing compared to commercial development.
- Removal of existing trees along the boundaries, impact on properties along Church Road and to the north west of the site due to height, scale and proximity and would overshadowing/loss of light. Need for appropriate boundary treatment, potential anti-social behaviour. Removal of a tree on third party land proposed without adequate consent.
- The appeal submission includes amended development and such should be subject a new application.
- That 35% of the residential accommodation would be make available to speakers of Irish.
- That signage would be in Irish only.
- The proposal is considered to deficient in terms of urban design, character, permeability and provision of quality public open space. The proposal would not be in accordance with the recommendations of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009) and Urban Design Manual, A Best Practice (DOEHLG, 2009).

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/Local Area Plan policy

Design, layout, pattern of development

Visual impact

Adjoining Amenity

Traffic Impact

Flood Risk/Surface water management

Other Issues

7.2 Principle of the proposed development/Local Area Plan policy:

7.2.1 The appeal site is zoned Village-Centre, C1 under the Maigh Cuillin Local Area Plan 2013-2023. Objective LU 1 – Village Centre/Commercial (C1) (Refer to Map 1A/1B) Promote the development of the Village Centre as an intensive, high quality, well-landscaped, human-scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors to the village. The village centre and associated main streets shall remain the primary focus for retail and service activity within Maigh Cuilinn. The first refusal reason states that the mix of 8% commercial to 92% residential is not in accordance with the zoning objective.

7.2.2 The applicants/appellants argument for the mix of uses proposed is based on the level of vacancy of existing commercial/retail units in Moycullen and that a significant increase in the commercial side of development within the scheme is unsustainable. The appellant has submitted revised plans that replace one of the residential units in Block 2 (two bedroom, two-storey maisonette (no. 16)) with two office units. The zoning objective provides for commercial/town centre development, but does also provide for residential development with apartments noted as being permitted in principle and other residential open for consideration. Based on the permissible uses as set out under the zoning matrix of the LAP, the proposed uses are all permitted uses within the zoning objective. The refusal reason appears to relate to the fact that the percentage of commercial development is too small.

7.2.3 I am of the view that the overall type and proportion of residential to commercial development proposed is satisfactory. The applicant/appellant has provided a sound logic for the type of development proposed in terms of highlight existing vacancy levels. Residential is permitted development within the C1 zoning and the provision of additional residential development may have positive impact on the vitality of the existing town centre. I do not consider that there is justification for refusal on the basis of the zoning objective and the proportion of residential development to commercial in this case. In relation to the amended plans replacing two residential units for office units, I am of the view that original proposal is satisfactory. I would consider that the appeal site is an appropriate location for residential development and would not undermine the vitality of viability of the village centre.

7.3 Design, layout, pattern of development:

7.3.1 The overall quality and design of the development is criticised in the refusal reasons with emphasis on urban design quality and layout public open space. In relation to density the proposal consist of 48 no. residential units and a density of 36 units per hectares. The LAP indicates that an appropriate location for medium to high density of residential development (35-50) is “village centre or immediately adjacent to public transport hubs”. The proposal would be compliant in this regard.

7.3.2 The refusal reason is critical of the design and layout of the development in terms of its overall character, the location of public open space and its compliance with the guidance in the form of the Sustainable residential in Urban Areas (Cities, Towns and Villages) DEHLG (2009) and of the Urban Design Manual - A Best Practice Guide DEHLG (2009). The layout of the development is split in to 8 blocks with block 1, 2 and 3 fronting onto the public road and blocks 4 to 8 to the rear and the public open space area to the north east. The levels on the site, which fall away from the public road dictate the layout of the site. The proposal entails raising levels on site to a less steep gradient to facilitate the residential development with the public open space located at the lowest level.

7.3.3 In relation to development management standards the proposal is compliant with all relevant standards regarding private, open space, public open space and car parking. The proposal provides for a mixture of apartment development and dwellings. The apartments are provided for in Block 1, 2 and 3 with one bed units a ground floor level and two bed duplex units above. The relevant and most up to date standards for apartment developments are the Sustainable Urban House: Design Standard for New Apartments (March 2018). The design and layout of the proposed apartments meets all relevant standard under the aforementioned guidelines including apartment size, room dimension, aspect and private open space. In the case of the proposed dwellings the relevant standard for private open space is under the County Development Plan is the provision of a 22m separation distance between back to back dwellings in all cases. This standard is met in this case.

7.3.4 In relation to public open space such is provided for in one single area along the north western boundary and is 1.935sqm in area, which is 15% of the overall site area and is compliant with Development Plan requirements. As noted above I would be off the view that the location and layout of open space is dictated to a degree by the gradient of the site. The open space is concentrated in one area and although not central within the scheme or overlooked to a significant degree by the proposed residential units, the open space area is accessible (including wheelchair access) and is of sufficient size. A detailed landscaping scheme is provide including hard and soft landscaping and the provision of a play area. I am off the view that the level and design of public open space is of sufficient quality to serve a residential development of this nature. In addition I would note that given the size of the site/housing development the open space is sufficiently accessible and central to the proposed development. In the context of the recommendations of the Sustainable residential in Urban Areas (Cities, Towns and Villages) DEHLG (2009) and the Urban Design Manual - A Best Practice Guide DEHLG (2009), the proposal is neither a development of exceptional architectural merit or features an innovative layout, I am however of the view that the overall design and layout is of sufficient quality in terms of layout and design and meets all the required development management standards. I do not consider that refusal is merited in the context of overall design and layout.

7.3.5 The car parking standards for development is contained under Table 13.5 of the County Development Plan. The relevant standard is 1.5 spaces per apartment/dwelling (1-3 bedroom), 1 space per 10sqm of dining area for cafes and 1 spaces per staff member and 1 space per 4 children for crèches. 74 car parking spaces are proposed, which I consider to be satisfactory having regard to the central location of the appeal site within the village.

7.4 Visual Impact:

7.4.1 Permission was refused on the basis of overall visual impact with the development by reason of its scale, height, mass and uniformity of design considered to be a dominant and obtrusive feature at this location, seriously injurious to the visual amenities of the area and to be contrary to Objectives LCM1 & LCM2 of the Galway County development Plan 2015-2021 and Objectives UD1 and UD7 of the Maigh Cullin Local Area Plan 2013-2023.

7.4.2 The appeal has road frontage along the N59, which is the main road through the village and the site is close to the town centre. The development consist of three-storey blocks along the road frontage, however the topography of the site means the ground floor level is below the level of the public road and 3 no. block (Blocks 1, 2 and 3) along the road frontage appear to be two-storeys in height when viewed from the public road. Even with the increase in levels on site proposed, Blocks 4-8 are to be located at much lower finished floor level than the N59 and are two-storey blocks.

7.4.3 The application includes a Landscape and Visual impact Assessment (LVIA) including photomontages. I would disagree with the Planning Authority's assessment of the visual impact of the proposal. The development along the road frontage reads as two-storeys from the public road and the centre of the village and such is in keeping with the scale of existing structures to the north west and on the opposite side of the road. The development to the rear of such is at lower level and is two-storeys in height, so is unlikely to be visible from the public road or village

centre. The overall form of development on site is for structures with pitched roofs and external finishes of plaster with stone elements and such is not out of keeping with character and form of development evident on adjoining sites and within the centre of the village. I would consider that the development could provide for a stronger urban character and provide an urban edge along the public road, however I am of the view that overall scale, and form of development would not have a visually obtrusive impact and would be acceptable in the context of the visual amenities of the area.

7.5 Adjoining Amenity:

7.5.1 A number of the observations raise concerns regarding the impact of the proposal on adjoining amenity, particularly on existing structures to the north west at the junction of the N59/Church Road and along Church Road. The issues raised relate to the inappropriate scale and proximity of structures on site and their impact in relation to overshadowing. This issue was not raised in the reasons for refusal. The side gable of Block 1 (north western elevation) is 47m from the nearest structure to the north west (there is a vacant site between them) and is lower in height than the existing structures to the north west. Block 8, which is a terrace of two-storey dwellings backs onto a terrace of two-storey dwellings fronting Church Street. The level of separation between the back to back properties is 24m at their closet points and such is in keeping with development management standards for such. The information on file include a shadow impact analysis. I am satisfied based on the design, level of separation and the fact that the site is village centre site, the proposed development represents a development, which has adequate regard to the existing scale and pattern of development at this location and would have no significant or adverse impact on the amenities of adjoining properties.

7.6 Traffic:

7.6.1 The proposal was also refused based on traffic grounds with it determined that the applicant had failed to adequately demonstrate the impact of the development on the public road in terms of traffic safety, pedestrian safety and network capacity as well as issues concerning the internal roads layout in terms of turning facilities, gradient of roads and location of car parking spaces. The proposal is to be accessed

through a vehicular access off the N59, located adjacent the southern corner of the site.

7.6.2 The applicant submitted a Traffic Impact Assessment (TIA). The TIA outline the characteristics of the development, an assessment of the existing traffic conditions using traffic surveys, an estimation of trip generation, and assessment of construction traffic and an assessment of traffic during the operational phase. In relation to construction traffic it is stated that such is temporary and that the development shall be subject to a construction management plan for agreement prior to the commencement of development, which will require details regarding working hours, haul routes and travel arrangements. In relation to the operational phase it is noted that the level of traffic likely to be generated is below the traffic level for which a TIA is required under the TII guidelines (percentage of existing traffic flows, level of commercial development, vehicle movement, level of residential dwellings). The level of traffic likely to be generated is below the 5% threshold of existing traffic flows on the public road. It is concluded that the impact of the proposal would be negligible and that a further detailed analysis is not required. Notwithstanding such the TIA includes an assessment of the local link capacity for the predicted opening year (2024) and design year (2034) in relation to the N59 (east and west), Church Road and Mountain Road. All local links are anticipated to operate within capacity for both opening and design year.

7.6.3 In relation to the road and the junction onto the N59 opposite the proposed vehicular entrance (access road to An Fuaran development) it is noted that no traffic data is available for this road and therefore no detailed analysis. It is noted that traffic movement along this road are limited to local movements, are minor during peak hours (traffic survey information) and the proposed entrance will have a negligible impact on the operation of the existing road network with no capacity issues.

7.6.4 The applicant/appellant in their appeal submission and associated reports has stated that a Road Safety Audit was carried out and the recommendations of such were implemented in the scheme. The design and layout of the entrance and internal

roads are compliant with the recommendations of the Design Manual for Urban Roads and Streets. The proposal also provides for improved (widened) footpath along the N59/roadside boundary. In relation to the junction on the opposite side of the road, the applicant/appellant has suggested the provision of a yellow box encompassing both lanes as well repainting the road marking at the junction on the opposite side of the road. The applicant/appellant states that auto track analysis demonstrate that the turning movements associated with services vehicles such as refuse vehicles and fire tenders can be facilitated and that the internal road layout is compliant with the DMURS (a compliance statement is included with the document submitted). The applicant/appellant also provides details of a housing development of 49 dwellings in the vicinity yet to be constructed (applicant is the developer) and confirms that taken in conjunction with such then the local road network would still operate within capacity.

7.6.5 The appeal site is located within the urban area of Moycullen and is located on zoned lands within the 50kph speed limit zone. The location of the proposed entrance is to the south of the site and the furthest point away from the centre of the village and the crossroads junction of the N59, Church Road and Mountain Road, which is a signalised junction. The proposed vehicular entrance is located opposite an existing junction (slightly offset) of An Fuaran with the N59 and such links the N59 to Mountain Road.

7.6.6 I am satisfied that there is sufficient information on file to demonstrate that the proposed development would be satisfactory in the context of traffic safety and convenience. The appeal is located in an urban area within the 50kph speed limit zone. There is sufficient sightlines in compliance with DMURs in both directions at the vehicular access point (49m) and the applicant has demonstrated that the existing road network has sufficient capacity to deal with the traffic likely to be generated. The proposed development provides for a sufficient level of car parking and provision of bicycle parking and the overall layout is adequate to facilitate the turning movements of vehicles likely to be generated. The appeal site is in walking distance of the centre of the village and is accessible to public transport with an

existing bus stop along the N59 to the front of the site. The proposal provides for improved pedestrian facilities along the N59 and provides for sufficient space to facilitate/upgrade of the existing bus stop, which is located just beyond the limit of the site to the north west where it adjoins the N59.

7.7 Flood risk/surface water management:

7.7.1 One of the reason for refusal related to flood risk with the planning authority concerned that the subject site is at risk of flooding in the future. A site specific flood risk assessment was submitted. The report outlines the drainage characteristics of the site including the existing open stream traversing the site. It is noted that there are no recorded flood events for the site on the OPW Maps with a recurring flood event within the Uillinn housing development to the north east. It is noted that the CFRAM mapping indicates no pluvial, fluvial or coastal flood risk for the appeal site. Flood mapping for the area indicates that the site in its entirety is located in Flood Zone C. In relation to flood events within Uillinn it is stated that such have not reoccurred since installation of a stream bypass pipe.

7.7.2 The risk assessment refers to the Flood Risk Management Guidelines for Planning Authorities and the sequential approach to managed flood risk. As stated earlier the site is indicated as being within Flood Zone C (low probability of flooding, between 0.1% for fluvial flooding and less than 0.1% for coastal flooding). The proposal is for mainly housing, which is defined as being highly vulnerable development in relation to flood risk. The guidelines provide a justification test with highly vulnerable development identified as being appropriate within Flood Zones C and requiring the justification test in relation to Flood Zones A and B.

7.7.3 The Flood Risk Assessment includes mitigation measures and details of surface water drainage management proposals. The proposal is to control the flow of surface water on site and store storm water in underground attenuation tanks. Attenuation is

to be connected to the local authority controlled surface water drainage system (north east corner of site). This proposal will reduce existing surface drainage (calculations are estimated to be 20% reduction of greenfield flow) flow to the stream traversing the site and bypasses the existing stream and result in a reduced flow to such post development. In relation to Fluvial Flooding it is noted that the site is within Flood Zone C and a justification test is not required as well as noting the surface water proposals. In relation to coastal flooding it is indicated that the site is not effected by such and is 5km from the coast. In relation to pluvial flooding it is noted that the proposal is designed to prevent collection of water/ponding and the drainage infrastructure is designed to accommodate rainfall run-off up to and inclusive of the 1/100 year storm event. The OPW SFRA flood risk map indicates no risk of groundwater flooding and the risk of such rising above ground level is low. The drainage system will incorporate Sustainable Drainage Systems and the proposed surface water drainage system is in excess of the minimum required level of 1% AEP design to water level. The assessment concludes the site is not subject to flood risk as it is in Flood Zone C and that the proposed surface water drainage proposals will reduce flows to the existing stream on site and should help to reduce and alleviate risk of flooding.

7.7.4 In response to the reason for refusal the applicant/appellant submitted an engineering response. This response indicates that the flood event referenced and subject to the photos submitted by third parties relates to a flood event in December 2015 and that such was an exceptional weather event. It is further noted that no houses in the vicinity were flooded during this event. In relation to recurring flooding in Uillinn it is noted that 10 years ago a new storm water overflow network was provided to the reduce localised flood risk and that the surface water drainage proposal entail reducing flow to the existing stream as outlined in the application documents. The applicant/appellant also raises the fact that the Council with support from the OPW have plans to upgrade the local surface water network including installing a new stream splitter at the N59 culvert upstream to include a new 600mm diameter pipe to take the stream flow to the surface water network via connection to the east of the N59 and into the existing 600mm diameter sewer located on the Ballyquirke road. The applicant is willing carry out these works on land within their

control and in line with the Council/OPW proposals and such would further reduce volume of water flow in the stream traversing the site. In addition it is noted that the developer will undertake to ensure that screens to outflow pipes are replaced with new gratings with the third party submission noting that there are currently issues regarding blockages at the existing screens.

7.7.5 I have outlined the information provided in the application and the appeal submission in relation to flood risk and surface water management above. The first thing I would note is the entirety of the appeal site and lands in its immediate vicinity is in Flood Zone C and such is identified on map 3A and 3B of the Local Area Plan. These maps are based on the Councils Strategic Flood Risk Assessment and the OPW Preliminary Flood Risk Assessment. One of the observations submitted states that the site is in Flood Zone B based on the maps in the LAP, this is incorrect. The Flood Risk Management Guidelines for Planning Authorities identify that development within Flood Zone C (low probability of flooding, between 0.1% for fluvial flooding and less than 0.1% for coastal flooding) including highly vulnerable development as proposed (residential) is not subject to a justification test. The applicant submitted a Flood Risk Assessment and has provided details of surface water drainage proposals for the development.

7.7.6 Flood mapping data indicates that the site is not of significant flood risk and there does not appear to be a recurring flood risk in relation to the appeal site. Notwithstanding such there does appear to be a surface water drainage issue concerning the site. The observations and submission have submitted photographic evidence of such, which include photographs from December 2015 as well as recent times including since recent works to regrade the site. The redevelopment of the site may provide an opportunity to address such surface water drainage issues and the proposal does include proposal for surface water measures. There is indication in the information on file both from the applicants and observers that surface water drainage issues are caused in part to lack of maintenance such as blockages of existing screens on drains. The redevelopment of the site provides an opportunity to address existing surface water drainage deficiencies that are evident on site. The

applicant has presented surface water drainage proposal that would reduce flows to the existing stream on site. I am of the view that given the location of the site within Flood Zone C and subject to implementation of the surface water drainage measures proposed during the application and subsequently outlined in the appeal submission, I am of the view that proposal would be satisfactory in the context of flood risk management and surface water drainage.

7.8 Other Issues:

7.8.1 The third party submission and observations raise concerns regarding works carried out on site in recent times, which consist of regarding of the site. Such were carried out in recent times during the period within which the application was being assessed. It is apparent on site that works have been carried out to regard the site with the southern part of the site increased in ground level to provide a more gradual gradient moving away from the public road. These works have subject to a warning letter and based on the information on file have occurred after the application was submitted. The applicant/appellant states that these works are site investigation work and are subject now to an enforcement case.

7.8.2 The issue of enforcement is not a function of the Board. In the regard I would note that works appear to have been carried out on site and such include a change in the levels on site. Such works may merit the requirement for retention or further assessment, however not having inspected the site until after such works took place I am unsure of extent of works that have taken place. In relation to their impact in terms of what is proposed, I would note that the development being considered in this application and site levels proposed are those in the drawings submitted and that any assessment of the proposal is based on such.

7.8.3 The last reason for refusal raises concern regard the Ecological Impact Assessment submitted and potential impact on the Lough Corrib pNHA or the Galway Bay Complex pNHA. The appeal site is an undeveloped site in an urban area, currently consisting of grassed field with some trees and hedgerow. The appeal site is not of

an exceptional ecological status or subject to any designation that would earmark as being of ecological value. The appeal site is zoned for development and as noted above I consider the nature and scale of development to be appropriate at this location. The proposal includes measures regarding surface water drainage and the appeal site is remote from the Lough Corrib pNHA or the Galway Bay Complex pNHA. I do not consider there is any evidence to suggest the proposed development would have an adverse impact on these sites.

8.0 Appropriate Assessment

8.1 A Screening report and a Natura Impact Statement Limited was submitted by the applicant.

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: Four site is identified within the zone of influence of the proposed development based on proximity and potential hydrological links...

Lough Corrib SAC (Site Code 000297), 996m from the site.

Lough Corrib SPA (Site Code 004042), 24.4m from the site.

Galway Bay Complex SAC (Site Code 000268), 8.5kmm from the site.

Inner Galway Bay SPA (Site Code 004031), 9.5km from the site.

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species
000297 Lough Corrib SAC	996m form the site	<p>To maintain or restore the favourable conservation condition of the habitats and species listed as Special Conservation Interests for this SAC:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p>

		<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>	
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		Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]	
004042 Lough Corrib SPA	2.4km from the site.	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <p>Gadwall (<i>Anas strepera</i>) [A051] Shoveler (<i>Anas clypeata</i>) [A056] Pochard (<i>Aythya ferina</i>) [A059] Tufted Duck (<i>Aythya fuligula</i>) [A061] Common Scoter (<i>Melanitta nigra</i>) [A065] Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]</p>	
004031 Inner Galway Bay SPA	9.5 km from the site.	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:	

		<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>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>	
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<p>000268 Galway Bay Complex SAC</p>	<p>8.5km form the site.</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 maritima</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 davalliana</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>	
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8.2.5 Assessment of likely Effects:

Potential effects identified are based on the existing watercourse traversing the site that drains into the Ballyquirke Lough Stream with potential for indirect impacts through deterioration of water quality and subsequent effect on water based habitats and species identified under the qualifying interests' for the designated sites. In the case of proposed development it is considered that there is the possibility of effects in regards to changes in water quality and such merit further assessment.

8.2.6 Screening Statement and Conclusions:

It was concluded in screening assessment that significant effects cannot be ruled out on the Lough Corrib SAC (Site Code 000297), Lough Corrib SPA (Site Code 004042), Galway Bay Complex SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code 004031) 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

Lough Corrib SAC (Site Code 000297), 996m from the site.

Lough Corrib SPA (Site Code 004042), 24.4m from the site.

Galway Bay Complex SAC (Site Code 000268), 8.5kmm from the site.

Inner Galway Bay SPA (Site Code 004031), 9.5km from the site.

8.3.2 Assessment of potentially direct and indirect effects:

There will no direct effects on the designated sites with the appeal site located outside of the boundaries of such. There is potential for indirect effects on the

qualifying interests and special conservation interests of the designated site identified through deterioration of water quality resulting from surface water pollution associated with the construction and operational phase. The NIS provides details of water quality downstream of the site based on EPA data (Ballyquirke Lough Q3-Poor and Q3-4-Modertae and further downstream Loughskip Q4). Potential effects from construction phase would include deterioration surface water quality through suspended solids and pollution. Indirect effects on surface water during the operational phase are not anticipated with surface water management proposals on site. Surface water generated from the operational phase will consist of clean water. The otter is a qualify interests of the Lough Corrib SAC and the site includes habitat that would support such. No evidence of otters was encountered on site.

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 Mitigation Measures

A number of mitigation measures to protect water quality during the construction phased is outlined under Section 3.3.3 of the NIS including site setup measures, measures to manage earthworks, measures to limit disturbance, pollution prevention measures and waste management, vegetation removal in accordance with the Wildlife Act, measures to prevent the introduction of invasive species and environmental monitoring. These measures are clearly set out. During optional phase mitigation measures include installation of a wastewater treatment system in compliance with EPA standards and effluent discharged will be treated effluent. Despite no evidence of otters was encountered on site best practice disturbance limitation measures are proposed.

8.3.5 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 Lough Corrib SAC (Site Code 000297), Lough Corrib SPA (Site Code 004042), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031).

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 Lough Corrib SAC (Site Code 000297), Lough Corrib SPA (Site Code 004042), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), in view of the sites' Conservation Objectives.

9.0 Recommendation

9.1. I recommend a grant of permission

10.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Galway County Council Development Plan 2015-2022,
- (b) Maigh Cullinn Local Area Plan 2013-2023
- (c) The existing pattern of development at this location,
- (d) The design, scale and layout of the proposed development, and
- (e) 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, be satisfactory in the context of traffic safety and convenience, and would be acceptable in the context of flood risk management and surface water drainage. 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 Lough Corrib SAC (Site Code 000297), Lough Corrib SPA (Site Code 004042), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031) 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 Lough Corrib SAC (Site Code 000297), Lough Corrib SPA (Site Code 004042), Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031), 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, and as amended by the further plans submitted with the appeal on the 13th 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. The mix of uses proposed (proportion of residential to commercial) shall be as per the drawings submitted on the 21st day of July 2020.

Reason: In the interest of clarity.

3. Prior to the commencement of development the applicant/developer shall enter in to an agreement under Section 47 of the Planning and Development Act providing a portion of the residential units for the occupation of Irish speakers.

Reason: In the interest of cultural heritage.

4. All signage on site shall be provided in Irish.

Reason: In the interest of cultural heritage.

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

Reason: In the interest of visual amenity.

6. The streets and junctions that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

7. Prior to the commencement of development the applicant/developer shall consult with the Planning Authority and submit for the written agreement details of any alterations to the public roads surrounding the site including road layout, traffic markings, pedestrian crossings and cycle path provision.

Reason: In the interests of orderly development and traffic safety.

8. Proposals for street names, numbering schemes and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the proposal set out in the documents/plans submitted including the revised details submitted with appeal submission on the 13th day of October 2020 and the requirements of the planning authority for such works and services.

Reason: In the interests of public health.

10. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. 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.

Reason: In the interests of visual and residential amenity.

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

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

13. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. 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:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times

will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management.

17. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-

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, and employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

the nature and location of archaeological material on the site, and the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if

necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

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

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

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

19. 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

Colin McBride
Planning Inspector

01st February 2021