



An
Bord
Pleanála

Inspector's Report ABP-308527-20.

Development	Permission to extend residential development consisting of 22 additional units.
Location	Lakeview, Glenamaddy, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/493.
Applicant(s)	Renaissance Property Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Edward Egan.
Observer(s)	None.
Date of Site Inspection	10/02/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within the village of Glenamaddy, which is located approximately 46km to the northeast of Galway City. Tuam, the largest town closest to Glenamaddy is located approximately 22km to the west, and Roscommon town is located approximately 24km to the east.
- 1.2. The site the subject of this appeal, has a stated area of 1.08ha and lies to the north, and rear, of an existing residential development, Lakeview. Lakeview is a small residential development of 20 houses. This development lies approximately 290m to the east of the centre of the village of Glenamaddy, and the proposed development will comprise an extension to the Lakeview development. Access to the site will be over the existing estate road, with the primary access to the site from the R362 regional road.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for the extension of existing residential development consisting of 22 no additional units made up of 4 no. 2 bed detached units, 2 no 4 bed detached units, 2 no 2 bed mid terraced units, 4 no 3 bed end of terrace units, 8 no 3 bed semi-detached units and 2 no 4 bed semi-detached units along with associated site work. Gross floor space of proposed works 2372sqm, all at Lakeview Glenamaddy, Co Galway.
- 2.2. The application included a number of supporting documents including as follows:
 - Plans, particulars and completed planning application form.
 - Planning Report
 - Civil Works Planning Document, prepared by S. Hanniffy & Associates Consulting Engineers.
 - Letter from Irish Water
 - Natura Impact Statement, prepared by Moore Group - Environmental Services

- 2.3. Unsolicited further information in relation to storm water attenuation and calculations was submitted to the PA on the 29th June 2020.
- 2.4. The development proposes a mix of house types ranging from single storey, 2 bed and two storey 4 bed detached houses, to 3 and 4 bed 2 storey semi-detached houses. The development also proposes two terraces of 3 houses. The proposed site layout provides that all except 2 houses will directly overlook areas of public open space.
- 2.5. Following the request for further information, the applicant submitted documentary evidence detailing the right of access over the existing estate roadway as well as the right to access, maintain and repair existing services. The layout was amended to accommodate the way leave registered along the northern boundary of the site and the two 4 bedroom detached houses were revised to provide semi-detached units.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 17 conditions.

- Condition 1 permitted 20 residential units.
- Condition 2 required the exclusion of units titled 31 and 32 in favour of public open space.
- Condition 16 requires a bond.
- Condition 17 requires a development contribution.

3.1.1. Planning Reports

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report includes a Flood Risk Assessment, noting that the lands to the south of the site, and across the

regional road, are at risk of pluvial flooding associated with Glenamaddy Turlough. The subject site is not considered at risk and has not been identified on the OPW FRA maps.

The report also included an Appropriate Assessment Screening. It is noted that a Natura Impact Statement was submitted due to the location of the site in proximity of Lough Lurgeen Bog/Glenamaddy Turlough SAC (Site Code: 000301). The planning officer accepted the findings of the NIS and concluded that the proposed development will not adversely affect the integrity of European Sites.

The principle of the proposed development is considered acceptable. The Planning Report notes access to the site and servicing of the site will require connections to third party infrastructure before linking into Irish Water infrastructure. No details of permissions or wayleaves have been demonstrated and as such further information is required.

Following the submission of the response to the FI request, the planning officers report concludes that proposed development is acceptable and recommends that permission be granted for the proposed development, subject to 17 conditions.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.1.2. Other Technical Reports

None.

3.1.3. Prescribed Bodies

None.

3.1.4. Third Party Submissions

One submission from the current appellant raising issue with impacts to a right of way to adjoining property over the site.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref 99/661: Permission granted for the construction of a residential development consisting of 12 no. semi-detached residential units and 8 no. detached units.

PA ref 00/1215: Permission refused for the construction of 22 additional houses to an approved scheme at Creggs Road, Glenamaddy. The reason for refusal was as follows:

1. The proposed development would be premature by reference to an existing deficiency in the public sewerage system.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:
 - National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
 - National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.3. National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.2.4. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.2.5. Chapter 6 also provides guidance in terms of Density Standards and in this regard, sections 6.12 and 6.13 of the Guidelines deal with Edge of small town / village and state as follows:

6.12 In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low-density commuter-driven developments around

many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside.

6.13 The quality of new development will also be determined by many other factors additional to the achievement of an appropriate density of development. However, adherence to the guidance outlined above, coupled with effective local planning can offer a positive path forward in managing the process of development of Ireland's distinctive and attractive smaller towns and villages.

5.3. Galway County Development Plan 2015-2021

5.3.1. Section 2.6.1 Settlement Hierarchy

2.6.6 Other Villages (Population <1,500)

The villages in this tier of the hierarchy include Glenamaddy. They have strong settlement structures and have the potential to support additional growth, offering an alternative living option for those people who do not wish to reside in the larger key towns and do not meet the housing need requirements for the rural area.

5.3.2. Section 3.4.3 Infill/Sub-Division of Individual Sites

The existing built fabric of large towns often contain residential areas where additional dwellings can be accommodated without compromising the existing residential amenity or residential character of the area. The provision of additional dwellings within inner suburban areas of towns can be provided either by infill or by sub-division. Infill residential development may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownership. Sub-division of individual sites can be achieved where large houses on relatively extensive sites can accommodate new residential development without a dramatic alteration in the character of the area or a negative impact on existing residential amenities. Subdivision shall be considered subject to

safeguards regarding residential amenity, internal space standards, private and public open space, car parking and maintenance of the public character of the area.

5.3.3. Section 3.4.5 Edge of Centre Sites Within Small Towns/Villages

The emphasis is on achieving successful transition from central areas to areas at the edge of the smaller towns and villages. Development of such sites tends to be predominantly residential in character and given the transitional nature of such sites, the density range will be assessed depending on the characteristics of the small town/village, and the subject site, on a case by case basis. There will also be an encouragement of appropriate housing types with a high standard of design. This form of development needs to ensure the definition of a strong urban edge and design that creates a clear distinction between the urban area and the open countryside while discouraging ribbon development on the approaches to towns and villages.

5.3.4. DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements (Urban and Rural Areas)

- a) Design Quality
- b) Design Guidelines sets out that public open space shall be integrated into the overall development and shall be appropriately located where it can be overlooked and all play areas supervised by surrounding residential developments.

5.3.5. DM Standard 22: Parking Standards

c) Parking in Residential Areas

In general, residential layouts should not be dominated by car parking along access roads. New residential development should take account of the following criteria:

- Car parking for detached and semi-detached housing should be within the curtilage of the individual house site.

5.4. Draft Galway County Development Plan 2021 – 2026

5.4.1. The Board will note that Glenamaddy is identified as a settlement in the draft plan.

5.5. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lough Lurgeen Bog/Glenamaddy Turlough SAC (Site Code: 000301) which is located approximately 190m to the south of the site.

5.6. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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. This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The appeal reflects the concerns raised during the Planning Authority's assessment of the proposed development and the grounds of appeal are summarised as follows:

- The appellant sold the land the subject of the appeal.
- There is a right of way reserved over the property and is coloured yellow on the registry maps.
- The plans submitted did not show the right of way as required.
- The appellant was not advised of the revised layout.

- The original proposed development provided for the construction of houses over part of the right of way, which if constructed would impede the appellants access to the right of way.
- The granting of permission along the lines now proposed will have a material adverse effect on the future development potential of the appellants lands.
- It is clear from a visual comparison of the documents submitted that the location of the right of way deviates from the location as registered on the Land Registry Maps.

There are a number of enclosures with the appeal.

6.2. **First Party Response to Third Party Appeal**

The first party submitted a response to the third-party appeal seeking to address the issues raised. The submission is summarised as follows:

- The original site layout has been superseded by the revised, and permitted layout. These revisions were made to address the third-party concerns and the layout does not infringe on the appellants lands or any right of way.
- The applicant was fully aware of the revisions to the layout in advance of the appeal to the Board.
- The applicant is in no way obliged to submit an application based on the financial enhancement or future development potential of a third-party landowner.
- The appellants reference is taken to a historic site layout which was refused planning permission in 2000. The proposed site layout meets the criteria set out under current planning guidelines and local authority requirements.
- It appears that the appellant is requesting the Board to adjudicate and/or determine whether his interpretation of the covenant contained in the 2000 Deed of Transfer is enforceable. It is submitted that the appellant will have full access to his lands through the proposed roadway.

- It is submitted that the plans submitted identify the road ways etc as they exist on the ground, and have done so for 20 years.
- The Property Registration Authority clearly provide that neither the description of land in the registry or its identification by reference to a registry map is conclusive as to its boundaries or extent (Section 62 of the Registration of Deeds and Titles Act, 2006)

It is requested that the Board assess the application on its own merits and to uphold the decision of the Planning Authority to grant planning permission.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

7.1. Introduction

The Board will note that I have considered AA in Section 8.0 of this report, and not within the planning assessment. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
3. Other Issues

7.2. Principle of the development

- 7.2.1. Having regard to the location of the site within the village of Glenamaddy, together with the potential for the site to access public water and waste water services, I am generally satisfied that the principle of the proposed development is acceptable.

7.3. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.3.1. The subject site lies to the rear of an existing residential estate. The proposed development comprises an extension to this development, which was permitted in 1999. The site lies between the community centre to the west and the GAA pitch to the east. The Health Centre for the village is located to the south, and across the public road from the site. Glenamaddy is a small village which has a wide offer of services including retail, bars and restaurants, a post office and a library.
- 7.3.2. The proposed residential development is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2009 guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. In terms of the recommendations of the Guidelines, I have no objection to the proposed density of same in principle given that it reflects the density of the wider residential area. The proposed development also offers a mix of house types which can accommodate a wide range of people and their needs.
- 7.3.3. The Board will note that the Planning Authority conditioned the removal of two semi-detached units in favour of additional public open space. In terms of the efficient use of serviced lands, together with the proposed development providing 2,220m² of public open space in two sections comprising a large central area and an extension of the existing open space associated with the Lakeview residential development, I do not consider it necessary or appropriate to omit these houses. In this regard, I proposed to consider the proposed development in accordance with the full compliment of 22 units sought.

7.3.4. The development proposes a mix of house types including 4 no. 2 bed single storey detached units, 2 no 2 bed mid terraced units, 4 no 3 bed end of terrace units, 8 no 3 bed semi-detached units and 4 no 4 bed semi-detached units, and the unit types are as follows:

Unit type	Number	%
2 bed	6	27.3%
3 bed	12	54.5%
4 bed	4	18.2%

I am satisfied that the proposed mix of house types is acceptable.

7.3.5. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.2 of this report and in this regard, I consider the following relevant:

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

- The Galway County Development Plan does not dictate minimum private open space requirements but I note that the proposed development provides for appropriate levels of private open space to the rear of each proposed house.
- With regard to public open space, the proposed development, provides for 2 areas of open space to be located throughout the development. The total area of public open space proposed amounts to 2,220m², equating to approximately 22% of the total site area.
- In addition, the Board will note that all bar 2 of the proposed residential units overlook the public open space areas.
- I am satisfied that the proposed development is acceptable in terms of the public and private open space areas proposed.

- b) *Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*
- Having regard to the location and nature of the proposed development, the proposed residential use is considered acceptable at this location.
 - The provision of additional public open space will also improve the existing amenities of the existing Lakeview residents.
 - I am generally satisfied that the development will not have any significant adverse impacts on the amenities of future residents of the development or on adjoining neighbours.
- c) *Good internal space standards of development;*
- I am satisfied that each proposed residential unit provides for good internal spaces.
- d) *Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*
- Given the nature of the proposed development, together with the location of the subject site in the village of Glenamaddy, I am satisfied that the development is considered as being acceptable in principle.
- e) *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;*
- Not relevant in this instance as there is no protected structure or Architectural Conservation Area within the subject site.
- f) *Compliance with plot ratio and site coverage standards adopted in development plans.*
- The Departmental Guidelines state that the residential density of new developments should generally be greater than 35 dwellings per hectare, save in exceptional circumstances.

- The proposed development provides for a density of 22 units per hectare, which is considered low. However, in the context of the village of Glenamaddy, and the surrounding developments, I am satisfied that the proposed development is acceptable in terms of site coverage, plot ratio and density.

7.3.6. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surrounding area and existing residential estates and other land uses. The development proposes 22 residential units on a site covering 1.08ha, which are considered edge of town and in the vicinity of existing residential estates. I consider that the principle of the proposed development is acceptable, and I am satisfied that the density proposed is also acceptable.

7.4. Other Issues

7.4.1. Right of Way

The Board will note that the pertinent issue arising in the third-party appeal relates to a disagreement on the provision of a right of way through the development site. I note that this RoW has been addressed by the applicant, with the amendment of the development in order to ensure the proposed development is not constructed over the area to the northern boundary of the site.

I do note that the 'yellow line' on the land registry maps differs from what is on the ground but would accept that the land registry maps also show the existing estate road, permitted under 99/661. The 'yellow line' indicating the RoW goes through number 1 Lakeview and through the public open space area associated with that estate. I do consider however, that access to the rear lands has not been precluded or interfered with to an extent that would impact on the appellants property rights.

Any alleged interference with property rights in this regard would be a civil matter in my opinion. I am satisfied that the proposed development has had full regard to the

right of way, providing appropriate access to the lands at the rear of the site. In addition, I am satisfied that the applicants have provided evidence to indicate that they have sufficient legal interest to make the application.

However, I would be satisfied that the provision of Section 34(13) of the Planning & Development Act, 2000 as amended, which states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' is sufficient to ensure that the civil issues is rectified prior to the commencement of development on the site.

7.4.1. Roads Issues

The existing Lakeview estate is accessed off the Regional Road, the R362 approximately 300m from the centre of the village of Glenamaddy. The site entrance is located within the 50km/p/h speed limit and adequate sight distances are available in both directions.

I have no objections to the proposed development in terms of roads and access issues.

7.4.2. Water Services

The Board will note that Irish Water have raised no concerns in terms of capacity to accommodate the proposed development in terms of water services.

I have no objections to the proposed development in terms of water service issues.

7.4.3. Part V

I note that the applicant advises in the application form, that the proposed development is subject to requirements of Part V of the Planning and Development Act 2000, as amended. There is no discussion in terms of Part V other than this reference in the application form in the planning documents submitted. No Part V proposal was put forward by the applicant and no proposal regarding compliance appears to have been sought by the Planning Authority.

I would note the Core Strategy included in Variation No. 1 of the Galway County Development Plan 2015-2021, adopted 24th April 2017. The Core Strategy Objectives listed in the CDP includes a clearly identified hierarchical network of settlements while Objective CS 4 deals with development of serviced lands and states:

Galway County Council shall ensure that the zoning of lands for residential use is in accordance with the Core Strategy and Settlement Strategy in order to meet the development needs of the County and ensure that the development of zoned lands is subject to adequate capacity being available in the relevant water and wastewater treatment facilities, prior to or in tandem with the development, in the interest of protecting water resources in the area.

Objective CS 5 – Phasing of Development of Lands states:

The zoning of residential zoned lands within the urban areas shall be based on a phased, sequential approach as set out within the Local Area Plans, with a strong emphasis placed on consolidating existing patterns of development, encouraging infill opportunities and promoting sustainable transport options.

Section 2.6.6 deals with Other Villages and states as follows:

The villages in this tier of the hierarchy include Headford, Mountbellew, Baile Chláir, Ballygar, An Cheathrú Rua, Dunmore, Glenamaddy, Craughwell, Corofin, Moylough, Kinvara, Clarinbridge, An Spidéal, Ardrahan and Kilcolgan. They have strong settlement structures and have the potential to support additional growth, offering an alternative living option for those people who do not wish to reside in the larger key towns and do not meet the housing need requirements for the rural area. The wastewater treatment facilities in some of these towns/villages require investment and therefore it is considered that their inclusion at this level in the hierarchy will provide a plan-led approach to securing this investment in the future.

The Plan does not contain detailed zoning for the settlements, as zoning for the various towns and villages is specifically addressed in the relevant LAPs, as appropriate, which are generally in place for all towns with a population over 1500

persons. The approach assumed is that of phased sequential development and the re-zoning of lands as appropriate to address any over-zoning and environmental constraints. It is submitted that this approach will ensure that the urban settlements are consolidated by keeping them as physically compact as possible, which in turn reduces travel demand, better integrates land use and transportation options, allowing the promotion of more sustainable transport options.

While the proposed development seeks to construct 22 residential units on a site covering 1.08ha in the village of Glenamaddy, and connect to public services, the land is not covered by any zoning. The CDP does not include development boundary around the village either. Therefore, it may be argued that the provisions of Section 96 of the Planning and Development Act 2000, as amended do not apply.

7.4.4. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

8.0 Appropriate Assessment

8.1. Introduction:

- 8.1.1. The site is not located within any designated site. The closest Natura 2000 site is the Lough Lurgeen Bog/Glenamaddy Turlough SAC (Site Code: 000301) which is located approximately 190m to the south of the site.
- 8.1.2. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.3. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly

connected with or necessary to the management of a European site. The Board will note that a Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or possible significant effects, if any, arising from the proposed development on any European site. The NIS was submitted on the basis that there is an indirect pathway between the subject site and the SAC via discharge of wastewater to the new upgraded Glenamaddy WWTP.

8.1.4. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

8.1.5. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

8.2. **Natura Impact Statement**

8.2.1. The application was accompanied by a Natura Impact Statement (NIS, dated 24th March 2020) which scientifically examined the potential impacts of the proposed development on the following European Site:

- Lough Lurgeen Bog/Glenamaddy Turlough SAC (Site Code: 000301)

8.2.2. The NIS identifies the relevant Natura 2000 sites within 15km of the subject site, and those that have the potential to be affected by the proposed development. It presents

a description of the proposed development and sought to identify other projects or plans or activities in the vicinity. The NIS outlines the assessment methodology employed to identify and assess the potential impacts on habitats and species identified as qualifying interests of European Sites and their conservation objectives, including cumulative / in-combination impacts. The NIS sets out mitigation measures and addresses potential residual impacts on the European sites.

8.2.3. Having reviewed the revised NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are summarised in Section 3.6 of the NIS and it is noted that no site specific mitigation measures are required. The measures detailed are best practice construction management principles. The NIS concludes that it is considered that the proposal will not adversely affect the integrity of any of the European Sites considered in the report including:

- Lough Lurgeen Bog/Glenamaddy Turlough SAC (Site Code: 000301)

8.2.4. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

8.3. Consultations and Observations

8.3.1. The NIS lists all data sources and guidance documents used and also notes that consultation occurred with the Planning Department and the Galway County Council Water Services (Capital) Senior Executive Engineer with regard to the capacity of the new WWTP at Glenamaddy.

8.3.2. I also note that no third-party submission was made in terms of appropriate assessment.

8.4. Screening for Appropriate Assessment:

8.4.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

8.4.2. The Screening Report considered Natura 2000 sites within 15km of the site. Table 1 of the NIS identifies 11 sites within this distance as follows:

Site Code	Site Name	Distance in KMs
000218	Coolcam Turlough SAC	9.44
000255	Croaghill Turlough SAC	8.95
000285	Kilsallagh Bog SAC	5.23
000295	Levally Lough SAC	12.85
000296	Lisnageeragh Bog & Ballinastack Turlough SAC	2.16
000297	Lough Corrib SAC	4.29
000301	Lough Lurgeen Bog / Glenamaddy Turlough SAC	0.19
000326	Shankill West Bog SAC	9.07
001242	Carrownagappul Bog SAC	10.91
002110	Corliskea / Trien / Cloonfelliv Bog SAC	11.40
002197	Derrinlough (Cloonkeenleananode) Bog SAC	9.38

8.4.3. The AA Screening noted the proximity of Lough Lurgeen Bog / Glenamaddy Turlough SAC (Site Code 000301). In addition, it noted that the greenfield section of the site drains to the north and to a channel which drains to the west toward a sinkhole adjacent to the main road to the north of Glenamaddy. The NIS notes that this flow is away from the next closest Natura site, Lisnageeragh Bog & Ballinastack Turlough SAC (Site Code 000296), which is located 2.16km to the east.

8.5. Conclusion on Stage 1 Screening:

- 8.5.1. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites, in view of the sites' conservation Objectives and that a Stage 2 Appropriate Assessment is not required in respect of any of the identified sites, other than the Lough Lurgeen Bog / Glenamaddy Turlough SAC (Site Code 000301).
- 8.5.2. The NIS notes that a pre-planning meeting with Galway County Council advised that an NIS would be required as part of the planning application process in terms of the receiving capacity of the Glenamaddy WWTP. In light of this, a stage 2 AA was carried out in relation to Lough Lurgeen Bog / Glenamaddy Turlough SAC (Site Code 000301). The potential impacts (direct / indirect and in-combination effects) of the development on the site are examined in light of the sites' conservation objectives.

8.6. Stage 2 Appropriate Assessment

- 8.6.1. The Qualifying Interests for the relevant European Sites are set out below.

European Site	Qualifying Interests
Lough Lurgeen Bog / Glenamaddy Turlough SAC (Site Code 000301)	Turloughs* [3180] Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidenton</i> p.p. vegetation [3270] Active raised bogs* [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]

- 8.6.2. The Lough Lurgeen Bog/Glenamaddy Turlough site is located approximately 190m to the south of the site and I note that no part of the subject application site lies within the SAC. The NPWS Site Synopsis for the SAC notes that Lough Lurgeen Bog/Glenamaddy Turlough SAC covers almost 1,200 ha and is situated east of the town of Glenamaddy, Co. Galway. It consists of a large turlough, over 170 ha in extent, and an expanse of over 1,000 ha of typical, intact, western raised bog. A small lake occurs on top of the bog. Water from the bog feeds into the lake, which in turn is linked to the turlough, and thus the three habitats are in close association. This leads to quite a unique ecosystem which is of high conservation value. The site is a Special Area of Conservation (SAC) selected for the habitats and/or species listed on Annex I / II of the E.U. Habitats Directive and as identified in the table above.
- 8.6.3. The SAC site includes active raised bog, degraded raised bog and uncut raised bog which includes a large, peat-bottomed, oligotrophic lake in the middle of the bog and this feature is unique in Ireland. Within the wet pool systems which occur throughout the high bog area, Rhynchosporion vegetation is well represented and there are also a number of fairly extensive quaking lawns dominated by White Beak-sedge, some of which are associated with surface drainage features. There is also a small area of alkaline fen at the southern end of the lake – again, a very unusual feature to be present in the centre of a raised bog.
- 8.6.4. In terms of potential impacts, I note that the Glenamaddy Turlough is located closest to the subject site with the highest potential impact arising identified as being due to the discharge of wastewater to the new Glenamaddy WWTP. The Turlough has extensive areas of uniform vegetation, containing large stands of peat grassland, Common Sedge (*Carex nigra*) and Amphibious Bistort (*Polygonum amphibium*). Three rivers flow into the turlough, the largest from Lough Lurgeen bog, and a well-defined swallow hole occurs in the north-west corner. Vegetation ascribable to the E.U. Habitats Directive Annex I type ‘rivers with muddy banks with *Chenopodium rubri* p.p. and *Bidention* p.p. vegetation’ occurs. The rare Fen Violet (*Viola persicifolia*), a protected plant species, has been recorded from the seasonally inundated turlough bed.

- 8.6.5. The lake is a traditional goose site and the turlough is used by Greenland White-fronted Goose (74). Other birds reported for the site during 2 seasons between 1984 and 1987 (three counts were made) are Bewick's Swan 14, Whooper Swan 8, Wigeon 472, Teal 73, Mallard 229, Shoveler 15, Pochard 20, Golden Plover 23, Lapwing 62, Snipe 20, Curlew 39, Redshank 15.
- 8.6.6. Threats to water quality from nutrient enrichment are an issue at the site, along with peat cutting, drainage and burning, all of which would be detrimental to the bog.
- 8.6.7. This is a site of high conservation value due to the presence of a very large turlough in close proximity to an expanse of raised bog. The combination of raised bog, turlough and linking stream is unique in Ireland, and is unlikely to occur anywhere else in the world, and the whole system is therefore of high conservation value.
- 8.6.8. Detailed Conservation Objectives for the Lough Lurgeen Bog / Glenamaddy Turlough SAC (Site Code 000301) are included in the NPWS Conservation Objectives Series for the site, dated April 2016, with the overall objective being 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 designated.
- To restore the favourable conservation condition of Turloughs and Active Raised Bogs in Lough Lurgeen Bog / Glenamaddy Turlough SAC.
 - To maintain the favourable conservation condition of Rivers with muddy banks with *Chenopodium rubri* p.p. and *Bidention* p.p. vegetation.
 - The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Lurgeen Bog / Glenamaddy Turlough SAC.
 - Depressions on peat substrates of the Rhynchosporion: is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Lurgeen Bog / Glenamaddy Turlough SAC.

8.7. Potential Significant Effects

- 8.7.1. Potential impacts of the proposed development on qualifying features are considered in section 3.4 of the NIS. The NIS submits that there would be no direct impact on the Lough Lurgeen Bog / Glenamaddy Turlough SAC and there would be no habitat loss or fragmentation as a result of the proposed development. Impacts may arise either alone or in combination with other projects or plans, as a result of indirect pollution. A significant detrimental change to water quality in the turlough would significantly affect the habitats or food sources for which the SAC is designated.
- 8.7.2. Indirect impacts are considered in terms of source pathway vectors and Section 3.5.2 of the NIS presents a consideration of impacts on surface waters. It is submitted that the likelihood of impacts on hydrologically connected environmental sites is low and will be avoided by the direction of wastewater from the proposed development to the recently expanded Glenamaddy WWTP. The proposed development will connect to the WWTP which has the capacity to assimilate the additional loading from the proposed development.

8.8. Mitigation Measures

No site-specific mitigation measures are proposed or required for the proposed development. Best practice in construction management will be adhered with to prevent the contamination of surface or groundwater.

8.9. In Combination Effects

- 8.9.1. The NIS identifies all planning applications which have been permitted within 1km of the proposed development site since 2016. The most relevant project relates to the permitted upgrade of the Glenamaddy WWTP, into which, the proposed development will connect. An NIS was submitted in support of that application and was examined by an ecologist for Galway County Council. It was determined that the upgrading of the WWTP would not have an adverse impact on the Natura network.

- 8.9.2. It is also noted that Galway County Council has indicated that there is adequate capacity in the upgraded WWTP to accommodate the development proposed. Cumulative impacts from plans and projects in the area which may result in potential in-combination effects are considered in section 3.7 of the NIS.
- 8.9.3. There are no predicted in-combination effects with the identified developments and the NIS concludes that given the inclusion of appropriate waste water treatment, the proposed development will have no predicted impacts on hydrologically linked European Sites.

8.10. **Conclusion**

- 8.10.1. I have read the submitted Natura Impact Statement in its entirety, together with all other reports submitted with the planning application in support of the proposed development, and I am satisfied that it generally assesses the likely significant impacts arising from the proposed development on the integrity of the Lough Lurgen Bog / Glenamaddy Turlough SAC (Site Code 000301).
- 8.10.2. Having regard to the information submitted, the nature of the development proposed, the availability of capacity in the Glenamaddy WWTP to accommodate the residential development, together with the details presented in the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, I consider reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site, the Lough Lurgen Bog / Glenamaddy Turlough SAC (Site Code 000301), or any other European site, in view of the site's Conservation Objectives.

9.0 **Recommendation**

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

10.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Galway County Development Plan 2015, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 29th day of June 2020 and on the 03rd day of September 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. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the 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.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. 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.

6. Public lighting shall be provided in accordance with a scheme, details of which 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 house.

Reason: In the interests of amenity and public safety.

7. Proposals for a development/estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility and the proper planning and sustainable development of the area.

8. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1300 on Saturdays, and not at all on Sundays or 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 the interest of protecting the residential amenities

9. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

10. The areas of open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. All works 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. When the estate is taken in charge, the open spaces and play area shall be vested in the planning authority, at no cost to the authority,

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

11. All trees and hedgerows shown on the submitted plans shall be retained on the site and shall be adequately protected during the period of construction in accordance with BS: 5837. Such measures shall include a protection fence which shall be erected beyond the branch spread, and no construction work or storage shall be carried out within the protective barrier.

Reason: In the interests of visual amenity and of protecting the residential amenities of adjoining properties.

12. 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.

Reason: In the interests of clarity, orderly development and amenity.

13. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

14. 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 until taken in charge, of the development.

15. 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.

A. Considine
Planning Inspector
12th February 2021