



An
Bord
Pleanála

Inspector's Report ABP-308788-20.

Development	Primary Healthcare Centre.
Location	Junction of Main Street & the N67, Oranmore, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/510.
Applicant(s)	Sarsfield S.a.r.l.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Tim O'Connor. Siobhan Boyle.
Observer(s)	Enda Gallagher.
Date of Site Inspection	10/02/2021.
Inspector	A. Considine.

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1.0 Site Location and Description

- 1.1. The appeal site is located in the town of Oranmore, which lies approximately 10km to the east of Galway City centre. The site lies in a prominent location on the approach to the town from the south with the N67 (former N18) comprising the eastern boundary of the site. The site lies to the south of the residential estate of An Clochog and access to the site is via the Clochog estate road. The site lies to the south of Oranmore Town Centre and to the east of the Carraig Lair Shopping Centre which comprises a three-storey building with Lidl as its anchor. The shopping centre includes a large basement car park and includes retail and office space.
- 1.2. The site has a stated area of 1.08 hectares and comprises part of a larger landholding. The site formed part of the original landholding which now comprises the An Clochog estate with two pockets of land, both zoned mixed use / commercial, remaining undeveloped. The site is currently bound by a stone wall to the west and north with palisade fencing in places, and by trees and hedges along the southern and eastern boundary. There is a low roadside traffic barrier adjacent to the public roads to the south and east. The subject site is currently overgrown with evidence of builders rubble present in places.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for the construction of a part 2-storey, part 3-storey, part 4-storey building to accommodate a primary healthcare centre of 5, 109.4 sqm with associated medical consulting & treatment rooms, to include:
 - (1) a GP suite,
 - (2) public pharmacy,
 - (3) public physiotherapy suite,
 - (4) ambulance deployment point,
 - (5) storage,
 - (6) waste disposal area and
 - (7) a foul pump station.

- (8) The works include 116 No. surface car parking spaces, ambulance parking spaces,
- (9) landscaping, boundary treatment, all associated site works to facilitate the development and
- (10) alterations to the Clochóg Road/Main Street junction located on a site of C.1.08 Ha,

all at the junction of Main Street & the N67, Oranmore, Co. Galway.

A Natura Impact Statement (NIS) shall be submitted to the Planning Authority with the application. Gross floor space of proposed works: 5109.4 sqm, all at the junction of Main Street & the N67, Oranmore, Co. Galway.

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Cover letter
- Design Report -

This report is prepared by Meitheal Architects, on behalf of their client. The report considers the site location and context, the planning history and background to the proposed development, setting out the responses to the previous refusal of planning permission for the same development under PA ref 19/1677, in terms of roads and traffic issues as well as deficiencies in the previous Flood Risk Assessment. Section 4 of the Report sets out the design approach to the development and Section 4.3 deals with proposed materials to be used in the external finishes of the development.

- Civil Engineering Report -

This report, prepared by Garland Concepts Realised Consulting Engineers, provides an overview of the design of the civil engineering services for the proposed primary care centre and relates to the following elements:

- Foul drainage
- Mains water supply
- Surface water drainage
- Traffic Assessment

Section 2 of the report sets out the existing services within and in the vicinity of the site, noting that the development will discharge to the existing services and network as follows:

- via a new gravity foul sewer network within the site.
- Surface water will discharge to the private surface water sewer constructed under PA ref. 00/5638 for a residential development, and surface water will attenuate and will discharge via a Class 1 bypass oil/petrol interceptor, prior to discharge to the surface water sewer.
- There is currently no dedicated water supply main to the site and it is proposed to install a 100mm diameter SRD17 HDPE ring main around the proposed building and make a new water supply connection to the existing Irish Water 200mm watermain located on Main Street to the south of the site. The water demand for the development has been calculated at 17,500 total litres per day and IW have confirmed that the connection is feasible and that there is sufficient capacity in the existing watermain.

Section 3 of the report deals with traffic, noting that a Traffic and Transport Assessment was carried out by Traffic Transport and Road Safety Associates Ltd. for the proposed development. The TTA is presented in Appendix E of the Civil Engineering Report and is summarised as follows:

- The operation of the existing Main Street / Clochog Road has been assessed using PICADY modelling software.
- The assessment was carried out for AM and PM peak hour scenarios in the opening and future years. The results show that the proposed development access junction and the existing Main Street / Clochog Road junction will continue to operate well within capacity, with minimal queuing, in all scenarios tested.
- The existing Main Street / N67 junction is increasingly congested in the 2035 PM peak hour both with and without the development but the sensitivity scenario shows that the junction will operate with spare capacity for the foreseeable future.

- Improvements to the existing Clochog Road / Main Street junction are proposed to minimise risk to vulnerable road users in response to the intensification of traffic movements due to the proposed development.

A Road Safety Audit was also undertaken, is included in Appendix F of the Civil Engineering Report and is summarised as follows:

- The RSA made a number of recommendations which have been accepted by the design team. The recommended measures have been incorporated into the road and car park layouts for the proposed development.
- 3 problems were identified outside the planning boundary of the site at the site junction onto the Clochog Road including:
 - The obstruction of visibility splays by proposed vegetation to the south of the site junction;
 - Hazardous alignment of stop control markings at the proposed site access junction; and
 - Hazardous alignment of southern radius of proposed site access junction.

The recommended measures to address these problems are accepted and will be implemented.

The report notes that construction stage traffic will be restricted to avoid the AM and PM peak periods and as the duration of the works is temporary, there will be no significant capacity issues on the surrounding road network. It is concluded that as the Primary Health Care Centre will be run on an appointment-based system, traffic would be spread evenly throughout the duration of the day. As a result, the additional traffic caused by the development will cause minimal disruption to the existing traffic flow. It is concluded that there is sufficient capacity within the existing road network to accommodate the development and that the development will cause relatively low additional traffic to the existing road networks.

- Preliminary Construction & Environmental Management Plan -

This plan was prepared by Garland Concepts Realised Consulting Engineers. The Plan seeks to detail the project specific environmental measures to be put in place and procedures to be followed by the contractor for the scope of construction works, both permanent and temporary for the project. The report sets out the site environmental awareness rules and section 4 of the report sets out that an Environmental management System is to be implemented to promote a responsible and proactive approach to the management of the system in accordance with the CEMP, best practice and environmental policies.

Section 5 deals with waste management and Section 6 sets out the environmental control measures to be implemented. These measures relate to controlling sediment run-off, noise control measures, dust control, odour control, road maintenance, litter, licences & permits, groundwater contamination, drainage and water quality and monitoring. Section 7 sets out the operational control measures and Section 8 details the general site rules to be implemented.

- Mobility Management Plan -

This plan was prepared by Garland Concepts Realised Consulting Engineers and is prepared in the context of Galway City Councils Galway Transport Strategy and Smarter Travel targets for the city and surrounding areas. Other policy documents consulted include the National Cycling Policy Framework 2010 target which provides that 10% of all trips will be by bike by 2020.

The plan considers the accessibility of the site, to establish how accessible the site is using sustainable modes of transport. Section 3 of the Plan sets out the travel objectives and targets and given the nature of the development, it is noted that the mobility and health of people attending the facility will play a large factor in how they travel to the facility.

Section 4 of the Plan details the findings of the site audit while Section 5 outlines the measures that will be put in place over the lifetime of the MMP to achieve the overall objectives of modal change.

The MMP concludes that the MMP will be reviewed on confirmation of the end user in accordance with industry accepted best practice.

- Flood Risk Assessment -

This Report was prepared by Garland Concepts Realised Consulting Engineers. The report notes that the site is located to the east of Oranmore town centre and on lands where the levels vary from 4.5m to 7.1m OD. The finished floor level of the Primary Care Centre is proposed at 6.5mOD. There are no watercourses on the site and are existing roadside drains to the south east which surface water from Main Street discharges to.

Section 3 of the FRA deals with hydrology, while section 4 presents a review of potential flooding sources. The report includes a review of all available information including mapping information and planning approvals in the area. In terms of FRA, section 6 of the report notes that the site falls within Flood Zone C and that there is no evidence to indicate that the proposed site falls within either Flood Zone A or B. The site is therefore not subject to the justification test. Overall, the FRA concludes that the flood risk to the proposed development is low.

- Appropriate Assessment Screening Report -

The AA Screening report, together with the Natura Impact Statement submitted in support of the proposed development, was prepared by James O'Donnell, Planning Consultancy Services. It is noted that the site lies approximately 0.02km from the Galway Bay Complex SAC (Site Code 000268) and 0.86km from the Inner Galway Bay SPA (Site Code 004031) and due to the proximity of the sites, as well as being located within the same groundwater body, the Screening Report conclude that these two European Sites cannot be screened out for the purposes of AA on the basis of potential indirect impacts.

- Natura Impact Statement -

The Natura Impact Statement submitted in support of the proposed development, was prepared by James O'Donnell, Planning Consultancy Services. I refer the Board to Section 8 of this Inspectors report for full details of Appropriate Assessment.

- Landscape Management Plan -

The report, prepared by LK Designspace, outlines the strategy and approach for the future long-term management and maintenance of the external public

spaces of the proposed development. The aim of the Landscape Proposal is to create an attractive, high quality landscape setting for the development with extra heavy standard trees proposed along the key areas. Smaller ornamental tree species and a palette of shrub and hedge planting is also proposed to provide for year-round interest. It is proposed that planting will be implemented in the first available planting season after finished ground levels have been established. Maintenance and management proposals are set out in the document, including the long-term management of hard works.

- Letter from HSE Estates West advising that a letter of Intent has issued to Zest Healthcare to develop a Primary Care Centre as part of the HSE Primary Care Infrastructure strategy.

The letter advises that the Primary Care centre operate mainly 9-5pm Monday to Friday and will offer the following services:

- Public Health Nursing
- Schools Nursing
- Community Medicine
- Physiotherapy (adult and paediatric)
- Occupational Therapy (adult and paediatric)
- Speech and Language Therapy (adult and paediatric)
- Dietetics (adult and paediatric)
- Podiatry
- Ophthalmology
- Dental services
- X Ray and Ultrasound services
- Schools Public Health Nursing
- Psychology
- Counselling
- Child and Adolescent Mental Health Team
- Community Mental Health Team
- TUSLA service

The HSE letter also notes that the centre will have an ambulance deployment point on the site which will be accessible to the ambulance services 24 hours per day. It is also noted that there is currently no facility available to the Oranmore Primary Care Team which serves a population of 14,282 people

within the catchment. It is also noted that the facility will not be used for out of hours or overnight services.

Letter of consent from landowner

- Letter of consent from owners of Clochog Road for use as access, connection to services and alterations to the junction at Main Street and Clochog Road to provide improved pedestrian safety and sightlines.

2.3. Following a request for further information, the applicant submitted additional information with regards to car parking, bicycle parking, elevational amendments and boundary treatment. In addition, the response seeks to further address the issue of ownership of the road and clarifies that while the documentation submitted refers to the previous applicant for the development on the site, Zest is a subsidiary of Sarlsfield Sarl and are therefore, one and the same. The reports submitted relate to the current planning proposal and have been updated accordingly. An updated NIS and AA screening report is also included.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 24 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions and the County Development Plan policies and objectives. The report also includes a Flood Risk Assessment and an Appropriate Assessment Screening Report, noting the submission of the NIS.

In particular, the planning report considers the proposed development in terms of the planning history of the site and the previously refused development, PA ref. 19/1677 refers, in terms of traffic safety, design and visual impact. The report also raises

concerns in terms of the ownership of the private road proposed to be used to access the site and notes that a number of documents submitted relate to the previous applicant, Zest, rather than the current applicant. Further information was requested.

Following the submission of the response to the FI request, the final planning report considered that the issue of parking, including excessive car parking and inadequate bicycle parking, had been addressed, with the detail of bicycle parking infrastructure to be dealt with by way of condition of permission. In addition, the report noted the submission of a Mobility Management Plan and amendments to the design where were also considered acceptable. the issue of ownership and consent and clarification on the applicant and previous applicant is also addressed in the response to the further information request.

The Planning Report concludes that proposed development is acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to compliance with 24 recommended conditions.

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

3.2.2. Other Technical Reports

Roads & Transportation Section: The report notes that the roads network surrounding the location of the proposed development is in private ownership. The public road edge to the west of the estate road junction with Main Street is used as a parking area by heavy goods vehicles and larger vehicles as well as being used by traffic to park while using the adjacent retail / shopping centre.

The proposed works to the entrance junction to Clochog Estate will decrease the available space at the junction and the drawings show the site boundary to include areas of the estate road entrance but not the estate road. Concern is raised that the applicant has not demonstrated sufficiently that permission to carry out the alteration works at the entrance is available to them.

Further information is required in this regard. In addition, a Mobility Management Plan is required to be submitted.

Following the submission of the response to the further information request, the Roads and Transportation Section of Galway City Council submitted a further report. This report recommends that a number of conditions be included should permission for the development be granted.

3.2.3. Prescribed Bodies

TII: The TII submission considers that the proposed development is at variance with official policy in relation to control of development on / affecting national roads, as outlined on the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities. It is recommended that a TTA and RSA are carried out for the proposed development.

3.2.4. Third Party Submissions

There are 5 third party submissions noted on the PAs file in relation to the proposed development from the following:

- S. Boyle
- G. Boyle
- Enda Gallagher & Teresa O'Donnell
- Tim O'Connor on behalf of Clochog Management Co.
- Neil O'Leary on behalf of Galway Cycling Campaign

The issues raised are summarised as follows:

- The proposal is contrary to Oranmore Local Area Plan 2012-2022 – Section 3.1.2 Land Use Zoning Objective given the scale and single-use nature of the development and there is no development need for the proposed development at the out-of-town centre / peripheral location.
- There are multiple larger under-occupied, unfinished or boarded up commercial developments in the village of Oranmore more suitable.
- Access to the proposed development site is only by a residential estate.
- There is a lack of building need for the development of the proposed scale and nature and the location is too distant from all the town transport hubs.

- The proposed development will render the site unavailable to meet local need for residential housing.
- The scale of the development is unsuitable for the residential location in terms of traffic and additional car journeys – estimated to be +10,000 additional journeys per week impacting the private road and the residential amenity of the area.
- There is a second entrance to the estate from Bog Road to the north. The private road will become a rat-run.
- The description of the development location is misleading and would provide a safety hazard to the residents and patients alike.
- Issues raised with the proximity of the frequently congested N67.
- Ownership of the road and consent letters are not clear. The estate road remains in private ownership and has not been taken in charge by the Council.
- Oldbridge, while the registered owners of the road, are not the beneficial owners as they are under an obligation to transfer same to Clochog Management Company, which is the beneficial owner of the Common Areas of the development. The Management Co. have had no correspondence of any kind in relation to the use of the infrastructure for the benefit of the proposed development.
- A bus stop would be welcomed to serve this area of Oranmore.
- Insufficient consideration has been given to the impact of the proposed development on people cycling and walking using Main Street and nearby junctions, either in the TTA or the RSA.
- Issues raised regarding the attractiveness, security and inclusiveness of the proposed cycle parking provision.
- The layout does not facilitate cycling or walking links with neighbouring developments and would not enable future links in the neighbouring mixed development zoned land to the north.

The submissions include enclosures, photographs and a number of recommendations for the development.

3.2.5. Other Submissions

The first-party submitted unsolicited information in relation to the written consent received from the owners of the estate road and in the context of the third party submissions. It is submitted that adequate evidence has been presented that Oldbridge Plant Ltd has the authority to grant permission for the amendment and use of the estate road as part of the proposed development.

4.0 Planning History

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

PA ref: 19/1677: Permission was refused for a primary healthcare centre on the site for the following 2 reasons:

1. Having regard to the following:
 - The junction from Main Street (Public Road) to the Clochog Road (Private Road) not being in accordance with DMURs standards, which creates a hazard to both vulnerable road users and vehicles accessing the proposed development;
 - The intensification of the traffic movements and vulnerable road users associated with this development;
 - The identification of works in the RSA Audit to the Clochog Road located outside of the planning boundary and within third party ownership;
 - The absence of demonstrating compliance with DM Standard 20 of the Galway County Development Plan 2015-2021, with respect to the satisfactory provisions of sightlines;

The planning authority consider that if permitted as proposed, the development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and therefore would be

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

2. Having regard to the following:
 - (i) the deficiencies in the flood risk assessment submitted;
 - (ii) the disposal of surface water disposal to third party lands not within the control of the applicant;
 - (iii) the absence of satisfactory consideration of wastewater and surface water collection infrastructure during flood events;
 - (iv) the absence of consideration of climate change

The planning authority is not satisfied that the subject site is not at risk of flooding in the future. Therefore if permitted as proposed, the development would materially contravene Objectives FL1, FL2, FL3, FL4, FL5 and Objective DS6 of the Galway County Development Plan 2015-2021 in relation to flood risk and protection of European Sites, 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 contrary to the proper planning and sustainable development of the area.

In addition to the above two reasons for refusal, the PA also noted, by way of an Advice Note, a number of concerns in relation to the visual impact of the proposed development at this prominent location and the satisfactory compliance with the objectives set out in Section 3.5.2 of the Oranmore Local Area Plan 2012-2022 in terms of provision of car parking, bicycle parking, mobility management plans and facilitation of QBC as set out in this planning assessment which were not included as substantive reasons for refusal, but remain a concern.

PA ref: 13/105: Retention permission was refused for the existing double sided billboard sign located adjacent to the N18 Limerick Road at Oranmore.

The reason for refusal related to the location of the sign being unacceptable as it would create an adverse impact on the national road, where the maximum speed limit applies. The development would be at variance with national policy, would constitute a traffic hazard and would set an undesirable precedent.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Galway County Development Plan 2015-2021 is the relevant policy document relating to the subject site. Chapter 10 of the CDP deals with Cultural, Social and Community Development and includes the following health service objective:

Objective CF 8 – Health Services

Promote the continued improvement and expansion of health and medical care facilities within the County in a planned and co-ordinated way, by accommodating projects that assist in providing such medical care facilities, including mental health services together with their necessary support services and developments, as well as their infrastructural requirements.

- 5.1.2. The site is located within the development boundary for the village of Oranmore and as such, the Oranmore Local Area Plan 2012-2022 is relevant. The site is located on lands which are zoned C2 Commercial / Mixed Use, which, along with the C1 Town Centre / Commercial zoned lands are described in the LAP as providing ‘for a range of suitable retail and service facilities throughout the town, which protect the vitality and viability of the town centre, while providing a strong base for employment opportunities.’
- 5.1.3. Land Use Zoning Objective LU 2 – Commercial / Mixed Use (C2) seeks to ‘Promote the development of commercial and complementary mixed uses, on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods/areas and opportunities for commercial enterprises, retail developments and employment creation and which do not undermine the vitality and viability of the town centre.
- 5.1.4. In terms of the Land Use Zoning Matrix, the Board will note that health care facilities are not specifically mentioned but that GP & Medical Related Services are open for consideration on C2 zoned lands. In addition, I note that professional and other services are also permitted in principle on C2 zoned lands.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) which lies across the N67 road to the east of the site approximately 20m from the site and the Inner Galway Bay SPA (Site Code: 004031) which is located approximately 0.8km to the west of the site.
- 5.2.2. The Board will note that the applicant submitted a Natura Impact Statement in support of the proposed development. I will address all matters of AA in Section 8.0 of this report.

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development, together with the location 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 multiple third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised are summarised as follows:

Tim O'Connor on behalf of the Clochog Management Company:

- Roads and traffic issues relating to the increase in car journeys through and into Clochog Estate.
- The road is a private road, provided entirely for access to the residential development and not for any through traffic, which has been an issue over the years.
- Clochog Management Company have maintained Clochog Estate for 15 years and there has been no consultation from the applicant with regard to the proposed development and the detrimental impact the traffic will have on residents.
- Issues raised with regard to the car parking, access to the site from the north, the junction layout which has limited visibility and parking of HGVs at the entrance which further compromises sightlines to the west.
- The Management Company would welcome a bus stop and it is noted that there is nothing in the Mobility Management Plan that indicates how the use of the public transport will be encouraged for users of the facility.
- Wishes to encourage walking / cycling and notes that there is a large mainly unused underground car park at the Carraig Lair Centre.
- The use of the roads and surface water pipelines in Clochog Estate is raised as a concern and the Management Co. have been actively attempting to ensure Oldbridge and their previous incarnations comply with their statutory obligation under the MUD Act 2011 to transfer the common areas to the management company.

- While currently the registered owners of the road, they are not the beneficial owners.

The appeal includes a number of enclosures.

S. Boyle:

- The development is contrary to the Oranmore LAP Section 3.1.2 Land Use Zoning Objective and undermines the viability of the town centre.
- There are multiple boarded up properties in the centre of town which would be suitable for the development.
- The development is ecologically unsustainable.
- The scale and capacity of the development is unsuitable to be located within the grounds of a residential estate.
- The vehicular entrance would provide a safety hazard to the residents and patients alike.
- The site location is unsuitable due to its proximity to the congested N67 and away from the village public transport amenities.
- The development will make the estate of Clochog a rat-run for traffic.
- The application relies on the consent of the purported owner of the estate road. The ownership is disputed.

The appeal includes a number of enclosures.

6.2. First Party Response to Third Party Appeals

The first party has submitted a response to the third-party appeals. The response is summarised as follows:

- Roads & Traffic:
 - A Mobility Management Plan was submitted as part of the response to the request for FI. It is reasonable to state that there will be an increase in traffic.
 - Given the location of the site however, together with extensive bicycle parking proposed, it will encourage walking and cycling.

- The use of the building will be by appointment which will be spread across the day, minimising the impact of traffic.
 - The visibility splay is shown on plans, allowing for a safe access to and egress from the site.
 - The plans propose amendments to the road layout to improve sightlines and prevent HGV parking.
 - A public bus stop would be outside the development boundary and provided by GCC. The applicant would be happy to facilitate its development.
 - With regard to ownership of the road, the legitimacy of the ownership and consent to access the site is asserted. The matter is a civil matter.
 - Ample parking is proposed on site which should reduce the need for anyone to use the Clochog Estate road for parking. Double yellow lines could be introduced.
- It is submitted that great care has been taken in the design of the proposal to ensure road safety, to address current junction issues and to design a building that provides a crucial service.
 - The proposed development is supported by planning policy, enjoys HSE support and is necessary.
 - The site is also a de facto brownfield site.

6.3. Planning Authority Response

None.

6.4. Observations

There is one observation noted on the appeal file from Enda Gallagher. The observation states that it does not appear that the issues raised with regard to roads and traffic, including access and junction layout and increased traffic through the estate have been addressed. It is submitted that the use of a residential road for the proposed facility is inappropriate.

7.0 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. Roads & Traffic
3. Visual Impacts
4. Other Issues

The Board will note that Appropriate Assessment will be dealt with separately under section 8.0 of this report.

7.1. Principle of the development:

- 7.1.1. The proposed development seeks the construction of a Primary Healthcare Centre which is indicated will serve the town of Oranmore and surrounding areas. Chapter 10 of the Galway County Development Plan 2015-2021, deals with Cultural, Social and Community Development and includes the following health service objective:

Objective CF 8 – Health Services

Promote the continued improvement and expansion of health and medical care facilities within the County in a planned and co-ordinated way, by accommodating projects that assist in providing such medical care facilities, including mental health services together with their necessary support services and developments, as well as their infrastructural requirements.

- 7.1.2. The subject site lies on the outskirts of the town of Oranmore and is zoned C2 Commercial/Mixed Use in the Oranmore Local Area Plan 2012-2022 which, along with the C1 Town Centre / Commercial zoned lands are described in the LAP as providing 'for a range of suitable retail and service facilities throughout the town,

which protect the vitality and viability of the town centre, while providing a strong base for employment opportunities.’

- 7.1.3. Land Use Zoning Objective LU 2 – Commercial / Mixed Use (C2) seeks to ‘Promote the development of commercial and complementary mixed uses, on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods/areas and opportunities for commercial enterprises, retail developments and employment creation and which do not undermine the vitality and viability of the town centre’. In terms of the Land Use Zoning Matrix, the Board will note that health care facilities are not specifically mentioned but that GP & Medical Related Services are open for consideration on C2 zoned lands. In addition, I note that professional and other services are also permitted in principle on C2 zoned lands. As such, the principle of the proposed development can be considered acceptable, subject to other planning considerations which I will consider further below.
- 7.1.4. The Board will note that a number of third parties have raised concerns in terms of the impact of the development on the vitality of the town centre, submitting that there are a number of disused buildings in the town which could be used for the purposes proposed. The applicant submits that the site is not a greenfield site, rather it is a brownfield site comprising lands which form part of the unfinished planned overall neighbourhood which includes the ‘An Clochog’ estate.
- 7.1.5. In considering this issue, I noted on my site inspection, that there are approximately 4 other pharmacies, including 3 pharmacies within the town centre area and an additional one at the Arlington House Medical Centre to the north east of the town, adjacent to the Dublin Road roundabout. In addition, Oranmore is served by a number of physiotherapy practices, 3 dentists and at least 2 other medical centres. I note that the proposed development is to be operated by the HSE as a Primary Care Centre.
- 7.1.6. In terms of the vitality of the town centre, I note that the Retail Planning Guidelines for Planning Authorities require the promotion of the town centre through a sequential approach to development where there is a presumption for large out-of-town shopping centres. In the context of the proposed development, the Board will note the scale of the proposed development and while I acknowledge the submission

of the third parties, no details of the availability of lands within the existing town centre to accommodate a similar development have been provided. On the date of my site inspection, I did not identify a space which might reasonably be able to accommodate the proposed development and would also note that my inspection took place under Level 5 lockdown, where most premises are closed.

- 7.1.7. The proposed pharmacy as part of the development will have a stated floor area of 145m², which I do not consider to be excessive. I also note the location of the other pharmacies in the town and consider that the development in this regard, would not be detrimental to the vitality and viability of the town centre. I consider it appropriate, in the event of a grant of planning permission, that a condition should be included to limit the use of the proposed development, including the pharmacy space identified on the plans, to medical and related services in the context of the exempted development provisions of the Planning and Development Regulations 2001 as amended.

7.2. Roads & Traffic

- 7.2.1. The development proposes to use the private road constructed as part of the wider An Clochog residential estate which lies to the north of the subject proposed site. It is noted that the applicant considers that the subject site comprises part of the wider estate lands which were included in historic plans for the overall neighbourhood in the context of An Clochog. On the date of my inspection, I noted that in the development of the wider residential estate, provision has been made for access to the site to the north of the current site, with the inclusion of gates and entrance road already constructed. In addition, a break in the boundary wall was provided in order to provide access to the southern area of the remaining lands, comprising the subject site.
- 7.2.2. The Board will note that an issue has been raised as to the ownership of the estate road, and in turn, the third-party appellants submit that the applicant does not have permission from the beneficial owners of the road to use same to access the site. The Clochog estate road is legally in the ownership of Oldridge Plant Ltd, formerly Coffey Construction the original developers of the estate. It has not yet been transferred to the Clochog Management Company, who consider themselves the beneficial owners. The applicant has submitted a letter of consent from the legal

owner of the road and the issues raised in the third-party appeal is a civil matter. 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.

7.2.3. In support of the proposed development, the applicant has submitted plans to alter the existing road layout at the entrance to the Clochog Estate road from Main Street in order to decrease the space available for HGV parking adjacent to the shopping centre, by installing kerbs and provide a footpath on both sides of the entrance. Permission for these works has been provided and I note no objections from the Roads & Transportation Department of Galway County Council in this regard. I am satisfied that the proposed development can be accommodated on the site without undue impacts on the local road network arising.

7.2.4. Third parties have raised concerns in terms of the impact of the development on the private estate road and the potential for it to become a rat-run between Main Street to the south and Bog Road to the north. In addition, concerns are raised with regard to the potential for illegal parking on the estate road.

7.2.5. The applicant submitted a Mobility Management Plan in support of the proposed development which had regard to a number of transport strategies and national policies. The plan considered the accessibility of the site in terms of sustainable transport and Section 3 of the MMP sets out the travel objectives and targets for the development. The plan acknowledges the nature of the proposed development and notes that the mobility and health of people attending the facility will have a large impact on how they travel to the PCC. Section 5 of the MMP sets out the measures to be put in place over the lifetime of the plan to achieve the overall objectives of modal change and concludes that a review will take place on confirmation of the end user. I am satisfied that this is acceptable.

7.2.6. In terms of the parking proposed, I note that the amended proposals will provide for 105 car parking spaces and 103 cycle parking spaces to serve the development. Given the location of the site at the southern end of the estate road, together with the wider road network in the vicinity, including the N67 to the east, and the indication

that the PCC will operate on an appointment basis only, I consider that the development is acceptable with regard to roads and traffic. I do not consider that the development to give rise to a significant traffic hazard or obstruction of road users.

7.2.7. Adequate car parking is provided for within the scheme and I note that additional car parking is available at the Carraig Lair Shopping Centre immediately across the road from the subject site. I am further satisfied that ample provision for alternative transport modes has been provided for in the provision of bicycle parking spaces and the extension of the footpath to the existing pedestrian access to the An Clochog estate road.

7.2.8. I note the third-party submission in relation to the provision of a bus stop in the vicinity of the site. This matter is considered to be outside the gift of the applicant and the scope of the proposed development. However, the Board will note that the site is located adjacent to an area identified as Objective TI 15 which relates to a Quality Bus Corridor. It is the stated objective of the County Council to:

Co-operate with Galway City Council in facilitating the development of adequate public transport services between Oranmore and Galway City, particularly in relation to Quality Bus Corridor provision, and co-operate with transport providers and community groups in facilitating the improvement of the public transport system and the creation of a public transport network.

- Consideration shall be given, where appropriate, to the creation of additional lanes or alterations to existing lanes for Quality Bus Corridors on the R446, R338 (the Coast Road) and the N18.

The proposed development, if permitted will not inhibit the realisation of this objective.

7.3. Visual Impacts

7.3.1. The subject site sits in a prominent location on the approach to the town of Oranmore from the south. The proposed development seeks the construction of a flat roofed part 2, 3 and 4-storey building which will accommodate the proposed Primary Care Centre and will rise to a maximum of approximately 13m in height. The building will be finished using a variety of materials including sand/grey brick work, limestone and painted sand cement render. Windows and doors will be

aluminium/uPVC double glazed with PPC cills, aluminium curtain walling / fixed window system. The stated floor area of the proposed PCC is indicated at 5,109.4m² and associated parking and landscaping is also provided. The building will sit to the south of the subject site with the car parking proposed between the building and the adjacent residential development to the north. The N67 comprises the eastern boundary and this area of the site is to be landscaped.

- 7.3.2. With regard to the siting of the building on the site, DM Standard 6 of the County Development Plan requires all permissible buildings to avoid locally obtrusive elevated locations and that they should be located on mid slopes or lower slopes of rising ground where possible. The site is located within a Class 3 Landscape, LCA 13 – East Galway Bay (Oranmore to Kinvarra Bay and inland to N18/N67 road) which has a medium sensitivity rating a landscape value rating of High.
- 7.3.3. In terms of the proposed design, I have no objections. I consider that the design has had due regard to the sensitivity of the landscape in which it is proposed to be located and consider that the scale and proposed materials are acceptable at this prominent location at the entrance to Oranmore from the southern approach.

7.4. Other Issues

7.4.1. Flood Risk Assessment

The Board will note that the applicant submitted a site-specific FRA with the planning application. While the site is located within an area where coastal and fluvial flood risk areas are identified, the subject site is identified as being located within a Flood Zone C. The CFRAM maps also identify that the subject site is not located in an area at risk of flooding. The FRA notes the location of the site to the east of the Oranmore Town Centre and on lands where the levels range from +4.5m to 7.1mOD. There is no evidence that the site has, or is at risk of flooding and therefore, the flood risk is considered low.

I note that the proposed finished floor level of the development is proposed at 6.5mOD and given that the site is located within Flood Zone C, no justification test is required in accordance with the 2009 Planning System and Flood Risk Management Guidelines. I am satisfied that the development, if permitted, will not exacerbate or add to a flooding risk in the area.

7.4.2. **Water Services**

The proposed development will connect to existing services in the vicinity of the site.

The proposed connection to the foul sewer will occur within the site and to the existing manhole and sewer located to the south west of the site on Main Street.

It is proposed to install a 100mm diameter SRD17 HDPE ring main around the proposed building and make a new water supply connection to the existing Irish Water 200mm watermain located on Main Street to the south of the site. The water demand for the development has been calculated at 17,500 total litres per day and Irish Water have confirmed that the connection is feasible and that there is sufficient capacity in the existing watermain.

Surface water will discharge to the private surface water sewer constructed under PA ref. 00/5638 for the residential development. Surface water will attenuate and will discharge via a Class 1 bypass oil/petrol interceptor, prior to discharge to the surface water sewer. A letter of consent to connect to the private surface water sewer has been submitted.

There is no objection to the servicing of the site as proposed.

7.4.3. **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 Galway Bay Complex SAC (& pNHA) (Site Code: 000268) which lies across the N67 road to the east of the site approximately 22m from the site and the Inner Galway Bay SPA (Site Code: 004031) which is located approximately 0.8km to the west of the site. 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.

- 8.1.2. 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.
- 8.1.3. 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.
- 8.1.4. 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 August 2020) which scientifically examined the potential impacts of the proposed development on the following European Sites:
- Galway Bay Complex SAC (Site Code: 000268)

- Inner Galway Bay SPA (Site Code: 004031)

8.2.2. The NIS is presented in two parts with an Appropriate Assessment Screening Report presented in a separate document to the NIS. The document identifies the relevant Natura 2000 sites that have the potential to be affected by the proposed development, presents a description of the proposed development and sought to identify other projects or plans or activities in the vicinity. Section 2.3 of the NIS sets out best practice and mitigation measures which will be adhered to throughout the construction phase of the development. The NIS, at Section 3, sets out the assessment of likely effects on the European Sites within the likely zone of impact of the development and their conservation objectives, including cumulative / in-combination impacts.

8.2.3. Having reviewed the revised NIS and the supporting documentation including the submission in response to the further information request issued by Galway County Council, 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 2.3 of the NIS. 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:

- Galway Bay Complex SAC (Site Code: 000268)
- Inner Galway Bay SPA (Site Code: 004031)

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 in the preparation of the report. 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.

The Screening Report considered Natura 2000 sites within 15km of the site. Table 2.1 of the report identifies 11 sites within this distance as follows:

Site Code	Site Name	Distance in KMs	Screening Status
000268	Galway Bay Complex SAC	0.02	In
004031	Inner Galway Bay SPA	0.86	In
004142	Cregganna Marsh SPA	0.95	Out
000606	Lough Fingall Complex SAC	7.96	Out
000297	Lough Corrib SAC	8.14	Out
004089	Rahasane Turlough SPA	9.19	Out
000322	Rahasane Turlough SAC	9.26	Out
000242	Castletaylor Complex SAC	10.17	Out
001285	Kiltiernan Turlough SAC	10.44	Out
004042	Lough Corrib SPA	10.78	Out
002244	Ardrahan Grassland SAC	11.48	Out

8.4.2. All but two Natura sites were screened out due to lack of relevant pathways between the site and the Natura site and distance to the sites. I would concur with this determination in relation to the above site and consider that the following Natura 2000 sites only, require to be screened in for the purposes of Stage 2 Appropriate Assessment:

Site Name	Site Code	Distance to Site	Assessment
Special Areas of Conservation (SAC)			
Galway Bay Complex SAC	000268	0.02km to east of proposed site	Proximity. Located within the same groundwater body as the subject site. A drain located 60m to the north of the subject site could provide connectivity to the Natura Site. Screened In
Special Protection Areas (SPA)			
Inner Galway Bay SPA	004031	0.86km to west of proposed site	Proximity. Located within the same groundwater body as the subject site. A drain located 60m to the north of the subject site could provide connectivity to the Natura Site. Screened In

8.4.3. The Screening Report also includes a description of the proposed development details of the onsite habitats present. Section 2.3 of the AA Screening Report considers the soils, geology and hydrogeology of the site including flood risk.

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 direct effect on the 9 European sites identified above in Section 8.4.1 of this report, in view of the sites' conservation Objectives and that a Stage 2 Appropriate Assessment is not required in respect of these 9 identified sites. However, direct or indirect impacts cannot be ruled out for the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) and therefore, a Stage 2 Appropriate Assessment is required for these two Natura sites.

8.5.2. The AA Screening Report concludes that in the absence of mitigation, significant impacts cannot be ruled out on the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) during the construction and operation of the proposed development. In light of this, a stage 2 AA was carried out in relation to these sites. 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

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

European Site	Qualifying Interests
Galway Bay Complex SAC (Site Code: 000268)	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Turloughs [3180] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]

	<p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>
<p>Inner Galway Bay SPA (Site Code: 004031)</p>	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>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>

Galway Bay Complex Special Area of Conservation (Site Code: 000268)

8.6.1. The Galway Bay Complex SAC comprises the inner, shallow part of a large bay which is partially sheltered by the Aran Islands. A diverse range of marine, coastal

and terrestrial habitats, including several listed in Annex I of the E.U. Habitats Directive, occur within the site, making the area of high scientific importance.

8.6.2. Galway Bay South holds a very high number of littoral communities (12). They range from rocky terraces, to sandy beaches with rock or sand dunes behind. Saltmarshes are frequent within this extensive coastal site, with both E.U. Habitats Directive types, 'Atlantic Salt Meadow' and 'Mediterranean Salt Meadow' well represented. The best examples of saltmarsh are located in inner Galway bay, east of a line running between Galway city and Kinvarra. In this area the coastline is highly indented, thus providing the sheltered conditions necessary for extensive saltmarsh development.

8.6.3. This large coastal site is of immense conservation importance, with many habitats listed on Annex I of the E.U. Habitats Directive, four of which have priority status (lagoon, *Cladium* fen, turlough and orchid-rich calcareous grassland). The examples of shallow bays, reefs, lagoons and saltmarshes found within this site are amongst the best in the country. The site supports an important Common Seal colony and a breeding Otter population (Annex II species). Galway Bay is a very important ornithological site. The shallow waters provide excellent habitat for six regular Annex I E.U. Birds Directive species. The intertidal areas and shoreline provide feeding and roosting habitat for wintering waterfowl, with Brent Goose (517) having a population of international importance and a further 11 species having populations of national importance. The site also has four Red Data Book plant species, plus a host of rare or scarce marine and lagoonal animal and plant species.

8.6.4. Detailed Conservation Objectives for the Galway Bay Complex SAC (Site Code 000268) are included in the NPWS Conservation Objectives Series for the site, dated April 2013, 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 maintain the favourable conservation condition of habitats in the SAC which is defined by lists of attributes and targets including habitat area and distribution, community distribution, appropriate hydrological connections, water quality, plant and animal species, physical structures and vegetation structures.

- To restore the favourable conservation condition of Otters in the Galway Bay Complex SAC which is defined by lists of attributes and targets including distribution of species, no significant decline in populations, no significant increase in barriers to connectivity. The subject site lies within the commuting buffer for otters.
- To maintain the favourable conditions of Harbour Seal in the Galway Bay Complex SAC and in particular in terms of disturbance approximate to the site. human activities should occur at levels that do not adversely affect the harbour seal population.

Inner Galway Bay Complex Special Protection Area (Site Code 004031)

- 8.6.5. The Inner Galway Bay SPA is a very large, marine-dominated site situated on the west coast of Ireland. The inner bay is protected from exposure to Atlantic swells by the Aran Islands and Black Head. The long shoreline is noted for its diversity, and comprises complex mixtures of bedrock shore, shingle beach, sandy beach and fringing salt marshes. Intertidal sand and mud flats occur around much of the shoreline, with the largest areas being found on the sheltered eastern coast between Oranmore Bay and Kinvarra Bay.
- 8.6.6. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for a number of species, and the E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. There are internationally important wintering populations of Great Northern Diver and Light-Bellied Brent Goose and nationally important wintering populations of an additional sixteen species. The site provides both feeding and roost sites for most of the species.
- 8.6.7. Inner Galway Bay SPA is of high ornithological importance with two wintering species having populations of international importance and a further sixteen wintering species having populations of national importance. The breeding colonies of Sandwich Tern, Common Tern and Cormorant are also of national importance. Also, of note is that six of the regularly occurring species are listed on Annex I of the E.U. Birds Directive, Inner Galway Bay is a Ramsar Convention site and part of the Inner Galway Bay SPA is a Wildfowl Sanctuary.

8.6.8. Detailed Conservation Objectives for the Inner Galway Bay SPA (Site Code 004031) are included in the NPWS Conservation Objectives Series for the site, dated May 2013, 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 SPA has been designated.

- To maintain the favourable conservation condition of species in the Inner Galway Bay SPA which is defined by lists of attributes and targets including long term population trend stable or increasing, no significant decline in populations, no significant decrease in the range, timing and intensity of use of areas used by a number species, other than that occurring from natural patterns of variation and human activities should occur at levels that do not adversely affect breeding population of species.
- To maintain the favourable conservation condition of wetland habitat in the SPA as a resource for the regularly occurring migratory waterbirds that utilise it. The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 13,267ha, other than that occurring from natural patterns of variation.

8.7. Potential Significant Effects

8.7.1. Potential impacts of the proposed development on the qualifying interests of European Sites are considered in section 3 of the NIS. The NIS submits that there would be no direct impact on either the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031). As the proposed development site lies entirely outside of the European sites, there would be no habitat loss or fragmentation as a result of the proposed development.

8.7.2. Indirect impacts are also considered in terms of source pathway vectors and it is submitted there is potential for surface water during the construction phase to enter the Natura sites to the east of the site, and / or the drain / stream located to the north of the subject site. As surface water may contain soil and silt, in the absence of mitigation, this could cause unconsolidated materials to be carried into the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031).

8.8. Mitigation Measures

8.8.1. Best practice in construction management will be adhered with to prevent the contamination of surface or groundwater. Section 2.3 of the NIS sets out the mitigation measures and best practice measures proposed for the construction and operations phases, under the following headings:

- Controlling Sediment run-off
- Noise Control Measures
- Dust Control
- Odour Control
- Road Maintenance
- Litter
- Environmental Approvals, Licences and Permits
- Ground Contamination
- Drainage and Water Quality
- Monitoring.

8.8.2. Of particular note, it is indicated that it is proposed to erect a silt fence on the northern and eastern boundary of the site to avoid contamination of the drain to the north of the site and the Natura site to the east.

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 2015. Many of the projects identified relate to small residential developments and the most relevant project relates to the permitted extension to the Lidl store in the Carraig Lair Shopping Centre. Cumulative impacts from plans and projects in the area which may result in potential in-combination effects are considered in section 3.2 of the NIS.

8.9.2. There are no predicted in-combination or cumulative effects with the identified developments and the NIS concludes that subject to adhering to mitigation measures, there is no potential to result in adverse effects on any European Site.

Potential pathways for small scale effects on the surrounding environment have also been considered.

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 Galway Bay Complex SAC (& pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031).
- 8.10.2. Having regard to the information submitted, the nature of the development proposed, the planning history associated with the site, 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 sites, the Galway Bay Complex SAC (&pNHA) (Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031), 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 stated conditions.

10.0 Reasons and Considerations

Having regard the land use zoning objectives for this site as set out in the Oranmore Local Area Plan 2012-2022, the pattern of development in the area, and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would integrate with existing development in the area in a satisfactory manner, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the provisions of the

Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the information on file including the Natura Impact Statement and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of July 2020 and 7th 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. Mitigation measures as set out in the Natura Impact Statement, as amended by the plans and particulars submitted on the 7th day of October 2020, shall be implemented in full.

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

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

Reason: In the interest of visual amenity.

4. The proposed development shall comply with the following requirements:
- (a) Any alterations to the public roadway, including measures identified in the Road Safety Audit, shall be submitted to, and agreed in writing with, the planning authority. All agreed works shall be at the developer's expense.
 - (b) The developer shall undertake to implement the measures included in the Mobility Management Plan. A mobility manager shall be employed to oversee the implementation of the Mobility Management Plan and shall liaise regularly with the Mobility Management Section of the planning authority. The Mobility Manager shall proactively engage with the planning authority regarding the implementation and review of the Mobility Management Plan, the preparation of reports as detailed under (c) below and the setting of specific targets for reduction of private car use and staff parking.
 - (c) No later than six months post occupancy, a car parking review shall be undertaken, and the results submitted to the Mobility Management Section of the planning authority. This review shall monitor the allocation and use of car parking spaces by staff and visitors both on and off site. This review shall inform discussions with the planning authority regarding reducing the overall level of staff car parking available on site over time in the interest of reducing commuting by private car.

Reason: In the interest of traffic management, sustainable travel and sustainable development.

5. Prior to the commencement of development, full details of the proposed bicycle parking areas, including plans and elevations, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provisions amending or replacing them, the use of the proposed development shall be restricted to the purposes as stated in the application, as specified in the lodged documentation, unless otherwise authorised by a grant of planning permission.

Reason: In the interest of the protection and orderly development of the town.

7. Site development and building works shall be carried out only between 0800 hours and 1900 hours, Monday to Friday inclusive, between 0800 hours and 1400 hours on Saturday and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where the prior written agreement of the planning authority has been received.

Reason: To protect the residential amenities of the area.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. 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 interest of public safety and residential amenity.

10. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of wastes to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region in which the site is situated.

Reason: In the interest of orderly development and sustainable waste management.

11. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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.

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

12. 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 and to ensure a proper standard of development.

13. All access and parking arrangements, including any alterations to the public road, shall comply with the detailed requirements of the planning authority for

such works and services. All works to the An Clochog estate road and entrance from Main Street, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development and said works shall be undertaken in the first instance and prior to on site works. Costs associated with all such works shall be borne by the developer.

Reason: In the interest of traffic safety and to ensure a proper standard of development.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

15. The site shall be landscaped in accordance with the landscaping scheme submitted with the application, including implementation of all tree protection measures to ensure preservation of the trees identified for retention. Landscaping proposals shall be completed before the building is first made available for occupation.

Reason: In in the interest of visual amenity.

16. 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
18th March 2021