



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309040-20

#### Development

Revised site boundaries to existing house, construction of 2 no. two storey detached dwelling house and garages, new vehicular entrance and all associated works. A Natura Impact Statement was submitted.

#### Location

Garraun South, Oranmore , Co. Galway.

#### Planning Authority

Galway County Council

#### Planning Authority Reg. Ref.

20645

#### Applicant(s)

Patricia Collins

#### Type of Application

Permission

#### Planning Authority Decision

Refusal

#### Type of Appeal

First Party

#### Appellant(s)

Patricia Collins

#### Observer(s)

None

#### Date of Site Inspection

12<sup>th</sup> of March 2021

#### Inspector

Adrian Ormsby

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## 1.0 Site Location and Description

- 1.1. The site is on the western outskirts of Oranmore in Co. Galway and fronts onto a 60 kph section of the R338 Regional Road known locally as the Coast Road between Oranmore and Galway City. The site is c. 8km east of Galway City Centre and directly opposite Galway Bay. The site has a stated area of 0.46 ha.
- 1.2. The site includes an existing two storey hipped roof house with side annex known as Castlevue, a detached garage, a large well maintained front, side and rear garden area with an existing vehicular entrance to the western boundary of the site and a low level stone wall bounding the public road.
- 1.3. To the west of the site there is another detached two storey hipped roof house known as Eagles Rest and an entrance to a new residential estate known as 'An Inse Ghlas'. This estate includes a number of recently constructed two storey houses and some parts of the estate are still under development.
- 1.4. The Oranmore Train Station is located further to the west of the estate and c. 350m from the application site. There is an existing footpath with public lighting that runs from the train station past the front of the site and continues into Oranmore.
- 1.5. Lands to the east and north of the site are undeveloped. The site is located c.150m west of a housing estate known as Costa na Mara.

## 2.0 Proposed Development

- 2.1. The application comprises one planning application site boundary and proposes the following-
  - Revision of existing site area 0.46ha to provide subdivision of lands into three sites as shown in the drawings as follows-
    - Site 1 will 0.1ha
    - Site 2- 0.11 ha
    - Site 3 and existing house- 0.25 ha
  - construction of two no. two storey detached houses with pyramidal style roofs and two garages as follows-

- Both houses 284.67 sq.m and 9.699m high
  - Garage to site 1- c. 15 sq.m and 3.946m high
  - Garage to site 2- c. 36 sq.m and 4.35m high
- Provision of three entrances as follows-
  - repurposing of existing entrance for site 1
  - a new vehicular entrance for site 2
  - a new vehicular entrance for site 3 to the existing house
- decommissioning of the existing septic tank & percolation area & new connection for existing house to public sewer
- connection of new houses to public water and wastewater systems.

2.2. The Planning Authority sought Further Information (FI) on the 20/07/20 in relation to the following matters-

- The ability of the site to accommodate two dwellings and individual entrances. The development as proposed represents overdevelopment, does not take into account the context, building line, established pattern of development including grain and height. A more sensitive design solution is sought reducing the proposal from two houses to one
- A pre connection water and wastewater enquiry to Irish Water
- Proposals to comply with Part V requirements for zoned lands

2.3. The applicants responded to the FI request on the 05/11/20 as follows-

- The development has been revised to address the Planning Authority concerns but still provides for two houses. Both houses are now 231.84 sq.m and 9.215m high.
- Details of pre-connection enquiry submitted
- Section 96 exemption application submitted

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to Refuse Permission on the 01-12-20 for the following reason-

*The proposed development by virtue of its scale and height, and by reasons of not adequately reinforcing the existing pattern of development in the immediate vicinity of the site is contrary to the provisions of Section(s) 3.4.3 and 3.5.1 of the current Galway County Development Plan 2015-2021. Furthermore, notwithstanding the advantageous aspects associated with proximity to public transport and to the Oranmore town centre which would normally support higher densities of development, having regard to the existing pattern, height and form of development framing both sides of the subject infill site, it is considered that the proposed number of individual dwelling units of the scale and height proposed, constitutes over development of the site, disrupting the patten and grain of development in the immediate area and as such diminishes the visual and residential amenity of the area and as such would be incongruous with respect to the existing built form in the vicinity of the site and militates against Objectives UD1, of the Oranmore Local Area Plan and Objectives UHO7 Galway County Development Plan 2015-2022 and would accordingly be contrary to the proper planning and sustainable development of the area.*

*Note: Notwithstanding the reason stated above, it is considered that the subject lands can accommodate residential development, however the context of the site is a key consideration which in this instance is limited given the development framing the site. The Planning Authority would consider a larger scheme where the entire lands (including the lands of the applicant's house) where a comprehensive residential development proposal could be pursued to obtain a higher density of units.*

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The recommendation of the Planning Officer (signed the 25-11-20) reflects the decision of the Planning Authority.

The following is noted from the report:

- The drawings and details submitted at FI stage have not reduced the proposal to one unit. The revised proposal modifies the two units originally proposed reducing the floor area and overall footprint.
- The applicants have sought to justify the proposal having referenced various planning frameworks and the context of the site to an adjoining housing estate to the west. The revised proposals address size, footprint, height, building line and access arrangements.
- The realigned building line is an improvement.
- The justification of the height is not adequate given the established roof profile on both sides of the site. The justification is based on a development that does not set the context of the infill site.
- The proposal constitutes overdevelopment of the site by virtue of the number of units on an infill site.
- It is considered that one access is a more favourable option at the location.
- The Planning Authority is supportive of higher densities in areas zoned for residential purposes in proximity to public transport. Objective LU15 of the Oranmore LAP promotes a range of residential densities appropriate to the prevailing development pattern, supporting infrastructure, urban character and heritage resources in accordance with the Sustainable Residential Development in Urban Area Guidelines 2009. The site is within walking distance of the town centre and the train station which are considered favourable for the promotion of higher densities.
- The proposal does not adhere to with the prevailing pattern of development in the immediate area

- Section 3.5 of the County Plan requires new residential areas to achieve a balance in terms of design and scale.
- The proposed number of dwellings, their height and scale constitutes overdevelopment of the site, disrupts the pattern and grain of development in the immediate area and is at odds with Objectives UD1, LU15 and LU1 of the Oranmore LAP and Objectives UHO11 of the County Plan.

#### 4.2. Other Technical Reports

- None on file

#### 4.3. Prescribed Bodies

##### 4.3.1. An Taisce-

- The site is overly constrained for two houses and would set an undesirable precedent for further linear development along the Coast Road
- The site is in close proximity to the Galway Bay Complex SAC (000268), the Inner Galway Bay SPA (004031) and the Galway Bay Complex pNHA.

##### 4.3.2. Department of Culture Heritage and Gaeltacht-

- The lands are within 15 metres of Galway Bay Complex SAC (000268), and the Inner Galway Bay SPA (004031) but not within the European Sites.
- There are concerns regarding the potential of sediment runoff and release of hydrocarbons entering the European Sites
- The application comes with an Appropriate Assessment Screening Report and Natura Impact Statement.
- The Planning Authority must be satisfied that the Best Practice Measures as outlined in Chapter 2.3 of the NIS are sufficient and additional Mitigation measures are required in order to rule out any significant impact the development may have on water quality, habitats and species of the nearby European Sites.



#### 4.4. **Third Party Observations**

One third party submission was received and can be summarised as follows-

- The proposal provides two houses squashed in between existing houses leaving minimum space to place a footpath around. It is out of pattern with the area.
- The proposal does not maintain the existing building line.
- Impacts on residential amenity of neighbouring property including overshadowing and overlooking.

#### 5.0 **Planning History**

This Site-

- None recent or relevant

Adjoining Sites to West-

- 12859- works to front boundary wall, Grant, 05/11/2012

Housing Estate further to west

- 161262- 41 residential units, Grant, 10/04/2017

#### 6.0 **Policy Context**

##### 6.1. **National and Regional**

6.1.1. National Planning Framework (NPF) - the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.

6.1.2. Northern and Western Region Spatial and Economic Strategy 2020-2032

##### 6.2. **Ministerial and Other Guidelines**

6.2.1. The following section 28 guidelines are considered relevant-

- Sustainable Residential Development in Urban Areas (2009)- Section 5.9  
Inner suburban/infill:

*“(i) Infill residential development – In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”*

6.2.2. The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.

- Section 5.15- ‘Application of the Justification Test in development management’

*Where a planning authority is considering proposals for new development in areas at a high or moderate risk of flooding that include types of development that are vulnerable to flooding and that would generally be inappropriate as set out in Table 3.2, the planning authority must be satisfied that the development satisfies all of the criteria of the Justification Test as it applies to development management outlined in Box 5.1*

- Section 5.28 deals with ‘Assessment of minor proposals in areas of flood risk’- *Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances.....*

6.2.3. Quality Housing for Sustainable Communities- Best Practice Guidelines for Delivering Homes, Sustaining Communities, Department of the Environment, Heritage and Local Government, 2007.

- Table 5.1: Space provision and room sizes for typical dwellings

### 6.3. Galway County Development Plan 2015-21

Chapter 3 deals with Urban & Rural Housing. The following sections are considered relevant-

- Section 3.3.4 Housing Density

*The DoEHLG Guidelines for Sustainable Residential Development in Urban Areas (2009), promotes increased densities in appropriate locations where there is adequate capacity in infrastructure, compliance with open and private space requirements, no undue impact on amenities, is in keeping with the character of the area and is in line with the principles set out in the Design Manual for Urban Roads and Streets. In line with the Department's Guidelines, higher densities will be encouraged at appropriate locations. However, in order to attract development back into towns/villages, lower densities will be permitted, in instances where it is demonstrated that development can provide an attractive living environment especially in town centres and areas comprehensively serviced by public transport, subject to appropriate design and amenity standards, while safeguarding residential amenity, internal space standards, private and public open spaces, car parking and other requirements.*

- Section 3.4 Locations Appropriate for New Residential Development in Urban Areas

Sub section 3.4.3 deals with 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.*

- Section 3.5 Location for Residential Development in Built-Up Urban Areas

*The development of new residential areas must achieve a balance in terms of design and scale, in order to be acceptable within existing built-up areas. The development of new housing which respects the amenity and character of the existing residential area and is coherent and well-designed, can contribute to enhancing the vibrancy and character of an existing area, while also contributing to the efficient, sustainable use of serviced lands.*

Subsection 3.5.1 deals with Infill Development in Residential Areas

*Infill developments are of limited scale. They often comprise of small gap infill sites, unused or derelict land, larger residual sites or sites assembled from multiple owners. A balance has to be struck between protection of amenities, privacy and established character and the need to provide residential infill. Innovative and contemporary design solutions will be encouraged to maximise the potential of these sites, subject to the protection and enhancement of residential amenity.*

- Section 13.3 provides Guidelines for Residential Development (Urban and Rural Areas) and provides standards including rear separation distances, private open space, and site boundaries.

- Other Relevant Policies and/or Objectives

Objective UHO 7 – High Quality/Mix and Sensitive Design

*Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the*

*existing character of the town centre/area in terms of scale, height, massing, building line, housing mix, urban grain and definition and through high quality design and layout proposals for buildings and structures.*

- *DM Standard 20: Sight Distances Required for Access onto National, Regional & Local Roads Vehicular*

*Table 13.4 Sight Distances required for Access onto Regional Roads*

*Design Speed 60kph- Y Distance 70*

#### **6.4. Oranmore Local Area Plan 2012-22**

The site is zoned Objective LU 3 – Residential (R)

*Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of the area. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area. A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under Objective RD1 in Section 3.2.2.*

DM Guideline LU2 – Land Use Zoning Matrix

Residential is Permitted in Principle in ‘R’ Zoning.

Objective UD 1 – High Quality, Context Sensitive Design states-

*Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the existing character of the town centre/area in terms of scale, height, massing,*

*building line, urban grain and definition and through high quality design proposals for buildings/structures/shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details.*

*Objective DS 8 – Flood Risk Management and Assessment (Map 3A and 3B)*

*Ensure that proposals for new developments located within identified or potential flood risk areas, or which may exacerbate the risk of flooding elsewhere, are assessed in accordance with the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or as updated) and the relevant policies and objectives of this Plan.*

*Objective UI 12 – Flood Risk Management and Assessment*

*Ensure the implementation of the DoEHLG/OPW publication The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any updated/superseding document) in relation to flood risk management within the Plan Area.....*

*Objective UI 13 – Flood Zones and Appropriate Land Uses (Refer to Map 3A/3B)*

*Protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate Flood Zone in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any superseding document) and the guidance contained in DM Guidance UI 1- Flood Zones and Appropriate Land Uses....*

*Objective UI 14 – Coastal Flooding*

*Ensure that any development proposals within/near areas at risk of coastal flooding assess the implications of predicted sea level rise, and prohibit development that would be at unacceptable risk from coastal erosion or*

*inundation, or that may result in an increased risk in coastal erosion or inundation elsewhere.*

## **6.5. Natural Heritage Designations**

6.5.1. The site not located within an SAC or SPA but is-

- c. 8m north of the Galway Bay Complex SAC (000268)
- c. 8m north of the Inner Galway Bay SPA (004031).

6.5.2. The site is also c. 8m north of the Galway Bay Complex (000268) pNHA.

## **6.6. EIA Screening**

6.6.1. Having regard to the nature and small scale of the proposed development it is considered that 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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

A first party appeal has been received. The grounds of appeal can be summarised as follows-

- The appeal sets out the site description and context, the proposed development including revisions at FI stage, the strategic planning context and the local statutory planning context.
- The refusal is based on a single and rather vaguely substantiated reason for refusal.
- The language used in sections 3.4.3 and 3.5.1 of the Galway County Development Plan (GCDP) is not suggestive of any need to 'reinforce the existing pattern of development' nor is there any narrow focus suggested that would or should limit consideration to the immediate vicinity of the site.

- Section 3.4.3 confirms that subdivision of individual sites can be achieved where large houses on extensive sites can accommodate residential development without a dramatic alteration in the character of the area or a negative impact on existing residential amenities.
- The reference to a 'balance needing to be struck' in section 3.5.1 is between the protection of amenities, privacy and established character against a 'need to provide residential infill.
- The proposed infill site is approx. 30m wide and is easily generous enough to accommodate two new dwellings without dramatic alteration to the character of the area or a negative impact on existing residential amenities.
- The development should also be considered in the context of the new housing development An Inse Ghlas as there is no other redevelopment along the northern side of the R338 for c.130m east of the site and also to the west of An Inse Ghlas. This new housing development clearly influences the context of the site. Photographs are submitted in support of this.
- The houses have been positioned to respect the building line of the existing houses either side and to which the housing estate An Inse Ghlas also responds.
- The houses are spaced a minimum of 2m from the boundaries with existing houses creating a consistent rhythm and spacing between the four houses and is more generous than the housing estate.
- The eaves of the proposed houses are similar to the two existing houses with the pyramidal roof just over a metre taller than existing houses but some 700mm below the ridge of houses in An Inse Ghlas.
- The submitted contextual elevations illustrate that the proposed development responds well to the surrounding context.
- The houses do not generate overlooking or overshadowing issues. They have private gardens of 157 sq.m and 147 sq.m exceeding requirements of the GCDP. Internal spaces exceeds requirements of Quality Housing for Sustainable Communities 2007.



- The proposed development does not in any way constitute overdevelopment or disrupt the pattern or grain of development in the area or be perceived to be incongruous to its location.
- The proposal is a carefully considered infill proposal that consolidates development at a sustainable location and responds sensitively in terms of scale, height, massing, building line, urban grain. The contemporary design responds and enhances the character of the area. It complies with rather than militates against the GCDP and the Oranmore LAP objectives.
- The proposal is supported by the suite of national planning policy objectives e.g. NPF and RSES as well as the GCDP and the LAP.
- The proposal strikes the balance between protection of amenities, privacy and established character and the need to avail of residential infill as advocated by local policy and section 5.9 of the Sustainable Residential Development in Urban Areas (2009).

## 7.2. Planning Authority Response

- None received

## 7.3. Observations

- None received

## 8.0 Assessment

### 8.1. Introduction

8.1.1. I have examined the application details and all other documentation on file. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider that the substantive issues for this appeal are as follows-

- Principle of Development
- Infill and Density
- Impact on Visual and Residential Amenity

- Flooding
- Water Supply, Waste and Surface Water Disposal.
- Appropriate Assessment

## 8.2. Principle of Development

- 8.2.1. The site is zoned within the Oranmore LAP 2012-22 Objective LU 3 – Residential (R). The Land Use Zoning Matrix as set out in DM Guideline LU2 of the LAP details that residential uses are Permitted in Principle on ‘R’ Zoned lands.
- 8.2.2. Objective LU 3 states- ‘Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.’
- 8.2.3. Subject to further assessment and having regard to the above zoning objective, the proposed development of two houses are considered acceptable in principle.

## 8.3. Infill and Density

- 8.3.1. Section 5 of the Sustainable Residential Development in Urban Areas (2009) Guidelines deals with ‘Appropriate Locations for Increased Densities’ and section 5.4 states that *‘In general, increased densities should be encouraged on residentially zoned lands’*. The Guidelines then categorise a number of type of areas suitable for ‘Increased Densities’. In my opinion the proposed development falls best within section 5.9 (i) ‘Infill residential development’ i.e. a ‘small gap infill’. The guidelines state-

*‘a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill’*

on sites in residential areas, whose character is established by their density or architectural form.

- 8.3.2. Section 3.3.4 and 3.4.3 of the County Development Plan deals with Housing Density and Infill Sites. These sections are generally in keeping with the provisions of the 2009 Guidelines and detail that higher densities will be encouraged at appropriate locations.

8.3.3. The site is located towards the western edge of the defined settlement boundary of Oranmore. The sites character could be described as a rural setting. However this character is clearly changing to a more suburban character given its status on zoned lands and the ongoing residential development of An Inse Ghlas with 41 units permitted and its entrance c. 40m to the west of the site. Furthermore the Oranmore Train Station which opened around 2013 is located c. 350m west of the site. The development will provide 3 houses on a site of 0.46h which triples the existing density. In this context it is considered that the development represents an appropriate density and use of residentially zoned and serviced lands in close proximity to existing public transport.

#### **8.4. Impact on Visual and Residential Amenity**

8.4.1. The Planning Authority have considered the existing pattern, height and form of development framing both sides of the site and are of the opinion that two houses at the scale and height proposed, constitutes overdevelopment of the site which disrupts the patten and grain of development in the immediate area, diminishes the visual and residential amenity of the area and would be incongruous to the existing built form in the vicinity of the site. The Planning Authority considers the proposal militates against Objectives UD1, of the Oranmore Local Area Plan and Objectives UHO7 Galway County Development Plan 2015-2022.

8.4.2. The applicants argue in their appeal that the proposal is an appropriate infill development and the site can accommodate two new houses without dramatic alteration to the character of the area or a negative impact on existing residential amenities. The appellants consider the proposal should be considered in the context of the new housing development (An Inse Ghlas) located to the west and rear of the site which influences the overall context of the site.

8.4.3. The Planning Authority raised concerns at FI stage and suggested one number house was more appropriate. In response the applicants have pursued a proposal for two houses but have revised the development reducing the floor area, footprint and height of both dwellings. The houses have also been sited more favourably in keeping with the building line of both houses either side of the proposed houses as well as the building line to the houses in An Inse Ghlas.

#### 8.4.4. *Overdevelopment*

The proposed houses have floor areas of 231.84 sq.m each and are located on sites of 0.10ha and 0.11ha respectively. House 1 to Site 1 has a stated area of private amenity space to the rear of 157.38 sq.m and is set 13.9m from the rear boundary. House 2 to site 2 has a stated area of private amenity space to the rear of 146.77 sq.m and is set 12.8m from the rear boundary. Both houses will also benefit from large front gardens with ample space for car parking. The site layout plan drawings show the houses ranging from 1.2m - 2.5m from side boundaries. The proposed density will be c. 6.5 units to the hectare. I am satisfied the proposed development does not represent overdevelopment of the site.

#### 8.4.5. *Residential Amenity*

The County Development Plan and the Oranmore LAP do not appear to set specific standards in terms of internal space provision, room sizes or private open space for new houses. Section 13.2 (b) of the County Plan does require new residential development to be guided by the DoEHLG Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes, Sustaining Communities 2007. These guidelines do not provide standards for five bedroom houses as proposed. The applicants have set out tables on DWG No. 2086.RFI.3006 and DWG No. 2086.RFI.3008 that appear to show the proposed development in comparison to the largest houses identified in Table 5.1 of the 2007 guidelines- i.e. 4 bedroom/ 7 person (3 storey) houses. The proposal exceeds these on all criteria.

First floor gable windows are proposed to both side elevations of both houses. However these windows are to bathrooms, ensuites and stairwells. In this regards I have no concerns relating to overlooking given the transitional nature of stair wells.

Section 13.3 (n) of the County Plan requires private open space to have a minimum back to back distance of 22m between dwellings. Private open space is provided by rear gardens in excess of 146 sq.m and 11m from the rear boundaries. The site area retained to the existing house is shown as 0.25 sq.m with in excess of 300 sq.m of private open space to the rear of the house. There is also a minimum of 11m separation distance to the rear boundary. It is note that lands to the north and rear of the application site are zoned 'OS' Open Space/Recreation & Amenity.

The site layout plan drawing proposes the retention of existing boundary walls to the east and west of the application site. New 2m high rendered block walls are proposed along the northern and rear boundary of the two new houses with the existing boundary condition to be retained to the northern boundary of the existing house. 2m rendered block walls or 'similar approved' are proposed between the rear and eastern boundaries of the two new houses. 1.2m high rendered block walls are proposed to the front of the new houses. These boundary treatments are acceptable to ensure adequate residential amenity.

Having considered all of the above I am satisfied that the proposed houses provide acceptable standards of residential amenity for the occupiers of the houses and do not negatively detract from existing residential amenity of adjoining properties.

#### 8.4.6. *Visual Impact*

The Planning Authority's main concern appears to relate to the visual impact of the development and its siting between two existing houses. They refer in particular to Objective UD 1 of the Oranmore LAP and Objective UHO 7 of the County Plan. Having reviewed these I note proposals are generally required to complement the existing character of the area in terms of scale, height, massing, building line, urban grain, housing mix and definition.

Both houses as revised at FI stage are detached, 9.215m high with pyramidal style roof profiles. Eaves level are shown as 5.315m. The proposed houses have projecting gable features to the front elevation. This feature to house 1 is shown finished in plaster with the recessed element finished in stone. The projection to house 2 is finished in stone and the recessed element finished in plaster.

The existing houses either side of the proposed houses have standard hipped style roof profiles and are lower in height. The proposed houses clearly differ in design approach from the existing houses in the immediate area. However the existing spacing between the existing houses is considered more rural in nature and not what I would consider appropriate for zoned land and this urban settings. I accept the proposal will change the 'patten and grain of development' in the immediate area however I consider this type of change to be normal in urban settings on zoned lands. I also do not consider this change to be visually incongruous to the current setting of the site. In particular, the sites proximity to 'An Inse Ghlas' as shown in

view 4 of the appeal demonstrates the impact of urban development and varying roof profiles on this setting, which I do not consider to be negative.

Accordingly I am satisfied the proposed development will not have a negative visual impact on the area and does not militate against Objectives UD1 of the Oranmore Local Area Plan and Objectives UHO7 Galway County Development Plan 2015-2021.

#### 8.4.7. *Conclusion*

The development as proposed represents appropriate infill of residential zoned lands. The proposal does not constitute overdevelopment of the site and will provide an acceptable level of residential amenity for the occupiers of both houses as well as the house to which the sites are been subdivided from. The proposal will not impact negatively on the residential amenity of other existing properties in the area. The size, massing and design of both houses are acceptable in the context of the prevailing pattern of development in the area. I am satisfied the houses will not disrupt the patten and grain of development in the immediate area and will not diminish the visual amenity of the overall area to an extent that would warrant refusing the development.

### 8.5. **Flooding**

- 8.5.1. The site is located less than 50m to the north of Galway Bay and is considered most likely at risk from Coastal Flooding. The site does not appear to be at risk of fluvial flooding.
- 8.5.2. The applicants have submitted a Flood Risk Assessment (FRA) with the application prepared by Waterman Moylan Consulting Engineers Limited. It is indicated in the Planning Authority's first planners report that the FRA appears to have been submitted as unsolicited further information.
- 8.5.3. The FRA incorrectly identifies the site as only the area between the two existing houses i.e. where the two new houses are proposed. It does not identify the whole application site including for the area of the existing house and eastern boundary of the site.

- 8.5.4. The FRA refers to extracts from CFRAM 2016 Coastal Flood Maps and Flood Risk Management Maps 3a and 3b of the Oranmore LAP2012-22. The application site boundary is incorrectly shown on these and the incorrect site is referred to as within Flood Zone C where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding).
- 8.5.5. Based on the same extracts, part of the site to the front and eastern side of the existing house is within Flood Zones B. The footprint of the two proposed houses are within Flood Zone C.
- 8.5.6. The Planning Authority have raised no concerns in this regard and the lands have been zoned in the 2012 LAP which would have been adopted following the publication of the 2009 Flood Risk Guidelines.
- 8.5.7. The only works proposed in the application that appear to encroach upon Flood Zone B are those of the proposed new entrance and driveway to the existing house. In this regard I am satisfied these works can be considered minor development as per section 5.28 of the 2009 Guidelines.
- 8.5.8. I have examined the sites location, the location of the two proposed houses, the FRA, the Flood Risk Maps 3a and 3b of the Oranmore LAP and the relevant Office of Public Works (OPW) data available on [www.floodinfo.ie](http://www.floodinfo.ie), in particular the Western CFRAM Study Catchment Flood Risk Assessment and Management Flood Extent Map for Oranmore in relation to coastal flooding and dated October 2016. I am satisfied the location of the two proposed houses are identified within Flood Zone C where the probability of flooding from the sea is low (less than 0.1% or 1 in 1000 for coastal flooding). The location of the two proposed houses, which are classed as vulnerable uses in the guidelines are therefore not located within areas at high or moderate risk of flooding and a Justification Test as per section 5.15 of the guidelines would not be required. It is therefore considered reasonable to consider the proposal further notwithstanding the deficiencies of the FRA.
- 8.5.9. The FRA concludes that all residual risk is either low or very low and proposes mitigation measures including the proposed finished floor level above flood level, surface water drainage design and waterproofing ground floor level. The FRA details the lowest FFL on the site is 4.64m OD Malin and is 0.58m above the highest tide level predicted.

8.5.10. The proposed development is considered acceptable subject to appropriate conditions including for identified mitigation measures of the FRA and the incorporation of Sustainable Urban Drainages Systems (SuDs) into the sites and driveways to the satisfaction of the Planning Authority.

#### **8.6. Access and road safety.**

8.6.1. The applicants were advised at Further Information (FI) stage that the Planning Authority had concerns in relation to the confined nature of the site to accommodate two new houses and individual entrances. In response to the FI the applicants have revised the proposal to provide for one shared entrance to the two new houses and one relocated entrance to the existing house.

8.6.2. The site is located within the Oranmore settlement boundary, on zoned lands within a 60kph speed limit zone on a generally wide and straight section of the R338 Regional Road where there is a broken white line to the front of the site. The site layout drawing submitted at FI stage shows sightlines of 70 m are available setback 2.4m from the road edge in both directions for both the proposed shared entrance and proposed relocated entrance. This is in accordance with DM Standard 20 and Table 13.4 Sight Distances Required for Access onto National, Regional & Local Roads as set out in the County Development Plan. I have no concerns in this regard.

#### **8.7. Water Supply, Waste and Surface Water Disposal.**

8.7.1. In question 19 of the application form the applicant indicates that the houses will connect to the public mains for water supply and the public sewer for wastewater disposal. Surface water will be disposed of to a number of soakpits within each of the three subdivided sites within the overall application site. The existing house on the site is currently served by a septic tank and percolation area. The application proposes decommissioning this and connecting to the public sewer.

8.7.2. In response to a Further Information request a pre-connection enquiry letter from Irish Water has been submitted. This letter confirms water and wastewater connections for three units can be facilitated subject to agreement. The letter confirms a foul and watermain network runs along the Coast Road. Subject to conditions in this regard the proposals are considered acceptable.



8.7.3. Having regard section 8.5 above and the location of part of the site within Flood Zone B and the proximity of the two new houses to this area at moderate risk of flooding it is considered appropriate to apply a condition requiring the implementation of Sustainable Urban Drainage Systems (SuDS), for example permeable surfaces to the driveways and rainwater harvesting. Such a condition can contribute to on-site surface water retention and help reduce and prevent surface water flow from the sites of the two new houses to the adjoining property which is at moderate risk of flooding.

## 8.8. **Appropriate Assessment**

8.8.1. The application is accompanied by a Stage 2 Natura Impact Statement (NIS), prepared by John Curtin of Eire Ecology.

8.8.2. A Stage 1 Screening for Appropriate Assessment does not appear to have been submitted. However section 1 of the NIS discusses this stage and identifies the proximity of the site to two European Sites and screens these 'In'. No conclusion is offered on the screening stage but as the project has continued to Stage 2 it is assumed that the applicants must have considered it necessary to proceed to stage 2.

### 8.8.3. **Stage 1 – Screening**

The application site is an existing residential property with large garden areas of grassland, landscaping and a gravel and stone driveway. The proposed development is essentially for two new houses, one new entrance and revisions to an existing entrance. The proposal is considered an infill development. It includes for the decommissioning of an existing septic tank and three connections to the public sewer. The site is not located within a designated European site but its southern boundary appears to be less than 10m to both the Galway Bay Complex SAC and the Inner Galway Bay SPA.

Taking account of the characteristics of the proposed development in terms of its nature, location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites-

- discharge of surface water from the site

- discharge of foul water from the site.
- Impacts of construction and operational disturbance

Given the location of the site, and the nature and scale of the proposed development, I consider the following designated sites as set out in Table 1 to be within the zone of influence of the subject site-

**Table 1**

European Site and code	Qualifying Interests	Conservation Objectives	Distance	Connections	Considered further in Screening
Galway Bay Complex SAC 000268	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Coastal lagoons [1150]</li> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Perennial vegetation of stony banks [1220]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</li> <li>• Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>• Turloughs [3180]</li> <li>• Juniperus communis formations on heaths or calcareous grasslands [5130]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210]</li> </ul>	<ul style="list-style-type: none"> <li>• [1140]- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide</li> <li>• [1150]- To restore the favourable conservation condition of Coastal lagoons</li> <li>• [1160]- To maintain the favourable conservation condition of Large shallow inlets and bays</li> <li>• [1170]- To maintain the favourable conservation condition of Reefs</li> <li>• [1220]- To maintain the favourable conservation condition of Perennial vegetation of stony banks</li> <li>• [1310]- To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand</li> <li>• [1330]- To restore the favourable conservation condition of Atlantic salt meadows (GlaucoPuccinellietalia maritima)</li> <li>• [1410]- To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi)</li> <li>• [3180]- To maintain the favourable conservation condition of Turloughs</li> <li>• [5130]- To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands</li> <li>• [6210]- To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)</li> <li>• [7210]- To maintain the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davalliana</li> </ul>	c.10 m to the south.	Groundwater,	Yes

	<ul style="list-style-type: none"> <li>Alkaline fens [7230]</li> <li>Lutra (Otter) [1355]</li> <li>Phoca vitulina (Harbour Seal) [1365]</li> </ul>	<ul style="list-style-type: none"> <li>[7230]- To maintain the favourable conservation condition of Alkaline fens</li> <li>[1355]- To restore the favourable conservation condition of Otter</li> <li>[1365]- To maintain the favourable conservation condition of Harbour Seal</li> </ul>			
Inner Galway Bay SPA 004031	<ul style="list-style-type: none"> <li>Black-throated Diver (<i>Gavia arctica</i>) [A002]</li> <li>Great Northern Diver (<i>Gavia immer</i>) [A003]</li> <li>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> <li>Grey Heron (<i>Ardea cinerea</i>) [A028]</li> <li>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>Wigeon (<i>Anas penelope</i>) [A050]</li> <li>Teal (<i>Anas crecca</i>) [A052]</li> <li>Shoveler <i>Anas clypeata</i> [A056]</li> <li>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</li> <li>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>Curlew (<i>Numenius arquata</i>) [A160]</li> </ul>	<ul style="list-style-type: none"> <li>[A003]- To maintain the favourable conservation condition of Great Northern Diver</li> <li>[A017]- To maintain the favourable conservation condition of Cormorant</li> <li>[A028]- To maintain the favourable conservation condition of Grey Heron</li> <li>[A046]- To maintain the favourable conservation condition of Light-bellied Brent Goose</li> <li>[A050]- To maintain the favourable conservation condition of Wigeon</li> <li>[A052]- To maintain the favourable conservation condition of Teal</li> <li>[A056]- To maintain the favourable conservation condition of Shoveler</li> <li>[A069]- To maintain the favourable conservation condition of Red-breasted Merganser</li> <li>[A137]- To maintain the favourable conservation condition of Ringed Plover</li> <li>[A140]- To maintain the favourable conservation condition of Golden Plover</li> <li>[A142]- To maintain the favourable conservation condition of Lapwing</li> <li>[A149]- To maintain the favourable conservation condition of Dunlin</li> <li>[A157]- To maintain the favourable conservation condition of Bar-tailed Godwit</li> <li>[A160]- To maintain the favourable conservation condition of Curlew</li> <li>[A162]- To maintain the favourable conservation condition of Redshank</li> </ul>	c.10m to the south.	Proximity	Yes

	<ul style="list-style-type: none"> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>	<ul style="list-style-type: none"> <li>• [A169]- To maintain the favourable conservation condition of Turnstone</li> <li>• [A179]- To maintain the favourable conservation condition of Black-headed Gull</li> <li>• [A182]- To maintain the favourable conservation condition of Common Gull</li> <li>• [A191]- To maintain the favourable conservation condition of Sandwich Tern</li> <li>• [A193]- To maintain the favourable conservation condition of Common Tern</li> <li>• [A999]- To maintain the favourable conservation condition of wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it.</li> </ul>			
Cregganna Marsh SPA 004142	<ul style="list-style-type: none"> <li>• Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</li> </ul>	<ul style="list-style-type: none"> <li>• To maintain or restore the favourable conservation condition of the bird species listed</li> </ul>	c.2 km to the south.	Having regard to the distance it is considered there are no connections.	No

#### Effects of the Development alone

- During the development stage of the project, I consider there is a small potential for increased noise levels and disturbance that may impact upon the qualifying interests/listed birds in the Inner Galway Bay SPA.
- During the development and operational stage I consider there is potential for foul water and surface water to enter into the SAC through groundwater or overland flow.
- The existing septic tank and percolation area is to be decommissioned should lead to a minor improvement in groundwater quality.

#### Effects of the Development in-combination with other plans or projects

- There is ongoing development to housing estate c. 40m to the west of the application site.

I consider standard construction methods would generally be sufficient to address environmental considerations regarding drainage during the construction and operational phase. However, having regard to the proximity of the site to the SAC and SPA and, using the source-pathway-receptor model, there is the potential for significant impacts in terms of groundwater pollution and impacts on wetland habitats on the designated sites and mitigation measures could be required.

No measures designed or intended to avoid or reduce any harmful effects of the project on the European Sites have been relied upon in this screening exercise.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Sites No. 000268 and 004031, in view of the site's Conservation Objectives, and Stage 2 Appropriate Assessment is therefore required. The applicants have submitted a NIS.

#### **8.8.4. Stage 2 – Appropriate Assessment**

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site

#### Compliance with Article 6(3) of the EU Habitats Directive

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### Screening the need for Appropriate Assessment

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the possibility of significant effect)-

- SAC 000268 Galway Bay Complex
- SPA 004031 Inner Galway Bay

#### The Natura Impact Statement (NIS)

The application includes a NIS dated May 2020, prepared by John Curtin of Eire Ecology, which examines and assesses likely effects of the proposed development on the European Sites listed above.

The NIS concludes that-

*‘With the implementation of best practice measures as outlined in section 2.3, it can be concluded, on the basis of objective scientific information, that the proposed plan, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site’.*

There are some discrepancies of concern in the NIS including references to Lough Rea SAC 000304 and Lough Rea SPA 004134 in section 4.1. These are identified as within the likely zone of impact and the NIS includes submission of site synopses for same. These European sites are noted to be c. 24km south east of the site and have not been considered within the zone of influence of the application site. Table 4.1 of the NIS twice refers to an accompanying Construction Management Plan. I have not been able to find this on the file.

Notwithstanding these discrepancies, Table 4.1 of the NIS does refer to the correct European Sites i.e. SAC 000268 Galway Bay Complex and SPA 004031 Inner Galway Bay. This table identifies pathways for direct and indirect effects and potential for such effects. Having considered the other contents of the NIS, I am satisfied that the information is sufficient for an assessment of any adverse effects of the development, on the conservation objectives of the European sites alone, or in combination with other plans and projects.

A description of the site and their Conservation and Qualifying Interests/Special Conservation Interests are summarised in Table 1 in section 8.8.3 of this report. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)) and as submitted with the NIS.

#### Appropriate Assessment of Implications of the proposed development on the integrity each European site

##### *Potential Impacts of the Development:*

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include-

- Deterioration of ground water quality during development and operational phases.
- Deterioration of wetland habitat as a consequence of deterioration of ground water quality.



- Increased noise levels and impacts on designated bird species (however this concern is considered relatively minor given the existing nature of the site, proximity to the R338 and the very minor demolition works required).

### *Best Practice Measures*

The applicant has proposed a number of standard Best Practice Measures in section 2.3 of the NIS and include-

- Site Set up- to include fencing around the site. A silt fence will be attached and buried beneath ground level to filter runoff.
- Earthworks- excavations kept to a minimum, all storage will be within the site, top soil will be reused. Surface pads will be placed to minimise soil disturbance during heavy precipitation.
- Refuelling, Fuel and Hazardous Materials and Storage- Measures to ensure release of hydrocarbons are avoided
- Dust Control- regular inspections of the road, transport of materials that could cause dust to be in tarpaulin covered vehicles.
- Noise Control- compliance with BS5228 Noise Control on Construction and Open Sites and BS6187 Code of Practice for Demolition
- Drainage Control- connection to the public sewer, placement of a spill berm (Ultra Filter Sock, details provided) to storm water drain in front of site.

The application also proposes the decommissioning of an existing septic tank and percolation area. The new and existing houses will connect to the public sewer. This would represent an overall improvement to the existing arrangements of wastewater disposal from the existing house and therefore is likely to have a positive impact on water quality and wetland habitat of the European Sites

Having regard to the small nature of the development, the Best Practise Measures proposed are considered sufficient to safeguard the integrity of the identified European Sites and their Conservation Objectives.

### *In-combination Effects*

The submitted NIS has identified six planning applications in the townland of Garraun South within five years prior to 25/05/20. I have reviewed all the applications identified in the NIS. I have considered the nature of the proposed development, the life span of a planning permission, the nature and distance of other permitted applications in the area and the overall general development pattern in the area. In particular I note the proximity of planning application 16/1262 for 41 houses c. 40m west of the application site. A large number of these houses are currently completed, including those closest to the application site. I acknowledge there may be some in-combination noise effects if development works are ongoing at the same time. However I also note the site is located along a busy regional road where noise disturbance already exists. Further noise from the proposed development would be temporary in nature and not likely to have significant adverse effects. The best practise measures in this regard are considered reasonable.

The proposed decommissioning of the existing septic tank and percolation area and connection to the public sewer will ensure wastewater is no longer disposed to groundwater from the existing house. The in-combination effect of this with other possible on site wastewater disposal systems in the area would see a reduced risk of pollution to groundwater from the existing arrangement.

It is my opinion that subject to the Best Practise measures proposed it is considered that the proposed development in combination with other plans and projects will not have any significant effects on the identified European Sites.

#### 8.8.5. **Conclusion**

The proposed development has been considered in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites- Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031), or any other European site, in view of those site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed development alone (and in-combination plans and projects) including possible construction and operational related groundwater pollution, wastewater treatment and noise disturbance matters. Best Practise Measures designed to prevent adverse effects have been incorporated into the submitted NIS. There is therefore in my opinion, no reasonable doubt as to the effectiveness of these measures and no doubt as to the absence of adverse effects from the proposed development on the conservation objectives of the identified European Sites.

## **9.0 Recommendation**

9.1. I recommend that permission is granted subject to the following conditions-

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Galway County Development Plan 2015-2021 and the Oranmore Local Area Plan 2012-2022, the existing development in the area and the nature of the proposed development, it is considered that the proposed development of two infill house would not adversely affect the character of the area and can be visually absorbed and assimilated into the area along the R338 Coast Road. The development would not therefore seriously injure the visual or residential amenities of the area or properties in the vicinity. Furthermore, following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European sites 000268 and 004031, or any other European site, in view of those site's Conservation Objectives. Subject to compliance with the conditions as set out below, the proposed development would therefore be 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 05<sup>th</sup> day of November 2020 and by the

further plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> day of December 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. All best practice measures in the Natura Impact Statement submitted to the planning authority on the 27th day of May 2020, shall be implemented in full and shall be supervised by a suitably qualified ecologist and bonded engineer.

Reason: In the interest of environmental protection, public health and orderly development.

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

Reason: In the interest of visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the disposal of surface water which shall provide for appropriate Sustainable Urban Drainage

Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

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

Reason: In the interest of sustainable waste management.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the

matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

10. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Adrian Ormsby  
Planning Inspector

16<sup>th</sup> April 2021