



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-309253-21

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<b>Strategic Housing Development</b>	104 no. houses and associated site works.
<b>Location</b>	Cosmona, Loughrea, Co. Galway. ( <a href="http://www.cosmonaloughreashd.com">www.cosmonaloughreashd.com</a> )
<b>Planning Authority</b>	Galway County Council
<b>Applicant</b>	Rocktop Asset Management Ltd.
<b>Prescribed Bodies</b>	Irish Water
<b>Observer(s)</b>	Aidan McCurtin Alan Docherty Angeline Ryan Ann Beirne Anne Scott and Others

Anthony Ryan and Maureen Lynch  
Cois Furain Residents Group  
Colm Flannery  
Diane Charleton  
Donnellan Drive Residents Committee  
Evelyn Doyle  
Evelyn O'Donnell and John Howard  
Finbarr and Anne O'Shea  
Fiona and Paul Duane  
Gaelscoil Riabhach  
Galway Cycling Campaign, c/o Neil  
O'Leary  
James and Deirdre McDonnell  
James and Eimear Regan  
Linda and James Sheil  
Louise Reynolds  
Mark Foster and Sharon Cunningham  
Michael and Marie Kelly  
Michelle and Colm Doherty  
Mile Casey  
Mona Monahan  
Oliver and Meabhhdh Foudy  
Paul Cunningham  
Thomas Hepworth and Oriana O'Reilly  
TJ Coyle  
Tom Murtagh and Felizardo Galura  
Tony Ryan

**Date of Site Inspection**

17<sup>th</sup> April 2021

**Inspector**

Una O'Neill

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The subject site (6 ha in area) is located in the Cosmona area of Loughrea, Co. Galway. The site is within the development boundary of Loughrea, 700m northwest of Loughrea town centre. The site, which comprises two separate parcels of land on either side of the relatively new residential development of Cois Furáin, is accessed off the existing access street into this residential development, which itself is accessed off the Athenry Road/L8193 to the west of the site. The L8193 is a north-south road connecting the R446 to the south and the R380 to the north of the site. A roundabout to the northeast, connects the R380 with the N65, which together form a by-pass to north of Loughrea. The N65 connects further north to the M6 motorway. The R446 connects west to Galway City via Oranmore (running parallel to the M6 to the north).
- 2.2. The immediate area is suburban in character. The site is bounded to the west, south and east by existing semi-detached/detached dwellings within the estates of Cois Furáin, Tí na Rí, Donnellan Drive, Ashlawn, Hazelwood, Abbeyfields and Cosmona. Gaelscoil Riabhach National School is located to the north, bounding the existing access street into Cois Furáin, but accessed off the Athenry Road/L8193. The remainder of the lands to the north comprise undeveloped green fields, with areas of spoil from previous construction work evident on those lands. A new neighbourhood centre, comprising Supervalu, Aldi and other smaller retail units, is located 240m to the south.
- 2.3. The application site is primarily in a greenfield condition and relatively flat and low lying with shallow south to north crossfalls. There is a north-south line of existing mature sycamore trees towards the eastern side of the most eastern portion of the site.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 104 no. residential dwellings, a c.1.806 ha public park, public open spaces areas, 3 no. playgrounds and a community facility building (c.199.2sqm), 223 no. car parking spaces, and 64 no. bike parking spaces, modifications to the vehicular access and egress point on the Athenry Road, and all associated site development works.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

#### Key Figures

<b>Site Area Net</b>	3.76ha net, excluding zoned open space and existing street [6.0557 ha gross]
<b>No. of Residential Units</b>	104
<b>Density</b>	28.3 units per ha
<b>Childcare Facility</b>	None
<b>Public Open Space</b>	23499 sqm (including 1.8ha public park)
<b>Height</b>	2 storey dwellings
<b>Part V</b>	11 units
<b>Plot Ratio</b>	0.32
<b>Site Coverage</b>	18%

#### Unit Mix

	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Houses</b>	40	52	12	104
<b>As % of total</b>	38%	50%	12%	100%

#### Parking Provision

<b>Car Parking</b>	233
<b>Bicycle Parking</b>	64

- 3.3. The site comprises two parcels of land identified in the application documentation as Phase 1 lands and Phase 2 lands. A wider masterplan area with indicative layout is submitted which relates to lands to the north of the existing access street/north of the Phase 1 and northeast of the Phase 2 lands. I note that the masterplan lands are not being assessed as part of this application and this application relates only to the two parcels of land within the red line site boundary.
- 3.4. The primary vehicular access to the site is proposed from internal estate roads serving Cois Furáin residential development, which has a junction with the Athenry road to the west. Modifications are stated to be proposed to the existing vehicular access and egress point on the Athenry Road. Pedestrian connections are proposed with lands to the south east of the application site, and to the east and west of the proposed public park, intended to connect into future development lands.
- 3.5. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required.
- 3.6. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:
- Planning Report (including Response to ABP Pre App Opinion)
  - Statement of Consistency
  - Architectural Design Statement
  - Computer Generated Images
  - Housing Quality Assessment
  - Universal Design Statement
  - Engineering Services Report
  - Flood Risk Assessment
  - Preliminary Construction and Waste Environment Management Plan
  - Stage 1-2 Road Safety Audit
  - Traffic and Transportation Assessment

- Ecological Impact Assessment
- EIAR Screening Report
- Invasive Species Management Plan
- Natura Impact Statement
- Outdoor Lighting Report
- Landscape Masterplan
- Childcare Demand Assessment

## 4.0 Planning History

051150 – Permission GRANTED for 84 dwellings and a creche [this permission relates to the residential development now called Cois Furáin]. Permission was sought for the construction of a 190 unit residential development and creche.

065473 – Permission GRANTED for 28 dwellings in place of previously approved 20 dwellings [this relates to area of Phase 1 subject to this application and this permission was not enacted].

## 5.0 Section 5 Pre Application Consultation

### 5.1. Pre-Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants, the planning authority and An Bord Pleanála was held on 7<sup>th</sup> May 2020 (ref ABP-306598-20) in respect of a proposed development of 343 houses, creches and associated site works. I note the area for development discussed at pre-application stage was much larger than the area submitted as part of this application. The main topics discussed at the meeting were –

- Core Strategy, LAP Phasing, NWRA RSES Settlement Hierarchy
- Design Strategy – housing mix/typology, layout and urban design, open space hierarchy
- Drainage – Surface Water Management – Flood Risk Assessment



- Environmental Impact Assessment
- Any other matters

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

## **5.2. Notification of Opinion**

- 5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

### **1. Residential Phase 2 Lands**

Further consideration of the documents as they relate to the zoning of a large proportion of the site for Phase 2 Residential. This consideration, including a justification for any application for development, should have regard to, inter alia, the Galway County Development Plan 2015 – 2021 and the Loughrea Local Area Plan 2012-2022 as it relates to the phasing of residential development and, in particular, the quantum and location of Phase 1 lands within the above mentioned LAP area which remain undeveloped and Policy RD2 – Phased Development on Residential Zoned Lands. This consideration and justification should also have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as it relates to the sequential approach and phasing. In this regard an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan, if applicable.

### **2. Development Strategy**

Further justification/re-examination of the documents as they relate to the proposal which includes for the provision of an access road over an area zoned Objective OS Open Space/Recreation and Amenity within the Loughrea Local Area Plan 2012-2022. Having regard to, inter alia, the specific wording relating to this land use zoning objective and objective CF3b (Community Facilities), the applicant should

satisfy himself/herself that they can proceed with an application for this part of the proposed development noting the provisions of section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016. In the event that an application is made, the application documentation should clearly lay out the justification and rationale for the proposed development having regard to the above. The materiality or otherwise of any contravention of the statutory objectives pertaining to the site, should be fully addressed in the application documentation.

### **3. Design and Layout**

Further consideration of documents as they relate to the development strategy for the site, in particular the design approach and overall layout of the proposed development in relation to:

- The configuration of the layout particularly as it relates to the creation of a hierarchy of high quality, functional and amenable public open spaces with maximum surveillance, the creation of high quality public space interfaces without physical or visual barriers, quality children's play areas, general amenity and pedestrian connectivity should be given further consideration. Incidental and unusable strips of open space should be omitted. Unsupervised laneways and open spaces between and behind dwellings should be avoided.
- The overall design approach to the site to ensure that a range of high quality housing typologies are provided and that a high quality living environment is created with distinct character areas. Finishes and materials should be robust and ensure variety.
- Further consideration of the documents as they relate to the layout and design of streets within the development and the requirements of DMURS regarding permeability and connections with existing street network; hierarchy of routes and street function; enclosure including building frontage, furniture and planting along streets; parking; widths of carriageways and footpaths; pedestrian crossing points; and types of junctions and corner radii. The submitted documents should demonstrate specific compliance with the particular stated provisions of DMURS. Generalised assertions regarding principles are not sufficient. If any cycle facilities are proposed, the specific compliance with the particular requirements of the National Cycle Manual should be demonstrated by the documents.

- That a high quality landscape strategy for the site is provided. Full details of boundary treatment should be provided and more effective ways to deal with legacy issues such as large expanses of retaining walls and tackling the loss of passive supervision opportunities from previous phases of development should be clearly demonstrated. In addition, the use and function of all open spaces should be detailed, not least with regard to the proposed buffer zones along the northern extremity of the site adjacent to the R380 and the large open space at the centre of the scheme. SuDS measures should be incorporated into the landscape proposals as appropriate.
- The design of the community facilities / crèche facilities should ensure that development appropriately addresses the street and that the layout is not dominated by surface car parking.
- The need to provide appropriate double fronted corner units particularly along road frontages and adjacent to public open spaces to ensure appropriate passive surveillance.
- The documentation at application stage should clearly indicate how the 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been complied with.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted

#### **4. Water Services**

Further consideration of documents as they relate to the water supply network, required pipe upsizing of the foul sewer network and any other wastewater treatment upgrades necessary as outlined by Irish Water documentation received by An Bord Pleanála dated 11 March 2020. An outline of the necessary works to address the constraints and what party or parties will be responsible for such works. In addition, there should be clarity as to whether such works would be the subject of a separate consent process and or compulsory purchase process. Timelines for the delivery of any works is required relative to the delivery of the proposed development. Given the existing deficiencies in the provision of adequate sewerage infrastructure, the applicant should satisfy themselves that the proposed development would not be

premature pending the delivery of required infrastructural improvements. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

## **5. Surface Water Management and Risk of Flooding**

Further consideration of documents as they relate to surface and storm water management for the site. This further consideration should have regard to the requirements of the Council in respect of surface water treatment and disposal as set out in section 'D.10 Servicing' of the Planning Authority's opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority. Streets should be shown up to the boundaries of the site and facilitate future access.
2. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal if proposed. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted. Sections should be submitted at key locations where the public open spaces interface with proposed residential units.
3. A construction and demolition waste management plan.
4. In the event that the application is not accompanied by an EIAR the applicant shall submit the information referred to in article 299B(1)(b)(ii)(II) and article

299B(1)(c) of the Planning and Development Regulations 2001-2018 and this should be submitted as a standalone document.

5. Noise Impact Assessment, which addresses the potential noise impact from the R380 and clearly outlines noise mitigation measures, if considered necessary.

### 5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

#### **Item 1 Residential Phase 2 Lands:**

- It is stated that Phase 1 and 2 of the proposed schemes are now entirely located on lands which are zoned Residential Phase 1. The proposed development is stated to be consistent with Policy RD2 (Phased Development on Residential Zoned Lands), whereby Galway County Council seek to encourage orderly, sequential and phased residential development. This shall include a positive presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands in order to align the Local Area Plan with the Core Strategy/Settlement Strategy in the Galway CDP.

#### **Item 2 Development Strategy:**

- It is stated that the road which previously traversed the area zoned Objective 'OS' within the Loughrea Local Area Plan 2012-2022 (referred to herein as the Loughrea LAP) as outlined in the pre-application documentation has been repositioned to circumvent the 'OS' zoned lands.
- Access from the west to the east of the OS zoned area is stated to be retained to facilitate the development of Phases 3 and 4 of the future masterplan lands but the carriageway has been relocated to the north-most periphery of the area in question.
- A road through the site was considered most appropriate by the design team, to connect the larger land bank comprising of Phase 3 and 4 lands to the north east of the application site, as the existing access serving neighbouring lands at Monearmore is too narrow(4.5m wide) to provide vehicular access to the site. This existing 4.5m wide road would not be capable of serving any future development. It

is also not deemed appropriate to access the subject area from the regional road R380, leaving access through the Open Space zoned area as the only best solution to ensure the orderly development of this portion of the site. It is stated that a future pedestrian connection is proposed to connect to these lands.

#### **Item 4 Design and Layout:**

- Dwelling Design and Passive Surveillance - The reconfiguration of the layout of Phase 1 and 2 and the introduction/redesign of some dwelling units is stated to have removed expanses of blank walls and impenetrable edges. See drawings 1912-JCA-02-0047 to 1912-JCA-02-0050 & 1912-JCA-02-1032 to 1912-JCA-02-1045; and unit type E1.
- Pedestrian Movement and Passive Surveillance – It is stated that pedestrian connectivity has improved with the dissolution of hard boundaries to the main access road from Phase 1 and to the parkland in phase 2. The reorientation of terraced units increases the permeability for non-vehicular passage across public areas of the site while limiting car movement. Reference is made to diagram 06 Pedestrian Priority on sheet 1912-JCA-02-0007. In addition to increasing passage at the scale of the site, the reconfiguration of 2 bed units in Phase 1 and 2 is stated to allow for the introduction of more localised amenity spaces with the creation of pocketed neighbourhoods of short terraces which enclose open spaces and parking squares. Play areas are described as part of the landscaping information as provided by JBA Consulting.
- Character Areas - Distinct character areas are stated to be created through the use of these varying typologies and material palettes across each phase. Within each phase, it is stated that the collective configuration of units as streets, around courtyards, or around green spaces, adds intricacy to the phase layout. This intricacy is stated to distinguish areas of the phase which share the same material palette to add more variety, so a street-like typology within phase 1 stands distinct from a courtyard typology within the same phase. Given the different approach to material in phase 2, a courtyard configuration is stated to have a different character to the courtyard typology of another phase. The chosen material palettes of brick, stone, and varying render texture are considered hard-wearing robust materials that do not require a high level of maintenance to retain their appearance.

- DMURS – It is stated that the only significant cul-de-sac appears in Phase 1, where it is deemed inefficient to provide a looped road given the slender proportion of the plot. In order to maximise pedestrian permeability while limiting vehicle dominance, it is stated that the ground area given over to the movement of people is significantly more extensive than the vehicular network. Non-porous built edges between public areas have been eliminated to increase movement.
- It is submitted that in accordance with DMURS, the existing main road on site is deemed as a Link Street and shared surfaces are proposed (section 4.3.3 of DMURS). The homezone /shared surfaces are proposed to have a distinct Buff coloured Bitmac surface. It is stated that the narrow and staggering nature of the 'home-zone' will deter motorists from parking in undefined areas. Designated guest parking, where perpendicular to the shared surface is limited to runs of 6. To facilitate manoeuvrability in and out of these spaces with the tight carriageway width, the parking bay is set back further into the kerb line. To ensure that this stands distinct from the main carriageway, it is stated that the parking areas will have a different surface finish to that of the 'home-zone'.
- It is stated that as defined in DMURS, the ratio of open space between buildings relative to their height contributes significantly to the area's sense of enclosure. A ratio of 1:3 is proposed in the courtyards. A ratio of 1:4 is proposed around shared green spaces.
- All details of furniture and planting are provided in detail within the landscaping strategy provided by JBA Consulting. The landscape masterplan for phases 1 and 2 are shown on drawings BNXJBAI-00-00-DR-L-0006, JBAI-00-00-DR-L-0007, and JBAI-00-00-DR-L-0008. Planting details are shown on drawings BNX-JBAI-00-00-DR-L-0005 and BNX-JBAI-00-00-DR-L-0010. Street furniture is not included within the landscape proposals for shared streets proposed as they can cause visual obstructions. Seating areas are proposed within public park located at the north of phase 2 and within pocket parks.
- Parking - As per section d of DM Standard 22 of the Galway CDP, 1.5 car parking spaces per 1-3 bedroom dwelling and 2 spaces per 4 bedroom dwelling have been provided. 1 guest parking spaces per 3 dwelling units has been provided. It is stated

that the parking strategy follows the guidance of section 4.4.9 On-Street Parking and Loading of DMURS.

- Carriageway Width - The width of the existing link road through the centre of the site is maintained at its current 6m width. Local roads, where users are segregated, are set at 5.0m wide. It is stated that where a local road is proposed as a shared surface, the carriageway is set to a maximum of 4.8m, pinch points are used in places as a speed control method but the width never falls below 3.7m as required for fire tender access. All footpaths are a minimum of 1.8m wide, the majority of the pedestrian network set to 2.5m. Road layout within Phase 1 is shown on Drg. No. BNX-JBAI-XX-XX-DR-C-1311 and Phase 2 is detailed in Drg. No. BNX-JBAI-XX-XX-DR-C-1312.
- National Cycle Manual - A future cycle path across the larger masterplan lands has been incorporated (outside red line boundary, on the northern side of the main access street). The width of the two-way cycle track has been set at 2.25m. Refer to diagram 07 CYCLE INFRASTRUCTURE of sheet 1912-JCA-02-0007 for extent of cycle track and locations of parking bays.
- Landscape Strategy - Where long sections of wall are visible within the streetscape, it is proposed to include climbing planting and shrub fringes to reduce their visual impact. Details of the boundary treatments and existing garden walls are shown in Drg. No. BNX-JBAI-00-00-DR-L-0009. Landscape masterplan for phases 1 and 2 are shown on drawings BNX-JBAI-00-00-DR-L-0006,0007 and 0008 by JBA consultants. The open spaces have been designed with a clear hierarchy. A large central Public Park provides for all the active and passive recreational needs of future residents of the scheme as well as neighbouring communities. It is stated that the scheme also includes a number of smaller open areas that are equipped with natural play structures aimed at above 10 age group. The central public park includes an active play area for under 10 age group.
- It is stated that the communal facility proposed within the current application site in phase 1 nestles into a prominent corner of the site, nearby the main entrance to site. The park at the end of the existing link road is stated to have a visual dominance from the site entrance and acts as a visual focal point as you traverse the site. A pavilion facility is proposed to be developed as part of the future phases



within the parkland area. Visitor parking spaces have been provided adjacent to the park pavilion in designated parking areas but distinguished from the facility by planted areas and paved footpaths.

- The accompanying Statement of Consistency and Architectural Design Statement document is stated to contain a detailed breakdown of how the scheme complies with the 12 criteria as set out in the Urban Design Manual.

#### **Item 4 Water Services:**

- It is stated that the foul sewer network does require an upgrade to accommodate development in excess of 50 no. houses. Discussions have been undertaken with Irish Water since the Pre-Planning Meeting details of which is provided within the Engineering Services Report. The applicant is open to discuss the matter and agrees to pay the required contribution. As per the indication of Irish Water this payment is only needed at connection application stage before construction.
- The upgrade works required as per the Irish Water CoF letter (provided in Appendix 5) include: - 300m upgrade of an existing 150mm diameter foul sewer; and, - 600m upgrade of an existing 225mm diameter foul sewer.

#### **Item 5 Surface Water Management and Risk of Flooding:**

- A Flood Risk Assessment (FRA) has been prepared by JBA Consulting Ltd.
- It is stated that the accompanying FRA concludes that: - There have been no identified historic flood event record within the subject sites or within the surrounding area; - The Western CFRAM confirms that there is no risk of fluvial flooding to the subject sites which are located in Flood Zone C; and, - The risk of groundwater flooding to the site is low and has been screened out.
- As there is no storm water piped outlet available, local soakaways have been designed for the 1 in 100-year rainfall event plus climate change of 10% to be incorporated into the development. The joint probability of successive storm events have also been considered, on whether the design will allow for time to empty individual soakaways.

The specific information required in the Opinion issued to the applicant has also been addressed by the applicant in the submitted Planning Report.

#### 5.4. **Applicant's Statement of Consistency**

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the Galway County Development Plan 2015-2021 and the Loughrea Local Area Plan 2012 (extended to 2022). The following points within the report are noted:

- It is stated that the NPF highlights that rural town living requires a proportionate and tailored approach to residential development. It is stated that this means that it is necessary to tailor the scale, design and layout of housing in rural towns to ensure that a suburban or high density urban approach is not applied to a rural setting and that development responds to the character, scale and density of the town.
- It is highlighted that a consistent 2 storey building height has been proposed for Phase 1 and 2 of the proposed development. The overall density and height of the development is considered in the submitted document to be appropriate for the location of the site and the scheme will ensure the delivery of a suitably scaled new housing development.
- It is stated that the density of the scheme (28.3 units per ha) has been determined by its context, the strive to create 'home-zones', abundant communal open space, and the desire to generate a scheme which is permeable to human movement and assimilates into its surrounding context....It is stated that the proposed dwellings will all share a similar form for continuity across the site, however, each phase has its own distinct character...It is stated that an emphasis has been placed on the incorporation of extensive high-quality landscaping...
- It is stated that the existing main access road has been extended, but added raised crossing points will slow down vehicular traffic and allow people and cyclists to cross safely at grade.
- It is considered in the submitted document that the layout balances a medium density of development with abundant green spaces, parking provisions, and pedestrian connections, to create a cohesive residential environment. It is

considered that the quantum of building area is proportionally balanced with the level of natural, landscaped areas proposed for the site and the proposed development will ensure the efficient and optimal use of this residential zoned land.

- The guidelines on Sustainable Residential Development in Urban Areas are quoted, including the statement that Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. The applicant states in response to the guidelines, that the 'proposed development provides for a density of 28.3 no. units per hectare which is considered to be entirely suitable for the application site and in accordance with the applicable local planning policy requirements (i.e. Loughrea Local Area Plan (LAP), 2012 (extended to 2022)'. It is stated that 'Given the greenfield suburban location of the lands and its Residential Phase 1 zoning, the application is considered to meet the definition of 'inner urban suburbs' triggering consideration of appropriate density in the range of 15-35 units per ha as prescribed in the Loughrea Local Area Plan (LAP) 2012 (extended to 2022)'. It is contended that the subject site is within walking distance of a range of services and amenities and the layout of the scheme represents the optimal use of the existing lands. It is concluded that the proposed development achieves a balance between an appropriate density of development and the provision of extensive green areas and open spaces to the benefit of residents and the wider community.
- Design Manual for Roads and Streets (DMURS): It is stated that 'Pedestrian priority has been to the forefront of the design intent and the principals of placemaking and street design from DMURS have been employed'.
- It is stated that submitted FRA addresses fluvial, tidal and pluvial flooding. It is stated in relation to Pluvial Flooding that '...A number of sources have been researched such as floodmaps.ie. Based on review of the available information there is no recorded pluvial flooding at the site'.
- It is stated that the provision of creche facilities have been included within the larger masterplan lands and has the potential to be delivered at a later date.
- It is stated that the proposed development is consistent with the requirements of the Core Strategy and the Settlement Strategy.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### 6.1.2. Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)

- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

## 6.2. Regional Policy

### **Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (January 2020)**

The principal purpose of the Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020) is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the regions.

#### **RPO 3.2**

- (a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.
- (b) Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.
- (c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.

#### **RPO 3.13**

To support the role of smaller and medium sized towns, which demonstrate an important role in terms of service provision and employment for their catchments within the economic function of the county. Such settlements will be identified

through the Development Plan process as part of the Settlement Hierarchy and the Core Strategy.

### 6.3. Local Planning Policy

#### **Galway County Development Plan 2015-2021:**

- Chapter 2: Core Strategy - Population allocation for Loughrea of 1,133 persons with a stated indicative housing yield of 351 housing units.
- Chapter 3: Housing – Urban Policies & Objectives (Section 3.6).
- Chapter 8: Climate Change & Flooding: Flood Risk Management Policies & Objectives (Section 8.3).
- Chapter 9: Heritage, Landscape & Environmental Management – Natural heritage and Biodiversity Policies & Objectives (Section 9.96).
- Chapter 10 Social, Cultural & Community Development - Gaeltacht Policies & Objectives (Section 10.5).

#### **Loughrea Local Area Plan 2012-2022**

As stated in the submitted CE Report, the Loughrea Local Area Plan was published on 24th September 2012, and was the subject of a deferral notice having regard to the provisions of Section 19 (1)(d) of the Planning and Development Act 2000 (as amended), for a further five years from 24th July 2017.

The following two zoning objectives apply to this application site:

- Zoning objective R1 – Residential (Phase 1).
- Zoning objective OS Open Space/Recreation and Amenity with objective CF3b (Community Facilities). An Amenity Corridor bisects the site east to west.

Loughrea is on the third tier of the Development Plan settlement hierarchy and its role as a 'Key Town' is to sustain its growth in order to achieve Loughrea's potential as a self-sustaining town.

The Core Strategy of the Development Plan indicates that Loughrea has been assigned a population growth target of 1,133 persons by 2022.

#### **Section 3.1.2 Land Use Management Policies and Objectives:**

- Objective DS6 – Residential Development Phasing (refer to Map 1):

Direct residential development into appropriately zoned and serviced areas in accordance with the phased development framework set out in Section 3.1 and 3.2 and shown on Map 1 – Land Use Zoning.

- Objective LU3 – Residential (R) (refer to Map 1 and Objective RD1):

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... A phasing scheme will apply to residential uses on Residential (R) zoned lands, as set out under Objective RD1 in Section 3.2.2.

- Objective LU7 – Open Spaces/Recreation and Amenity (OS) (refer to Map 1 and Map 3):

Promote the development of open spaces and recreational activities in accordance with best practice and on suitable lands with adequate access to the local community... Ensure that any flood risk areas within the OS zone are appropriately managed to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding.

- Objective LU12 – Flood Risk Areas and Land Use Zones (refer to Map 1 and Map 3):

Ensure that any proposed development that may be compatible with the land use zoning objectives/ matrix but which includes a use that is not appropriate to the Flood Zone (as indicated on Map 3 – Flood Risk Management) and/or that may be vulnerable to flooding is subject to flood risk assessment, in accordance with the Flood Risk Management Guidelines 2009 and the relevant policies, objectives and guidelines of this Plan.

- Objective LU13 – Land Use Zoning Matrix (refer to DM Guideline LU2):

Direct different land uses into the appropriate land use zone/s in accordance with the land use zoning objectives and the land use zoning matrix set out under DM

Guideline LU2. Ensure that proposed land uses are compatible with existing land uses and in keeping with the character of the area.

### **Section 3.2.2 Residential Development Policies and Objectives:**

- Policy RD2 – Phased Development on Residential Zoned Lands (refer to Map 1):

It is the policy of Galway County Council to encourage orderly, sequential and phased residential development in accordance with the Preferred Development Strategy and the land use management and zoning provisions set out in this Local Area Plan. This shall include a positive presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands in order to align the Local Area Plan with the Core Strategy/Settlement Strategy in the Galway County Development Plan, subject to compliance with the policies and objectives in this Local Area Plan and the principles of proper planning and sustainable development. There will be a general presumption against residential development on lands zoned Residential (Phase 2) within the lifetime of the Local Area Plan, subject to the exceptions provided for under Objective RD1.

- Objective RD1 – Phased Residential Development (refer to Map 1):

Support the development of lands designated as Residential (Phase 1) within the lifetime of the Local Area Plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer term growth needs of the town...

- Objective RD3 – Housing Options:

Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics and social changes, social inclusion, life time changes, smaller household sizes, lower formation age, immigration, etc.

- LU15 – Residential Densities (refer to DM Guideline LU1):

Promote a range of residential densities within the Plan Area appropriate to the prevailing development pattern, supporting infrastructure, urban character and heritage resources in accordance with the guidance in the Sustainable Residential Development in Urban Areas Guidelines 2009 (or any updated/superseding document). Higher residential densities should be encouraged at locations where it is



appropriate to the existing context and density of the Plan Area, for example around the town centre and within convenient walking distance of public transport facilities, and where it will not unduly impact on built or natural heritage or impact adversely on the integrity of European sites that form part of the Natura 2000 network. The density of residential developments will generally be in accordance with the guidance set out under DM Guideline LU1, although the planning authority may consider higher residential densities where this is considered appropriate to the context and necessary to secure the urban design or other objectives of the Plan. Development will only be permitted where adequate infrastructural capacity and services can be provided.

- DM Guideline LU1 – Development Densities:

The development of higher densities will need to be appropriate to the context and will be assessed based on the merits of the proposal and subject to good design, compliance with both qualitative and quantitative standards, location, capacity of the site and infrastructure to absorb development, existing character of the area, established densities on adjoining sites, protection of residential amenities, proximity to public transport, etc. The Planning Authority may use its discretion in varying these density standards (relevant Extracts from DMG LU1 metrics below):

- DMG LU1 density range 15-35 Units per Hectare - Neighbourhood centres (typically within 400m walking distance of centre point), inner urban suburbs.
  - DMG LU1 density range 5-15 Units per Hectare - Urban periphery, outlying lands, areas with capacity/environmental constraints.
- Objective UI7 – Flood Risk Management and Assessment (refer to Map 3):

Ensure the implementation of the DEHLG/OPW publication Flood Risk Management Guidelines 2009 (or any updated/superseding document) in relation to flood risk management within the Plan Area. This will include the following:

a) Avoid, reduce and/or mitigate, as appropriate in accordance with the Flood Risk Management Guidelines 2009, the risk of flooding within the flood risk areas indicated on Map 3 – Flood Risk Management, including fluvial, coastal/tidal, pluvial and groundwater flooding, and any other flood risk areas that may be identified during the period of the Plan or in relation to a planning application.

b) Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a Site-Specific Flood Risk Assessment, and justification test where appropriate, in accordance with the provisions of the Flood Risk Management Guidelines 2009 (or any superseding document). Any flood risk assessment should include an assessment of the potential impacts of climate change, such as an increase in the extent or probability of flooding, and any associated measures necessary to address these impacts.

c) Development that would be subject to an inappropriate risk of flooding or that would cause or exacerbate such a risk at other locations shall not normally be permitted.

d) Where certain measures proposed to mitigate or manage the risk of flooding associated with new developments are likely to result in significant effects to the environment or European sites downstream, such measures will undergo environmental assessment and Habitats Directive Assessment, as appropriate.

- Development Management Guidelines: Refer to the Development Management Standards and Guidelines in the Galway County Development Plan

#### 6.4. Designated sites

The site is not located within or adjoining a European site.

Lough Rea SAC and SPA is situated approximately 600m to the south.

### 7.0 Third Party Submissions

7.1. In total 33 submissions were received (one of which was from Irish Water, see section 9 hereunder). The submissions were primarily made by or on behalf of local residents.

7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

#### Principle of Development

- The development would materially contravene the provisions of the Loughrea LAP.

- 70% of the proposed development is on lands not earmarked for development under the current LAP. This would be developer led planning and ignores the LAP. The development of phases 3-6 materially contravenes the LAP.
- 300 houses in Cosmona is disproportionate and contrary to the LAP.
- The whole masterplan needs to be taken into account when considering the application due to the scale of the development. The masterplan would contravene the core strategy of the GCDP and phased development objectives of the Local Area Plan.

#### Density, Design and Layout

- Density is excessive and design is very suburban.
- The current proposals will amount to 29.9% of the entire planned stock of houses for the duration of the current LAP and successive phases will account for 97% of the total.
- The developer is proposing that all of Loughrea's housing need is met in one area of the town. Housing should be provided for across the town, not all located in one place.
- Local demand may be exceeded given the volume of housing proposed.
- There are far too many units proposed and the housing numbers exceed those of existing development in the area.
- Grave concerns in relation to the scale and volume of development.
- The density is too high in comparison to existing development/previously permitted development in the area.
- Density of Phase 1 is excessive. Previous permission on this site was for 20 houses and proposal is now for 40. Previous proposal for Phase 2 was 42 units and is now 64. Density is out of character with surrounding houses.
- The school will be surrounded with houses.
- There is a very high a proportion of two bed units.
- The development has a pleasant layout and will bring about the completion of the estate. The public park is a badly needed amenity in the area.

- The layout with no footpaths will result in traffic conflict. This is raised in RSA.
- Some parking spaces are not provided for beside the proposed houses.
- The design of the houses is of very high quality.
- The design is excessively uniform. The design is completely out of character with existing developments.
- There is only one access road to phase 1 which leads to the creation of a cul-de-sac.
- Roof pitches/houses are too high, does not reflect the design of surrounding development, and will lead to attic conversions over time increasing the population of the estate.
- There should be no connections to the adjoining developments.
- Permeability: No safe walking and cycling linkages have been provided. Obvious locations for walking and cycling links between Hazelwood and Donnellan Drive have been overlooked. The failure to make these connections represents a loss of a crucial safe and direct route for walking and cycling in this area and for local residents to the nearby Gaelscoil and services in Loughrea town. Layout makes links to the town centre less direct and more circuitous. This appears to be contrary to DM Standard 2 of the County Development Plan, Policy TI 2 of the Local Area Plan, Permeability Best Practice Guidelines; NTA (2015) and is contrary to DMURS. A direct route from Hazelwood to the Gaelscoil, if connections provided, would be circa 700m, otherwise it's a circuitous route of 2.1km.
- Cycle Parking: The number of cycle parking spaces is insufficient. It is not clear if the proposed 'bike stores' will be covered. There only appear to be 8 no. cycle storage spaces for 10 no. terraced houses. Galway County Development Plan and Section 5.5.7 of the National Cycle Manual call for 100m<sup>2</sup>. Three spaces per house should be provided. A total of 5% of cycle spaces should be designed to accommodate users of nonstandard cycles in order that the development is more inclusive.

#### Impact on Residential Amenity

- Six houses will be backing onto one property and its rear garden in Donnellan Drive. Concerns in relation to high impact on property as a result of invasion of privacy, increased noise, fear of trespass, and security. Request that wall needs to be plastered and at least 2.2m high to extend the whole length of the property and the end of Donnellan Drive.
- Impact on privacy and security of residents on Donnellan Drive.
- Opposed to pedestrian connections between estates for reasons of safety, security and noise.
- Impact of proposed dwellings at eastern end of Phase 1 and opposite houses in Cois Furáin, including impact of car lights on windows in evening and noise.
- Concern in relation to overshadowing and blocking of natural light in Hazelwood and Cois Furáin – reference to Contiguous Elevation 1912-JCA-02-0023.
- Construction noise and emissions and impact on those working from home due to Covid.
- Construction traffic and hazards to children and residents in existing Cois Furáin.
- Phase 2 has a limestone bed. Excavation and rock breaking will be carried out. This may result in structural damage to foundations of surrounding houses due to vibrations.
- The gardens of the proposed dwellings are too small and insufficient.

#### Local Amenities

- The development will place additional burden on schools which are at capacity.
- There is inadequate capacity for creches, shops etc within easy pedestrian reach.
- Area lacks schools, local medical infrastructure, and amenities.
- Concern in relation to overlooking of school.
- Fire safety concerns given distance between houses.

#### Ecology and Open Space

- Landscaping: It is not clear which trees are proposed to be removed or why they need to be removed.

- There is insufficient provision for public open space in phases 1 and 2. The proposed phase 1 junction will lead to the destruction of existing green space. The green space provision in Phase 1 is insufficient for the number of houses proposed.
- The proposed park may attract anti-social behaviour. Who will maintain the park and dressing-rooms.
- Impact on natural habitat – pygmy shrews and hedgehogs have been recorded on the Phase 2 lands.

### Traffic and Transportation

- There are insufficient public transport facilities for scale proposed.
- The preliminary CWEMP refers to dust emissions and noise during construction but the issues are not addressed in sufficient detail. Greater detail is required in relation to the management of dust, noise and other construction impacts.
- Excavation could lead to displacement of vermin.
- Road Network: The development will place increased pressure on the existing road network. The conclusion in the Traffic Survey that the development will not put pressure on existing roads has been made after just one days survey. The year 2020 is not representative of typical traffic volumes due to Covid -19.
- Development will result in excessive traffic within Cois Furáin.
- There are no other cycle lanes in Loughrea – danger of merging from proposed cycle lane onto existing Athenry Road.
- Additional traffic and tailbacks will affect Donnellan Drive.
- The TTA acknowledges that most construction traffic approaching the site will travel via the L8193. It is indicated that a detailed traffic management plan for the proposed works will be prepared prior to commencement of construction by the contractor. This is a fundamental consideration and construction access should be off the R380 to the north.
- Access/Egress: There is only one vehicular access/egress point through Cois Fuarain estate on the L8193.
- With all six phases the safety of residents will be compromised.

- There will be conflict between traffic, including construction traffic, with the nearby Gaelscoil Riabhach. Construction traffic should be limited during peak school hours. The Cois Fuarain Road links the site to the L8193 Athenry Road via an uncontrolled T-Junction located adjacent the entrance to the Gaelscoil. This junction is not within the applicants red line boundary and traffic calming, signalisation, dedicated cycle and pedestrian connections are all required on this route/junction. Parking and pick/drop facilities are limited at Gaelscoil Riabhach and cars are parked on both sides of the road during school start and end times. The safety of school children may be compromised by the proposed development.
- Additional traffic will arise from people using the public park and playgrounds.
- As the bypass is not complete, Gort traffic use the Athenry Road to access the town. There are tailbacks at this junction into town regularly.
- Modal Split: The development will be heavily reliant on car based transportation.
- Footpaths: No footpaths are proposed except those parallel to the main link/feeder road and local roads within housing estates are to be developed as shared surface carriageways. This is a dangerous proposal.
- The proposed positioning of the P1 junction poses a traffic hazard to residents in No.'s 73 and 74 opposite when manoeuvring out of their driveways (potentially now reversing into the path of oncoming traffic associated with the proposed development). There should be more than one entrance to phase 1 and the entrance opposite 4-77 Cois Furain should be relocated.
- Refuse collection trucks will have difficulty accessing Phase 1.
- Car parking in phases 1 and 2 is not directly outside proposed houses and this will lead to dangerous parking on footpaths etc.

#### Water Services and Flood Risk

- The site is prone to groundwater flooding (photographs included).
- Concern in relation to flooding at Hazelbrook which is at a lower level to the site.
- The sewage Treatment Plant at Ballygasty is struggling to cope and is at 95% capacity and substantial upgrade works are required.
- Water supply is close to capacity.

- Water pressure is already a problem in the area.

### Sustainability

- Maximum advantage has not been taken of renewable energy sources. Roofs are not solar ready and the layout does not facilitate EV charging infrastructure.
- The site of phase 2 has seen an increase of many species of mammals, for example, honeybees, foxes, hedgehogs and pygmy shrews.

### Other Matters

- Many people in the area now work from home and construction noise will be particularly problematic.
- Plans should solely reference 104 units to eliminate confusion.
- There are two pillars at the entrance to Cois Fuarain with the estate name on stone plaques. Is it proposed to change the name at the entrance?

## **8.0 Planning Authority Submission**

### **8.1. Overview**

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Galway County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 22<sup>nd</sup> March 2021. The report notes the site description, proposal, planning policy, planning history, summary of observations and submissions, and summary of views of the relevant elected members. The Chief Executive's Report does not conclude that permission should be granted or refused but outlines their key issues raised in relation to the site and their position in relation to each of these. The CE Report from Galway County Council is summarised hereunder.

#### **8.1.1. Summary of Inter-Departmental Reports**

- A Report from the GCC Infrastructure and Operations Department is summarised and included within the CE Report.

#### **8.1.2. Summary of View of Elected Members:**

- Surface water drainage is not satisfactorily addressed in the planning application.



- Hazelwood housing estate is on a lower gradient than the site of the proposed SHD and this will create difficulties in terms of surface water attenuation.
- Local residents are not opposed to residential development, but the density and amount are of concern.
- Queried whether the masterplan was carried out at the behest of Galway County Council.
- Construction traffic is a serious concern and alternative arrangements to the use of existing estate roads should be examined.
- Green spaces are not sufficiently overlooked.
- Human safety must be a consideration as there is a Gaelscoil adjacent the site and 800 additional cars and construction traffic for up to 10 years would have an impact on human safety including the safety of Gaelscoil pupils crossing the road.
- Rock breaking will likely be required and this will have a impact on local amenities, structural stability of houses as well as potentially on geology.
- Traffic management concerns, compliance with the local area plan and the scale of the development.
- The overall height of many of the planned dwellings is very high, potentially resulting in what are effectively three storey dwellings.
- There are serious concerns in relation to flood risk, roads and the site is underlain with rock.

### 8.1.3. **Planning Analysis**

The following is a summary of the planning analysis the submitted CE Report from Galway County Council:

- There are numerous references within documentations, plans and particulars lodged to potential successive phases of the scheme and while successive phases have not been considered as part of the local planning authority assessment there is a question as to whether the inclusion of this superfluous information has been somewhat misleading to some members of the public as evidenced by the content of some third party submissions.

- **Zoning**: No overlay of layout and zoning maps submitted, however, it is stated that it would appear that at the northeastern end of the 'phase 2' lands, at least six dwellings (no.s 46 to 56 inclusive) are proposed on zoned Open Space/Recreation and Amenity, as well as part of two additional dwellings (no.s 51 and 55). The proposal therefore materially contravenes Local Area Plan objectives LU7, LU13 and Development Management Guideline LU2.
- CE Report notes that community facility proposed is 'open to consideration' only in this landuse zone. The principle of the development proposed on this portion of the site does not appear to create incompatibility with the LU3 Zoning Objective of the current Loughrea Local Area Plan 2012- 2022.
- **Core Strategy**: The proposed development is stated to be in accordance with the core strategy.
- **Urban Density**: In accordance with DM LU1, the site is considered as 'inner urban suburbs', with appropriate density range of 15-35 units per hectare applicable. The proposed housing density is 27.66 units/ha and is in accordance with the LAP.
- However, the site is an 'Outer Suburban/Greenfield sites' (Section 5.11 refers) in accordance with Sustainable Residential Development in Urban Areas Guidelines (2009), whereby 35-50 dwellings per hectare is the appropriate density range and such densities (involving a variety of housing types where possible) should be encouraged generally'.
- Overall it is considered that the proposed development with a net density of approximately 27.66 units per hectare is close to (lower limit of) the appropriate density parameters contained within Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and somewhat below the upper limit of the appropriate density parameters set out in the current Loughrea Local Area Plan for such areas.
- **Layout and Urban Design**: Reference is made to LAP objectives CF6, RD2, RD4, Policy UD, objectives UD1, UD2, UD3, UD4, UD5, and UD6.
- The majority unit typology is of two storey semi-detached units.

Phase 1:

- Proposed units 1 to 20 are assembled in five short terrace blocks aligned perpendicular to the main access road to the development and internal street. These terraces therefore have lateral gables and lateral boundary treatment facing the main entrance to the proposed development. Similarly the lateral gables and lateral boundary treatment of these units are presented to nearby units opposite the internal access road which creates a less than ideal aspect for the opposing units, particularly in view of the proximity of these units, lack of intervening public open space and apparently somewhat car dominated environment in intervening spaces which tends to hinder the sustainable placemaking outcomes called for under inter alia Objectives UD3 and UD5 of the Loughrea LAP.
- Public open space is not centrally located and does not appear to be directly overlooked by any of the proposed units (partially by end units only), and there are concerns in relation to aspect and incidental nature of open space areas provided in the context of LAP objective UD3.
- There should be greater emphasis in public realm design on balancing the function of streets in favour of the pedestrian as the proposed arrangements appear more hostile to the pedestrian than would be considered preferable.
- There is a lost opportunity to provide a street and functional connection to the Cois Furáin development to the south of proposed units 37, 38, 39 and 40 and the design choice to back units onto the Cois Furáin access road and forward of the Cois Furáin building line (when using active street frontages to address the corner and pick up the Cois Furáin building line would have been preferable) tends to hinder the sustainable placemaking outcomes called for under inter alia Objectives UD3 and UD5 of the Loughrea LAP.
- It is considered that the layout is sub optimum, having regard to the above objectives, in terms of amenity and placemaking with below optimum definition and overlooking of public open space areas within phase 1.

Phase 2:

- It appears from review of the layout that the footprint of at least 6 proposed units (no's 46, 47, 48, 49, 50 and 56) and portions of proposed units 51 and 55 are located on lands zoned 'Open Space/Recreation and Amenity' to which Local Area Plan

Objective CF 3b also applies. The proposed development would therefore appear to contravene to objectives of Loughrea Local Area Plan objective CF 3 (b).

- From an urban design perspective, the arrangement whereby the ends of three terraces only overlook the large public open space area to the north gives rise to concern as to whether this is the optimum design solution to give satisfactory definition, enclosure and overlooking of the open space area to the north.
- End of cul-de-sac units 12 and 21 have a poor aspect.
- A lost opportunity associated with the proposed layout to provide street and functional connections between the development and Hazelwood and Donnellan Drive to the south of proposed units 24 to 29 and to the east of unit 44 within proposed phase 2. It is noted that the potential lost opportunities in terms of pedestrian connectivity appears to have been compensated through the provision of a pedestrian connection at the southeastern corner of phase 2, presumably following a desire line to the east of the 'Ashlawn' development to the south, there is however also an urban design imperative to maximise street connections in the context of the provision of DMURS which discourages unduly dendritic housing schemes as well as Objectives UD3 of the Loughrea LAP.
- It is not entirely clear from the information submitted as to the significance, condition and stage of maturity of any trees to be removed and it is considered that the application would have benefited from a tree survey and further detail in relation to the type, species, age and condition of any trees to be removed.
- **Flood Risk:**
- There are areas of pluvial flooding within the approximate locations of planned phases 1 and 2 of the proposed strategic housing development. LAP Objective UI8 applies.
- The flood risk assessment received appears high level and is not site specific. LAP identified two areas of pluvial flood risk and applicant was advised to undertake a site specific flood risk assessment. The submitted FRA does not reference the pluvial flood risk areas in the LAP. Both areas are indicated on existing topographical surveys received as being comparatively lowlying (i.e. below the 92 metre contour with spot levels in some instances at circa 91.7m in the case of Phase 1 lands and

below the 88m and 88.5m contours in the case of phase 2 lands). It would appear, from review of the contours of the proposed development that no significant filling of these areas of proposed phases 1 and 2 are proposed and finished floor levels are as low as 92.15 in these areas within phase 1 (compared to existing site contours of approximately 91.6m to 92m) and as low as 88.2m in these areas within phase 2 (compared to existing site contours of approximately 87.7m to 88m).

- The local planning authority have considered the Flood Risk Assessment Study submitted with this application, Sections 8.6 and 8.7 of the Galway County Development Plan 2015, relevant provisions of the Loughrea Local Area Plan 2012-2022 and development management guidelines and objectives contained therein in relation to flood risk and based on submissions received concerning flood risk that vulnerable uses within portions of the development consider that more detailed analysis would be required to conclude that portions of the proposed development would not be at risk of flooding in the future or that the development would potentially result in exacerbating flood risk in the vicinity of the site and therefore, in the absence of (a) site specific analysis of pluvial flood risk in the context of the provisions of the Loughrea Local Area Plan and/or (b) a comprehensive justification test in accordance with the provisions of Section 5.15 of Planning System and Flood Risk Management Guidelines (2009) there is a question as to whether portions of the site are not at risk of flooding in the future or not satisfied that the development will not exacerbate the risk of flooding elsewhere. Therefore, the local planning authority cannot dismiss the potential that the proposed development would contravene Policy FL4 and Objective FL 1 of the Galway County Development Plan 2015-2021 and Objectives UI 7, UI 8 and DM Guideline UI 1 of the Loughrea Local Area Plan 2012-2022 in relation to flood risk, would be contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act, 2000 (as amended).

- **EIA:** Screening Report submitted.
- **Appropriate Assessment:**
- 5 no. European Sites located within 15km of the application site. It would appear that there are other European sites within this zone of influence including Sonnagh Bog SAC and Peterswell Turlough SAC and it is unclear from a review of the submitted NIS whether likely significant effects on these receptors and their

qualifying interests have been considered as part of the AA Screening process and NIS (they are labelled on maps included in Section 3.1 of the NIS).

- **Invasive Species:** An invasive species management plan received with the application documentation submitted refers to recorded invasive species outside the site of the proposed SHD.
- **Roads and Transportation:**
  - The proposed development does not maximise the potential for connections offered by existing development in the vicinity.
  - Section 3.1.4 of the Road Safety Audit indicates that while internal roads are indicated as shared spaces, the road geometry, junction radii and frontage car parking all reflect a standard carriageway alignment for a residential area and that this could give rise to car dominance and higher than desirable traffic speeds. Submissions received with the application include a Stage 1/2 Road Safety Audit and the Road Safety Audit Feedback Form refers to measures to address this issue including street chicanes, build outs and other measures to regulate driver habits and it is indicated that these will be introduced at detailed design stage. A number of items raised in the road safety audit (and accepted by the designer/applicant) have not been addressed in the final layout submitted with the planning application.
  - Section 14.1 of the TTA indicates that total car parking provision at 223 spaces is in excess of the current GCDP requirement of 162 no. spaces. There is a question as to whether this over supply could be given up to public amenity space.
  - EV charging stations should be provided in at least 10% of car parking spaces.
  - It is considered that detailed proposals for construction traffic routing and management should have been included with application documentation and this detail considered as part of the TTA and RSA.
  - Table 5.1 of the TTA provides trip generation data for 'creche in community building' however a creche does not appear to be proposed.
  - It appears that there are a number of existing pedestrian connections (e.g. to the south of Phase 1 and to the south and east of phase 2 which have not been incorporated into the pedestrian circulation/connectivity plan.

- Shared Surface Roads - Shared surface roads are shown to be 4.8m wide on layout drawings. However, the cross-section on drawing no. BNX-JBAI-XX-XX-DR-C-1352-S3-P01 indicates these to be 4.8m wide with an adjacent access path. It is stated that it is not clear whether there will be any pedestrian refuge areas provided on the shared surface roads as recommended in DMURS.
- Parking Accessibility - A number of the on-street parking facilities located on 4.8m wide access roads are 5m long perpendicular spaces. It is stated that these should be longer/wider to provide sufficient space for manoeuvrability in accordance with DMURS guidance.
- Cycle Path - The planning documents indicate that the cycle path shall be provided in the future and shall not form part of the current Phase 1 & 2 application. It is the Roads & Transportation Dept.'s opinion that this should be provided as part of the current application to serve both the existing and proposed housing developments.
- Road Finishes – contradiction in plans submitted.
- SW Drainage - For Phase 2, it is proposed to omit traditional SW sewers and, instead, use buried linear infiltration trenches with gulleys connected individually. This is a significant maintenance risk as invariably silt/debris will pass beyond the gully silt traps and into the infiltration trench which will become clogged over time. There is no provision for maintenance access to address this. This type of system is not considered suitable by Galway Co. Co. Roads & Transportation Dept.
- Hydrocarbon Interception - The proposed surface water drainage system does not include provision of oil interceptors to prevent hydrocarbons and silt/debris from entering soakaways.
- **Servicing:**
  - Wastewater Network - There may be a conflict between the content of the IW submission concerning third party consents and the content of the engineering services report which sets out that the works will be carried out by an IW regional contractor without the requirement for planning permission.
  - Wastewater Treatment - The existing wastewater treatment plant serving Loughrea has a design PE of approximately 9,500 and the local planning authority

understands that this plant is approaching its design capacity in terms of PE load. It is stated that the submission from IW indicates that the existing Loughrea WWTP can facilitate the proposed phased loading to the networks of 50 housing units per annum commencing in 2020. The submission also indicates that IW has plans to upgrade the WWTP to improve treatment processes in light of revised WWDA treatment standards and that at present these upgrades are not on IW 's Capital Investment Plan (subject to planning permission). It is indicated therefore that IW may require the applicant to contribute towards the costs of these upgrades and that this will be confirmed at the connection application stage for each phase of the development.

- Surface Water Attenuation - independent soakaway solutions are proposed as there is no suitable connection alternatives. Section 5.2 of the Engineering Services Report refers to the FRA conclusion that the site is within Flood Zone C and that the only issue which needs to be addressed is the management of on-site stormwater run-off as a result of the development. The proposed surface water attenuation arrangements may heighten the flood risk potential of the site and this design should be built into a site specific flood risk assessment for the site. There is a concern that the potential for pluvial flood risk identified in the Loughrea Local Area Plan has not been taken into consideration in the submitted Flood Risk Assessment report and that this report has informed surface water attenuation proposals.
- Water Supply - A submission from Irish water indicates that the water main network model for the area indicates that at present there is capacity in the IW network to cater for the proposed development subject to the development being delivered on a phased basis with the initial phase of 50 units.
- Part V – details included in relation to transfer of 11 units.
- **Childcare:** It is considered in the CE Report that the Childcare Demand Assessment does not provide sufficient evidence for provision of no creche and that childcare facilities are underprovided given the nature and scale of the proposed development. It appears therefore that the current proposals would be contrary to the provisions of Childcare Facilities: Guidelines for Planning Authorities (2001), Policy CF3 and Objective CF3 of the Galway County Development Plan 2015-2021. There are references to delivery of childcare facilities in future phases however there can,



without prejudice to the outcome of any future planning application, be no certainty over the delivery of such facilities in the future.

- **Archaeology:** No Archaeological Impact Assessment has been submitted. A condition is recommended in relation to pre-development archaeological supervision given proximity to archaeological feature RMP No: GA 105-068 (Lime Kiln).
- **Phasing:** Sections 7 and 8 of the architectural design statement received with the application documents indicate that the landscaping of the OS/RA zone will take place as part of phase 2. It is noted that this area is not included in the Phase 2 development layout (Drawing number 1912- JCA-02-0022) but is included in the phase 2 landscaping layout. The sequencing of landscaping delivery in line with development phasing should be regulated in the event that planning permission is granted for the proposed strategic housing development.
- **Construction Noise:** No reference to rock breaking in the submitted documentation, which appears to suggest no rock breaking is required.

## 8.2. **Statement in accordance with 8 (3) (B) (II)**

Galway County Council Chief Executive's Report does not conclude whether permission should be granted or refused but outlines their key issues raised in relation to the site and their position in relation to each of these:

- Incompatible development on lands zoned 'open space, recreation and amenity'.
- The proposed development would be contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act, 2000 (as amended), The Flood Risk Management Guidelines for Planning Authorities.
- The Local Planning Authority is not satisfied that the layout presented satisfactorily meets the sustainable placemaking outcomes called for under the provisions of Objectives UD3 and UD5 of the current Loughrea Local Area Plan.
- The local Planning Authority is not satisfied that the proposed development would not be contrary to the provisions of Childcare Facilities: Guidelines for Planning Authorities (2001), Policy CF3 and Objective CF3 of the Galway County Development Plan 2015-2021.

- The local Planning Authority also raise concerns in relation to the content of submissions received in relation to wastewater network upgrades; omission of construction traffic detail; question over tree removal; and cycle parking provision.

The Chief Executive's Report recommends the following planning conditions in the event that the Board decides to grant permission:

- C4: The design of the scheme shall be amended in the following respects:-
  - (a) proposed phase 1 units 37 to 40 inclusive shall be omitted and the footprint of said units and associated ancillary areas shall be added to the public open space area to the southeastern end of Phase 1.
  - (b) proposed phase 2 units 45 to 56 inclusive (four terraced structures which encroach onto the OS/RA zone as identified in the Loughrea LAP) and all ancillary private open spaces and car parking shall be omitted in favour of public open space.
  - (c) proposed Phase 2 units 12 and 21 shall be omitted in favour of open space or suitable alternative mix of public and communal or private open space.
  - (d) additional cycle parking shall be provided in accordance with the provisions of Section 5.5.7 of the National Cycle Manual.
- and, before development commences, revised drawings making provision for the above requirements shall be submitted to and agreed with the Planning Authority.
- C5: Mitigation and monitoring in accordance with CWMP, Section 5 of NIS, and Section 5 of EclA.
- C6: Archaeology
- C11: Surface water drainage and hydrocarbon and silt interception and management systems.
- C25: Detailed landscaping plan and requirement for detailed tree survey
- C29: Phase 2 shall not commence until such time as the wastewater network upgrades set out in S4.3.2 of the Engineering Report have been completed

- C30: Development Contribution

## 9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- An Taisce
- Galway and City County Childcare
- Heritage Council
- Irish Water
- Minister for Culture, Heritage and the Gaeltacht

One of the bodies have responded and the following is a summary of the points raised.

### 9.1. Irish Water: Conditions recommended.

**Wastewater Network:** The IW wastewater network has capacity to cater for an initial phase of 50 no. housing units. In order to accommodate the proposed loading from subsequent phases of the development however, upgrade works are required to increase the capacity of the IW wastewater network downstream of the development site: A 225mm diameter sewer which traverses the site discharges to approx. 300m of 150mm diameter sewer on the Cosmona Road and this will require upsizing to cater for more than the applicants initial phase of 50 housing units; Another section of 600m of 225mm diameter sewer further downstream would also require to be upsized to cater for any increase on the initial phase of 50 housing units.

IW have no plans to carry out these works at present will require a contribution of a relevant portion of the costs of the upgrades to facilitate the development. The costs of these upgrades, to be agreed as part of the connection agreement, will be borne by the applicant. Any third party permissions will be the responsibility of the applicant where works are not in the public domain.

**Wastewater Plant:** The existing Loughrea WWTP can facilitate the proposed phased loading to the networks of 50 housing units per annum commencing in 2020. IW has plans to upgrade the WWTP to improve treatment processes in light of revised

WWDA treatment standards. At present these upgrades are not on IW 's Capital Investment Plan and the upgrades will be subject to planning permission. The applicant may be required to contribute towards the costs of these upgrades and this will be confirmed at the connection application stage for each phase of the development.

Water: The water main network model for the area indicates that at present there is capacity in the IW network to cater for the [proposed development subject to the development being delivered on a phased basis with the initial phase of 50 units.

Design Acceptance: IW has not issued a Statement of Design Acceptance for the proposed development.

## 10.0 Oral Hearing Request

Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

The submission from Finbarr and Anna O'Shea includes a request for an Oral Hearing. The observers raise concerns in relation to inter alia the following: inclusion of Phases 3 and 4 which would materially contravene the LAP; density and design of Phases 1 and 2; scale of amenity space; density proposed; constitutionality of SHD; boundary to Donnellan Drive; traffic generation; lack of sewage and water capacity; and overloading of existing amenities. The observers consider the proposed development is contrary to the Loughrea LAP and County Development Plan and if permitted would set an undesirable precedent for similar unsustainable and poorly planned development.

In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I do not consider that there is a compelling case for an oral hearing in this instance.

Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I therefore recommend that an oral hearing need not be held.

## **11.0 Assessment**

### **11.1. Introduction**

Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development and Zoning
- Density and Housing Mix
- Layout and Design
- Biodiversity and Landscaping
- Residential Amenity of Proposed Dwellings
- Impact on Amenities of Neighbouring Properties
- Traffic, Transportation and Access
- Water Services, including Flooding Issues

These matters are considered separately hereunder.

11.2. I have carried out an Appropriate Assessment and an Environmental Impact Assessment Screening in respect of the proposed development, as detailed later in this report under sections 12 and 13 respectively.

### **11.3. Principle of Development and Zoning**

11.3.1. The applicant has submitted a proposed site layout plan outlining two parcels of land on which the development is proposed, including an existing access street/'link road'

serving Cois Furáin residential development (but excluding the existing junction). The application is accompanied by a masterplan for a larger land holding within the applicant's ownership. It is stated in the submitted Planning Report that elements of the detailed masterplan for the larger landholding (341 dwellings) have been submitted as part of this planning application for 'context, clarity and information purposes'. A number of submissions have mistakenly understood the application is for 341 dwellings. I note the submitted Planning Report and other documents submitted consistently show and cross reference the masterplan area as well as the proposed development with drawings of the different house types for future phases submitted for information purposes, as well as those for the proposed phases, which I acknowledge has given rise to confusion over the extent of development proposed. I note the planning notices and description of development are, however, clear that the development is for 104 units. For clarity, I am not assessing those elements of the masterplan which are outside the red line boundary of this application. This application, as per the submitted site notice and newspaper notice, is for 104 dwellings only on the two identified land parcels as outlined on drawing titled Proposed Site Layout Plan (1912-JCA-02-0005).

11.3.2. The CE Report from Galway County Council highlights that at least six dwellings (no. 46 to 56 inclusive) and part of no.s 51 and 55 are located on zoned 'Open Space/Recreation and Amenities' land and states that the proposal therefore would materially contravene Local Area Plan objectives LU7 (open spaces/recreation and amenity), LU13 (land use zoning matrix) and Development Management Guideline LU2 (land use zoning matrix).

11.3.3. I have reviewed all the plans submitted, including the Loughrea LAP and associated maps. The application site is governed by two zoning objectives – Zone R Residential (Phase 1) and Zone OS Open Space/Recreation and Amenities. The residential lands subject of this application are identified as phase 1 lands for development in the LAP. The applicant is proposing residential development on Zone R (Phase 1) lands, which is permitted in principle and is therefore in my opinion acceptable, subject to planning and environmental considerations addressed below in this report. A community facility is open to consideration on Zone R lands and is therefore acceptable, subject to detailed assessment as set out in this report. Zone OS is mainly proposed to accommodate a park, which is permitted in principle and is

therefore acceptable. While no overlay of the zoning map and the site layout plan has been submitted, it is clear to me having examined both that residential development is proposed on the southern section of Zone OS, which is 'not normally permitted', as per the zoning matrix. To propose housing on this land is in my opinion a material contravention of the zoning objective and zoning matrix relating to Zone OS and would also contravene Objective CF6-Open Space of the Loughrea Local Area Plan which seeks to 'Protect existing open spaces from inappropriate development...' and...'Facilitate the development of open spaces, including local parks, civic spaces and amenity areas, at suitable locations within the Plan Area' (refer to Map 2 of LAP). As per Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board is precluded from granting permission where the proposed strategic housing development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

11.3.4. It is open to the Board to omit the dwellings in the OS zone by way of condition.

#### Core Strategy

11.3.5. With respect to the Core Strategy as set out in the development plan, the CE Report states that at least 92 residential units on the R1 land use zone have been permitted, and at least 151 units on the R2 landuse zone. The proposed development of 104 residential units in combination with the permitted 143 units would not therefore result in an exceedance of the core strategy figure of 351 dwellings for Loughrea.

#### **11.4. Density and Housing Mix**

11.4.1. Some submissions raise concerns in relation to the volume of development and the density of development, which is considered too high.

11.4.2. Chapter 5 of the guidelines on Sustainable Residential Development in Urban Areas (2007) relates to Cities and Larger Towns, being defined as towns with a population over 5000. Loughrea has a population of over 5000 (as per 2016 Census figures) and therefore falls within the definition of a town as per the guidelines on Sustainable Residential Development in Urban Areas (SRDUA). In accordance with Chapter 5, I consider the application site can be considered an 'outer suburban greenfield site' whereby net densities of between 35 and 50 dph are encouraged and those below 30 dph are discouraged in the interests of land efficiency.

11.4.3. With regard to the Urban Development and Building Height Guidelines for Planning Authorities (2018), under SPPR 4, it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;
2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

11.4.4. The total site area is stated in the submitted Architectural Design Statement to be 6.06 ha gross and the net site area is stated to be 3.76ha. Given the existing access road serves existing residential developments and given the zoned OS lands (1.8ha) are to also serve a wider area, I consider it reasonable to exclude these areas from the developable area. I have examined the site area and consider the calculation as submitted by the applicant appears correct, albeit I note the CE Report submits that it is 3.5ha. The total net density is stated by the applicant to be 27.66 units/ha. I note that if one were to exclude the eight dwellings proposed on zoned OS lands, which the Board is precluded from granting permission for under SHD legislation, the density would be 25.5 units per hectare.

11.4.5. The CE Report states in relation to density ‘it is considered that the proposed development with a net density of approximately 27.66 units per hectare is close to (lower limit of) the appropriate density parameters contained within Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and somewhat below the upper limit of the appropriate density parameters set out in the current Loughrea Local Area Plan for such areas.’

11.4.6. The Loughrea LAP addresses density standards under DM Guidelines LU1, which states ‘...The Planning Authority may use its discretion in varying these density standards’, with the two density provisions being DMG LU1 density range of 15-35



units per hectare (NCs and inner urban suburbs) and DMG LU1 density range 5-15 units per hectare (urban periphery). The CE Report considers the site to fall within the inner urban suburbs, which I concur with.

11.4.7. While the submitted density of 27.66 units per hectare (25.5 units per hectare if exclude proposals on zoned OS lands), meets the Loughrea LAP standards, the density figure falls below 30 units per hectare, which I consider to be an inefficient and unsustainable use of serviceable land in an area zoned for Phase 1 Residential development. I note that densities below 30 units per hectare, while considered inefficient, are not precluded in large town locations under the SRDUA guidelines and section 5.12 of the guidelines allows for provision of lower densities in limited cases. I have considered the existing context of this site including existing low density housing in Cois Furáin (approx. 23 units per hectare), which provides for own-door two storey housing typology only. I have also had regard to the relatively new investment on the adjoining site of a large primary school, as well as to the proximate location of an existing new neighbourhood centre, all within walking distance. I do not consider a lower density below 30 units per hectare on this site is warranted given the dominance of lower densities in the wider area and this cannot be considered as a limited case given the extent of existing lower densities. I also consider the design and layout of the development proposed does not provide for the needs of the wider community in terms of housing mix and typology proposed when the existing context is considered. I furthermore have reservations in relation to the qualitative standards of design and layout achieved in this development, as discussed elsewhere in this report. I consider that the lower density proposed is not justified and would be contrary to the Ministerial Guidelines Sustainable Residential Development in Urban Areas, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. I consider that the proposed development would be contrary to the proper planning and sustainable development of the area and I recommend that permission is refused for this reason.

#### Dwelling Mix

11.4.8. The dwelling mix caters for 2, 3 and 4 bed dwellings, with 62% accounting for 3 and 4 bed dwellings and 38% (40 dwellings) comprising two beds. No one-bed units are proposed. All units take the form of two storey own-door dwellings.

11.4.9. The Urban Development and Building Height Guidelines for Planning Authorities (2018) states that newer housing developments at the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards), which is important in delivering medium densities and in addressing the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation. As noted above in this report, SPPR 4 (2) and (3) of the guidelines states it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure a greater mix of building heights and typologies in planning for the future development of suburban locations; and avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Design Manual state that a variety of housing types should be provided where possible; new homes should meet the aspirations of a range of people and households and that housing types and tenure should add to the choice available within the area. I further note that Objective RD3-Housing Options of the Loughrea Local Area Plan seeks to 'Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics and social changes, social inclusion, life time changes, smaller household sizes, lower formation age, immigration, etc.'

11.4.10. Having regard to the above and to the existing context of this area, where existing housing developments adjoining the site comprise primarily two-storey, semi-detached and detached dwellings, I consider that a greater housing mix and type could have been provided in this current scheme to add to the housing variety within the general area. No apartments or duplex units are proposed. This does not lend well to a good population mix or the provision of different housing types to cater for those at differing stages of the lifecycle. The limited housing type/mix is such that there is only limited choice available within the proposed development and when the

adjoining residential developments are taken into consideration, the proposed scheme would not meet the aspirations of a range of people or households. This is considered contrary to good planning practice and not in compliance with the aforementioned ministerial guidelines. It is my opinion that a greater variety of unit type/mix would have the potential to aid an increase in density on the site while at the same time providing a high quality scheme that would attract a good population mix to this area, which is well serviced with facilities. Overall, the proposed development results in a mono-height across the scheme as well as a mono-building typology, resulting in a low density (below 30 units per hectare), and is overall contrary to SPPR4 of the Building Height Guidelines.

## 11.5. **Layout and Design**

### Description of Site Layout

- 11.5.1. The layout of the scheme has been informed by the existing site context, the predominant factor being the existing residential context bounding the site, the existing access street currently serving Cois Furáin, and location of zoned OS land.
- 11.5.2. The proposed development is for 104 dwellings on a net site area of 3.76ha. The site comprises two separate parcels of land which are labelled Phase 1 and Phase 2, with a 1.8 ha park area (zoned OS) within the Phase 2 area. A community building is proposed within Phase 1 at the entrance from Athenry Road. The zoned OS lands, where a public park is proposed, is located at the end of the existing access street and is bounded by a portion of the Phase 2 lands. A playground and parking area is proposed on a portion of the Phase 2 lands adjoining the OS lands. An existing row of mature trees is located within the Phase 2 lands.
- 11.5.3. The description of development states modifications are proposed to the existing vehicular access and egress point on the Athenry Road. I note the junction with the Athenry Road is outside the red line boundary of the site, however the main access street/'link road' into Cois Foráin is included. While a raised ramp is proposed along this access street proximate to the junction, I can find no reference in the submitted documents to improvements to the access and egress point on the Athenry Road.
- 11.5.4. A masterplan has been submitted indicating how the rest of the residential zoned surrounding lands could be developed in the future. As previously stated, I am

assessing the land banks of Phase 1, Phase 2 and the OS land only and not the wider masterplan area which is not within the red line boundary of this site.

- 11.5.5. The proposed street hierarchy comprises the existing access street/'link road' off Athenry Road serving the existing Cois Furáin development (6m wide with 1.8m footpath on both sides), off which the two parcels of land are served by existing local streets (5m wide, with 2 x 1.8m wide footpaths on both sides). I note from the site layout plans that the existing access street is to be altered with a new raised table proposed close to the entrance from Athenry Road and a second raised table is proposed a further 200m along this street, just beyond the existing street linking south to the Phase 1 lands. A cycle path is indicated along the northern side of the access street, but this is outside the red line boundary and it is stated that it is intended that this will be provided as part of a future phase of development.
- 11.5.6. The streets proposed within each land bank of Phase 1 and 2 are stated to be shared surfaces/home zones, which are 4.8m wide with no footpaths.

#### Permeability/Connectivity to Adjoining Lands

- 11.5.7. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and accompanying Urban Design Manual, highlight the need to prioritise walking, cycling and public transport over the use of cars, and to include connectivity and permeability, sustainability, safety, legibility and sense of place in the layout and design of streets in residential areas. The Design Manual for Urban Roads and Streets (DMURS)(2013) emphasises that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport, with user priority in terms of street design being pedestrians, cyclists, public transport and then private cars. The Loughrea LAP furthermore identifies that given the relatively compact urban form of Loughrea, there is great potential for a modal shift from the private car towards walking and cycling as a mode of transport, particularly if improved linkages between the town centre, car parks, residential areas and schools are realised and new developments focus on connectivity, legibility and permeability. To this end, Objective RD2-Quality Housing Environments of the LAP seeks to 'Encourage the development of sustainable residential communities through the promotion of innovative, high quality building design and appropriate layouts, that prioritise walking, cycling and public transport options and

provide for a high level of permeability, accessibility and connectivity to the existing built environment, services and facilities...'. Having regard to the above ministerial guidance and Loughrea LAP, I have a number of concerns in relation to the proposed layout and design of the scheme.

- 11.5.8. A number of submissions raise concerns in relation to the design and layout of the scheme. Concern is raised that there is only one access road serving the entire area and a number of submissions consider there should be no connections with existing adjoining developments, while the Galway Cycling Campaign raise concerns in relation to the lack of pedestrian/cyclist connections and permeability.
- 11.5.9. The report from the GCC Infrastructure and Operations Department (summarised within the CE Report) highlights 'there are a number of existing pedestrian connections (e.g. to the south of Phase 1 and to the south and east of phase 2 which have not been incorporated into the pedestrian circulation/connectivity plan'. The CE Report further comments in section G of the report, 'Statement of Recommendation', that '...it is considered that there is a lost opportunity to provide a street and functional connections to the Cois Furáin development to the south of proposed units 37, 38, 39 and 40 and the design choice to back units onto the Cois Furáin access road and forward of the Cois Furáin building line (when using active street frontages to address the corner and pick up the Cois Furáin building line would have been preferable)'. With regard to phase 2, the CE Report states there may be a lost opportunity associated with the proposed layout to provide street and functional connections between the development and Hazelwood and Donnellan Drive to the south of proposed units 24 to 29 and to the east of unit 44 and it is noted in the CE Report that there is no reference to the existence of these or a rationale as to why connections have not been made in 'Section 02 Connectivity' of the Architectural Design Statement.
- 11.5.10. I have reviewed the layout of the development and that of the surrounding developments. The proposed development in terms of connectivity with surrounding lands, provides for connections into the undeveloped adjoining lands, but does not support connections into existing adjoining residential areas outside of Cois Furáin. A pedestrian access point is proposed to the northeastern section of the public park/OS lands, which is proposed to connect into undeveloped lands to the east of the public park/OS lands within the applicant's ownership as part of a future

development. A pedestrian connection into adjoining agricultural lands to the southeast of Phase 2 is proposed as part of an amenity corridor. Phase 1 connects into the existing adjoining streets serving Cois Furáin, however, I note that it lacks a direct connection from the western boundary of the site for pedestrians onto Athenry Road. With regard to Phase 2, there are residential developments to the east and south of this land with two streets of Donnellan Drive and Hazelwood terminating at the boundaries of from the adjoining lands. Athenry town centre is directly to the southeast of Phase 2 lands. I note no pedestrian connections are proposed into the streets in the adjoining developments around Phase 2, that is the cul-de-sac at Donnellan Drive and to the east through Hazelwood. While I note a number of submissions raise concerns in relation to any potential pedestrian connections, I consider these are significant missed opportunities for pedestrian connectivity and permeability overall, with the layout closing off direct pedestrian/cycle connections for the wider area, who could traverse the application site for a direct route to the existing primary school and in the reverse for direct connections for existing and future residents to the town centre to the southeast and all its services and amenities. The lack of pedestrian connectivity means future residents will need to travel to the town centre via an indirect route, ie along the Athenry Road and are more likely to use their cars as a result given the increase in journey. I note the submission from the Galway Cycling Campaign highlights a direct connection to the town centre would be 650m from the site, versus an indirect journey of 1.5km via Athenry Road. The submission indicates that it is 700m from Hazelwood to the school if a pedestrian access were permitted, versus an indirect route to the school of 2.1km. I further note there is a section of footpath missing on the Athenry Road, and while there is a gravel set back at the location in question, it could not be considered a pedestrian friendly connection for children accessing the school or for existing residents in the area. Direct pedestrian connections are in my opinion required to integrate this future community with existing communities and to support the development of sustainable communities through the delivery of direct and safe pedestrian/cyclist connections, ultimately supporting the use of more active modes of transport over the private car. Traffic congestion and impacts of climate change from dependency on the car cannot be solved through the road network and limiting development to unsustainable levels on zoned lands, but by providing safe and

sustainable alternatives for walking/cycling, particularly within a compact urban footprint such as exists in Loughrea.

11.5.11. I note there is no vehicular connection proposed east-west across the site to connect the existing routes on either side of the town centre. I note the existing street network can accommodate the level of traffic likely to be generated by this development of 104 units therefore I consider the existing street layout is adequate. I would note that this application is not assessing the submitted masterplan document, which involves the development of dwellings outside the red line boundary of this assessment. Such development and consideration of additional road connections would be subject to future applications. With regard to the existing and proposed internal street network and implications of additional traffic, I consider the street network can cater for the additional traffic likely to be generated, however I do have concerns in relation to the design of the existing access street, and the design of the proposed shared surfaces, which is discussed further in section 11.9 of this report.

11.5.12. Overall, the layout and lack of regard to the existing context in terms of pedestrian/cyclist connectivity is contrary to the guidelines Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual, and the Design Manual for Urban Roads and Streets.

#### Phase 1 – Public Realm

11.5.13. The northern boundary of Phase 1 is onto the existing access street/footpath serving Cois Foráin, the eastern boundary is onto an existing local street serving Cois Foráin, and the western boundary is onto Athenry Road.

11.5.14. The CE Report raises concerns that there should be greater emphasis in public realm design on balancing the function of streets in favour of the pedestrian in this Phase 1 land and that the layout is suboptimum in terms of amenity and placemaking with below optimum definition and overlooking of public open space areas.

11.5.15. The Architectural Design Report considers each phase is well designed around cul-de-sacs and courtyards with shared surfaces, supported and overlooked by large green areas (see also sections 5.2 and 5.4 of this report above which further elaborates on the design rationale).

11.5.16. There are five short terraced blocks aligned perpendicular to the Cois Furáin main access street (northern boundary of Phase 1), with the frontage to this street defined by the elevation of five dwellings and their rear garden boundary walls. These dwellings are designed as double fronted dwellings with a face to the access street, while being accessed off their cul-de-sacs. Two pocket open spaces also have their boundaries to the main access street, adjoining the end of the cul-de-sacs. No boundary to the open spaces is proposed along the street edge. I consider the urban edge to the access street, which serves as the main entrance to the wider development area, is overall poorly defined from an urban design perspective, with very little in the way of active frontages, provision of extensive boundary walls, and overall poor passive surveillance (see Aerial View 1 of the submitted CGIs). I consider the applicants proposal to ensure the boundary walls are landscaped/‘green walls’ is an insufficient design response to this main street. While the pocket open spaces to the north are overlooked by dwellings, they are in my opinion poorly located along the access street/‘link road’, weakening that edge. The urban edge when one enters the Phase 1 lands from the east is poor, with parking on both sides and extensive boundary walls on the northern side. The open space on the southern side is poorly overlooked/defined from its northern and western sides, with parking proposed along the northern edge of the open space detracting from this space. The additional visitor parking at this location appears excessive, affecting the street design. With regard to the built edge to Athenry Road to the west, I note the set back of the community facility building from Athenry Road, the positioning of parking at this boundary, and the provision of the gable end of a dwelling and it’s rear garden boundary onto Athenry Road, overall would result in a poor public realm to the Athenry Road and a poor entrance to the development.

#### Phase 2 – Public Realm

11.5.17. At the eastern end of the existing access street serving the wider development, the street turns south prior to the zoned OS/public park lands. This north-south street is to be extended into the Phase 2 lands. The site is narrow at this point and extends out in a larger rectangular landbank beyond the last row of existing dwellings at this location, where it is bounded by the backs of existing housing in Cois Furáin to the north and west; by Donnellan Drive and Ashlawn to the South and by Hazelwood to the east.



11.5.18. The CE Report considers the arrangement whereby the ends of three terraces only overlook the large public open space area to the north is not the optimum design solution in terms of definition, enclosure and overlooking of the open space area to the north, and there appears that there may be a lost opportunity associated with the proposed layout to provide street and functional connections between the development and Hazelwood and Donnellan Drive, contrary to DMURS, which discourages unduly dendritic housing schemes, as well as Objective UD3 of the Loughrea LAP.

11.5.19. The boundary with the zoned open space to the east appears to be the existing sycamore tree line. The northern/narrow section of the Phase 2 residential lands at this point is proposed to comprise a playground with car parking and two terraces of dwellings south of this. The dwellings proposed south of the playground poorly address the street to the west, with large sections of blank boundary walls onto the street (where there are opposing boundary walls) and the public space to the east, resulting in a poorly defined inactive public realm with poor levels of natural surveillance. As noted previously and also indicated in the CE Report, the dwellings proposed to the south of the public park, no.s. 46 to 56 inclusive, appear to be on the Zone OS land, with parts of no.s 51 and 55 also potentially on the zoned open space (I note no overlay of the zoning map and site layout plan has been submitted). Notwithstanding that dwellings on OS lands would be a material contravention of the plan with regard to the zoning (as discussed elsewhere in this report), the layout of the dwellings in relation to the zoned open space lands is poor, with large sections of boundary walls resulting in a poorly overlooked and supervised space. While the existing dwellings to the southwest back onto the zoned OS at this point, it would be contrary to good urban design practice to replicate such a standard with this development. There is an opportunity with this development to ensure that the remainder of the boundary is better defined by buildings, including potential for buildings of greater height to overlook and define the space.

#### Building Design and Height

11.5.20. The applicant's submitted planning report states 'All proposed dwellings within the subject application site will share similar form for continuity across the site. However, each phase of the proposed development has its own distinct character, generating a sense of place for each of the residents'. I consider the design of the

dwellings are acceptable in terms of their form and height and I note that dwellings, where they are at corner locations, are double-fronted, providing for a façade to both streets, which is welcomed. However, I note the form and height of the dwellings is the same throughout Phase 1 and Phase 2, with the variation in character achieved in how the mix of brick is applied to the front façade. I do not consider the proposal would successfully deliver on identifiable or distinguishable character areas. The dwellings are all two storey in form, comprising 2, 3 and 4 bed own door units (I note designs for a single storey dwelling have been submitted but these do not relate to this site but to the masterplan area). I consider the lack of variation in building height and typology across the scheme, would result in the creation of a development lacking in character with an own-door mono-typology approach contrary to SPPR4 of the Building Height guidelines. The street design and urban edges are weakened by the lack of variation in building height and I do not accept that landscaping will adequately mitigate setbacks or create a sufficient sense of enclosure of the proposed streets.

- 11.5.21. Some submissions raise concerns that the gable fronted design of the dwellings would be out of keeping with the design of the existing dwellings in Cois Furáin which have a standard pitch and their height would detract visually from existing dwellings. I consider the site is of sufficient scale to determine its own character and is not required to replicate the existing dwelling design in the immediate area. I consider the development of dwellings of different design would contribute to variety and character and would be of benefit from an urban design perspective, as supported by ministerial guidelines, which seeks a move away from mono-type development. The provision of attics which are of a scale that could be easily convertible, which is also raised as a concern, is welcomed as it provides for flexibility and adaptability within the proposed housing stock, catering for future changing needs of people at difference stages of the lifecycle.

#### Open Space Strategy and Public Park

- 11.5.22. Concerns are raised in submissions in relation to lack of clarity as to which trees are proposed to be removed or why they need to be removed. It is considered there is insufficient provision for public open space in phases 1 and 2. Concerns are raised that the proposed phase 1 junction will lead to the destruction of existing green space and the proposed park may attract anti-social behaviour.

- 11.5.23. The submitted CE Report raises concerns overall in relation to the poor definition, enclosure and overlooking of open spaces, in particular the public park.
- 11.5.24. With regard to open space, the Loughrea LAP states under Objective RD4 that ‘...The minimum public open space required in new multiple unit residential developments will be 15% of the total site area and this open space shall be located in central, useable and suitably overlooked locations’. The submitted Architectural Design Statement indicates that the Phase 1 area comprises 1248 sqm of public open space and Phase 2 (including 1.8ha zoned OS lands) comprises 22251 sqm, which equates to 23,499sqm. I consider the scale of open space proposed to be adequate, however, as raised previously, I have concerns in relation to the design and layout of the open spaces proposed, including that of the public park.
- 11.5.25. Adjoining the western side of the zoned OS lands/public park, a playground and associated car park is proposed on the R zoned lands, adjoining the mature tree line to be retained. Drawings of two pavilion buildings for the park within the mid-west section have been submitted with the documentation, however, I note the pavilion buildings are not proposed as part of this application but are stated to be proposed as part of a future phase of development. It is not clear why these buildings are not proposed as part of this development, however, for clarity, I am not assessing these buildings as part of this application and they are not included in the landscape design. I note a future proposal for an east-west local street is proposed through the northern section of the zoned open space lands to provide an access to the development lands to the east (within the applicant’s ownership but not part of this application). This road is also not being proposed as part of this application, therefore, I am not assessing its location or design or indeed the merits/potential contravention of proposing a road through zoned Open Space at this point.
- 11.5.26. With regard to the design and layout of the public park, pedestrian paths are proposed around it and through it with a cycle path also proposed through it, however, I note the cycle path does not connect into existing cycle infrastructure on either side of the park as no cycle path is proposed outside of the park as part of this development. I note from the Ecological Assessment that a portion of the existing habitat is to be maintained as is, however, the landscape plan is unclear on this and is also unclear as to what functions this park will cater for, with no provision for playing fields or identified zones for different users. I further note that surface water

drainage overflow proposals are located within the northern portion of the park and I am unclear as to the implications of this on the use of the park. I consider the positioning and orientation of dwellings at the boundary of the park to the south to be extremely poor with houses presenting large blank boundary walls to the park, which would result in poor definition of its edge, poor passive surveillance, and potential anti-social behaviour with boundary walls directly abutting the public park. The level of passive surveillance/supervision of the space from the 5 dwellings which have a double fronted aspect design onto it, is in my opinion an inadequate design response.

- 11.5.27. With regard to the layout of the open space within Phase 2 lands, I note its elongated form bounded by streets on all sides and consider it overall to be a very car dominant layout. The open space within Phase 1, while adjoining an existing open space, is poorly overlooked from within Phase 1. The pocket parks in that area while adequately overlooked, adjoin what is the main access street into the wider area on their northern side with a car parking area on their southern side and I would have concerns in relation to their function, noise, safety and enclosure/definition of the street edge to the north.

#### Social Infrastructure Assessment / Childcare Analysis

- 11.5.28. Submissions consider the proposed development will place additional burden on existing schools which are at capacity and that there is inadequate capacity for creches, shops etc within easy pedestrian reach.
- 11.5.29. The applicant has submitted a statement in relation to Childcare Demand. Existing provision of childcare facilities in Loughrea was examined and Census figures analysed. Nine childcare facilities were identified within a 2km radius of Loughrea town centre. I note there is one sessional facility proximate to the site, located within Gaelscoil Riabhach, with the majority located in the town centre. Five of the facilities are stated to have responded to queries in relation to capacity, with three stating they have capacity, with a total available capacity for eleven children. Based on Census 2016 figures, the submitted document calculates the demand arising from this development would be 22 spaces, however it is stated that census results indicate only 11% of preschool children in the mid-west region attend a childcare facility, therefore only two spaces would be required. The applicant states

there is provision for creche facilities included within the larger masterplan for the subject lands which includes adjacent sites, and that a creche will be delivered at a later date for the site.

11.5.30. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. I note that Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments' states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area, with 1 bed or studio units generally not be considered to contribute to a requirement for any childcare provision. Based on the guidelines, the proposed development would generate a requirement for 28 childcare spaces. I note the relatively recently constructed development of Cois Furáin comprises a development of 64 dwellings. The parent permission included provision for a crèche which was not constructed. I note the location of the previously permitted crèche is on a section of land which is now located within Phase 2 of this scheme and which is now proposed to comprise a playground. If the proposed scheme and Cois Furáin were examined together, there would be a demand for 50 childcare spaces. I do not accept the submitted assertion that childcare facilities can be accommodated in future schemes. This application should be providing for the childcare needs that it will generate itself, in accordance with ministerial guidance.

11.5.31. I query the applicant's analysis and assumption basis for determining that the proposed development of 104 units would generate a requirement for only two childcare spaces, which in my opinion significantly underestimates the likely demand for full time as well as sessional childcare. I furthermore do not consider it a sustainable argument, as put forward in the documentation, that people as an alternative can travel to their place of work to access childcare. This has implications in terms of uptake of sustainable modes of travel, given it is unlikely families with small children will cycle/take the bus/train if they have to travel by car to avail of childcare options in locations outside their area.

11.5.32. Having examined the location of existing childcare facilities, which are not proximate to the site (with the exception of the small sessional facility within the existing school which I assume operates only within term time), the level of provision

within Loughrea, and the demand which would be generated, I am of the opinion that a childcare facility of a minimum of 28 spaces should be accommodated within this development.

11.5.33. A proposed community building is located at the entrance to the development adjoining Athenry Road. The building is to comprise at ground level a reception area, 57sqm community room, staff kitchen and toilets and at upper level a 50sqm multipurpose/office room. While the applicant proposes to construct this building as part of this application, no details have been submitted in relation to who would run this building or how it would be funded and I note it is not proposed to be taken in charge, as per the submitted taking in charge drawing submitted.

11.5.34. With regard to concerns raised in relation to the lack of community facilities and schools in Loughrea, I note there is no specific requirement under the Loughrea LAP for this site to deliver on community facilities or schools and I note the proximity of a large primary school just north of the application site. Lands are identified within the LAP for community facilities.

## 11.6. **Biodiversity and Landscaping**

11.6.1. An Ecological Impact Assessment (EclA) was submitted with the application, dated October 2020. It is stated within the report that a habitat and species survey was undertaken by JBA Ecologist Jean Hamilton in July 2019. I note the EclA covers the entire masterplan area, which includes the lands subject of this application.

11.6.2. The majority habitat within phase 1 area is identified on the habitat map as Agricultural Grassland GA1. The lands within phase 2 and lands zoned OS comprise primarily dry calcareous and neutral grassland and recolonising bare ground mosaic. It is stated that this habitat 'may link to semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometea) (\*important orchid sites) (6210)', however, it is stated after assessment that it does not correspond to Annex I habitats. A mature treeline comprising of Sycamore Acer pseudoplatynus are located in the public open space area.

11.6.3. In terms of breeding birds, I note information in relation to breeding birds has been submitted, however, a breeding bird survey was not undertaken and the date of the survey in July is at the end of the most active period for breeding birds. It is stated in the report that during the one day survey of the site, a 'Swallow *Hirundo rustica* was

the only protected bird species seen and other bird species observed or heard during the site survey includes Goldfinch *Carduelis carduelis*, Jackdaw *Corvus monedula*, and Meadow Pipit *Anthus pratensis*. Protected Birds recorded within 2km of the site according the NDBC database are listed in the report. I note that many of these would not be associated with the habitat of the site.

- 11.6.4. Loughrea SPA is located approx. 600m south of the site and is designated for Shoveler which overwinter at the site and Coot, as well as for the qualifying interest Wetland and Waterbirds. I note the timing of the biodiversity survey of the site was July 2019, outside the wintering timeframe. The EclA states in table 3.4 that Wintering Birds are screened out of the site as it is of no value to them as they are associated with the lake habitat.
- 11.6.5. No specific bat or mammal survey has been undertaken. It is stated that no potential bat roosts in the site are destined for disturbance or removal. However, there is reference to loss of mature trees in the impacts section and it is not clear where the trees being referred to are located. There is reference to the need for a bat survey to determine what species use the site, but this has not been undertaken. It is stated that there was no signs of badgers or hedgehogs using the site, however I note July is not optimum time for a badger survey.
- 11.6.6. No rare or protected plant species were recorded during the site visit or within 2km of the site according the NBDC database. The EclA states that non-native invasive species of Japanese Knotweed and Himalayan Knotweed were recorded on the site. I note the site covers the wider masterplan lands and the habitat map indicates where the invasive species are located, which is outside the application lands. An Invasive Species Management Plan has been submitted, however I note it is not very specific in its content and guidance for the site.
- 11.6.7. Section 3.5 of the EclA presents a screening table of ecological features, identifying ecological sites including European and National sites which are screened in (note, screening relating to Appropriate Assessment is addressed in section 12 hereunder), as well as the specific features of the site, including Dry calcareous and neutral grassland and recolonising bare ground mosaic, treeline, breeding birds, foraging bats (roosting bats screened out as site deemed low value); and non-native invasive species.

- 11.6.8. Section 4 of the EclA undertakes an Impact Assessment of the development of the site on biodiversity and cumulative impacts are considered. The potential for significant impacts are identified in the report in relation to Lough Rea SAC/SPA/pNHA; Loss of most of the Dry calcareous and neutral grassland and recolonising bare ground mosaic habitat; Fragmentation of Bat commuting and foraging routes due to light spill and loss of habitat.
- 11.6.9. For mitigation in relation to protection of European sites, see section 12 hereunder. It is stated in relation to bats, that mitigation in terms of lighting design will be applied. I note however that no survey was undertaken in relation to bats, therefore the species present, and their use of the site for foraging or commuting across the wider landscape is unknown. An area (unquantified) of dry calcareous and neutral grassland and recolonising bare ground mosaic is to be kept intact in the public open space area and managed for biodiversity, however, I note that this is not specified or identified on the landscape masterplan or planting plan for the public park. An Invasive Species Management Plan for this development has outlined measures in relation to invasive species, however, the plan is inconclusive in how the affected areas will be treated and lacks sufficient detail. With regard to breeding birds, it is stated any clearance will follow guidance and be outside months of March to September. I note within the documentation it is stated that some trees will be removed from the site, however, is not clear where these trees are located and this is raised as a concern within the CE Report and in submissions. The Planning Report submitted with the application states 4 numbers of existing trees will be removed to facilitate development, 11 number existing trees will be retained and approximately 140 number new trees are proposed. It is stated in the EclA that due to the small number of trees to be removed as part of the development, a tree survey was not commissioned. I note from site inspection that a small number of trees exist at the eastern boundary of Phase 1 and these would require removal to facilitate the proposed parking area, however, as raised by the CE Report and in submissions, it is not clear that these are the trees being referred to in the report and there is no information given in relation to these trees in the EclA.
- 11.6.10. It is stated that the mature sycamore treeline in the Open Space area will be kept intact as a feature of the site and it is stated a Root Protection Area of 12m radius from the trunk of the trees should be fenced off for the duration of construction



in the area, however, elsewhere in the EclA it is stated that a Root Protection Area of 5-8m is proposed. It is unclear as to which mitigation measure is accurate. Given the significance of the existing Sycamore treeline and proximity of some of the proposed houses, I consider the submission of a tree survey would have been desirable to determine the health of the trees; if any remedial tree surgery is required to preserve them/ ensure that they are safe / remove dead wood; to determine if they could act as potential bat roosts; and to state with more certainty the required mitigation measures to protect the trees. Given this is the main ecological feature of the site I consider a tree survey should have been undertaken.

11.6.11. I note none of the mitigation measures proposed are related to the protection or management of European sites. No special nature conservation objectives relate to the subject site. The issue of appropriate assessment is dealt with in Section 12 below.

11.6.12. There will be losses for biodiversity at a local level as the lands are developed for housing and change from previous agricultural uses. I consider the lack of a tree survey, breeding bird survey, and bat survey is contrary to best practice and while landscaping and lighting measures are stated to mitigate potential losses, the measures proposed are not based on best practice surveys of the site but are generic in nature. There is no reliable information presented on badger activity on the site, if any setts will be impacted or if the development will affect any local badger territories. Overall, I consider the timing of survey work, which is limited to one unspecified date in July, and approach to the ecological impact assessment is not in accordance with best practice and I am not satisfied that mitigation measures proposed in relation to the mature trees and bats have been adequately assessed.

## 11.7. Residential Amenity of Proposed Dwellings

11.7.1. Submissions raise concerns in relation to the design of the dwellings which are considered too high and out of character with the area. Concerns are raised that the height facilitates attic conversions over time increasing the population of the estate and giving rise to additional overlooking. Concern is also raised in relation to the size of gardens and insufficient scale of amenity spaces.

### House Designs

- 11.7.2. In relation to housing, best practice guidelines have been produced by the Department of the Environment, entitled 'Quality Housing for Sustainable Communities'. Table 5.1 of these guidelines sets out the target space provision for family dwellings.
- 11.7.3. I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1. The rear gardens associated with the dwellings providing a satisfactory amount of private amenity space and achieve adequate back to back separation distances. Two parking spaces are proposed per dwelling, regardless of whether it is 2, 3 or 4 bed in size, with additional visitor parking provided for, which (as noted in the CE Report) results in a provision of parking over and above what is required. This is contrary to DMURS and national guidance to reduce dependency on the private car.
- 11.7.4. Concerns have been raised in relation to the height of the dwellings and potential for conversion of attic levels resulting in three storey dwellings. I have reviewed the design of the dwellings which are 10-10.3m high. I consider this height acceptable and is not incongruous with what exists in the area. A Universal Design Statement has been submitted and the design measures incorporated for lifetime homes and smart aging which in effect future proof such properties are welcomed, including the potential for adaptation of the attic level. I do not consider such conversions would result in a level of overlooking of neighbouring properties which could be considered significant.
- 11.7.5. Overall, I consider the design of the proposed dwellings adequate and I consider they would provide an acceptable level of amenity for future occupants. However, as discussed elsewhere in this report, I consider the mono-typology approach and lack of variety in height and design provides for housing types that will not cater for the varying needs of the community.

#### Noise Assessment

- 11.7.6. The applicant states in the submitted Planning Report accompanying the application that a Noise Impact Assessment in relation to the proximity of the R380 to the proposed development has not been carried out for the proposed development (i.e. Phase 1 and 2) given the distance from the boundary with the road (Objective T118 requires a noise assessment where within 300m of roadway with traffic volumes of

greater than 8,220 AADT). It is stated that a Noise impact assessment will be carried out for future phases of the masterplan area given the proximity of northern areas of the masterplan lands to the R380. The CE Report raised no concerns in this regard.

11.7.7. I accept the rationale for not submitting a Noise Impact Assessment for the application site and do not consider such a survey necessary to the assessment of this application.

#### **11.8. Impact on the Amenities of Neighbouring Properties**

11.8.1. Concerns are raised by neighbouring residents in relation to overlooking, loss of natural light, privacy and amenity, health and safety concerns, and construction noise and emissions, including from excavation and rock breaking. Concern is also raised in relation the boundary with Donnellan Drive which is stated should be securely walled and adequately screened to a standard acceptable to Donnellan Drive residents.

11.8.2. I have examined the layout proposed and where potential impacts may arise with neighbouring properties. The potential for negative impact on established amenity is assessed particularly with regard to impacts of overshadowing, overlooking and overbearing of the adjacent properties.

11.8.3. I note that the existing Cois Furáin development was intended as an initial phase of development and the adjoining lands subject of this application are zoned for residential development and are considered sequential to the town.

11.8.4. With regard to the properties to the south of Phase 1, I note there are two dwellings (one within Cois Furáin and one within Tí na Rí) which have their gables onto and share their side boundaries with the proposed dwellings, with the proposed dwellings at this location backing onto this boundary. There are also three dwellings within Tí na Rí which will share a rear boundary with the rear boundary of the proposed dwellings. While there will be a visual impact on those dwellings who share their side boundaries with the proposed development, I note that there will be no overlooking between the dwellings themselves as they are not positioned back-to-back and while there may be a perceived increase in the level of overlooking of existing private back gardens, there is a distance of 8.5m from the rear elevation of the proposed dwellings and the shared boundary, which in my opinion is acceptable within an urban context. Given the design and orientation of dwellings relative to each other

and the separation distances involved, I consider the proposal will not significantly detract from the residential amenity of these existing dwellings. With regard to the dwellings within Tí na Rí which back onto the site, I note that back to back distances of 22m are achieved between dwellings. I further note these dwellings are positioned higher above the ground level of the existing site and their boundary walls are higher than 2m when viewed from within the Phase 1 lands. From the cross section submitted, the dwellings in Tí na Rí will be approx. 1-1.4m higher, therefore I do not consider there will be a significant level of overlooking or loss of privacy to the existing properties and I consider the privacy of future occupants will not be negatively impacted given the distances between the boundaries, notwithstanding the height difference. I further note that the proposed development is positioned north of Cois Furáin and Tí na Rí, therefore, given the positioning of the dwellings relative to the path of the sun, I do not consider there will be a significant loss of sunlight or overshadowing of the existing dwellings.

11.8.5. I note the eastern end of phase 1 comprises three dwellings facing onto an existing street, with existing dwellings on the opposite side of this street. I do not consider these dwellings, given separation distances and intervening road space, will have a significant negative impact on the existing dwellings in Cois Furáin in terms of loss of privacy, overlooking or noise.

11.8.6. With regard to the Phase 2 lands, I note the two dwellings at the end of the cul-de-sac in Donnellan Drive are positioned 4-5m from the shared boundary of the application site, with the proposed dwellings backing onto this shared boundary. I note there is a distance of 14m and 17m between the proposed rear elevations of the dwellings to the side elevations of the two dwellings in Donnellan. Given the length of the rear gardens to the end dwellings in Donnellan Drive, the rear gardens of the two dwellings will be bounded along their length by a number of rear gardens relating to the new dwellings to the north. While there will be an increased perception of loss of privacy due to the presence of this new development, this has to be viewed in the context of this being an evolving urban area and the land is zoned for residential development. I consider that given the separation distances involved and the design of the dwellings as proposed, the proposal will not have a significant negative impact on privacy or overbearance. A 1.8m high boundary wall is proposed along this boundary, which I consider acceptable in terms of safety and security

issues raised in submissions. Furthermore given the positioning of the development site north of the existing dwellings, I do not consider there will be a significant negative impact in terms of sunlight.

11.8.7. With regard to the dwellings in Ashlawn, which back onto the development site, I note distances in excess of 22m have been achieved and I do not consider, given the distances involved and the design of the dwellings proposed, that there will be a significant impact in terms of overlooking, loss of privacy, overbearance or sunlight.

11.8.8. With regard to Hazelbrook to the east, I note the closest dwelling has its side boundary to a proposed street and open space, therefore no significant negative issues arise from the proposed dwellings. I do not consider car usage will be so significant as to result in a noise nuisance at this boundary above what is expected in an urban area. While the other dwellings at this boundary back onto proposed dwellings, these proposed dwellings are on zoned OS, as discussed elsewhere in this report. Notwithstanding this, I note back to back distances in excess of 22m are proposed between the two storey elements of the dwellings. Concerns are raised in relation to the design of the proposed dwellings which are higher than those in Hazelwood, which are stated in submissions to be 8.06m high. I note the proposed dwellings are 10-10.3m high. I do not consider this height difference to be so significant as to be considered overbearing or out of context and given the positioning of the dwellings relative to each other in addition to the separation distances involved, I do not consider significant negative impacts on residential amenity will arise. I again note that this is zoned serviced land, where development is to be expected and the arrangement proposed is typical of a low density suburban layout.

11.8.9. With regard to the western and northern boundaries of Phase 2, I note the proposed dwellings back onto these dwellings in Cois Furáin with back-to-back separation distances of minimum 22m achieved. I do not consider significant negative issues on the residential amenities of existing dwellings will arise given the design and positioning of the dwellings on the site. I note the CE report raises concerns in relation to the positioning of the dwelling in the northwest corner of Phase 2 on plot 12 and 21, however, I consider there is sufficient distances between neighbouring properties and I consider the outlook for future residents acceptable.

11.8.10. I discuss the issues of traffic and construction in section 11.9 hereunder and water services infrastructure and flooding in section 11.10 hereunder.

11.8.11. Having regard to all of the information before me, including the layout, design and separation distances involved, I do not consider that the proposed development would detract from the character of the wider area and the impacts on the residential amenity of existing neighbouring dwellings would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity.

### **11.9. Traffic, Transportation and Access**

11.9.1. The application has been accompanied by a Traffic and Transportation Assessment (TTA) and Stage 1 Road Safety Audit. The existing road network was assessed, and the existing traffic pattern was established. Manual classified traffic counts (undertaken on 22<sup>nd</sup> October 2019) and capacity analysis was carried out at three junctions namely, existing R380/L8193 crossroads junction; existing L8193/Cois Furáin t-junction; existing R446/L8193 t-junction. Traffic generation has included for the full development of identified masterplan lands. I note that the submitted TTA references elements of the masterplan which will not be undertaken as part of this development, for example delivery of cycle tracks. It is stated that the community unit is to accommodate a creche, however, the other documents submitted state no creche/childcare facility is proposed.

11.9.2. A submission raises concerns that only one survey was undertaken in 2020, which given Covid-19 is not representative of typical traffic volumes. I note the traffic survey was undertaken in October 2019, pre the Covid-19 pandemic and would be representative of standard traffic volumes.

11.9.3. In relation to the volume of traffic that will be generated, the TTA predicts traffic generation using TRICS for the total masterplan area and not specifically for the development site. It is stated that total traffic arrivals in the morning will be 102 vehicles (45 for residential and 57 for creche) and 190 AM departures (134 for residential and 56 for creche). In the PM traffic movements are stated to be 161 arrivals and 114 departures. I note the analysis is not clear as to what impact the development alone will have, that is Phases 1 and 2, but instead considers the whole masterplan area. Nonetheless that TTA concludes that all junctions analysed are

predicted to operate below the recommended capacity (85%) for priority-uncontrolled junctions for the entire masterplan area, therefore it can be assumed the road network for the lesser capacity of Phases 1 and 2 can accommodate the level of traffic likely to be generated. While a number of submissions have raised concerns in relation to the pressure on the existing road network, I am satisfied based on the methodology and assessment presented within the submitted TTA that the level of traffic anticipated can be accommodated within the existing network.

- 11.9.4. Concern is raised that there is only one vehicular access/egress point through Cois Fúráin estate on the L8193 and that the level of traffic generated will result in an unsafe environment.
- 11.9.5. I have reviewed the local road network and while vehicular connectivity to adjoining developments to the east and south would be of benefit when considering the wider development of the lands, such connectivity for vehicles is not essential for this development as the road network can cater for the Phases 1 and 2. I am not assessing whether the additional masterplan development would warrant provision of an additional vehicular entrance as that is for a future application to determine.
- 11.9.6. This is an urban area, where growth is to be expected in line with the zoning provisions. It is the management of this growth into the future through the development of sustainable communities which will support the sustainable development of this land and reduction in dominance of the private car, therefore I would be in agreement with concerns raised in relation to the lack of pedestrian and cyclist connectivity to the east and south which would be essential to deliver in the interests of permeability and connectivity. The provision of direct priority links for these active modes is important in the achievement of some modal shift away from the private car, as supported by principles set out within DMURS and the guidelines on SRUDA, and accompanying Urban Design Manual.

#### Internal Street Design and Parking

- 11.9.7. Internal streets within Phases 1 and 2 will be comprised of shared surface streets consisting of 4.8m wide carriageway. Two in-curtilage private parking spaces are provided for each of the dwellings with additional visitor parking provided throughout the development.

- 11.9.8. I note the CE Report highlights that only one drawing of the scheme was included for assessment under the RSA. I note the RSA includes references to drawings which were part of the pre-application design in particular with regard to the Phase 1 lands and while the most up to date drawing is included in Appendix B, it is not clear that the report is based on the correct drawings.
- 11.9.9. I have reviewed the RSA and note that a number of the concerns raised remain an issue in this proposed design layout and have not been adequately addressed in this layout or adequately justified in terms of not being incorporated, with some responses stating design will be amended at detailed design/post planning. I note in particular concerns raised in relation to the straight stretches of road giving rise to potential for excess speed with specific reference to the existing access street into Cois Furáin and the street within Phase 1 (incorrectly based on pre-app design). It is indicated in the report that additional physical speed control measures above the two speed ramps proposed on the main access street are required, however, this is not addressed and is stated it will be addressed at detailed design. I consider that given the length and straight alignment of the existing access street into the development from Athenry Road, that additional traffic calming measures would be required above what is proposed to address the potential issue of speed that would arise given the alignment and the additional development of these lands.

#### Shared Surfaces

- 11.9.10. Concern is raised in submissions in relation to the lack of footpaths within the development which is considered a traffic hazard and to the lack of cycle parking.
- 11.9.11. With regard to the local street network, I note shared surfaces are proposed within Phase 1 and Phase 2. It is stated in the submitted planning statement that 'Shared surface carriageways will be asphalt, car parking bays on carriageway will be block paving and pathways will be concrete...To ensure drivers are aware that they are entering a shared surface area red coloured asphalt will be used with appropriate signage and markings to be agreed with Galway County Council. Raised tables and suitable tactile paving will be provided at junctions where considered appropriate'.
- 11.9.12. The submitted RSA states with reference to the shared surface proposed on the Phase 2 lands that 'the roads are indicated to be shared between motorised and



non-motorised users, however the road geometry, junction radii and frontage car parking all reflect a standard carriageway alignment for a residential area. This gives rise to car dominance and higher than desirable speeds’.

11.9.13. DMURS defines Shared Surfaces as ‘integrated spaces where pedestrians, cyclists and vehicles share the main carriageway. This may include streets where the entire street reserve is shared’. It further defines a Homezone as ‘A type of Shared Surface Street in a residential area which may also include items of street furniture that would normally be used within areas of open spaces’. It is stated the total carriageway width on Local streets where a shared surface is provided should not exceed 4.8m. To assist navigation and movement through shared spaces, it is stated that designers should apply design measures such as: sections of tactile paving that direct movement along the street or across spaces; the creation of distinct zones that delineate pedestrian only space from shared space; flush kerbs, drainage lines and/or sections of tactile paving to assist guide dogs and indicate movement from a pedestrian only space to a shared carriageway; and verges that act as refuge zones allowing pedestrians to step on and off the carriageway to let cars pass. Home Zones are further detailed in the guidelines on Sustainable Residential Development in Urban Areas, which states in relation to ‘Home Zones’ that the street can be designed as an attractive place with distinctive paving, planting, play areas and seating. It is stated that shared vehicle/pedestrian surfaces can serve up to 25 dwellings where there is one point of access and up to 50 dwellings where there are two access points.

11.9.14. The CE Report summarises the internal report from the GCC Infrastructure and Operations Department, and notes that the shared surface roads are shown to be 4.8m wide on layout drawings. However, the cross-section on drawing no. BNX-JBAI-XX-XX-DR-C-1352-S3-P01 indicates these are to be 4.8m wide with an adjacent access path. It is not clear whether there will be any pedestrian refuge areas provided on the shared surface roads as recommended in DMURS’. It is further stated that a number of the on-street parking facilities located on 4.8m wide access roads are 5m long perpendicular spaces and that ‘these should be longer/wider to provide sufficient space for manoeuvrability in accordance with DMURS guidance’.

11.9.15. I note the design of the shared streets as proposed and I would have concerns in relation to the lack of detail provided within this application. With regard to the Phase 1 area, I note this street serves 40 dwellings, in addition to the parking area for the proposed community centre. I consider the number of dwellings, including the community centre use, would constitute a high number of vehicle movements served by this one shared surface street, and I am not satisfied that the detail required, such as planting/street furniture/street paving/build outs/tactile paving, to reduce speed and increase pedestrian priority, has been adequately demonstrated in the design submitted as part of this application. Similarly with regard to Phase 2 while there are slight kinks in the layout of the street, the street is not adequately designed in my mind, particularly given the high number of dwellings it serves (64 dwellings), to provide for a safe home zone environment and the layout overall in this area is dominated by cars and streets. I furthermore consider the manner in which the proposed open space is bound on all sides by streets undermines the quality of this open space.

11.9.16. Overall, I consider the design of the proposed shared surfaces are not adequately detailed or designed in the submitted documentation to demonstrate that they would function safely as shared surface spaces and would ensure a reduced speed would be achieved in line with pedestrian safety and prioritisation of pedestrians. I do not consider it appropriate that this issue be resolved at detailed design stage as the alignment of the street could fundamentally be altered with implications for housing and parking layouts. Given the lack of footpaths proposed and level of design submitted, the proposal would, in my opinion, be non-compliant with DMURS.

#### Car and Cycle Parking

11.9.17. In relation to parking, I note the positioning of parking spaces proximate to the junction with the main access street at the eastern end of phase 1 and would have concerns in relation to safety at this junction. I note over and above the parking standards as per the development plan have been provided, which is contrary to DMURS and the CE report also raises concerns in relation to level of cycle parking. In conjunction with a lack of pedestrian/cyclist permeability through existing developments to the southeast and east, and lack of cycle path within this proposal, I consider the development would not be supportive of a greater change in modal split

away from the private car to active modes. I further note the provision of additional parking spaces over what is required impacts on the dominance of cars in the layout of the site.

### Construction Traffic

11.9.18. I note the concerns raised by some parties regarding construction stage impacts, including inter alia concerns in relation to noise and vibrations and potential conflict with pedestrians in the existing development, as well as conflict with school traffic and pedestrians. A Preliminary Construction and Waste Environmental Management Plan (CWEMP) has been submitted by the applicant. All construction activities by their very nature result in elevated emissions (noise, dust, etc.) and increases in construction traffic above the baseline environment. However, these are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts. I am satisfied that they can be appropriately mitigated through good construction management and practice and that significant negative impacts would not arise. The submitted plans employ mitigation measures in relation to dust, noise and vibrations, traffic management and construction working hours. The implementation of these mitigation measures will further reduce any adverse amenity impacts during the construction phase. Should permission be granted, I consider additional measures should be incorporated within a final CWEMP to address access and movement of construction vehicles around school opening/closing hours, which should be agreed in writing with the planning authority.

### Conclusion – Traffic

11.9.19. Having examined all the information before me, I acknowledge that there will be some increase in traffic movements as a result of the proposed development if permitted, however, I am overall satisfied that having regard to the existing context of the site within walking distance of the town centre and proximity to the primary school and neighbourhood centre, the proposed development would not lead to the creation of excess traffic or obstruction of road users above what the existing road network can cater for. However, I consider the lack of connectivity with adjoining developments for pedestrians/cyclists is a serious issue with regard to the proposed layout, which would give rise to an overreliance on the private car over these more active and sustainable modes of movement. I further consider the provision of a

cycle path as part of a future phase does not support more active modes of transport, which is central to the principles of DMURS and the guidelines for Sustainable Residential Development in Urban Areas. The CE Report raises similar concerns.

#### **11.10. Water Services including Flooding Issues**

11.10.1. Submissions raise concerns in relation to groundwater flooding in the area, with photographs included for reference. The sewage Treatment Plant at Ballygasty is stated in submissions to be at 95% capacity with substantial upgrade works required. Concerns are also raised that water supply is close to capacity and water pressure is stated to be a problem in the area.

##### Water

11.10.2. IW has stated in their submission that the watermain network model for the area indicates that at present there is capacity in the Irish Water network to cater for the proposed development subject to the development being delivered on a phased basis with the initial phase of 50 units. I note that the applicant submitted to Irish Water that the development would be carried out on a phased basis of 50 units per annum. I note that in Appendix A.3 of the submitted Engineering Report there is a copy of the IW response to the pre-connection enquiry. In this it is stated that there is capacity in the watermain network and that the two water treatment plant serving Loughrea are expected to be decommissioned in 2020 (high level timeline) and connected to Tuam RWSS. It is stated that as a result there should be no issues with regard to the water treatment plant capacity if the development is delivered in the phased basis outlined. I note from IW website that this work is ongoing. I consider this issue is adequately dealt with and sufficient certainty over water supply exists.

##### Wastewater

11.10.3. With regard to the wastewater network, there are existing foul sewer pipes along the access street to the north of Phase 1 lands and to the east and north east of the Phase 2 lands. IW in their submission state that the wastewater network has capacity to cater for an initial phase of 50 no. housing units, however, in order to accommodate the proposed loading from the subsequent phases of development upgrade works are required to increase capacity of the Irish Water wastewater network downstream of the development site. It is stated that IW does not have any

plans to carry out the works and the costs would have to be borne by the applicant, which would be subject to a connection agreement. I am satisfied that this issue can be addressed via a connection agreement with Irish Water.

- 11.10.4. The foul sewers connect into the Loughrea Sewerage Scheme, which is treated at the Loughrea Wastewater treatment Plant in Ballygasty, approximately 1.5km from the proposed development. The Loughrea WWTP emits treated water to the Kilcolgan River, which flows into the Dunkellin River and out to Dunbaulcan Bay. The Loughrea WWTP has a Population Equivalent of 10,000 and is stated in the submitted Engineering Report to be compliant with EPA monitoring.
- 11.10.5. With regard to wastewater treatment, IW in their submission state that the treatment plant in Loughrea can facilitate the proposed phased loading to the network of 50 housing units per annum commencing in 2020. Irish Water has plans to upgrade the wastewater treatment plant to improve treatment processes in the light of revised WWDA treatment standards. It is stated that at present these upgrades are not on Irish Waters Capital Investment Plan and the upgrades will be subject to planning permission. IW states that the applicant may be required to contribute towards the costs of these upgrades, which would be confirmed at the connection application stage for each phase of development.
- 11.10.6. I note the submission from Irish Water highlights that the future upgrade of the WWTP is not listed on their capital works programme and no planning permission has been obtained. Nonetheless, IW has stated there is capacity on basis of 50 units per year within the existing system, therefore I have no concerns in relation to the timely delivery of the housing, should permission be granted.
- 11.10.7. IW has stated that a Statement of Design Acceptance has not been issued for this development. Conditions are recommended by IW.

#### Flood Risk Assessment

- 11.10.8. Loughrea Local Area Plan 2012 contains Flood Risk Management Maps 3A and 3B, which identify two areas of potential pluvial flood risk within the application lands. I note the flood risk assessment undertaken as part of the LAP utilised Preliminary Flood Risk Assessment mapping published by the OPW in addition to local knowledge of flood events and site walkovers, and was undertaken in

accordance with the Flood Risk Management Guidelines 2009. Objective UI7 – Flood Risk Management and Assessment of the LAP states under points a) and b):

- a) Avoid, reduce and/or mitigate, as appropriate in accordance with the Flood Risk Management Guidelines 2009, the risk of flooding within the flood risk areas indicated on **Map 3 – Flood Risk Management**, including fluvial, coastal/tidal, pluvial and groundwater flooding, and any other flood risk areas that may be identified during the period of the Plan or in relation to a planning application.
- b) Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a Site-Specific Flood Risk Assessment, and justification test where appropriate, in accordance with the provisions of the Flood Risk Management Guidelines 2009 (or any superseding document). **Any** flood risk assessment should include an assessment of the potential impacts of climate change, such as an increase in the extent or probability of flooding, and any associated measures necessary to address these impacts.

11.10.9. The Flood Risk Assessment submitted with the application outlines existing ground conditions and the methodology adopted in the assessment. It is stated that in relation to the Phase 1 lands, there is a slight depression adjacent the northern boundary and the site in general has a topographical fall from the south-west corner of the site (95.4m) to the north-east corner (92m). Phase 2 is stated to have a topographical fall from the south-west corner of the site (94.36m) to the north-east corner (86.1m) and the proposed green open space forming the phase 2 lands has a nominal fall in an eastern direction. The subsoil present under the site is stated to be predominantly deep well drained mineral soil. The submitted Flood Risk Assessment states that the associated groundwater vulnerability is classified as 'High' to 'Extreme' for the site which indicates a high risk to the groundwater under the site.

11.10.10. The methodology outlined in the submitted report states that flood risk identification was undertaken through reviews of historic flooding, floodmaps.ie, internet searches, and predictive flooding using PFRA from the OPW, and the Western Catchment Flood Risk Assessment and Management Study. It is stated under the heading 'Pluvial', that 'a number of sources have been researched such as

floodmaps.ie. Based on review of the available information there is no recorded pluvial flooding at the site'. The FRA 'confirms that the site is deemed to be at low risk of flooding from a fluvial event and the site is located in Flood Zone C'. I note the submitted FRA makes no reference to the Loughrea LAP and its Map 3 – Flood Risk Management, as required by Objective UI7a) and a Site-Specific Flood Risk Assessment has not been submitted, as required by Objective UI7b).

11.10.11. The CE Report states 'The stage 2 opinion provided by the local Planning Authority referred to the presence of areas of potential pluvial flood risk on both phase 1 and phase 2 lands, as identified in the current Loughrea Local Area Plan and that site specific flood risk assessment is therefore required'. It is further stated

'Both [identified pluvial] areas are indicated on existing topographical surveys received as being comparatively low lying (i.e. below the 92 metre contour with spot levels in some instances at circa 91.7m in the case of Phase 1 lands and below the 88m and 88.5m contours in the case of phase 2 lands). It would appear, from review of the contours of the proposed development that no significant filling of these areas of proposed phases 1 and 2 are proposed and finished floor levels are as low as 92.15 in these areas within phase 1 (compared to existing site contours of approximately 91.6m to 92m) and as low as 88.2m in these areas within phase 2 (compared to existing site contours of approximately 87.7m to 88m)'.

The CE Report states that in the absence of (a) site specific analysis of pluvial flood risk in the context of the provisions of the Loughrea Local Area Plan and/or (b) a comprehensive justification test in accordance with the provisions of Section 5.15 of Planning System and Flood Risk Management Guidelines (2009), there is a question as to whether portions of the site are not at risk of flooding in the future and the PA is not satisfied that the development will not exacerbate the risk of flooding elsewhere. It is stated that proposed development would contravene Policy FL4 and Objective FL 1 of the Galway County Development Plan 2015-2021 and Objectives UI 7, UI 8 and DM Guideline UI 1 of the Loughrea Local Area Plan 2012-2022 in relation to flood risk, and would be contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act, 2000 (as amended).

11.10.12. I have reviewed all the information submitted, including submissions from observers, the applicant, and the submitted CE Report. I consider the proposed development has not adequately addressed the issue of flood risk, contravenes objectives of the LAP and would be contrary to the Flood Risk Management Guidelines.

#### Surface Water Management

11.10.13. In relation to surface water drainage, the Loughrea LAP states that there is no dedicated surface water sewer network serving Loughrea. In order to ensure that surface water is disposed of in a controlled and sustainable manner, future developments will be required to address surface water disposal through on-site systems, (depending on site characteristics), discharge to adjacent surface water (where available), or discharge to an existing surface water sewer. The Local Area Plan states that the LAP will facilitate the upgrading of surface water infrastructure where necessary and promote the use of Sustainable Drainage Systems (SuDs) in developments, such as permeable surfaces, retention ponds and rainwater harvesting, to restrict surface water runoff in new developments to Greenfield levels and to minimise flood risks and potential impacts.

11.10.14. It is proposed in the submitted documentation that Sustainable Urban Drainage Systems (SuDs) techniques will be used to manage stormwater runoff for this development, which will be dispersed on site, with final disposal to the ground. The proposed SuDs techniques will involve soakaways built into each garden, that will accept rainwater from all roofs. The roads and pavements will drain into gullies and collection pipes which will redirect water to soakage pits/attenuation structures to be located in open/common areas. It is stated the soakage pits will be either geocellular structures with stone matrix and filter membrane surround or filter drains. It is stated that this will mitigate any potential for groundwater contamination. The disposal of storm runoff to ground will be in accordance with good practice and national guidelines and the base level of any soakaways will be a minimum of +1m above the ground water table with suitable permeable soil between the base level and groundwater table. The Engineering Report submitted with the application contains within Appendix B.1 of the report details of infiltration tests undertaken on the application site. It is stated that within the Phase 1 lands, relatively poor infiltration rate of  $8.5 \times 10^{-6}$  m/s is indicated, therefore an overflow to a supplementary



soakaway system will be provided for times of exceedance rainfall events. Infiltration rates on Phase 2 lands indicated a higher level of infiltration.

11.10.15. The soakaways for Phase 1 are located in the open space to the southeast of that landbank, with the secondary soakaway system required located to the northern section of the central green space. For Phase 2 lands, surface water from proposed road surfaces will be conveyed via road gullies to an infiltration trench constructed within the central green open area and adjacent to the internal access road. The CE Report raises concerns in relation to risk of road gullies and maintenance regimes.

11.10.16. The Engineering Report submitted with the application states that with regard to the soakaways proposed in individual gardens for Phase 1 lands, while there is potential for temporary ponding of individual gardens, individual floor levels which would be set a minimum of 150mm above external site levels would not be at risk even during such successive and exceedance rainfall and/or storm conditions. However, I note from the site topographical survey and from the site layout plans that the finished floor levels of the proposed dwellings in Phase 1 do not all appear to be a min of 150mm above ground level and given the lack of information considered in relation to the pluvial flood issues in this area, I am not satisfied that the level of ponding in individual gardens would not be significant and that stormwater would be managed effectively. I further consider that a lack of information has been submitted in relation to the implications of locating soakaways in individual gardens and what that means for future maintenance by residents and consideration of implications for extensions (conditions excluding extensions may be required in some cases given the proximity of the soakaway to the rear boundary of some dwellings).

11.10.17. The CE Report states there is a concern that the potential for pluvial flood risk identified in the Loughrea Local Area Plan has not been taken into consideration in the submitted Flood Risk Assessment report (see section above) and that this report has informed surface water attenuation proposals. I would share the concerns of the PA in this regard.

### **11.11. Archaeology**

11.11.1. I note no archaeological assessment of the lands was undertaken, which would have been preferable. A condition would be required in this regard should permission be granted.

## 11.12. Other Matters

### Energy Efficiency

Some submissions received raise concerns in relation to increased emissions and energy efficiency as a result of the proposed development. The proposed development will be required to conform to building regulations which address energy efficiency. I note that the matter of climate change has been addressed in the submitted 'EIA Screening'. I am satisfied in this regard.

### EV Charging Infrastructure

I am satisfied that concerns raised in relation to the lack of information submitted on EV charging can be addressed by way of condition, should permission be granted.

### Planning History

Some of submissions received raise the matter of density previously permitted on the site which was lower and should be replicated. I note that each application is assessed on its own merits.

## 11.13. Planning Assessment - Conclusion

Overall, the proposed design and layout of the scheme is, in my view, unacceptable. The proposed development materially contravenes the Open Space zoning with dwellings proposed on lands zoned OS and the design and layout is contrary to SPPR4 and the guidelines on Sustainable Residential Development in Urban Areas with regard to density, mono-building typology and height across the proposed scheme. The development has not had due regard in its layout to pedestrian connectivity and permeability with adjoining residential developments, has failed to create a strong urban edge to key streets, including the Athenry Road and the existing access street, with poorly defined edges and overlooking of open spaces, in particular the proposed Public Park, as well as inadequate design of shared spaces, which would overall result in a substandard form of development and would be seriously injurious to the residential amenities of future occupants and would be contrary to the section 28 Ministerial Guidelines for Sustainable Residential Development in Urban Area and the Design Manual for Urban Roads and Streets. I furthermore note the proposal has not adequately considered the issue of pluvial flooding and a Site Specific Flood Risk Assessment has not been submitted in

accordance with Objective U17 of the Loughrea LAP, which has given rise to concerns in relation to Loughrea SPA and SAC, as set out in section 12 hereunder, and to the EIA Screening. I consider the ecological survey of the lands in terms of methodology and surveys undertaken to be deficient. The proposed development is also not compliant with the Childcare Facilities – Guidelines for Planning Authorities 2001. I consider the issues raised cannot be adequately addressed by way of condition.

## **12.0 Appropriate Assessment**

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

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

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

12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.2.2. The proposed development at Loughrea, a residential 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).

### 12.3. **Screening the need for Appropriate Assessment**

12.3.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered stage 1 of the appropriate assessment process i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.

12.3.2. A 'Natura Impact Statement' dated October 2020 is submitted with this application. Within this document, Section 1 outlines the legislative context; Section 2 is titled 'Project Description'; Section 3 is titled 'Screening Assessment of Nature 2000 Sites'; Section 4 is titled 'Appropriate Assessment'; Section 5 'Mitigation to Avoid Impacts'; and Section 6 'Conclusion'. Appendix A lists the Conservation Objectives related to Lough Rea SAC and Lough Rea SPA. Appendix B is titled 'Flora Recorded During Survey'.

12.3.3. The screening section of the submitted Natura Impact Statement (NIS) is supported by additional reports, including:

- An Ecological Survey, conducted in July 2019
- Desktop review of information from NBDA, EPA, NPWS, and GSI.

#### Stage 1 Screening

12.3.4. The proposed development is examined in relation to any possible interaction with European sites, designated Special Conservation Areas (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site. The proposed development is not located within or immediately adjacent to any European Site. Lough Rea SAC and SPA is located some 600m south of the site and south of the town of Loughrea.

#### Brief Description of the Development

12.3.5. The applicant provides a description of the proposed development on pages 9-12 of the submitted NIS. The proposal, as per the submitted public notices, comprises:

- The construction of 104 no. residential dwellings,
- A c.1.806 ha. public park,
- A community facility building (c.199.2sqm),
- 223 no. car parking spaces, and 64 no. bike parking spaces,
- Modifications to the vehicular access and egress point on the Athenry Road, and all associated site development works.
- There is no stream on the site and no public surface water network. The proposed SuDs techniques will involve soakaways built into each garden, that will accept rainwater from all roofs. The roads and pavements will drain into gullies and collection pipes which will redirect water to a soakage pits/attenuation structures to be located in open/common areas. The soakage pits will be either geocellular structures with stone matrix and filter membrane surround or filter drains. It is stated that this will mitigate any potential for groundwater contamination. The disposal of storm runoff to ground will be in accordance with good practice and national guidelines and the base level of any soakaways will be a minimum of +1m above the ground water table with suitable permeable soil between the base level and groundwater table.
- Foul sewers will connect to the Loughrea Sewerage Scheme, which is treated at the Loughrea Wastewater treatment Plant in Ballygasty, approximately 1.5km from the proposed development. The Loughrea WWTP emits treated water to the Kilcolgan River, which flows into the Dunkellin River and out to Dunbaulcan Bay. The Loughrea WWTW has a Population Equivalent of 10,000 and is compliant with EPA monitoring.

12.3.6. The habitats on the phase 2 lands and OS zoned lands are described as Dry calcareous and neutral grassland and recolonising bare ground mosaic. There is a treeline of mature Sycamore trees on the phase 2 lands. The habitat of the phase 1 lands is described as Improved Agricultural Grassland. No tree surveys or bat surveys were undertaken. Invasive Species are identified on lands within the wider

landholding, but are not within the area of this application. An Invasive Species Management Plan has been submitted outlining treatment options.

#### Submissions and Observations

12.3.7. The CE Report from Galway County Council notes the following in relation to the submitted NIS:

- 'It would appear that there are other European sites within this zone of influence including Sonnagh Bog SAC and Peterswell Turlough SAC and it is unclear from a review of the submitted NIS whether likely significant effects on these receptors and their qualifying interests have been considered as part of the AA Screening process and NIS'.

#### European Sites

12.3.8. A summary of European Sites that occur proximate to the proposed development on the basis of a 15km zone of influence are indicated on a map within the submitted NIS. These sites are considered by the applicant to be within the zone of influence.

12.3.9. I note there is no direct hydrological pathway between any European Sites and the application site, whereby the proposed development would have the potential to have likely significant effects upon them. The nearest surface water is the Kilcolgan River (IE\_WE\_29\_513) located approximately 500m away from the site boundary. The main pathway for potential indirect impacts between the proposed project and the European sites is stated in the submitted NIS Report to be via ground water pathways to Lough Rea SAC and SPA. Despite the distance of 600m which would mean most of the pollutants and sediments would be filtered out, it is stated that it is difficult to gauge how groundwater acts in karstic areas. I note there is no public surface water network in the area and all surface water drains to ground. Surface water pathways and land and air pathways were also considered in this assessment.

12.3.10. Having examined the assessment submitted, I note some inconsistencies and missing information in relation to the screening section of the report. Figure 3.1 indicates the European Sites being considered but does not list the conservation objectives and QIs of all indicated sites on figure 3.1, with the screening section in particular providing no information on Sonnagh Bog SAC and Peterswell Turlough SAC. I note there are some errors in the submitted screening section with reference

to the SPA incorrectly incorporating information in relation to the SAC. The Appendix A lists Conservation Objectives relating to Lough Rea SAC and SPA, however, only lists one of the conservation objectives relating to the SPA and not the two indicated on the NPWS website. I note the analysis/reasoning given in relation to a lack of a wintering bird survey is briefly addressed within the EclA but not within the screening/NIS report, with a lack of analysis/clear justification in the screening in relation to the baseline conditions relating to the habitat and exclusion of the site as a habitat for the SCIs of Lough Rea SPA. I further note that indirect impacts identified in the submitted report relate to ground water and the construction stage, with no operational impacts, although it is stated SUDS measures will reduce the potential impact on Loughrea SAC and SPA. I note that SUDS measures cannot be considered as mitigation at screening stage, therefore potential impacts of the operational stage must be considered further at the Appropriate Assessment stage. This is referred to further in that section hereunder. I also note the submitted EclA contains information in relation to screening and AA which has not been incorporated within the submitted NIS report.

12.3.11. As set out in Table 1 below, I have considered European sites in relation to this development site having regard to the source-pathway-receptor model. I consider effects on Loughrea SAC and SPA, where a potential indirect pathway via groundwater has been identified, cannot be ruled out without further analysis and assessment. While I consider there to be inadequate information submitted and analysed in relation to Rahasane Turlough SPA and SAC given the report does not list the conservation objectives or QI/SCIs of these sites, I have sufficient information before me to make a determination in relation to this SPA and SAC. I further note that Sonagh Bog SAC and Peterswell Turlough SAC are listed on a map as being within the zone of influence of the site, but these European sites are not examined within the screening section of the submitted report, while they are addressed within the EclA. While I consider the information submitted in the screening report to be overall inadequate given discrepancies arising, I have sufficient information before me to undertake a screening determination, as set out hereunder.

Table 1 Screening Matrix and possibility of significant effects

European Site (code) & Distance from Dev	Conservation Objectives and List of Qualifying Interests/Special Conservation Interest	Connections and Possible Effects	Assessment of likely significant effects/Screening Conclusion
<p>Lough Rea SAC - Site Code: 000304</p> <p><b>Distance:</b> 600m</p>	<p><b>Conservation Objective:</b></p> <p>To maintain the favourable conservation condition of Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. in Lough Rea SAC, which is defined by a list of attributes and targets under <a href="http://www.npws.ie">www.npws.ie</a> and in the submitted Appendix A of the submitted NIS Report.</p> <p><b>QIs:</b></p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p>	<p>No land take, therefore, no direct effects as the site is entirely outside and approximately 600m distant from the European site.</p> <p>No disturbance to key species.</p> <p>No habitat or species fragmentation is likely as the project poses no restrictions to habitats or species.</p> <p>Possible impacts during construction and operation, with potential for pollutants impacting on water quality in Lough Rea SPA and SAC through groundwater pathways. Lough Rea SAC and SPA have groundwater dependant Qualifying Interests (Hard oligo-mesotrophic waters with benthic vegetation of Chara spp., Shoveler (Anas clypeata), Coot (Fulica atra) and Wetland and Waterbirds) which may be impacted.</p>	<p>Effects cannot be ruled out without further analysis and assessment.</p>



		<p>The existing environment includes a WWTP.</p> <p>Potential for air pollutants if wind direction is from the north or north east during the construction phase.</p>	
<p>Lough Rea SPA [004134] <b>Distance:</b> 600m</p>	<p><b>Conservation Objective:</b></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA; and</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Lough Rea SPA as a resource for the regularly occurring migratory waterbirds that utilise it</p> <p><b>QIs/SCIs:</b></p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p>	<p>No land take, therefore, no direct effects as the site is entirely outside and approximately 600m distant from the European site.</p> <p>Disturbance to key species via noise during construction considered. No impact from construction noise on birds due to distance from development site of c. 600m.</p> <p>No habitat or species fragmentation is likely as the project poses no restrictions to habitats or species and the habitat of the site is not suitable for SCIs of the SPA.</p> <p>Possible impacts during construction and operation, with potential for pollutants impacting on water quality in Lough Rea SPA and SAC through groundwater pathways. Lough Rea SAC and SPA have groundwater dependant Qualifying Interests (Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i></p>	<p>Effects cannot be ruled out without further analysis and assessment.</p> <p>While it is stated in the EclA that the habitat is of no value and hence impact on SCIs of the Lough Rea SPA has been excluded, the exclusion of birds from the site has not been clearly justified in the submitted screening section of the NIS report.</p> <p>Potential eutrophication of the lake cannot be ruled out.</p>

	<p>Coot (<i>Fulica atra</i>) [A125] Wetland and Waterbirds [A999]</p>	<p>spp., Shoveler (<i>Anas clypeata</i>), Coot (<i>Fulica atra</i>) and Wetland and Waterbirds) which may be impacted.</p> <p>The existing environment includes a WWTP.</p> <p>Pollutants and sediments may also move into the nearby rivers (Kilcolgan river is located 500m east of the site), which may cause effects such as eutrophication, increased algal and macrophyte growth, increased turbidity and increased sedimentation of the river substrate. This may in turn adversely impact Loughrea SAC and Rahasane Turlough SAC and their qualifying interests.</p>	
<p>Slieve Aughty Mountains SPA</p> <p><b>Distance:</b> c. 5km south of the site</p>	<p><b>Conservation Objective:</b></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>No affects due to distance, scale of the project, and lack of suitable habitat within or near the development site for the QIs to occur.</p>	<p>Screened out.</p> <p>The proposed works will be outside the area of influence to impact these birds (&lt;500m from nest site).</p>

	<p><b>QIs:</b></p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p>		
<p>Rahasane Turlough SPA</p> <p><b>Distance:</b></p> <p>c.11km downstream to the west of the site.</p>	<p><b>Conservation Objective:</b></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA; and</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Rahasane Turlough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p> <p><b>QI:</b></p>	<p>No effects in relation to this SPA have been submitted as part of the screening analysis.</p>	<p>Screened out.</p> <p>There is no likelihood of significant effects on the Rahasane Turlough SPA due to distance, scale of the project, and lack of suitable habitat within or near the proposed development site for the QIs to occur.</p>

	<p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Rahasane Turlough SAC</p> <p><b>Distance:</b> c.11km downstream to the west of the site.</p>	<p><b>Conservation Objective:</b></p> <p>To maintain the favourable conservation condition of Turloughs in Rahasane Turlough SAC, which is defined by a list of attributes and targets under <a href="http://www.npws.ie">www.npws.ie</a></p> <p><b>QI:</b> Turloughs [3180]</p>	<p>Pollutants and sediments may through groundwater move into the nearby rivers. Kilcolgan river is located 500m east of the site, flows downstream away from Lough Rea to Rahasane Turlough SAC. Groundwater pollutants may cause effects such as eutrophication, increased algal and macrophyte growth, increased turbidity and increased sedimentation of the river substrate. This may in turn adversely Rahasane</p>	<p>Screened out.</p> <p>There is no likely significant effects to the Rahasane Turlough SAC/SPA due to distance from the application site of 15km downstream and given the scale of the project.</p>

		Turlough SAC and their qualifying interests.	
<p>Sonnagh Bog SAC - this SAC overlaps with Slieve Aughty Mountains SPA.</p> <p><b>Distance:</b> c. 8.5km southwest of the site</p>	<p><b>Conservation Objective:</b></p> <p>To restore the favourable conservation condition of Blanket bogs (* if active bog) in Sonnagh Bog SAC, which is defined by a list of attributes and targets under <a href="http://www.npws.ie">www.npws.ie</a>.</p> <p><b>QI:</b></p> <p>7130 Blanket bogs (* if active bog)</p>	<p>No information in relation to this SAC has been submitted as part of the screening analysis, although it is included in figure 3.1 of the Screening section of the submitted NIS Report.</p>	<p>While not addressed in the screening section, I note that the groundwater body associated with the site is not the same groundwater body associated with Sonnagh Bog or Peterswell Turlough SAC. Given the lack of a pathway, the distance from the site, and scale of the project, I consider there is no likelihood of significant effects.</p>
<p>Peterswell Turlough SAC</p> <p><b>Distance:</b> c. 11km southwest of the site</p>	<p><b>Conservation Objective:</b></p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>No information in relation to this SAC has been submitted as part of the screening analysis, although it is included in figure 3.1 of the Screening section of the submitted NIS Report.</p>	<p>While not addressed in the screening section, I note that the groundwater body associated with the site is not the same groundwater body associated with Sonnagh Bog or Peterswell Turlough SAC.</p>

	<p><b>QI:</b> Turloughs [3180] Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation [3270]</p>		<p>Given the lack of a pathway, the distance from the site, and scale of the project, I consider there is no likelihood of significant effects.</p>
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#### 12.4. Screening Determination

- 12.4.1. 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 Site No. 000304 (Loughrea SAC) and European Site No. 004134 (Loughrea SPA) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.
- 12.4.2. The possibility of significant effects on other European sites has been excluded on the basis of scale of the works proposed, separation distances, and lack of substantive ecological linkages between the proposed works and the sites. While the screening section of the NIS is weak in relation to certain aspects of the analysis, I am satisfied that I have sufficient information before me to conclude that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites:- Slieve Aughty Mountains SPA (004168), Soonagh Bog SAC (001913), Peterswell Turlough SAC (000318), Rahasane Turlough SAC (000322) and Rahasane Turlough SPA (004089).
- 12.4.3. I confirm that the sites screened in for appropriate assessment are the sites included in the NIS prepared by the project proponent.

12.4.4. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

## 12.5. The Natura Impact Statement and associated documents

12.5.1. The application is accompanied by a Natura Impact Statement by JBA Consulting, dated October 2020, which examines and assesses the potential adverse effects of the proposed development on the following European Sites:

- Lough Rea SAC [000304]
- Lough Rea SPA [004134]

12.5.2. The NIS was informed by the following studies, surveys and consultations:

- Ecological Impact Assessment
- Survey for invasive species
- Construction and Environmental Management Plan

12.5.3. The applicant's NIS provides a description of the development (see section 12.3.5 above). A Flood Risk Assessment was undertaken (see section 11.10 above). I note part of the site has been identified in the LAP as being subject to pluvial flooding. A Site Specific Flood Risk Assessment was not undertaken nor a Justification Test applied.

12.5.4. The NIS report submitted identifies and assesses potential sources of impact on European sites via surface water pathways, groundwater pathways, land and air pathways, with potential impacts identified for construction and operational phases. Cumulative and In-combination impacts are considered in Section 4.3. Impact evaluation is addressed in Section 4.4 which lists the qualifying interests of Lough Rea SAC and one of the qualifying interests of Lough Rea SPA, wetlands and waterbirds. No 'impact evaluation' or analysis is set out in the NIS in relation to the other two QIs/SCIs relating to Lough Rea SPA, which are A056 Shoveler *Anas clypeata* // A125 Coot *Fulica atra*. Section 5 of the submitted NIS report is titled 'Mitigation to Avoid Impacts'.

12.5.5. The applicant's NIS concluded that:

As a result of this Appropriate Assessment it has been concluded, on adherence with the avoidance and mitigation measures suggested, the proposed development will not have a significant adverse impact on the above Natura 2000 sites.

## 12.6. Appropriate Assessment of implications of the proposed development

12.6.1. The following is a summary of the assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field (as provided by the applicant). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

12.6.2. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

12.6.3. The following sites are subject to appropriate assessment:

- Lough Rea SAC
- Lough Rea SPA

A description of these sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out in Appendix A of the NIS submitted, albeit I note one of the conservation objectives of the SPA has not been listed. The Conservation Objectives and QIs/SCIs are outlined in table 1 of this report as part of my assessment. 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)).

### Aspects of the Proposed Development

12.6.4. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites assessed include:



- Construction related pollution events and/or operational impacts on water quality through ground water/surface water management.
- Construction and operation related noise and disturbance.

12.6.5. As noted in the screening report there is no direct hydrological pathway from the site to European Sites. The nearest river is Kilcolgan river, located 500m east of the site, which flows downstream away from Lough Rea to Rahasane Turlough SAC.

12.6.6. There are no Annex I habitats or Annex II plant species at the proposed development site. No botanical species listed under the Flora (Protection) Order, 2015, listed in the EU Habitats Directive (92/43/EEC) or the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended were recorded on the site.

12.6.7. I note that while a Flood Risk Assessment was submitted, a Site Specific Flood Risk Assessment as required by the Loughrea LAP Objective UI7 was not undertaken. Areas of pluvial flood risk within the site have not been addressed in the submitted documentation. The SUDS strategy proposed for the development has therefore only had regard to the Flood Risk Assessment submitted with the documentation and not a Site Specific Flood Risk Assessment, giving rise to concerns in relation to the adequacy of the design of the SUDS measures as proposed.

#### Potential Construction Phase Impacts

12.6.8. The construction of the development will involve excavations and earth moving which creates the potential for release of pollutants and sediments into the groundwater, which could affect Lough Rea SAC, whose QI is dependent on base-rich, nutrient poor, unpolluted water. Potential for noise and disturbance has also been considered.

#### Potential Operational Phase Impacts

12.6.9. During the operational phase and in the absence of mitigation measures, there is potential for pollution to groundwater. Potential for noise and disturbance has also been considered.

#### Mitigation

12.6.10. Mitigation measures for the construction phase are set in Section 5.1 of the NIS report submitted. A Construction and Environment Management Plan (CEMP)

has been prepared and will be further developed by the contractor, and submitted to Galway County Council for agreement, prior to site works commencing. This CEMP will incorporate the mitigation measures listed, such as parameters in relation to the location of the site compound, bunded storage of fuels and refuelling area with 110% capacity of the largest vessel contained within it; a separate container to address spillages of hazardous materials; maintenance programme; compliance with best practice guidance in relation to groundwater control and water pollution from construction sites; adoption of a surface water plan; limitation of access to certain areas. I note there is reference to the Bilboa and Mulkear River, which is not relevant to this site and appears to have been referenced in error. Reference is also made to measures relating to pollution control and spill prevention; dust minimisation during construction; and requirement for biosecurity measures to prevent the spread of invasive species. While potential for air pollution from non-prevailing winds on Lough Rea is raised in the screening section of the NIS report as an issue, it is not addressed within this section of the report

12.6.11. Section 5.2 of the submitted NIS report relates to Operation Phase Mitigation and states 'No significant impacts on Lough Rea SAC & SPA have been identified for the Operation Phase; therefore, no mitigation is required in this regard'. However, Table 5.1 'Impact and Mitigation', includes SUDS as a mitigation measure required for the operation phase, alongside implementation of a CEMP during construction. Section 5.3 Residual Impacts addresses SUDS as a measure, where it is stated 'the drainage plan for the site is designed on Sustainable Drainage System which will take storm water run-off to a mix of permeable paving, soakaways, and attenuation area to a large green space through a petrol interceptor. The foul water will join up with the existing system to wastewater treatment plant in Ballygasty'. I note the SUDS measures adopted in relation to the site are based upon findings from the Flood Risk Assessment submitted. As noted in section 11.10 of this report, the submitted Flood Risk Assessment did not take account of the pluvial flood areas identified in the Loughrea LAP and a Site Specific Flood Risk Assessment was not undertaken, as required by Objective UI7 of the LAP. Given the SUDS strategy adopted for the site has had regard to the information only contained within the flood risk assessment submitted, I am not satisfied that the proposed SUDS strategy is adequate and that the SUDS measures as proposed would function. This therefore

has potential consequential impacts on Lough Rea SAC and SPA and quality of the water at the Lough as mitigation via SUDs is deemed to be required in the NIS for the protection of the European sites.

12.6.12. Table 5.1, which summarises the mitigation measures refers to the QIs/SCIs of Lough Rea SPA of Wetland and Waterbirds, however, it does not include A056 Shoveler *Anas clypeata* or A125 Coot *Fulica atra*. As noted previously, no rationale is given as to why this is the case. Furthermore other duck species mentioned in the Natura 2000 form are not commented upon. Potential for noise disturbance and anthropogenic disturbance have not been fully considered. The submitted EclA includes a table summarising ecological features and the screening assessment, which includes the European sites within the zone of influence. It states in relation to wintering birds the value of the site is 'less than local' and under screening it is stated 'screened out: low value'. There is no assessment/analysis within the submitted NIS report assessing why impacts on wintering birds are screened out and there is no wintering bird survey submitted or a rationale given as to why it is not needed. However, I have sufficient information before me to determine that as the SCIs of Lough Rea are confined to the lake habitat, there are no ex-situ impacts in relation to the proposed development lands and therefore no requirement for a wintering bird survey as they will not feed or roost outside of the lake habitat and coot breed in lakeside habitat not agricultural fields. Furthermore given the distance from the site to the SPA and the intervening development of Loughrea there will be no impacts from noise disturbance or anthropogenic disturbance.

12.6.13. In combination impacts have been considered and are not deemed significant in the submitted NIS. However, I note that there is no public surface water management system serving the proposed development lands and the adjoining developments also dispose of surface water to ground. I do not consider that the submitted NIS has adequately considered this issue in its assessment of in-combination impacts.

#### Appropriate Assessment Conclusion

12.6.14. The proposed residential development at Loughrea has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

- 12.6.15. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European sites no. 00034 (Lough Rea SAC) and 004131 (Lough Rea SPA).
- 12.6.16. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 12.6.17. On the basis of the information provided with the application, including the submitted Natura Impact Statement, the content and level of analysis in the submitted Natura Impact Statement, and the absence of a Site Specific Flood Risk Assessment and potential impacts on SUDS design and groundwater, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European sites no. 00034 (Lough Rea SAC) and 004131 (Lough Rea SPA) in view of the site's Conservation Objectives. The Board is, therefore, precluded from granting planning permission for the proposed development.

### **13.0 Environmental Impact Assessment Screening**

- 13.1.1. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- i) Construction of more than 500 dwelling units
  - iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 13.1.2. The development provides for 104 housing units, a community building, and a public park on an area of 6.06ha. The site is located within the area of Galway County Council and is within an urban area. For clarity, I am assessing the proposed development within the red line boundary labelled phase 1 and 2, which is the subject of this application, and not the entire 'masterplan' area identified for future

development. The site is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

13.1.3. The applicant has submitted an EIA Screening Report including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and Characteristics of Potential Impacts

13.2. The submitted EIA Screening Statement concludes that the proposed residential development does not require the preparation of an Environmental Impact Assessment Report.

13.3. The various reports submitted with the application (as listed in section 1.1 of the submitted EIA screening document) are stated to address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment.

13.4. I have assessed the proposed development having regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and information which accompanied the application, inter alia, Natura Impact Statement, Ecological Impact Assessment, and landscape details. I have completed an EIA screening assessment as set out in Appendix A.

#### Characteristics of the Proposed Development

13.5. The proposed development is for 104 units, a community facility and a public park on a zoned greenfield suburban site of local value biodiversity. The proposal is not of a scale which would be unusual on an urban site and there will be no significant impacts from construction or operation.

### Location of Proposed Development

- 13.5.1. The site comprises undeveloped land, zoned for residential uses and open space in the urban area of Lough Rea. The quantum of development proposed and the location contiguous to a built-up area would have a minor impact on the natural resources of the area. The main use of natural resources is the land.

### Type and Characteristics of Potential Impacts

- 13.6. The size and design of the proposed development would not be unusual in the context of a developing urban area. The proposed use as residential on the residential zoned lands would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity and the site will connect to the public foul sewer and water network and will utilise the existing road network. There are no surface water features on the site. I have had regard to the cultural heritage considerations in the area. The proposed development will not significantly impact on any protected views or prospects listed in the Development Plan. While there are expected visual impacts locally to the site, this must be taken in the context of the land being zoned for development.
- 13.7. As assessed in section 12 above, given the content and level of analysis in the submitted Natura Impact Statement and the absence of a Site Specific Flood Risk Assessment and potential impacts on SUDS design and groundwater, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Lough Rea SPA (site code 004131) and Lough Rea SAC (site code 000304), in view of the site's conservation objectives and qualifying interests.
- 13.8. Based on the information submitted with specific regard to flood risk and surface water management, it is unclear if the proposed development would have significant effects on the environment.
- 13.9. The conclusion of this assessment is as follows:  
Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by Zone R Residential (Phase 1) and Zone OS Open Space/Recreation and Amenities, in the Loughrea Local Area Plan 2012-2022,
- c) the lack of a Site Specific Flood Risk Assessment,
- d) the location of the development 600m from a sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is unclear whether the proposed development would be likely to have significant effects on the environment and the preparation and submission of an environmental impact assessment report cannot therefore be excluded.

## 14.0 Recommendation

I recommend that permission is refused for the reasons and considerations set out hereunder.

## 15.0 Reasons and Considerations

1. The Board considers that the development of dwellings on Zone OS lands, would result in a material contravention of the zoning objective as per the Loughrea Local Area Plan 2012-2022 and Galway County Development Plan 2015-2021. As per Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board is precluded from granting permission where the proposed strategic housing development, or a

part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

2. The Board considers that the density of the proposed development is contrary to the provisions of the section 28 Ministerial Guidelines, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, and is also contrary to SPPR 4 of the Urban Development and Building Height Guidelines (2018) which affirm that the minimum densities for greenfield or edge of city locations set out in the 2009 Ministerial Guidelines must be secured. The site of the proposed development is on serviced land zoned for phase 1 residential development within the development boundary of Loughrea, which is designated a 'Key Town' in the settlement strategy for the County set out in the Galway County Development Plan 2015-2021. It is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Loughrea and to the established services in the immediate vicinity. In addition, the proposed development does not provide for a sufficient mix of building heights and typologies, comprising two storey own-door housing only, contrary to SPPR4 of the Urban Development and Building Height Guidelines (2018). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the Urban Design Manual – a Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in May 2009 which accompanies the Guidelines for planning authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, variety and distinctiveness, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, and to Objective RD2 of the Loughrea Local Area Plan 2012-2022, it is considered that the proposed development results in a



number of poorly defined and overlooked streets and public open spaces, poor pedestrian connectivity and permeability with adjoining developments, inadequate design of shared surface streets, and a lack of variety in the design of the dwellings, which would result in a substandard form of development and would seriously injure the residential amenities of future occupants. The proposed development would, therefore, be contrary to the aforementioned Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

4. The proposed development is in an area which is deemed to be at risk of pluvial flooding, by reference to the Loughrea Local Area Plan 2012-2022 and associated Map 3A Flood Risk Management. Having regard to the provisions of Loughrea Local Area Plan 2012-2022, specifically Objective U17, it is considered that in the absence of a Site Specific Flood Risk Assessment or Justification Test, and adequate information in relation to the risk of flooding and analysis of such risk to the site and of property in the vicinity, that the proposed development would be contrary to the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009 and would be contrary to the proper planning and sustainable development of the area.
5. Having regard to the location of the subject site 600m north of Lough Rea Special Protection Area (site code 004131) and Lough Rea SAC (00034), and having regard to the information provided with the application, including the content and level of analysis in the submitted Natura Impact Statement and the absence of a Site Specific Flood Risk Assessment and potential impacts on SUDS design and groundwater, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Lough Rea Special Protection Area (site code 004131), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.

## 16.0 Recommended Draft Order

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25<sup>th</sup> day of January 2021 by KPMG Future Analytics Consultants on behalf of Rocktop Asset Management Ltd.

### **Proposed Development**

Permission for a strategic housing development at this site of c.6.06 ha at Cosmona, Loughrea, County Galway. The development will consist of:

- The construction of a 104 no. residential dwellings within the first 2 no development phases of an overall masterplan for the larger landbank which is envisaged to accommodate a total of 341 residential units when completed.
  - Phase 1 shall comprise 40 no. dwellings including 20 no. 2 bed/2 storey houses, 18 no. 3 bed/2 storey houses and 2 no. 4 bed/2 storey houses (10 no. mid terrace and 30 no. semi-detached units)
  - Phase 2 shall comprise 64 no. dwellings including 20 no. 2 bed/2 storey houses, 34 no. 3 bed/2 storey units and 10 no. 4 bed / 2 storey houses (10 no. mid-terrace, 52 no. semi-detached and 2 no. detached units)
- Private amenity space for the proposed dwellings will be provided in the form of rear gardens.
- The development includes a c.1.806 ha. public park, public open spaces areas, 3 no. playgrounds and a community facility building (c.199.2 sqm).
- The proposal provides for a total of 223 no. car parking spaces (including 11 no. disabled spaces), and 64 no. secure bike parking spaces all at surface level.
- Vehicular access to the site will be provided from existing access point on Athenry road and internal estate roads serving Cois Furáin residential estate constructed under Planning Application: 051150 (Galway County Council); Pedestrian connections are proposed with lands to the south east of application site; and to the east and west of the proposed public park connecting future development lands under the applicants ownership.

- The proposed development also includes modifications to the vehicular access and egress point on Athenry Road, all associated site development works above and below ground including hard and soft landscaping, boundary treatments, lighting, drainage and service works necessary to facilitate the development.

Development of the currently proposed Phases 1 and 2 form part of an overall masterplan for adjoining lands A detailed masterplan has been prepared for the larger landbank to accommodate a total of 341 residential units and is included in the submitted documentation for context, clarity and information purposes. The detailed masterplan provides an overview of how the lands are envisaged to be developed in the future through Phases 3-6. The majority of the current application (namely Phases 1 and 2) are zoned 'Residential Phase 1' (R) under the Galway County Development Plan, 2015-2021 and the Loughrea Local Area Plan (LAP) 2012 (extended to 2022), under which the proposed use is permitted in principle. The proposed public park is located on lands zoned 'Open Spaces/Recreation and Amenity' (OS).

## **Decision**

**Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. The Board considers that the development of dwellings on Zone OS lands, would result in a material contravention of the zoning objective as per the Loughrea Local Area Plan 2012-2022 and Galway County Development Plan

2015-2021. As per Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board is precluded from granting permission where the proposed strategic housing development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

2. The Board considers that the density of the proposed development is contrary to the provisions of the section 28 Ministerial Guidelines, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The site of the proposed development is on serviced land zoned for phase 1 residential development within the development boundary of Loughrea, which is designated a 'Key Town' in the settlement strategy for the County set out in the Galway County Development Plan 2015-2021. It is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Loughrea and to the established services in the immediate vicinity. In addition, the proposed development does not provide for a sufficient mix of building heights and typologies, comprising two storey own-door housing only, contrary to SPPR4 of the Urban Development and Building Height Guidelines (2018). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the Urban Design Manual – a Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in May 2009 which accompanies the Guidelines for planning authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, variety and distinctiveness, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, and to Objective RD2 of the Loughrea Local Area Plan 2012-2022, it is considered that the proposed development results in a

number of poorly defined and overlooked streets and public open spaces, poor pedestrian connectivity and permeability with adjoining developments, inadequate design of shared surface streets, and a lack of variety in the design of the dwellings, which would result in a substandard form of development and would seriously injure the residential amenities of future occupants. The proposed development would, therefore, be contrary to the aforementioned Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

4. The proposed development is in an area which is deemed to be at risk of pluvial flooding, by reference to the Loughrea Local Area Plan 2012-2022 and associated Map 3A Flood Risk Management. Having regard to the provisions of Loughrea Local Area Plan 2012-2022, specifically Objective U17, it is considered that in the absence of a Site Specific Flood Risk Assessment or Justification Test, and adequate information in relation to the risk of flooding and analysis of such risk to the site and of property in the vicinity, that the proposed development would be contrary to the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009 and would be contrary to the proper planning and sustainable development of the area.
5. Having regard to the location of the subject site 600m north of Lough Rea Special Protection Area (site code 004131) and Lough Rea SAC (00034), and having regard to the information provided with the application, including the content and level of analysis in the submitted Natura Impact Statement and the absence of a Site Specific Flood Risk Assessment and potential impacts on SUDS design and groundwater, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Lough Rea Special Protection Area (site code 004131), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.

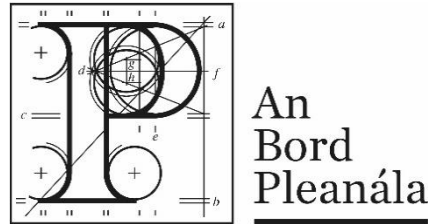
Note 1: The Board considers that the proposed development is deficient in the provision of childcare places having regard to the guidance set out in the Childcare Facilities – Guidelines for Planning Authorities 2001.

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Una O'Neill  
Senior Planning Inspector

26<sup>th</sup> April 2021

**Appendix A: EIA Screening Form**



**EIA - Screening Determination for Strategic Housing Development Applications**

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		ABP-309253-21
<b>Development Summary</b>		Construction of 104 no. residential units, a community building, a public park, and associated site works
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	A Natura Impact Statement
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	

<p><b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b></p>	<p><b>Yes</b></p>	<p>Site is zoned for residential development and open space. AA and SEA of Loughrea Local Area Plan undertaken.</p>
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<p><b>B. EXAMINATION</b></p>	<p><b>Yes/ No/ Uncertain</b></p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>   <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b></p> </p>	<p><b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b></p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises construction of residential units on lands zoned residential in keeping with the residential development in the vicinity. However, a number of houses are proposed on Open Space zoned lands.</p>	<p>No</p>



<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposal includes construction of a residential estate which is not considered to be out of character with the pattern of development in the surrounding town.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Discharge of foul effluent will be to existing public infrastructure.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>A Site Specific Flood Risk Assessment has not been undertaken. This is required given the identification of a pluvial flood risk within the Loughrea LAP. Given the SUDS strategy is based on the flood information submitted with the application, it is unclear whether the SUDS elements will operation efficiently and if there will be an impact on ground waters.</p>	<p><b>Uncertain</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site as proposed will result in an increase in residential units of 104 no. units which is considered commensurate with the development of a site in accordance with the Loughrea Local Area Plan.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	Stand-alone development, with other residential developments in the immediately surrounding area on zoned lands.	<b>No</b>
2. Location of proposed development			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<b>No</b>	A NIS accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites. However, upon assessment it is considered that potential for ex-situ impacts and the issue of flood risk and impact on ground water has not been adequately addressed in the NIS. In light of the assessment carried out in relation to AA, I am not satisfied that the	<b>Uncertain</b>

<p><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></p>		<p>proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European sites no. 00034 (Lough Rea SAC) and 004131 (Lough Rea SPA) in view of the site's Conservation Objectives.</p>	
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>Survey information submitted with Schedule 7A information found no evidence of sensitive species on the site or in the vicinity likely to be affected. However, I note no bat survey or tree survey was undertaken and the site survey was undertaken in July which is at the end of the most active period for breeding birds.</p>	<p>Uncertain</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>No archaeological assessment of the lands were undertaken, however, there are no known features of landscape, historic, archaeological, or cultural importance that could be affected.</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. However, the LAP identifies areas as risk of pluvial flooding and a Site Specific Flood Risk Assessment addressing this issue has not be submitted, contrary to Objectives of the LAP. Potential indirect impacts with regard to groundwater require further consideration in the NIS.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	Permitted and under construction residential developments in the wider area have been considered. No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>	No	<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Uncertain</b>	No wintering bird survey was conducted on the site and no Site Specific Flood Risk Assessment. This has resulted in a gap of information, which could give rise to environmental impacts.	<b>Uncertain</b>
<b>Real likelihood of significant effects on the environment.</b>	<b>Uncertain</b>	No wintering bird survey was conducted on the site and no Site Specific Flood Risk Assessment. This has resulted in a gap of information, which could give rise to environmental impacts.	<b>Uncertain</b>

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by Zone R Residential (Phase 1) and Zone OS Open Space/Recreation and Amenities, in the Loughrea Local Area Plan 2012-2022,
- c) the lack of a Site Specific Flood Risk Assessment,
- d) the level of detail within the Ecological Impact Assessment,
- e) the location of the development 600m from a sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is unclear whether the proposed development would be likely to have significant effects on the environment and the preparation and submission of an environmental impact assessment report cannot therefore be excluded.



**Inspector:** \_\_\_\_\_ **Una O'Neill**

**Date:** \_\_\_\_\_ **21/12/2020**