



An
Bord
Pleanála

Inspector's Report

ABP-309304-21

Development	Construction of 44 no. residential units.
Location	Breanloughan, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	201610
Applicant(s)	Martin Coyne
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Martin Coyne
Date of Site Inspection	14 th April 2021
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.58 hectares, is located to north east of Galway City in the area of Briar Hill. The appeal site is located on the northern side of the R339 and a short distance from the junction of it and the N6. The appeal site is occupied by a single-storey dwelling on the northern side of the R339 and to the rear of it agricultural lands. There is an existing service road and vehicular access running along part of the eastern boundary of the site that provides access to the lands part of the appeal site as well as access to Briarhill Nation School to the east of the site. Adjoining uses include an existing dwelling to the west adjoining the R339, agricultural lands to the east, west and north and the school to the west.

2.0 Proposed Development

2.1. Permission is sought for the demolition an existing dwelling and outbuildings and the construction of a residential development comprising of 44 no. residential units (i.e. 32 no. houses and 12 no. apartments). The development consists of...

- 2 no. for bed detached houses.
- 20 no. four bed semi-detached houses.
- 10 no. three bed semi-detached houses.

12 no. apartments are proposed within a two-storey block. The building accommodates 2 no. three-bed (5 person) apartments, 5 no. two-bed (4 person) apartments, 1 no. two-bed (three person) apartments and 4 no. one-bed (2 person) apartments.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on six reasons...

1. The proposed development, is located in Briarhill, (a small village nucleus in a rural area close to Galway City environs constituted of a school and a small number of individual houses), which is a Tier 6 settlement (Other settlements and the Countryside) as set out in section 2.6.1 of the current Galway County development plan. The site is not zoned for development and specific core strategy population have not been established for same, under Section 2.57 (Settlement Strategy Objectives) of the current County development plan. Therefore, it is considered that the proposed development would, by reason of population yield, scale and overall extent in the context of Tier 6 status of Briarhill, undermine the provisions of the core strategy of the current County development plan and inter alia Core Strategy Objectives SC 2, CS 7 and SS 7 of the Galway County development plan 2015-2021. The proposed development would therefore accordingly be contrary to the proper planning and sustainable development of the area.

2. Development of the kind proposed on the land would be premature and potentially prejudicial to public, by reference to the lack of clarity and relevant consents regarding wastewater disposal proposals, the existing deficiency in the provision of public sewerage facilities serving Briarhill and the period within which the constraints involved may reasonable be expected to cease. The proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3. The applicant has failed to address the impact that the construction of the foul sewer would have on the public road network and have also failed to include an assessment of the existing priority junction on the R339 from which access will be provided, and the impact that traffic congestion on the R339 would have on its operational performance. Furthermore the development is in close proximity to the preferred route of a national road scheme and, if granted, could prejudice plans for the delivery of this scheme. Therefore, if permitted as proposed the development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

4. The proposed development, in view of its roads dominated layout, building typologies, scale and extent, and by reason of not adequately reinforcing the existing, form of Briarhill village nucleus, contributing to sense of place, would detract from the visual amenity of the area, would establish an undesirable precedent for similar future developments in the area and would accordingly be contrary to the proper planning and sustainable development of the area.

5. In absence of a noise impact assessment and mitigation statement in relation to the potential impacts arising from the proposed national road or existing road serving the subject development, it is considered that if permitted as proposed the development would materially contravene Objective TI 12 of the current County development plan in relation to potential noise impact and would seriously injure the amenities, or depreciate the value, of property in the vicinity.

6. the proposed development is located within 2.5km of the Inner Galway Bay SPA and the Galway Bay Complex SAC, both designated European sites, European sites form part of the Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the European Union, which are afforded protected under the EU Habitat Directive (92/43/EEC) & EU Birds Directive (79/409/EEC as amended by Directive 2009/147 EC) and the European Communities (Natural Habitats) Regulations 1997, as amended by the European Communities (Birds and Natural Habitats) Regulations 2011, and are also further protected under Policy NHB1, Objective DS 6, Objective NHB1, Objective NHB2, Objective NHB3, Objective DS 6, Objective AFF 5 and DM Standard 40 of the Galway County development plan 2015-2021. Having regard to the requirements of Article 6(3) and 6(4) of the Habitats Directive and on the basis on information included with the planning application and available to the Planning Authority, including the site being located within the catchment of the aforementioned European sites, the proximity of the site to the Inner Galway Bay SPA and the Galway Bay Complex SAC, in conjunction with the lack of clarity and relevant consents provided regarding the satisfactory disposal of wastewater arising from the development, the Planning Authority consider that likely significant effects , either

individually or in combination with other plans or projects, on a European Site(s), in view of its conservation objectives cannot be ruled out, Furthermore, the proposed development, would contravene materially the said policies, objectives and a development management standards contained in the current Galway County development plan, would set an undesirable precedent for similar future development with European sites, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (18/12/20): The proposed was considered to be contrary the core strategy and settlement strategy under the County Development Plan, premature pending adequate sewerage infrastructure, inadequate in assessment of traffic impact, unsatisfactory in terms of design, have potential to prejudice the proposal for a nearby national route and have potential significant effects on nearby European sites. Refusal was recommend based on the reason outlined above.

3.2.2. Other Technical Reports

3.3. Prescribed Bodies

TII (27/11/20): The proposed development is in close proximity to the preferred and/or approved route of a national road sachem. The proposed development could prejudice plans for the delivery of this scheme.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (SAU) (18/03/21): Prior to granting permission the Board must be satisfied the supporting documentation adequate addresses the suitability of the land for development in the context of natural heritage and biodiversity.

3.4. Third Party Observations

3.4.1 Submission received from...

Briarhill Concerned Parents Group

Board of Management Briarhill National School

The issues raised can be summarised as follows...

- Right of way issues, traffic issues, loss of trees and vegetation, not zoned for residential use, construction impact, flood risk and nature and type of development.
- The submission from the Board of Management supports the proposal noting that the school will benefit from the proposal and connect to the public sewer facilities.

4.0 Planning History

4.1 19/844: Permission refused for a residential development consisting of 43 no., residential units. Refusal based on seven reasons including contrary settlement strategy/development plan policy, public health, traffic safety, residential amenity/noise impact, appropriate assessment issues, impact on bats.

4.2 15/1053: Permission granted for the demolition of an existing dwelling house and outbuildings and the construction of the following: 'Block 1' - 2 storey block consisting of 2 no. shops, ancillary storage, staff facilities with bin store on ground floor with medical centre and office unit on first floor. 'Block 2' - 2 and 1/2 storey block consisting of: 3 no. shop units, ancillary stores/service areas on ground floor, 4 no. 2 bed apartments on first floor, 4 no. 1 bed apartments on second floor built in the roof space and 1 no. 3 bed 2 storey maisonette extending over first and second floor. 2 storey Creche, 2 storey 60 bed nursing home, 4 no. two storey, 4 bed detached houses - Type 'A', 6 no. two storey, 4 bed detached houses - Type 'B', 30 no. two storey, 3 bed semi detached houses - Type 'C', 3 no. two and a half storey, 3 bed terraced houses - Type 'D', 2 no. two storey, 4 bed terrace houses - Type 'E', 1 no. electrical substation along with the upgrade and construction of existing/new

boundary walls, the extension of and connection to, existing public utilities as well as all other ancillary site works, previous planning reference no. 09/2340 (gross floor space 10708.86sqm)

- 4.3 09/2340: Permission granted for the demolition of an existing dwelling house and outbuildings and the construction of the following: 'Block 1' - 2 storey block consisting of 2 no. shops, ancillary storage, staff facilities with bin store on ground floor with medical centre and office unit on first floor. 'Block 2' - 2 and 1/2 storey block consisting of: 3 no. shop units, ancillary stores/service areas on ground floor, 4 no. 2 bed apartments on first floor, 4 no. 1 bed apartments on second floor built in the roof space and 1 no. 3 bed 2 storey maisonette extending over first and second floor. 2 storey Creche, 2 storey 60 bed nursing home, 4 no. two storey, 4 bed detached houses - Type 'A', 6 no. two storey, 4 bed detached houses - Type 'B', 30 no. two storey, 3 bed semi-detached houses - Type 'C', 3 no. two and a half storey, 3 bed terraced houses - Type 'D', 2 no. two storey, 4 bed terrace houses - Type 'E', 1 no. electrical substation along with the upgrade and construction of existing/new boundary walls, the extension of and connection to, existing public utilities as well as all other ancillary site works (gross floor space 10708.86sqm).
- 4.4 07/5356: Permission granted for (1) the re-alignment of the existing school and adjacent field boundary * (located on the south-western boundary of the school site) and public footpath to facilitate the localised widening of the R339 to allow the construction of a new road junction with 2 no. 'yield controlled' right turn ghost islands - 1 no to access the existing Coolagh Estate and 1 no. to access the proposed school 'set-down' area. These works will include the provision of service ducting and alterations to the existing road drainage services. (2) The construction of a new access road (with pedestrian crossing) from the R339 to access the new Briarhill School Vehicle set-down care consisting of 12 no. vehicle set-down spaces and a staff car parking consisting of 13 no. car-parking spaces. These works will also include the provision of a height restriction barrier, service ducting, the installation of a surface water drainage system including the construction of an on-site soak-away.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Galway County development Plan 2015-2022.

The appeal site is not zoned and is located outside of the Galway Metropolitan Area. In the CDP Settlement Strategy Briarhill is identified as being Tier 6 Settlement.

These smaller settlements provide basic services to their community, such as convenience goods and primary education and religious services. They are distinguished from rural housing by the presence of these services which provide an important community purpose and the basis for further future development. The countryside refers to those parts of County Galway that are outside of recognised settlements.

Objective CS 7 – Core Strategy and the Countryside/Rural Areas Galway County Council shall recognise the important role of the rural areas within the County and shall protect and support these areas through the careful management of its key assets, including its physical and environmental resources, while supporting appropriate development in a balanced and sustainable manner and in accordance with the relevant policies and objectives set out throughout the plan.

Objective CS 2 – Development Consistent with the Core Strategy Galway County Council shall ensure that developments permitted within the County are consistent with the County population allocations set out in the Regional Planning Guidelines.

Objective SS 7 – Development of Small Settlements In the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core

Strategy and Settlement Strategy, good design, community gain and proper planning and sustainable development.

Objective TI 12 – Noise Require all new proposed development, which is considered to be noise sensitive within 300m of existing, new or planned national roads, or roadways with traffic volumes greater than 8,200AADT, to include a noise assessment and mitigation measures if necessary with their planning application documentation. The cost of mitigation measures shall be borne by the developer. Mitigation measures in order to protect the noise environment of existing residential development will be facilitated or enforced as necessary.

5.2 National Policy

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

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

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

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

5.2. Natural Heritage Designations

Galway Bay Complex SAC (Site Code 000268), 2.63km from the site.

Inner Galway Bay SPA (Site Code 004031), 2.74km from the site.

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the development which consists of a 40 unit housing development on zoned lands within an urban settlement, the lack of hydrological links to any waterbodies and the connection to municipal drainage infrastructure there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact

assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Planning Consultancy Services on behalf of the applicant, Martin Coyne. The grounds of appeal are as follows...

- The context of the site on the edge of the Galway City Metropolitan Area and the fact there is a history of permission for residential development at this location justify the proposed development. The area is urban in character and within an urban speed limit zone. It is noted that status of the area is comparable to that under the previous Development Plan (2009) under which permission was granted for residential development on the adjoining site to the west, 09/2340, extended in duration under 15/1053).
- The appeal site is part of an urban framework pal for Briarhill that is part of the Draft |Galway County development plan due for publishing on in May/June of this year under, which Briarhill will form part of the Metropolitan Area.
- The proposal is considered to be consistent with the National Planning Framework, the Regional Spatial & Economic Strategy, current County development plan policy and an appropriate form of development at this location.
- The appellant has submitted an updated route for the sewer system and such is consistent with Option 3 in the Irish Water confirmation of feasibility and consent has been secured from Irish Water.
- The construction of the foul sewer will be temporary in nature and will be subject to detailed traffic management plan. Such works are common practice and can be carried out without adverse consequences.
- The design and layout of the proposal is of good quality and will be positive development at this location. The proposed layout make use of an existing

service road and the design of houses is good quality in terms of architectural character, orientation and overall visual impact.

- The proposal is sufficient removed from the proposed GCRR so as to not require a noise impact assessment.
- In relation to European sites the appellant refers to the screening assessment report submitted as well as the updated foul sewer proposals and the finding of no significant effects.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1 Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development/settlement strategy/core strategy

Infrastructure

Traffic impact

Design, scale, house type

Galway City Ring Road/Noise Impact

Other Issues

7.2 Principle of the proposed development/settlement strategy/core:

7.2.1 The appeal site is located in the Briarhill area on the outskirts of the Galway City.

The site is not located within the Galway Metropolitan Area and Briar Hill is identified as being a Tier 6 settlement in the Settlement Strategy. The appeal site is not zoned and permission was refused on the basis that it is considered that the proposed development would, by reason of population yield, scale and overall extent in the context of Tier 6 status of Briarhill, undermine the provisions of the core strategy of

the current County Development Plan and inter alia Core Strategy Objectives SC 2, CS 7 and SS 7 of the Galway County Development Plan 2015-2021.

7.2.2 The appellant indicates that the duration of a permission of residential development granted under a previous plan (2009 County Development Plan) was extended under the current plan despite the area not being within the metropolitan area. The appellant also refers to the process for the review of the Galway County development Plan (2022-2028) with draft plan due to be published in May/June. The appellant refers to the Issues Paper that Briarhill is identified as being within the Metropolitan Area and that there will be population allocation for the area under the Draft Plan and there is provision for a Briarhill Framework Plan.

7.2.3 Under the current plan and its settlement strategy, the appeal site is outside of the Metropolitan Area and is adjacent a settlement identified as a Tier 6 Settlement. Under development Plan policy “these smaller settlements provide basic services to their community, such as convenience goods and primary education and religious services. They are distinguished from rural housing by the presence of these services which provide an important community purpose and the basis for further future development. The countryside refers to those parts of County Galway that are outside of recognised settlements”. Objective CS 2 requires that new development is consistent with the Core Strategy are consistent with the County population allocations set out in the Regional Planning Guidelines. Objective SS 7 in relation to Development of Small Settlements states that “in the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Strategy, good design, community gain and proper planning and sustainable development”.

7.2.4 Under current County development plan the proposal does not conform to the Core Strategy in terms by reason of population yield, scale and overall extent in the context of Tier 6 status of Briarhill, undermine the provisions of the core strategy of

the current County development plan and Core Strategy Objectives CS 7 and SS 7 of the Galway County Development plan 2015-2021. The proposed development would therefore accordingly be contrary to the proper planning and sustainable development of the area.

7.2.5 There is a Draft Galway County Development Plan 2022-2028 and under such plan the Briarhill area is identified as being within an extended Metropolitan Area and the Core Strategy does allocation population to the area. Under Draft Plan the population allocated is 977 equating to 391 units and a density of 30 units per hectare. The Draft contains an Urban Framework Plan for the area, which includes land use zonings. The Draft Plan is not a planning consideration, however the Board may wish to have regard to such. Notwithstanding the potential zoning of the land for development and inclusion within the Metropolitan Area, I would note that the proposal would not have adequate regard to the Urban Framework Plan under the Draft Plan in that a sizeable portion of the site is identified for Open Space under such and this is not reflected in the proposal. I would consider that based on current Development Plan policy, which is the functional plan for the area in question, and the fact that the Draft Plan may be subject to change, the proposal would be contrary to development objectives in relation to Core Strategy and Settlement Strategy and would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3 Infrastructure:

7.3.1 The proposal was refused on the basis the proposed development would be premature and potentially prejudicial to public, by reference to the lack of clarity and relevant consents regarding wastewater disposal proposals, the existing deficiency in the provision of public sewerage facilities serving Briarhill and the period within which the constraints involved may reasonable be expected to cease. The proposed development was considered to be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

7.3.2 The appellant has submitted proposals to service the proposed development with it proposed to connect to a foul sewer on the eastern side of the N6 and to the south west of the site. This connection would require routing along the R339 and N6 and works in a public area with no third party consents needed. The applicants/appellants have engaged in a pre-connection query with Irish Water and have submitted a response from such. This response indicates that connection to the foul sewer is feasible and would be consented to be Irish Water.

7.3.3 Based on the information on file it is clear that the site is serviceable in terms of wastewater infrastructure. I would be off the view that there is no justification for refusal of the proposed development on this basis. I would also note that permission has been granted on the adjoining site to the west for similar type development previously.

7.4 Traffic Impact:

7.4.1 The applicant has failed to address the impact that the construction of the foul sewer would have on the public road network and have also failed to include an assessment of the existing priority junction on the R339 from which access will be provided, and the impact that traffic congestion on the R339 would have on its operational performance. Furthermore the development is in close proximity to the preferred route of a national road sachel and, if granted, could prejudice plans for the delivery of this scheme. Therefore, if permitted as proposed the development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

7.4.2 The proposal entails access using an existing junction off the R339. There is an existing service road currently serving the Briarhill National School. The existing service road will be used to access the site. The applicant was accompanied by a TIA. Such identified that the proposal is well below the threshold level for which a Traffic and Transport Assessment is require under TII guidelines as well as being below the threshold of 10% of the traffic flow of the adjoining road or 5% where

congestion exists. Notwithstanding such an assessment of capacity is included in the TIA with the R339 expected to operate above capacity for a design year of 2039. It is considered that the proposal based on its size and scale has negligible traffic impact.

7.4.3 The appeal site is located within the 50kph urban speed limit and is serviced by an existing roadway with vehicular entrance off the R339. This roadway and entrance is of a good standard featuring good sightlines, footpaths and the R339 facilitates right turning movements into both the roadway serving the site and the road on the opposite side of the R339. The development itself is for 44 residential units and the appellant's TIA correctly identifies that such is well below the threshold level of that requiring a Traffic and Transport Assessment under TII guidelines. The TIA submitted does include an analysis of junction and road capacity and concludes that sufficient capacity existing to cater for the proposed development.

7.4.4 I would of the view that having regard to its location within an urban speed limit zone and the fact it is serviced by an existing vehicular entrance and roadway that is of a good standard in layout and provision for pedestrian infrastructure, that the level of development proposed and traffic likely to be generated can be facilitated at this location without generating traffic movements, which would be obstruct other road users or creating capacity issues. The roadway serving the site also serve an existing school. I am satisfied that the design of the existing roadway of a good modern standard and provides sufficient access for the school and for traffic associated with the proposed development without any level of conflict between the two. The location of dwellings close proximity to the school would also reduce the reliance on car trips and represent a sustainable model of development. I would consider that the proposed development would be acceptable in context of traffic safety and convenience.

7.4.5 The refusal reason also relates to the impact of construction activity on the public road network given the proposal would require works along such to facilitate wastewater infrastructure. I would be off the view that works of such kind are not an unusual feature of serving urban development and that any works in this regard are

temporary in nature and can be managed to minimise disruption through appropriate construction and traffic management. I do not consider that this is an issue that would merit refusal of the proposed development.

7.4.6 One of the refusal reason outlines concerns that the development may prejudice works associated with the provision of the Galway City Ring Road (GCRR). The GCRR project is currently pending decision. The route of the GCRR is located to the west of the site and the proposal for such includes a link road onto Parkmore Road to the west of the site and extension alterations to the junction layout where the N6 intersects with the N67 with an existing roundabout junction to the south of the site. I would be of the view that the appeal site is clearly sufficient removed from the route of the GCRR as proposed and that the development of the site as proposed would prejudice any aspect of the current proposal sought for such. The proposal does entail infrastructural works along the R339 and N6 to connect to the public sewer. I would consider that the likely timescale of the provision of the GCRR if permitted would allow for such works to take place to service the proposed development.

7.5 Design, scale and house type:

7.4.1 The proposal was refused on the basis of its roads dominated layout, building typologies, scale and extent, and by reason of not adequately reinforcing the existing, form of Briarhill village nucleus, contributing to sense of place, and was considered to detract from the visual amenity of the area. The proposal is for 44 no. residential units split into 32 no. dwellings and 12 no. apartments.

7.4.3 Briarhill is lower tier settlement (Tier 6) with no strong pattern of development is made up of ribbon development along the R339. The site is located at a crossroads, where is some concentration of development with the Briarhill National School serviced by the same service road to be used to access the proposal. The proposed development is very much a suburban style development in terms of type and overall design, featuring a two-storey apartment block to the front of the site and a mixture of two-storey detached and semi-detached dwellings. The overall design

and scale of the development is not atypical of suburban development permitted within the city and its suburbs and the design of such would be consistent with all development management objectives of the County Development plan including public and private open space, car parking, plot ratio, room dimensions etc. The density proposed is 28 units per hectare.

7.4.4 The proposal consists of a three-storey apartment block with a ridge height of 9.173m. The block is located to the south of the site with an open space area and the public road to south a car parking area separating it from the two-storey dwellings proposed. The three-storey block is 22m away from the nearest two-storey dwelling within the proposed scheme, 17m from the existing school building to the east and 32m from the nearest existing dwelling to the west. The proposed two-storey dwellings have a ridge height of 8.490m and have an orientated north/south and east/west. Each dwelling have rear gardens providing separation of between 10m and 12m between the rear of dwellings adjoining lands to the north , which are in agricultural use and to the west, which is currently in agricultural use but has a permitted development of similar two-storey dwellings under ref no. 09/2340, extended in duration under 15/1053). The overall scale, orientation and level of separation between the proposed apartment block, residential units and adjoining development including existing residential is sufficient to ensure that adequate levels of daylight and sunlight will be available to future occupants of the proposed development and existing properties on adjoining sites.

7.4.5 I would of the view that the proposal is not of any significant architectural merit or ground-breaking in terms of design and layout. The proposal is however a very generic standard of suburban development, which would not be significant out of keeping with the pattern of development at this location. The proposal makes use of an existing service road and is not out of place with development previous permitted on the adjoining site to the west. I would disagree with the Planning Authority's assessment that that the proposal is dominated by roads and would consider that the proposal is an acceptable in terms of design and layout.

7.6 Galway City Ring Road/Noise Impact:

7.6.1 As noted above the proposal would not prejudice delivery of the GCRR project if permitted. In relation noise impact, I would consider that the development would be sufficiently remote from the GCRR route and that noise impact assessment is not required or merited. There is sufficient distance between the appeal site and such as well as intervening structures and vegetation and it is notable that permission has been granted on the site to the west for residential development in not to distant past. Objective TI 12 states that all new proposed development, which is considered to be noise sensitive within 300m of existing, new or planned national roads, or roadways with traffic volumes greater than 8,200AADT, to include a noise assessment and mitigation measures if necessary with their planning application documentation. I have measures the distance between the site and the proposed GCRR works as just under 450m and in this case Objective TI 12 does not apply.

7.7 Other Issues:

7.7.1 The documents submitted include a Flood Risk Assessment, which identifies that the site is within Flood Zone C. It appears that there have been issues regarding flooding on site that relate to localised drainage issues with proposal to deal this aspect in the design of drainage infrastructure.

7.7.2 An assessment of existing trees and vegetation on site was carried out with no trees of high value identified on site. There are landscaping proposals included with the overall design. A Bat Survey report was also included, which notes that the structure on site are being used for roosting and the site is for feeding or commuting. A number of mitigation measures are proposed in relation to bats including planting of a wildlife corridor along the perimeter of the site using native species and carrying out of certain works outside of period of main bat activity (October-February).

8.0 Appropriate Assessment

8.1 An Appropriate Assessment Screening report was submitted in response to further information

8.2. Screening

8.2.1 I followed the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

8.2.2 Project Description and Site Characteristics

8.2.3 The proposed development is as described in the report above and in the application submissions.

8.2.4. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives: Two sites are identified within the zone of influence of the proposed development based on proximity and potential hydrological links. These are the...

Galway Bay Complex SAC (Site Code 000268), 2.63km from the site.

Inner Galway Bay SPA (Site Code 004031), 2.74km from the site.

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species
000268 Galway Bay Complex SAC	2.63km form the site.	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>

<p>004031 Inner Galway Bay SPA</p>	<p>2.74km from the site.</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p>	
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		Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]	
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8.2.5 Assessment of likely Effects:

The applicants Screening Report identifies there are no possible effects based on the remote location of the appeal site relative to the two designated sites within the zone of influence, no habitat loss or fragmentation, no emissions or discharges to the designated sites, with the proposal connected to the public sewer and surface water discharge to a soak pit. It is concluded that having regard to the foregoing, it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031). I would concur with this assessment of possible effects on the two designated sites identified and confirm that the appeal site has no direct connection to either of the designed sites within the zone of influence. The proposal is to connect to existing municipal infrastructural services and would have no indirect or indirect source or pathway.

8.2.6 Screening Statement and Conclusions:

It was concluded in screening assessment that significant effects can be ruled out on the Galway Bay Complex SAC and the Inner Galway Bay SPA and that a Stage 2 Appropriate Assessment is not required. In conclusion having regard to the foregoing, it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031).

9.0 Recommendation

9.1. I recommend a refusal based on the following reason.

10.0 Reasons and Considerations

1. The proposed development, is located in Briarhill, (a small village nucleus in a rural area close to Galway City environs constituted of a school and a small number of individual houses), which is a Tier 6 settlement (Other settlements and the Countryside) as set out in section 2.6.1 of the current Galway County development plan. The site is not zoned for development and specific core strategy population have not been established for same, under Section 2.57 (Settlement Strategy Objectives) of the current County development plan. Therefore, it is considered that the proposed development would, by reason of population yield, scale and overall extent in the context of Tier 6 status of Briarhill, undermine the provisions of the core strategy of the current County development plan and inter alia Core Strategy Objectives SC 2, CS 7 and SS 7 of the Galway County development plan 2015-2021. The proposed development would therefore accordingly be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

27th May 2021