



An
Bord
Pleanála

Inspector's Report ABP-310309-21.

Development	Construct a two-storey house and associated services.
Location	Abbeyfields, Cosmona, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	21/288.
Applicant(s)	Mary Finnerty.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Mary Finnerty
Observer(s)	None.
Date of Site Inspection	15/07/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located to the north of the town centre of Loughrea, and to the south of the Ring Road which connects the R446 to the west with the N65 to the east. The site is located within an existing and established residential area known as Abbeyfields, Cosmona, which is directly accessed off the R350 which connects Loughrea to the south, with the ringroad to the north. The Abbeyfields development lies to the rear of the single storey houses which front onto the regional road and comprise a development of semi-detached two storey houses. Directly across the estate road, a dormer bungalow has been constructed.
- 1.2. The site has a stated area of 0.028 hectares and lies immediately to the rear of the single storey house fronting onto the regional road. The subject site would have formed part of the original open space retained by the roadside house following the grant of planning permission for the development of the Abbeyfields estate. The existing house site has an entrance to the rear of the house located off the Abbeyfields estate road, immediately to the east of the open space stripe and footpath associated with the estate. The existing site is currently walled and is detached from the estate open space and is practically detached from the rear of the existing house.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices construct a two-storey dwelling house and associated services. Gross floor space of proposed works: 110.2 msq., all at Abbeyfields, Cosmona, Co Galway.
- 2.2. The application included a number of supporting documents including the relevant plans, particulars and completed planning application form. Unsolicited further information was submitted in the form of a letter from the applicants' solicitor advising that she has access to the roads and services within the development at Abbeyfields, Cosmona, Loughrea, Co. Galway.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed house for the following stated reasons:

1. The site is located on a small parcel of unzoned lands, straddled between OS – Open Space / Recreation & Amenity and R – Residential zoned lands as per the Loughrea Local Area Plan 2021-2022. Having regard to the absence of any access point serving the site and the lands zoned OS where residential development is 'Not normally Permitted', the proposed development, if permitted would militate against the Objective LU7 Open Space / Recreation & Amenity of the Loughrea Local Area Plan 2012-2022. The proposed development has no demonstratable means of access, which if permitted, would require development through OS zoned lands and across lands which appear outside of the planning unit across lands immediately north and west of the subject site which forms part of the landscaped area as indicated in the layout permitted under PL. ref. 97/2048, which are lands which zoned OS. Therefore, if permitted, the development would materially contravene the conditions attached to previous permission granted under PI. ref. 97/2048 relating to open space and landscaping.

Furthermore, the proposed development would be contrary to Objective RD4 in respect of Open Spaces in Residential Areas which seeks 'to ensure the provisions of adequate areas of high quality, safe, overlooked and suitably landscaped open space within residential developments' and would, if permitted be contrary to stated Objectives of the Loughrea Local Area Plan 2012-2022 and contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site to the rear of an existing cottage style dwelling, the design and scale of the proposed development with limited separation distance from rear building line to

rear boundary, the proposed development is considered to be haphazard in nature, with little relationship to the existing pattern of development in the immediate area of the site and as such contrary to Objective UD1 of the Loughrea Local Area Plan 2012-2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, technical reports, planning history and the Loughrea Local Area Plan policies and objectives. The report also includes an Appropriate Assessment Screening and Flood Risk Assessment.

The planning report notes that the site is void of zoning but notes that it is straddled by OS and R zonings, and notes that the access to the site is required over lands zoned OS. The planning officer also notes that permission has been refused to the applicant for a house on the site, on the basis of substandard site depth and required building line set-back from the public road and the reducing of the existing rear building line of the adjacent dwelling house to the east.

The report notes that the submitted details do not adequately illustrate the proposed new access to the site. It is further considered that the proposed development constitutes haphazard disorderly development in a substandard site. The Planning Officer recommends that permission be refused for the proposed development.

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

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

TII: No observations to make.

3.2.4. Third Party Submissions

None.

4.0 Planning History

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

PA ref: 98/3539: Permission refused for the construction of a new dwelling on the site. The reasons for refusal were as follows:

1. The proposed development is substandard having regard to the minimum site depth of 30 metres, the required building line of 7 metres from the Estate Road and the rear building line of 11 metres and, if permitted, the proposed development would constitute substandard development which would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would have the effect of reducing the existing rear building line of the adjacent dwelling house to the east to below 11 metres which is the standard set down in the Loughrea Town Plan. It is a provision of the Plan that such development will not be permitted and the proposed development, if permitted, would be contrary to the provisions of the Loughrea Town Plan and to the proper planning and sustainable development of the area.

Abbeyfields estate development:

PA. ref. 96/2493: Outline permission granted to the current applicant, for the construction of 7 detached dwelling houses and associated services.

PA. ref. 97/2048: Permission granted to the current applicant, for the construction of 13 dwelling houses (semi-detached and 1 detached) and associated services.

PA. ref. 00/2034: Permission granted to the current applicant, for alterations to plans approved no. 96/2493 and 97/2048 to incorporate additional dwelling house with garage and to construct additional domestic garage to the side of dwelling no. 21.

PA. ref. 04/620: Permission granted to the current applicant, for construction of 4 no. dwelling houses, replacing 2 of the dwelling houses approved under 00/2034.

5.0 Policy and Context

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

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

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

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

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

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

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

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

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.3. **Development Plan**

5.3.1. The Galway County Development Plan and Loughrea Local Area Plan 2012-2018 are the relevant documents pertaining to the subject site. The site has been omitted from being afforded a zoning in the relevant maps contained in the Loughrea LAP. The lands immediately to the east and south of the site are zoned R2 - Residential (Existing). To the north and west of the site, the land is zoned G1 – Open Space / Recreation & Amenity.

5.3.2. In terms of the residential zoned lands, Objective LU3 – Residential is relevant and seeks to:

‘Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities together with complementary land uses, such as community facilities, local services and public transport facilities, to serve the residential population of the area.

Protect existing residential amenities and facilitate compatible and appropriately designed new infill development in accordance with the proper planning and sustainable development of the area.’

5.3.3. Objective RD4 – Open Space in Residential Areas is also considered relevant as seeks to:

‘Ensure the provision of adequate areas of high quality, safe, overlooked and suitably landscaped open space within residential developments and support the provision of play and multi-purpose recreational areas in all new large residential developments. 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.’

5.3.4. In terms of the residential zoned lands, Objective CF6 – Open Spaces is relevant and seeks to:

‘Protect existing open spaces from inappropriate development so as to maintain their role in providing places for active and passive recreation, social interaction and civic activities, visual relief from the built environment and enhancing the residential and overall character of the town. Facilitate the development of open spaces, including local parks, civic spaces and amenity areas, at suitable locations within the Plan Area.’

5.4. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Loughrea SAC (Site Code: 000304) and Loughrea SPA (Site Code: 004134) which are located approximately 0.9km to the south of the site. There are a further 5 sites which are located within 15km of the site including:

- Slieve Aughty Mountains SPA (Site Code: 004168) located 4.9km to the south
- Sonnagh Bog SAC (Site Code: 001913) located 9km to the south
- Rahasane Turlough SAC (Site Code: 000322) located 11.8km to the west
- Rahasane Turlough SPA (Site Code: 004089) located 11.8km to the west
- Peterswell Turlough SAC (Site Code: 000318) located 12.6km to the south-west

5.5. EIA Screening

- 5.5.1. The subject appeal does not relate to a class of development which requires mandatory EIA.
- 5.5.2. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development is not of a scale or nature which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.
- 5.5.3. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.5.4. Having regard to:
- (a) the nature and scale of the development,
 - (b) the suburban nature and the existing residential nature of the site, and
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision of the Planning Authority refuse planning permission for the proposed dwelling. The appeal sets out an introduction to the appeal and provides details of the location and context of the site, planning policy and zoning as well as the planning history of the site¹ issues raised are summarised as follows:

- The proposed development is supported by both national and local policy.
- While the site is unzoned, it is submitted that this is a mapping anomaly/omission and permission should not be refused on this basis.
- The site was previously zoned residential.
- Given the lack of detail in the LAP, Objective SS5 of the County Development Plan, which seeks to support the development of key towns in order to sustain strong, vibrant urban centres which act as important drivers for the local economies, should be considered.
- The proposed access as indicated on the site layout plan meets all relevant engineering requirements.
- The site is not zoned OS. The provision of access over OS is not indicated in the zoning matrix and is therefore not precluded from consideration under such zoning.

¹ The Board will note that the appellants agent references a previous planning decision, PL. Ref. No. 08/3270 as relating to the subject site where planning permission was previously granted for residential development. This reference is incorrect, and PL. Ref. No. 08/3270 does not relate to the subject site.

I refer the Board to Section 4 of this Inspectors report and in particular, PA ref: 98/3539 which relates to the subject site and where permission was refused for the construction of a new dwelling on the site.

- With regard to Objective LU7 of the Loughrea LAP, it is submitted that the loss of a narrow green verge with a width ranging from 2.4m to 3.1m would not materially contravene this objective.
- DM Standard 1 of the Galway County Development Plan clarifies that ‘narrow tracts of land (less than 10m in width) or other ‘incidental’ or left over pieces of land shall not be considered as part of the useable open space provision in a residential development.
- The location of the access is over lands in the control of the applicant.
- The green verge along the northern edge of the site does not contain any landscaping. The loss of a small stripe of a narrow grass verge will not adversely affect the quality and quantity of usable communal open space within the estate.
- With regard to reason for the second reason for refusal, it is submitted that the separation distance between the proposed house and the existing house to the east is 19m which is sufficient in an urban setting.
- It is further submitted that the two storey house of 7.2m in height is an acceptable design intervention at this location.
- The rear building line is not in breach of any Development Plan standard contained in either the CDP or LAP. There are no clear glazing windows from habitable rooms proposed at first floor level which would overlook adjacent properties.
- While no minimum open space requirement is prescribed, 130m² is considered sufficient to meet the needs of future occupants.
- The development is not inconsistent with the character of the area and is not contrary to the provisions of Objective UD1.

6.2. Planning Authority Response

None.

6.3. Observations

6.3.1. The Board sought the comments of the DAU who submitted an observation, summarised as follows:

- Notes that the site is located close to existing properties.
- The site is located 930m to the north of Lough Rea SAC and SPA and 268m west of the river (part of the Dunkellin River System) that flows north from Lough Rea SAC and SPA.
- The DAU notes that the Board must satisfy itself that:
 - The development is not directly connected with, or necessary to the conservation management of the European sites and does not require AA;
 - The development, alone or in combination with other projects, is not likely to have significant effects on the European sites;
 - The application adequately addresses the suitability of the lands for development in the context of the following natural heritage and biodiversity policies and objectives of the current Plan:
 - Policy NHB1 – Natural Heritage and Biodiversity
 - Policy NHB2 – Non-Designated Sites.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual and Residential Amenity
3. Other Issues
4. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The Board will note that the subject site, while located within the development boundaries of the town of Loughrea, does not have any zoning afforded to it. The site lies within an existing residential plot which fronts onto the R350 to the east. The site also lies adjacent to the residential estate road associated with Abbeyfields, with the public open space for this estate located immediately to the west. The site is walled in and is not accessible as part of the public open space and was not included as part of the original planning application for the development of the estate.
- 7.1.2. The Planning Authority has concluded that the proposed development, if permitted, would be contrary to the OS zoning and Objectives LU7 and RD4 of the Lougrea Local Area Plan 2012-2022 as they relate to Open Space / Recreation & Amenity. This conclusion is reached as the access to the site is proposed over a small strip of grassed verge to the north of the site and south of the estate access road and footpath. The applicant has sought to argue that the unzoned nature of the site is a mapping error / anomaly rather and notes that the site was zoned residential under the previous LAP.
- 7.1.3. In the context of the LAP requirements, I am generally satisfied that the principle of the proposed development can be considered acceptable in this instance. I note that the subject site was never part of the wider residential estate development and the development, if permitted would have little or no impact on the open space permitted for the Abbeyfields development. I would further note that the principle of the residential development can be considered acceptable in the context of national policy and guidance, given the serviced nature of the site and its location within walking distance of the centre of Loughrea, which includes a variety of services and facilities.

7.2. Visual and Residential Amenity:

- 7.2.1. The Board will note that the existing house on the wider site is occupied by a single storey detached house which includes a small front garden, and pedestrian gate, to the east. Vehicular access to the existing house site is off the Abbeyfields estate road to the north, which provides access to the rear yard area. This hard stand area to the rear of the house has a depth of approximately 8m to the block and plastered

wall which now forms the boundary with the subject appeal site. There is a shed located in this space also. It would appear that the subject site comprised part of the rear amenity space for the existing house but is not now directly accessible from the house. The existing house has an area of private amenity space to the rear of the existing house in the order of approximately 75m².

- 7.2.2. The proposed house rises to 2 storeys and is to be located within 1m of the north and western boundaries. As proposed, the eastern gable of the house will be located approximately 18.7m from the rear wall of the existing single storey house (approximately 10.5m from the boundary wall) while the southern wall of the main house will be located 5m from the southern boundary. The proposed utility room will be constructed within 2.8m of the southern boundary.
- 7.2.3. In terms of the design of the proposed house, the building will rise to an overall height of 7.2m and will occupy a floor area of 110.2m². The internal layout of the house provides for a living room and kitchen / dining room with a single bedroom and utility at ground floor level, with two further double bedrooms, one en-suite, a family bathroom and a hot press at first floor level. The first floor has been laid out so as to exclude windows on the eastern and western elevations, with only a bathroom window proposed on the southern elevation. In terms of the potential impact of the building on the existing residential amenities of property adjacent, I am satisfied that there is no issue arising in terms of overlooking, overshadowing or over-bearing.
- 7.2.4. In terms of the proposed finishes, the building will include a nap plaster finish with select brick elements at ground floor level. I have no objection in principle to the design of the proposed house. The development, if permitted will see amendments to the northern boundary, which will be reduced to 1m in height, while the other boundaries will rise to 1.8m in height. The development will include a private amenity space area of 130m² which I consider to be adequate, and two car parking spaces are proposed. I have no objection in principle to the proposed development.
- 7.2.5. Having regard to the location of the subject site within the development boundary area of Loughrea, and the location within an established residential area, I am satisfied that the development is acceptable in terms of visual and residential amenity.

7.3. Other Issues

7.3.1. Water Services

The Board will note that the development proposes connections to the public water services in Loughrea. I note no objections in this regard.

7.3.2. Road Issues

Having regard to the nature of the proposed development, I am satisfied that the development is unlikely to give rise to any roads and traffic implications for the local road network in the area.

7.3.3. Other matters

The Board will note that the first party appeal provided details of the planning history of the site. The information included does not relate to the subject site and I note that planning permission was refused for the construction of a bungalow on the subject site under PA ref: 98/3539. The reasons for refusal related to the concerns of substandard development and the inability to achieve 'the required building line of 7 metres from the Estate Road and the rear building line of 11 metres', which were deemed contrary to the proper planning and sustainable development of the area.

Having regard to the current national and local policy applicable in terms of residential development, I am satisfied that the proposed development can be considered acceptable. While I note the reasons for refusal as detailed in the Planning Authority decision, I would not consider that the development is unacceptable or haphazard in nature and would be acceptable in terms of the proper planning and sustainable development of the area.

The Board will also note the submission of the first party in the appeal documentation with regard to landscaping to the north of the site boundary. I am satisfied that landscaping proposals should be required as part of a condition of grant of planning permission, to be agreed with the planning authority prior to the commencement of any development on the site.

7.3.4. **Development Contribution**

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

8.0 **Appropriate Assessment**

8.1. **Introduction**

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The applicant did not submit a Natura Impact Statement.
- 8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
 - Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

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

8.2. Consultations

8.2.1. With regard to consultations, the Board will note that no concerns were raised with the Planning Authority with regard to AA. The Board sought the comments of the DAU who submitted an observation, summarised as follows:

- Notes that the site is located close to existing properties.
- The site is located 930m to the north of Lough Rea SAC and SPA and 268m west of the river (part of the Dunkellin River System) that flows north from Lough Rea SAC and SPA.
- The DAU notes that the Board must satisfy itself that:
 - The development is not directly connected with, or necessary to the conservation management of the European sites and does not require AA;
 - The development, alone or in combination with other projects, is not likely to have significant effects on the European sites;
 - The application adequately addresses the suitability of the lands for development in the context of the following natural heritage and biodiversity policies and objectives of the current Plan:
 - Policy NHB1 – Natural Heritage and Biodiversity
 - Policy NHB2 – Non-Designated Sites.

8.3. Screening for Appropriate Assessment

8.3.1. The applicant did not prepare an Appropriate Assessment Screening Report as part of the subject application. The site is not located within any designated site. The closest Natura 2000 sites are the Loughrea SAC (Site Code: 000304) and Loughrea SPA (Site Code: 004134) which are located approximately 0.9km to the south of the site.

8.3.2. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 7 Natura 2000 Sites occurring within a 15km radius of the site. I am satisfied that following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question

is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the following sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 5 Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Slieve Aughty Mountains SPA	004168	Site is located entirely outside the EU site and therefore there is no potential for direct effects.
Sonnagh Bog SAC	001913	No habitat loss arising from the proposed development.
Rahasane Turlough SAC	000322	
Rahasane Turlough SPA	004089	No disturbance to species.
Peterswell Turlough SAC	000318	No pathways for direct or indirect effects.
Screened Out		

8.3.3. I consider that the following Natura 2000 sites, located within 15km of the subject site, can be identified as being within the zone of influence of the project, for the purposes of AA Screening, as follows:

- Loughrea SAC (Site Code: 000304)
- Loughrea SPA (Site Code: 004134)

8.4. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.4.1. The subject development site is to the north of the urban area of Loughrea in a primarily residential area which includes single storey detached houses fronting onto the R350 and low density two storey residential estates including Abbeyfields and Hazelwood. The subject site comprises part of the site which is occupied by a single storey detached house and is to be accessed off the Abbeyfields estate road. The site is not located within any designated site. The site does not appear to contain any of the habitats or species associated with any Natura 2000 site. The existing site is currently overgrown.

8.4.2. The following table sets out the qualifying interests for each of the identified Natura sites:

European Site	Qualifying Interests
<p>Loughrea SAC (Site Code: 000304) Located approx. 0.9km to the South of the site</p>	<ul style="list-style-type: none"> • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [1365]
<p>Loughrea SPA (Site Code: 004134) Located approx. 0.9km to the South of the site.</p>	<ul style="list-style-type: none"> • Shoveler (Anas clypeata) [A056] • Coot (Fulica atra) [A125] • Wetland and Waterbirds [A999]

8.5. Conservation Objectives:

8.5.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
<p>Loughrea SAC (Site Code: 000304) Located approx. 0.9km to the South of the site</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [1365]
<p>Loughrea SPA (Site Code: 004134) Located approx. 0.9km to the South of the site.</p>	<ul style="list-style-type: none"> • To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: <ul style="list-style-type: none"> ○ Shoveler (Anas clypeata) [A056] ○ Coot (Fulica atra) [A125] • 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.

8.6. Potential Significant Effects

8.6.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 0.9km from the boundary of any designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies within a developed environment. No qualifying species or habitats of interest, for which the designated sites are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.
- **Water Quality:** The proposed development relates to the construction of a two-storey house on a suburban site which will connect to public services in Loughrea. The Loughrea Wastewater Treatment Plant is located at Ballygasty, to the south of the Golf Club, and approximately 1.1km to the north of the subject site and has a Plant Capacity PE of 9,500. The treated effluent discharges to the St. Cleran's River, which flows from Loughrea before joining the Craughwell River near Cahirkinmonwee. Having regard to the nominal scale of the proposed development in the context of the overall capacity of the WWTP, together with the flow of the river into which the treated effluent discharges being away from the Natura 2000 sites, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality of Lough Rea.

I am generally satisfied that the potential for likely significant effects on the qualifying interests of the Lough Rea Natura 2000 sites can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

8.7. In Combination / Cumulative Effects

- 8.7.1. Given the nature of the proposed development, being the construction of a house, I consider that any potential for in-combination effects on water quality in Lough Rea can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in Lough Rea via rivers and other surface water features are also subject to AA.

8.8. Conclusion on Stage 1 Screening:

I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Galway County Development Plan 2015-2021 and to the Loughrea Local Area Plan 2012-2022, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 4th day of March 2021, and further details submitted to An Bord Pleanála on the 21st day of May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision

modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The site shall be landscaped in accordance with a scheme of landscaping, including the area to the north of the site boundary as indicated in the submission to An Bord Pleanála on the 21st day of May 2021, details of which shall be submitted to the planning authority for agreement before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

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

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

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

A. Considine

Planning Inspector

9th September 2021