



An
Bord
Pleanála

Inspector's Report ABP 310373-21.

Development	Demolition of existing bungalow and outhouses and construction of 47 houses, closure of existing access and creation of a new access onto R446 connections to services, construction of on-site pumping station, revised boundaries, car and cycle parking, amenities and associated site works.
Location	Church Street, Kilgarve, Creagh, Ballinasloe, Co. Galway.
Planning Authority	Galway County Council.
P. A. Reg. Ref.	20/989
Applicant	Carbon Sole Power Ltd..
Type of Application	Permission.
Decision	Grant Permission
Type of Appeal	Third Party X Grant
Appellant	Dublin Road/Creagh Residents Association. .
Date of Inspection	15 th September, 2021.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 1.65 hectares and there is an existing unoccupied dwelling (“Revere”) and outbuildings, a front garden with frontage and an entrance onto Church Street which is also the northern side of the R446 Dublin Road (formerly the N6) on the east of Ballinasloe. There is road frontage development comprising single and semi-detached dwellings on individual plots on both sides of the R446 to the west and east of the site. A graveyard is to the west side, agricultural lands to the north with trees and hedgerows. Further to the west to the west towards the town centre is the site of the now vacant Psychiatric Hospital
- 1.2. The ground level falls away from the road level to the north across the site and within it there are indigenous, trees and hedgerows uneven pasture partially used for grazing at the time of inspection.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing dwelling and outbuildings, closure of the existing entrance and its replacement with a new single entrance, construction of forty-seven dwellings, comprising:
 - 1 No three-bedroom detached bungalow,
 - 6 No two-bedroom bungalows. (2 detached, 2 semi-detached and 2 terraced)
 - 4 No one bedroom bungalows
 - 28 two storey two bed houses, (1 detached, 11 semi-detached and 16 terraced)
 - 10 two storey three bed houses, (1 detached and nine semi-detached).
- 2.2. In the revisions proposed in the further information submission, the layout was changed to provide for exclusion of development at the northern end of the site close to an adjacent area of pluvial flooding risk. The number of units is reduced to thirty-eight to allow for the substitution of landscaped open space for units in area at the northern end of the site. The total units which are in a range of house types comprises:

Three one bed bungalows,

Twenty-six two storey houses

Eight three bed two storey houses.

- 2.3. Three units in a terrace, (Nos 36-38) are introduced the revised layout in an area overlooking the access road close to the entrance. front of the site. For the three phase, master plan area the indicative proposals for phases 2 and 3 provide for six one bed bungalows, fifty-eight two bed two storey houses and thirty bed two bed two storey houses and for a continuation of the access road via the north-eastern boundary of the application site.
- 2.4. The proposals also include arrangements for connections to services and for provision of a privately operated sewerage pumping station at the northern end of the site along with car and cycle parking, communal, centrally positioned open space, a playground, public lighting hard and soft landscaping, revised boundary treatment along with associated site works.
- 2.5. In addition, the original submission includes a bat survey, archaeological impact assessment, and a statement of understanding regarding Part V commitments from the Housing Department of the Local Authority and the further information includes a Natura Impact Statement, Preliminary Construction and Environmental Management Plan, A Site-specific Flood Risk Assessment report, Landscape Design Statement, a Traffic and Transport Assessment, Stage ½ Road Safety Audit and Reaudit and an Engineering Report.
- 2.6. According to the submitted site specific flood risk assessment report, the revised proposal provides for a separation from the area of pluvial flooding risk, beyond the northern boundary, that is, from the 44 mm OD contour, based on the natural spill over of the pluvial basin, which is inclusive of an allowance for climate change factor. The Natura Impact Statement indicates satisfaction that the proposed development would not affect the integrity of European sites of their conservation objectives. The Archaeological impact statement indicates a recommendation for archaeological monitoring. The Transportation and Assessment report and Road safety Audits indicated safety and capacity at the junction on the R446/Dublin Road to accept additional trip generation.

3.0 Planning Authority Decision

- 3.1. By order dated, 12th May, 2021, the planning authority decided to grant permission, further to consideration of additional information submission received on 19th March, 2021 in response to a request issued on 11th September, 2020 which provided for thirty-eight dwelling units in a revised layout.

Condition No 6 (b) has a requirement for a traffic and roads management plan for the construction stage to be prepared to include a baseline survey for the existing road network.

Condition No 10 precludes occupation of the dwelling pending receipt of a certificate from the planning authority indicating suitability for taking in charge and lodgement of 'as constructed' drawings.

Condition No 13 contains the requirement for the project to be supervised by a consulting engineer who is required to provide certificate as to the adequacy and the works prior to occupation of units.

Condition No 17 contains a requirement for a compliance submission on hardscaping including provision of samples of materials.

Condition No 19 contains a requirement for a management company to be established with details being lodged with the planning authority.

Condition No 22 contains the requirement for public realm works and communal spaces and landscaping to be completed prior to occupation of the units. With a compliance submission being required for landscaping (hard and soft) and screen planting.

Condition No 28 is a Security Bond Condition.

3.2. Planning Authority Reports

- 3.2.1. The report of the **Roads and Transportation Department** indicates recommendation for design of the roads with the scheme to be in accordance with DMURS standards, gradients to be reduced for swept path analysis and an updated traffic impact assessment for construction stage to be submitted. Also required is a detailed engineering report for the proposed earthworks and methodology and

details for proposed surface water drainage design, infiltration and a cross section for the soakaway system.

3.2.2. The **Environment Section** in an email to the planning officer indicates a recommendation for a waste management plan to be prepared for both construction and operational stages of the development. There are no comments on the proposed drainage arrangements.

3.2.3. **The Planning Officer** in his initial report noted the location on a regional important aquifer with extreme vulnerability and possible hydrological connectivity via ground water to the River Suck Callows SPA (Code 004097) five hundred metres from the site which is a wetland habitat as a result of which the stage 2 Appropriate assessment was deemed necessary the applicant being required in the additional information request to submit the NIS. The site-specific assessment was deemed necessary due to the location of the pluvial flood risk area within addition, proximity to the SPA. Also considered necessary was reconsideration of proposals for filling within the pluvial flood zone, modifications to the roads specifications to provide for consistency with DMURS, required standards for gradients, a swept path analysis and details of earthworks and construction methodology, additional traffic and transport assessment report to facilitate consideration the proposed development along with a surface drainage details. Also considered necessary by the planning officer for consideration was a masterplan for the wider area of zoned lands within which the site is located, and consideration for omission of some units increased separation from the road and back lands.

3.2.4. The **Planning Officer** in his final report indicates satisfaction with the information and revisions to the proposed development in the further information submission and satisfaction with the accompanying NIS and a grant of permission was recommended.

3.3. **Third Party Observations**

3.3.1. Submissions were received from several parties in which issues of concern relate are that of traffic impact and public safety, adequate of water supply and drainage arrangements, excessive density and inappropriate location relative to the town

centre, deficiencies in qualitative standards for the dwellings, visual intrusiveness and negative impacts on residential amenities.

4.0 Planning History

P. A. Reg. Ref. 08/9058(PL 232760): Permission was granted following appeal, for demolition of the existing house and outbuildings and for a residential development of 101 dwellings and a creche on a larger site that incorporates the application site.

P. A. Reg. Ref. 07/9038(PL 226161): Permission was refused following appeal, for demolition of the existing hose and outbuildings and for a residential development of 115 dwellings and a creche. In brief, the three reasons are: (1) conflict with the Environmental Parameters Map of the Town Development Plan for protection of the open space network and natural features trees and hedgerows, adverse impact on visual amenities and residential amenities; (2) conflict in locating proposed residential units on 'Community' Zoned Lands and (3) part of the development being out of character with and seriously injurious to the amenities of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway County Development Plan, 2015-2021

The site location comes within the development boundary for the Ballinasloe Local Area Plan 2015-2021 (LAP)

The lands are subject to the zoning objective R1 'Residential'. According to Objective LU 3 of the LAP: the 'R1' objective provides for a phased, sequential approach on residential zoned land with strong emphasis on consolidation on existing patterns of development and encouragement of infill opportunities and, promotion of sustainable transport options.

DM Standard 45 supplemented by Appendix 1 provides for preservation of archaeological heritage.

5.2. Strategic Guidance.

5.2.1. Relevant statutory guidance issued under Section 28 of the Planning and Development Act, 2000 as amended are:

‘Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual’, DOEHLG, 2009. (SRD Guidelines)

‘Design Manual for Urban Roads and Streets’ 2012 (DMURS)

‘The Planning System and Flood Risk Management’ (and associated ‘Technical Appendices’) (Flood Risk Guidelines)

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was lodged by Christopher Waterson behalf of the Dublin Road and Creagh Residents Association on 31st may, 2021. He attaches statements by Susan and Susanne Nugent and by Noel Lohan on behalf of Creagh National School.

6.1.2. According to the appeal:

- The concerns of the appellant were not adequately taken into consideration by the planning authority at application stage.
- There are no existing facilities (medical centre, sports fields) or public transport in the area for the proposed development or possible future development and the national school has no capacity for additional pupils. Creagh is three kilometres from the town centre and over five kilometres from the train station.
- The proposed development and lodged plans are contrary to the prior planning history, (P. A. Reg. Ref. 07/9038 (PL 226161) and P. A. Reg. Ref. 08/9058 (PL 232760 refer. See Planning history, Section 4. above)
- The proposed development is contrary to the statutory guidelines: “Sustainable Development in Urban Areas” as it is excessive in density, there is an over concentration of one and two bed units which should not be allowed

to exceed twenty five percent according to national standards, the development is clearly intended for the rental market. There are over 75% “micro units” The established development in the outer areas of the town is for three-to-five-bedroom houses and lower density.

- The overall masterplan is for 132 houses. The requirement by the planning authority to reduce the carriageway width in the entrance road to 5.5 metres from 6 metres is incorrect as the planning authority mistakenly advised the applicant that this road is to serve twenty and not 132 houses. The carriageway width should be at least 6.5 to seven metres in width to match current national standards.
- There should be a left filter lane at 4.5 metres in width to facilitate flows of traffic exiting the development and turning east towards Athlone where eighty percent of the employment for residents of the town is based. There is also a minimum requirement for two, two metres’ wide cycle lanes and two, two metres footpaths as well as a two, three metres wide green verge on both sides of the carriageway and house No 1 would therefore need to be omitted. There will be additional traffic generation on the local road network.
- The proposed development would result in future development (Phase 2) being landlocked as there is no provision for a spur road connecting between Phase 1 and 2 is provided.
- There will be additional demand on the sewerage and water supply infrastructure and there are problems at present with volumes in the main drain in the R446 at the front of the site. The 150 mm diam. sewer is a combined sewer accepting foul and surface water.
- The proposed development would set undesirable precedent for similar substandard development.
- The linear layout is unacceptable for a scheme in excess of twenty houses as design criteria requires functional groups of houses of more than twenty units with all gardens facing east, west or north. There is no on-street visitor parking provided. The layout is out of character with the neighbourhood.

- 6.1.3. In the statement by Susan and Susanne Nugent included with the appeal, objections are also raised as to overlooking of their bungalow from House No 2 within the scheme and as to enclosure on three sides by the proposed boundary wall and details of finishes and materials need to be made available. Additional concerns are as to antisocial behaviour, public health concerns due to potential for waste gathering in public areas, concerns as to impacts on wildlife and potential for flooding
- 6.1.4. In the statement from Creagh National School traffic modelling it is stated that there is concern about possible increase in the local population because services and facilities for the existing community especially younger people are poor and antisocial behaviour problems could be exacerbated.

6.2. Applicant Response

- 6.2.1. A submission was lodged by the applicant's agent on 29th June, 2021 and it includes a copy of supplementary bat survey report. According to the submission: -
- The reasons for refusal of permission for the prior proposal under P. A. Reg. Ref. 07/093 (PL 226161) are irrelevant to the application site and current proposal in that the development site was is much larger and more extensive than the current application site. The current proposal retains trees and hedgerows and provides for a wildlife corridor along the perimeter of the site. The site is within the R zone area (Phase1) zoning and it does not include a large apartment block but a mix of one and two storey houses.
 - The assertion as to the modest, 38-unit development proposal, (with a playground) on zoned lands with no specific objective for provision of facilities, being in conflict with the (section 2.2.2) in which it is stated that provision including schools is adequate is rejected. Playing pitches (St Bridget's) are to the west of the R347. Extensive lands close to the site in Creagh are zoned for community facilities as provided for under Objective LU7.
 - The indicative masterplan should not be confused with a zoning objective. Phase 2 and 3 lands to the northeast and east in the indicative Masterplan area are in third party ownership and the layout outs only shows how future development can be integrated with the proposed Phase 1 development.

- The proposed development has potential to assist in delivery of future transport options as it contributes toward critical mass and therefore, demand for future bus stops in the area. This is consistent with Policy DS1 of the LAP the preferred development strategy option for the town providing for sequential development in consolidation of existing development with a refined boundary.
- The updated Traffic and Transport assessment demonstrates in the traffic modelling that the junction onto the R447 would operate with large quantum of spare capacity and minimal queuing. The proposed parking is consistent with the development plan requirements and with Objective T1 21 of the LAP in providing for parking and long stay facilities south of the Creagh National School. Parking is more than adequate.
- The density is estimated to be 23 units per hectare for the 1.65-hectare site size the original application for forty-seven units having equated to 28.5 units per hectare. (The reduced number of units are necessitated by the findings of the Flood risk assessment report It is noted that densities under thirty units per hectares are discouraged in outer suburban greenfield sites having regard to section 5.11 of the SRD Guidelines. The space (east of House Nos 1 and 36) can be excluded from the calculation, as provided for in appendix A of the SRD Guidelines as it can be categorised as a future link for Phases 2 and 3. The net area would of 1,305 hectares would provide for a density of 29.1 units per hectare. The recommendation by the planning authority regarding the underachievement of the 30 units per hectare in density is positive in that it strikes a good balance with the natural attributes of the site and existing character of the area.
- Give the dwelling mix of primarily three and, four-bedroom houses in the area, the proposed 1-, 2 and 3-bedroom mix is responsive to emerging housing needs and is compliant with Objective RD 4 of the LAP providing for a suitable variety and mix of dwelling types to meet differing needs. It also provides for social integration and diversity in household formation as provided for in section 1.9 of the SRD Guidelines.

- The development meets all qualities and standards in design and layout as provided for in Section 4.18 of the SRD Guidelines in the hierarchy of open space and active and passive amenity including a playground and provision for natural species and indigenous planting in the interest of biodiversity, SUDS drainage measures.
- The green verge to the east of the entrance is not intended for open space. As a green verge it would not generate public amenity issues of concern and it will be overlooked by the road and House No 1. The development is close to parks, in that adjacent lands are zoned for Open Space.
- The south gable end of House No 2 is blank so it is not possible for it to overlook the existing adjoining property to the south.
- The boundary treatments to the east of the entrance and green verge and access road will comprise 0.6 m natural stone to the street side and rendered to the inner side to the front of the building line of the house to the east, 0.9 metres natural stone to the street side with rendered on the gable side of the house to the east and 1.8 metres high natural stone on the street side with rendered wall on to side of the house. These boundary treatments are robust and high in quality.
- With regard to the natural environment and biodiversity, the landscape design statement and landscaping plan in the further information submission demonstrate that hedgerows on the western boundaries will be retained and supplemented to provide for a continuous wildlife corridor in the interest of connectivity and a large area at the northern end is to remain undisturbed providing for retention of trees and hedgerows.
- Irish Water has confirmed the capacity of infrastructure to serve the development by means of its Confirmation of Feasibility.
- In response to the contentions as to inadequacy in width of the access road (5.5 metres). A revised drawing is included for consideration showing a 6.5 metres wide carriage at the entrance which the applicant is willing to provide if required along with a link to remaining Residential Phase 1 lands as shown in the indicative masterplan.

- The site-specific Flood Risk Assessment lodged with the further information clarifies that a pluvial floor risk area would follow the 44 m OD contour and the northern section of the site will remain disturbed as a precautionary principle.
- With regard to the existing dwelling it is noted that a condition was not included with the planning authority decision for an additional bat survey to be conducted, as recommended by the National Parks and Wildlife Service. A survey has been carried out in the interest of best practice and it is found in the report that the house was not used as a bat roost and that therefore a derogation license is not required from the NPWs to allow for the proposed demolition.
- The supplementary bat survey report included with the submission comprises a methodology involving desk study, daytime and dusk emergence surveys and a roost inspection carried out in June 2021. The existing dwelling is assessed as having low to moderate roosting potential, with no evidence recorded of bats using the structure for roosting. Three bat species (Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat) were recorded in the area surrounding the site.

According to the report, in the event (considered unlikely) of bats being encountered during demolition works, the NPWS would be notified and works would cease. No loss of foraging and commuting habits is involved with some additional linear planting on the western boundary being proposed. Bat boxes, appropriate for the species which were recorded are to be installed along the boundaries of the proposed development.

6.3. **Planning Authority Response**

There is no submission on file from the planning authority.

7.0 **Assessment**

7.1. The issues central to the determination of a decision are considered below under the following subheadings: -

Development in principle

Planning History

Density, Layout, Dwelling Design and Dwelling Mix.

Impact on adjoining residential properties.

Services and Facilities

Flooding

Archaeology

Roads Traffic and Parking

Ecology

Environmental Impact Assessment

Appropriate Assessment

7.2. Development in Principle.

7.2.1. There is no objection in principle to development of the subject lands having regard the core strategy for the county and town, to the zoning objective and the settlement boundary for the town, taking into consideration, the details on the indicative masterplan provided for the 'R-Phase 1' zoned lands which shows a layout for a further two phases of development on the adjoining lands (in third party ownership) to the east with access via the proposed entrance for the current proposal.

7.2.2. Planning History.

7.2.3. With regard to the contention in the appeal as to inconsistency with the prior grant of planning permission, it should be noted that the application site is different from the lands subject of the prior proposals in this regard the current proposal is not comparable. The prior proposals for which the grants of permission are long expired were assessed and determined in the context of prior development plans at county and local level and prior to the bringing into effect of the various statutory policy and guidelines which are applied to the assessment and determination of the current application. As such, the planning history is substantively irrelevant to the consideration of the current proposal.

7.3. Density, Layout, Dwelling Design and Dwelling Mix.

7.4. The application site's scope for development is constrained by the area of pluvial flooding risk and the designation land at the northern of the site which does not come

within Flood Zone C as provided for in the Flood Risk Guidelines, 2009 and is therefore not deemed suitable for new development in residential use.

- 7.5. The density at 29.1 units per hectare, for the thirty-eight-unit revised proposal (it being agreed that the area allocated for access to the Phase 2 lands and a landscaping buffer for lands to the north can be excluded from the site area for calculation purposes) falls just short of the recommended range within the SRD. Given the exclusion of development in the area of the northern end of the site which is to be public open space provision and the location outside the centre of the town there is no objection to this density the subject proposal is considered acceptable in this regard.
- 7.6. The dwelling mix comprising one-to-three-bedroom houses as opposed to a higher density apartment development but in which there is a high proportion of two bed dwellings, (twenty-six in total) is considered reasonable and acceptable given the predominance of three-to-four-bedroom houses within the town's existing housing stock and increasing trends towards smaller sized household formation.
 - 7.6.1. The layout of the scheme allows for a cluster focussing on centrally located public open amenity space which although relatively linear provides for positive visual connectivity with the dwellings. The dwelling sizes, internal layouts, orientation and fenestration are all satisfactory having regard to the SRD guidelines. However, details for dedicated waste storage space have not been included. The matter can be resolved by condition. The external finishes as proposed are considered appropriate for the location comprising painted render and stone and dark roof tiles would be appropriate. Finalisation of details can be dealt with by condition.
 - 7.6.2. The applicant has included an indicative proposals for fulfilment of Part V requirements which include a centrally located terrace of four dwellings and a fifth dwelling at the south-western end of the site. The distribution within the layout is considered appropriate in integration into the scheme and it is noted that details will be finalised with the planning authority.
 - 7.6.3. The planning authority attached a condition to its decision, for omission of Units Nos 2 and 3 on the west side of the entrance at the front of the development in the revised layout, "in favour of public open space". While the scheme would be enhanced by the additional public open space provision at this location it is not

clearly apparent that the omission can be fully justified on such merits. There is no objection to the inclusion of this dwelling and its omission is not supported.

7.7. Impact on Adjoining Residential Properties.

- 7.7.1. With regard to potential for adverse impact on existing properties, it is clear from review of the plans for house type for House No 2 at the southwestern end of the site that it has a blank gable facing the adjoining property, (known as “Fresno”) on the Church Road frontage. Furthermore, the footprint of the dwelling exceeds ten metres from the party boundary and is twenty-three metres from the rear wall of the dwelling on Church Road the occupants of which indicated objections on grounds of intrusiveness on privacy through the appeal. There is no objection to the proposed 0.9 m high block wall, (with cast iron railings) the height of wall being similar to the boundary wall along the rear boundary wall of existing property.
- 7.7.2. The boundary treatment shown on the lodged plans (Drawing F15) and confirmed in the appeal in which natural stone walling on the public street side and rendered on the inner side at 0.6 metres, 0.9 metres and 1.8 metres is for 0.9 metres high block stone walling capped with railings at the frontage and sides of the existing house is noted and there is no objection to these proposals.

7.8. Services and Facilities.

- 7.8.1. The development is not in conflict with the LU specific objective in the LAP which provides for additional services and facilities. Playing fields are within walking distance as pointed out in the response to the appeal, ample open space including play facilities are be provided. The town has a good range of community services and facilities and retail and public transport (both rail and bus) is available There is no evidence as to lack of capacity within schools to cater or the proposed ‘phase one’ development which, is limited to thirty-eight units.
- 7.8.2. It is not accepted that there any potential that anti-social behaviour or exacerbation of anti- social behaviour would be attributable to the development.

7.9. Flooding.

- 7.9.1. There is an identified area of pluvial flooding risk to the north of the site with the area at the northern end of the site coming within Flooding Zone B which would not be acceptable for new development in residential use (having regard to the Flood Risk

Guidelines. The applicant at the request of the planning authority submitted a site-specific flood risk assessment report in which it is determined that provision for a separation from the area of pluvial flooding, at the 44 mm contour, based on natural spill over of the pluvial basin and which allows for a climate change factor would be necessary.

- 7.9.2. Having reviewed the report having regard to the methodology employed in carrying out the assessment, it is considered that it is demonstrated, that issues as to flooding risk area satisfactorily addressed in the revised proposals shown in the further information submission, that the proposed development would be acceptable and consistent with the recommendations within the Flooding Risk Guidelines.

7.10. Archaeology

- 7.10.1. The report notes the presence of ten recorded monuments, nine in the townland of Creagh and one in the townland of Kilgarve but no evidence of features of interest during a walkover visual inspection was observed in the course of the visual impaction conducted for the submitted archaeological assessment report. Although the application site is not directly within a zone of interest of any record monuments, and the national monuments service has not been notified, it is desirable, as mentioned in the applicant's archaeological assessment report that an archaeological monitoring condition to be included, if permission is granted.

7.11. Roads Traffic and Parking

- 7.11.1. For the Roads layout, the reduction in width, to 5.5 metres for the internal access road provides for consistency with DMURS standards. For the scale of the current proposal and, the subsequent phases shown in the indicative masterplan area it is not accepted that separate cycle lanes on each side of the internal access road or a left filter lane for traffic exiting the development to turn right are warranted. A shared surface with appropriate markings and provision for pedestrian priority should be provided. The matter could be addressed by condition.
- 7.11.2. It is satisfactorily demonstrated in traffic modelling in the submitted traffic and transport assessment that the capacity at the junction onto the R447 can accept additional traffic that would be generated and that that in view of extensive space capacity any potential for queuing at the junction, if any is generated, would be

minimal in that it would operate with large quantum of spare capacity and minimal queuing.

7.11.3. The parking provision for the development which exceeds minimum standards provided for in SUD is consistent with the CDP requirements and with Objective T1 21 of the LAP in that it includes provision for parking and long stay facilities south of the Creagh National School. The lodged Road Safety Audit is addressed in the design and layout shown in the further information submission and the swept path analysis – as shown in the auto-track drawings for a range of vehicle sizes demonstrate achievement of satisfactory standards.

7.12. **Ecology.**

7.12.1. While the application does not include an ecological survey and assessment report, there are indigenous trees and hedgerows which have been identified in the landscape design statement for retention and the further information submission shows, proposals for a wildlife corridor and pollinator planting within the scheme. Additional information which is comprehensive is available on Drawings 2020.03 which is included in the appeal and which was referred to in the landscape plan included in the further information submission.

7.12.2. The bat survey report and assessment report (all species of bats apart from Lesser Horseshoe bat which is an Annex II species, being Annex IV species,) included with the further information submission and supplemented in the response to the appeal indicate no evidence of roosting recorded at the existing dwelling but the evidence of three Annex IV species in the area. Inclusion comprehensive linear planting to facilitate commuting and installation of bat boxes along with the incorporation of the wildlife corridor bats in the proposed development is noted and considered appropriate. If permission granted details can be addressed by compliance with a condition. The revised landscaping and planting scheme provided in the response to the appeal is considered satisfactory.

7.13. **Environmental Impact Assessment Screening.**

7.13.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can,

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

8.0 Appropriate Assessment.

8.1. Appropriate Assessment Screening.

- 8.1.1. The applicant submitted an appropriate assessment screening report with the application and a Natura Impact Statement with the further information submission in connection with the application.
- 8.1.2. These documents in which adequate information has been provided in respect of baseline conditions, with reliance on evidence based scientific research both primary and secondary, include clearly identified potential impacts and, measures for protection of qualifying interests in view of their conservation objectives. They have been consulted for the purposes of the appropriate assessment.
- 8.1.3. The site of the proposed development the stated area of which is 1.65 hectares is on the north side of Church Street/R446 (former N6) and comprises a derelict bungalow, outbuildings and hardstanding, improved agricultural grassland, indigenous trees, hedgerows and scrub and improved agricultural grassland.
- 8.1.4. The project, (as revised in the further information submission lodged with the planning authority on 19th March, 2021) is a residential development of thirty-eight houses. It involves demolition of the existing dwelling and outbuildings, earthworks, site preparatory works, construction of a vehicular entrance and an internal road carparking, boundary treatment and hard and soft landscaping, connections to the existing public surface and foul drainage network in the area, (with construction of a sewerage pumping station on site) connections to the public water supply serving the area and, during construction, a silt trap fence around towards the northern boundary and soakaway and, petrol interception facilities at operational stage.
- 8.1.5. The site location is circa 600 metres from the River Suck SPA (Site Code 004097) within the Likely Zone of Impact and which is to the northwest, west and southwest of the site, with part of the built-up area of the urban settlement of Ballinasloe located between the SPA's designated area and the site location.

- 8.1.6. The application site has connectivity through hydrological linkage to the River Suck SPA owing to the proximity and the location within the same groundwater source. Based on the appropriate assessment screening it is therefore concluded that the proposed development could be likely to have significant effects on The River Suck SPA (Site Code 004097) sites within the Likely Zone of Impact having regard to the conservation objectives which are screened in as further assessment is required.
- 8.1.7. A Stage II Appropriate Assessment is therefore required for the River Suck SPA (Site Code 004097) in order to establish the effects of the proposed development on the integrity of these European sites in view of the conservation objectives:
- 8.1.8. The following European sites are also identified as coming within a Likely Zone of Impact as they are within a radius of fifteen kilometres but can be screened out
- Glenloughaun Esker SAC (00214) is located circa 5.75 kilometres from the site location because it is within a different and unconnected groundwater body.
- Castlesampson Esker SAC (001625) is circa 9.31 kilometres from the site *and can be screened out as there is no connectivity with the site location and is a considerable distance away.*
- Killeglan Grasland SAC (002214) is 10.66 kilometres from the site *and can be screened out as there is no connectivity with the site location and is a considerable distance away*
- River Shannon Callows SAC (00216) is 10.77 kilometres from the *site and can be screened out as there is no connectivity with the site location and is a considerable distance away.*
- Middle Shannon Callows SPA (004096) is 10.77 kilometres from the site *and can be screened out as there is no connectivity with the site location and is a considerable distance away.*
- Ballynamona Bog and Corkip Lough SAC is 13.21 kilometres from the site *and can be screened out as there is no connectivity with the site location and is a considerable distance away.*
- 8.1.9. These five Special Areas of Conservation (SACs) within the Likely Zone of Impact are screened out from further assessment because of the scale of the proposed development, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances between the European sites and

the development site and, the absence of substantive linkage, functional relationship or habitat connectivity.

- 8.1.10. The Middle Shannon Callows SPA (004096) is also within the Likely Zone of Impact and it can be screened out from further assessment. There is no suitable habitat for the Annex 1 Bird species in or within the vicinity of the site. There is no connectivity between the site and the SPA and but due to the nature and scale of the proposed development is such that there is no potential for impact on the birds in SPA which is over ten kilometres to the west of the application site.
- 8.1.11. It is reasonable to conclude that on the basis of the information available, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these six European Sites within the Likely Zone of Impact in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not required for these six European sites.
- 8.1.12. A Stage II Appropriate Assessment for the River Suck SPA (Site Code 004097) owing to hydrological connectivity between it and the project site follows.

8.2. Appropriate Assessment (Stage 2)

- 8.2.1. A Stage II Appropriate Assessment is therefore required for the River Suck SPA (Site Code 004097) This European site is of considerable importance for wintering waterfowl and of considerable ornithological importance in order to establish the effects of the proposed development on the integrity of these European sites in view of the conservation objectives. The location the River Suck SPA. is 590 metres from the site of the proposed development which has a stated area of 1.65 hectares and is on the north side of Church Street/R446 (former N6) and to the east of the R357.
- 8.2.2. The site comprises a derelict bungalow, outbuildings and hardstanding, improved agricultural grassland, trees and scrubland and the development footprint is confined to lands within Flood Zone C and separate from lands within Flood Zone B or A in which residential development would not be suitable, having regard to the designations within the Flood Risk Management Guidelines, 2009. Lands to the north come within an area of pluvial flooding risk. The site is underlain by shallow limestone bedrock and a regionally important aquifer of extreme vulnerability.
- 8.2.3. The project works, (as revised in the further information submission lodged with the planning authority on 19th March, 2021) comprise demolition of the existing

structures and construction of is a residential development of thirty-eight houses, with a vehicular access to the Dublin Road, an internal access road, surface parking, landscaped open space and water supply and surface drainage through engineered infiltration basins designed to BRE 365 standards and foul drainage connections, incorporating an on-site sewerage pumping station, to the public infrastructure serving the area.

8.2.4. This project, provides for the entirety of residential development on lands within Flood Zone C, having regard to the Flood Risk Management Planning Guidelines 2009 according to which residential development on Flood Zone A and B lands is to be avoided. Further to site specific flood risk assessment, the built element of the project is to be at a minimum separation distance from an area of pluvial flooding risk that is, from the 44 mm OD contour, based on the natural spill over of the pluvial basin, is inclusive of an allowance for climate change factor.

8.2.5. The special Conservation Interests for the River Suck SPA (Site Code 004097) according to the NPWS site synopsis are:

Whooper Swan (*Cygnus cygnus*) [A038]

Wigeon (*Anas penelope*) [A050]

Golden Plover (*Pluvialis apricaria*) [A140]

Lapwing (*Vanellus vanellus*) [A142]

Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395]

Wetland and Waterbirds [A999]

8.2.6. The generic conservation objective of the NPWS for the SPA is:

" To maintain or restore the favourable conservation condition of the bird species listed as special conservation interest for the SPA".

8.2.7. For SPAs designated for wintering waterbirds and that contain a wetland site of significant importance to one or more of the species of Special Conservation Interest there is a second conservation objective for the SPA which is

"To maintain or restore the favourable conservation condition of the wetland habitat at River Suck Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise it having regard to the importance of wetland and wintering birds"

- 8.2.8. It can be confirmed that there are no potential direct impacts at construction or operational stages, in that the SPA is outside the area of the site of the proposed development.
- 8.2.9. Both the project site area and the SPA share the same groundwater body. There is a potential source pathway receptor linkage between the application site and the SPA through hydrological connectivity from groundwater within the site area where there is a regionally important aquifer of extreme vulnerability. Wintering waterfowl within the wetland habitat of the SPA could be affected by groundwater contaminated in the course of the project during construction stage, particularly during earthworks and use of heavy machinery and at operational stage through contaminated surface water within the application site.
- 8.2.10. For the Construction stage, the Construction and Environmental Management Plan incorporated in the project includes provision for good construction practice and adherence to codes of practice and additional measures ensuring no discharge to or accidental contamination of ground or surface water. The measures include erection of a solid boundary fence within which all works shall take place and which excludes any area within the pluvial flood risk zone to the north of the site, erection of a silt fence at the northern end which will prevent potential silt laden water from entering the floor risk area. Construction practice and construction traffic management also include the following measures: During or after periods of heavy rainfall no earthworks shall take place and all materials shall be covered and stored on level terrain, dust suppression and dampening down control of debris, maintenance of oil and similar products within bunded areas, fuelling off site and use of drip trays and monitoring of machinery. No discharge of any materials to ground water and management of run off. Pumping of water from excavated areas through silt traps.
- 8.2.11. For the Operational Stage, the development is to be connected to the public sewer network in which there is sufficient capacity to accept with facilities within the development being maintained in accordance with good practice. Surface water collected from roads and communal hard surfaced areas is to pass through a Condor ByPass Separator, to remove any oil and silt that could contaminate the on-site soakaway.

- 8.2.12. In view of the foregoing, for the Construction and Operational stages having regard to the conservation interests and objectives, it can be confirmed that indirect impacts on the River Suck SPA (Site Code 004097) arising from the proposed development would not be likely to arise.
- 8.2.13. Taking into account existing and permitted developments in the vicinity on the east side of Ballinasloe Town Centre and River Suck, in conjunction with the significant fragmentation of the site from the designated area of the SPA, the location of the development footprint above the 44 m contour outside area of pluvial flooding risk and construction and the specific protective measures incorporated into the construction and stages no significant additional cumulative impacts on the wetland habitats and wintering waterfowl having regard to the conservation objectives would occur and potential residential impact is not significant.
- 8.2.14. It is concluded that subject to compliance with all prescribed measures which are to be incorporated within the project as specified in the NIS and accompanying documentation available in connection with the project no cumulative impacts that would have potential to affect the integrity the European site. would occur. As it has been determined that the project when considered in its own will not have significant adverse effect on the River Suck SAP, it could not contribute, when considered in combination with other plans and or projects to cumulative adverse effects on the integrity of European sites.
- 8.2.15. It is reasonable to conclude on the basis of the information provided on behalf of the applicant which is considered adequate in order to carry out a Stage II Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Suck SPA (Site Code 004097) or any other European site, in view of their Conservation Objectives.

9.0 Recommendation

- 9.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld based on the reasons and considerations and, subject to the conditions which follow overleaf.

10.0 Reasons and Considerations

Having regard to location of the site within the development boundary of the Ballinasloe Local Area Plan, 2015-2012 according to which the site is subject to the zoning objective, 'R1' - 'Residential' and to the specific Objective LU 3 of the LAP: providing for a phased, sequential approach on residential zoned land with strong emphasis on consolidation on existing patterns of development and encouragement of infill opportunities and, promotion of sustainable transport options it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the natural amenities and visual amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would 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 19th March 2021, including the Natura Impact Statement, and by the further plans and particulars received by An Bord Pleanála on 29th June, 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 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

Location of site compound of the site and materials compound including areas identified for the storage of construction refuse, site offices and staff facilities including staff parking.

Details of and position for the silt fence to be constructed to the south of the area of pluvial flooding risk.

Details of all fencing and hoarding for the construction stage.

Details of protective measures for trees and hedgerows to be retained in the development which shall be retained in place throughout the demolition and construction stages

Details of the timing and routing of construction traffic to and from the construction site and associated directional signage to include measures to obviate queuing of construction traffic on the adjoining road network.

Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

Details of measures for noise, dust and vibration control and management and for monitoring of emission levels.

Details of arrangements to ensure that during the construction and demolition phases, works are in accordance the standards in, British Standard 5228 '*Noise Control on Construction and*

Open Sites, Part 1. Code of practice for basic information and procedures for noise control.'

Measures for containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained.

Details for removal and disposal of excavated soil and material from demolition and site clearance.

Measures to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sources or groundwater.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of clarity and orderly development, environmental protection, amenity, public health and safety, and the proper planning and sustainable development of the area.

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

Reason: In the interest of sustainable waste management.

3. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in

exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the protection of the amenities of the area.

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

Reason: In the interest of visual amenity.

5. The applicant shall obtain water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the proposed arrangements for attenuation and 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.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

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

8. Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage shall be erected without the prior written agreement of the planning authority.

Reason. In the interest of legibility and clarity

11. Prior to the commencement of the development, fully detailed Servicing Management Plan shall be submitted to and agreed in writing with the planning authority. The implementation of the measures provided for in the plan shall be managed, monitored and reviewed by the operator of the development.

Reason: In the interest of pedestrian and vehicular safety and convenience.

- 12 A plan containing details for the management of waste including recyclable materials within the development, and facilities for the storage, separation and collection including the ongoing operation of these arrangements for each dwelling unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 13 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of

housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

- 14 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. The Developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

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

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

Jane Dennehy,
Senior Planning Inspector,
1st October, 2021.