



An
Bord
Pleanála

Inspector's Report ABP-310697-21.

Development	Permission to construct 54 dwelling units, car parking and all associated services.
Location	Cul na Corrie, Church Road, Headford, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	201353.
Applicant(s)	Corestone Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Corestone Ltd.
Observer(s)	None.
Date of Site Inspection	20/10/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within Headford, which is located approximately 24km to the north of Galway City and located on the N84 national primary road which connects Galway City to Castlebar in Co. Mayo. The site is located approximately 350m to the west of the junction of the N84 and Church Road to the west / Main Street to the east and lies to the west of St. Mary's Church, on the northern side of Church Road. The site lies adjacent to the Moyne Villa FC grounds which includes a full-size football pitch with flood lights and a recreational walkway around the perimeter. Car parking is also facilitated along the eastern boundary of the subject site which serves the playing / recreational facilities and church.
- 1.2. The site the subject of this appeal, has a stated area of 2.6723ha and lies to western edge of the zoned land area of Headford. The development to the west of the site comprises large, detached houses on large sites, while the lands to the north and around the site remain undeveloped. As indicated above, the lands to the south-eastern area of the site comprises the playing pitch/recreational facilities associated with Moyne Villa FC. To the south of Church Road, there are two schools, the Boys National School and Presentation College, a secondary school.
- 1.3. Access to the site will be over the existing estate road, which is to be amended as part of the subject application, with the primary access to the site from Church Road. The site has been the subject of previous grants of planning permission for residential development and 12 houses have been constructed, or are under construction, to the front (south-western area) of the site.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for the construction of:

- 54 no. dwelling units, comprising 8 no. two storey plus attic, 4 bedroom dwellings, 5 no. two storey 4 bedroom dwellings, 33 no. two storey 3 bedroom dwellings, 8 no. two storey two bedroom dwellings;
- provision of 135 no. car parking spaces;
- provision of pumping station and attenuation area;
- reconfigured site entrance together with parallel parking to Church Road;
- general provision of the public open space, landscaping and
- associated site works,

all at Cul na Corrie, Church Road, Headford, Co. Galway.

2.2. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form.
- Part V Letter of Understanding from Galway County Council
- Design Report, prepared by Gilroy McMahon Architects
- Traffic & Transport Assessment Report, prepared by Coakley Consulting Engineers
- Drainage Report, prepared by Bryan McCarthy & Associates Consulting Engineers.
- Screening For AA, prepared by OPENFIELD Ecological Services.
- Sustainability Statement & Part L Building Regulations Report, prepared by First Rate Energy Services Ltd.
- Outdoor Lighting Report, prepared by Dan Staunton, Veelite Lighting Ltd

The Board will note that the Part V Letter of Understanding submitted relates to a housing development of 66 units at Cul na Coirre, Headford whereby the proposal includes the transfer of 7 units which include 6 no. Type G units. The current proposal provides for a development of 54 houses and no Type G unit is proposed. In addition, I note that the name of the previous applicant is Focus Capital Partners.

In addition, there is a letter submitted which indicates that a previous Pre-Connection Enquiry application was made to Irish Water, and IW have not issued a determination. Again, this letter refers to a housing development at Headford, but the applicant in this instance is Focus Capital Investments Ltd. and refers to a planning application reference number 19/165. The Board should note that this planning reference number relates to the construction of a single house at Lisheenkyle East, Oranmore, and not the current proposed development site.

- 2.3. The development proposes a mix of 5 house types, all two storey but ranging from 2 bed to 3 and 4 bed detached houses, to 3 and 4 bed 2 storey detached, semi-detached and terraced houses.
- 2.4. Following the request for further information, the applicant submitted proposals to address the issues raised by the PA which included a full redesign of the layout of the proposed residential scheme. In addition, the response included a report addressing the Traffic and Transportation related points, surface water drainage issues and included a letter from Irish Water. In addition, the applicant submitted a flood risk assessment for the site.

3.0 Planning Authority Decision

3.1. Decision

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

1. Due to the significant overall change to the original site layout, and in the absence of a revised road safety audit in accordance with DM Standard 24 of Galway County Council Development Plan 2015-2021, it has not been satisfactorily demonstrated that the proposed road design would not pose a safety risk to road users. Accordingly, to grant the proposed development, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and therefore, would be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority are not satisfied based on the submissions received that the proposed surface water drainage system can cater for the proposed development. The proposed development therefore materially contravenes DM Standard 27 of Galway County Council Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the proposed design, layout and configuration of the development, including the most recent amendments which it is considered do not provide for a scheme which is sufficiently responsive to its urban context or in keeping with the character, environment and landscape of the area, does not provide for sufficient definition or quality of open space or legibility. The Planning Authority is not satisfied therefore that the proposed development would not materially contravene Objectives UHO7, UHO8, DM Standard 1 & DM Standard 2 of Galway County Council Development Plan 2015-2021 and Objectives UD1, UD2 and UD3 of the Headford Local Area Plan 2021. Accordingly, to grant the development as proposed, would interfere with the character of the landscape, would detract from the visual amenity of the area, would injure the amenities of properties in the vicinity. Therefore, the development would materially contravene objectives and development management standards contained in the Galway County Council Development Plan, Headford Local Area Plan and would be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Reports

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history, the County Development Plan policies and objectives and the Headford Local Area Plan. The report includes a Flood Risk Assessment, noting that there are areas to the rear of the site which are at risk of pluvial flooding. It was considered that a site-specific FRA was required to be carried out.

The report also included an Appropriate Assessment Screening. It is noted that an AA Screening Report was submitted with the application which assessed the source-pathway-receptor chain to 10 European Sites within a 15km radius. It appears that the planning officer accepted the findings of the applicants AA Screening Report and concluded that the proposed development will not adversely affect the integrity of European Sites.

The Planning Report notes a number of concerns with the proposed development which will require changes to the design and layout of the development before a recommendation can be made on the application. The issues required to be addressed relate to density, layout, open space, rear garden depths, car parking and roads issues as well as the requirement for a site-specific flood risk assessment. Further information was sought in relation to 5 items.

Following the submission of the response to the FI request, the planning officers report noted that the revised site layout plan submitted is substantially different to the original proposal which has given rise to a number of serious concerns. It is noted that the concerns raised by the Roads and Transportation Department have not been addressed with the amended proposal and no revised road safety audit as required, was submitted. In addition, the R&T Department consider that the applicant has failed to satisfactorily demonstrate that the proposed surface water drainage system can cater for the proposed development. The Planning Officers report concludes that proposed development is not acceptable and recommends that permission be refused for the proposed development, for three stated reasons.

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

3.1.2. Other Technical Reports

Roads & Transportation Dept.: The initial report submitted by the department highlights a number of issues which require significant redesign to the current layout. The issues relate to lack of turning areas provided, width of carriageway with perpendicular parking spaces, inaccessible car parking spaces, inadequate sightlines at the entrance

to the estate, a number of safety issues raised in the RSA have not been rectified in the design, no swept path analysis provided and the TTA does not include analysis of the N84 junction. It is further noted that the northern area of the site is subject to pluvial flooding with proposals to address this issue including the raising of the ground levels. The impact of raising the ground levels has not been considered with respect to exacerbating flooding on adjacent lands.

In terms of surface water drainage, the report notes that details have not been provided for the existing watercourse to which it is proposed to discharge to, and simulation analysis has not been provided for the SW drainage demonstrating that it can function adequately during surcharged conditions at the outfall of the watercourse.

3.1.3. Prescribed Bodies

None.

3.1.4. Third Party Submissions

Two third party submissions are noted. The issues raised are summarised as follows:

- Roads issues including layout proposed and lack of turning points.
- Parking plan sees some houses without parking provided while the parking layout proposed will have a health and safety risk to children or adults in the area.
- Parking proposed on Church Road will result in parking issues on the public road in front of the two schools.
- Impact of difference in site levels between the site and the adjacent sports pitches and walkway have not been taken into consideration.
- Residential amenity issues for future residents due to overlooking and layout.
- A number of houses have long walkways proposed to access the rear of the properties which is far from ideal with potential for anti-social behaviour.

- Inadequate rear garden lengths proposed.
- Questions whether the impact of the existing floodlighting on the proposed houses has been taken into consideration.
- The traffic survey carried out is incomplete and has not taken into account the imminent development and extension of the secondary school facilities.
- The front portion of the site is more in line to be zoned community facilities and would lend itself to be developed as a playing field for the local school.
- Has the ownership of the site been proven?
- The site includes an area which has been worked on – questions the validity of the works under a previous permission.
- Issues raised due to the accessibility of the application during Covid 19 restrictions and the inability of people to travel outside their 5km zone to object / view the application in the Planning Office.
- The wider conservation area has not been properly taken into consideration.
- The existing park should be extended.
- The layout of the development is monolithic with little or no natural passive supervision of public open spaces.
- The previous permission should be fully expired now and 6 of the existing 12 houses that are not complete should be included in the current application.
- Ecological issues in terms of the nearby Corrib River and its fish. The Ecology Report fails to mention the habitats of the riverbed and the Hen Harrier has been seen nesting in the area.
- The existing infrastructure is challenged at times and the adequacy of the foul drainage has not been proven.
- It is unclear if the pump station is to replace the existing malfunctioning pump station.

- It is not evident that Irish Water has approved the development – issues raised in relation to applicants.
- Flooding issues raised – noting that the applicant has indicated that the site does not flood which is inaccurate and misleading.
- It is not clear if a daylight analysis has been provided.
- Questions in relation to Part V obligations raised.
- The size and scale of the development is out of context and out of character relating to the immediate environs.
- Archaeological questions raised.

4.0 Planning History

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

PA ref 06/5012: Permission granted for the construction of a residential/commercial development for 77 units comprising of the following 1) 5 no. commercial units 2) 1 no. creche facility 3) 71 dwelling units comprising of a) 24 no. semi-detached houses b) 2 no. detached houses c) 1 no. terrace of 5 houses d) 1 no. terrace of 7 houses e) 4 no. terraces of 3 houses f) 10 no. apartments g) 11 no. town houses 4) ancillary site works and landscaping (Gross floor area 8473.7 sqm).

PA ref 12/1135: Permission granted to extend the duration of the above permission.

PA ref 17/1501: Permission granted to extend the duration of the permission up to the 31st of December 2021, in accordance with Section 42 of the Planning and Development Act 2000, as amended.

PA ref 08/2078: Permission granted for alterations to previously approved application (Pl. Ref. 06/5012) to include the following: Relocation and change of floor plans of the creche unit no. 62. Relocation and change of floor plans of commercial units no. 57, 58, 59, 60, 61. Relocation and change of floor plans of house no. 54, 55, 56. Revision to site entrance, internal road layout, car parking layout and internal

boundary walls and all ancillary site works and services. (Gross floor area 1469.6sqm).

5.0 Policy and Context

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

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. 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”.
- 5.1.3. 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.

5.2.4. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.2.5. Chapter 6 also provides guidance in terms of Density Standards and in this regard, sections 6.12 and 6.13 of the Guidelines deal with Edge of small town / village and state as follows:

6.12 In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low-density commuter-driven developments around many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside.

6.13 The quality of new development will also be determined by many other factors additional to the achievement of an appropriate density of development. However, adherence to the guidance outlined above, coupled with effective local planning can offer a positive path forward in managing the process of development of Ireland's distinctive and attractive smaller towns and villages.

5.3. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

5.3.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

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

5.4.1. The Flood Risk Management Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. Planning authorities (both elected members and officials) must implement these Guidelines in ensuring that, where relevant, flood risk is a key consideration in preparing development plans and local area plans and in the assessment of planning applications.

5.4.2. The core objectives of the Guidelines are to:

- Avoid inappropriate development in areas at risk of flooding;
- Avoid new developments increasing flood risk elsewhere, including that which may arise from surface water run-off;

- Ensure effective management of residual risks for development permitted in floodplains;
- Avoid unnecessary restriction of national, regional or local economic and social growth;
- Improve the understanding of flood risk among relevant stakeholders; and
- Ensure that the requirements of EU and national law in relation to the natural environment and nature conservation are complied with at all stages of flood risk management.

5.4.3. Chapter 2 of the FRM Guidelines emphasises the Precautionary Approach, while Chapter 3 sets out the principles of a risk-based sequential approach to managing flood risk in the planning system. Chapter 5 deals with the application of the Justification Test in terms of development management.

5.5. Galway County Development Plan 2015-2021

5.5.1. Section 2.6.1 Settlement Hierarchy

Headford is a Tier 5 'Other Villages' as detailed in the Plan and where section 2.6.6 Other Villages (Population <1,500) is relevant.

The villages in this tier of the hierarchy include Headford. They have strong settlement structures and have the potential to support additional growth, offering an alternative living option for those people who do not wish to reside in the larger key towns and do not meet the housing need requirements for the rural area.

5.5.2. Section 3.4.5 Edge of Centre Sites Within Small Towns/Villages

The emphasis is on achieving successful transition from central areas to areas at the edge of the smaller towns and villages. Development of such sites tends to be predominantly residential in character and given the transitional nature of such sites, the density range will be assessed depending on the characteristics of the small town/village, and the subject site, on a case-by-case basis. There will also be an

encouragement of appropriate housing types with a high standard of design. This form of development needs to ensure the definition of a strong urban edge and design that creates a clear distinction between the urban area and the open countryside while discouraging ribbon development on the approaches to towns and villages.

5.5.3. The following objectives are considered relevant:

Objective UHO7 – High Quality/Mix and Sensitive Design

Objective UHO8 – Urban Design

5.5.4. **DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements (Urban and Rural Areas)**

- a) Design Quality
- b) Design Guidelines sets out that public open space shall be integrated into the overall development and shall be appropriately located where it can be overlooked and all play areas supervised by surrounding residential developments.

5.5.5. **DM Standard 22: Parking Standards**

c) Parking in Residential Areas

In general, residential layouts should not be dominated by car parking along access roads. New residential development should take account of the following criteria:

- Car parking for detached and semi-detached housing should be within the curtilage of the individual house site.

5.6. **Draft Galway County Development Plan 2021 – 2026**

The Board will note that Headford is identified as a Small Growth Town in the draft plan, remaining at a Tier 5 level, but now in the context of a 7 Tier hierarchy as opposed to the previous 6.

5.7. Headford Local Area Plan 2015 - 2021

- 5.7.1. The LAP complements the implementation of the current Galway City Development Plan 2017-2023. The site is located to the western edge of the zoned area of the village of Headford, zoned R - Phase 1, and Section 3.2 of the LAP deals with Residential Development. The following policies and objectives are considered relevant in relation to the proposed development:

Policy RD1- Residential Development: It is a policy of Galway County Council to support the creation of sustainable communities and high quality, well connected and accessible residential areas at appropriate locations, with a range of housing options and adequate support services, facilities and amenities, having regard to the guidance contained in a number of policy/guidance documents or any updated/amended versions (as detailed)

Policy RD2 – Phased Development on Residential Zoned Lands: It is a policy of Galway County Council to encourage orderly, sequential and phased residential development in accordance with the Preferred Development Strategy and the land use management and zoning provisions set out in this Local Area Plan.

Objective RD1 – Phased Residential Development.

Objective RD2 – Quality Housing Environments.

Objective RD5 – Open Space in Residential Areas.

Objective RD10 – Connectivity Between Phased Residential Lands.

- 5.7.2. Section 3.7.2 of the LAP deals with Urban Design & Landscape Policies & Objectives where the following are considered relevant as referred to in the PAs reason for Refusal no. 3:

Objective UD1 – High Quality, Context Sensitive Design

Objective UD2 – Public Spaces and Streets

Objective UD3 – Spatial Definition and Animation

- 5.7.3. Section 3.6.8 of the Headford LAP deals with Flood Risk Management & Assessment and the following policies and objectives are relevant:

Policy FL 1 – Flood Risk Management

Objective FL 1 – Flood Risk Management and Assessment

Objective FL 2 – Flood Zones and Appropriate Land Uses

5.8. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lough Corrib SAC (Site Code: 000297) which is located approximately 1km to the north of the site.

5.9. EIA Screening

- 5.9.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 5.9.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 5.9.3. The proposed development comprises 54 residential units in the form of detached, semi-detached and terraced houses on a site of 2.6723ha. The site is located on peripheral zoned lands within the settlement boundary of Headford and in an area that is more akin to ‘other parts of a built-up area’, rather than that of a ‘business

district'. The site zoned for residential purposes and lies to the west of the village crossroads. The primary CBD is located in and around the crossroads and extends to the east. As such, I am satisfied that the site area is substantially below the 10ha threshold for 'other parts of a built-up area'. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

5.9.4. 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.

5.9.5. Having regard to:

- (a) the nature and scale of the development,
- (b) the built nature and urban location of the site,
- (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

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The grounds of appeal are summarised as follows:

- The site is an active development site under Reg. 06/5012, 12/1135 and 17/1501 with 12 houses constructed as well as the site entrance.
- Permission was granted for 61 housing units with 5 small shop units and a creche.
- The current proposal seeks to improve the appearance and layout of the development and remove the unviable commercial units, with the delivery of a further 54 residential units.
- There were pre-planning interactions between the applicant and the PA and roads officers ahead of submissions.
- The appeal presents details of the PAs initial assessment of the proposed development, the FI request and the final planning officers report.
- National and local policy are also detailed.
- Reason for Refusal no. 1 – Roads:
 - In response to the reason for refusal, a Road Safety Audit Stage 1 was prepared by PMCE Consulting Traffic Engineers.
 - The RSA identifies 2 no. problems at section 3 of the Report as follows:
 - 3.1 – pedestrian crossing of Church Road between the site and the schools have not been indicated. It is submitted that this is a matter which is outside of the control of the appellant to deliver.
 - 3.2 – children may run out from the internal footpaths onto the Church Road carriageway. The RSA recommends that a baffled

pedestrian guardrail arrangement be provided on the internal footpaths immediately before the meet the existing public footpath on Church Road. The appellant has indicated their acceptance of this recommendation and will be incorporated into the scheme.

- It is requested that the Board accept the RSA and overturn this reason for refusal.

- Reason for Refusal no. 2 – Surface Water Drainage:

- The reason for refusal expresses dissatisfaction that the proposed surface water drainage system can adequately cater for the proposed development, but there is no indication of where the stated deficiency arises.
- The consulting civil engineers were satisfied with the drainage proposals and are baffled as to this reason for refusal.
- The appellant commissioned an independent review of the drainage system proposed.
- It is requested that the Board accept the robustness of the proposed foul and surface water drainage arrangement for the development which reflects relevant standards and best practice.

- Reason for Refusal no. 3 – Design, Layout and Configuration:

It is alleged that the proposed design and layout and configuration are not sufficiently responsive to the site's urban context or in keeping with the character, environment and landscape of the area. It is further alleged that the scheme does not provide for sufficient definition or quality of open space or legibility.

- The design is trying to repair the appearance of part of the street in this location and the architect is trying to frame the development in the context of the church as the most important building. The massing of the buildings, replicates that of buildings in the village.

- In terms of the layout, it is submitted that the part of the scheme previously approved and built cannot be revisited. A central area of open space is provided with potential linkages to the pitches, and it is submitted that there is potential for the area of open space to link to a second phase of development. The provision of cul-de-sacs is reflective of the narrowness of the site and the potential to create a sense of community.
- The appellant is not sure what the concern is in terms of building configuration. 22 of the units face the main open space, 5 face the stream.
- In terms of the Definition and Quality of Open Space, it is indicated that a landscape master plan was submitted and that the main area of open space is located centrally.
- The Design Report sets out clearly a detailed context assessment dealing with the characteristics of the site, constrained due to its narrowness, shape and context. A full contextual assessment was undertaken under a number of headings, and it is submitted that no key contextual determinant has been missed.
- In terms of Layout & Design, it is submitted that the development has been designed in accordance with the relevant guidelines and in full accordance with the CDP policies and DM standards.
- The context for future development in terms of both layout, design and open space are clearly set out in the Design Statement. The proposed development has taken reference from the type of dwellings in the area, as well as being guided by existing mature site boundaries, nearby dwellings and other structures.
- The development provides for good connections and are clearly set out in the Design Statement.

- In terms of Inclusivity, it is submitted that the proposed development includes different types and sizes of units. The proposal includes for 10% Part V units and open space and footpaths will be accessible.
- The proposed layout maximises the development potential of the site including density at a level appropriate to this village, providing 21% open space.
- The development will enhance the residential offering within close proximity to the village core and key amenities and services and a high-quality public realm is proposed.
- The proposed houses are capable of being adapted in the future if required and all dwellings have adequate privacy, generous internal areas and access to high quality communal and private amenity spaces.
- Parking is provided in accordance with the CDP requirements.
- The design of the proposed dwellings will make a positive contribution to the area.

It is requested that the Board reverse the decision of the local authority in the interests of the proper planning and development of the part-developed site and Headford.

There are a number of enclosures with the appeal as follows:

- Appendix 1: Copy of notification of PA decision
- Appendix 2: Copy of PAs Planning Officers Report.
- Appendix 3: PAs FI request
- Appendix 4: Schedule of Areas of proposed 50 units.
- Appendix 5: Extracts from the Galway CDP
- Appendix 6: RSA, dated June 2021 & Audit Feedback Form
- Appendix 7: Foul & Surface Water Drainage and review of the arrangement.

- Appendix 8: Design Report, dated June 2021.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

7.1. Introduction

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. Compliance with National Guidelines & Standards & Visual Impact Issues
3. Roads & Traffic Issues
4. Water Services & Flooding Issues
5. Other Issues

7.2. Principle of the development

- 7.2.1. The Board will note that the site is zoned for residential purposes in the Headford Local Area Plan 2015-2021. The zoning is identified as Phase 1 and, in this regard, Policy RD 2 of the LAP provides that there shall be a positive presumption in favour

of the sequential development of suitably serviced R – Residential (Phase 1) lands in order to align the LAP with the Core Strategy / Settlement Strategy in the current CDP. Objective RD1 – Phase Residential Development, supports the development of lands designated as Phase 1 residential within the lifetime of the LAP, subject to normal planning, environmental, access and servicing requirements.

- 7.2.2. Having regard to the location of the site within the settlement boundary of the village of Headford, together with the potential for the site to access public water and wastewater services, I am generally satisfied that the principle of the proposed development is acceptable.

7.3. Compliance with National Guidelines & Standards & Visual Impact Issues:

- 7.3.1. The Board will note that the Planning Authority refused permission for the proposed development subject to 3 reasons as detailed above in Section 3.1 of this report. While I will discuss matters relating to roads and transport, as well as water services and flooding further in Sections 7.4 and 7.5 of this report, reason for refusal no 3 relates to matters relating to design, layout and visual impacts within the urban context. The reason also cites concerns regarding the definition and quality of open space. I propose to consider these matters in terms of national guidelines as well as the local policy context.
- 7.3.2. The objective of the Sustainable Residential Development in Urban Areas 2009 Guidelines, and its companion design manual, is to produce high quality, and crucially, sustainable developments and communities through the reduction, as far as possible, of the need to travel, particularly by private car, and promoting the efficient use of land. The Guidelines, together with the companion design manual, shows how design principles can be applied in the design and layout of new residential developments and sets out a series of 12 criteria which should be employed in the assessment of planning applications and appeals. These best practice design manual criteria are set out in Box 2 of Chapter 3 of the Guidelines and include criteria such as context, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy / amenity, parking and

detailed design. The Board will note that I have had regard to these criteria as part of my assessment below.

- 7.3.3. The subject site lies to the rear of an existing part constructed residential estate. The proposed development comprises the northern area of the originally permitted residential site, previously permitted in 2006. The originally permitted residential development was not completed with only 12 houses constructed on the site. The site lies to the western boundary of the village of Headford and immediately adjacent to St. Mary's Church and the Moyne Valley FC grounds. The Boys National School and Presentation College Secondary School lie to the south of the site, and across Church Road. Headford is a small village which has a wide offer of services including a hotel, offices, retail, bars and restaurants.
- 7.3.4. The proposed residential development is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The Sustainable Residential Development in Urban Areas Guidelines 2009 updated the Residential Density Guidelines for Planning Authorities (1999) and Sustainable Urban Housing Guidelines 2007 and continue to support the principles of higher densities on appropriate sites in towns and cities while Chapter 6 of the Guidelines deals with Small Towns and Villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.
- 7.3.5. The Board will note that as Headford is located approximately 20km from Galway City, it is identified as being located within the Galway Transportation and Planning Study Area. This has resulted in the population of Headford steadily increasing over the previous Census data from 2002. While the LAP indicates that the population of Headford, (2011 Census) was 889 people, I note that the 2016 Census data show that this figure has risen to 973 people, a 9.5% increase in the five-year period. The Core Strategy of the Galway County Development Plan identifies Headford as

having been assigned a population growth target of 251 persons by 2021 with a housing land requirement of 10.61ha. In this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. I also acknowledge the location of the site, and the presence of larger detached houses on large sites to the west. Overall, I am satisfied that as the site is accessible to the amenities of Headford and is serviceable by public water services, the development is acceptable in principle.

Density:

- 7.3.6. In terms of density, I note Circular Letter: NRUP 02/2021, dated 21st April 2021, which provides that ‘it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high-density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village. As such, it is highlighted that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context.’
- 7.3.7. In addition to the above, I note the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 which states that, in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:
1. The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2009)” or any amending or replacement Guidelines;
 2. A greater mix of building heights and typologies in planning for the future development of suburban locations; and
 3. Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

- 7.3.8. The 2021 Circular notes that discretion may be applied in the assessment of residential density and that while net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts, net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded. The Circular concludes noting that towns and their contexts are not all the same and that planning policy and guidance are intended to facilitate proportionate and tailored approaches to residential development, including the flexible application of residential density at the periphery of large towns, and particularly at the edges of towns in a rural context.
- 7.3.9. The subject site, at the edge of the village centre, lies approximately 350m from the crossroads in Headford, and as such, is clearly within walking distances to shops and services. The Headford LAP indicates that such sites should support low to medium density development with 15-35 dwelling units per hectare. The proposed development will result in an estate with 65 houses on a site covering a total of 2.67ha (comprising the proposed 53 units plus the existing 12 units). The density of the development is indicated at 25.3 units/ha.
- 7.3.10. The site is considered to be located at the 'Edge of Small Town/Village', as detailed in Section 6.12 of the Sustainable Residential development in Urban Areas Guidelines for Planning Authorities (2009). The Guidelines provide that in such locations, developments should have a density of between 15-20 units per hectare. The Galway County Development Plan states low to medium residential density should have a density of between 15-35 units per hectare. The applicant considers that the proposed scheme complies with section 28 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- 7.3.11. Overall, I am generally satisfied that the density as proposed generally accords with the requirements of the national guidelines. A mix of unit typologies however, may support an increase in density at the site. I will discuss such matters further below.

Layout & Design:

- 7.3.12. The development proposes 53 new houses on a site covering 2.67ha. The proposed development site comprises an 'L-shaped site which has a substantial road frontage

length along Church Road to the south and extends to the north to the rear of the 12 existing houses constructed as part of the previous grant of planning permission. The red line boundary of the subject site, which excludes the existing houses, extends from a width of 8m at its narrowest (comprising the estate road) to approximately 92m at its widest point towards the centre of the site. The development, as amended following the request for FI, is laid out with the primary area of public open space located in proximity to the existing houses and extending along the eastern boundary area of the site, immediately adjacent to the sports grounds.

- 7.3.13. The proposed layout provides for the bulk of the houses in this area of the site to be located to the northern end of the site and creates three cul-de-sacs which will include turning areas and parking spaces, and 2 of which will provide for potential connection to the lands (zoned residential Phase 2) to the east. The most southern cul-de-sac will run into the boundary with the sports grounds. The northern area of the site will comprise the wastewater pumping station and a watercourse forms the western and northern boundary of the site. The proposed estate road will run in a north-south direction along this stream.
- 7.3.14. Chapter 6 of the Sustainable Residential Development in Urban Areas, 2009 deals with Small Towns and Villages and note that 'in order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.' The Guidelines indicate that development in such locations must be plan led which is the case in this instance. Of note, is the indication that 'new development should contribute to compact towns and villages', where the use of backland sites is encouraged which seek to 'maximise permeability for pedestrians and connectivity to existing streets and roads, rather than creating cul-de-sacs and dead ends.'
- 7.3.15. Section 6.8 of the guidelines provides for layout and design considerations in order to ensure that new development relates successfully to the structure of the smaller town or village. In terms of overall scheme design, each residential scheme should be designed to:

- Make the most effective use of the site;
- Make a positive contribution to its surroundings;
- Have a sense of identity and place;
- Provide for effective connectivity;
- Include a design approach to public areas.

7.3.16. Having regard to the above criteria, the Board will note that the planning authority included a reason for refusal which related to concerns with the proposed design, layout and configuration of the development. The Planning Authority concluded that the development, including the amendments following the request for further information, 'do not provide for a scheme which is sufficiently responsive to its urban context or in keeping with the character, environment and landscape of the area, does not provide for sufficient definition or quality of open space or legibility'.

7.3.17. Having regard to all of the information on the file, I would note that the primary concerns of the PA related to the layout of the 'Phase 2' lands, located at the south-eastern area of the site, immediately adjacent to the Church and fronting onto Church Road. I note that the Planning Officer raised concerns due to the unenclosed nature of the green space and potential standard of the space in terms of definition and legibility in the urban context. It was concluded therefore, that the development contravenes a number of objectives of the CDP and the LAP.

7.3.18. In terms of the area of the site adjacent to Church Road, I would note that the layout was amended in order to form an 'L' shape configuration with an elongated area of public open space located immediately adjacent to the footpath along Church Road. The realignment of this area of the site will also include pedestrian access points in the southern boundary wall and a line of trees will be planted along the northern area of the proposed open space to reinforce the new street line in this area of the site. The applicant also submits that this layout will now form a spatial enclosure, together with the school to the south of Church Road, with St. Mary's Church when travelling west to east.

7.3.19. The previously permitted development proposed a commercial element in this area. Given the location of the site within the village of Headford and having regard to the planning history of the site, I would agree with the Planning Authority concerns in relation to the south-eastern area of the site. I would note that the original layout for this area proposed a layout which, from an urban design viewpoint, presented a more appropriate streetscape along Church Road. That said, I would concur that the proposed car parking arrangements associated with the original layout of this area would not be acceptable, and in the event of a grant of planning permission, this matter would require to be addressed. I would not accept that either the original or the amended proposal as presented following the request for further information can be considered as acceptable for this area of the site.

7.3.20. In terms of the rear of the site, the Board will note that the amended layout provides for the provision of public open space to be located adjacent to the existing Moyne Villa Sports grounds, with a further incidental area located at the most northern area of the site, and within an identified flood zone area. As such, the proposed scheme provides for only one usable public open space area which will include a childrens play area and a shared lawn. I would note that this area of the scheme includes a number of smaller spaces which include a sun garden, flower garden, herb gardens, wind garden and edible garden areas. These areas are to be located along the boundary of the site with the soccer club grounds. I noted on the date of my site inspection, and as referred to by the applicant, there is currently a gate in place which would form a pedestrian link from the proposed development site to the sports grounds. The submitted, amended, layout would suggest that this area of the proposed development site will be impacted by a raised planting area. I am also unclear if the area where the existing gate is located is to be subsumed into a private house site, or if it is to be retained within the public open space area as part of the wider scheme. Should the Board be minded to grant permission in this instance, this issue should be clearly addressed and any existing access should be retained.

7.3.21. Further to the above, the amended layout provides for the estate road extending along the western boundary of the site almost in a straight line for a distance of 130m, with the central cul-de-sac being located midway on the road. The northern

area of the site provides for a lower density of development, with 12 units and including 3 detached houses. I would acknowledge the constraints of the subject site in this area given its narrow nature and the presence of the existing stream which hugs the western and northern boundaries of the site.

- 7.3.22. Of the proposed 38 new houses in the northern area of the development site, it is notable that 11 overlook the main area of public open space (plus 6 of the existing houses, giving a total of 17 units out of 50). In addition, the two detached houses, no. 49 and 50, will overlook the proposed area of open space adjacent to the WW pumping station, with three houses, nos 46 – 48, overlooking the stream and open countryside to the west of the site. In the context of the overall scheme, 44% of the houses in this area of the site will overlook public amenity spaces and / or the countryside beyond the boundaries of the site.
- 7.3.23. In the context of Section 6.8 of the Sustainable Residential Development in Urban Areas, 2009 Guidelines, I would acknowledge that the proposed layout seeks to make the most effective use of the site. I would also acknowledge that the layout has sought to create a sense of identity and place within the three distinct areas of the northern part of the site, while the south-eastern area is also presented as a distinct area. I have noted concerns in terms of connectivity above but would accept that these matters might be addressed by way of appropriate conditions. I would also accept that, notwithstanding my concerns in terms of compliance with SPPR4 of the Building Height Guidelines, the design and materials of the proposed houses would not contribute negatively to the surroundings of the site.
- 7.3.24. In terms of the overall design and layout, I am satisfied that the amended layout for the northern area of the site can be considered acceptable subject to addressing the connectivity to the existing sports grounds issue raised above. I also note that proposed house no. 18 lies within 1m of the watercourse which runs to the west of the site. In the event of a grant of planning permission, I consider that unit no. 18 should be omitted with unit no. 17 to comprise a detached house on the overall site of units 17 and 18. A minimum separation of 4m should be maintained between the house and the western site boundary to ensure adequate separation between the house and the watercourse.

7.3.25. The south-eastern area of the site, fronting onto Church Road, would not provide for a scheme which is sufficiently responsive to its urban context or in keeping with the character, environment and landscape of the area, and does not provide for sufficiently legible streetscape. As such, and should the Board be minded to grant permission, a split decision should issue for the proposed development which would require the reimagining of the south-eastern area of the site in terms of urban design.

Unit Mix & Typology:

7.3.26. The development proposes a mix of 6 house types including 7 no. 2 bed units, 33 no 3 bed units, and 13 no 4 bed units. The proposed development was amended following the submission of the response to the PAs further information request which amended the layout of the site but did not significantly alter the unit mix or typology proposed. The houses will be provided in the form of detached, semi-detached and terraced houses, and the unit types are as follows:

Unit type	Number	%
2 bed	7	13.2%
3 bed	33	62.3%
4 bed	13	24.5%

7.3.27. The Board will note that the proposed development seeks to construct only one type of residential unit, all being two storey (some with attic accommodation) own-door houses. I also note the dominance of the existing low density residential development to the west of the site – large, detached houses on large sites. I would acknowledge that the previously permitted development on the site did not include apartments or duplex units, which would have provided for a greater mix of housing typologies across the site and uses at this location.

7.3.28. In acknowledging the national guidance in terms of residential density, I note the location of the subject site in such close proximity to the Boys National School and Presentation College Secondary School and would question if the proposed development presents the most appropriate form and layout to serve the needs of the wider community in terms of housing mix and typologies. I further note the

provisions of the 2018 Urban Development and Building Height Guidelines for Planning Authorities which states that newer housing developments outside of city and town centres - at the suburban edges of towns and cities - typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards), which is important in delivering medium densities and in addressing the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation.

- 7.3.29. Section 3.6 of the Building Height Guidelines suggest that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods, while Section 3.7 requires that the 'consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach, returning to traditional compact urban forms'.
- 7.3.30. As noted above, SPPR 4 (2) and (3) of the guidelines states it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure a greater mix of building heights and typologies in planning for the future development of suburban locations; and avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Design Manual state that a variety of housing types should be provided where possible; new homes should meet the aspirations of a range of people and households and that housing types and tenure should add to the choice available within the area. I further note that Objective RD3-Housing Options of the Headford Local Area Plan requires:

'that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics and social changes, social inclusion, lifetime changes, smaller household sizes,

lower formation age, immigration, etc. including the provision of units for the elderly, for people with disabilities and other special need households’.

- 7.3.31. Having regard to the context of the subject site within the village of Headford, where existing housing developments adjoining the site comprise primarily one-off houses on large sites, together with the proposed mono-house style typology for the subject site, comprising two-storey 2, 3 and 4 bedroomed houses only, I consider that a greater housing mix and type could have been provided in this current scheme to add to the housing variety within the general area, and potentially increase density. In acknowledging that the proposed development does not exceed the 100 units stipulated in SPPR 4, I am minded to conclude that the limited housing type/mix proposed in the current scheme is such that there is only limited choice available within the scheme which might not provide for appropriate options for various stages of the lifecycle or attract an appropriate mix of households or population mix.
- 7.3.32. As such, it might be considered that when the adjoining residential developments are taken into consideration, the proposed scheme would not meet the aspirations of a range of people or households. I would consider this to be contrary to good planning practice and not in compliance with the aforementioned ministerial guidelines and the Urban Design Manual. In my opinion, a greater variety of unit type/mix would aid an increase in density on the site and would support a residential scheme which would attract an appropriate population mix to this area of Headford, which is well serviced with facilities. Overall, the proposed development results in a mono-height across the scheme as well as a mono-building typology, resulting in a low density (below 30 units per hectare), and is overall contrary to SPPR4 of the Building Height Guidelines.
- 7.3.33. I refer the Board to my comments relating to layout and design and consider that this concern might reasonably be addressed through the reimagining of the design of the scheme along Church Road. As such, I do not consider this to be a reason for refusal of permission for the overall scheme, and would recommend that a split decision issue granting the development of the norther area of the site and refusing the development in the south-eastern area of the site.

7.4. Roads & Traffic Issues

- 7.4.1. The existing houses constructed under the original planning permission for the wider development site, are accessed off Church Road approximately 350m from the centre of the village of Headford. The site entrance is located within the 50km/p/h speed limit for the village. The Board will note my concerns in relation to the layout of the south-eastern area of the site as raised above in terms of urban design, and I would suggest that these concerns extend to roads and traffic issues.
- 7.4.2. The Board will note that Galway County Council refused planning permission for the proposed development which included a reason relating to roads issues due to the absence of a revised road safety audit being submitted following the changes to the overall layout of the site as part of the response to the PAs further information request. The reason for refusal specifically refers to DM Standard 24 of the CDP and states that it has not been satisfactorily demonstrated that the proposed road design would not pose a safety risk to road users.
- 7.4.3. Initial concerns were raised by the PA in relation to roads and traffic matters and were included in the request for further information. I note that the concerns raised in the initial Road Safety Audit were addressed following the submission of the request for FI. I also note that the initial Traffic and Transport Assessment, together with the information submitted in response to the PAs FI request, suggest that the existing road network, including the junction of Church Road and the N84 which lies to the east of the subject site, has adequate capacity to accommodate the proposed development. Of note, the response to the FI request suggests that all arms of the N84 junction will continue to operate within capacity with the development in place.
- 7.4.4. In response to this reason for refusal, the applicant has submitted a Road Safety Audit Stage 1. The RSA identifies two problems, Section 3 of the submitted report, with regard to pedestrian crossing and potential for children to run from the internal footpaths onto Church Road.
- 7.4.5. In terms of the pedestrian crossing, the Report notes that the proposed development is likely to give rise to new pedestrian desire lines from the development to the national school and secondary school, both located to the south of Church Road.

The existing pedestrian crossing on Church Road is located in proximity to St. Mary's Church, and likely at a distance from the subject site such that pedestrians will not walk to it in order to cross the road. The RSA recommends that the likely pedestrian desire lines be reviewed, and that appropriate provision of crossings be provided. I would note that the provision of such a crossing is likely outside the control of the applicant, but should the Board be minded to grant permission, a condition requiring agreement with the Planning Authority for the provision of safe pedestrian access should be secured in writing prior to the commencement of any development on the site, and the associated works should be carried out and completed prior to the occupation of any of the proposed residential units. The cost for the provision / relocation of the pedestrian crossing should be borne by the applicant. I would also restate that I consider that the layout of the proposed scheme along Church Road has compounded the concerns raised with regard to this issue.

- 7.4.6. In relation to the second problem identified, the Board will note that the proposed site layout provides for two pedestrian access points from the site onto the public footpath to the north of Church Road. The RSA identified these access points as potentially problematic in terms of children running or cycling directly from the internal footpaths within the development onto the footpath and potentially onto the carriageway of Church Road and oncoming traffic. In order to address this concern, the development proposes the installation of a baffled pedestrian guardrail, immediately before they meet the existing footpath.
- 7.4.7. While I acknowledge the logic of the above recommendation, I would question if the provision of guardrails as a measure to reduce the identified risk is within the spirit of the provisions of DMURS, and whether or not such provision would create the perception that it is ok to drive at higher speeds on Church Road, particularly moving west and away from the village centre. I also note that the DMURS document suggests that guardrails should not be used as a tool for directing and / or shepherding pedestrians. Again, I suggest that the proposed layout of this area of the site has compounded the problem identified in the RSA.
- 7.4.8. While I acknowledge the concerns raised by the Planning Authority in relation to roads and traffic issues, having regard to the planning history of the site and to the

information available on the file, overall, I am generally satisfied that the site is capable of accommodating appropriate development without undue traffic hazards or obstruction of existing road users arising in principle. I also acknowledge the zoning afforded to the site and the location of the entrance to the site within the 50km/ph area. I do, however, share the concerns raised by the PA in relation to the layout of the south-eastern area of the site and would agree that as proposed, the development would endanger public safety by reason of traffic hazard and obstruction of road users, particularly vulnerable road users, and would not accord with the requirements of DMURS, which assigns 'higher priority to pedestrians, cyclists without unduly compromising vehicle movement, in order to create secure, connected places that work for all members of the community', and recommends against 'frontage-free' streets.

- 7.4.9. As such, I recommend that a split decision issue with regard to the overall development granting the development of the norther area of the site and refusing the development in the south-eastern area of the site.

7.5. Water Services & Flooding Issues

Water Services

- 7.5.1. The Board will note that Irish Water have advised that the proposed connection to the Irish Water Network in Headford can be facilitated subject to upgrades. In terms of the water connection, IW have advised that a connection to the existing 250mm through the existing 100mm diameter watermain which is present within the site and servicing the existing 12 houses. I note that the pre-connection enquiry states that the confirmation of feasibility to connect to the IW infrastructure does not extend to fire flow requirements and that adequate fire storage capacity should be provided within the development.
- 7.5.2. In terms of wastewater, the proposed development can connect to the network subject to upgrades. IW offer two potential options for the connection which would require an upgrade of the existing 100/150mm diameter sections of the sewer over a distance of 320m, running to the rear of Main Street and Bridge Street. An alternative

option to accommodate the development would be to divert some of the network flows from the 150mm sewer at the manhole on the R334 to the 225mm sewer. This alternative would eliminate the requirement to upgrade the existing 100mm/150mm sections of sewers to the rear of Main Street and Bridge Street. IW advise that a final decision with regard to the connection option can be confirmed at connection application stage and the costs of the network upgrades to facilitate the development will be the responsibility of the developer and will be in addition to the standard connection charges.

- 7.5.3. In terms of surface water drainage, the Board will note that the Planning Authority refused permission for the proposed development on grounds relating to non-compliance with DM Standard 27 and the PA was not satisfied that the proposed surface water drainage system can cater for the proposed development.
- 7.5.4. The applicant indicated their intention to attenuate storm water generated from the development site and discharge in 2 locations into the receiving stream. The storm water attenuation will occur in two areas with the site divided into the northern area and the southern area. The StormTech system proposed for the site will have the capacity to attenuate waters arising in a 1:100 year event plus 10% for climate change. In this regard, two StormTech chambers, with volumes of 430m³ and 45m³ are proposed to be installed on site. The system will be designed to provide a discharge rate of 5.3l/sec and 2l/sec from the two chambers into the watercourse.
- 7.5.5. Following a request for further information, the applicant submitted a further report which sought to provide the relevant information and data with respect to details of the existing watercourse, including flow capacity, dimensions etc. The report sought to demonstrate that the proposed surface water drainage system can function adequately during surcharged conditions. The report, however, was not deemed acceptable by the PA.
- 7.5.6. Following the PAs refusal of planning permission, I note that a further report was submitted with the appeal whereby IE Consulting undertook an independent review of the proposals for the development in terms of surface water drainage. This further report undertook a detailed hydraulic simulation analysis of the proposed system,

using the Innovyze Micro-Drainage WINDES software analysis package. The analysis involved simulating the performance of the proposed drainage system in terms of a 1 in 30 year as well as a 1 in 100 year storm event, over a range of durations. The simulation analysis was undertaken in consideration of typical summer and winter rainfall profiles.

- 7.5.7. The results of the analysis are presented in full in the appendix to the report and indicate that while the proposed surface water drainage system can operate satisfactorily for lower return period storm events, during an extreme event, 1 in 30 year and 1 in 100 year storm event, the system may surcharge a number of manhole locations and the storm water attenuation volumes as proposed may be exceeded. In order to ensure that the proposed system can function adequately during surcharge conditions at the outfall, long term storage within the drainage system is required. The report with the appeal documentation advises that further attenuation storage volumes of 114m³ to Area A and 43m³ to Area B is required.
- 7.5.8. It is submitted that the additional storage can be accommodated within the site and that the detailed hydraulic simulation analysis presented ensures that the development complies with DM Standard 27 of the Galway County Development Plan. It is requested that the Board accept the robustness of the proposed foul and surface water drainage arrangement for the development.
- 7.5.9. Having regard to the information available to me, I am generally satisfied that the applicant has adequately addressed the matter of surface water drainage. As such, I have no objections to the proposed development in terms of water service.

Flooding Issues

- 7.5.10. The northern area of the subject site is located within an area identified within the Preliminary Flood Risk Assessment (PFRA) Mapping presented as part of the Headford Local Area Plan. The area is located immediately adjacent to the stream which forms the western and northern boundary of the site and the area to the north is identified as potentially being susceptible to pluvial flooding in extreme rainfall events. I note that the proposed road and finished floor levels of the houses in this area, have been raised above the existing site levels and that the proposed open

space area, incorporating the proposed foul pump and attenuation area has a finished ground level of 1m above the existing level.

7.5.11. Following a request for further information, the applicant submitted a Flood Risk Assessment. The purpose of these reports is to deal with issues relating to the potential risks associated with the development of the site and seeks to determine the suitability of the site for development based on the relevant flood risk management planning policy guidelines. Appropriate design and mitigation measures, where appropriate are also considered as part of the report. The FRA notes that while Headford was included in the PFRA programme, it was not identified as an Area for Further Assessment and as such, was not subject to more detailed flood modelling and mapping. There are no detailed CFRAM flood maps for the area.

7.5.12. The report includes a detailed hydraulic modelling of the watercourse which bounds the site at Appendix C. There is no evidence or record of past flooding in the vicinity of the subject site. It is indicated that the proposed development is wholly sited in Flood Zone C and will therefore, have no impact on the existing floodplain or flood risk elsewhere. Sections 4.2 to 4.3 of the FRA present details of fluvial flooding scenarios including both pre-development and post development scenarios. The post development hydraulic models include provisions for a 20% increase in flood flows for climate change and the industry standard of 50% culvert blockage. Section 4.4 deals with pluvial flooding. Section 5.0 of the FRA summary of findings and recommendations including setting out the design requirements / mitigation measures incorporated into the scheme.

7.5.13. I accept that the development has been designed in order not to increase flood risk. In terms of the justification test criteria of the FRM Guidelines, the following is relevant:

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operational plan, which has been adopted or varied taking account of these guidelines:

The subject site is zoned for residential purposes in the Headford Local Area Plan. It is also notable that permission has been previously granted for a

residential development at the site and as such, I am satisfied that the subject site might be reasonably considered to be appropriately designated for use proposed.

2. The development has been subject to an appropriate flood risk assessment that demonstrates:
 - (i) The development proposal will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;
 - (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;
 - (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management and provisions for emergency services access;
and
 - (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

7.5.14. In terms of a consideration of part 2 of the JT Criteria, I would accept that the FRA, has presented mitigation measures which, if adhered to, will ensure that the proposed development will not remove any potential flood plain storage and that the development will not have a negative impact in this regard. Adherence with the recommendations of the submitted FRA, the proposed development will not have a negative impact on the local drainage network, on local private property or to the surrounding environment and human health. As such, I am satisfied that the development, if permitted, will not exacerbate or add to flooding risk in the area.

7.6. Other Issues

7.6.1. Part V

The proposed development seeks to construct 53 residential units on a site covering 2.67ha in the village of Headford and connect to public services. The development is subject to requirements of Part V of the Planning and Development Act 2000, as amended. A condition to this effect should be included in any grant of planning permission.

7.6.2. 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 site is not located within any designated site. The closest Natura 2000 site is the Lough Corrib SAC (Site Code: 000297) which is located approximately 1km to the north of the site.
- 8.1.2. 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.
- 8.1.3. 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 Board will note that a Natura Impact Statement (NIS) was not submitted as part of documentation for permission for the proposed development to assess the likely or

possible significant effects, if any, arising from the proposed development on any European site. An Appropriate Assessment Screening Report was provided by the applicant.

8.1.4. 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.

8.1.5. 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. AA Screening Report

8.2.1. The application was accompanied by an Appropriate Assessment Screening Report, dated September 2020 and prepared by Openfield Ecological Services. This report assesses whether effects to the Natura 2000 network are likely to occur as a result of the project. The report sets out the methodology employed and provides a description of the project proposed as well as including a description of the existing habitats present on the site.

8.2.2. The AA Screening Report submits that there is no prescribed radius to determine which Natura 2000 sites should be examined and that this depends upon the zone of influence of the project. The report identifies the relevant Natura 2000 site within the hydrological catchment of the development as being the Lough Corrib SAC and

notes that this is connected to the development via the flow of surface and waste waters. It is also noted that the Lough Corrib SPA boundary is over 6km from the site. The Screening Report considers that no other SAC or SPA lies within the zone of influence of the project and focuses its assessment on the Lough Corrib SAC.

- 8.2.3. The Report presents details of the relevant SAC, including details of the qualifying interests of Lough Corrib SAC and the Lough Corrib SPA. An Assessment of significant Effects is presented on page 17 of the report and considers the impact of the proposed development in terms of the potential habitat loss, pollution during the operation phase and construction phase, flooding and abstraction for drinking water purposes. The report concludes that there are no plans or projects which are likely to act cumulatively with the current proposal which could result in significant effects to Natura 2000 sites. However, the Conclusion of Stage 1 Screening notes that hydrological pathways exist to the Lough Corrib SAC and SPA and that significant effects cannot be ruled out to the Lough Corrib SAC. It is concluded:

‘Given the potential effects to water quality during construction (particularly sediment pollution to the River Shrule) significant effects to this qualifying interest (Atlantic Salmon) cannot be ruled out. This may affect the integrity of the SAC.’

The conclusion of the AA Screening Report is that a full AA will be required with regard to the SAC. The report also indicates that a separate Natura Impact Statement has been submitted to the Planning Authority. The Board will note that no such NIS was submitted.

- 8.2.4. Having reviewed the Appropriate Assessment Screening Report, together with the Planning Authority Appropriate Assessment, I would advise the Board that there are a number of anomalies which give rise for concern. While the PAs AA indicates that the AA Screening Report submitted with the application ‘identifies the Natura 2000 sites within 15km of the site’, this is not the case. I also note that the PAs summary of the submitted AA Screening Report, including the conclusion reached do not reflect that of the actual AA Screening Report submitted by Openfield Ecological Services, as detailed above.

8.2.5. I am satisfied, however, that the submitted AA Screening Report documentation provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. I note that the Screening Report notes details of the new surface water drainage infrastructure to be employed to ensure that the changes to the quantity and quality of run-off will not occur with the development in place. It is further noted that no site-specific mitigation measures are required and that the measures detailed are best practice construction management principles. The SUDs measures incorporated into the scheme are not considered to be mitigation in the context of AA.

8.3. Consultations and Observations

8.3.1. The AA Screening Report submitted with the application lists all data sources and guidance documents used.

8.3.2. I also note that third-party submissions also raised concerns in terms of ecological issues relating to the potential impact of the development on the River Corrib and its fish.

8.4. Screening for Appropriate Assessment:

8.4.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

8.4.2. While I acknowledge the AA Screening report submitted with the application, and the proximity of the site to the Lough Corrib SAC (Site Code 000297) I note that no other site was considered or noted within the document. 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 8 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 7 Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Lough Corrib SPA	004042	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Cloughmoyne SAC	000479	
Shrute Turlough SAC	000525	
Mocorha Lough SAC	001536	
Clyard Kettle-Holes SAC	000480	
Gortnandarragh Limestone Pavement SAC	001271	
Ross Lake & Woods SAC	001312	

8.4.3. I note that there are 7 turloughs and lakes located to the east and south-east of Headford within the 15km radius which are identified as NHAs or pNHAs. I also note that the Rostaff Turlough, which overlaps the Lough Corrib SAC to the north of the subject appeal site, at a distance of approximately 1km. I note this as this area has been identified for Otter.

8.4.4. I consider that the following Natura 2000 site, 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:

- Lough Corrib SAC (Site Code: 000297)

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

- 8.5.1. The subject development site is located at the western boundary of the zoned land area in the village of Headford in Co. Galway. The site is located within the speed limit of the village and in an area where the predominance of development includes large one-off houses on large sites to the west, schools to the south and across Church Road, sporting / recreational facilities and St. Mary's Catholic Church to the west. The site is not located within any designated site and currently comprises in part, a construction site. The site does not appear to contain any of the habitats or species associated with any Natura 2000 site.
- 8.5.2. The following table sets out the qualifying interests for the identified Natura site:

European Site	Qualifying Interests
Lough Corrib SAC (Site code 000297)	1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1092 White-clawed Crayfish <i>Austropotamobius pallipes</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1106 Salmon <i>Salmo salar</i> 1303 Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> 1355 Otter <i>Lutra lutra</i> 1393 Slender Green Feather-moss <i>Drepanocladus vernicosus</i> 1833 Slender Naiad <i>Najas flexilis</i> 3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.

	<p>3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>7110 Active raised bogs*</p> <p>7120 Degraded raised bogs still capable of natural regeneration</p> <p>7150 Depressions on peat substrates of the <i>Rhynchosporion</i></p> <p>7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*</p> <p>7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p> <p>7230 Alkaline fens</p> <p>8240 Limestone pavements*</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91D0 Bog woodland*</p>
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Lough Corrib SAC (Site Code: 000297)

- 8.5.3. Lough Corrib is situated to the north of Galway city and is the second largest lake in Ireland, with an area of approximately 18,240 ha (the entire site is 20,556 ha). The lake can be divided into two parts: a relatively shallow basin, underlain by Carboniferous limestone, in the south, and a larger, deeper basin, underlain by more acidic granite, schists, shales and sandstones to the north. The surrounding lands to the south and east are mostly pastoral farmland, while bog and heath predominate to the west and north. A number of rivers are included within the cSAC as they are

important for Atlantic Salmon. These rivers include the Black River which is located to the north of, and affects the area of the SAC closest to the subject site.

8.6. Conservation Objectives:

8.6.1. The Conservation Objectives for the relevant designated site are as follows:

European Site	Conservation Objectives
<p>Lough Corrib SAC (Site code 000297) Located approx. 1km to the north 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"> ○ Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] ○ Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] ○ Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] ○ Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] ○ Petrifying springs with tufa formation (Cratoneurion) [7220] ○ Alkaline fens [7230] ○ Limestone pavements [8240] ○ Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] ○ Bog woodland [91D0] ○ Austropotamobius pallipes (White-clawed Crayfish) [1092]

	<ul style="list-style-type: none"> ○ Lampetra planeri (Brook Lamprey) [1096] ○ Salmo salar (Salmon) [1106] ○ Lutra lutra (Otter) [1355] ○ Hamatocaulis vernicosus (Slender Green Feather-moss) [6216] <ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to restore 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"> ○ Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] ○ Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] ○ Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] ○ Active raised bogs [7110] ○ Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] ○ Petromyzon marinus (Sea Lamprey) [1095] ○ Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] ○ Najas flexilis (Slender Naiad) [1833] • The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Corrib SAC.
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	<ul style="list-style-type: none"> Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Corrib SAC
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8.7. Potential Significant Effects

8.7.1. 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 1km 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 the environs of 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 residential scheme within zoned lands. The development will connect to existing public water services. The existing Headford WWTP has an organic capacity of PE of 3,000 and the 2020 Treatment Capacity Report for the plant indicates that the plant has a current remaining capacity

of 1,598 PE. The report indicates that the capacity of the plant will not be exceeded in the next 3 years.

Having regard to the scale of the proposed development together with the submission from Irish Water following the request for further information by the Planning Authority, I am generally satisfied that the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development.

The development site is bound on the west and north, by a water course / drainage ditch. It is noted in the applicants AA Screening Report that this may act as a conduit for construction pollutants to reach Natura 2000 sites. It is submitted that while the connection is weak, there is potential for construction pollutants to temporarily affect water quality and in particular sediment pollution to the River Shrule.

While SUDs measures are incorporated into the overall design of the scheme and considered to be standard measures not identified as mitigation in the context of AA, no details are presented in terms of measures to protect the adjacent water course during the construction phase. The submitted AA Screening Report notes that deterioration of water quality can directly affect conservation objectives for a number of qualifying interests of the Lough Corrib SAC. The construction phase will include disturbance of soil and that the drainage ditch which bounds the site may act as a conduit for construction pollutants. I would agree that the pathway between the site and the SAC is weak, but it is a potential link and as such, the construction phase may give rise to impacts on water quality.

8.8. In Combination / Cumulative Effects

- 8.8.1. In the absence of any assessment of potential in-combination effects by the applicant, I have undertaken an examination of developments in Headford in the past

5 years, which may act in combination with the subject application in terms of the potential impact on the Headford WWTP. It is also noted that there is adequate capacity in the Headford WWTP to accommodate the development proposed. The following applications are considered relevant in this regard:

PA ref: 19/373: Permission granted to extend the duration of permission for the construction of 110 residential units on lands to the north-east of the subject site.

PA ref: 19/1219: Permission granted to extend the duration of permission for the construction of a 60 bed nursing home, 16 semi-detached retirement cottages on lands to the north east of the subject site.

ABP ref: ABP-303680-19 (PA ref: 18/1264): Permission granted to amend site layout of housing development and reduce density from 76 to 70 units.

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

8.9. **Mitigation Measures**

No site-specific mitigation measures are proposed for the proposed development. Best practice in construction management will be adhered with to prevent the contamination of surface or groundwater.

8.10. **Conclusion on Stage 1 Screening:**

- 8.10.1. I have read the submitted Appropriate Assessment Screening Report in its entirety, together with all other reports submitted with the planning application in support of the proposed development, and I am satisfied that it generally assesses the likely significant impacts arising from the proposed development on the integrity of the Lough Corrib SAC (Site Code: 000297). In addition, 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.

8.10.2. Having regard to the information submitted, the nature of the development proposed, the availability of capacity in the Headford WWTP to accommodate the residential development, together with the details presented in the AA Screening Report, which I consider adequate in order to carry out a Stage 1 Appropriate Assessment Screening, as well as the drainage proposals for the development, I consider reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site, the Lough Lough Corrib SAC (Site Code: 000297), or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

I recommend that a split decision issue in relation to the proposed development as follows:

- Grant planning permission for the proposed development of the northern area of the site for the following stated reason and subject to the following stated conditions, and
- Refuse planning permission for the proposed development of the south-eastern area of the site, including alterations to the access to the site, for the following stated reasons.

10.0 Reasons and Considerations (1)

Having regard to the zoning provisions of the site, the pattern of permitted development in the area, to the provisions of the Galway County Development Plan 2015 and the Headford Local Area Plan 2015-2021, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development of the northern area of the site 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 of the northern area of the site 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 to the Planning Authority on the 12th day of May 2021 and plans and particulars submitted to An Bord Pleanála on the 30th day of 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. This permission is for a total of 37 houses, all located within the northern area of the site (to the north of the existing 12 houses already constructed). The proposed development shall be amended as follows:

- (a) House number 18 shall be omitted and house number 17 shall comprise a detached house occupying the full site of unit 17 and 18 as detailed on drawing no. (PP)025 submitted in response to the planning authority further information request.
- (b) House number 17 shall not be constructed within 4m of the red line boundary to the west (bordering the watercourse).
- (c) The area of open space which lies immediately adjacent to the Moyne Villa Soccer Club shall be amended to fully include the existing gated pedestrian access to the amenity grounds from the site, within the area of public open space.
- (d) Junctions shall be raised for traffic calming using tactile paving and dished kerbs.

Revised drawings showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and of the residential amenity of future occupants.

- 3. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

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

Reason: In the interest of public health.

6. 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 interests of visual and residential amenity.

7. Public lighting shall be provided in accordance with a scheme, 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.

8. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1300 on Saturdays, and not at all on Sundays or 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 the interest of protecting the residential amenities.

9. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development

shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

11. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

12. The open spaces shall be developed for and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

13. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

14. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

15. 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.

16. 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 until taken in charge, of the development.

17. 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.

12.0 Reasons and Considerations (2)

1. Having regard to the proposed design, layout and configuration of the development at the south-eastern area of the site, including the proposed amendments to the access to the overall site, it is considered that the development does not provide for a scheme which is sufficiently responsive to its urban context or in keeping with the character, environment and landscape of the area, and does not provide for sufficiently legible streetscape.

It is further considered that the proposed as proposed in this area would endanger public safety by reason of traffic hazard and obstruction of road users, particularly vulnerable road users with regard to the relationship between the development site and the existing public footpath on Church Road, and would not accord with the requirements of DMURS, which assigns 'higher priority to pedestrians, cyclists without unduly compromising vehicle movement, in order to create secure, connected places that work for all members of the community', and recommends against 'frontage-free' streets. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

16th November 2021

ABP-310697-21

Inspector's Report

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