



An
Bord
Pleanála

Inspector's Report ABP-310794-21.

Development	Permission to modify permitted development Reg Ref. 19/1673 to construct 32 dwellings in lieu of the 23 permitted. Permission is also sought for bin storage enclosures, landscaping, car parking, cycle parking, boundary treatments, vehicular and pedestrian access and all associated services.
Location	Cahernaun, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	21/732.
Applicant(s)	Bilberrylane Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Bilberrylane 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 the settlement boundary of Loughrea, which is located approximately 30km to the south-east of Galway City and located on the N65, National Primary Road, approximately 8km to the south of the M6 Galway to Dublin Motorway. Loughrea is located on the northern shores of Lough Rea and includes a vibrant commercial core which retains its historical form and streetscape.
- 1.2. The site is located immediately to the south of the Loughrea bypass (N65) and to the north-east of the town centre. This area of Loughrea comprises primarily residential developments. The site itself comprises a triangular shaped site to the east of the L-4946-4 road which connects the town centre to the bypass. The site the subject of this appeal, has a stated area of 0.9ha. The site has been the subject of a previous grant of planning permission for a residential development comprising 23 houses.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for development consisting of:
 - Modifications to the development permitted under Reg. Ref. 19/1673 and will comprise the provision of 32no. residential dwellings in lieu of previously permitted 23no. residential dwellings.
 - The proposed 32no. dwelling units (6no. 2 bed duplex units over 6no. 1 bed apartment units, 9no. 2 bed terraced houses and 11no. three bed terraced and semi-detached houses) will be arranged around a central public open space (1661sq.m) with private amenity spaces comprising rear gardens for the proposed houses and terraces/ balconies for the proposed duplex and apartment units.
 - Communal amenity spaces (totalling c.434sq.m) are also proposed to the rear of the duplex and apartment units.
 - Permission is also sought for bin storage enclosures, hard and soft landscaping, car parking, cycle parking, boundary treatments, vehicular and

pedestrian access from Cahernaun Park Road including provision of a footpath on the south-western boundary of the site and all associated site development and infrastructure works. Gross floor space of proposed works c.2,899sqm,

all at Cahernaun, Co. Galway, Co. Galway.

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

- Plans, particulars and completed planning application form.
- Planning Report
- Architects Report
- Engineering Report
- Transport Assessment Report

2.3. The Board will note that further information was submitted by the applicant to the PA following the submission of the application. The FI submitted related to correspondence with Irish Water, advising that the proposed development can be facilitated.

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. Based on the information submitted, the planning authority is not satisfied that the proposed pedestrian connectivity is adequate or that same can be satisfactorily implemented as it is partially located outside of the site boundary. Therefore, if permitted as proposed the development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

2. It is considered that the proposed development by reason of, the substandard configuration of units 14-15 which provides for a poor layout resulting in some units overlooking boundary walls, in conjunction with the proximity of a number of units to the local street in conjunction with the aspect provided to that street, it is considered that the proposal would constitute a substandard quality of residential design, would be contrary to Objective UD3 of the Loughrea Local Area Plan 2012-2022 and therefore be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Report

The 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 Loughrea Local Area Plan. The report includes a Flood Risk Assessment, noting that the site is located outside any identified food risk area and is identified as Flood Zone C. The report also included an Appropriate Assessment Screening and EIA.

The Planning Report notes a number of concerns with the proposed development in terms of the housing type proposed, noting that apartments 'are open for consideration' at this location rather than 'permitted in principle'. The report submits that the level of apartment type development is not considered appropriate. In addition, the report considers that the development is not acceptable in terms of the layout of a number of units which are not considered to comply with the Development Management Standards, the height of the buildings and boundary treatments. Further concerns are noted in terms of traffic and transportation, with particular reference to the proposed provision of uncontrolled pedestrian crossings.

The report notes the provisions of the CDP in terms of the development of lands zoned Residential (Phase 2), which states that there will be a general presumption against residential development on such zoned lands within the lifetime of the LAP, subject to the exceptions provided for under Objective RD1. The report concludes that the proposed development is contrary to the provisions of the LAP in this regard.

The Planning Officers report concludes that proposed development is not acceptable and recommends that permission be refused for the proposed development, for 5 stated reasons. This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission and the Board will note the comments in the report from the SEP and the Director of Services who refused permission for two stated reasons.

3.1.2. Other Technical Reports

None.

3.1.3. Prescribed Bodies

TII: The Authority will rely on the PA to abide by official policy in relation to development on/affecting national roads.

3.1.4. Third Party Submissions

None.

4.0 Planning History

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

PA ref 06/4520: Permission granted for retention of alterations made to creche/shop to include a pre-school and a revised creche layout (previous pl. ref. 03/6635) and all associated works. (Gross floor area 295 sqm).

PA ref 19/1673: Permission granted for development consisting of the proposed construction of 23 No. residential dwelling consisting of; 12 No. Type A - four bedroom semi-detached, 4 No. Type B - three bedroom semi-detached, 7 No. Type C - three bedroom terraced houses, vehicular site entrance from Caheronaun Park Rd, boundary treatments, public open space, provision of foul and surface water connection/disposal, site lighting and all associated site works. Gross floor space of proposed works: c.3014 sqm.

PA ref 20/1539: Permission refused for development consisting of the proposed construction of 46 No. residential dwellings consisting of; 6 No. Type A - two

bedroom terraced houses, 2 No. Type B - three bedroom end of terrace houses, 36 No. Duplex (comprising 18 No. Type C, single level 1 bedroom duplex units and 18 No. Type D, two level 2 bedroom duplex units), 2 No. Type E - three bedroom end of terrace houses, vehicular site entrance from Cahernaun Park Rd, boundary treatments, public open space, provision of foul and surface water connection/disposal, site lighting and all associated site works. Gross floor space of proposed works 4,183 sqm.

The 6 reasons for refusal relate to the following:

1. Density would materially contravene Objectives LU14 and LU15 of the Lougrea LAP 2012-2022.
2. Development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.
3. Lack of pedestrian connectivity to the wider pedestrian network.
4. Noise impact associated with the proximity to the N65 and the L-4196.
5. Lack of variation in design, substandard configuration, deficiencies in internal storage provision constitutes a substandard quality of residential design and would be injurious to residential amenity.
6. Capacity in the public wastewater and water supply infrastructure and potential to adversely affect the QIs and conservation objectives of European Sites.

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.

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. **Galway County Development Plan 2015-2021**

5.4.1. Section 2.6.1 Settlement Hierarchy

Loughrea is a Tier 4 'Key Towns/Other Towns' as detailed in the Plan and where section 2.6.5 Key Towns/Other Towns (Population >1,500) is relevant.

The towns in this tier of the hierarchy include Loughrea and it is noted these towns hold important positions within the County as key service centres and drivers of growth for their immediate and surrounding area. The key towns have a high degree of self-sufficiency, reduce the demand for travel and provide a good quality of life for residents.

5.4.2. 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.

5.4.3. The following objectives are considered relevant:

Objective UHO7 – High Quality/Mix and Sensitive Design

Objective UHO8 – Urban Design

5.4.4. **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.

5.4.5. **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.

5.5. **Loughrea Local Area Plan 2012 - 2022**

5.5.1. The LAP complements the implementation of the current Galway City Development Plan 2017-2023. The site is located to the north-western edge of the zoned area of the town of Loughrea, zoned R - Phase 2, 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: The PA seeks to reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of the town. Residential (Phase 2) lands are generally not developable within the lifetime of this Plan, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of this Local Area Plan subject to a suitable case being made for the proposal:

- a) Single house developments for family members on family-owned lands.
- b) Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area.
- c) Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands.

The above exceptions will be subject to compliance with the Core Strategy in the Galway County Development Plan, the policies and objectives in this Local Area Plan, the principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. Developments will only be permitted where a substantiated

case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of the town

Objective RD2 – Quality Housing Environments.

Objective RD3 – Housing Options

Objective RD4 – Open Space in Residential Areas.

5.5.2. Section 3.7.2 of the LAP deals with Urban Design & Landscape Policies & Objectives where the following are considered relevant:

Objective UD1 – High Quality, Context Sensitive Design

Objective UD2 – Public Spaces and Streets

Objective UD3 – Spatial Definition and Animation.

5.6. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Lough Rea SAC (Site Code: 000304) and Lough Rea SPA (Site Code: 004134) which are located approximately 1km to the south of the site.

5.7. **EIA Screening**

5.7.1. 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.

5.7.2. 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.)

5.7.3. The proposed development comprises 32 residential units in the form of semi-detached and terraced houses, as well as duplex and apartments on a site of 0.9ha. The site is located on peripheral zoned lands within the settlement boundary of Loughrea 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 north-east of the town centre and the primary CBD. 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.

5.7.4. 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.

5.7.5. 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 application relates to modifications to a previously permitted development to provide 32 no. 1, 2 and 3 bed dwelling units in lieu of the 23no. 3 and 4 bed dwelling units on the site.
- The principle of residential development has been established under permission Reg. Ref: 19/1673 and the proposed layout replicates the permitted layout.
- The proposed development will facilitate a more efficient use of serviced lands and will enhance the variety of unit types and options for housing tenure. The current social housing demand in Loughrea is for 1 and 2 bed units.

Reason for Refusal 1:

- The development provides for enhanced pedestrian connectivity to Caheronaun Park Road when compared to the previously permitted development.
- The development proposes additional pedestrian facilities to improve pedestrian safety and connectivity including extending a 2m footpath to the south-western boundary of the site and eastern edge of the public road and the provision of dropped kerbs and tactile paving on the eastern and western edges of the public road to form two uncontrolled pedestrian crossing points to the existing footpath on the western edge of the public road.

- The entire length of the proposed footpath is on lands within the applicants' ownership.
- The proposed relatively minor works can be agreed with the PA by way of condition and prior to commencement of development.
- Contrary to reason no. 1, the proposed development will serve to improve pedestrian facilities on the public road as confirmed by the submitted Transport Assessment Report and Stage 1 Road Safety Audit.
- Reason no. 1 should be dismissed, and permission granted for the proposed development.

Reason No. 2:

- The proposed layout provides both responsive building frontages and passive surveillance through careful consideration of the design and layout of proposed units 16/17 located to the north of units 14 and 15.
- The development as proposed is a significant improvement on the permitted design.
- The southern elevation of proposed units 16/17 has been designed to 'turn the corner' and create animation and interest along this end of the streetscape through a variety of materials and additional fenestration.
- The future residents of the proposed units will have access to generous living spaces in excess of the relevant standards.
- There are no implications for privacy or overlooking.

It is requested that the Board overturn the decision of the PA and grant permission for the proposed development.

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

- Attachment A: Galway Co. Co. Social Housing Demand for Loughrea
- Attachment B: Copy of PAs decision

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 & Residential Amenity
3. Roads & Traffic Issues
4. 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 Loughrea Local Area Plan 2012-2022. The Board will note that the zoning is identified as Phase 2 and, in this regard, Policy RD 2 of the LAP provides that there shall be a general presumption against residential development on lands zoned Residential (Phase 2) within in the lifetime of the LAP, subject to the exceptions provided for under Objective RD1. Objective RD1 – Phase Residential Development, supports

the development of lands designated as Phase 1 residential within the lifetime of the LAP, and reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of the town. While I acknowledge the thrust of this objective, the Board will note that there is an extant permission for the construction of 23 housing units on the subject site. Therefore, I consider it reasonable to accept the principle of the proposed development, which seeks to modify this permitted development by providing an additional 9 residential units within the scheme.

- 7.2.2. Having regard to the location of the site within the settlement boundary of the town of Loughrea, together with the planning history of the site, 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 & Residential Amenity:

- 7.3.1. The Board will note that the Planning Authority refused permission for the proposed development subject to 2 reasons as detailed above in Section 3.1 of this report. While I will discuss matters relating to roads and transport, further in Section 7.4 of this report, reason for refusal no 2 relates to matters relating to design and layout. The reason also cites non-compliance with objective UD3 of the Loughrea LAP which relates to Spatial Definition and Animation.
- 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 northern boundary of the town of Loughrea and within an area which primarily comprises residential developments. Loughrea is identified as a Tier 4 'Key Towns/Other Towns' as detailed in the Galway County Development Plan, and it is noted these towns hold important positions within the County as key service centres and drivers of growth for their immediate and surrounding area. The key towns have a high degree of self-sufficiency, reduce the demand for travel and provide a good quality of life for residents. Given the planning history of the site, and the extant permission for 23 residential units on the site, the proposed residential development is considered acceptable and in compliance with the general thrust of national guidelines and strategies

7.3.4. The Board will note that as Loughrea is located approximately 30km from Galway City, it is identified as being located within the Galway Transportation and Planning Study Area. The Core Strategy of the Loughrea LAP identifies Loughrea as having been assigned a population growth target of 1,133 persons by 2015 with a housing land requirement of 32.68ha. I note that the census returns for 2016 indicates a population growth of 494 in the period. The Board will also note that Galway County Council issued a Deferral of Notice under 19(1)(d) of the Act for a period of 5 years in relation to the Loughrea LAP from the 24th of July 2017. Having regard to the above, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. I am satisfied that as the site is accessible to the amenities of Loughrea and is serviceable by public water services, the development is acceptable in principle.

Density:

7.3.5. 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. 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.'

7.3.6. 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.

7.3.7. 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, and 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.

7.3.8. The subject site, at the edge of the development boundary of the town, lies approximately 600m from the town centre of Loughrea, and as such, is within

walking distances to shops and services. The Loughrea 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 32 houses on a site covering a total of 0.9ha as indicated on the submitted planning application form although I note that the Planning Report submitted with the application indicates a site area of 0.98ha. The density of the development is therefore calculated at 32.6 to 35.5 units/ha.

- 7.3.9. The Galway County Development Plan states low to medium residential density should have a density of between 15-35 units per hectare. Having regard to the planning history of the site, together with the proposed modifications to the unit type and mix proposed in the current proposal, overall, I am satisfied that the proposed scheme generally accords with the requirements of the national guidelines.

Layout & Design:

- 7.3.10. The development proposes 32 new residential units on the triangular shaped site, which bounds existing residential development (Dansefort Drive) to the south, and open fields to the east. The site has a substantial road frontage length along Caheronaun Park to the west and the Loughrea Bypass lies to the north. Permission has been granted for the development of a residential development comprising two rows of dwellings orientated east to west along the southern side of the site, and north to south along the eastern boundary of the site. The majority of the permitted houses overlook a central area of public open space which lies to the west of the site. The current proposed layout reflects this permitted scheme and includes a higher density of development through the use of a different mix and typology of residential units.
- 7.3.11. Section 6.8 of the Sustainable Residential Development in Urban Areas, 2009 guidelines provide 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.

7.3.12. Having regard to the above criteria, the Board will note that the planning authority concluded that the development, 'would constitute a substandard quality of residential design, would be contrary to objective UD3 of the Loughrea Local Area Plan 2012-2022 and therefore be contrary to the proper planning and sustainable development of the area'.

7.3.13. Having regard to all of the information on the file, I would note that the primary concerns of the PA appear to relate to the layout in terms of 2 units – nos. 14 and 15 as they face onto 'gable walls with sub-optimum animation and lateral boundary treatments'. The Planning Report also notes concerns in terms of the proximity of Units 1, 2 and 32 to the local road – being less than the 15m setback required in DM Standard 21: Building Lines of the Galway CDP. I note the Director of Services concluded that the development contravenes objective UD3 of the Loughrea LAP. Objective UD3 – Spatial Definition and Animation of the LAP states as follows:

Ensure that new developments are designed to provide spatial definition and animation to public spaces and streets through the use of appropriate building lines and built forms, responsive building frontages and passive surveillance and high-quality streetscapes and/or landscaping edges to enclose and address public spaces. Perimeter block typologies provide a useful approach in generating good spatial definition, adequate enclosure and a high-quality public realm and the creation of focal points, such as landmark buildings and gateways, also help to improve spatial definition and legibility and will be encouraged in appropriate locations.

7.3.14. I have consulted the details of the permitted development on the subject site and note that the situation in terms of proposed units 14 and 15 are essentially the same as previously permitted. I acknowledge the alterations to the elevation of unit 16 / 17 to the north of the houses which now provides for additional fenestration serving a kitchen/living room, bathroom and bedroom at ground floor level, offering a level of

passive surveillance onto the street. In terms of the location of proposed units 1, 2 and 32, the Board will note that these lie between 5 – 10m from the Carheronaun Park Road. The LAP requires that the building line of houses onto local roads is 15m. However, the layout of the houses presents the gables to the local road and as such, I consider that the proposed layout as presented is acceptable.

7.3.15. Of the proposed 32 new residential units proposed, only 4 do not directly overlook the large area of public open space. In the context of the overall scheme therefore, 87.5% of the houses will overlook public amenity spaces. 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, having regard to its context within the town of Loughrea. I would also acknowledge that the layout has sought to create a sense of identity and place within the scheme. I would also accept that the design and materials of the proposed houses would not contribute negatively to the surroundings of the site. In terms of the overall design and layout, I am satisfied that the layout of the site can be considered acceptable and, I am satisfied that the development does not contravene objective UD3 of the Loughrea LAP.

Unit Mix & Typology:

7.3.16. The development proposes a mix of 6 residential types including 6no. 2 bed duplex units over 6no. 1 bed apartment units, 9no. 2 bed terraced houses and 11no. three bed terraced and semi-detached houses. The houses will be provided in the form of semi-detached and terraced houses, while two blocks of apartment / duplex units are proposed. The unit types are as follows:

Unit type	Number	%
1 bed apart	6	18.75%
2 bed duplex	6	18.75%
2 bed houses	9	28.125%
3 bed houses	11	34.375%

7.3.17. I would acknowledge that the previously permitted development on the site did not include apartments or duplex units, which have provided for a greater mix of housing typologies across the site and has resulted in the increased density now proposed at this location. In acknowledging the national guidance in terms of residential density, I note the location of the subject site in terms of Loughrea, as well as the details of the Galway County Council Social Housing Demand for Loughrea submitted with the first-party appeal. This document is updated regularly and on checking today (16th December 2021) I would advise that the figures presented have not significantly altered. It is clear that the demand for housing in Loughrea and Environs is primarily for 1 and two bed units, comprising 81.25% of the demand. 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.

7.3.18. 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 Loughrea 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.’.

7.3.19. Having regard to the context of the subject site on the edge of the town of Loughrea, where existing housing developments adjoining the site comprise primarily estates of two-storey semi-detached houses, together with a small number of one-off houses on large sites, I consider that the greater housing mix and type now proposed in this current scheme to add to the housing variety within the general area, can be considered acceptable and appropriate in terms of choice available and options for various stages of the lifecycle. I am satisfied therefore, that the development will attract an appropriate mix of households or population mix and would not meet the aspirations of a range of people or households. I would consider this to be in accordance with good planning practice and in compliance with the aforementioned ministerial guidelines and the Urban Design Manual.

Residential Amenity:

7.3.20. Chapter 3 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines provide for Apartment Design Standards. Having regard to the proposed modifications to the extant permission, I consider it reasonable to consider the proposed apartment and duplex units against the guideline requirements as follows:

a) *Apartment floor area:*

The Guidelines, Specific Planning Policy Requirement 3, require that the minimum floor areas be applied to apartment developments. The proposed development provides for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
6 x One bedroom	45.0m ²	6 x 61m ²	366m ²
6 x Two bedrooms (4 persons)	73.0m ²	6 x 113.2m ²	679.2m ²
12 units in Total			1,045.2m²

In addition to the 20 houses, the development proposes 6 x 1 bedroom apartments and 6 x 2 bedroom duplex units. All apartments proposed achieve the minimum floor area required by the guidelines. I also note that the proposed two bedroom (4 persons) offer accords with the maximum 10% provided for in the 2020 Guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
One bedroom	3.3 m	23.0m ²
Two bedrooms (4 person)	3.6 m	30.0m ²

* Combined Living / Dining / Bedspace, also includes circulation.

In terms of the above, I am satisfied that the proposed apartments and duplex units all fully accord with the above requirements.

b) Safeguarding Higher Standards

It is a requirement that 'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'.

Having regard to the proposed floor areas of all proposed 12 apartments, I am satisfied that all exceed the minimum floor area standards of the 2020 Apartment Guidelines.

c) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The Board will note that all proposed apartments are dual aspect with an east and western aspect. The proposed units nos. 16 & 17 and 22 & 23 include windows on the southern elevation. The Guidelines require, SPPR 4 refers, that at least 33% of units are dual aspect and, in this regard, the proposed development complies with the 2020 Apartment Guidelines. There are no units with a single northern aspect and all apartments are afforded private amenity spaces in the form of terraces or balconies which meet the recommended 1.5m minimum depth required in the Guidelines.

d) *Floor to Ceiling Height:*

It is a specific policy requirement, SPPR 5, that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The sections submitted with the planning documents and appeal indicate that a floor to ceiling height of 2.675m at ground floor level, and 2.45m across the two floors of the duplex units overhead. Given the overall proposed height of the buildings, at 2½ storeys, I am satisfied that the floor to ceiling heights as proposed are acceptable in accordance with the requirements of the guidelines.

e) *Lift & Stair Cores:*

Not relevant in the current scheme.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines, and it is noted that said storage 'should be additional to kitchen presses and bedroom

furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².'

The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The Board will note that the development proposes external bike storage facilities to serve the development. The minimum storage space requirements are identified as follows:

Minimum storage space requirements

One bedroom	3 sq m
Two bedrooms (4 person)	6 sq m

In the context of the proposed apartments within the development, the Board will note that the submitted drawings indicate that storage is provided within each apartment, with additional bike storage facilities also provided remotely. I am satisfied that the storage provision for each apartment is acceptable.

g) Private Amenity Space:

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

Minimum floor area for private amenity space

One bedroom	5 sq m
Two bedrooms (4 person)	7 sq m

All apartments are provided with balconies or terraces, all of which appear to achieve the recommended area and 1.5m minimum depth required in the Guidelines. All private open spaces adjoin and have a functional relationship with the main living areas of the apartments and primarily have a western or eastern aspect.

h) Security Considerations

Having regard to the design and scale of the proposed apartment element of the overall scheme, I am satisfied that this element of the Guidelines is not particularly relevant. In any case, I am satisfied that the proposed scheme would provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Each apartment is an 'own door' unit.

7.3.21. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. Given the nominal scale of the proposed apartment development within the wider scheme, I am satisfied that the communal areas proposed are adequately sized. The development proposes two bin and bike storage areas within the development which will be accessible to all residents. I am satisfied that the communal facilities proposed are appropriate and acceptable.

7.3.22. The proposed open space to serve the development will occupy a stated area of 1661.4m² which exceeds the requirements for the development. I note that car parking is provided to the front of each unit within the development, including the apartments, with additional visitor car parking spaces proposed adjacent to the public open space. I am satisfied that there are no issues arising in relation to these elements of the proposed scheme and I have no objection to the development in the context of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020, and residential amenity.

7.4. Roads & Traffic Issues

7.4.1. The extant permission on the site provides for a vehicular access onto Carheronaun Park Road. The site entrance is located within the 50km/p/h speed limit for the town of Loughrea. The Board will note that Galway County Council refused planning permission for the proposed modification to the permitted development which included a reason relating to roads issues, submitting that the development would

endanger public safety by reason of traffic hazard, obstruction of road users or otherwise. The primary concern raised by the PA is based on proposed pedestrian connectivity, or that the proposals for same can be satisfactorily implemented, as it is partially located outside the development site boundary.

7.4.2. The proposed development seeks to construct a 2m wide footpath from the proposed (permitted) entrance to the site for a length of 55m along the south-western boundary of the site and to the east side of Carheronaun Park Road. At the end of the proposed footpath, the applicant proposes to provide a dropped kerb and tactile paving to form an uncontrolled pedestrian crossing, to connect with the existing public footpath across the road. The proposal will require the same works, dropped kerb and tactile paving, to the existing footpath located to the western side of Carheronaun Park Road. The existing footpath to the west of Carheronaun Park Road extends from the Carrig Mor residential estate, across the road from the subject site, and continues all the way into the town centre.

7.4.3. I also note that the Transportation Assessment Report and Stage 1 Road Safety Audit, submitted with the application, suggest that the existing road network, including all junctions, has adequate capacity to accommodate the proposed development. The traffic count survey carried out indicates a 2-way flow of approximately 367 PCUs in the AM peak hour and 370 PCUs in the PM peak hour. The road is indicated as having a free flow link capacity of approximately 800-1,000 PCDs per direction, per hour. In these terms, the road is considered to be lightly to moderately trafficked. The TRICS assessment output indicates that the development will create low trip rates and in terms of traffic capacity with the development in place, I note that the Transportation Assessment Report has assigned the traffic as 100% new trips for the purposes of the assessment. The worst-case traffic increases on the local roads with the development in place are less than the lower TII recommended threshold of 5%, ranging from 0.3% - 3.35%.

7.4.4. In terms of the submitted Road Safety Audit Stage 1, the Board will note that the RSA identifies two problems. Section 3 of the submitted report considers the identified problems with regard to sight lines to the south of the proposed entrance and the provision of the uncontrolled pedestrian crossing.

- 7.4.5. The RSA recommends that the visibility in the vertical plane be checked for compliance. I note that the report indicates that the entrance has been checked and is compliant with DMURS, meeting the appropriate road safety standards. I also note that the Roads Section of Galway County Council did not raise issues with the previous application in terms of sight distances at the entrance and no report was submitted with regard to the proposed modification to the permitted development.
- 7.4.6. In terms of the uncontrolled pedestrian crossing, I would suggest that the proposed footpath and crossing are the likely pedestrian desire lines from the development site, and I consider it appropriate to provide suitable crossings for pedestrians and vulnerable road users. I would note that the provision of such a crossing is likely outside the control of the applicant. I do not, however, consider that the proposed development should fall on this matter alone.
- 7.4.7. 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. While I would share the concerns raised by the PA in relation to pedestrian connectivity and safety, I would acknowledge the submission of the applicant / appellant and agree that the works proposed will provide an improved situation for vulnerable road users, including pedestrians, when compared to the access provisions already permitted for the development of the site, without unduly compromising vehicle movement.
- 7.4.8. As such, should the Board be minded to grant permission, I recommend that a condition requiring agreement with the Planning Authority for the provision of safe pedestrian access to the public footpath to the west of Carheronaun Park Road 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 of the pedestrian crossing should be borne by the applicant.

7.5. Other Issues

7.6. Water Services

The Board will note that Irish Water have advised that the proposed connection to the Irish Water Network in Loughrea can be facilitated. In terms of the water connection, IW have advised that a connection to the existing 300mm sewer at the north of the site can be facilitated. It is noted that the sewer appears to be a private piece of infrastructure which traverses the application site. Connections to IW infrastructure is feasible without upgrade to the network. Having regard to the information available to me, I have no objections to the proposed development in terms of water services.

7.6.1. Part V

The proposed development seeks to construct 32 residential units on a site covering 0.9ha in the town of Loughrea 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 Rea SAC (Site Code: 000304) and Lough Rea SPA (Site Code: 004134) which are located approximately 1km to the south 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, Attachment C of the BMA Planning Report. The one-page document notes that the assessment is based on a desktop assessment of existing published information and guidance and notes the 6 nearest Natura 2000 sites within 13km of the site. The report does not include any great assessment of potential impacts associated with the proposed development on the identified Natura 2000 sites and advises as follows:

‘...our conclusion is that the proposed development will not have any effect on the nearest Natura 2000 sites and a full Appropriate Assessment is not required in this instance.’

8.2.2. The Planning Authority Appropriate Assessment notes that ‘a number of housing developments have been permitted in proximity to the site, which were subject to AA, where significant adverse effects on European sites were ruled out subject to mitigation measures, as appropriate’. In terms of plans, the PAs AA screening report notes the provisions of the CDP, which was subject to a Natura Impact Report and includes a number of policies and objectives to protect European Sites. Lough Rea SAC, Lough Rea SPA and the Rahasane Turlough SPA are identified by the PA as being the European Sites most at risk of likely significant effects arising from the proposed development. I note that the PA concludes as follows:

‘Having regard to the outstanding concerns in surface disposal proposals arising from the proposed development, the planning authority as the competent authority consider that likely significant effects arising from the proposed development on European sites, (indirectly/cumulatively) cannot be screened out at this time.’

In terms of the above conclusion, the Board will note that the Galway County Council Senior Executive Planner did not agree and recommended that the Planning Officers reason for refusal no. 5 be omitted.

8.3. Consultations and Observations

- 8.3.1. I note that there were no third-party submissions in relation to the subject proposed development and as such, no concerns were raised in terms of ecological issues, other than those raised in the Galway County Council Executive Planners report.

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. I acknowledge the AA Screening report submitted with the application, and the proximity of the site to the Lough Rea SAC (Site Code: 000304) and Lough Rea SPA (Site Code: 004134) which are located approximately 1km to the south of the site. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 7 Natura 2000 Sites occurring within a 15km radius of the site. I am satisfied that following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the following sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 3 Natura 2000 sites can be excluded at the preliminary stage:

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

8.4.3. In terms of Lough Rea SAC (Site Code: 000304) and Lough Rea SPA (Site Code: 004134), the Board will note that these sites are the closest Natura 2000 sites to the proposed development site. However, in terms of potential impacts arising, I note that the only real one would relate to impacts on water quality. The proposed development will connect to the Loughrea WWTP, and I note that the plant discharges to the St. Cleran's River. This river, however, flows from Lough Rea before joining the Craughwell River near Cahirkinmonwee, and as such, there is no hydrological link to Lough Rea. Therefore, no potential significant impacts on Lough Rea are reasonably foreseeable or arising as a result of the proposed development.

8.4.4. Rahasane Turlough SAC (Site Code: 000322) and Rahasane Turlough SPA (Site Code: 004089) are located approximately 13km to the west of the subject site. In terms of Appropriate Assessment, I include them here as there is a potential hydrological connection between the Loughrea Wastewater Treatment Plant, which is located at Ballygasty over 1km to the north of the town. As indicated above, the proposed development will connect to the Loughrea WWTP, and I note that the plant discharges to the St. Cleran's River which flows from Lough Rea before joining the Craughwell River near Cahirkinmonwee, approximately 3.7km to the east of the Natura 2000 sites associated with Rahasane Turlough.

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

- Rahasane Turlough SAC (Site Code: 000322)

- Rahasane Turlough SPA (Site Code: 004089)

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

- 8.5.1. The subject development site is located at the northern boundary of the zoned land area in the town of Loughrea in Co. Galway. The site is located within the speed limit of the town and in an area where the predominance of development is residential adjacent to the Loughrea bypass. 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 sites:

European Site	Qualifying Interests
Rahasane Turlough SAC (Site Code: 000322)	3180 Turloughs*
Rahasane Turlough SPA (Site Code: 004089)	A038 Whooper Swan <i>Cygnus cygnus</i> A050 Wigeon <i>Anas penelope</i> A140 Golden Plover <i>Pluvialis apricaria</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A395 Greenland White-fronted Goose <i>Anser albifrons flavirostris</i>

Rahasane Turlough SAC (Site Code: 000322)

- 8.5.3. Rahasane Turlough lies in gently undulating land, approximately 2 km west of Craughwell, Co. Galway. It consists of two basins which are connected at times of flood but separated as the waters decline. The larger of these, the northern basin, takes the Dunkellin River westwards.
- 8.5.4. Rahasane Turlough is of major ecological significance as one of only two large turloughs in the country which still function naturally. It is the most important turlough in Ireland for birdlife. In a relatively recent national survey, it was also rated very highly for its vegetation, and supports two rare species listed in the Irish Red Data

Book. Turloughs are a rare habitat type and are given priority status under Annex I of the E.U. Habitats Directive.

Rahasane Turlough SPA (Site Code: 004089)

8.5.5. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation importance for the following species: Whooper Swan, Greenland Whitefronted Goose, Wigeon, Golden Plover and Black-tailed Godwit. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. Rahasane is a traditional site for Greenland White-fronted Goose and supports a population of national importance.

8.5.6. Rahasane Turlough SPA is of high ornithological importance, and it supports nationally important populations of four species and an internationally important population of one. The Wigeon and Golden Plover populations are of particular note as they each represent approximately 4% of the All-Ireland totals of these species. The regular occurrence of Greenland White-fronted Goose, Whooper Swan and Golden Plover is of note as these species are listed on Annex I of the E.U. Birds Directive.

8.6. Conservation Objectives:

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

European Site	Conservation Objectives
<p>Rahasane Turlough SAC (Site Code: 000322)</p> <p>Located approx. 13km to the west 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 Turloughs in Rahasane Turlough SAC as a Qualifying Interest, as defined by a list of attributes and targets.
<p>Rahasane Turlough SPA (Site Code: 004089)</p>	<ul style="list-style-type: none"> The NPWS has not identified site-specific conservation objectives for the site. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation condition of

<p>Located approx. 13km to the west of the site</p>	<p>the bird species listed as Special Conservation Interests for this SPA.</p> <ul style="list-style-type: none"> • To acknowledge the importance of Ireland's wetlands to wintering waterbirds a second objective is included as follows: • To maintain or restore the favourable conservation condition of the wetland habitat at Rahasane Turlough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
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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 13km from the boundary of the identified designated sites. 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 Loughrea WWTP has an organic capacity of PE of 9,500 and the 2020 Treatment Capacity Report for the plant indicates that the plant has a current remaining capacity of 2,262 PE. The report indicates that the capacity of the plant will not be exceeded in the next 3 years.

Having regard to the planning history of the site, and the extant permission for the construction of 23 houses, the overall scale of the proposed development together with the pre-connection enquiry response from Irish Water, 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.

I note that the discharge from the Loughrea WWTP may act as a conduit for pollutants to reach Natura 2000 sites to the west, and where deterioration of water quality can directly affect conservation objectives for a number of qualifying interests of the Rahasane Turlough SAC and SPA. I would suggest, however, that the pathway between the site and the SAC / SPA is weak, but it is a potential link and as such, the development may give rise to impacts on water quality.

8.8. In Combination / Cumulative Effects

- 8.8.1. I note that the applicant submitted details of a planning search for developments on both Phase 1 and Phase 2 Residential zoned lands, Attachment B of the Planning Report submitted with the application. I have examined the information provided in the context that all developments cited may act in combination with the subject application in terms of the potential impact on the Loughrea WWTP. It is also noted that there is adequate capacity in the Loughrea WWTP to accommodate the development proposed. I note that the developments carried out in the town between 2015-2020 has resulted in an increased PE loading in the WWTP in the order of

2,115. The remaining capacity in the system suggests that there is at least a further 5 years+ PE capacity remaining.

8.8.2. Given the nature of the proposed development, being the construction of a housing scheme of 32 units – an increase of 9 units from the extant permission on the site, I consider that any potential for in-combination effects on water quality in Rahasane Turlough can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in Rahasane Turlough 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, 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 Rahasane Turlough SAC (Site Code: 000322) and Rahasane Turlough SPA (Site Code: 004089). 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 Loughrea WWTP to accommodate the residential development, together with the details presented in the AA Screening Report, 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 Rahasane Turlough SAC (Site Code: 000322) and Rahasane Turlough SPA (Site Code: 004089), or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

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

10.0 Reasons and Considerations

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

11.0 Conditions

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

Reason: In the interest of clarity.

2. Prior to the commencement of any development on site, the developer shall agree in writing with the Planning Authority, proposals for the provision of safe pedestrian access to the public footpath to the west of Carheronaun Park Road. The associated works shall be carried out and completed prior to the occupation of any of the proposed residential units. The cost for the provision of the pedestrian crossing should be borne by the applicant.

Reason: In the interests of amenity and public safety

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.

A. Considine
Planning Inspector
16th December 2021