



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-310796-21**

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#### **Strategic Housing Development**

Demolition of buildings on site,  
construction of 114 no. residential  
units (76 no. houses, 38 no.  
apartments), creche and associated  
site works.

#### **Location**

Lakeview, Claregalway, Co. Galway.

#### **Planning Authority**

Galway County Council

#### **Prospective Applicant**

King Construction Ltd.

#### **Date of Consultation Meeting**

27<sup>th</sup> September 2021

#### **Date of Site Inspection**

20<sup>th</sup> September 2021

**Inspector**

Una O'Neill

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## 1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. The site is located 1.2km to the south east of Claregalway village centre in County Galway. Claregalway or Baile Chláir is located approximately 10 kilometres northeast of Galway City, within the County Galway Gaeltacht. The village is situated where the N83 (formerly N17 Galway to Sligo Collooney) crosses the River Clare and is also at the junction with the R381 (formerly N18) Galway to Limerick. The village takes a linear form stretching from north of the Clare River to south of the N83/R381 junction. Claregalway in the past twenty years has seen notable flooding from the River Clare. Recent works by the OPW included drainage works to alleviate flooding including a new bridge. The northern extremity of the village comprises an ecclesiastical cluster with the castle and the remains of the Franciscan friary, a graveyard and the remains of the medieval parish church providing an impressive backdrop for the village on the banks of the Clare River.
- 2.2. The development site is accessed at the junction of Lydican Road / Lakeview Road which connects with the R381. The overall site measures approximately 5.0122 hectares of which approximately 3.2415 hectares are considered developable. The site is bounded by the Cúirt na hAbhann housing estate to the north, agricultural lands to the east, ribbon type housing to the south, and GAA pitches and the Claregalway community centre to the west. To the southwest on the opposite site of Lakeview Road are two large primary and secondary schools. The River Clare is located to further east of the site.

- 2.3. The lands comprise grasslands, with the western field overgrown with the remnants of a decommissioned on-site treatment system and percolation area. The eastern field is agricultural in nature with fields for animal grazing, dry stone wall boundaries / hedgerows and 2 groupings of mature trees.
- 2.4. The north of the site is identified as a flood zone A and B and is zoned Open Space / Recreation and Amenity. The remainder of the site is zone Residential (Phase 2).

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the following elements:
1. Demolition of 1no. bungalow, 1no. agricultural shed and partial demolition of 1no agricultural shed.
  2. Construction of 114no. residential units comprising 76no. houses and 38no. apartments.
  3. Provision 197 car parking spaces.
  4. Provision of a 275sq.m (gross) childcare facility.
  5. Provision of shared communal and private open space, bicycle parking, public lighting, site landscaping, signage, and all associated site development works.

The following details as submitted by the applicant are noted:

Parameter	Site Proposal
<b>Application Site Area</b>	5 ha gross (of which flood zones and areas of zoned open space is 1.77ha)  3.24ha net.
<b>No. of Units</b>	114
<b>Density</b>	35 units per hectare
<b>Other Uses</b>	1 x childcare facility
<b>Public Open Space</b>	4862 sqm

<b>Height</b>	2-3 storey hses 1 x 3 storey block; 1 x 4 storey block
<b>Car Parking</b>	197 spaces

3.2. The breakdown of unit types as submitted by the applicant is as follows:

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Apartments</b>	11	33			44
<b>Houses</b>			46	24	70
					<b>114</b>
<b>%</b>	10%	29%	40%	21%	100%

## 4.0 Relevant Planning Policy

### 4.1. National Policy

#### 4.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: 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.

- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### 4.1.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Retail Planning, Guidelines for Planning Authorities (2012)

#### 4.2. **Regional Policy**

#### 4.2.1. **Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (January 2020)**

- As part of this RSES, a co-ordinated Metropolitan Area Strategic Plan (MASP) is prepared for Galway Metropolitan area and it provides a framework for development plans and investment prioritisation over the plan period.
- The MASP identifies Baile Chláir as a strategic location for growth and states the Galway Transport Strategy will be influential in ensuring the sustainable development of the town.
- The Galway Transport Strategy (GTS) will be implemented as an objective of the MASP. The GTS supports opportunities that will reduce congestion and car dependency through increased capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking, which in turn promotes the reduction of greenhouse gas emissions. The strategy includes traffic management, giving priority to walking, cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of 'smarter mobility'.

#### 4.3. **Local Planning Policy**

##### 4.3.1. **Galway County Development Plan 2015-2021:**

- Claregalway (Baile Chláir) is designated as a Tier 5 settlement within the settlement strategy.
- Core Strategy: Bile Chláir - pop. of 245 persons/76 units.
- Objective CS 2 – Development Consistent with the Core Strategy Galway County Council shall ensure that developments permitted within the County are consistent with the County population allocations set out in the Regional Planning Guidelines.
- Objective CS 5 – Phasing of Development of Lands The zoning of residential zoned lands within the urban areas shall be based on a phased, sequential approach as set out within the Local Area Plans, with a strong emphasis placed on consolidating existing patterns of development, encouraging infill opportunities and promoting sustainable transport options



- Objective UHO 7 – High Quality/Mix and Sensitive Design Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the existing character of the town centre/area in terms of scale, height, massing, building line, housing mix, urban grain and definition and through high quality design and layout proposals for buildings and structures.
- Objective UHO 8 – Urban Design Promote the use of sustainable urban design principles and approaches that will help to create high quality built and natural environments appropriate to the context and landscape setting of the specific area, having regard to the guidance contained in the Sustainable Residential Development in Urban Areas Guidelines 2009, the accompanying Urban Design Manual 2009 (or any updated version) and the Design Manual for Urban Roads & Streets (2013) (including any superseding document)
- Objective UHO 10 – Sequential Development Endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines 2009 (or as updated). This shall include a positive presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands in zoned towns and villages. In un-zoned towns and villages, the presumption shall be in favour of sequential development emanating from the town/village core outwards, subject to compliance with the principles of proper planning and sustainable development and the County Development Plan. This objective will not refer to single house build. Regarding the phasing of undeveloped residential zoned land, development on Residential – Phase 2 lands will normally only be considered

4.3.2. **Variation No.2(b) Galway County Development Plan 2015-2021 Gaeltacht Plan (which includes Baile Chláir):**

- The land use zoning objective pertaining to the main body of the site is R – Residential (Phase 2) with northern area zoned Open Space Recreation and Amenity.
- R2: Phase 2 Residential.

Zoning Objective “to protect, provide and improve residential amenity areas.”

Zoning Description: “To facilitate for the provision of high quality new residential development at appropriate densities with layout and design well linked to the village centre and community facilities. Phase 2 residential is generally not developable during the lifetime of this plan subject to the provisions below

- Single house developments for family members on family home lands
  - Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area;
  - Where it is apparent that R-Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development maybe considered in a phased manner on some residential (Phase 2 lands)”
- Section 2.3 Phasing: It is an objective of the Council that development is undertaken in an orderly and sustainable manner. The development of zoned land should generally be phased in accordance with a sequential approach... Only in exceptional circumstances should the above principles be contravened. Any exemptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal.
  - Objective CSB 2– Residential (R): Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of An Cheathrú Rua, An Spidéal and Baile Chláir settlement plans. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the three plan areas. A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under Objective DO1.
  - Objective CSB 4 – Open Spaces/Recreation & Amenity (OS): Promote the sustainable management, use and/or development, as appropriate, of the OS lands in An Cheathrú Rua, An Spidéal and Baile Chláir settlement plans. This will include the: Development of open spaces and recreational activities in accordance with best

practice and on suitable lands with adequate access to the local community. Retain existing open space and recreational facilities, unless it can be clearly demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community; Appropriate management and use of any flood risk areas within the OS Zone to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding; Appropriate management and use of any areas of high biodiversity including proposed Natural Heritage Areas.

- Objective CSB 13 – Residential Densities: Promote a range of residential densities within An Cheathrú Rua, An Spidéal and Baile Chláir settlement plan areas, that are appropriate to the prevailing development pattern, supporting infrastructure, urban character and heritage resources in accordance with the guidance in Sustainable Residential Development in Urban Areas Guidelines 2009 (or as updated within the lifetime of this plan). Higher residential densities should be encouraged at locations where it is appropriate to the existing context and density of the plan area, for example around the town centre and within convenient walking distance of public transport facilities, and where it will not unduly impact on built or natural heritage or impact adversely on the integrity of Natura 2000 sites. The density of residential developments will generally be in accordance with the guidance set out under DM Guideline CSB2, although the Planning Authority may consider higher residential densities where this is considered appropriate to the context and necessary to secure the urban design or other objectives of the plan. Development will only be permitted where there is capacity and/or adequate services can be made available.
- Objective DO 1 – Phased Residential Development: Support the development of lands designated as Residential (Phase 1) within the lifetime of the plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer term growth needs of the village. Residential (Phase 2) lands are generally not developable within the lifetime of these settlement plans, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of these plans subject to a suitable case being made for the proposal: Single house developments for family members on family owned lands; Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of

development in the area; 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 these plans, 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 village.

- Objective DO 2-Language Enurement Clause for Two or More Houses: (a) A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in An Cheathrú Rua and An Spidéal. The proportion of homes to which a language enurement clause will be a minimum of 80% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census whichever is greater; (b) A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in Baile Chláir. The proportion of homes to which a language enurement clause will be a minimum of 20% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census whichever is greater.
- Objective DO 6 – Flood Risk Management and Assessment: Ensure the implementation of the DoEHLG/OPW publication The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any updated/superseding document) in relation to flood risk management within An Cheathrú Rua, An Spidéal and Baile Chláir plan areas. This will include the following:  
Avoid, reduce and/or mitigate, as appropriate in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, the risk of flooding within the flood risk areas indicated on Maps– Flood Risk Management, including fluvial, coastal/tidal, pluvial and groundwater flooding, and any other flood risk areas that may be identified during the period of the Plan or in relation to a planning application.

Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a Site-Specific Flood Risk Assessment, and Justification Test where appropriate, in accordance with the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, (or any superseding document) and Circular PL2/2014 (as updated/ superseded). Any flood risk assessment should include an assessment of the potential impacts of climate change, such as an increase in the extent or probability of flooding, and any associated measures necessary to address these impacts.

Where certain measures proposed to mitigate or manage the risk of flooding associated with new developments are likely to result in significant effects to the environment or European sites downstream, such measures will undergo environmental assessment and Appropriate Assessment, as appropriate.

Galway County Council shall work with other bodies and organisations, as appropriate, to help protect critical infrastructure, including water and wastewater, within the County, from risk of flooding.

- Objective DO 7 – Flood Zones and Appropriate Land Uses:

(a) Protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate Flood Zone in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any superseding document) and the guidance contained in DM Guidance CSB 3- Flood Zones and Appropriate Land Uses. Where a development/land use is proposed that is inappropriate within the Flood Zone, then the development proposal will need to be accompanied by a Development Management Justification Test and Site-Specific Flood Risk Assessment in accordance with the criteria set out under with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and Circular PL2/2014 (as updated/superseded).

(b) Ensure that development proposals in areas identified in An Cheathrú Rua, An Spidéal and Baile Chláir plan areas within Flood Zone C that may be subject to potential flood risk from other sources (e.g. areas of indicative pluvial/groundwater flooding and identified alluvium soil areas) are required to be accompanied by a Site

Specific Risk Assessment in accordance with the criteria set out under The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Circular PL02/2014 (as updated/superseded).

For development proposals in all other areas of Flood Zone C, the developer should satisfy him or herself that the level of flood risk is appropriate to the development being proposed. Where, in the opinion of the Planning Authority, the development proposal is of such a scale that flood risk must be considered (e.g. creation of significant areas of new hard standing which could significantly increase run-off), the Planning Authority may request that a site-specific flood risk assessment be carried out in accordance with the criteria set out under The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Circular PL 2/2014 (as updated/superseded).

- Objective DO 8 – Specific Flood Risk Locations: Planning applications on lands in An Cheathrú Rua, An Spidéal and Baile Chláir, identified within pluvial PFRA areas outside of Indicative Flood Zone A on Flood Maps for An Cheathrú Rua, An Spidéal and Baile Chláir shall be accompanied by a Site Specific Flood Risk Assessment that corresponds with that outlined under Chapter 5 ‘Flooding and Development Management’ of The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009). Such assessments shall be prepared by suitably qualified experts with hydrological experience and shall quantify the risks and effects of any necessary mitigation, together with the measures needed or proposed to manage residual risks.
- DM Guideline CSB 2– Development Densities [table within Gaeltacht Plan].

## 5.0 Planning History

5.1. The following planning history is noted:

**ABP-304736-19:** Permission REFUSED for demolition of a house and construction of 30 no. houses. There were two reasons for refusal:

1. The site is located in an area zoned R – Residential Phase 2 in the Galway County Development Plan 2015-2021 Variation No. 2(b) Gaeltacht Plan. It is an objective of the Development Plan UHO 10 – Sequential Development to

endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities Towns and Villages) Guidelines 2009. This shall include a positive presumption in favour of the sequential development of suitable serviced (Phase 1) lands in zoned towns and villages. This objective is considered reasonable. It is considered that the proposed development would materially contravene this objective, would be contrary to these Ministerial Guidelines, would be contrary to the Core Strategy and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Development of the type and scale proposed would be premature pending the upgrading of the road network, in particular L71109, in the immediate area to serve the proposed development, which is currently deficient in terms of its width and alignment, rendering it unsuitable to carry out the increased road and pedestrian traffic likely to result from the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**ABP-300252-17(17/1082):** Permission REFUSED to demolish 1 no. existing single-storey house and construct 31 no. 2-storey houses with associated landscaping, site works & services.

Refused based on one reason:

1. The site is located in an area zoned R – Residential Phase 2 in Variation No. 2(b) in the Galway County Development Plan 2015-2021 Gaeltacht Plan. It is an objective of the Development Plan UHO 10 – Sequential Development to endeavour to promote the orderly and phased development of residential lands in accordance with the principles of the sequential approach and as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) May 2009. This shall include a positive presumption in favour of the sequential development of suitable serviced (Phase 1) lands in zoned towns and villages. This objective is considered reasonable. It is considered that the proposed development would be contrary to the said objective, and to the Core Strategy, would set an undesirable precedent for similar development in the vicinity and would,

therefore, be contrary to the proper planning and sustainable development of the area. 4.2 15/1168 Application for residential development of 31 houses accessed through the Cúirt na hAbhainn development. Withdrawn prior to determination. 4.3 98/4294 Refusal 30 th January 2001 of permission for 42 dwelling houses including roads and all services. Two main grounds for refusal were as follows: “The site is located along and takes its access from a minor public roadway which has limited width and capacity and which serves a community centre and a number of residences, and the traffic which would be generated by the development would create serious traffic congestion and would injure the residential amenity of houses in the vicinity. The proposed development would therefore be contrary to the proper planning and development of the area. The proposed development would be premature pending the completion of an Action Area Plan for Claregalway Village.”

The following application relates to the schools proximate to the site/to the southwest:

**ABP-300328-17 (17/1038)** Permission GRANTED for A) a new 2 storey 3,889 sq.m extension to the existing post primary school, Coláiste Bhaile Chláir including a 2 classroom special needs unit and sports hall with ancillary pupil and staff facilities, B) a new Claregalway Educated Together National School consisting a new 2 storey 16 classroom 3, 064 sq.m primary school with a 2 classroom special needs unit including all ancillary courts and hard and soft play area.

## 5.2. **Section 247 Consultation(s) with Planning Authority**

It is stated that a pre-application consultation meeting took place with the planning authority on 25<sup>th</sup> March 2021. Issues raised are summarised hereunder:

- Core Strategy and Material Contravention
- Material Contravention of DO1 of the Gaeltacht Plan and Objective UHO 10 of the County Development Plan.
- The site of the proposed development most closely meets the criteria definition of “urban periphery, outlying lands, areas with capacity/environmental constraints” and that the appropriate density range for development appears to be in the 5-15 units per hectare range. The proposed density therefore appears to contravene the



provisions of Development Objective CSB 13 and DM Guideline CSB 2 of the current Gaeltacht Plan.

- Apartments are 'open for consideration' only in the Residential landuse zone and it is not a foregone conclusion that apartment development would be acceptable in principle on R2 lands.
- Childcare provisions.
- Urban Design considerations - There is an obvious discord between the urban grain and building typology of existing development in the immediate vicinity of the site and that of the prospective development. There are discontinuities in term of pedestrian connectivity to the village core.
- A Site Specific Flood Risk Assessment is required.
- Connectivity for pedestrians and a Road Safety Audit required.
- Part V.

## 6.0 Submissions Received

Irish Water: Connection to the Irish Water networks is feasible.

## 7.0 Forming of the Opinion

- 7.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### **Documentation Submitted by Prospective Applicant**

- 7.2. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 7.3. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant

objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

- 7.4. The information submitted included the following: cover letter; application form; Planning Report and Statement of Consistency; Design Statement including Housing Quality Assessment; Building Lifecycle Report; Engineering Report; Flood Risk Assessment; Arboricultural Impact Assessment; Landscape Report; Tree Survey Report; AA Screening; NIS; EclA; Traffic and Transport Assessment; DMURS Compliance Statement.
- 7.5. I have reviewed and considered all of the documents and drawings submitted.

### **Planning Authority Submission**

- 7.6. In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Galway County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 6<sup>th</sup> August 2021.
- 7.7. Galway County Council's written opinion includes a description of the site and proposed development, planning history, record of pre planning meeting, policy considerations, and an assessment of the proposed development. The content of the report is summarised as follows:
- Material Contravention of Objective CS8 - Core strategy identifies for Baile Chláir a pop. of 245 persons/76 housing units.
  - R2 lands: There are other more suitable R1 lands yet to be developed - proposal does not meet exceptions set out in dev plan. Material Contravention of Objectives CSB2 and DO1 of the Gaeltacht Plan and Objective UHO10 of the current Galway County Development Plan [Phase 2 lands will normally only be considered where 50% of the lands in R1 are committed to development].
  - Material Contravention of Obj CSB13 [Density]. Question the strategic suitability of a development proposal at 150% of the expected growth of the settlement on an outer suburban greenfield site.

- Objectives UHO 7 and UHO 8 – question whether the somewhat dramatic nature of the change in grain and typology (particularly in the case of the proposed three and four storey apartment blocks) is unduly discordant with the character of the area and furthermore whether it complements the town centre area (as called for by Objective UHO 7) in terms of scale, height, massing and grain.
- Building Height Guidelines – Section 3.2 - question that this is an urban location with good public transport accessibility; question if development can be well integrated in the context of the existing settlement pattern and facilitate the development of an attractive street-based traditional town environment with a good sense of enclosure, legible streets, squares and parks and in addition perpetuate to the connective street pattern required under the Design Manual for Urban Roads and Streets (DMURS) and as also required by the above provisions of the Building Height Guidelines.
- Submitted landscape report recommends 10 trees and hedgerow be retained – all features proposed to be removed.
- Additional footpath needed.
- Excess car parking.
- RSA needed; sightlines questionable.
- Query over location of two of the proposed attenuation tanks close to the 1 in 1000 year flood level; query over soakaways located adjacent to a flood zone.
- Comprehensive investigation of soil infiltration characteristics needed for across the entire site to support proposed reliance on individual soakaways.
- Connection point for the sewer network has not been taken in charge by GCC - permission and confirmation of capacity from the owner of sewer network needed.
- Permission in relation to use of group water scheme needed.

## 8.0 The Consultation Meeting

- 8.1. A Section 5 Consultation meeting took place via a Conference Call on the 27<sup>th</sup> September 2020, commencing at 10.00 am. Representatives of the prospective

applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Development Plan Policy and Core Strategy
2. Development Strategy – ecology and landscape features; pedestrian connections
3. Residential Amenity
4. Flood Risk Assessment
5. Transportation Issues
6. Any Other Business

#### 8.2.1. **Development Plan Policy and Core Strategy**

In relation to the Policy Context, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Documentation should be clear on where Baile Chlár sits within the various policy documents. Elaborate on status of Galway Transport Strategy given its reference in relation to the sustainable development of the town as part of the Galway MASP.
- Compliance with Core Strategy.
- Compliance with R2 phasing.
- Justification to be made in terms of sequential approach and Objective UHO 10.
- Set out your considerations in terms of a material contravention of the development plan, indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000.
- Density - Documentation needs to elaborate on considerations in relation to density and justification, including in relation to context of the site and necessity to secure urban design or other objectives of the plan.

#### 8.2.2. **Development Strategy**

In relation to the Development Strategy, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Ecology – trees and hedgerows being removed, as well as stone walls. Tree report recommends maintaining certain trees and hedgerows. Further consideration of the existing environment and how it can be used to contribute to the character of the area instead of being entirely removed. Further consideration of positioning of open space relative to existing tree line; consideration of impact on adjoining vegetation given proximity of a number of dwellings to the boundaries of the site.
- EIAR screening information, as referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations to be considered.
- Permeability of the site – Not clear if there are pedestrian connections north into existing housing development. Need to establish how this development is connected back into the town centre for pedestrians/cyclists as this is an important consideration in terms of the location of the site. Impact of any connections/pathways/removal of vegetation etc to be considered in Flood Risk Assessment.
- Proximity to boundaries of neighbouring dwellings and impact on landscape features; privacy; overshadowing.
- EclA – clarify appropriateness of surveys undertaken, in particular around wintering birds.

### 8.2.3. Residential Amenity

In relation to the Residential Amenity, ABP representatives sought further elaboration/discussion/consideration in relation to following to the following:

- Ensure compliance with all required standards in apartment guidelines, including consideration of single aspect north facing units.
- Sunlight-Daylight Analysis required as per Building Height Guidelines and Apartment Guidelines. It would be advisable to undertake a Sunlight and Daylight analysis and this report should address the full extent of requirements of BRE209/BS2011, as applicable – need to show an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open

space, and in public areas within the development and impact on neighbouring properties, including on their open space and compliance with BRE standards. Identify where not meeting the standards. Address alternative compensatory design solutions where appropriate. Rationale required in relation to approach adopted.

- Issue of safety and security around provision of alleyways for bin access.
- Proximity of dwellings to site boundaries.

#### 8.2.4. **Flood Risk Assessment**

In relation to the Water Services and Flood Risk Issues, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Development proposal will need to be accompanied by a Development Management Justification Test and Site-Specific Flood Risk Assessment in accordance with the criteria set out under with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and Circular PL2/2014 (as updated/superseded), as per development plan policy DO7.
- Surface water drainage proposals and elaboration in relation to disposal of surface water to ground.
- Consideration of all works, including pathways and pipes within open space and flood zone A and B areas.

#### 8.2.5. **Transportation Issues**

In relation to the Transportation Issues, ABP representatives sought further elaboration/discussion/consideration in relation to the following:

- Sightlines
- Footpaths
- Road Safety Audit

#### 8.2.6. **Any Other Business**

- Site Specific Flood Risk Assessment
- Material Contravention Statement
- Access and sightlines

## 9.0 Conclusion and Recommendation

- 9.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 9.2. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 9.3. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 10.0 Recommended Opinion

- 10.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 10.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

10.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

- Further consideration/justification of the documents as they relate to the core strategy and phasing of the development.
- Further consideration/justification of the documents in relation to Flood Risk Management, in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009 and policy of the Galway County Council Development Plan 2015-2021.
- Further consideration of surface water management for the site. Any surface water management proposals should be considered in tandem with an appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
- Further consideration of site access and sightlines.
- Details of cycle and pedestrian connections from the development site to Baile Chláir town centre, public transport links, schools and other surrounding areas. Details of proposed upgrades to facilitate adequate pedestrian connections shall be submitted, together with details as to who will undertake these works and the timeframe involved.
- Sunlight, daylight and overshadowing analysis, having regard to the requirements of BRE209/BS2011.
- Ecological Impact Assessment and review of tree and hedgerow survey, tree/hedgerow protection measures, and appropriateness of timing of all surveys, specifically the bird survey.
- Further consideration of impacts of proximity of dwellings to site boundaries, having regard to impact on adjoining residential amenity and retention of landscape features.



- Details of the proposed materials and finishes to the scheme. Particular regard should be had to the requirement to provide high quality and sustainable finishes, in particular to the apartment blocks.
- A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long term management and maintenance of the proposed development.
- A detailed Construction Environmental Management Plan.
- A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.
- A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
- Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
- The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application

arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Minister for Housing, Local Government and Heritage
3. An Taisce
4. The Heritage Council
5. Transport Infrastructure Ireland
6. Inland Fisheries Ireland
7. Galway County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Una O'Neill  
Senior Planning Inspector

30<sup>th</sup> September 2021