



An
Bord
Pleanála

Inspector's Report ABP-311294-21

Development

Social housing development.

Location

Keeraun, Ballymoneen Road, Ragoon.
Co. Galway.

Local Authority

Galway City Council

Type of Application

Application for approval made under
Section 177(AE) of the Planning and
Development Act, 2000 (local
authority development requiring
appropriate assessment)

Prescribed Bodies

DAU

Observer(s)

Bartley Keane
Brid UI hAllmhurain
Carmel Keane Mahon
Catherine Murphy
Galway Cycling Campaign
Keeraun Village Residents

Ronan Mc Donagh
Pat Byrne & Oliver Daniels

Date of Site Inspection

October 14th, 2021 & August 3rd, 2022

Inspector

Breda Gannon

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1.0 Introduction

- 1.1. Galway City Council is seeking approval from An Bord Pleanála to undertake social housing and traveller appropriate accommodation adjacent to the Galway Bay Complex SAC and the Inner Galway Bay SPA which are designated European sites. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the local authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

- 2.1. It is proposed to develop a social housing development of 71 no. units comprising 63 no. social houses and 8 no. traveller appropriate houses as following:

- 4 no. one bedroom units
- 34 no. two-bedroom units
- 22. no. three bedroom units,
- 3 no. four bedroom units, and
- 8 no. four bedroom traveller specific accommodation,

together with associated carparking and bicycle parking, green spaces and landscaping, connection to existing services and all ancillary/enabling site development works.

2.2. The application is supported by the following documents:

- Planning Report
- EIA Screening Report
- Biodiversity Report
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Architectural Design Statement
- Landscape Report
- Flood Risk Assessment
- Traffic & Transport Assessment
- Road Safety Assessment
- Construction Environment Management Report
- Drainage & Watermain Design Report
- Engineering, architectural and landscaping drawings

3.0 **Site and Location**

- 3.1. The site is located on the western outskirts of Galway city c 4.3km northwest of the city centre and c 1km north of Knocknacarra. It lies to the east of the Ballymoneen Road and is bounded to the south and east by agricultural land and to the north by adjacent residential property and agricultural land. The site which has a stated area of 2.08ha is currently vacant. The ground is generally undulating with depressions and elevated outcrops. There is an access track extending from the site entrance along the southern boundary from the site. The northern site boundary is defined by a stone wall and there is low dry stone wall and hedgerow along the roadside boundary. The remaining boundaries are defined by hedgerows/fencing.
- 3.2. A overgrown drain cut through the centre of the site and ground levels fall generally in this direction. There are also foul and surface water services and overhead 38kv and 10kV lines also crossing the site.

3.3. Ballymoneeen Road stretches from Ragoon Road in the north to Barna Road in the south and is bisected by the Western Distributor Road at Blake's Cross roundabout. The section north of Blake's Cross is almost entirely residential with housing developments on both sides. The subject site is separated from more recent residential developments by tracks of agricultural land, some of which is advertised for sale for residential development. With the exception of isolated housing and some ribbon development close to Ragoon Road, the area in the vicinity of the site displays rural characteristics with traditional stonewalls, and a narrow roadway with no footpaths or public lighting. The route of the proposed N6 Galway City Ring Road passes south of the site and proposes a major junction with the Ballymoneeen Road.

4.0 Planning History

4.1. The information provided by the planning authority states that there are no records of any previous or extant planning applications on the subject site. Details of planning applications in the vicinity are as follows:

Reg. Ref. 20/286 – The planning authority issued a decision to grant permission for the development comprising the demolition of a two-storey house and the construction of 58 no. residential units and associated development on a site immediately to the south of the subject site. The decision is currently the subject of an appeal to the Board (ABP 313761-22)

ABP 304762 – Permission granted on October 14th 2019 for Strategic Housing Development comprising the demolition of an existing house/outbuildings and the construction of 238 no. residential units, childcare facility and associated site works immediately to the south of the proposed N6 Galway City Ring Road.

ABP 302848 – Approval granted on the 6/12/21 for the N6 Galway Ring Road south of the subject site.

08/32 & 14/54 – Permission granted to the south of the subject site for permission for the demolition of two existing houses, sheds and outbuildings, construction of a creche, retail units, office units bar/restaurant and 360 residential units and associated development under Reg Ref 03/32. Permission was granted for an extension of duration until July 18th 2019 under Reg Ref 14/54.

Reg. Ref. 07/610 - Permission refused on a site to the south of the subject site for the demolition of two existing houses, shed and outbuildings and the construction of a creche, retail units, office units, bar/restaurant and 383 residential units and associated development. Permission was refused for 9 no. reasons relating to the development at variance with the Framework Plan for the area, inadequate communal amenity space, inadequate design of residential accommodation, inadequate provision of childcare facilities, undue overlooking of adjoining properties, inadequate layout due to proximity of apartments/duplexes/townhouses to adjacent buildings and non-compliance with development plan car-parking standards.

5.0 Submissions

5.1. Prescribed Bodies

Development Applications Unit (DAU)

Archaeology

Given the scale of the proposed development it is possible that subsurface archaeological remains could be encountered during the construction phases that involve ground disturbance. It is recommended that an Archaeological Impact Assessment (including Archaeological Geophysical survey and Archaeological Test Excavation) be carried out as Further Information. Archaeological conditions are recommended.

Nature Conservation

Out of date reports - The DAU refers to the Biodiversity Assessment Report submitted with the application which states that the walkover and site survey was conducted prior to site enabling works undertaken on the site. It states that the identified semi-natural habitats scrub, wet grassland and potentially fen and flush habitat (with possible links to Annex 1 habitats) within the proposed development site may have been cleared during the site enabling works. There is no detail of the amount of works and habitat removal that has taken place.

The ecological assessment therefore uses information gathered prior to the commencement of site enabling works and is out of date. These works took place prior to the preparation of the AA screening report, NIS, EIA screening report and

Biodiversity Assessment report. Each report appears to carry out its assessment without considering these works. Furthermore, it appears that some of the mitigation in the reports and in the CEMP, is no longer possible as the site enabling works have actually taken place. No field surveys were undertaken since the works were carried out. An up-to-date NIS should be produced to accompany the application.

Habitats/species - The status of potential annexed habitat and species under the Habitats Directive on the site is unclear from the reports submitted. The Biodiversity Assessment report considers that *'a full evaluation of residual impacts on habitats and flora cannot be carried out in the absence of further surveys on the exposed siliceous rock and fen and flush habitats on site, to determine potential links to Annex 1 habitats. Further surveys of the exposed siliceous rock and the fen and flush habitats are required and further mitigation may be needed following these surveys'*.

In addition, the main food of the Annex 11 butterfly species marsh fritillary, devil's bit scabious was recorded in the Fen and Flush habitat on the site and there are records of marsh fritillary within the 10km square (M22) which encompasses the site. While the report states there is a low abundance of devil's bit scabious, there is potential for marsh fritillary to occur on the site. Having regard to the precautionary principal, marsh fritillary surveys are required and further mitigation may be necessary following the outcome of this survey.

A check of the Environmental Sensitivity Mapping (ESM) Webtool indicates that a large part of the site comprises Annex 1 habitat Dry Heath. This part of the site appears to correspond with the area of the site recorded as being scrub, wet grassland, fen or flush habitat in the biodiversity report. As the report and field work were carried out prior to the enabling works, it does not address the current status of species and habitats. It does not clarify the status of annexed species and habitats on site and a revised updated report is required.

The EPA's European Communities (Environmental Liabilities) Regulations 2008 Schedule 1 Criteria in Assessing Damage to Protected Species and Natural Habitats may also be relevant with regard to annexed species and habitats and strengthens the need for an up to date, clear and comprehensive Biodiversity Assessment Report. The Habitats Directive and the Environmental Liability Regulations apply

protection against damage to all species of birds, plants and animals listed in the relevant legislation where they occur regardless of whether they are within or outside a designated land area. The Regulations define the types of remediation that are applicable for remediation of damage to natural habitats and protected species, which is to be achieved by the use of primary, complementary and compensatory remediation measures.

It is stated in the application that due to health and safety concerns as well as financial viability it has been decided not to retain the existing stream crossing the site, nor is it intended to create a pond feature as suggested in the Biodiversity Assessment Report. Consideration should be given to requesting that an equivalent compensatory habitat should be provided elsewhere within the Council's land bank, if possible, to comply with National Biodiversity Action Plan targets. Even with the pond and buffer zone retention there would still be a large net loss of semi-natural habitat. The above should be addressed in the revised Biodiversity Assessment Report. Consideration should be given to the findings of the 'Horizon 2020 Expert Group on Nature-based Solutions and Re-Naturing Cities' commissioned by the European Commission.

Landscape Enhancement - Under Article 10 of the Habitats Directive, member states must maintain and where possible enhance landscape features to improve the coherence of the Natura 2000 network. Particular note should be given to the EU Green Infrastructure Strategy. Opportunities for landscape enhancement should be considered within the landscape plan which should seek to integrate Green Infrastructure and 'Nature Base Surface Water Management' into the project design and consideration of SuDS requirements. The IFI's recent publication 'Planning for Watercourses in the Urban Environment', (2020) provides a useful guide. The Landscape Plan should be guided by valuable resources available as part of the National All-Ireland Pollinator Plan and avoid planting invasive species such as Cotoneaster.

Bats - The procedures outline in 'Guidance Note 08/18 Bats and Artificial Lighting in the UK' and Eurobats 'Guidelines for Consideration of Bats in Lighting Projects' should be consulted with respect to the overall lighting design. It should also take into consideration Dark Sky Ireland guidance 'Best Practice in public lighting', notable that 'warm' colour temperatures should be used at 2700K or less. Final sign

off and testing of the lighting scheme should be carried out at night to ensure that the lighting is directional and targeted and should not spill over onto treelines and hedgerows which can have adverse impacts on bats and biodiversity in general.

5.2. **Public Submissions**

There are 8 no. submissions from the public which are summarised below. Where similar issues are raised, these are not repeated.

1. Bartley Keane

Traffic – The traffic from the development will exit onto a narrow road which has areas where two cars cannot pass. The attached photographs show that the road is already at maximum capacity in the morning with long tail backs and delays.

Notwithstanding the residential zoning, the proposed development is premature. There are no footpaths, cycleways or public lighting within 400m of the site and the nearest bus stop is 1.3km in the Western Distributor Road. In order to reach the bus stop residents would have to walk a minimum of 400m on this roadway with no pedestrian crossing facilities.

Ecology – The Screening and NIS report ignores the impacts this development would have on the local habitats and ecological system. The site contains hydrological connections above and below ground that are linked to the Barna Stream, which is in turn connected to the Galway Bay SAC and Moycullen Bogs NHA.

Lack of community & recreational facilities – The Planning Report refers to the proximity of Knocknacarra Neighbourhood Centre (1km) which gives the impression that the site is well located and served by several services and amenities, which is not the case. The map attached shows that there are commercial and retail facilities within 2.1km but no community facilities.

Provision for Affordable Units– There is no provision for affordable housing. Galway City Council has approved new affordable/social housing at Ballybane and this proposal should be no different. The traveller appropriate accommodation which consists of large detached housing should be replaced by semi-detached/terraced units which would provide better utilisation of this residential zoned lands.

In the past, Galway City Council has provided traveller accommodation integrated within housing estates which has worked well. The current proposal involves complete segregation. The layout shows horse boxes but no mention of where the horses would be accommodated.

Conclusion – Accepts that there is a housing crisis, but a short-sighted knee jerk reaction to build hundreds of units on a 1km stretch like the Ballymoneen Road without proper road networks, footpaths, street lights, access to public transport, recreation, amenities and community facilities is a recipe for disaster.

2. Brid Ui hAllmhurain

Traffic - Concerns regarding the Traffic & Transport Assessment, the time of the survey which was conducted during the Covid restrictions which should be redone to establish a more accurate baseline. The projections appear inaccurate and grossly underestimated.

Inadequate infrastructure for pedestrians/cyclists - Concerns regarding lack of infrastructure for pedestrians and cyclists. It is acknowledged that there are proposals for more development along the east of the Ballymoneen Road which would provide a continuous footpath between the site and the greater Knocknacarra area. However, there is little to no guarantee that such developments will be progressed. A developer cannot be reliant on other private entities to provide the infrastructure required to serve the site.

It is noted that one of the proposals which will partly extend the footpath to the site is a Strategic Housing Development (ABP 304762). Given the poor delivery of such projects and the ongoing concerns regarding material costs, labour shortages etc, it may be years before the site is provided with appropriate infrastructure. The site is isolated and remote and the proposed development would not be in accordance with the ordered development of the settlement and would be excessively car dependent which is not in accordance with the *Sustainable Residential Development in Urban Areas -Guidelines for Planning Authorities*.

Lack of services and amenities – The site is poorly served by services and amenities. There are approximately 915 housing units between Blake’s roundabout and the subject site. Should all the developments that are proposed succeed there

could potentially be 1282 houses on this 1km stretch of road with no provision for community facilities, services or amenities within 2 km.

Overconcentration of public housing – Of the 886 units approved for Galway city, 28% are proposed along a 1km stretch of Ballymoneen Road. This is in addition to other social housing estates in the vicinity and a number of private developments acquired by the council. Both the OECD and the Housing Agency have published reports highlighting the issues that can occur where there is an over concentration of social housing in a particular area (concentration of poverty and disadvantage, neighbourhood effects such as place based stigma, poor quality environment and reduced life chances). One of the identified solutions is the development of smaller social housing estates that are more evenly distributed throughout urban areas.

Bats – It is difficult to accept the findings in relation to bats. A robust bat survey should have been undertaken as there is recorded evidence of bat activity and potential flight paths in the vicinity of the site.

Hydrological pathway to European site – There is a stream on the site which follows the pathway on the attached sketch and is connected to Galway Bay Complex SAC, Inner Galway Bay SPA European sites and the Moycullen Bog NHA.

Lack of social inclusion – The proposed development is laid out as two distinct separate developments with the traveller accommodation isolated from the rest of the scheme and surrounded by walls. It is noted that each of the traveller units will have two large, dedicated spaces, one of which would accommodate a touring caravan. There is therefore the potential for the site to accommodate 16 families which may create overcrowding and health and safety issues. The purpose of the shared utilities yard is unclear and is it consistent with the residential zoning provisions of the site.

Sunlight and overshadowing – Development adjoining the site is currently being considered by Galway Co. Council (20/286). In a further information request the planning authority raised issues regarding the shadows cast by some of the units in the north-east corner of the site on their own gardens. It is surprising that the planning authority would take this viewpoint on a private development and in their own local authority development, consideration is limited to three short paragraphs in the Architectural Design Statement. This would appear even more surprising when

you consider that the units have a more prominent west-east orientation and may be more susceptible to overshadowing.

3. Carmel Keane Mahon

Raises similar issue to those above in terms of the inadequacies of the public infrastructure, community facilities/amenities which is considered will lead to antisocial behaviour. Also has concern regarding the potential impact on the Barna Stream and the family of bats whose habitat is the river and stream in Keeraun.

4. Catherine Murphy

Raises similar issues regarding the inadequate and unsafe nature of the road network in the vicinity of the site. Much of the land along the road is privately owned and the council cannot carry out the safety measures required for the road. The development is therefore premature.

The site is the last greenfield site on the east side of the road, in an area which has been used by breeding frogs. The development of the site is likely to impact on its breeding cycle. Questions whether any surveys have been carried in relation to protected wildlife.

Questions if the development is permitted will the public sewer be extended to serve the remaining 7 no. houses on the road.

Raises similar issues regarding integration, social inclusion/isolation and questions why the traveller houses have a separate entrance.

5. Galway Cycling Campaign

Absence of connecting infrastructure for walking and cycling

Specific aspects of the proposed development will result in unsustainable development. The absence of safe walking and cycling connectivity with the rest of the urban footprint to the south is of concern. This will result in greater car-dependency. Walking to/from this development would require walking for at least 410m on a section with vehicles travelling at 80 km/h. This would present particular concerns for older adults, children and less mobile individuals. On this basis alone, the site is not an appropriate location for such residential development. A commitment to provide safe and convenient cycling and walking facilities on the Balmonee Road must take place in advance of, or parallel with this development.

There are no plans to modify the design and layout of this road section until the delivery of the N6 Galway City Ring Road Scheme.

The proposed development is located within the 'Outer Suburbs' as set out in the development plan. The proposed development does not satisfy the standards and guidelines for residential development in these areas in terms of accessibility, connectivity and permeability, sustainability and safety for pedestrians and cyclists.

The conditions for cyclists is also of concern. The narrow width of the road would make it difficult for motorists to overtake a cyclist. The Transport and Traffic Assessment estimates a design speed of 70km/h for this road section, which is far in excess of a road environment where cyclists would be expected to share the road with motor vehicles in an urban environment.

The proposal fails to recognise the planning and transport aims in both the development plan and the Galway Transport Strategy of increasing the rates of cycling. There is no reference to how the modal share for the development would be consistent with the target set in *A Sustainable Transport Future-A New Transport Policy for Ireland 2009-2020* that 55% of total commuter journeys to work will be via walking, cycling and public transport and that 10% of all trips would be by bike. Many sections along routes to schools, shops, parks and other amenities along the Ragoon Road and upper Ballymoneen Road would fail to satisfy many of the cyclists needs set out in the National Cycle Manual.

The Road Safety Audit highlights the potential risk of vehicle/pedestrian collisions due to lack of pedestrian or cyclist connectivity. It notes that the Ballymoneen Road will not be upgraded until the N6 Galway City Ring Road is complete. In the interim, it is intended that connectivity for pedestrians and cyclists would be facilitated within the adjoining proposed development rather than along the Ballymoneen Road. It is recommended in the audit that appropriate pedestrian/cyclist connectivity for the proposed development to local amenities and Galway City be provided upon opening of the development. This is considered unsatisfactory as no decision has been made on the proposed development to the south. While this connectivity with the development to the south would be welcome it will not provide connectivity any further south and there will remain c 310m on the Ballymoneen Road without dedicated walking/cycling facilities. The adjoining development will also be sited to

the north of the proposed ring road and will be subject to increased severance from the dual carriageway.

Impact of the proposed Galway City Ring Road

It is contended that the current deficiencies in the connecting section of Ballymoneen Road and the existing built-up area to the south would be addressed with the development of the ring road. However, the footpaths will not extend to the development to the north, leaving some 300m of Ballymoneen Road connecting to the proposed development without any footpaths and potentially carrying an increase in motor traffic accessing the proposed ring road.

The size and nature of the proposed junction design results in two-stage crossing for people walking and the absence of dedicated, protected cyclist facilities. The proposed speed for the ring road at this location is 80km/h. Walking/cycling across this junction will be prohibitive due to the stated priorities in the design to ensure the flow of motor traffic.

While there is a greenway proposed in the vicinity of the site, it will not be able to proceed southwards beyond the ring road if it proceeds as currently designed. It will not have any role in connecting the proposed development with the rest of Knocknacarra to the south.

The suitability and sustainability of siting new residential developments on the outside of such an urban dual-carriageway relative to the current urban footprint of the city is called into question. The expected timeline for the delivery of the ring road is not made clear with respect to the expected timeline for construction of these houses.

Adherence to local and national policies

Questions whether the proposed development adheres to the 'core principles' of the Ballyburke Framework Plan 2007 as mandated by the Galway City Development Plan 2017-2023.

Questions whether the development is consistent with the National Planning Framework key goals of Compact Growth and Sustainable Mobility. The development does not accord with National Policy Objective 27 which prioritises walking and cycling accessibility to existing and proposed development or National

Policy Objective 33 which is to prioritise the provision of new homes that can support sustainable development.

Connectivity through neighbourhood developments is contingent on unconfirmed and approved private developments with uncertain timelines and will be interrupted by the Galway City Ring Road, if it proceeds. Without such connectivity, the development will result in enforced car-dependency with negative impacts on the sustainable development of Knocknacarra and Galway city. Enforced car dependency will impose an additional and unnecessary financial penalty on these households.

Conclusion

The applicant in this case has the means and authority to modify the design and management of this road to ensure the sustainability of this development and the safety of its residents. The most optimistic estimates are that the ring road will take 3-4 years to construct, if and when final approval is granted and funding is approved. It will not provide for full walking and cycling connectivity to the proposed development and may lead to greater severance. Providing safe walking and cycling routes via adjoining estates which have yet to be approved and developed is contingent on the timelines for approval and the delivery by private developers.

The development should only proceed with a firm commitment of Galway City Council to provide for full connectivity for safe walking and cycling from the entrance of the site to the current built up footprint c 400m to the south. There should be a clear timeline for this intervention which is parallel to the delivery of the proposed development.

6. Keenaun Village Residents Association

Implications for proper planning and sustainable development

While the site is zoned 'R' residential the proposed development does nothing to protect the amenity of existing residents as the road serving the site is substandard in terms of width and its use. Raises similar issues regarding the inadequacies of the road network

Likely effects on the environment

It is stated in the submission that further ecological surveys are required. Of particular concern are the results of the bat surveys, which stated that none were found. A recent survey of a site in Ragoon found a number of roosts in the area. Questions if the surveys were comprehensive enough to identify bat roosts in the area.

Likely significant effects on a European site

There are two important European sites which could be affected by the development, Galway Bay Complex SAC and Inner Galway Bay SPA. There are two streams adjacent to the development which flow south to Galway Bay and into both the SAC and the SPA. The drain on the site is hydrologically linked to Barna Stream and this is omitted in the NIS. As such the hydrological pathways from the site to the SAC and SPA are only partially investigated and the mitigation measures set out in the NIS to protect the SAC/SPA do not consider this hydrological link. It is also believed to be hydrologically linked to the Moycullen Bogs NHA.

Having regard to CJEU Case C-258/11, which established that determinations cannot have lacunae and must contain complete, precise and definitive findings capable of removing all reasonable scientific doubt as to potential effects, it is not certain, due to the lack of appropriate screening that the proposed development will not result in adverse impacts on European sites. In such circumstances the Board is precluded from granting planning permission.

Conclusion

The development is premature pending the completion of the ring road.

The development should be refused on the grounds that the necessary environmental assessments are inadequate to allow a reasoned assessment of the impacts of the proposed development on the SAC/SPA.

To permit the proposed development will exacerbate an already overloaded network and should be deemed premature pending the upgrade of this network.

Contrary to what is proffered in the planning report do not believe that, both the established character of the area and the surrounding residential amenity have been

carefully considered and protected as part of the proposal in accordance with the zoning objective.

There is no provision for stabling or management of horses on the site or beside it, which creates an additional concern in terms of proper planning and sustainable development.

7. Ronan Mc Donagh

Observations regarding Deed of Covenant

When Galway City Council purchased these lands, they knowingly entered into a Deed of Covenant and Indemnity with the Mc Donagh family. As part of the agreement, the roads, footpaths and services were to be laid out as indicated on Fig 1. This condition is legally binding and as such supersedes any planning decisions on the land. The Mc Donagh are the owners of the land to the north and Galway City Council did not attempt to consult with the family during the preparation of the application. It was a condition of the Deed of Covenant and Indemnity that a wall be constructed along the northern boundary of the site. This was constructed eventually after Circuit Court proceedings. The wall is to remain in place in its entirety and strongly object to any inference that the proposed development will have access to the lands to the North either as a linkage to the development or as an access point to a future Greenway.

The general layout of the development is in breach of contract. The roads, footpaths and pedestrian walkways are not aligned with the agreed plan. The stream was not to be diverted so as to protect the area from potential flooding as this area is particularly vulnerable to hydrological pathways. The City Council would also be in breach of its contract if the N6 development were to be approved by An Bord Pleanala.

Environmental Observations

Pathway to Barna Stream - There are two streams flowing close to the proposed development but the Screening and NIS reports seem to ignore any potential links between the Barna Stream. As such the stream has not been assessed as a potential pathway to the SAC. The drain on the site is hydrologically linked to the Barna Stream and Figure 6 indicates the flow of the drain from the site to the Barna Stream. It is linked to a wetlands area to the north and in turn to the SAC/SPA. The

drain is also hydrologically linked to the Moycullen Bog NHA, the implications of which have not been considered in the application.

The application should be refused as the NIS is incomplete. The hydrological pathways from the site to the SAC/SPA are only partially investigated. The mitigation measures do not consider the hydrological link to the Barna Stream or potential cumulative impacts. There is no consideration of potential linkages to the Moycullen Bogs NHA and the impacts on biodiversity.

The stream should not be diverted for contractual and environmental reasons. Diverting the stream will displace the complex hydrological pathways across the site.

Surface water controls - The site is underlain by a poor bedrock aquifer.

Groundwater vulnerability in the area ranges between Extreme and X-Rock at or Near Surface. The water table is consistently high throughout the year, with multiple and complex hydrological pathways throughout the area. The Stage 1 Flood Assessment is insufficient having regard to the topology of the site. There are multiple flood areas close to the site. The Stage 1 report is inaccurate as it refers to recurring flooding at c 1.25km distance. The flooding site, which is incorrectly marked on the OPW site, is c350m from the proposed development. Before any decision is made on the application a full flood risk assessment should be carried out.

Biodiverse region – Planning applications 20/286 and 20/165 both considered the impact on the Barna Stream and the biodiversity of the area. It is unclear why Galway City Council would omit this information from their own planning application. The cumulative impact on species such as bats, otters and fish in the Barna Stream have not been assessed as part of the application.

Other matters – There has been no public consultation in respect of the proposed development contrary to the Aarhus Convention.

There is no assessment of the potential noise impacts of the proposed ring road on local residents. The results of a baseline noise survey conducted in the area to help quantify the degree of noise impact from the N6 project indicated a noise environment that would be expected in a rural area. The measured Lden was 46 which is significantly lower than the proposed design goal of 60 Lden for the proposed ring road. Recent guidance from the WHO suggests that there is strong

evidence to suggest that traffic noise levels in excess of 53Lden, have known adverse health effects. This is a legitimate consideration when reviewing any application along the proposed N6 route. The N6 proposal does not include sufficient noise mitigation measures to protect adjacent developments.

Social inclusion – Raises similar issues regarding lack of social inclusion and the segregation of traveller families within the scheme. Galway City Council has not provided any supporting data to show how such an arrangement has worked in the past or how they would ensure it is successful. The information which states that the layout has been heavily influenced by the requirements of the traveller community should have been included with the application.

Layout – Further clarity is required on the nature and purpose of utility spaces associated with the traveller housing units. There is reference to ‘carrying out certain maintenance tasks’, but no further details are submitted. Questions whether the spaces would be used for commercial purposes and if this would be consistent with the residential zoning objective. Questions whether horses will be accommodated and how they will be maintained.

The proposed layout is contrary to Galway City Council’s own guidelines for housing developments in that the front of house No’s 9 to 21 will overlook the back yards/utility space of the traveller accommodation.

The development exclusion zones around the existing 38kV electricity poles. This will impact on development, introduce restrictions and devalue the lands to the north of the site.

Premature – the development is premature pending the outcome of the proposed N6 ring road project. The proposal does not take into consideration the deficiencies of the existing road network. The access point to the traveller accommodation is very close to the main road which poses a risk of serious accidents.

Sunlight and daylight – No Sunlight and Daylight Access Analysis report. The layout and arrangement of a number of the dwellings are such that the sunlight to gardens and open spaces will be impacted. There is no analysis of potential impacts on future development to the north.

Overlooking – a significant number of houses will overlook the lands to the north which is to be developed for future housing.

8. Pat Byrne & Oliver Daniels

- Lack of infrastructure and population density.
- Volume and speed of traffic on the narrow roadway
- Roadway is unsafe for walking and cycling with no footpaths or street lighting.
- Development currently underway at Mincloon which will add to these pressures.
- Lack of amenities for children.

6.0 Further Information

6.1. Further information was sought from Galway City Council on December 15th, 2021. The Board requested that it respond to all of the matters raised in the various submissions made in respect of the application and that a revised Traffic and Transport Assessment be submitted.

6.2. The response to further information was received by the Board on June 30th, 2022. It included the following:

- Further Information Response
- Updated Biodiversity Report
- Updated Habitat Survey Report
- Marsh Fritillary Survey Report
- Remedial Appropriate Assessment Screening Report in respect of Enabling Works
- Updated Natura Impact Statement
- Updated Traffic and Transport Assessment and response to matters raised.
- Land Registry documentation in relation to proposed Habitat Management Area.

7.0 Legislative and Policy Context

- 7.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 7.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.
- 7.3. **National nature conservation designations:** The Department of of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in close proximity to the subject site include:

- Galway Bay Complex SAC
- Inner Galway Bay SPA
- Lough Corrib SAC
- Lough Corrib SPA

- 7.4. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate

assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely effects on the environment.
 - The likely significant effects on a European site.

7.5. Planning Policy/Guidelines

National Policy

- 7.5.1. **National Planning Framework -Project Ireland 2040** was published in 2018 and it is the Government's plan for shaping the future growth and development of Ireland out to 2040. It is envisaged that the population of Ireland will increase by up to 1 million by that date and the strategy seeks to plan for the demands this growth will

place on the environment and the social and economic fabric of the country. It sets out 10 no. goals, referred to as National Strategic Outcomes.

- 7.5.2. Under **National Strategic Outcome 1 (Compact Growth)**, the focus is on pursuing a compact growth policy at national, regional and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Relevant policies include NPO 4,6,11,13, & 35.
- 7.5.3. **National Strategic Outcome 5 (Sustainable Mobility)** states that the overall NPF objectives are supported through ‘the provision of a well-functioning integrated transport system...’enabling sustainable mobility choices for citizens’.. It acknowledges that many cities and major urban areas are too heavily dependent on road and car-based transport resulting in roads becoming more congested.
- 7.5.4. The NPF includes a specific Chapter, No. 6, entitled ‘People Homes and Communities’, which includes 12 objectives among which **Objective 27** seeks to *‘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’*. 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’*.
- 7.5.5. With regard to Galway, it states that in common with other cities it needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries. A key future growth enabler is *‘progressing the sustainable development of new greenfield areas for housing and the development of supporting public transport and infrastructure, such as Ardaun’*.
- 7.5.6. Future growth enablers identified for the city include the delivery of the Galway City Ring Road, the provision of a Citywide public transport network with enhanced accessibility between existing and proposed residential areas and the City Centre, third level institutions and the employment areas, and the development of a strategic cycleway network.

7.5.7. In Section 6.3 (Diverse and Inclusive Ireland) the travelling community are recognised as an ethnic minority and that not all traveller lifestyles are the same, some have particular housing needs, related to economic activity and kinship. There is also a requirement to accommodate nomadism for at least part of the year in some cases. It states that;

‘Local authorities working with the travelling community will continue to address the specific needs of travellers, ensuring the targeted provision is achieved in line with those needs and that this is also incorporated into housing and traveller accommodation strategies, city and county development plans and local area plans.

7.5.8. **National Objective 28:** *Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.*

7.6. Regional Policy

7.6.1. The **Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032** (RSES) was adopted in January 2020. A key ambition of the RSES is to deliver compact growth. It recommends the integration of land use and transport planning and acknowledges that the projected population for the area will bring challenges for the provision of supporting infrastructure and services, including for transport.

7.6.2. It identifies a number of strategic locations that present the opportunity and capacity to deliver the necessary quantum of housing to facilitate targeted growth, subject to the adequate provision of services. These include:

- Consolidation of the existing neighbourhoods of Knocknacarra, Ragoon, Castlegar and Roscam
- Development of Regeneration Lands at Ceannt Station Quarter, Inner Harbour and Headford Road
- Arduan
- Murrough
- Baile Chlair, Bearna, Oranmore and Briarhill.

7.6.3. The RSES supports modal shift to more sustainable options including walking and cycling to promote healthier lifestyles, better traffic management and mitigating climate change.

RPO.6.30 -Planning at the local level should promote walking and cycling and public transport by maximising the number of people living within walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centre, public transport services and other services at the local level such as schools.

RPO 6.31 – New development areas should be permeable for walking and cycle and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, to provide competitive advantage to these modes.

7.7. National Guidelines

7.7.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets' (DMURS, 2019)
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018).
- Urban Development and Building Height Guidelines 2018.
- The Planning System and Flood Risk Management (including associated Technical Appendices).

7.8. Local Policy

7.8.1. **Galway City Development Plan 2017-2023.**

The operative development plan is the **Galway City Development Plan 2017-2023**. The site is located in an area zoned 'R', residential development with the following objective:

‘To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods’

Residential uses including traveller accommodation are permitted uses.

Ballymoneen is identified as an indicative ‘neighbourhood area’ to the west of the city (Table 2.1).

Policy 2.4 Neighbourhood Concept sets out to:

- Encourage the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs.
- Encourage sustainable neighbourhoods, through appropriate guidelines and standards and through the implementation of local area plans, masterplans/framework/area plans.
- Protect and enhance new/existing residential neighbourhoods through appropriate guidelines and standards, preparation of framework plans, development briefs and design statements.
- Ensure the design of residential developments have regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual-A Best Practice Guide and Design Manual for Urban Roads and Streets (2013).

Section 2.4 of the Plan sets out the framework of residential neighbourhoods in the city and divides the neighbourhoods into four indicate areas. The site is located within the ‘Outer Suburbs’ and Policy 2.5 sets out further principles for the development of new residential areas, including the following,

- Encourage higher residential densities at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency public transport services,
- Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form,

- Ensure that the layout of the development has regard to adjoining developments,
- Ensure a mix of housing types and sizes within residential developments,
- Require residential developments of over 10 units to provide recreational facilities as an integrated part of the proposed open space,
- Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.
- Encourage the integration of energy efficiency in the design and layout of residential development.

The development plan (section 11.3.1) set out specific policies for development in the 'Outer Suburbs' including the following:

- Plot ration of 0.46:1 for residential development shall not normally be exceeded.
- Residential development >10 units shall normally provide a mix of residential unit types.
- Communal recreation and amenity space requirement of 15% of gross site area.
- Recreational facility for all proposed residential development >10 units, to serve the needs of the residents and should reflect the profile of future residents, the scale and type of development.
- Private open space (areas generally not overlooked from a public road) exclusive of car spaces to be provided at a rate of not less than 50% of the gross floor area of the residential unit.
- Section 11.31. (g) Car Parking Standards, section 11.3.1(h) Cycle Parking Standards and section 11.3 (i) Bin Storage Standards.

Traveller Accommodation

Section 2.3 of the Plan sets out the policies and objectives relevant to the development of Traveller accommodation.

Policy 2.3 - Have regard to the Traveller Accommodation Programme 2014-2018 and any subsequent plan in the provision of accommodation for the Travelling community.

Facilitate the specific accommodation needs of Travellers through land use zoning objectives.

Traveller Accommodation Programme 2019-2024

The programme supersedes the previous programme. It was drafted in compliance with the Housing (Traveller Accommodation) Act, 1998, which requires each Housing Authority to adopt a programme for its functional area. The current programme was adopted by Galway City Council on July 8th, 2018.

An 'Assessment of Need' formed part of the programme and this indicated that 265 traveller families are in need of housing in Galway City Council's functional area. It sets a target for accommodation delivery across different streams, with an overall target of 242 housing supports over the period of the programme which includes 25 culturally specific traveller accommodation units.

7.8.2. **Galway City Council Draft City Development Plan 2023-2029**

The Draft Plan was published in February 2022 and the final date for public submissions was April 13th, 2022. Its Strategic Goals include the following:

Develop a more compact form in the city that provide for attractive, integrated and easily accessible neighbourhoods that are supported by appropriate levels of services and amenities.

Integrated land use and transport planning to maximise opportunities for active travel and public transport usage and enable key transport projects included in the Galway Transport Study which will deliver multi modal usage, smart mobility and accessibility for all.

It is estimated that there will be a need at a minimum for an additional 4,245 housing units in the city over the plan period up to the end of 2028. To deliver on compact growth, the Core Strategy seeks to concentrate a significant amount of development, at least half of the new homes within the built footprint of the city through the consolidation of existing residential areas (Tier 1), which are serviced lands in the built-up footprint of the city.

Policy 1.4 Core Strategy includes the following:

- Support the compact growth of Galway city through appropriate policies that promote co-ordination between land use and locations that can be served by public transport and walking and cycling networks and enables the delivery of 50% of new homes within the existing built footprint on lands as set out in the Core Strategy.
- 3 Encourage new neighbourhoods and the consolidation of existing neighbourhoods to develop as sustainable, attractive, well connected neighbourhoods at appropriate densities, with a high quality of design of buildings and spaces, supported by services, amenities and local enterprises.

A total of 143 ha of undeveloped residential zoned lands are identified within the existing built-up footprint of the city and represent mainly the consolidation of existing residential areas. These are identified as Tier 1 lands which are serviced lands within the built-up footprint with the capacity to deliver 5,480 homes. The subject site is part of a parcel of undeveloped residentially zoned land within the built up footprint.

7.8.3. **Galway Transport Strategy**

The Galway Transport Strategy (August 2016) identifies a number of issues leading to significant problems and inefficiencies with respect to movement in the city and its environs. These include an over reliance on private cars and large amount of residential development located proximate to major employment and education destinations which are not readily accessible by walking, cycling or public transport, thereby encouraging travel by private car. It aims to establish a more sustainable approach to address current and future transport requirements.

It is recognised that a shift is needed towards sustainable travel, reducing the dependence on the private car and taking action to make Galway more accessible and connected. The measures required include the provision of a new orbital route (N6 GCRR) and improvements to public transport, cycling and walking networks.

The strategy highlights the importance of the integration of land use and transportation in creating sustainable travel patterns and city living. Guiding land use principles include the following:

- that residential development proximate to high capacity public transport should be prioritised over development in less accessible locations.
- planning at the local level should promote walking, cycling and public transport by maximising the number of people living within walking distance and cycling distance of their neighbourhood or district centres, public transport services and other services at the local level such as schools.
- In urban areas, the Design Manual for Urban Roads and Streets (DMURS) will guide localised proposals with a view to reaffirming walking, cycling and public transport modes over the private car.

The GTS identifies key transport proposals and interventions to provide a framework for phased implementation of the plan-led approach to transportation to facilitate Galway to grow both physically and economically. It also includes traffic management measures, giving priority to walking, cycling and bus movements.

7.8.4. **Urban Framework Plan Ballyburke, Mincloon and Keeraun**

The Framework was prepared in 2007 and covers an area of c 35.7 ha bounded on the west by Ballymoneen Road, to the north by Ragoon Road, to the east west of Clybaun Road and residential estates to the south and includes the subject site.

It promotes the neighbourhood concept for new sustainable residential communities in the Outer Suburbs with guidance and recommendations on density, urban design, movement, dwelling mix, and services, facilities and amenities. It promotes interconnectivity and integration with surrounding developments.

The Framework Plan predates the current N6 Galway City Ring Road route and most of the lands remain in agricultural use.

8.0 **Assessment**

8.1. **Introduction**

In accordance with the Section 177AE (6) (a) of the Act this section of the report is structured to address the following:

- The likely consequences for the proper planning and sustainable development of the area.

- The likely effects on the environment.
- The likely significant effects on a European site.

8.2. The likely consequences for the proper planning and sustainable development of the area:

8.2.1. Principle of the development

The Core Strategy of the development plan sets out the overarching strategy for the spatial development of the city over the medium and long term. It includes a development scenario that supports significant further development within the city. The focus is to consolidate the existing built imprint and to keep it as physically compact as possible. The direction for residential development is to focus a significant amount of growth into the east side of the city at Ardaun, which is identified as the key greenfield development area for the City. This area is considered to have advantages in terms of the availability of a significant land bank, with continuous links out from the city and capable of benefiting from proposals for sustainable transport modes. It also has potential for high levels of connectivity located on the M6/N6 with proximity to the N18/N17. It is considered to be well placed to develop good employment opportunities having close physical links with the existing technology parks at Mervue, Ballybrit/Parkmore and to take advantage of the proximity of higher level institutes (NUIG/GMIT) and health institutions (Merlin Park/Galway Clinic).

The remaining residential areas of the city, including the development site at the western side are to grow at a more constrained rate and in character with the established nature of development, with a policy to allow for consolidation and densification where appropriate.

The development plan predicted a population increase in Galway of 23,171 between 2011 and 2022, representing a need for 8,510 additional homes during this period. A total of 467 homes were completed between January 2012 and September 2016, which is significantly below target. The more up to date projections published in the Draft plan suggest that at a minimum there will be a requirement for an additional 4,245 housing units in the city over the plan period up to the end of 2028.

It is acknowledged in the current development plan that while there is sufficient land zoned to satisfy housing need out to 2022, not all lands have the requisite infrastructure. The Ardaun LAP lands are noted not to be sufficiently serviced with critical infrastructure such as water, wastewater, roads, transport and telecommunication services, which is a limiting factor. Other zoned lands also have infrastructure deficits.

I note from the Draft plan that arising from low levels of housing construction and a deficit in investment in infrastructure, no housing has been constructed in Ardaun to date, but that an implementation strategy to address these constraints is progressing. The development of Ardaun remains a key element of the settlement strategy for the city.

It is the stated intention of the Plan to continue to promote sustainable housing through consolidation and intensification and it is recognised that the zoned lands will all require some sort of infrastructure investment to upgrade services or investment to ensure that public transport and sustainable modes of transport are satisfactorily provided.

While the aim of both the current and draft development plan is to focus a significant amount of residential development on the east site of the city, there are no specific phasing proposals which would preclude the development of the subject site. I note from permitted developments in the wider vicinity that both the planning authority and the Board have considered the area acceptable for residential development.

The site is zoned for residential purposes indicating that the lands have been identified as suitable for housing by the planning authority. The development will assist the city council in delivering additional housing units, including traveller specific accommodation within the existing city and in accordance with an identified need and the requirements of the development plan. Having regard to the zoning provisions of the site, I accept that the proposed development is acceptable in principle in this location. However, I have concerns regarding the lack of physical and social infrastructure available to future residents of the scheme, which I consider will result in an unsustainable form of development, which is considered in more detail below.

8.3. The likely effects on the environment

The principal matters considered in this section of the report relate to the following

- EIAR Screening
- Biodiversity
- Roads and traffic
- Design and Layout
- Impacts on residential amenities
- Other matters

8.3.1. EIA Screening

I accept the conclusion reached by Galway City Council that mandatory EIA is not required for the subject development. The proposed development falls below the threshold set for 'Infrastructural Projects' in Class 10(b) under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended.

The threshold cited under Class 10 (b)(i) in Part 2 of Schedule 5 is the '*construction of more than 500 dwelling units*'. The proposal involves the construction of 71no. residential units. The proposed development is therefore of a Class but does not meet the threshold of 500 units to require mandatory EIA. It is therefore sub-threshold development for the purpose of EIA under this class.

Class 10 (b)(iv) is also relevant. It relates to '*urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*'. The site is 2.08 ha and while it is of a class, it does not meet the area threshold of 10ha. It is therefore sub-threshold development for the purposes of EIA under this class.

Class 10 (b)(dd) relates to '*all private roads which would exceed 2000m in length*'.

The proposed development does not include a private road that exceeds 2000m. It is therefore sub-threshold development for the purposes of EIA under this class.

While there is no requirement to carry out an EIA screening exercise for section 177AE cases, Galway City Council submitted an EIA Screening Report to determine whether the proposed development, is likely to have significant effects on the environment. Regard was had to the criteria set out in Schedule 7 and Schedule 7(a) of the Planning and Development Regulations, 2001 as amended.

Having regard to the characteristics of the proposed development, its location and the types and characteristics of potential impacts, I accept the conclusion reached in the screening report that the proposed development is not likely to result in significant effects on the environment to warrant EIA.

8.3.2. **Biodiversity**

The Biodiversity Assessment Report submitted with the application was updated in response to further information. This followed a submission from the DAU, which noted that the surveys had been conducted in advance of enabling works carried out on the site and was not reflective of existing conditions. It also raised issues relating to the status of potential annexed habitat and species on the site.

The updated report is based on new habitat surveys undertaken in December 2021 and April 2022 and takes into account the changes made on site following the enabling works. The Phase 2 surveys (April 2022) were carried out during the optimal time for surveying potential Heath Annex 1 habitats and the results of the survey/assessment is presented in a standalone report (Habitat Survey - Ecofact, 2022).

A total of 14. No habitats were recorded on the site (Fig 4. Habitats Survey). The majority of these habitats are evaluated as 'Local Importance' or 'No Ecological Value', with the drainage ditch in the centre of the site and the 'treeline' along the road boundary assessed as 'Local Importance, Higher Value' in terms of potential value to wildlife. 'Exposed siliceous rock' was also evaluated as 'Local Importance, Higher Value' in the updated report, but is noted to be fragmented.

The surveys identified the presence of a small area (784.6m²) of Annex 1 Habitat Dry Heath [4030] on the site. The habitat was assessed as 'Unfavourable - Bad'. They also identified Poor Fen and Flush, which does not have a corresponding Annex 1 habitats, but is noted to be rare and declining in its range in Ireland. This habitat had a total area of c 2,754.4m² and was considered to be in good condition. Both these habitats are evaluated as being of County Importance.

The proposed development will result in a direct loss of habitats on the site and for most of the habitats the impact is not considered significant due to their local importance and low ecological value. The presence of *Dry Heath* and *Poor Fen and*

Flush results in a higher significance of habitat loss. However, the habitats are small in scale and their viability is reduced by surrounding proposed developments.

There is also potential for indirect impacts on habitats on the site associated with water quality and invasive species. The drain in the middle of the site will be culverted and water quality impacts may arise during the construction works associated with increased suspended solids, fuel/oil spillages with the potential to cause water quality impacts downstream. The loss of this habitat is not considered significant in terms of its small size and limited importance for aquatic ecology and in the context of the number of similar type drainage ditches in the locality. It does support Common Frog which is noted to be widespread.

There is potential for impacts on groundwater during excavations and site levelling. The site is located in an area of 'Extreme' groundwater vulnerability and pollution arising from spillages of pollutants can affect areas and flora outside the site.

The invasive species recorded included Buddleia and Winter heliotrope in small area. During the construction stage there is potential for the introduction and spread of other invasive species to the site and surrounding area associated with machinery and personnel movements. Even though the site will be cleared, invasive species could colonise the site and continue into the operational phase of the project.

Regarding the treeline habitat that adjoins the roadway, this is of limited length with no large specimen trees and the mature tree are not considered to be of particular importance. It is considered that this loss of this habitat will be compensated by the landscaping and tree planting proposed as part of the scheme, in particular the native tree species proposed along the eastern boundary.

The site surveys did not record and mammals or mammalian dwellings but certain species including fox, badger and other small mammals are likely to forage on the site. The loss of the existing habitats may result in displacement and disturbance effects. Having regard to the low importance of the site for mammals and the presence of an abundance of similar habitat in the surrounding areas, the impacts are not likely to be significant. The report recommends that a pre- construction mammal survey be undertaken to ensure that no mammal dwellings have been created in the time lapse between the walkover survey and the start of construction.

The walkover survey indicates that the site is not of particular importance to birds. No protected bird species or species of significant conservation concern are likely to occur on the site, due to its location and the nature of the habitats present. Birds that use the site will experience disturbance and displacement effects, but due to the abundance of similar habitat in the surrounding area, these impacts are not considered to be significant. To minimise disturbance impacts on birds, it is recommended in the report that works take place outside the breeding season.

Devil's bit scabious was recorded on the site and is the main foodplant of the Annex 11 butterfly species Marsh Fritillary. In response to issues raised by the DAU a specific-survey was undertaken (Marsh Fritillary Survey-Ecofact) and submitted in response to further information. The surveys identified an abundance of Devil's bit scabious in the Fen and Flush habitat on the site, likely to be breeding habitat for the species (Fig 2). The June 2022 site surveys also confirmed the presence of two adult butterfly (Fig 3). However, the area of habitat is noted to be small in scale and is considered at best to be a small area for subpopulations of the species in the wider study area.

The site will be cleared during construction which will remove the fen and flush habitat that support Devil's bit scabious. This has the potential for direct and indirect impacts on the protected butterfly associated with habitat loss, disturbance, displacement and mortality. There is also potential for cumulative effects primarily associated with habitat loss if the proposed development is undertaken at the same time as adjacent developments (such as the N6 ring road) in the absence of mitigation measures.

The mitigation measures proposed include pre-construction larval web surveys, translocation and the creation of additional habitat to offset the impact of habitat loss. A site identified for this purpose is within the ownership of Galway City Council (Fig 4 of the report) and is noted to be twice the size of the area that will be lost. Devils bit scabious is present in the area and it is considered that with management this could create suitable Marsh Fritillary habitat. The Further Information Response includes land registry information which confirms that the site is in the ownership of Galway City Council.

The Biodiversity Assessment Report recommends that the existing Marsh Frillary habitat with Devil's bit scabious (poor Fen and Flush habitat) be translocated off site to the area selected for habitat management in accordance with standard practice as detailed in the report (section 5.4). It is also recommended that the area be subject to monitoring over a period of 2-4 years, to include a larval web survey and habitat condition assessment. I consider that this matter can be appropriately addressed by condition, should the Board be minded to grant approval for the development. Any such condition should require that the work be carried out by an experienced ecologist with entomological expertise and in accordance with a Mitigation Habitat Plan to be agreed with NPWS.

The potential impacts on Bats and Common Frog has been raised in the submissions. Formal bat surveys were not undertaken on the site. There are no buildings or structures on the site that would provide roosting habitat for bats and the trees do not have high potential for roosting habitats. Some of the habitats including wet grassland/ drainage ditch/scrubland would have good insect production which would provide food sources for local bats. The loss of this habitat would result in displacement and fragmentation impacts. However, the impacts are not considered significant in terms of the wide availability of similar habitat in the vicinity, which is removed from houses and roads. It is acknowledged that lighting associated with the constructed development has the potential to result in impacts on bats and this will be mitigated by lighting design and can be addressed by conditions.

The drainage ditch on the site is likely to provide suitable breeding habitat for Common Frog, which is protected under Annex V of the Habitats Directive. During the 2022 surveys this species was noted to be in abundance on the site in the Poor Fen and Flush habitat. Mitigation will be achieved by avoidance of construction during the breeding season and standard best practice measures to protect water quality.

A suite of best practice and proven measure to protect surface water and ground water will be implemented and included in the CEMP. These will include maintenance of buffers around the watercourse, used of silt fences to prevent migration of sediment, appropriate storage of soil, use of precast concrete for the culvert, dedicated refuelling/oiling areas and availability of spill kits. Water pumped from excavated areas or groundwater encountered during the works will be

discharged to on-site settlement ponds prior to discharge. Standard biosecurity measures will be implemented to control potential invasive species.

In conclusion, I accept that with the exception of *Dry Heath* and *Poor Fen and Flush* the habitats present on the site are of low ecological value. While the loss of these two habitats is of greater significance, the impact is mitigated by the small scale of the habitats present on the site and the mitigation proposed including the creation of additional habitat. I accept that this mitigation habitat will also help to support protected Marsh Fritillary Butterfly that will be disturbed/displaced as a result of the development. I accept that measures proposed to protect the water environment are in accordance with established best practice protocols. Subject to the mitigation measures proposed I accept that the impacts on biodiversity within the site is not likely to be significant.

8.3.3. Roads and Traffic

Concerns regarding the adequacy of the road network in the vicinity of the site have been raised in the submissions. The main issues raised relate to the timing of the traffic survey which was conducted during Covid, which was not considered to provide an adequate baseline. Other matters relate to the narrow poorly aligned local road serving the site with no footpaths/cycleways or public lighting and traffic congestion. It is contended that the development is premature in the absence of concrete proposals to improve the road and in the absence of alternatives the proposed development will be a car dependent scheme which will result in an unsustainable form of development.

The proposed development will be accessed via the Ballymoreen Road which links the Ragoon Road in the north with the Western Distributor Road in the south. The roadway in the vicinity of the site is a two-way narrow single carriageway with no footpaths. To the south (c 400m) the road, which serves multiple housing schemes, has been widened and provided with footpaths. It connects into the Western Distributor Road at Blake Roundabout. The site lies c 350 m to the north of the proposed N6 Galway City Ring Road (GCRR) corridor and the Ballymoreen Road will be connected to the ring road via a signalised junction.

In a request for further information, a revised Traffic and Transport Assessment Report was requested with up-to-date classified junction turning count surveys and

junction capacity assessments. It was also requested that the applicant consider the traffic impacts of the proposed development in conjunction with committed development in the vicinity.

In preparation of the updated Traffic and Transport Assessment report it was agreed with Galway City Council to use traffic flows recorded on the public road network as part of a separate development to the south (20/286), which is currently the subject of an appeal to the Board (ABP 313761-22). It relies on pre-pandemic traffic counts which were undertaken and recorded on Tuesday 10th September, 2019. While this data is three years old, it is more likely to be reflective of existing conditions than the previous surveys.

Traffic modelling was undertaken to determine the impact of the proposed development on the road network and key junctions in the vicinity.

The junctions considered included;

- the Ballymoneen Road /Rahoon Road junction to the north of the development site,
- the Ballymoneen Road/development site access
- The Ballymoneen Road/Western Distributor Road junction to the south of the development site.

The locations of the junctions are shown on Fig 1.2 of the report.

The junction capacities were analysed using ARCADY and PICADY programmes. Traffic growth as a result of the development was calculated using the TRICS database and growth factors from the TII¹. were applied to the traffic volumes recorded on the road network to establish future year traffic volumes. Projections for the opening year 2024, 2029 and 2039 are provided.

The traffic modelling indicates that the greatest impacts will be experienced at the Ballymoneen Road/Rahoon Road junction to the north which is currently operating above its practical capacity in the AM peak. Following the addition of the traffic generated by the proposed development there would be an increase in the RFC at the junction (from 0.99 to 1.12) and an increase in queue length of 18 PCU's in the

¹ TII Project Appraisal Guidelines for National Roads Unit 5.3-Travel Demand Projections

opening year (2024). These capacity issues would continue in subsequent design years with queuing increasing by 23 and 54 PCU's respectively.

The modelling indicates that the traffic impact at the Ballymoneen Road/Proposed Development Site Access Road junction caused by the proposed development would be minor and would not result in any queuing throughout the AM and PM peak periods.

The traffic modelling indicates little difference in the operation of the Ballymoneen Road/Western Distributor Road junction as a result of development traffic in the opening year and the junction will continue to operate within capacity in all future scenarios.

The revised Traffic and Transport Assessment also includes an assessment of the impact of the proposed development in conjunction with committed development in the vicinity of the site as required by the Board. It considered 3 no. housing schemes to the south of the development site, including two to the immediate south of the subject site (17/78 & 20/286) and Ard Cre which is under construction further south.

The assessment examines the impact on the Ballymoneen Road/Rahoon Road Junction to the north and the Ballymoneen Road/ Western Distributor Road Junction to the south. Following the addition of TII growth factors to the traffic on the road network and the additional volumes as a result of the proposed development and committed developments to the south, the RFC at the Ballymoneen Road/Rahoon Road would increase from 0.99 to 1.24 in the AM peak period opening year (2024). The queue length would increase from 12 to 56 PCU's and increase again to 88 PCU's in 2029.

At the Ballymoneen Road /Western Distributor Road junction the maximum RFC increase was from 0.51 to 0.78 on the Ballymoneen Road North Arm but remains within the practical operational capacity (RFC less than 0.85) and therefore the proposed development is not considered to have an adverse effect on junction capacity on the opening year of 2024 in the AM scenario. In the PM scenario, the RFC (0.87) would marginally increase on the Western Distributor East Arm and the RFC on this arm would be over the practical capacity of 0.85. The greatest queue lengths and an increase in RFC will occur in the 2029 PM scenario with queue length

increasing to 12 cars on the eastern arm. The RFC would increase to 0.94 but would remain below the actual capacity of 1.0.

I note that the assessment did not include consideration of a substantial development to the south for 238 residential units permitted by the Board under Strategic Housing Development (ABP 304762), immediately south of the GCRR route corridor. When taken in conjunction with existing and permitted developments in the vicinity would have implications for the operations of both junctions and is likely to result in additional congestion and queuing particularly on the Ballymoneen Road/Rahoon Road junction to the north in the AM peak, which is currently operating over practical capacity

The assessment also considers the impact of the permitted Galway City Ring Road (GCRR) which will form a junction with the Ballymoneen Road to the south. The GCRR will separate the proposed development site from the Ard Cre development and other permitted development to the south and the Ballymoneen/Western Distributor Road junction. Having regard to the proposed development site's northerly position relative to other committed developments and the GCRR (Fig 5.5) it is considered unlikely that traffic from these developments will pass the proposed development in large volumes. Therefore, only the proposed development was assessed together with the predicted traffic volume on the Ballymoneen Road post construction of the GCRR.

The results of the analysis indicates that no queueing will result on the Ballymoneen Road as a result of the proposed development. It is noted that the junction of the Ballymoneen Road and the GCRR has been designed with cognisance of future traffic volumes and no negative impact is envisaged as a result of the proposed development.

The traffic assessment concludes that it is likely that junction capacity issues will arise at the Ballymoneen Road/Rahoon Road and the Ballymoneen Road/Western Distributor Road in future years should the GCRR not be constructed and the traffic grows as per TII growth rates. It states that the surrounding road network will change following the construction of the GCRR and the Ballymoneen Road will benefit from a revised alignment and cross section which will include footpaths. This revised

alignment will include revised junction arrangements which will increase the capacity and reduce queuing.

It is also noted that the site and surrounding road networks are within the area included in the Galway Transport Strategy (GTS). The continuous implementation of the GTS is likely to reduce congestion on the road network which may improve junction operation, particularly at the Ballymoneen Road/Western Distributor Road which has good pedestrian and cyclist facilities to encourage modal shift.

It is concluded in the assessment that the proposed scheme will not have a sole negative impact on the surrounding network and there may be a need for junction improvements on the surrounding road network in the future should traffic growth grow as per TII growth rates.

Assessment

The roadway at the front of the site and extending c 350m to the south is seriously substandard in width and alignment. Walking and cycling are hazardous due to the limited width of the carriageway, the lack of footpaths/cycleways and inconsistencies in the road's geometry. The road appears to be used as a short cut to access Ragoon Road and bypass the more congested area in the vicinity of Westside Shopping Centre. The Ballymoneen Road/Ragoon Road junction is itself substandard, with visibility restricted to the west.

The current proposal does not include plans to widen the section of roadway along the front of the site. Improvements to the Ballymoneen Road to improve its substandard geometry are proposed as part of the GCRR. An at-grade signalised junction is proposed at the intersection and footpaths will be provided on each arm. From the information available these road improvements and the provision of footpaths do not include the subject site. Further clarity on this matter was sought as further information including the submission of larger scaled drawings, which was not adequately addressed in the response.

I would point out to the Board that that it appears that the adjoining proposed development to the south which is currently on appeal (ABP 313761) may benefit from these improvements. It proposes a significant set-back of the road frontage to deliver sight visibility splays. I note that a set back of 7m from the road edge is proposed along the site frontage of the subject site, with the intention (response to

further information) that this would facilitate future road realignment and the provision of a footpath and cycleway. It is unclear why the local authority has not attempted to provide any indication of how road improvements across a very limited site frontage (c 70m) would be implemented to cater for the subject site and to tie in with adjacent proposals. To ensure consistency, I recommend that the Board consider the current proposal in conjunction with the appeal on the adjoining site to the south (ABP 313761).

I accept as stated in the submissions that the road improvements in the area are predicated on the delivery of the proposed ring road. There are currently no definitive timelines for the commencement of works and completion is expected to take c 3 years. It is therefore conceivable that this section of the road could remain substandard for the foreseeable future. When taken in conjunction with other permitted/proposed development in the area, the approval of this proposal would place additional pressure on the road network and on the junctions to the north and south.

There is already congestion on the Ballymoneen Road during the AM peak and capacity issues at the Ballymoneen Road/Rahoon road junction to the north which will be compounded by the proposed development. Whilst the Ballymoneen Road/Western Distributor Road junction has greater capacity to accommodate increased traffic flows, it will also experience a reduction in capacity in future years in the absence of the GCRR.

The Galway Transport Strategy (GTS) recognises that a major issue facing the city is the over reliance on private cars and significant congestion. It recognises that a shift is needed to more sustainable options. Due to the lack of convenient and accessible alternatives, the proposal will result in development that is excessively car dependent.

There is no public transport close to the site and I accept that this has the potential for isolation of the more vulnerable members of the community. I note that the closest bus stop is located c 1.4km to the south east on the Western Distributor Road. The bus stop on Clybaun Road is further away, with no available short cuts through existing housing schemes. Improvements to the frequency of bus services in the city are proposed under the GTS and these are focussed initially on the Western

Distributor Road (Green Route). The site lies outside the 10-minute walking catchment for these services. The proposed Blue Route will travel from Clybaun Road towards the city centre but there is currently no connectivity between the proposed development site and Clybaun Road which would make this a viable option.

As already noted, the roadway at the front of the site is substandard and walking and cycling as alternatives to private car use is not a safe option due to the absence of footpaths/cycleways. The applicant proposes safe walking and cycling routes via adjoining estates which have yet to be approved and developed and is contingent on the timelines for approval and the delivery by private developers.

The constraints for cyclists on the Ballymoneen Road is acknowledged in the GTS. The roadway is identified as a 'Feeder Link' which will require traffic calming and management measures to allow cyclists and motorists to mix safely. Presumably these measures will not take place until such time as the GCRR is complete.

The reliance on private car transport will also be compounded by the lack of retail and community facilities in the area. There is no neighbourhood centre close by to cater for the needs of the many residential developments located on Ballymoneen Road. I note that the closest convenience shop is well outside the ambition of a 15-minute walk/cycle distance where the daily needs of residents can be accessed.

While the GCRR is likely to reduce the congestion and significant queues on the local road, there is also potential for the road to result in severance and increased walking distances and lengthy wait times at junctions resulting in a lack of connectivity for residents of the scheme.

Conclusion

Notwithstanding the residential zoning objective for the site, there are clearly significant congestion issues on the Ballymoneen Road and capacity issues on the Ballymoneen Road/Rahoon Road junction. These issues will persist and be exacerbated by the proposed development and in conjunction with other permitted development.

Development in this area has taken place in a piecemeal way with housing provided which is not supported by an appropriate level of infrastructure and services. This is contrary to the principles of sustainable development and national, regional and local

policy objectives in terms of sustainable mobility and the provision of options to support modal shift.

Whilst I accept the pressing need to provide additional housing to cater for the needs of the city's population, I consider that this proposal is premature pending the provision of an adequate and safe road network and facilities for alternative travel options to cater for both existing and proposed developments in the area.

Layout and Development Strategy

It is contended by Ronan Mc Donagh that the proposal breaches a Deed of Covenant and Indemnity between Galway City Council and the Mc Donagh family which sets out contractual obligations regarding the layout and design of the development. The Mc Donagh family lands lie to the north of the subject site.

I accept applicants position that this is not the appropriate forum to deal with such matters and that issues regarding legal title/agreements are not within the Board's jurisdiction and are matters more appropriately dealt with by the Courts.

Other matters raised in the submissions relate to the segregation of the traveller community resulting from the layout and design of the scheme.

Layout - The layout of the scheme essentially comprises a series of terraced housing with the estate access road forming a central spine. The larger apartment buildings provide definition at the corners and the variations in roof heights/profiles and building lines together with the variety of finishes add variety and interest to the scheme. The layout is legible and provides good accessibility to all of dwellings and has regard to potential future development in terms of connectivity and permeability. There is adequate provision of open space to serve the residents of the scheme which is well located and is overlooked by a significant proportion of the houses.

Traveller Appropriate Accommodation will be provided in a separate cluster adjacent to the site entrance. Access will be via a minor subsidiary road adjacent to the main estate access. A total of 8 no. two-storey units are proposed which will be orientated inwards towards a predominantly hard surfaced area in the centre. The outer perimeter will be formed by a 2.4m high enclosing wall. Each house is provided with private amenity space and parking for a large van/caravan is provided within the curtilage of each dwelling.

The location, layout and design of the traveller appropriate housing is stated to have emerged as a result of extensive consultation with the traveller community and housing personnel from Galway City Council. The original proposal to disperse the housing throughout the estate was abandoned as the traveller community expressed a strong preference for the houses to be grouped in a single cluster to retain the existing sense of community and to avoid feelings of isolation. There was also a stated preference to be located adjacent to the site entrance with a separate access road, exclusively serving the traveller cluster. The extent of the hard surface area within the scheme is dictated by the requirement to manoeuvre larger vehicles and is perceived by the intended occupants as a utility space as opposed to an amenity space requiring continuous maintenance.

I accept that the proposal will help to address the housing need for the travelling community identified in the Traveller Accommodation Programme 2019- 2024. While I accept that it would be preferable to integrate the traveller and settled community, it appears that the layout as proposed is the expressed preference from the intended occupants and the most appropriate to address the needs of the travelling community.

I accept that the provision of a 2.4m boundary designed to separate the cluster from the rest of the scheme is undesirable in terms of social inclusion, but understandable in terms of the particular needs of the travelling community. I accept that its visual impact will be reduced by its design, which will be cranked at intervals, and its high quality finish (clad in dry stone random rubble native stone) and proposed planting.

Some of the observers have concerns that horses may be maintained on the site and note the absence of stables or other facilities. I consider that should the Board be minded to grant approval for the development, a condition should be attached requiring that no horses be kept on the site, in order to protect the amenity of adjoining residential property.

I note the concerns expressed regarding the surfaced area to be provided for touring caravans. This reflects a requirement to accommodate nomadism for this ethnic minority.

Density –The ‘*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*’, encourages densities of 35-50 dwellings per hectare

involving a variety of housing types in outer suburban/greenfield sites. The proposed development complies with this density standard providing 35 dwellings per hectare and with a plot ratio of 0:32:1 accords with the development plan requirement (0.46:1) for residential development that should not normally be exceeded in the outer suburbs.

I accept that this density ensures a balance between the reasonable protection of the established and emerging character of the area and the need to provide sustainable residential development in the outer suburbs.

Housing mix/design – The proposed scheme provides an appropriate mix of houses and apartments providing a range of accommodation (1-4 bedroom units) and a variety of options for different household types in accordance with the provisions of the development plan and national guidelines on sustainable residential development. The mix of housing types and sizes are based on a ‘need assessment’ and provides a response to Galway’s social housing needs.

The scheme includes both two-storey and three-storey buildings and the variety in dwelling design enhances the visual attractiveness of the development. While the building height in the immediate vicinity of the site is single and two-storey, I consider that the location of the three-storey buildings which provide definition to the terraces and reinforce corners within the scheme is acceptable. I consider that the site has the capacity to accommodate the scheme without impacting negatively on the visual amenities of the area. I consider that the variations in ridge lines, building lines, forms and finishes creates a visually acceptable and high-quality living environment which creates a sense of place and a quality public realm. I note that the design was developed having regard to the criteria listed in the ‘Urban Design Manual- A Best Practice Guide 2009’.

The 8. no. houses (Type D) to be provided for the traveller community will all be of similar design and finish. The layout which incorporates a spacious open plan living/dining area proposed to facilitate potentially larger family units and family gatherings and a ground floor bedroom to cater for elderly occupants, is stated to have resulted from consultation with the traveller community.

Public Open space/Landscaping- The main area of open space serving the development is located to the east of the site. The level of provision (17.75%)

exceeds the development plan requirement of 15% minimum of site area on greenfield sites. The space which is conveniently located to all of the dwellings will benefit from passive surveillance from adjacent houses. Circulation paths will provide linkages throughout the space and connect it with surrounding areas including the proposed greenway which will run directly along the south-eastern boundary of the site.

The open space which is appropriately integrated within the development will provide a range of amenities for all age groups and opportunities for social interaction. It will accommodate active recreational spaces (kick-about/ half court basketball area/informal safe play area for younger children) and passive facilities including sheltered seating areas for other age groups in accordance with the requirements of the development plan.

Within the traveller appropriate housing cluster open space is confined to small planted areas at the front of each house, a landscaped area along the road frontage and a small landscaped seating area proximate to the proposed new triple ESB pole/stays (provided to allow power lines to be diverted underground around the front of the site). Whilst open space provision is not in accordance with recommended standards, it is stated that the intended occupants have a preference for a no maintenance hard surfaced shared area which can also be used for manoeuvring larger vehicles.

Along the entire site frontage, the roadside boundary will be set back by 8m from the existing road edge. The 8m verge will be landscaped with planted mounded areas creating an attractive entrance to the overall development. It is stated to be designed to maintain the rural character of the area and will allow for future road widening and cycle way and footpaths.

The landscaping details for the site are outlined in the Landscape Report submitted with the application. In addition to the open space referred to above, trees, hedges and shrubs will be provided throughout the scheme. Trees will be planted along the estate road which will soften the overall visual impact of the development and open out towards the open space to the rear. An area of native woodland will be planted to the south-east to provide enclosure and screen the development from surrounding development.

Access/Parking - The existing access to the site is located along the southern side of the site frontage. The proposed access will be positioned further north providing enhanced visibility in both directions. Visibility splays of 160m to the south and 90m to the north will be provided and I note that the recommendations of the Stage 1 Road Safety Audit have been incorporated into the layout.

A total of 116 car parking spaces and 86 cycle spaces are proposed which accords with the required standards for the various dwelling units provided. The car parking will be conveniently located to each dwelling and will include visitor parking and 5 no. accessible spaces. Cycle parking will be provided in shared storage areas on the ground floor of the Type F building (45 no. spaces) and otherwise in the individual rear gardens. Visitor spaces will be provided in shared bicycle ranks distributed throughout the estate.

The roadways within the scheme will provide shared space for cars and cyclists and 1.8m wide footpaths will accommodate pedestrians. The roadways are designed to slow traffic (short lengths, minimum width and tight corners) and raised pedestrian crossing will give priority to pedestrians. The development is designed to provide pedestrian and cycle linkages with surrounding development.

I accept that the design and layout of the scheme is to an acceptable standard and will provide an attractive and well design scheme which will be capable of effective integration and complement existing development in the area.

8.3.4. Residential amenity

This section of the report considers the impact of the proposed development on the residential amenity of both future residents of the scheme and on adjoining residents.

The proposal includes a mix of houses and apartments. The Schedule of Accommodation contained in Appendix A of the Architectural Design Statement provides details of the unit type, bed spaces, floor areas and private open space. It demonstrates that the proposed development is compliant with relevant internal room standards and is capable of providing an acceptable level of amenity for future residents.

Each of the houses is provided with an area of private open space located at the rear of the dwelling at a level consistent with the development plan requirement of not

less than 50% the gross floor area of the residential unit. In the case of the apartments and duplex units, the ground floor accommodation has access to a private rear garden area and the upper level units are provided with private amenity space in the form of an external terrace, consistent with the space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments 2020.

Houses backing onto boundaries are generally two-storey in scale to protect existing/proposed residential development. The exception to this is the three-storey duplex units (Type G) which is considered in the context of the apartment block proposed on the adjoining land to the site (Reg Ref No 20/286).

To avoid overlooking a separation distance of 11m from first floor windows has been achieved in most cases. Where this is not possible, the units have been designed such that only utility rooms/circulation spaces are located on the façade at first floor level and will be fitted with opaque glass (Type A1, D and F)

The majority of the dwelling units are dual aspect delivering good daylight penetration to all living spaces and bedrooms. The living spaces in the apartments are also dual aspect or are orientated south/west east to maximise good daylighting. The private amenity space associated with these dwellings also faces south, west or east.

In terms of overall residential amenity, the proposed development is isolated from retail and community facilities and the lack of convenient and safe connections is a major factor with the potential to significantly impact on the residential amenity of future occupants of this scheme. The development if approved, will comprise yet another housing development in the area which is not supported by appropriate facilities and lacks any community focus. It is therefore at variance with the strategy of the development plan which seeks to promote sustainable neighbourhoods where community facilities and services are easily accessible. It is also at variance with Policy 2.4 of the Plan (Neighbourhood Concept) which *'seeks to encourage the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs'*.

8.3.5. Other Matters

Flooding: It is stated in the submissions that the area is susceptible to flooding. I note that the site is located outside flood zones A and B identified in the Flood Risk Assessment for Galway City which supports the development plan. I accept that this does not preclude flooding in other areas. I note from the OPW Flood Maps that there a record of a recurring flood event to the north west of the site at Boleybeg stated to be associated with a tributary of the Kerraun River. The recorded flood event is a significant distance from the proposed development site. A Stage 1 Flood Risk Assessment was submitted with the application which confirmed that there is no evidence to suggest that the site is liable to flood risk.

Archaeology: The DAU raises the issue of potential subsurface archaeological remains that may exist on the site. I consider this matter can be adequately addressed by condition should the Board be minded to grant approval for the development.

8.4. The likely significant effects on a European site:

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Stage 1 Screening for Appropriate Assessment
- The Natura Impact Statement
- Appropriate Assessment

Compliance with Articles 6(3) of the EU Habitats Directive:

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

The proposed development is not directly connected to, or necessary for the management of any European site and therefore is subject to the provisions of Article 6(3) and Part XAB of the Planning and Development Act 2000, as amended.

Stage 1 -Screening for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process i.e., screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.

The DAU raised issues regarding the enabling works carried out on the site in October 2020 to facilitate survey work and the potential for these works to have resulted in impacts on European sites. To address this matter, a remedial AA Screening Report was prepared in response to further information to assess whether there was potential for these works to have significant effects without taking into account any mitigation measures that may have been put in place.

The enabling works included activities undertaken on the public road (temporary traffic light set up, removal of entrance gate, removal of boulders at site entrance) and site clearance and refuelling of machines. The report states that site clearance activities were restricted to certain areas of the site and a track along the perimeter was used by machinery for scrub clearance in order to avoid ecological/environmental sensitive areas and the drain located in the middle of the site, which provides hydrological connectivity to Galway Bay.

The development site is removed from the European sites and there was no potential for the enabling works to result in direct loss of habitat or alteration within a European site. The main potential impacts identified that could have arisen during the enabling works would have been associated with the discharged of sediment and pollutants to the drain crossing the site which is hydrologically connected to the European sites.

The report concluded that having regard to the minor nature and short duration of the works carried, any silt potentially entering the drainage ditch at the site would have

settled within the drainage ditch and would have been diluted to non-discernible levels before entering Galway Bay. Refuelling was undertaken outside the site entrance adjacent to the public road and remote from the drainage ditch.

The AA screening report submitted with the application identifies 10 no. sites within 15km of the site which are as follows.

- Galway Bay Complex SAC (Site code: 000268), 1.8km south
- Inner Galway Bay SPA (Site code 004031), 1.9km south.
- Lough Corrib SAC (Site code: 000297), 3.6km east
- Lough Corrib SPA (Site code: 004042), 3.1 km north-east
- Connemara Bog Complex SAC (Site code: 002034), 9.1km west
- Ross Lake and Woods SAC (Site code: 001312), 10.9km north
- Creggana Marsh SPA (Site code: 004142), 12.1km east
- Connemara Bog Complex SPA (Site code: 004181), 13.1km west
- East Burren Complex SAC (001926), 14.7km south
- Gortnadarragh Limestone Pavement SAC (Site code: 001217), 14.5km north

The location of the European site's relative to the development site are shown in Fig 1 of the report.

Table 1 of the screening report examines the potential for effects on each of the European sites within 15 km of the proposed development. None of the qualifying interests of the SAC or SPA occur within the development site. Using the source-pathway-receptor model, two potential pathways for effects were identified. These include the existing drain that flows through the site and towards the Tonabrocky Stream, which discharges into Galway Bay, and the Galway WwTP at Mutton Island which also discharges directly into the bay where it is designated as both the Galway Bay Complex SAC (Site code 000268) and Inner Galway Bay SPA (Site code 004031). The screening report concluded that there is potential for significant effects on the qualifying habitats/species of the SAC/SPA associated with discharges to the drain during construction and discharges to the waste treatment plant during the operational phase.

No other pathways for effects were identified between the development site and the remaining 8 no. European sites. The sites were eliminated due to a lack of hydrological or other ecological connectivity, the nature of the qualifying interests of the SAC's being terrestrial habitats with no connection with the development site and the significant separation distance between the site and the SPA's for qualifying avian species.

Conclusion - Stage 1 Screening Report

It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites, Lough Corrib SAC (Site code: 000297), Lough Corrib SPA (Site code: 004042), Connemara Bog Complex SAC (Site code: 002034), Ross Lake and Woods SAC (Site code: 001312), Creggana Marsh SPA (Site code: 004142), Connemara Bog Complex SPA (Site code: 004181), East Burren Complex SAC (001926) and Gortnadarragh Limestone Pavement SAC (Site code: 001217).

The AA Screening Report concluded that it is not possible to rule out the potential for significant effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA and that a Stage 2 Appropriate Assessment and a Natura Impact statement was required.

No measures designed or intended to avoid or reduce any harmful effects on a European site have been relied upon in this screening exercise.

In response to the further information request, a review of the AA Screening Report was carried out by Enviroguide Consulting. It agreed that the drain on the site and foul waters (which are ultimately treated at Galway WwTP) provide potential pathways for significant effects on European sites in Galway Bay. However, it concluded that the treatment of wastewater at the Galway WwTP during the operational phase does not constitute a mitigation measure in the context of the Appropriate Assessment Screening Report and that there is no possibility of significant effects on Galway Bay Complex SAC and the Inner Galway Bay SPA via foul waters generated at the site.

The conclusion is based on the insignificant increase in load (187 PE) to the WwTP (which is not operating at capacity)² and its inability to alter the effluent released from the facility to such an extent as to result in significant effects on the SACs and SPAs connected hydrologically with the WwTP. This would appear reasonable.

The updated NIS therefore focusses on the potential impacts of the construction stage associated with potential impacts during the construction stage via the drain on site on the Galway Bay Complex and the Inner Galway Bay SPA.

The Natura Impact Statement

The updated NIS described the proposed development, the project site and the surrounding area. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

The NIS was informed by the following studies, surveys and consultations:

- A desk top study using recognise data sources (NWPS, National Biodiversity Data Centre, EPA, GSI).
- An examination of satellite imagery, aerial photography and maps.
- A field survey of the proposal site and surroundings including a habitat and mammal survey, assessment of potential bat roost features, assessment of potential nesting habitat and the potential occurrence of any terrestrial invertebrates, reptiles or amphibians of conservation importance and presence of invasive species on the site.
- Consultations with the National Parks and Wildlife Service, the EPA and the National Biodiversity Data Centre.

² Irish Water's wastewater treatment capacity register for Galway city outlines the capacity available at Mutton Island WwTP. It has a current design load of 170,00PE and the current load was c 130,000PE in AER (2020)

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not affect the integrity of the European sites.

Having reviewed the updated NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 8 of the updated NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment

The AA Screening Report concluded that it was not possible to rule out significant effects on two European sites associated with Galway Bay to the south of the site. The qualifying interests for each site are listed below.

European site (SAC/SPA)	Qualifying Interests	Distance
Galway Bay Complex SAC (Site code (000268))	<ul style="list-style-type: none"> • Tidal Mudflats and Sandflats • Coastal Lagoon* • Large Shallow Inlets and Bays • Reefs • Perennial Vegetation of Stony Banks • Vegetated sea cliffs of the Atlantic and Baltic Coasts • <i>Salornica</i> Mud • Atlantic Salt Meadows • Mediterranean Salt Meadows • Turloughs* • Juniper Scrub • Orchid-rich Calcareous Grassland* • Cladium Fens* • Alkaline Fens • Limestone Pavement* • Otter • Common (Harbour) Seal 	1.8km to the south of the proposed development site
Inner Galway Bay SPA (Site	<ul style="list-style-type: none"> • Black-throated Diver • Great Northern Diver 	1.8km to the south of the proposed

European site (SAC/SPA)	Qualifying Interests	Distance
code: 004031)	<ul style="list-style-type: none"> • Cormorant • Grey Heron • Light-bellied Brent Goose • Wigeon • Teal • Red-breasted Merganser • Ringed Plover • Golden Plover • Lapwing • Dunlin • Bar-tailed Godwit • Curlew • Redshank • Turnstone • Black-headed Gull • Common Gull • Sandwich Tern • Common Tern • Wetlands and Waterbirds 	development site.

*=Priority

Galway Bay Complex SAC (Site code: 000268)

The site synopsis (NPWS) describes the site as follows:

This large coastal site is of immense conservation importance for many habitats listed on Annex 1 of the E.U. Habitats Directive, some of which have priority status. The examples of shallow bays, reefs, lagoons and saltmarshes found within the site are amongst the best in the country. The site supports an important Common Seal colony and a breeding Otter population (Annex 11 species) and six regular Annex 1 E.U Birds Directive species. The site also has four Red Data Book plant species, plus a host of rare or scarce marine and lagoonal animal and plant species.

Site specific conservation objectives have been published for the site which is to maintain/restore the favourable conservation condition of the habitats/species for which the site is selected.

Inner Galway Bay SPA (Site code 004031)

The site synopsis (NPWS) describes the site as follows:

Inner Galway Bay SPA is a large, marine dominated site to the west of the development site. The site is a Special Protection Area under the Birds Directive, of special conservation interest for 20 no. bird species and for Wetlands and Waterbirds. The site is of high ornithological interest with two wintering species having populations of international importance and a further sixteen having wintering populations of national importance. The breeding colonies of Sandwich Tern, Common Tern and Cormorant are also of national importance. Six of the regularly occurring species are listed on Annex 1 of the E.U. Birds Directive i.e. Black-throated Diver, Great Northern Diver, Golden Plover, Bar-tailed Godwit, Sandwich tern and Common Tern.

Site specific conservation objectives have been published for the site which is to maintain the favourable conservation condition of each of the species and the wetland habitat for which the site is selected.

Appropriate Assessment of the implications of the proposed development on the Galway Bay Complex SAC (Site code: 000268) and the Inner Galway Bay SPA (Site code 004031)

The proposal is to construct a social housing scheme on the site, with the potential to create significant adverse effects on the European sites during the construction stages of the development. None of the qualifying interests of the SAC or the SPA occur within the development site and therefore there is no potential for direct effects on any of the habitats or species for which the sites are selected.

The construction phase will involve site excavation, stripping of soil and overburden, temporary stockpiling of soils/subsoils, culverting of existing stream and construction of the development. There is potential for impacts on water quality associated with the release of suspended solids, accidental spillages of fuels/oils, concrete and cement to enter the SAC/SPA via the existing drain on the site. This has the potential for indirect effects on some of the water quality sensitive habitats (Mudflats and sandflats, Large shallow inlets and bays, Reefs, Atlantic salt meadows and Mediterranean salt meadows) and species (Otter and Harbour Seal) of the SAC downstream. There is no potential for impacts for the remaining habitats of the SAC due to lack of potential pathways and downstream hydrological connections. The discharge of sediment/pollutants has the potential to impact on the natural processes

of these habitats as well as impacting species indirectly by degrading habitats. The birds species for which the SPA is selected may forage in the wetland habitat associated with the SPA and there is potential for impacts via the drain on site and the Tonabrocky Stream.

The observers state that there are hydrological connections to the Bearna Stream that also flows into Galway Bay, which has not been considered as a potential pathway to the SAC/SPA. On this basis it is contended that the NIS is substandard and incomplete. This is not refuted or addressed in the revised NIS prepared by Enviroguide, which accepts the conclusions reached in the original NIS prepared by Ecofact e.g., that the drain discharges to the Tonabrocky stream to the south east.

While there may be hydrological connectivity with the Bearna Stream and the Moycullen Bogs NHA, the site appears downstream of this connection and water flow would be flowing towards the south as with the other watercourses. Any construction and operational changes to the hydrology would be further downstream of the site. I note that the EPA mapping of WFD sub-catchments puts the development site in a different sub-catchment to the Bearna Stream and appears to support the applicant's assertion that the drain on site discharges to the Tonabrocky Stream.

While I accept that there are challenges with drains and streams in karst environments and if a link should exist with the Bearna Stream, provided the mitigation measures to protect water quality are robust then the ultimate receptor, which is the SAC and the SPA would be protected.

Potential in combination and cumulative effects

The potential for in-combination effects is considered with other plans and projects in Section 6.3 of the revised NIS. The main recently permitted developments in the locality are for housing development and the Galway City Ring Road. Each of the applications was supported by an NIS which concludes that significant effects on European sites are not likely to arise. It has been similarly concluded in the case of the proposed development that significant adverse effects on any European site is not likely to arise and accordingly the potential for cumulative effects does not arise.

I would also note that all of the plans which relate to the area including the current Galway City Development Plan, the draft development plan and the Galway

Transport Strategy have all been subject to Appropriate Assessment and the potential for significant effects arising from their implementation has been ruled out. ,

Mitigation measures

A suite of best practice and proven mitigation measures are proposed to protect water quality. During the construction stage these will include treatment of surface water prior to discharge to water courses (silt trays/settlement ponds, temporary interceptors and traps, buffer zones between the works and watercourses), standard measures to prevent the discharge of fuels, oils, lubricants and concrete to the environment (refuelling in a designated area, bunded storage tanks, availability of drip trays and spill kits), erosion control (silt traps/fencing and swales) and stockpiling of soil (buffers to water features/drainage ditches and measures to minimise egress of surface water).

Specific measures are proposed to mitigate impacts during culvert installation. Instream works will be carried out in accordance with IFI guidance to minimise the discharge of suspended solids and other pollutants to the water environment. Precast concrete pipes will be used to avoid the use of in-situ concrete. The culvert will be installed avoiding the need for in-channel works as far as possible and works will be carried out during dry conditions. Any dewatering flow will be passed through filtered dewatering bags to remove sediments and a water over pumping arrangement will be adopted to manage the incoming water from the stream. This over pumped water will pass through silt bags or other suitable measures to reduce sediment release. The measures to protect surface water will also serve to protect soil groundwater.

During the operational stage standards measures will be incorporated into the design of the scheme to attenuate flows and treat surface water discharges. This will include SuDs measures (swales, attenuation) and the discharged of surface water via petrol interceptors. The attenuated storm water from the attenuation tank will be discharged to the public water network in accordance with the requirements of Galway City Council.

Assessment

The development site is remote from the European sites' and I accept that there is no potential for direct effects on the qualifying habitats or species of the SAC or the birds associated with the SPA. While there is a drain on the site which could potentially be used by commuting otter, it is noted to be low flowing and stagnant in places and is therefore not likely to provide suitable foraging opportunities or ex-situ impacts. The birds associated with the SPA are primarily coastal species with little supporting habitat available on the subject site.

There is potential for indirect effects on a number of habitats/species associated with the discharge of sediment and pollutants from the site via the drain on the site which connects to the SAC/SPA. While such effects are considered to be tenuous having regard to the distance involved and the diluting effects of the intervening stream watercourse, I accept that subject to the mitigation measures proposed to protect water quality, significant adverse effects on the habitats and species for which the European sites' are selected are not likely to arise.

I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would / would not adversely affect the integrity of the Galway Bay Complex SAC (Site code: 000268) or the Inner Galway Bay SPA (Site code:004031) or any other European site, in view of the sites' Conservation Objectives.

9.0 Conclusion

I accept having regard to the zoning objectives for the site, the proposed development is acceptable in this location. However, I have concerns that if permitted it will continue an existing pattern of piecemeal and unsustainable residential development in an area which is seriously deficient in support infrastructure and services for the resident population.

In the absence of proximate and safe access to retail and other services, the development will be excessively car dependent and is not supported by adequate

infrastructure to facilitate the use of more sustainable modes of transport including public transport, walking and cycling.

The proposed development is accessed by a substandard road network, which is seriously deficient in terms of width and alignment in the vicinity of the site, with no footpaths or cycleways and which is experiencing capacity issues. The proposed development in conjunction with existing and permitted developments in the vicinity will increase traffic congestion on the local road network serving the site and in the absence of footpaths and facilities will impact on the safety of road users and pedestrians. I consider that proposed development is premature pending the completion of the Galway City Ring Road and associated improvements to the Ballymoneen Road, which would relieve congestion on the local road network and improve road safety. The proposed development is therefore contrary to the proper planning and sustainable development of the area,

10.0 Recommendation

On the basis of the above assessment, I recommend that the Board **Refuse to Approve** the proposed development for the Reasons and Considerations set out below.

11.0 Reasons and Considerations

1. Notwithstanding the residential zoning objective for the area, it is considered that the proposed development would continue and extend the piecemeal development of the area without the provision of adequate social and physical infrastructure. It is considered that due to the lack of appropriate and safe pedestrian linkages, the distance to public transport and the lack of social and community facilities in the vicinity, the proposed development would be excessively car dependent and with a lack of alternative travel options would, therefore, be contrary to national, regional and local policy objectives on sustainable mobility. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- 2 The proposed development is located along a section of local road which is substandard in width and alignment, with no pedestrian and cycle facilities. It

is considered that when taken in conjunction with existing and permitted development, the proposed development, which would be excessively car dependent, would further erode the level of service and increase congestion in the area. The proposed development would lead to conflict between road users including traffic, pedestrians and cyclists and seriously endanger public safety by reason of traffic hazard. It is considered that the proposed development is premature pending the completion of the N6 Galway City Ring Road and associated improvements to Ballymoneen Road. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

Breda Gannon
Senior Planning Inspector /

15th August 2022.