



An
Bord
Pleanála

Inspector's Report ABP-311785-21

Development	12 Houses and 8 apartments with communal open spaces, playground, and associated site development works.
Location	Rindifin, Ennis Road, Gort, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	211444
Applicant	RHOC Gort Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	RHOC Gort Ltd.
Observer	None
Date of Site Inspection	22 nd June 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is irregular in shape, has a stated area of 0.8109 ha and is located on the eastern side of the R458/Ennis Road, c. 1 km south-east of the centre of Gort.
- 1.2. The appeal site falls from east to west. Topographical levels are indicated as c. 37 metres (OD Malin) to the south-east of the appeal site and c. 32 metres (OD Malin) to the front/west of the appeal site. There is an existing splayed entrance with wing walls along the front/western boundary of the site onto the R458/Ennis Road. An unpaved track runs along part of the north of the appeal site, connecting to the gated entrance. The appeal site is vacant and is partially overgrown.
- 1.3. The roadside boundary of the appeal site is formed by a paladin fence and a low stone wall. A footpath runs along the front/west of the appeal site. The posted speed limit along the R458/Ennis Road at this location is 50 kmph.
- 1.4. The lands to the north and east are indicated as being in the control/ownership of the first party, as depicted by the blue line boundary.
- 1.5. The appeal site is located south of a number of industrial units. There is a detached single storey dwelling to the immediate south of the appeal site. Beyond this dwelling is the Punchbowl housing development. Burren View housing estate is located on the opposite side of the R458/Ennis Road.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - A housing development comprising 20 no. residential units, i.e.
 - 10 no. 4 bedroom semi-detached units (2 storey):
 - 8 no. duplex apartment units – comprising 6 no. 1 bedroom units and 2 no. 2 bedroom units (2 storey block): and,
 - 2 no. 1 bedroom semi-detached units (single storey).

Material finishes to the proposed houses and apartment building comprise render and stone for the external walls and slate (unspecified colour) for the roofs.

- Alterations to existing entrance onto Ennis Road/R458.

- Pedestrian connections to existing footpath along Ennis Road/R458.
- Construction of access road.
- Connection to public mains, surface water and foul drainage networks.
- Provision of communal open space areas, a playground and private open space.
- Bicycle parking, footpaths, public lighting, soft and hard landscaping, revised boundary treatments, together with all associated site works and services.

2.2. The planning application was accompanied by the following reports/studies;

- Stage 1 Road Safety Audit.
- Traffic and Transport Assessment.
- Design and Specification for Utilities.
- Preliminary Design for Lighting.
- Appropriate Assessment Screening Report.
- Bat Survey Report.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 30th September 2021 for 5 no. reasons which can be summarised as follows;

1. The site is zoned 'R - Residential Phase 2' in the Gort Local Area Plan 2013 - 2023. Objective RD1 of the LAP seeks to reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of the town. It is the policy of Galway County Council to encourage the orderly and phased development of residential lands in accordance with the principles of the sequential approach. This shall include a positive presumption in favour of the sequential development of suitable serviced (Phase 1) lands. The proposed development would be contrary to Objective RD1 and Policy RD2 of the Gort

Local Area Plan 2013-2023 and Objective UH 10 of the Galway County Development Plan 2015-2021.

2. The proposal for an entrance and access road, an integral part of the proposed development, on Industrial zoned lands would materially contravene the industrial zoning of the relevant lands as set out in the Gort Local Area Plan 2013-2023.
3. The planning authority have concerns regarding the satisfactory disposal of surface water on the site in accordance with DM Standard 27 of Galway County Council Development Plan 2015-2021, by way of inclusion appropriate sustainable urban drainage measures. The proposed development would be contrary to WSW7 of the Galway County Development Plan 2015-2021.
4. The proposed development by reason of the lack of variation in design, potential overlooking, the linear and roads dominated layout and the absence of satisfactory provision of usable and functional communal open space, would constitute a substandard quality of residential design, would seriously injure the amenities of and depreciate the value of property in the vicinity.
5. Proposals in the Road Safety Audit relate to lands outside of the control of the applicant and the applicant has not satisfactorily demonstrated that these works can be executed. The proposed development would therefore endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

I note that Reason No. 2 included in the Notification of Decision to Refuse Permission issued by the Planning Authority makes reference to material contravention of the Gort LAP. This refusal reason however does not refer to the proposal as being a material contravention of the Development Plan. I do not therefore consider that the Board is bound by the provision of Section 37 (2) (b) of the Planning and Development Act 2000 (as amended).

Additionally, I note that the land use zonings from the Gort LAP have not been incorporated into the Galway County Development Plan 2022-2028, and the new Development Plan makes no reference to the Gort LAP in this regard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (dated 29th September 2021) includes the following comments;

- The principle of a residential use at this location is not considered acceptable at this time as the proposal is for 20 units on Residential-R2 lands and the requirements of Objective UH010 of the Galway County Development Plan 2015 -2021 and Objective RD1 of the Gort Local Area Plan 2013-2023 have not been satisfactorily demonstrated.
- The entrance and access to serve the residential lands would be contrary to the industrial zoning relating to these lands.
- 2 mirrored house designs are presented. A more varied design is desirable. A limited palate of materials and finishes is also presented for the overall scheme.
- There are concerns regarding the linear and road dominated layout with a limited usable area of public open space.
- The established and permitted building line has not been maintained.
- Absence of any cycle lanes.
- An uncontrolled pedestrian crossing has been identified in the RSA. It is unclear how this will be executed as it is outside of the control of the applicant.
- A Landscaping Plan has not been included. The retention of existing natural feature on site has not been considered.
- Boundary treatments details have not been provided.
- The main area of open space is occupied with footpath infrastructure.
- A number of housing units back onto public open space, limiting passive surveillance.
- There is potential for overlooking of property to the south arising from the upper floor balconies and gable windows of the apartment building.

- No noise impact assessment has been submitted, as required under Objective TI13 of the Galway County Development Plan 2105-2021.
- No Preliminary Construction & Demolition Waste Management Plan has been submitted.
- Waste collection and storage proposals for apartments lack clarity.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Roads and Transport Section (dated 27th September 2021) – notes the following;

- The applicant has not submitted a Stage 1/2 Road Safety Audit and, therefore, has not satisfactorily demonstrated that the proposed development would not pose a road safety hazard.
- The applicant has not demonstrated compliance with DM Standard 27 of Galway County Development Plan 2015-2021, by way of inclusion appropriate sustainable urban drainage measures.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

1 no. observation was received by the Planning Authority. The following is a summary of the main issues raised:

- Proposed development encroaches on adjoining lands.
- Applicant removed fence from adjoining lands without consent and erected new fence which does not represent the correct Folio boundary.

The applicant submitted unsolicited information to the Planning Authority on the 27th September 2021 addressing the issues raised in the third party submission. The unsolicited information confirms that the red line boundary of the planning application corresponds to the applicant's Folio however the temporary fence which was erected

did not. Correspondence was also included from the solicitor of the third party stating that the issue has been resolved and that the third party wishes to withdraw his objection to the proposed development.

4.0 Planning History

Appeal Site (inc. lands overlapping with appeal site)

PA Ref. 06/1108 – Permission REFUSED for 114 no. residential units. Reasons for refusal concerned design, layout and open space considerations and that the proposal would be prejudicial to the development of the industrial lands to the north of the site.

PA Ref. 07/3857 – Permission GRANTED for 8 no. industrial units. This permission was granted an extension of duration for 5 no. years (PA Ref. 12/1089 refers). This permission has not been implemented and has expired.

Lands fronting R458/Ennis Road which appeal site surrounds

PA. Ref. 18/569 – Permission GRANTED for 4 no. houses. This permission has not implemented to date.

5.0 Policy Context

5.1. National Policy

5.1.1 National Planning Framework 'Project Ireland 2040'

The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives to support the

creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.1.2. Ministerial Guidelines

5.1.3. Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).
- Urban Design Manual - A Best Practice Guide (2009).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Design Manual for Urban Roads and Streets (2019).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, (2010).

5.2. Development Plan

5.2.1. The proposed development was considered by the Planning Authority under the Galway County Development Plan 2015-2021 however the Galway County

Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan.

5.2.2. The Galway County Development Plan 2022-2028 does not have any land-use zonings in respect of Gort. Where settlements have a Local Area Plan (LAP), specific land-use zonings are provided in the applicable LAP. For the most part, the land use zonings for settlements derived from LAP's are incorporated within the Development Plan however, the land use zonings from the Gort LAP have not been incorporated into the Galway County Development Plan 2022-2028

5.2.3. The appeal site is located within an 'Urban Environs Landscape' (see Map 1) for the purpose of landscape type and is identified as an 'Urban Area' (see Map 6) for the purpose of landscape sensitivity. Urban Areas are described as having a 'low sensitivity' to change.

5.2.4. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements
- DM Standard 2: Multiple Housing Schemes (Urban Areas)
- DM Standard 33: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment
- DM Standard 67: Sustainable Drainage Systems' (SuDS)

5.3. LAP

5.3.1. The relevant LAP is the Gort Local Area Plan 2013 (extended until 25th June 2023).

5.3.2. The majority of the appeal site is zoned 'R (Residential – Phase 2) with a stated objective to,

'Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities together with complementary land uses, such as community facilities, local services and public

transport facilities, to serve the residential population of the area. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development in accordance with the proper planning and sustainable development of the area.

A phasing scheme will apply to residential uses on Residential (R) zoned lands, as set out under Objective RD1 in Section 3.2.2.'

5.3.3. The northern portion of the appeal site is zoned 'I (Industry) with a stated objective to,

'Promote the sustainable development of industrial and industrial-related uses, including manufacturing, processing of materials, warehousing and distribution, on suitable lands with adequate services and facilities and a high level of access to the major road network and public transport facilities. Adequate edge treatments and/or screening will be required to ensure high quality interfaces with public spaces and any adjoining residential areas or other sensitive land uses, as appropriate'.

5.3.4. Map 3a indicates the appeal site as being located within Flood Zone C (this is based on a Preliminary Flood Risk Assessment/PFRA).

5.3.5. The provisions of the Gort Local Area Plan 2013 relevant to this assessment are as follows:

- Objective LU2 – Residential (R)
- Objective LU3 – Industrial (I)
- DM Guideline LU1 – Development Densities
- Policy RD2 – Phased Development on Residentially Zone Lands
- Objective RD1 – Phased Residential Development
- Objective RD4 – Open Space in Residential Areas
- Objective TI17 – Road Safety Audits and Traffic Impact Assessments

5.4. **Natural Heritage Designations**

- Lough Cutra SAC (Site Code 000299) – c. 2.2 km south-east.
- Lough Cutra SPA (Site Code 004056) – c. 2.2 km south-east.

- Lough Cutra pNHA (Site Code 000299) – c. 2.2 km south-east.
- Coole – Garryland Complex SAC (Site Code 000252) - c. 2.3 km north-west.
- Coole – Garryland SPA (Site Code 004107) - c. 2.3 km north-west.
- Coole – Garryland pNHA (Site Code 000252) - c. 2.3 km north-west.
- East Burren Complex SAC (Site Code 001926) – c. 3 km west.
- East Burren Complex pNHA (Site Code 001926) – c. 3 km west.
- Kiltartan Cave (Coole) SAC (Site Code 000286) – c. 4.5 km north-west.
- Kiltartan Cave (Coole) pNHA (Site Code 000286) - c. 4.5 km north-west.

5.5 . EIA Screening

5.5.1. Class 10 (b) Schedule 5 (Part 2) of the Planning and Development Regulations 2001, as amended, provides that mandatory EIA is required for the following classes of development:

- (i) Construction of more than 500 dwelling units.
- (iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area¹ and 20ha elsewhere.

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

5.5.2. The current proposal comprises 20 no. residential units on a site of 0.8109 ha. The appeal site is located on zoned lands, within the development boundary of Gort, immediately adjacent to existing residential developments. The appeal site could therefore be described as ‘other parts of a built-up area’ rather than a ‘business district’. As such, I am satisfied that the number of proposed dwelling units is substantially below the 500 dwelling unit threshold and that the site area is substantially below the 10ha threshold for ‘other parts of a built-up area’. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

¹ ‘Built-up Area’ means a city or town (where ‘city’ and ‘town’ have the meaning assigned to them by the Local Government Act 2001) or an adjoining developed area (defined in Article 3, Planning and Development Regulations 2001 as amended). An adjoining developed area can be taken to mean contiguous suburbs.

5.5.3. Having regard to:

- (a) the nature and scale of the development,
- (b) the location of the site within the development boundaries of Gort,
- (c) the location of the development outside of any sensitive site, and,
- (d) given that the development will not result in the production of any significant waste or result in emissions or pollutants,

it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

I consider that any issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as follows;

Reason 1 (location of site on Residential - Phase 2 lands)

- The principle of residential development on 'R-Residential (Phase 2)' in Gort was recently addressed by An Bord Pleanála under Ref. ABP-304079-19 where permission was granted for 2 no. houses c. 600 metres from the appeal site. The same justification applies in the case of the current appeal, specifically, the Gort LAP review is not expected until late 2022; the CDP fails to provide up to date information on the status of Phase 1 land; the general ban on developing Phase 2 lands no longer applies, as supported by numerous planning decisions for residential development on Phase 2 lands in Gort and, the CDP, NPF and RSES is supportive of the consolidation of Key Growth Towns.

The first party notes that consideration of the proposed development is open to the Board under Section 37 (2) of the Planning and Development Act, 2000 (as amended). In this regard reference is made to;

- Conflicting objectives in the Galway County Development Plan 2015-2021, specifically to Objective UHO 10 (i.e. the sequential development of Phase 1 lands prior to Phase 2 lands) however Objectives DS3, DS11, DS12, CS5 and SS5 of the CDP support the proposed development.
- The NPF – Section’s 1.2, 2.2 and 2.6, NPO 3a, NPO4, NPO6, NPO11, NPO13 and NPO16.
- The RSES – Section’s 6.3 (b, c, d, e and f), 6.4 (i), 6.7, 6.11, 7.6, Housing Regional Policy Objective RPO 7.17, 7.18, 7.19 and 7.20.
- The proposed development should be permitted with reference to the pattern of development and permissions granted in the area since the making of the Development Plan. Reference is made to a number of permitted developments within Phase 2 residentially zoned lands. PA. Ref. 18/479 concerned the largest development for 13 no. residential units on Phase 2 lands.

Reason 2 (location of access road on industrially zoned lands)

- The entirety of the residential development is within residentially zoned lands.
- This proposed access road is designed to serve the undeveloped industrial lands to the east and the proposed residential development.
- The vehicular entrance and access road is established on the industrial zoned lands. The proposal seeks to upgrade this established entrance and roadway.
- The access road was established under PA. Ref. 07/3857 (extended under PA. Ref. 12/1089). This road is akin to that proposed under the current proposal.
- Given that the proposed road is intended to also serve future industrial development the proposal would not materially contravene the industrial zoning.
- Whilst a minor part of the residential development, specifically the end of the residential T-junction stop line is located within the industrial zoning, this element would not constitute a material contravention. Objective LU3 requires adequate

edge treatments at interfaces with public spaces adjoining residential or other sensitive land uses. In this regard the proposed T-junction, footpath and landscaped edge provides this appropriate treatment and quality interface and as such the proposal is consistent with Objective LU3. The footpath along the southern edge of the proposed access road would serve residents and employees of the industrial lands alike.

Reason 3 (DM Standard 27 of Galway CDP 2015-2021 – inclusion of sustainable urban drainage measures).

- Surface water drainage attenuation measures in accordance with SuDS best practice have been submitted with the appeal.

Reason 4 (lack of variation, overlooking, linear/roads dominated layout, absence of usable/functional open space).

- Regarding the design of the units, owing to the infill nature of the proposal and to the short row of semi-detached houses, which are not visible from the public realm, the design of the houses and apartments is considered adequate. However, to address the concerns of the Planning Authority the front elevation of the semi-detached units have been amended. Stone cladding is incorporated into the façade of every second semi-detached house and a variety of door colours has been used to stimulate visual interest.
- Regarding potential overlooking, clarifications have been prepared to demonstrate that no overlooking will occur from the southern gable/upper floor balconies of the apartment building (see revised drawings submitted as part of the appeal).
- In respect of communal open space, the width of the area concerned is generous, at 12-15 metres. DM Standard 1 of the Galway CDP 2015-2021 refers to narrow strips being less than 10 metres in width, the proposal is functional in this regard.
- The Planning Authority have concerns in relation to the provision of desire line pathways within the area of open space. Within Communal Area 3 the pathway has been amended to allow for a more usable space. Communal open space when recalculated is now 1,362 sqm/16.8% of the site. DM Standard 1 allows for flexibility on infill site in terms of open space provision, with 10% of the site area

being considered acceptable for open space provision. All communal open space is overlooked by the proposed units.

Reason 5 (proposal in RSA on lands outside the applicant's control).

- The submitted Road Safety Audit (RSA) does not contain proposals for any works outside the control of the first party. Initially the RSA recommended that an uncontrolled pedestrian crossing with dropped kerbs and tactile paving be provided on the R458 however the design team response proposed a dropped kerb and tactile paving along the eastern edge of the R458. This measure was accepted by the Road Safety Auditor. Accordingly, the decision to refuse permission on the basis that the works are outside the application site would therefore appear to be erroneous. The first party is willing to accept a planning condition requiring the payment of a financial contribution, if considered necessary.

Response to other issues raised in the Planning Officer's report.

- A landscape layout was submitted. Boundary treatment details have been indicated.
- Dimensions and floor areas for all apartments were indicated on the drawings. A detailed schedule of accommodation for the apartments has been submitted as part of the appeal (see Appendix 2).
- The preparation of a noise assessment for an infill site on zoned residential lands is an onerous requirement and would be inconsistent with the Planning Authorities assessment of other developments in the vicinity. Triple glazed windows are now proposed to the front and sides of the apartment buildings in the interests of noise mitigation.
- A Construction Waste Management and Demolition Management Plan did not accompany the planning application as this typically applied by condition.
- The apartment building provides for 3 no. storage areas with external doors at ground level. A bin store to the rear of the apartments is proposed as part of this appeal.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Core Strategy, Density, Plot Ratio, Site Coverage, Unit Mix
- Compliance with Relevant Guidelines/Standards
- Refusal Reason 1
- Refusal Reason 2
- Refusal Reason 3
- Refusal Reason 4
- Refusal Reason 5
- Appropriate Assessment
- Issues Arising

7.2. **Core Strategy, Density, Plot Ratio, Site Coverage, Unit Mix**

7.2.1. Core Strategy

Gort is designated as a 'Self-Sustaining Town' under the RSES for the Northern and Western Region. Self-Sustaining Towns are described as having 'high levels of population growth and a limited employment base which are reliant on other areas for employment and/or services and which require targeted "catch-up" investment to become more sustaining'. The Planning Officer's report refers to c. 205 no. residential

units having been permitted in the period of the previous County Development Plan, i.e. 2015-2021, where the Core Strategy provided for 254 no. residential units. The Galway County Development Plan 2022-2028 indicates that Gort has a Core Strategy Population Allocation of 800, which equates to a Housing Allocation of 460. I have conducted a planning history search using Galway County Council's website and note that there have been no significant residential developments permitted in the period since the decision/report of the Planning Authority in respect of the current proposal. I therefore consider that the proposed development, comprising 20 no. residential units, complies with the Core Strategy of the recently adopted Galway County Development Plan 2022-2028.

7.2.2. Density

In relation to density, the proposed development entails 20 no. units, when considered on the basis of the residentially zoned part of the site (stated in the report of the Planning Officer as 0.6694 ha) this equates to a density of c. 30 dpha. The report of the Planning Officer considers the density of the proposed development acceptable, and taking account of the pattern of development in the area notes that it would comply with DM Guideline LU1, which sets out a density range of 15-35 dpha in areas characterised as 'inner urban suburbs'. In relation to density, I note Section 6.11 of the Sustainable Residential Development Guidelines 2009, which states that for 'edge of centre sites' within small towns and villages (i.e. settlements with a population range from 400 to 5,000, which I note Gort falls into), the density of development should be in the general range of 20-35 dwellings per hectare. On this basis, I consider that the density proposed is appropriate in this context.

7.2.3. Plot Ratio/Site Coverage

The Gort LAP provides a plot ratio of 0.1 – 0.5 for 'R' zoned lands. The proposed development, comprising buildings totalling 1,907 sqm on a site of 8,109 sqm results in a plot ratio of 0.24. Accordingly, I consider the proposal acceptable in terms of plot ratio. The Gort LAP assigns a maximum Site Coverage for 'R' zoned lands of 50%. The proposal has a site coverage of 23% which complies with this requirement.

Unit Mix

7.2.4. The proposed development comprises 10. No. 4 bedroom units, 2 no. 2 bedroom units and 8 no. 1 bedroom units. I consider this mix to be acceptable. I also consider the mix in unit typology, comprising apartments and houses, to be acceptable at this location.

7.3 Compliance with Relevant Guidelines/Standards

7.3.1. The proposal generally accords with the Sustainable Residential Development in Urban Areas (DoEHLG May 2009) and Quality Housing for Sustainable Communities (DoEHLG 2007) in respect of the design and layout of residential developments. The first party has submitted a design statement in response to the 12 criteria contained in the Urban Design Manual - A Best Practice Guide (2009).

7.3.2. Having reviewed the plans and particulars submitted with the application and the appeal, I consider that the proposal complies with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020. I note that the report of the Planning Authority refers to ambiguity regarding refuse collection. A bin store is indicated to the east of the apartment building. Provision appears to be made for a 3-bin system, as recommended in the Apartment Guidelines and as such I consider that the proposed development makes adequate provision for bin storage. Regarding boundary treatments and protecting privacy, I consider that consideration is required in terms of the boundaries and landscaping for the area of communal open space to the front/west of the apartment building. If the Board are minded to grant permission for the proposal, a condition providing for this area to be reserved for the exclusive use of the apartments and a scheme of planting/appropriate boundary treatment to this area should be included.

7.4 Refusal Reason 1

7.4.1. The first reason for refusal concerns the zoning of the site in the Gort LAP. The majority of the appeal site is zoned 'R' - Residential (Phase 2). These lands are envisaged as providing for the longer term growth needs of the town. Policy RD2 of the Gort LAP provides that there is a positive presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands, with a general presumption against residential development on lands zoned Residential (Phase 2) within the lifetime of the Local Area Plan, subject to the exceptions provided for under Objective RD1. The most

relevant exception provided under Objective RD1 refers to cases where *'it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period'*.

- 7.4.2. The first party refers to An Bord Pleanála Ref. ABP-304079-19, where permission was granted for 2 no. houses, c. 600 metres from the appeal site, on 'R-Residential (Phase 2)' lands. The first party contends that the same justification for permitting this development applies in the case of the current appeal. The justification put forward includes, that the Gort LAP review is not expected until late 2022; that the CDP fails to provide up to date information on the status of Phase 1 land, and this will not be clarified until the review of the Gort LAP; that the general ban on developing Phase 2 lands no longer applies, that the first parties case for the proposal is supported by numerous planning decisions for residential development on Phase 2 lands in Gort, and the CDP, NPF and RSES is supportive of the consolidation of Key Towns.
- 7.4.3. Noting reference in the Planning Authorities refusal to the proposed development being contrary to the Development Plan, the first party contends that the Board are open to consider the development under Section 37 (2) of the Planning and Development Act, 2000 (as amended). Regarding Section 37 (2) (b), I note that reason 1 included in the Notification of Decision to refuse permission issued by the Planning Authority did not refer to the proposal as being a material contravention of the Development Plan and as such I do not therefore consider that the Board is bound by the provision of Section 37 (2) (b) of the Planning and Development Act 2000 (as amended).
- 7.4.4. Regarding the provisions of Objective RD1 of the Gort LAP, I consider that the Phase 1 lands within Gort have not been developed within the plan period, a period initially envisaged as being 2013 – 2019, but which has been extended to 2023. Furthermore, I note that the Gort LAP was extended on the basis that the objectives of the Gort LAP had not been substantially secured. The Chief Executive's report on the deferral of the Gort LAP, June 2018 stated *'there has been limited development in Gort in the period since the adoption of the Local Area Plan and there is no evidence that this is going to change substantially in the immediate period ahead. Practically all of the 23.83 Ha that are required for phase 1 residential development remain undeveloped'* (page 2). More recently, I note the report of the Planning Officer, which states that of the 254 units allocated to Gort in the Core Strategy of the 2015 CDP, during the CDP period (i.e. 2015-2021) permission for just c. 32 no. units were granted on Phase 1 lands.

This falls significantly short of the 50% required under Objective UHO10 of the CDP, after which development on Phase 2 lands may be considered. I would agree with the first party in relation to the originally intended lifetime of the LAP which has passed, and the proposition that following on from this that the general ban on Phase 2 lands being developed no longer applies. Having regard to the forgoing, I consider the principle of developing Phase 2 lands at this location acceptable. Furthermore, I note that the appeal lands are serviced and adjoin/are proximate to existing residential developments, notably The Punchbowl development which is located further from the centre of Gort than the appeal site. I note also that the Planning Authority have permitted residential developments on Phase 2 lands in the vicinity of the appeal site, see PA Ref. 18/569 – 4 no. houses to immediate west/adjoining appeal site and PA. Ref. 18/479 which concerned permission for 13 no. residential units.

7.5 Refusal Reason 2

- 7.5.1. The second reason for refusal concerns the encroachment of the proposed development, specifically the entrance and access road on 'Industrial' zoned lands, which the Planning Authority considers would materially contravene the Gort LAP. From reviewing the site layout plan submitted with the application/appeal I note that the proposed access road (running east-west), the junction between the proposed access road and the internal estate road and an area of open space to the side/north of the apartment building are located within the area zoned 'Industrial' in the Gort LAP.
- 7.5.2. The first party contends that there is an existing/established roadway at the location of the proposed access road, that this road was permitted under PA. Ref. 07/3857 (and subsequently extended under PA. Ref. 12/1089) and that the current proposal essentially entails the upgrading of this established road. Furthermore, the first party states that, in addition to serving the proposed residential development, the proposed access road will serve the industrial zoned lands to the east of the appeal site and on this basis the proposal is not in contravention of the 'Industrial' zoning objective of the Gort LAP.
- 7.5.3. Regarding the first parties contention that the road is established, I have reviewed the permitted site layout plan submitted under PA. Ref. 07/3857 and note that it generally aligns with this permitted road, as it relates to the northern part of the appeal site. Based on my site inspection I note that what is a on the ground is a track, and with the

exception of the wing walls which have been constructed at the junction onto the R458/Ennis Road the access road was not completed. In particular I note that the track is unsurfaced, with no kerbs or drainage work etc evident. As such I would not agree with the first parties point that the proposal is for the 'upgrade' of this road but rather I consider that the proposal entails the construction of a new access road.

7.5.4. I agree with the Planning Authority that the proposed access road is an integral part of the proposed development, being the single access and egress point to the proposed development. The first party makes the case that the proposed access road will serve the industrial lands to the east of the appeal site. Whilst this may form the basis of a future proposal, I note that there is currently no valid planning permission for the development of these lands and as such in my view the access road could only be considered as serving the residential development proposed under the current application. The first party also refers to Objective LU3, which relates to industrial zoned lands and requires adequate edge treatments at interfaces with adjoining residential or other sensitive land uses, and contends that the proposed T-junction, footpath and landscaped edge provides this edge. Having considered Objective LU3, I do not consider that this objective would provide for road infrastructure and an area of open associated with residential development to be located within lands zoned for industrial development as a means of providing an edge at such an interface.

7.5.5. Notwithstanding that there are currently no valid permissions in respect of the industrial lands to the east, I have concerns in relation to the proposal to use the same access road to serve industrial development and residential development. Firstly, there is significant ambiguity in relation to the extent of industrial development which could be accommodated on the lands to the east of the site and consequently the volume and nature of traffic which would use the road. I note the initial recommendations contained in the RSA which identified the junction radii onto the R458/Ennis Road as being excessive, with the potential to facilitate vehicles turning at higher speeds and note that this recommendation was not adopted to allow for the junction to be future proofed, allowing for the lands to the east to potentially be developed for industrial use facilitating HGV's. The likely frequent use of the proposed access road by HGV's alongside residents accessing the proposed development would in my view give rise for potential traffic safety issues. Additionally, I note the absence of dedicated cycle lanes within the proposal and along the proposed access

road and I consider that this could further increase the risk to cyclists. Pedestrians crossing the access road and the R458/Ennis Road would also be vulnerable, particularly noting the absence of a signalised junction at this location. I also note the presence of childcare facilities in the vicinity of the appeal site, including within Burren View and the proximity of the appeal site to Gort Community School and a Gaelscoil, which would give rise to children using an access road which would also be used by HGV traffic accessing any future industrially development lands east of the appeal site.

7.5.6. I note that the modelling output from the TTA submitted with the application/appeal concludes that the proposed forth arm to the R458/Burren View junction would have no material impact on the operation of this junction. However, the TTA does not appear to consider the possible development of the lands to the east for industrial use, as intimated by the first party. This ambiguity raises further concerns regarding the use of the proposed access road to serve the residential development proposed under the current application and industrial development to the east.

7.5.7. In summation, noting the extent of the proposed development which encroaches on the area zoned 'Industrial' in the Gort LAP, which includes the proposed access road (running east-west), the junction between the proposed access road and the internal estate road, and an area of open space to the side/north of the apartment building, which are an integral part of the proposed residential development, I consider that the proposal would contravene the zoning objectives of the Gort LAP, specifically the Industrial zoning, through the provision of development serving residential development thereon.

7.6 Refusal Reason 3

7.6.1. The third reason for refusal cited by the Planning Authority concerns the disposal of surface water, specifically that the applicant had not included appropriate sustainable urban drainage measures as required under Objective DM27 of the Galway County Development Plan 2015-2021 and as such the proposal would be contrary to Objective WSW7¹ of the Galway County Development Plan 2015-2021.

¹ The referenced Objective appears to be WW7 of the Galway County Development Plan 2015-2021.

7.6.2. The first party states in the appeal submission that surface water drainage attenuation measures in accordance with SuDS best practice have been submitted with the appeal. Based on the information submitted with the appeal, the surface water drainage arrangement for the proposed development entails the collection and conveyance of surface water run-off from roadways and footpaths to a Condor bypass separator, discharging to an attenuation area/infiltration system to the north of the appeal site. The attenuation area comprises an 'EcoBloc' infiltration system beneath an area of open space. Surface water will then discharge to an existing surface water pipe in the east carriageway of the R458/Ennis Road. A hydro brake valve will be used to control the volume of water being discharged. Surface water run-off from the roofs of houses within the development will discharge to soakaways within the curtilages of the houses. Attenuation calculations have been included in the appeal submission. Details of invert levels, pipe size and gradient are provided on the drawing C.I.V 0-3 and C.I.V 0.4.

7.6.3. SuDs can comprise different measures with the ultimate aim being to slow the rate of conveyance/run-off and the treatment of surface water run-off. I note that the measures proposed are primarily engineering based and contribute little to biodiversity. Notwithstanding this however, I consider that the measures proposed would be effective in slowing the rate of run-off from the site and in the treatment of surface water run-off and I consider that the treatment requirements of SuDS are met through the provision of the measures proposed. As such, I consider that the proposal complies with DM Standard 67 of the Galway County Development Plan 2022 – 2028, which generally reflects Objective WW7 of the Galway County Development Plan 2015-2021.

7.7 Refusal Reason 4

7.7.1. The Planning Authority have expressed concerns regarding the design and layout of the proposal. The Planning Authority have concerns in relation to the lack of variation in the design of units, both in terms of material finishes and the uniformity of the units proposed. The first party appeal submission has sought to address the concerns of the Planning Authority by amending the front elevation of the semi-detached units. Stone cladding is incorporated into the façade of every second semi-detached house and variation in the colour of front doors is now indicated. Having regard to the scale and design of the proposed units, I do not consider that the proposed development

would result in any significant negative impacts on the visual amenities of the area and I consider the design of the proposed units, as amended, to be acceptable. I consider that the proposal presents an attractive and interesting frontage to the R458/Ennis Road and that it integrates with the permitted houses on the adjoining land fronting R458/Ennis Road (PA. Ref. 18/569 refers).

7.7.2. The potential for overlooking is referred to by the Planning Authority, specifically overlooking of properties to the south of the appeal site from the upper floor balconies and gable windows of the apartment building. Regarding overlooking emanating from the balconies, I consider that the provision of 1.8 metre high obscure glass, as indicated on the floor plans submitted with the appeal, would mitigate any potential overlooking of the adjoining lands/property to the south. The ground and first floor windows on the southern/gable elevation of the apartment building are high level which I consider adequately addresses the potential for overlooking of land/property to the south. Having regard to the forgoing, I do not consider that the proposed development would result in any significant negative impacts on the residential amenity of adjoining properties arising from overlooking.

7.7.3. Reference is made in refusal reason 4 to the linear and roads dominated layout of the proposal. The front of the development is maintained free from car parking/access, which I consider desirable in terms of urban design and placemaking. This approach however results in car parking and access being located within the centre of the scheme. However, on balance, noting the benefits afforded to the streetscape from having the front of the scheme free from car parking and accesses, I consider the proposal to be acceptable in this regard. I note that the main road within the scheme running north-south is c. 90 metres in length. Noting the absence of vehicular connectivity into adjoining lands I consider that the scheme would be a low speed environment and I do not consider that the proposal to be dominated by roads.

7.7.4. The Planning Authority have concerns in relation to the absence of usable/functional communal open space. As addressed above (at paragraph 7.7.3), having the front of the development free from car parking and accesses has impacted somewhat on the central area of the site, including the usability of the area of open space to the north of the scheme. The first party states that the total area of open space provided within the site is 1,362 sqm, comprising 'communal open space 1' (450 sqm) to the front of the apartments, 'communal open space 2' (240 sqm) to the north of the site and

'communal open space 3' (672 sqm) in the centre of the site. In accordance with the Apartment Guidelines, the proposal comprising 6 no. 1 bedroom apartments and 2 no. 2 bedroom apartments would result in a 'communal amenity space' requirement of 52 sqm, whereas the proposal provides 450 sqm at this location. The provision of communal amenity space to serve the apartments is therefore adequately addressed in the area to the front of the apartments. I do not consider this area to be 'public open space', noting its relationship to the apartment buildings. Objective RD4 of the Gort LAP requires the minimum provision of 15% public open space for multi-unit developments. DM Standard 2 of the Galway CDP 2022-2028 acknowledges the challenges in meeting open space standards in some circumstances and provides that a flexible approach will be adopted in the interests of delivering good quality development and the wider policy objectives for placemaking. Noting the nature of the proposal, that being a development of 20 no. residential units and to the provision of public open space provided, which represents c. 11% of the site area, I consider the quantum of open space to be acceptable. Additionally, I note the location and design of the open space provided, and I consider it to be of high quality, appropriate configuration and adequately overlooked. The provision of a play area would also be an attractive feature within the scheme.

7.8 Refusal Reason 5

7.8.1. The fifth reason for refusal refers to the proposals contained in the Road Safety Audit which relate to lands outside of the control of the applicant. The first party states in the appeal submission that the submitted Road Safety Audit (RSA) does not contain proposals for any works outside its control. The first party notes that initially the RSA recommended that an uncontrolled pedestrian crossing with dropped kerbs and tactile paving be provided on the R458 however the design team response proposed a dropped kerb and tactile paving along the eastern edge of the R458. This measure was accepted by the Road Safety Auditor.

7.8.2. Having reviewed the RSA submitted with the application I note that the RSA submitted identified 3 no. problems and subsequently made 3 no. recommendations in order to improve safety. One of these problems related to the requirement for the provision of an uncontrolled pedestrian crossing on the R458/Ennis Road. This would entail works to both sides of the R458/Ennis Road. I note that the feedback form contained in the RSA identified that that the works on the western side of the R458/Ennis Road lie

outside the site boundary and instead a dropped kerb and tactile paving on the eastern side of the R458/Ennis Road was proposed. The first party is willing to accept the attachment of a planning condition requiring the payment of a financial contribution should such a crossing be deemed necessary.

7.8.3. The Proposed Site Layout Drawing indicates the provision of a dropped kerb and tactile paving along the eastern edge of the R458/Ennis Road. The extent of these works is contained within the red line boundary of the appeal site. On the basis of the information submitted I consider that refusal reason 5 should not stand.

7.9 **Appropriate Assessment**

7.9.1. Stage 1 Screening

7.9.2. Compliance. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act 2000, as amended, are considered fully in this section.

7.9.3. Background. The applicant submitted an Appropriate Assessment Screening report (dated July 2021) prepared by Planning Consultancy Services. The applicant's Stage 1 Appropriate Assessment Screening report concluded that '*no significant effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development in question, alone or in combination with other plans or projects in the area, therefore a Natura Impact Statement is not required in this case*'. The applicant's Stage 1 Appropriate Assessment Screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European sites within a possible zone of influence of the development. Having reviewed the documents, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.9.4. Likely Significant Effects. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites

designated as SACs and SPAs to assess whether it may give rise to significant effects on any European site.

7.9.5. The Proposed Development. The development comprises;

- A housing development comprising of 20 no. residential units connected to public mains, surface water and foul drainage networks.

7.9.6. Potential Effects of the Proposed Development. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the implications for likely significant effects on European sites:

- The uncontrolled release of pollutants and sedimentation to ground or surface water (e.g. run-off, silt, fuel, oils, wastewater effluent) at construction and operational phases of the proposed development.
- Should bat species connected with Lough Cutra SAC, Kiltartan Cave SAC or East Burren Complex SAC (i.e. Lesser Horseshoe Bat) use the site for resting, foraging, breeding etc. then the proposed development would have the potential to result in habitat fragmentation and disturbance to this species (i.e. ex-situ impacts).
- Should bird species connected with Lough Cutra SPA or Coole Garryland SPA use the site for resting, foraging, breeding etc. then the proposed development would have the potential to result in habitat fragmentation and disturbance to these species (i.e. ex-situ impacts).

7.9.7. Submissions and Observations. None received.

7.9.8. European Sites and Connectivity. A summary of European sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail. I am satisfied that other European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site or given the absence of any direct hydrological or other pathway to the appeal site.

Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Lough Cutra SAC (Site Code 000299)	<ul style="list-style-type: none"> • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] 	c. 2.2 km south-east of appeal site	There is no connectivity between the appeal site and Lough Cutra SAC. The appeal site is located <u>outside</u> the foraging range for the Lesser Horseshoe Bat associated with Lough Cultra SAC. I do not consider a likelihood of significant effects	N
Lough Cutra SPA (Site Code 004056)	<ul style="list-style-type: none"> • Cormorant (Phalacrocorax carbo) [A017] 	c. 2.2 km south-east of appeal site	There is no connectivity between the appeal site and Lough Cutra SPA. The appeal site does not represent a suitable habitat for Cormorants to forage, breed or rest. I do not consider a likelihood of significant effects.	N
Coole – Garryland Complex SAC (Site Code 000252)	<ul style="list-style-type: none"> • Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] • Turloughs [3180] • Rivers with muddy banks with Chenopodium rubri p.p. and Bidention p.p. vegetation [3270] • Juniperus communis formations on heaths or 	c. 2.3 km north-west of appeal site	There is no connectivity between the appeal site and Coole - Garryland Complex SAC. I do not consider a likelihood of significant effects	N

	<p>calcareous grasslands [5130]</p> <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Limestone pavements [8240] • Taxus baccata woods of the British Isles [91J0] 			
Coole – Garryland SPA (Site Code 004107)	<ul style="list-style-type: none"> • Whooper Swan (Cygnus cygnus) [A038] 	c. 2.3 km north-west of appeal site	There is no connectivity between the appeal site and Coole - Garryland SPA. The appeal site does not represent a suitable habitat for Whooper Swan to forage, breed or rest. I do not consider a likelihood of significant effects.	N
East Burren Complex SAC (Site Code 001926)	<ul style="list-style-type: none"> • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] • Turloughs [3180] • Water courses of plain to montane levels with the Ranuncion fluitantis and Callitricho-Batrachion vegetation [3260] • Alpine and Boreal heaths [4060] • Juniperus communis formations on heaths or 	c. 3 km west of appeal site	There is no connectivity between the appeal site and East Burren Complex SAC. The appeal site is <u>outside</u> the foraging range for the Lesser Horseshoe Bat. I do not consider a likelihood of significant effects.	N

	<p>calcareous grasslands [5130]</p> <ul style="list-style-type: none"> • Calaminarian grasslands of the Violetalia calaminariae [6130] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] • Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] • Limestone pavements [8240] • Caves not open to the public [8310] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion 			
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	<p>incanae, Salicion albae) [91E0]</p> <ul style="list-style-type: none"> • Euphydryas aurinia (Marsh Fritillary) [1065] • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] • Lutra (Otter) [1355] 			
Kiltartan Cave SAC (Site Code 000286)	<ul style="list-style-type: none"> • Caves not open to the public [8310] • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] 	c. 4.5 km north of appeal site	There is no connectivity between the appeal site and Kiltartan Cave SAC. The appeal site is located <u>outside</u> the foraging range for the Lesser Horseshoe Bat associated with Kiltartan SAC. I do not consider a likelihood of significant effects	N

7.9.10. Following an examination of sites within the zone of influence, and upon an examination of the connectivity between the appeal site and these sites (see Table 7.1 above) all Natura 2000 sites surrounding the proposed development have been screened out due to a lack of connectivity.

7.9.11. Ex-situ impacts - The applicant's Stage 1 Appropriate Assessment Screening Report states that the appeal site is outside the foraging range for the Lesser Horseshoe Bat associated with Kiltartan Cave SAC, Lough Cultra SAC and East Burren Complex SAC. Based on information contained on the website of the NPWS (Conservation objectives supporting document – Lesser Horseshoe Bat, Version 1, January 2018), I note that the weighted average maximum foraging distance for the Lesser Horseshoe Bat is 2.02 km and as such I concur with the applicant's assertion in this regard. The foraging range for the Lesser Horseshoe Bat has also been used to inform the extent of the zone of influence which I have used in this screening.

A bat survey was undertaken in relation to the proposed development. The survey found no signs of bats in the trees on the site and the trees on the site were considered to be of negligible importance in terms of potential bat habitat. Whilst the survey identified bats in the area, bats were not observed entering or leaving trees on the appeal site. The survey noted that the treeline along the eastern boundary of the site is proposed to be retained and states that no significant effects on bats are anticipated as a result of the proposed development. The removal of trees on the site is considered small scale and would not result in any significant loss of feeding or foraging grounds. Mitigation was not considered necessary. The survey found no Lesser Horseshoe Bats within the appeal site. Based on the forgoing, I consider that the proposed development would not have the potential to result in habitat fragmentation or disturbance to the Lesser Horseshoe Bat associated with Kiltartan Cave SAC, Lough Cultra SAC and East Burren Complex SAC.

7.9.12. In relation to bird species associated with Lough Cultra SPA (i.e. Cormorant) and Coole - Garryland SPA (i.e. Whooper Swan), the appeal site is located within an urban area, with residential development adjacent. Noting the location of the appeal site and the habitat on the appeal site, the appeal site does not represent favorable habitat for Cormorant or Whooper Swan in terms of foraging, breeding or resting.

7.9.13. In-combination Impacts - There are no recent planning applications for the surrounding area that share a direct link with the subject site.

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

7.9.15. Screening Determination. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to have significant effects on any European site in view of the sites' Conservation Objectives, and Appropriate Assessment is therefore not required.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project.

- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The absence of connectivity between the appeal site and the European sites within the zone of influence.
- The location of the appeal site outside the foraging range for the Lesser Horseshoe Bat associated with Lough Cultra SAC, Kiltartan Cave SAC and East Burren Complex SAC.
- The unfavourable nature of the appeal site as a foraging, breeding or resting habitat for Cormorant or Whooper Swan.

7.10 Issues Arising

7.10.1. The established building line along the R458/Ennis Road was raised in the report of the Planning Authority. Specifically, the report noted that the proposal does not maintain the established building line along the R458/Ennis Road. I note that the existing and proposed houses along the along the R458/Ennis Road are significantly set back from the public road and I consider that the degree of deviation in the building line which arises from the proposal is insignificant in the context of the building line at this location.

8.0 Recommendation

8.1 I recommend that planning permission for the proposed development should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the 'Industrial' zoning of the northern part of the site in the Gort LAP 2013 (as extended), the objective of which is to 'promote the sustainable development of industrial and industrial-related uses, including manufacturing, processing of materials, warehousing and distribution, on suitable lands with adequate services and facilities and a high level of access to the major road

network and public transport facilities', and to the integral nature of the proposed road infrastructure and open space in the context of the proposed residential development, which is located within the area zoned 'Industrial' in the Gort LAP, it is considered that the proposed development would materially contravene the 'Industrial' zoning objective of the Gort LAP 2013 (as extended) and would be contrary to the proper planning and sustainable development of the area.

Ian Campbell

Planning Inspector

5th August 2022