



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-312191-21

Strategic Housing Development

Demolition of buildings, construction of 111 residential units (73 houses, 38 apartments), crèche and associated site works.

Location

Lakeview, Claregalway, Co. Galway.
(www.kkinglakeviewshd.com)

Planning Authority

Galway County Council

Applicant

K King Construction Limited.

Prescribed Bodies

1. Irish Water
2. Minister for Housing, Local Government and Heritage
3. An Taisce
4. The Heritage Council
5. Transport Infrastructure Ireland

6. Inland Fisheries Ireland
7. Galway County Childcare Committee.

Observer(s)

Cuirt na hAbhainn Claregalway
Management CLG (Open Agency).
Hubert Newell.
Lakeview Residents Association.
Niall and Brid Devitt.
Niall Concannon.
Tony Clarke.

Date of Site Inspection

31 March 2022.

Inspector

Stephen Rhys Thomas

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by K King Construction Limited and received by the Board on the 14th December 2021.

2.0 Site Location and Description

- 2.1. The site is located between 0.9km and 1.2km to the south east of Claregalway village centre in County Galway. Claregalway or Baile Chláir is located approximately 10 kilometres northeast of Galway City, within the County Galway Gaeltacht. The village is situated where the N83 (formerly N17 Galway to Sligo Collooney) crosses the River Clare and is also at the junction with the R381 (formerly N18) Galway to Limerick. The village takes a linear form stretching from north of the Clare River to south of the N83/R381 junction. Baile Chláir in the past twenty years has seen notable flooding due to the River Clare. Recent works by the OPW included drainage works to alleviate flooding including a new bridge. The northern extremity of the village comprises an ecclesiastical cluster with the castle and the remains of the Franciscan friary, a graveyard and the remains of the medieval parish church providing an impressive backdrop for the village on the banks of the Clare River.
- 2.2. The development site is accessed at the junction of Lydican Road / Lakeview Road which connects with the R381. The overall site measures approximately 5.0122 hectares of which approximately 3.2 hectares are considered developable. The site is bounded by the Cúirt na hAbhann housing estate to the north, agricultural lands to the east, spread out housing on large plots to the south, and GAA pitches and the Claregalway Community Centre to the west. A pedestrian desire line runs through the western portion of the site, linking schools and Cúirt na hAbhann. To the southwest on the opposite side of Lakeview Road are two large primary and secondary schools. Further south beyond the school complex is the Claregalway Business Park, a warehouse, technology and business campus accessed from the R381. The River Clare is located further east of the site.

2.3. The lands comprise grasslands, the western field is overgrown and shows signs of some construction activity, there are three large and elongated grassed mounds. The eastern fields are agricultural in nature with fields for animal grazing, dry stone wall boundaries / hedgerows and 2 groupings of mature trees. The north of the site is identified as a flood zone A and B and is zoned Open Space / Recreation and Amenity. The remainder of the site is zone Residential (Existing) and Residential (Phase 2).

3.0 Proposed Strategic Housing Development

3.1. The proposed development on a total site of 5.0122 hectares will consist of 111 residential units, ranging in height from 2 to 4 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	5.0122 hectares 3.24 hectares (developable area)
Number of Units	111 units 73 dwelling houses 38 apartments
Density	22 units per hectare (gross) 34 units per hectare (net)
Dual Aspect	94 of all units (85%) 12 apartment units are single aspect 5 houses are single aspect
Other Uses	Crèche – 282 sqm – 32 children
Public Open Space	0.4939 ha – 15% of the site
Height	2-4 storeys
Parking	191 car parking spaces 368 bicycle spaces provided

	40 bike stands
Vehicular Access	Via the Lakeview Road.
Part V	11 units

3.2. Housing Mix

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
House	0	4	48	21	73
Apartment	14	24	0	0	38
% of Total	12.6%	25.2%	43.2%	18.9%	100%

- Provision of 282 sq.m creche facility including an external secure play area.
- The demolition of 1 dwelling (113.13 sq.m) and associated outbuilding and the demolition of a Slatted Building (134.29 sq.m) and associated agricultural sheds and structures (50.77 sq.m)
- New vehicular and pedestrian accesses to the Lakeview Road as well as infrastructure upgrade works on Lakeview Road.
- New pedestrian and cycle access to the neighbouring Cuirt na hAbhann development.
- 191 car parking spaces comprising: 10 no. crèche spaces and 181 residential spaces
- Provision of public open space, shared communal and private open space, playground, bicycle parking, bin storage, public lighting, site landscaping, connection to existing services, footpath connections, signage and all associated site development works.

4.0 Planning History

Subject site:

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

1. The site is located in an area zoned R – Residential Phase 2 in the Galway County Development Plan 2015-2021 Variation No. 2(b) Gaeltacht Plan. It is an objective of the Development Plan UHO 10 – Sequential Development to endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities Towns and Villages) Guidelines 2009. This shall include a positive presumption in favour of the sequential development of suitable serviced (Phase 1) lands in zoned towns and villages. This objective is considered reasonable. It is considered that the proposed development would materially contravene this objective, would be contrary to these Ministerial Guidelines, would be contrary to the Core Strategy and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Development of the type and scale proposed would be premature pending the upgrading of the road network, in particular L71109, in the immediate area to serve the proposed development, which is currently deficient in terms of its width and alignment, rendering it unsuitable to carry out the increased road and pedestrian traffic likely to result from the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Refused based on one reason:

1. The site is located in and area zoned R – Residential Phase 2 in Variation No. 2(b) in the Galway County Development Plan 2015-2021 Gaeltacht Plan. It is an objective of the Development Plan UHO 10 – Sequential Development to endeavour to promote the orderly and phased development of residential lands in accordance with the principles of the sequential approach and as set out in the Guidelines for Planning Authorities on Sustainable Residential

Development in Urban Areas (Cities, Towns and Villages) May 2009. This shall include a positive presumption in favour of the sequential development of suitable serviced (Phase 1) lands in zoned towns and villages. This objective is considered reasonable. It is considered that the proposed development would be contrary to the said objective, and to the Core Strategy, would set an undesirable precedent for similar development in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

15/1168 Application for residential development of 31 houses accessed through the Cúirt na hAbhainn development. Withdrawn prior to determination.

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

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

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

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation with representatives from An Bord Pleanála, the applicants and the planning authority took place on the 27 September 2021 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-310796-21. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Documents that justify the development in the context of the core strategy and phasing.
2. Flood Risk Management details.
3. Surface water management proposals considered in tandem with an appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
4. Site access and sightlines.
5. Details of cycle and pedestrian connections from the development site to Baile Chláir town centre.
6. Sunlight, daylight and overshadowing analysis, having regard to the requirements of BRE209/BS2011.
7. Ecological Impact Assessment and review of tree and hedgerow survey, tree/hedgerow protection measures.
8. Details of the proximity of dwellings to site boundaries, having regard to impact on adjoining residential amenity and retention of landscape features.
9. Details of the proposed materials and finishes.
10. A building life cycle report.*
11. A detailed Construction Environmental Management Plan.
12. A detailed schedule of accommodation.

13. If the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement that explains why permission can be considered.

14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

* Request duplicated by item 13.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

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

5.4. **Applicant's Statement**

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

6.0 **Relevant Planning Policy**

6.1. **National Policy**

6.1.1. **Project Ireland 2040 - National Planning Framework**

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. **Housing for All - a New Housing Plan for Ireland** (September 2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place

- offering a high quality of life

6.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

Pillar 4: Improve the Rental Sector. The key objective is to address obstacles to greater private rented sector delivery and improving the supply of units at affordable rents. Key actions include encouraging the “build to rent” sector.

6.1. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021).

6.2. **Regional Policy**

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

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

6.3. **Local Planning Policy**

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

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

- Objective UHO 7 – High Quality/Mix and Sensitive Design Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the existing character of the town centre/area in terms of scale, height, massing, building line, housing mix, urban grain and definition and through high quality design and layout proposals for buildings and structures.
- Objective UHO 8 – Urban Design Promote the use of sustainable urban design principles and approaches that will help to create high quality built and natural environments appropriate to the context and landscape setting of the specific area, having regard to the guidance contained in the Sustainable Residential Development in Urban Areas Guidelines 2009, the accompanying Urban Design Manual 2009 (or any updated version) and the Design Manual for Urban Roads & Streets (2013) (including any superseding document).
- Objective UHO 10 – Sequential Development Endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines 2009 (or as updated). This shall include a positive presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands in zoned towns and villages. In un-zoned towns and villages, the presumption shall be in favour of sequential development emanating from the town/village core outwards, subject to compliance with the principles of proper planning and sustainable development and the County Development Plan. This objective will not refer to single house build. Regarding the phasing of undeveloped residential zoned land, development on Residential – Phase 2 lands will normally only be considered where 50% of the lands in Residential Phase 1 are committed to development.

6.3.2. Variation No.2(b) Galway County Development Plan 2015-2021 Gaeltacht Plan (which includes Baile Chláir): (Adopted 28th May 2018)

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

- R2: Phase 2 Residential.

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

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

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

- Section 2.3 Phasing: It is an objective of the Council that development is undertaken in an orderly and sustainable manner. The development of zoned land should generally be phased in accordance with a sequential approach... Only in exceptional circumstances should the above principles be contravened. Any exemptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal.

- Objective CSB 2– Residential (R): Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of An Cheathrú Rua, An Spidéal and Baile Chláir settlement plans. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the three plan areas. A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under Objective DO1.

- Objective CSB 4 – Open Spaces/Recreation & Amenity (OS): Promote the sustainable management, use and/or development, as appropriate, of the OS lands in An Cheathrú Rua, An Spidéal and Baile Chláir settlement plans. This will include

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

- Objective CSB 13 – Residential Densities: Promote a range of residential densities within An Cheathrú Rua, An Spidéal and Baile Chláir settlement plan areas, that are appropriate to the prevailing development pattern, supporting infrastructure, urban character and heritage resources in accordance with the guidance in Sustainable Residential Development in Urban Areas Guidelines 2009 (or as updated within the lifetime of this plan). Higher residential densities should be encouraged at locations where it is appropriate to the existing context and density of the plan area, for example around the town centre and within convenient walking distance of public transport facilities, and where it will not unduly impact on built or natural heritage or impact adversely on the integrity of Natura 2000 sites. The density of residential developments will generally be in accordance with the guidance set out under DM Guideline CSB2, although the Planning Authority may consider higher residential densities where this is considered appropriate to the context and necessary to secure the urban design or other objectives of the plan. Development will only be permitted where there is capacity and/or adequate services can be made available.

- Objective DO 1 – Phased Residential Development: Support the development of lands designated as Residential (Phase 1) within the lifetime of the plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer term growth needs of the village. Residential (Phase 2) lands are generally not developable within the lifetime of these settlement plans, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of these plans subject to a suitable case being made for the proposal: Single house developments for family members on family owned lands; Non-residential developments that are appropriate

to the site context, any existing residential amenity and the existing pattern of development in the area; Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands. The above exceptions will be subject to compliance with the Core Strategy in the Galway County Development Plan, the policies and objectives in these plans, the principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. Developments will only be permitted where a substantiated case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer term growth needs of the village.

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

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

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

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

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

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

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

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

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

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

6.4. Applicant’s Statement of Consistency

- 6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of national and regional planning policy including section 28 guidelines and the Galway County Development Plan 2015-2021 and Variation No.2(B) of the Galway County Development Plan 2015-2021 (Gaeltacht Plan).

7.0 Observer Submissions

- 7.1. A number of submissions were received from local residents and resident's groups. Most observations were critical of the development as proposed and the prominent issues were traffic, legal issues, loss of residential amenity and the scale and density of the proposed development. The issues can be grouped and summarised as follows:

Zoning

The planning application is on land that is zoned as R2 and should not be allowed to proceed while R1 land remains undeveloped. R1 land should be developed first.

On two previous occasions (References: 300252-17 and 30739-19), An Bord Pleanála has rejected applications for the development of the same site on the basis that the development was premature and R1 Zoned lands had not had sufficient time or opportunity to be developed.

The remaining housing requirement under the County Development Plan for Claregalway is 38 units.

Density

At a density of 35 units per hectare, the Applicant is defining Lakeview as an area within the MASP (of Galway City). This is an inaccurate categorisation and contradicts the Galway County Development Plan. The correct categorisation of the Lakeview site is "Edge of Small Town / Village" where the density range is 5-15 units per ha. At a density of 15 units per hectare this site could only accommodate between 16 - 48 units in total.

Traffic and Transport

The development will increase traffic volumes on the New School Road (3 schools - a Secondary School of 1200 students, an Educate Together Primary School recently opened accommodating up to 450 pupils).

Adequate sight lines cannot be achieved at the proposed exit / entrance that is located on a 60km/hr local road.

Improvements to the minor local road between the entrance to the site and its junction with L7110 (New School Road), will encroach on third party properties.

Footpath widths are not adequately detailed and may not be up to DMURS standards, no cross section drawings have been submitted.

Proposed improvements to roads and junctions have not been adequately detailed, for example a complete swept path analysis has not been undertaken to see if larger vehicles will be able to negotiate any improvements.

The proposed works at Junction 2 will make the bend and junction much more dangerous.

The Traffic and Transport Assessment Report does not take into account the vehicular traffic generated by schools in the area and committed housing development. At present, traffic congestion frequently occurs at school drop off and collection times.

A cycle lane and footpath in Cuirt na hAbhann, there are concerns that existing infrastructure has not been completed satisfactorily and the applicant does not have the rights to carry this development.

Pathways are located on a flood plain.

Contravention of the development plan with regard to the speed limit - Table 13 of the TTA, indicates a 30km/hour design speed at the entrance, where the speed limit is currently 60kph. It also indicates different sight distance triangles.

The site is not close to the facilities of the town centre.

Infrastructure

The location and route of sewer pipes will mean that at times of flooding, access to pipes will be restricted and flood waters could infiltrate pipes.

Flood Risk

The proposed development would significantly increase the threat of flooding to residential property in the area. There have been some very significant flooding occurrences on the site and surrounding area and the availability of adequate insurance is an issue.

Residential amenity

There would be overlooking and loss of privacy to Lakeview, a property along the southern boundary of the site, illustrated by an Extract from 3023 Proposed Site Section F-F + G-G, and other drawings/photographs.

The character of the area will change and the impact from increased traffic volumes will diminish the residential amenities currently enjoyed.

The Daylight, Sunlight and Overshadowing Study has been marked as a draft and there are concerns that a full and complete survey has been lodged with the application. A number of omissions are highlighted and the thoroughness of the report is queried.

Property and Consent

Consent to lodge the application has not been given by Cuir na hAbhann Claregalway Management CLG.

Development along the road way to the front of properties, consent has neither been sought or given.

Land take and boundary alterations are shown on plans, consent has not been given by the property owners.

Procedural Issues

Site notices do not comply with the regulations.

7.2. Some observations have included extensive appendices, as follows:

A Project Brief and Stage Service Requirements for Provision of Full Integrated Design Team Services for 7 acre Housing Site Development at: Droimna Gaoithe, Baile Chláir, Co. Galway, Bus Timetables and previous planning permissions.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 16 February 2022. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan policies and objectives. As set out in Section 8(5)(a)(iii) of the Act, the planning authority have not set out if a meeting or meetings has or have taken

place or prepared a summary of the views of the relevant elected members on that proposed development as expressed at such meeting or meetings.

- 8.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised as follows.

Consistency with the Core Strategy - Galway County Development Plan (GCDP) 2015-2021

The Core Strategy Table allocates a population of 245 persons to Baile Chláir, which has been calculated as part of the plan making process as amounting to an expected housing yield of approximately 76 dwelling houses within the plan boundary over the plan period.

The Planning Authority state that the development of 111 residential units, none of which are proposed on lands zoned R1 (to be developed within the current plan period). This is considered to contravene the core strategy figure of 76 residential units and thus a material contravention of an objective of the statutory plan. As the current application metric is by itself significantly in excess of the prescribed 76 residential units, the development in this case would materially contravene key provisions of the core strategy of the current Galway County Development Plan including Sections 2.5 and 2.6 of the GCDP Core Strategy and Objective CS 8 by reason of core strategy exceedance. The planning authority note that part of the subject site is proposed as Residential Phase 1 under the material alterations in the Draft Metropolitan Area Strategic Plan 2022 to 2028, currently on public display. This parcel of land along with two other parcels of lands in Baile Chláir are subject to material alterations in relation to R1 lands and would also breach the Core Strategy figure for Baile Chláir.

Consistency with Landuse Zoning & Principle

The subject site has a number of zonings. The built environment are located on lands zoned primarily 'Residential Existing' and 'Residential-Phase 2' uses, with the majority of the footprint of the proposed childcare facility and a small percentage of proposed townhouses towards the southern end of the site located on two parcels of land zoned 'residential-existing' with the remainder of the proposed townhouses and apartment blocks located on lands zoned 'Residential-Phase 2'. The remaining area of the site corresponds with a flood risk area and is zoned Open Space Recreation

and Amenity (OS) and is proposed as an open space area serving the development. There are also small areas of the site (to facilitate junction at Lakeview Road and Lydican Road) which overlap Community Facilities zoning, with the proposed pedestrian access/cycleway overlapping Transport Infrastructure (TI).

In terms of the phasing requirements and exceptions set out in the statutory plan, it is apparent that R1 lands cannot or will not be developed within the Plan period, the proposal contravenes Objective CSB 1 and Objective DO1 of the Galway County Development Plan 2015-2021 (as varied). The Planning Authority note that Objective DO1 concerning compliance with the core strategy cannot be met by the development as proposed. In terms of phasing it is also noted that there are several parcels of land zoned R2 within Baile Chláir, which would be sequentially preferable. The Planning Authority take the view, that the proposed development would materially contravene Development Objectives CSB2 and DO 1 of the Gaeltacht Plan and Objective UHO 10 of the current Galway County Development Plan.

Consistency with Urban Density Standards and Guidelines

The housing density is stated by the applicant as 34.24 units per hectare, based on a net density (111 units/developable area of 3.24 Ha). Gaeltacht Plan Objective CSB 13 – Residential Densities and DM Guideline CSB 2– Development Densities refer. The site of the proposed development most closely meets the criteria definition of “urban periphery, outlying lands, areas with capacity/environmental constraints”. The appropriate density range for development is in the 5-15 units per hectare range. The Planning Authority consider that the proposed development with a stated density in excess of 34 units per hectare significantly exceeds the density parameters and accordingly materially contravenes the provisions of Objective CSB 13 and DM Guideline CSB 2 of the current Gaeltacht Plan.

It is noted by the planning authority that a question arises with regard to the MASP area and the provisions of the RSES Galway Metropolitan Area Strategic Plan concerning density. Specifically, that tailored density considerations are only discussed for a number of identified areas which do not include Baile Chláir within the RSES, it is considered that default density guidelines referring to other areas within the MASP area may not have been intended to supersede those set out in existing settlement plans.

Apartment Use & Consistency with Operative Plan Zoning Matrix

Apartments are proposed as part of the scheme, the zoning matrix in Section 2.9 of the current Gaeltacht Plan sets out that Apartments are 'open for consideration' only in the Residential land use zone. Footnote 1 to the zoning matrix table sets out that compatibility of such uses will be considered subject to Objective CSB 2 and Objective DO 1. The acceptability of apartments 'in principle' is linked to appropriate design and layout, appropriate density, compliance with the core strategy and compliance with objectives concerning phased and sequential release of residential land for development. It is considered in this regard, that the proposal in terms of apartment use does not meet all of the above preconditions set out in the Gaeltacht Plan.

Flood Risk

The subject site is located partially within Flood Zone A, Flood Zone B and Flood Zone C as set out in the Gaeltacht Plan. Available GIS data indicates that the site is also partially located within CFRAM Present Day Flood Zone A & B and Mid Range Future Scenario Flood Zone A & B, which extends beyond that indicated in Flood Zone A & B in the Gaeltacht Plan. The contents of the Flood Risk Assessment Study submitted by the applicant and recent flood relief works in Baile Chláir are noted.

The planning authority highlight that the data presented relies on flood mapping for the site based on CFRAM 2016 data, while CFRAM mid future scenario data would indicate greater flood extents for flood zone A and B on the site. This is of particular relevant to the south-western area of the site, where such flood extents would appear to encroach on lands identified for flood vulnerable uses (i.e Apartment Block 01). Therefore, the compatibility of the proposals with the Planning System and Flood Risk Management is uncertain. In addition, it is observed that the proposed wastewater connection pipe to the foul sewer network in Cuirt nahAbhainn and the pumping station located therein are also in an identified flood extent as is the watermain connection pipe and this matter has not been adequately addressed in the SFRA.

The planning authority require more detail in relation to surface water drainage and flood risk, specifically a detailed site-specific analysis to consider available flood risk information relevant to the site and provide site specific flood zones in order to

conclude that portions of the proposed development would not be at risk of flooding in the future or that the development would potentially result in exacerbating flood risk in the vicinity of the site. The planning authority require the submission of a Site Specific Flood Risk Assessment and that includes a comprehensive justification test in accordance with the provisions of Section 5.15 of Planning System and Flood Risk Management Guidelines (2009). It cannot be categorically states tha the proposed development will not contravene Policy FL4 and Objective FL 1 and Objective FL4 of the Galway County Development Plan 2015-2021 and Objective CSB 11 – Flood Risk Areas and Land Use Zones of the Gaeltacht Plan as per variation 2b of the Galway County Development Plan 2015-2021 in relation to flood risk.

Environmental Impact Assessment and Appropriate Assessment

The content of these reports are noted and the determination of same is a matter for the competent authority. The location of a foul sewer connection pipe and nearby pumping station within a flood zone raise concerns.

Childcare Facilities

The planning authority note and summarise the contents of the Childcare Impact Assessment submitted by the applicant.

Urban Design, Layout and Street Typology

The planning authority list out the relevant objectives of the Galway County Development Plan 2015-2021, UHO 7 and UHO 8 refer. The planning authority note the sharp transition on site to the four storey apartment block as per the image presented on page 11 of the applicant's Architectural Design Statement.

The apartment blocks are located at a peripheral outer suburban site, removed from the settlement centre, no street connections are proposed or possible. The proposals involve very circuitous road connections, and the scheme will be generally disconnected functionally from the village. The apartment blocks are discordant with residential typologies in the immediate surrounds of the site at this remove from Baile Chláir Village core. The planning authority do not support the provision of apartment blocks at this location and the proposal is not consistent with the provisions of DMURS. The development does not meet the criteria set out by section 3.1 of 3.4 of the Height Guidelines.

The planning authority note the documentation submitted by the applicant with regard to residential amenity, in particular, the sunlight/daylight analysis. Issues of overlooking, overshadowing and privacy are noted and in particular; Block J will not cause any overlooking concerns on the adjoining property. In terms of overlooking of adjoining properties by units 31 to 36, the standard 11m minimum back gardens are provided with in excess of 22m between opposing windows. It is observed that the 22m standard applied to the separation distances between opposing windows has not been met between Apartment Block 1 and Units 4 and 5 or between Apartment Block 2 and units 5 to 9. It is noted that this standard is referred to in the context of the rear of dwellings as set out in the Sustainable Residential Development in Urban Areas (2009).

The quantum of public open space far exceeds the Development Plan standard of 15%, but some spaces could be better overlooked. Dwg No: 21561_T_103 shows details not matched in the Landscaping Master Plan submitted (Dwg:21561-3-100). A more appropriate boundary treatment could also be considered.

Roads and Transportation

The planning authority note the contents of the Traffic and Transport Assessment, inconsistencies are highlighted such as: site layout details presented appear to not encompass the whole of the proposed site and relate to a previous iteration of the site layout. The document also references 114 units as opposed to the 111 units under the current application. Furthermore, it is also observed that the site notice does not refer specifically to the junction improvement works proposed at the Lydican/Lakeview Road.

Junction improvements are noted, new pedestrian paths and car parking deficiencies are highlighted. The closest bus stop is in the village and so car dependency is highly likely. A construction traffic management has not been submitted.

The concerns of the Roads & Transportation Section of Galway County Council have been listed out and amount to ten items and refer to technical items that require further refinement

Servicing

Issues concerning wastewater and water supply are noted.

With reference to surface water management, it is concluded that the proposed storm water treatment and disposal from the development and site will not present a flood risk to the development itself or to any third-party lands or properties adjoining the development. However, six issues are listed and refer to technical items that require further refinement

Part V

Greater clarity is required to assess whether 11 units or 22 units should be transferred, Section 96 (j) of the Planning and Development Act (as amended by the Affordable Housing Act 2021) refers.

Linguistic Requirements

Given the provisions of Objective UHO 12 (linguistic impact statements, reproduced below) and UHO13 (urban housing in Gaeltacht settlements) of the County Development Plan and Objective D0 2 (language enurement clause) of the Gaeltacht plan, (reproduced below) a language enurement clause would be required. The planning authority note that the applicant proposes 22 residential units to be reserved for Irish speaking members of the community. There has been an upward trend in the percentage of the population aged 3 and over with the ability to speak Irish and consequently the proposed development will have an imperceptible impact on the use of the Irish language in Baile Chláir, with the 22 units reserved for Irish language speakers strengthening the language in the village.

Built & Cultural Heritage

There are no Protected Structures, Recorded Monuments or other archaeological features of note, adjoining or in the immediate vicinity of the site area. A standard condition with reference to archaeology is recommended.

Recommended Planning Conditions in the Event that The Board Decides to Grant Permission have been provided. The planning authority conclude that if the Board are minded to grant permission, 39 conditions are recommended. Most conditions are of a standard and technical nature, however, conditions of note include:

4. A minimum of 20% of the houses hereby permitted up to a maximum of 100% shall be restricted to use as a house by those who can demonstrate the ability to

preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the planning authority, for a period of 15 years. Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish.

Details of the standard of Irish to be achieved and method of evaluating same shall be agreed in writing with the planning authority prior to the finalization of the agreement hereby conditioned. (Qualification for the Sceim Deontais Tithe will automatically qualify).

The restrictions shall apply for a period of 15 years unless otherwise agreed by the planning authority.

The period of restriction, in each case, shall have effect from the date of first occupation of the house.

Within three months of commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to give effect to the above restrictions. No house shall be occupied until an agreement has been entered into with the planning authority pursuant to section 47 of the Planning and Development Act, 2000, as amended.

Reason: To ensure that development in the area in which the site is located is appropriately restricted.

5. The design of the scheme shall be amended in the following respects:-

(a) Obscure glazing shall be provided in the upper floor windows of the southern gable of the creche building

Revised drawings making provision for the above requirements shall be submitted to and agreed with the Planning Authority.

Reason: Residential amenity

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was advised to notify of the making of the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

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

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 14 December 2021. A summary of those prescribed bodies that made a submission are included as follows:

Irish Water (IW)

The proposed connection point for the water network is a private group water scheme, it will be necessary to get permission and confirmation of capacity from the trustees of the group scheme.

The proposed connection point for the sewer network is to an estate which has not yet been taken in charge by Irish Water. In order to connect to this network, it will be necessary to get permission and confirmation of capacity from the owner of this sewer network.

Transport Infrastructure Ireland (TII)

Insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.

The development would be at variance with national policy in relation to control of frontage development on national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). A Traffic and Transport Assessment (TTA) should be carried out to assess the impacts of the proposed development. Any recommendations arising shall be incorporated in the proposed development by amendment to the existing planning application or as conditions of the permission, if granted. Any additional works required as a result of the TTA should be funded by the developer.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses the proposed development in the context of the statutory development plan. My assessment also focuses on national policy, regional policy and the relevant section 28 guidelines. In addition, the assessment considers and addresses issues raised by the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Zoning/Principle of Development
- Residential Density
- Material Contravention Statement
- Urban Design – building height, layout and public realm
- Residential Amenity
- Traffic and Transport
- Flood Risk
- Infrastructure
- Other Matters

10.2. Zoning/Principle of Development

10.2.1. The Galway County Development Plan 2015-2021 was the subject of Variation No. 2(b) - Gaeltacht Plan (including settlements of An Cheatrua Rua, An Spideal and Baile Chláir and adopted on the 28 May 2018. It is this plan that the proposed development is considered against. The proposed development will take place on lands that are subject to a three separate land use zoning objectives. The residential element of the proposed development; that is houses, apartments, streets and surface water drainage infrastructure are all located on lands subject to zoning

objective Residential Existing and Residential Phase 2. A foul sewer connection to existing infrastructure to the north is proposed through land zoned open space.

10.2.2. Zoning objective Residential Existing seeks to protect and improve residential amenities of existing residential areas and further detailed to provide for house improvements alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. 12 houses and the crèche are located on this land use zoning and no issues are raised in relation to this portion of the development.

10.2.3. The majority of the residential development is located on lands that are zoned Residential Phase 2 - To protect, provide and improve residential amenity areas. The finer detail of this land use zoning is described as to facilitate for the provision of high quality new residential developments at appropriate densities with layout and design well linked to the village centre and community facilities. In addition, the statutory plan states that:

Residential (Phase 2) lands are generally not developable within the lifetime of these settlement plans, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of these plans subject to a suitable case being made for the proposal:

Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands.

The above exceptions will be subject to compliance with the Core Strategy in the Galway County Development Plan, the policies and objectives in these plans, the principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. Developments will only be permitted where a substantiated case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer term growth needs of the village.

10.2.4. The balance of the subject site is situated on lands subject to land use zoning objective OS - Open Space/Recreation and Amenity, the objective which is to protect and enhance existing open space and provide for recreational and amenity space. Further described as to facilitate the further development and improvement of

existing active open spaces, formal exercise areas, sports grounds, playing fields. The proposed layout has set these lands aside for amenity purposes and includes public open spaces, landscape planting and footpaths/cycleways. In addition, it is proposed to lay a 225mm diameter foul sewer to link in with the corresponding foul sewer at Cúirt Na hAbhann to the north. This area of OS land more or less conforms to a flood restriction line. The zoning map for Baile Chláir appears to show Development Objective 3 as an indicative location for community and amenity facilities, partially situated on the subject site. The proposed layout includes a play area and a street that terminates at the site's south eastern boundary with agricultural fields. This corresponds with the indicative location of the map icon and in my mind this objective is met. The planning authority note that apartments are 'open for consideration' only in the Residential land use zone and question if apartments on the subject site are appropriate. In my mind, the site is zoned residential (albeit Phase 2) and as such apartments can be considered subject to appropriate design and layout, appropriate density, compliance with the core strategy and in tandem with the phased and sequential release of residentially zoned land. I am satisfied that apartments would be suitable at this location and I have already considered design, layout, density, core strategy and sequential development under the relevant sections of my assessment.

10.2.5. Finally, the red line boundary of the site also includes areas of the public road, where improvements are planned. These lands are subject to a specific land use zoning referenced as Transport Infrastructure and logically encompasses roads, junctions and footpaths.

Phase 2 Lands

10.2.6. The majority of the proposed development is located on lands that are zoned for residential purposes, existing and Phase 2. The statutory plan states that Phase 1 lands would be developed first and consideration of Phase 2 lands would only be given if in accordance with the Core Strategy and for other very good planning reasons.

10.2.7. The Core Strategy Table of the statutory plan allocates a population of 245 persons to Baile Chláir, which has been calculated as part of the plan making process as

amounting to an expected housing yield of approximately 76 dwelling houses within the plan boundary over the plan period.

- 10.2.8. The applicant makes the case in their Statement of Consistency that the 76 unit allocation for the settlement of Baile Chláir between 2015-2021, 39 units have been permitted to date within the Baile Chláir plan area on R2 zoned lands, with remaining capacity of 37 units. The proposed development of 111 units would contravene the Core Strategy for Baile Chláir, and Objective CS2-Development Consistent with the Core Strategy and Objective CS8-Core Strategy and the Demand for Development of the Galway County Development Plan 2105-2021. The planning authority and observers also note that the proposed development on Phase 2 lands could materially contravene the statutory plan and in this context the application has prepared a material contravention statement that deals with core strategy and density. These matters are addressed in detail in the relevant sections of my report.
- 10.2.9. The planning authority are satisfied that the proposed development would not be a material contravention in relation to the zoning of land and I agree. The principle of residential development on this site has been planned for, just not in the lifetime of the current plan and I assess this matter in the material contravention statement section of my report. General concerns about the demand for services that would arise from more people in the area, including traffic congestion, proximity to the village centre and footpaths etc would not justify a conclusion that the site should not be developed in accordance with its zoning. These and other planning issues are considered separately hereunder.
- 10.2.10. Finally, in relation to the issue of Phase 2 lands, and its implications for this current proposal, I note the recent legal judgements in relation to phase II lands and County Meath. The judgement determined that the Board was precluded by section 9(6)(b) of the 2016 Act from granting permission for the development. In the County Meath instance, the specific wording of the Phase II zoning objective stated that lands designated as such are not available for residential development within the life of the Development Plan. In the context of the subject proposal in County Galway, the development plan provides wording that enables a degree of flexibility and further assessment of development proposals, as follows '*lands are generally not developable within the lifetime of these settlement plans*' save where it can be demonstrated that '*Residential (Phase 1) lands cannot or will not be developed*

within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands’.

10.2.11. I consider that the zoning objective of Phase 2 lands provides the basis for flexibility if the case can be made by the applicant that it is appropriate that development should take place bearing in mind the core strategy of the County Development Plan, the policies and objectives in these plans, the principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. The applicant has made such a case and I reach the conclusion that because the zoning objective for Phase 2 lands states that where Phase 1 lands cannot or will not be developed within the plan period development on Phase 2 lands can be considered. In this instance, the case has been made: all Phase 1 lands are not being developed, the site is close to community/school and employment infrastructure and there are no access or servicing issues. Therefore, and in my opinion, the Board could grant permission for residential development on the subject lands contingent on the residential development being delivered in a phased manner and an appropriate condition can manage this. In reaching this conclusion I note other refusals of permission in County Meath, ref ABP-308396-20 and ref. ABP-308155-20 refer, where I reiterate, the wording in the County Meath local statutory plan provides no similar flexibility to consider other planning matters. Unlike the Galway plans that do.

10.2.12. Having regard to the nature and scale of development proposed, namely an application for 111 residential units and a crèche located on residentially zoned lands, with open space proposed on OS zoned lands, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Overall, I consider the principle of development is acceptable and in accordance with the zoning objectives, subject to detailed considerations below.

10.3. Residential Density

10.3.1. Submissions from local observers state a concern that the proposed residential density is too high and will be out of character with the surrounding area. In addition, some observers are critical of the way that the applicant has categorised the site in

terms of the residential density guidelines. The observers' viewpoint is that the site should be considered as "Edge of Small Town / Village" where the density range should be 5-15 units per ha. The planning authority note that the Gaeltacht Plan density standard, as set out in *DM Guideline CSB 13* is 5 to 15 units per hectare, for the site of the proposed SHD. The planning authority are critical of the proposed density and how the overall scale, metrics and extent of the development at such a peripheral location is counter to the guidelines and the local plan for the area. Baile Chláir is not mentioned as an identified area in the RSES Galway Metropolitan Area Strategic Plan (MASP) and so the rationale advanced by the applicant in this context is incorrect. However, I note that Baile Chláir is located within the Galway MASP and identified as a residential site and seen as a strategic location, figure 21 of the RSES refers.

- 10.3.2. The applicant has drawn together a number of documents to support the rationale for an increased residential density at this location, table 12 in section 9 of the Planning Report and Statement of Consistency refers. The applicant accepts that the proposed residential density of 34 units per hectare is in excess of Sustainable Residential Developments in Urban Areas (edge of small town/village) but highlights that as Baile Chláir is located in the MASP higher densities can be considered. The site should be better identified as an 'Edge of Centre' location and a more appropriate density of 20-35 units per hectare should be considered. The applicant does accept that the proposed residential density of 34 units per hectare could be considered a material contravention of the statutory plan and has prepared a statement to that effect. I consider that statement and the possible material contravention of the plan in the relevant section of my report. In this portion of my report, I simply consider the appropriateness of the residential densities proposed.
- 10.3.3. In relation to density, the National Planning Framework promotes 'compact growth' and 'consolidation' within established urban areas. The Guidelines on Sustainable Residential Development in Urban Areas (2009) sets out density guidance for urban areas. The Urban Development and Building Height Guidelines (2018) indicate that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas. However, the guidelines also caution that where it is proposed to have higher densities and height due regard must be given to the locational context, to the availability of public transport services

and to the availability of other associated infrastructure required to underpin sustainable residential communities.

- 10.3.4. Section 3 of the County Development Plan sets out the policies in relation to residential density underpinned by the advice contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). Objective UHO 11 of that plan states that higher residential density development will be promoted in appropriate locations, such as suitable sites within the town/village centre and adjacent to public transport facilities, where such development is compatible with heritage and urban design objectives, infrastructure capacity and environmental considerations. Table 13.1 of the County Plan sets out density ranges at various locations and the planning authority and observers are convinced that density at the lower end of the scale should be considered for this site. The statutory plan (as amended) for the area does not detail specific density ranges for the site or any site for that matter but leaves a certain amount of flexibility in determining what is the optimal density for any given location, objective CSB 13 refers. DM Guideline CSB 2 of the amended plan repeats the density ranges expected at possible appropriate locations town centre, neighbourhood centres and urban periphery, 5-15 units per hectare being the lowest.
- 10.3.5. The planning authority state that the proposed development site should be treated as toward the lower range and probably between the 15 to 20 units/ha for an 'Outer Suburban/Greenfield' as set out in the Sustainable Residential Development in Urban Areas. In their view, 34 units per hectare significantly exceeds both the appropriate density parameters contained within Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009) and the current Gaeltacht Plan, which forms a variation of the Galway County Development Plan 2015-2021.
- 10.3.6. The Guidelines on Sustainable Residential Development in Urban Areas (2009) sets out density guidance for urban areas. Chapter 6 of the guidelines on Sustainable Residential Development in Urban Areas (SRDUA) relates to Smaller Towns and Villages, with such towns defined as having populations ranging from 400 to 5000. Chapter 5 of the guidelines on Sustainable Residential Development in Urban Areas (SRDUA) relates to Cities and Larger Towns, being defined as towns with a population over 5000. Given that Baile Chláir forms part of the Galway Metropolitan

Area and may have a strategic role to play in the region, I consider Chapter 5 of the guidelines to be relevant. In this regard, I consider the site to be an outer suburban greenfield site whereby net densities of between 35 and 50 dph are encouraged and those below 30 dph are discouraged. I further note RPO 3.6.3(a), as set out in the RSES for the region, relates to the MASP for Galway (which includes Baile Chláir) and states ‘...In developing [a Building Heights] strategy, areas of high density will target residential density of 50 units/ha. The default rate for other areas will generally be 35 units/ha...’. Should the Board wish to consider Baile Chláir as a village/town in its own right, I would note that under chapter 6 of the SRDUA guidelines, which applies to smaller towns and villages, it is stated that edge of centre sites at the edge of smaller towns or villages are encouraged to have a density in the range of 20-35 dwellings per hectare and should include a variety of housing types. The form and layout of Baile Chláir village is centred around the junction of the R381 and N83, and strung out along the N83 to the Clare River. There is a large area of intervening ground between the environs of the site and the centre of the village, zoned partly as a small opportunity site, phase 1 residential and for the most part open space. The subject site lies between an existing housing estate and an area of new schools and an employment hub. The site does not readily fit into the definitions outlined in the density guidelines for such a standalone settlement. The subject site is not exactly at the edge of the village centre, but nor is it at the outer edges of the village, it is an infill site adjacent to existing housing and new schools and employment. Irrespective, I am satisfied that Baile Chláir should be considered as a part of the Galway Metropolitan Area, as per SS1 *Galway Metropolitan Area* of the County Development Plan’s settlement hierarchy.

10.3.7. The total site area is a stated 5.0122 ha gross, of which 3.2415 ha is the net area, which I consider in accordance with national guidance for determining net areas for development. The proposal for 111 units therefore results in a net density of 34.5 units/ha.

10.3.8. This density is appropriate within the national policy context as per the SRDUA guidelines and development plan context, as per Objective UHO 11. However, I note DM Guideline CSB 2 and CSB 13 Residential Densities of the Gaeltacht Plan relate to development densities, indicating a range of guidance densities of 5-15 u/p/h, 15-35 u/p/h and 35-50 u/p/h, stating ‘The Planning Authority may use its discretion in

varying these density standards' subject to assessment of other planning criteria. Section 1.4 of the Gaeltacht Plan and the Core Strategy table as set out in chapter 2 of the GCDP states that an indicative net density of 16 units per hectare has been applied to Gaeltacht Plan in calculating land requirements. I note that residential densities under Objective CSB 13 states that higher densities can be considered if other objectives of the plan can be met and so I am not entirely convinced that the development would be a material contravention in terms of density. Therefore, having regard to the precautionary approach, I consider the development a material contravention of the development plan in relation to density given a lack of clarity around application of objectives DM Guideline CSB 2 and CSB 13.

10.3.9. I reiterate that the site is zoned for residential development directly adjoining an existing residential development, is serviceable, is sequentially located to the town, with a new schools complex and employment hub adjacent, although identified as being within Phase 2 lands, it is within the Galway Metropolitan Area, 11 km from Galway city centre, with existing bus routes to Galway. I note observers concerns in relation to the proposal being too dense, however, I consider the scale of the development proposed is appropriate for this outer suburban/greenfield site given the site's locational context and the density proposed is in accordance with national policy. I do not consider the density proposed, which is at the lower end of that identified for greenfield sites, would result in a density or character of development which is out of context with the adjoining residential development, but would rather support and connect into existing development and services providing for a development of character which would contribute positively to the public realm, both existing and proposed, as well as improved connectivity to the village centre with provision for connections to existing excellent footpath and cyclist facilities nearby. I consider the development to be in compliance with quantitative and qualitative standards for residential development and the site is of a size capable of absorbing the scale of development proposed, with issues in relation to flood risk and constraints addressed and considered further in the report hereunder.

10.4. **Material Contravention Statement**

10.4.1. Firstly, I note that the review of the current County Development Plan is underway. I understand that a new plan may come into effect in late May or early June 2022, however, the operative plan for the purpose of my assessment is the current County

Development Plan as it has been amended and its objectives for the area. The applicant has prepared a material contravention statement that addresses the possibility that the proposed development could materially contravene the following two aspects of the Galway County Development Plan 2015 - 2021 (Subject to Variation No.1, No.2(a) and 2(b)):

- Core Strategy
- Development Density

10.4.2. The applicant has advanced a cautious approach as to what parts of the County Development Plan the proposed development could potentially contravene. The applicant's material contravention statement addresses two areas of the statutory plan that could be breached; core strategy and development density. The planning authority note that the number of units proposed would be in excess of the 76 units planned for Baile Chláir and consequently the residential density is greater than that planned for, objectives CSB-13 and CSB-2 of Variation No.2(b) Galway County Development Plan 2015-2021 Gaeltacht Plan. Observers have concerns about the number of units proposed, when other more suitable locations exist.

10.4.3. The County Development Plan sets out a range of policies and objectives, some of which aim for the achievement of a quality built environment and the application of development standards plays an important role in ensuring successful and sustainable new developments. In this instance, the core strategy of the county is set out in chapter 2 of the Galway County Development Plan 2015-2021 and section 2.4 of the Core Strategy sets out the Regional Planning Guidelines population targets and allocates them to towns and villages throughout the county. The Core Strategy Table allocates a population of 245 persons to Baile Chláir, and an expected housing yield of approximately 76 dwelling houses within the plan boundary over the plan period.

10.4.4. Chapter 3 *Urban and Rural Housing* of the County Development Plan includes a wide range of objectives and UHO-11 refers to development densities and the application DoEHLG Guidelines for Sustainable Residential Development in Urban Areas (2009). Specifically in relation to the subject site residential density objectives are refined by objectives CSB-13 and CSB-2 of Variation No.2(b) Galway County Development Plan 2015-2021 Gaeltacht Plan. The local plan recommends that the

residential density for the urban periphery, outlying lands and areas with capacity/environmental constraints should range between 5-15 units per hectare.

10.4.5. In the following sections of my report, I address the two items raised by the applicant as possible material contraventions of the County Development Plan. I address each of these elements in the following sections of my report.

10.4.6. Core Strategy – The applicant acknowledges that the core strategy of the county development plan sets a requirement for 76 residential units for Baile Chláir and indicates that there has been only one permission for 39 units (Pl. Ref. No: 18/1015) and so there remains capacity in the Core Strategy for an additional 37 units. The proposed development of 111 units will exceed the core strategy by 74 units and this it is accepted by the applicant would materially contravene the development plan, the planning authority and I agree. The applicant sets out in detail exactly what objectives of the plan will be contravened in relation to core strategy and they area:

- Objective DO 1 – Phased Residential Development
- Objective UHO 10 – Sequential Development
- Objective UHO 11 – Development Densities
- Objective CS 2 – Development Consistent with the Core Strategy
- Objective CS 8 – Core Strategy and Demand for Development

10.4.7. The link is made between population growth, National Policy Objective 1b of the National Planning Framework (NPF) and the need for large numbers of new houses and apartments in the northern and western region. There is also reference to NPOs 2a, 33a, 3b and 4. The applicant concludes that the core strategy for Baile Chláir was adopted before the implementation of the National Planning Framework and it is considered that the growth allocation identified in the core strategy is disconnected from the subsequent growth targets set out in the National Planning Framework. Finally, the applicant references the Northern & Western Regional Assembly (NWRA) Regional Spatial and Economic Strategy 2020-2032 (RSES), its projections and the housing allocations now represented in the draft County Development Plan and the revised settlement hierarchy for the County that will see much more development in Baile Chláir.

- 10.4.8. The Galway County Development Plan 2015-2021 core strategy, as varied by Variation No. 1 (adopted April 2017, incorporating RPG population targets) and reflected in Variation No. 2(b) to the Galway County Development Plan 2015-2021 - Gaeltacht Plan (including settlements of An Cheatrua Rua, An Spideal and Baile Chláir (adopted May 2018), allocates a population of 245 persons to Baile Chláir and 76 housing units. I note the development plan has not been reviewed since the adoption of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (January 2020).
- 10.4.9. Submissions from observers state that the proposal is a material contravention of the development plan given the development in conjunction with residential developments already delivered and extant permissions exceeds the County Development Plan Core Strategy allocation for Baile Chláir and should therefore not be permitted. Observers submit that the proposal is non-sequential and will result in increased car dependency given the lack of public transport in the area. The planning authority also confirm their view that the proposed development would materially contravene the plan in terms of the core strategy.
- 10.4.10. The proposed development comprises a scheme for 111 residential units. The applicant points out in the submitted Material Contravention Statement that there has only been permission for 39 units in Baile Chláir during the current development plan. But still the proposed development would overspill the core strategy target for Baile Chláir by 74 units. It is apparent to me that the proposed development would materially contravene the core strategy of the Galway County Development Plan 2015-2021.
- 10.4.11. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission in certain circumstances (see the section entitled Material Contravention Conclusions hereunder). The site is a part post construction and part agricultural site within the urban area of Baile Chláir, sequentially located to the town centre on zoned and serviceable lands, adjoining an existing residential development and a large primary/secondary school complex, GAA/community centre and employment zone, within an area identified for phase 2 residential development in the development plan. The development is laid out in a reasonably compact form, at a sustainable density, connected to the village centre via an extensive footpath and

cycle connection and provides for recreational facilities. While the proposed development materially contravenes the Core Strategy as set out within the Galway County Development Plan 2015-2021, the development in all other regards accords with the principles of proper planning and sustainable development, and is of a scale and nature, that in my opinion, does not significantly undermine the county's settlement hierarchy, notwithstanding the breach of the housing target, or proposed pattern of growth and does not undermine the principles of compact growth and sustainable development for the county or town.

10.4.12. I have reviewed and considered the National Planning Framework, Regional Spatial and Economic Strategy and MASP, and Galway County Development Plan Core Strategy relating to Baile Chláir and am satisfied that, notwithstanding the overarching principles and high level population targets in the National Planning Framework and Regional Spatial and Economic Strategy (which supersede the RPGs), there are no specific objectives or population targets within these plans that the development plan is required to meet at a micro level for Baile Chláir. The development is in accordance with the broad principles and objectives of the national and regional planning framework documents. The proposal would contribute to the objectives of the adopted RSES and the Galway Metropolitan Area Strategic Plan (MASP) contained therein, where Baile Chláir is identified as a residential opportunity site in the MASP and the primary strategy is for consolidation and higher density development on zoned lands, with a default density of 35 units per hectare applicable to the MASP. The proposed development would be in keeping with the sustainable development of Baile Chláir and overall of the Galway Metropolitan Area in a reasonably compact and coherent form and would be consistent with the provisions of the National Planning Framework in this regard. Overall, having regard to the provisions of Section 37(2)(b)(iii), which I elaborate further on under the section entitled Material Contravention Conclusions of this report hereunder, it is justified in my opinion to contravene the Galway County Development Plan 2015-2021 in relation to core strategy. It is further considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, specifically NPO 27, 33 and 35; the RSES and associated Galway Metropolitan Area Strategic Plan; and the 'Guidelines

for Planning Authorities on Sustainable Residential Developments in Urban Areas May 2009' (in particular Chapter 5).

- 10.4.13. Residential Density - Submissions from observers raise concerns in relation to the density of development which is considered excessive and out of scale with the character of the adjoining areas of Lydican Road / Lakeview Road the Cúirt na hAbhann housing estate to the north. It is considered that the density should be consistent with the surrounding development and is in contravention of development objectives CSB13 and DM Guideline CSB2
- 10.4.14. The submitted CE Report states that overall it is considered that the proposed development with a net density of approximately 34 units per hectare is outside the density parameters as set in the local plan and does not accord with parameters contained within Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) for the edge of a small town/village.
- 10.4.15. I have examined residential density in detail under section 10.3 earlier in this report. In summary, I am satisfied that the site is situated at an appropriate location for densities higher than that already found in the locality. There is an existing housing estate to the north and a new primary/secondary schools campus to the south. Further south is a large employment hub with a combination of traditional warehouse uses and more modern technology industries. Baile Chláir is located in the Galway MASP area where there is a default standard of 35 units per hectare. The site could either be considered in the context of the density guidelines as either an edge of town/village centre location or as a suburban greenfield site, in either case a residential density of 35 units per hectare would be appropriate. For more analysis, see section 10.3 above, where I conclude with caution that the proposed development would be a material contravention of the development plan with regard to density.

Material Contravention Conclusions

- 10.4.16. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it,

contravenes materially the development plan or local area plan relating to the area concerned.

10.4.17. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.

10.4.18. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

10.4.19. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.4.20. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

- 10.4.21. In relation to section 37(2)(b)(i), the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and comprises a significant amount of residential units (111) in the context of Baile Chláir to meet the housing need of the area, and the proposal could therefore be considered to be strategic in nature. Given the site's location in an area close to existing residential, educational and employment/commercial development, the application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016. I am of the opinion that the strategic importance of the delivery of housing units to address housing shortages in the principal urban areas is established in the national, regional and local planning policy context.
- 10.4.22. In relation to section 37(2)(b)(ii), I consider the objectives within the Galway County Development Plan 2015-2021 are not clearly stated in so far as the development is concerned with regard to density. DM Guidelines DM1 indicates densities ranging from 5-15 units per hectare to 35-50 units per hectare, while the core strategy table states a density of 16 units per hectare has been applied to Baile Chláir and the plan under CSB 13. The objectives are in my opinion not clearly stated in relation to the achievement of CSB 13 and application of DM Guideline DM1.
- 10.4.23. In relation to section 37(2)(b)(iii), at a national policy level I note the recent publication of the Housing for All - a New Housing Plan for Ireland (2021), Rebuilding Ireland and the National Planning Framework National Policy Objectives (NPOs) that seek appropriate residential density and building height at the right location. It would be acceptable in light of the national policy imperative to increase housing.
- 10.4.24. The proposed development materially contravenes the Core Strategy as set out Galway County Development Plan 2015- 2021, however, the development in all other regards accords with the principles of proper planning and sustainable development, and is of a scale and nature, that does not significantly undermine the county's settlement hierarchy, notwithstanding the breach of the housing target, or proposed pattern of growth and does not undermine the principles of compact growth and sustainable development for the county or town. In this regard I note the lands are zoned, serviceable, and spatially sequential to the settlement, will provide

for a development of a reasonable density with a range of house types, will enhance and improve pedestrian connectivity within Baile Chláir, as well as provide for and open up amenity lands. I have reviewed and considered the National Planning Framework, Regional Spatial and Economic Strategy and MASP, and Galway County Development Plan Core Strategy relating to Baile Chláir and I am satisfied, that notwithstanding the overarching principles and high level population targets in the National Planning Framework and Regional Spatial and Economic Strategy, there are no specific objectives or population targets in the national plans that the development plan is required to meet at a micro level relating to Baile Chláir. The development is in accordance with the broad principles and objectives of the national and regional planning framework documents. The proposal would contribute to the objectives of the adopted RSES and the Galway Metropolitan Area Strategic Plan (MASP) contained therein, where Baile Chláir is identified as a residential site and seen as a strategic location, where the primary strategy is for consolidation and higher density development on zoned lands. The proposed development would be in keeping with the sustainable development of Baile Chláir and overall of the Galway Metropolitan Area in a reasonably compact and coherent form and would be consistent with the provisions of the National Planning Framework in this regard, specifically NPO 27, 33 and 35. Having regard to the provisions of Section 37(2)(b)(iii), it is justified, in my opinion, to contravene the Galway County Development Plan 2015-2021 in relation to core strategy.

10.4.25. In terms of residential density, I consider the proposed development is in accordance with the National Policy Framework, specifically NPO 27, 33 and 35; and the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas May 2009. The proposal is of a high-quality urban design, which will in my opinion successfully integrate into the character of the area and successfully connect into the adjoining public realm. The form, massing and height of the proposed development has been adequately considered to ensure any impacts on existing development is mitigated. Having regard to the provisions of Section 37(2)(b)(iii), it is justified, in my opinion, to contravene the Galway County Development Plan 2015-2021 in relation to density.

10.4.26. Overall, I consider the grant of permission in material contravention of the Galway County Development Plan 2015-2021 in relation to core strategy and density would be justified for the reasons and considerations discussed above.

10.5. **Urban Design – building height, layout and public realm**

10.5.1. The proposed development will provide a combination of conventional two storey dwelling houses in a variety of configurations and two apartment blocks between three and four storeys in height. The site is large, but constrained by lands designated for open space and constrained by categorisation as flood zones A and B. A third of the lands comprise disturbed land with large grassy mounds and used by many to gain access to and from the schools/community centre to the south and housing to the north. The balance of the site comprises grazing land neatly bounded by stone walls.

10.5.2. The planning authority are not supportive of the density and scale of development proposed and see some substantive issues in relation to the urban design principles that underlay the proposed development. It is the point block nature of the apartment buildings and their remove from the village centre that makes them a discordant feature amongst the scheme. Observers also have difficulty with the density and scale of development proposed and see it as out of character with the area. I have already assessed residential density under section ???? of my report and find it to be acceptable. In terms of scale, I find that the variety of two storey housing will match in with existing residential development to the north. The apartments are not so out of place and are similar in scale and height to new school buildings immediately to the south and business/industrial buildings nearby. Given, the relatively low/medium density of development and the large area of open space dictated by zoning, the overall layout has an open character and in terms of scale it is low key.

10.5.3. In terms of layout, the site is accessed from Lakeview Road via a single road, off which a number of cul-de-sac streets are positioned. Additional streets provide an uninterrupted access to lands residentially zoned lands to the south along Lakeview. According to the application the site is split into three character areas, as follows:

- Character area 1 defines the entry sequence into the development from both Lakeview Road and the Cúirt na hAbhann housing estate;
- Character Area 2 addresses the linear park and open space beyond;

- Character Area 3 addresses the central open space.

10.5.4. The street layout is logical and connections between the three character areas is reinforced by pedestrian/cyclist linkages and through streets. Open spaces are logically dispersed throughout the scheme and have satisfactory proportions so as to encourage use and help passive supervision. Access points, open spaces and play areas also conform to the location of objectives found on the zoning map for such uses (as far as I can discern from maps available to me). The public realm approach to the overall site is fairly standard, with streets that conform to DMURS and a variety of street planting and passive supervision opportunities. A new cycle and footpath are planned to connect with Cúirt na hAbhann to north and this connection will reinforce a natural desire line between a large housing estate and community/school facilities. The layout also suggests the possibility of future connections to residentially zoned land.

10.5.5. In overall terms, I am satisfied that the urban design approach employed by the applicant is satisfactory. The division of the site into character areas is logical and will be helped by appropriate building and street finishes that can be amended by condition. Open spaces are logically situated throughout the site and the expectation that adjacent sites would be developed in the future has been planned for by the proposed street layout. I am satisfied that the urban design approach to the layout of this site is acceptable and recommend no changes or alterations.

10.6. Residential Amenity

10.6.1. As with any residential scheme, large or small, the residential amenities offered to future occupants and the preservation and protection of existing residential amenities is an important consideration. In this context, I firstly assess the proposed development as it refers to future occupants, I apply the relevant standards as outlined in section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020). With respect to the residential amenity for future residents (proposed residential amenity standards), the planning authority raise no issues with regard to the design of the scheme in terms of residential amenity other than specifying obscure glazing close to the crèche. Observers raise particular residential amenity concerns with regard to overlooking, loss of privacy and the impact that more traffic will have on getting around. The applicant has

submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

Proposed Residential Amenity Standards - Future Residents (houses)

- 10.6.2. The applicant has submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines the floor areas associated with the proposed dwellings and apartments. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In all cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines, clarification regarding 4 bed/6 person house noted.
- 10.6.3. . According to the Schedule of Accommodation submitted by the application, all house types significantly exceed the relevant floor areas advised. In most cases, over 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In locations where the gable ends of some house types are closer, bathroom windows are provided with obscured glazed or some narrow plan houses exhibit a blank elevation and this is satisfactory. I note that house types G and J are single aspect and this minimises chances of overlooking and loss of privacy. In detail I note that these houses are not single aspect in the strict definition of the term, as ground floors are open to front and back and bathroom/landing windows are fitted with obscure glazing and thus allow light to penetrate.
- 10.6.4. In terms of private open space, garden depths are mostly provided at a minimum depth of 11 metres and according to the schedule provided by the applicant result in between 47 up to 70/80 sqm (two end of terrace houses have a rear garden of over 200 sqm) across all house types, with very few at the lower end. A very small number of rear garden depths are as low as 4 metres (from an extended rear return) but are associated with large corner sites and result in good but irregularly shaped rear gardens with side access. In all of these cases where garden depths are quite

shallow, there are wider parts to the rear garden that extend up to 11 metres. In general, the rear gardens associated with dwellings vary in shape and area and provide in excess of 48 sqm in all but one case, the minimum sought by guidelines. Just one unit (number 8, mid terrace, south facing) has a rear garden of 47 sqm. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

Future Residents (apartments)

- 10.6.5. The proposed development includes 38 apartments that comprise two blocks (AP Block 01 and 02) between three (block 01) and four storeys (block 02) in height. Both apartment blocks are positioned to take advantage of views across the planned open space that links in with Cúirt na hAbhann housing estate to the north. In design terms, the apartment blocks are modest in scale and match the style and building finishes of the proposed houses. The Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and the minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with.
- 10.6.6. The applicant states that all of the apartments exceed the minimum area standard. The applicant has also submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima. In summary, all apartments exceed the minimum floor area requirement by more than 10%, most (16 out of 38, or 68%) units are described as dual/triple aspect and all balcony/patio areas meet minimum requirements. I have interrogated the schedule of floor areas presented by the applicant and found these figures to be accurate. All apartments exceed the minimum floor area by at least 10% as required by the guidelines.
- 10.6.7. Those units that have a single aspect, are either oriented east or west, for example or the few that do face north, look out across the large area of planned open space (block 02). I am satisfied that the dual aspect design advanced by the applicant is acceptable and will provide satisfactory apartment units with adequate outlook and private amenity spaces are of a satisfactory size.

- 10.6.8. Dwelling Mix - The overall development provides 14 one bed units (12.6%), 28 two bed units (25.2%), 48 three bed units (43.2%) and 21 four bed units (18.9%). The amount of one bed units is significantly below the upward amount of 50% allowed for in the guidelines, with 12.6% of the total proposed development as one bed units. When dwelling mix is set against apartment only the amount of one bed units amounts to 36%, this is also acceptable and in accordance with the guidelines.
- 10.6.9. In my opinion the introduction of one, two, three and some four bedroom units will satisfy the desirability of providing for a range of dwelling types/sizes, having regard to the character of and existing mix of dwelling types in the area. Specific Planning Policy Requirement 1 is therefore met. The planning authority raise no issues in relation to the dwelling mix proposed, in this context I note that the current statutory plan for the area refers the provision of an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities, on lands zoned residential. I am satisfied that the dwelling mix proposed by the applicant complies with national and local policy requirements.
- 10.6.10. Apartment Design Standards - Under the Apartment Guidelines, the minimum gross floor area (GFA) for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m, Appendix 1 *Required Minimum Floor Areas and Standards* of the Apartment Guidelines refer. The applicant has shown that this has been achieved in most cases and has been demonstrated in the Housing Quality Assessment (HQA) for apartments submitted with the application. Having reviewed the HQA, in terms of the robustness of this assessment and in the context of the Guidelines and associated standards, I would accept the applicant's analysis that the apartments are larger than the minimum standards by 10% amount in almost all of the units provided. I am satisfied that the proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with none close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. I am satisfied that the internal layout and floor areas of the apartments are satisfactory from a residential amenity perspective, SPPR 3 of the guidelines is met.

- 10.6.11. Dual Aspect Ratios – The applicant points out that a very high number of all units are dual aspect and points out that some houses are single aspect. Given the overall design of units proposed, a combination of conventional houses and apartment units on large floorplans, I can see that it has been relatively easy to provide dual aspect across most dwelling types, SPPR 4 of the guidelines is met. For those apartment units that achieve only a single aspect, they are 12 in number and have an easterly/westerly orientation, with those that face north do so across a large planned open space, and this is acceptable.
- 10.6.12. Floor to ceiling height – the apartment drawings that accompany the application show that floor to ceiling heights of 2.7 metres are achieved at all levels. This is acceptable and in accordance with SPPR 5 of the guidelines.
- 10.6.13. Lift and stair cores – no more than 10 units are served by a lift/stair core and this is acceptable, SPPR 6 of the guidelines is met.
- 10.6.14. Internal storage space is provided for all apartments at a minimum of 4 sqm and over 8 sqm in some cases. Private amenity spaces exceed the minimum area required by the Apartment Guidelines (5 sqm for a one-bed, 7 sqm for a two-bed unit and 9 sqm for a three bed unit). Public open spaces are evenly distributed throughout the scheme with no unit further than a short walk away. The design takes into account security considerations with good levels of passive surveillance and accessibility to amenity space. All of these features have been provided as part of the overall scheme and comply with the advice set out in sections 3 and 4 of the Apartment Guidelines.
- 10.6.15. Building Lifecycle Report - I note that the Apartment Guidelines, under section 6.13, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission. In addition, given the exposed character of the site, a more robust and durable form of external finish such as brick could be specified.

- 10.6.16. Overlooking/Privacy - The planning authority have no concerns with regard to issues of privacy and overlooking in the proposed scheme, apart from obscure glazing to some windows that may cause overlooking from the crèche. For the most part the proposed development is well spread out and there should be no adverse impacts from potential loss of privacy or overlooking. There are some locations where opposing upper floor windows could cause an issue, but this issue is either met by blank gable elevations or bathroom/landing windows that can be fitted with obscure glazing.
- 10.6.17. Overshadowing/sunlight/daylight – The observers and the planning authority have not queried the daylight, sunlight and overshadowing assessment submitted with the application. Apart from a comment that relates to the study marked as ‘Draft’ and that this should invalidate the entire report. In terms of the validity of the applicant’s report, I consider that a drafting error occurred in respect of the finished document and I accept the findings of the daylight, sunlight and overshadowing assessment submitted with the application. Despite the positive findings of the applicants’ sunlight/daylight study, some observers are still concerned that overshadowing may play a part in the reduction of their residential amenities as they are currently enjoyed.
- 10.6.18. The County Development Plan generally requires daylight and shadow projection diagrams to be submitted in all proposals where buildings of a significant height are involved or where new buildings are located very close to adjoining buildings.
- 10.6.19. The proposed development comprises a combination of conventional dwelling houses, apartment blocks no greater than four storeys in height. The overall layout allows for generous separation distances between buildings and nearly all units are dual aspect with many units enjoying a third aspect on gable walls. I note that section 3.16 of the Apartment Guidelines discusses dual aspect ratios and states dual-aspect apartments, as well as maximising the availability of sunlight, also provide for cross ventilation and should be provided where possible. In duplex type or smaller apartment blocks that form part of mixed housing schemes in suburban areas, dual aspect provision is generally achievable. The proposed development provides just such a scenario where access to sunlight has been maximised in all cases through dual and triple aspect units. I note that section 3.2 development

management criteria under the Building Height Guidelines (SPPR 3) refers to considerations on daylight and overshadowing. There are no excessively tall buildings proposed in the scheme. I note that the prevailing building heights are two storey and some three storey buildings in the schools campus area and industrial/business buildings area to the south. I have had regard to section 3.2 Development Management Criteria of the Height Guidelines and I am satisfied that at the varying scale of the city, neighbourhood, street and site, the generally two storey with a minor proportion of three and up to four storey development would be acceptable. In addition, I note that the Galway County Development Plan simply refers to the consideration of sunlight and daylight when preparing planning applications and the applicant has prepared such a study.

10.6.20. In any case, the applicant has submitted a Daylight, Sunlight and Overshadowing Study, prepared by Integrated Environmental Solutions Limited and has identified sensitive receptors located to the north and south of the development site in terms of daylight, sunlight & shadow. In addition, the report examines how the proposed residential units perform in terms of access to light.

10.6.21. In terms of the development performance of the proposed scheme, the report states that analysis has used the strict BRE minimum values of 1.0% for bedrooms and 2.0% for the Living / Kitchen / Dining (LKD) room spaces, but an additional assessment has been made using 1.5% for the LKD areas. In terms of ADF (average daylight factors) for all houses tested, none fell below the 2.0% standard.

10.6.22. Across the proposed development, 95% of the tested rooms within the two apartment blocks achieve an ADF above the BRE and BS 8206-2:2008 guidelines when Living/Kitchen/Dining spaces are assessed as whole rooms against a 2% ADF target. Those apartment units that fall below the 2.0% value are as follows:

- Unit 18 - A corner unit with dual aspect, ground level Block 2 (1.73%)
- Units 28 and 34 - Two units with an LKD set back behind a south facing balcony, level 02 and 03 Block 02 (1.41%)

Of the 38 apartment units, only three fall below the ADF standard of 2.0%, one is dual aspect (east and south facing) and the other two are south facing. I am satisfied that in overall terms the proposed design of the apartments is acceptable and ADF standards have been met or exceeded. In the minority of cases I find that the large

glazed areas, proposed finishes and aspect all contribute to compensate for ADF results that only just fall below target standards.

10.6.23. The applicant states that of the 87 no. points tested, 68 no. points (78%) meet the BRE recommended values over the annual period. The windows that do not meet this recommendation are predominantly as a result of their orientation, i.e. north facing windows and the provision of a balcony in close proximity to the window.

10.6.24. The results for sunlight APSH to living rooms in the two apartment blocks are positive in the main, with those windows that test below standard being within an apartment with multiple aspect.

10.6.25. Shadow/sunlight to the amenity areas of the development meet the recommended targets and are high quality spaces in terms of sunlight. This is to be expected given the low/medium density of the proposed scheme and the spaced out character of the overall scheme. I find that the low-rise form, low scale massing and minimal three storey and four height of the apartment blocks is carefully modulated so as to maximise access to natural daylight, ventilation and views and minimises any overshadowing and loss of light. The requirement for a specific sunlight/daylight and overshadowing analysis for this development is not warranted, however, the applicant's report clearly details the achievement of nearly all requirements based on the BRE guidance document BR 209 and the referenced BS 8206-2:2008 Lighting for buildings – Part 2: Code of practice for daylighting. It is clear that a conventional housing and low scale apartment scheme with separation distances between opposing first floor windows of 22 metres in the majority of cases would clearly allow excellent levels of daylight/sunlight to penetrate habitable rooms and amenity spaces and the applicant's report demonstrates this.

Existing Residential Amenity

10.6.26. A number of observations relate to specific concerns about overlooking and loss of privacy because of the proposed development. The planning authority echo these concerns and in particular note that the two storey crèche may pose overlooking issues and recommend that upstairs windows are glazed with obscured glass. Overall, the planning authority raise no particular concern with regard to how the development interacts with its neighbours and whether changes or omissions should be considered.

10.6.27. The proposed development will be constructed on five large agricultural fields and a former agricultural field between Cúirt Na hAbhann housing estate and low density housing on large garden plots to the south. More than 22 metres will separate new housing from existing housing along the southern boundary of the site. To the north a very large intervening area of open space separates proposed apartments and housing from Cúirt Na hAbhann, 60 metres to the north. The only area of close interaction is between the proposed storey and a half crèche and semidetached house type J and a single storey bungalow at the junction of Lakeview and Lydican Road. The existing bungalow lies slightly below the level of the proposed development, however, I note that house type J is single aspect with no upper floor windows directly overlooking the bungalow to the west. The crèche has two gable end windows on the upper floor southern elevation more than 22 metres distant from the bungalow. In addition, the nearest (nap room) window is specified to be glazed with translucent glass and I find this to be satisfactory. I do not agree with the planning authority that both windows should be glazed with translucent glass, the separation distance is greater than 22 metres and the oblique angle reduces any adverse impacts from overlooking.

10.6.28. I find that there are no other properties located in close proximity to the proposed development and it is more the general notion that new housing and apartments are proposed than the real impact to individual residential amenities that has motivated objections from observers.

10.6.29. The applicant has prepared a Sunlight, Daylight & Shadow Assessment that states that given the separation distances involved and consideration of the 90 degree rule set out in the BRE guidelines, none of the existing dwellings were required to be assessed for APSH. I am satisfied that this is the case, Cúirt Na hAbhann is located a considerable distance to the north across a large expanse of planned open space and properties that lie to the south a generally more than 22 metre from the rear of planned two storey housing.

Overall residential amenity conclusion

10.6.30. I find that there will be no adverse impacts in terms of overlooking and loss of privacy to existing residences and this is due to the separation distances involved and the open context of the site and surrounds. Neither does overbearing impact

become a concern because along the site's lower boundaries (southern side) development has been designed to mirror what already exists across back gardens. Site sections and elevations submitted with the application illustrate these points. The proposed layout and design of the development is acceptable without significant amendment.

10.6.31. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and the observer, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants, subject to the minor alterations I recommend. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing houses in the area.

10.7. **Traffic and Transport**

10.7.1. The proposed development of 111 dwelling units will gain vehicular access directly from Lakeview Road via a new vehicular entrance and provide a pedestrian link through to the Cúirt Na hAbhann housing estate to the north. The development will also provide junction improvements at Lakeview Road and Lydican Road, together with footpath upgrades. A total of 184 car parking spaces and 191 bicycle spaces are provided.

10.7.2. The planning authority note that the amount of car parking spaces falls just short of that required by DM Standard 22. Public transport is located in the village centre quite a distance away and so private cars will be relied upon for most transport needs. A construction traffic management plan is absent from the application. The planning authority are broadly satisfied with the access arrangements, layout and junction modifications and recommend some technical adjustments should permission be granted. The planning authority do raise some questions with regard to the survey times for traffic counts and the resultant accuracy of data. Observers are very concerned about the existing traffic situation in the area, particularly at school pick-up time, the lack of useful public transport and that the proposed development would promote more car journeys on roads not able to accommodate them. There are also detailed submissions in relation to works proposed on lands not in the ownership of the application and without the consent of owners.

- 10.7.3. In detail, the proposed development includes a new access from Lakeview, new raised footpath to the front of the GAA/community centre, new footpath tie-ins and significant adjustments to the junction of Lakeview Road / Lydican Road. The upgrade works at the junction will comprise a kerbed buildout which will relocate the entry point southwards so that the entrance to the Lakeview Road will be realigned to ensure traffic turning onto Lakeview Road will be required to slow down. A new footpath is also proposed to be constructed along the Lakeview Road (in front of the GAA carpark) which will replace the existing at grade walkway and will link into the existing footpath constructed to allow pedestrian access to the school complex. Taking each aspect of proposed traffic and transport related works as follows:
- 10.7.4. Site access – an existing dwelling will be removed to facilitate the proposed development, the location of the main vehicular entrance will be located approximately where the existing domestic driveway is located. This new junction has been designed to co-exist with the proposed junction upgrades at Lakeview Road / Lydican Road. A new footpath will be constructed to the front of the site and tie-in with improvements further west. The planning authority have some technical requirements to be clarified regarding drainage and these can be managed by way of an appropriate condition. I am satisfied that the proposed vehicular entrance to the site is designed to acceptable standards, and I recommend no changes.
- 10.7.5. New Raised Footpath – A new footpath will be constructed to the front of the GAA/community centre car park and tie-in with the existing footpath and cycle lane along Lakeview Road. Again, the planning authority require technical details with regard to an appropriate drainage strategy along this stretch of Lakeview Road and given the likely increase in traffic and seeking an upgrade to the existing surface dressed finish. The planning authority stress that as the area becomes urbanised road and drainage infrastructure should be upgraded accordingly to that of an urban standard. I am satisfied that the proposed footpath improvements and additions along Lakeview Road are to acceptable design standards, and I recommend that such works are carried out to the technical requirements of the planning authority.
- 10.7.6. Lakeview Road / Lydican Road Junction -Significant realignment works are proposed to the Lakeview Road / Lydican Road junction, in order to facilitate a safe and convenient vehicular and pedestrian access to the site. The planning authority raise no significant issues with regards to the proposed works subject to technical

requirements for such works. However, an observer has made a detailed submission in relation to the junction upgrade works and points out that land in their ownership has been targeted to accommodate such works. No consent to make the planning application was given by the owner and if permission is given no consent will be given to carry out the works. I have addressed legal issues under the Other Matters section of my report below. In this instance, it is not entirely clear what extent of lands are required to complete the improvements to the junction. It could be the case that all works can occur in the public domain and no issues arise. However, if the works will occur on lands not in the ownership of the applicant/developer or the Council then permission to carry out such works would be a matter between parties, subject to a legal agreement and not a planning matter. I also note that there is no obligation on the Board to be certain that the development can be carried out before approval can be granted. S.34(13) of the PDA Act, implies precisely that. If third-party consent is not forthcoming, that should not invalidate the planning permission. I refer the Board to section 10(6) of the 2016 Act and the guidance provided in this respect in the Development Management Guidelines 2007. I am satisfied that the proposed junction works will provide a safe vehicular and pedestrian environment for Lakeview Road and Lydican Road and as such they are acceptable.

- 10.7.7. Pedestrian/Cycle Facilities Cúirt Na hAbhann – The proposed development will provide a new footpath and cycle connection to Cúirt Na hAbhann and this is broadly welcomed. It is clear that pedestrian desire lines already exist between Cúirt Na hAbhann, the GAA/community centre and the schools beyond. However, residents of Cúirt Na hAbhann have raised significant legal issues to do with consent to lodge an application and carry out these works. The applicant has produced documentation that shows consent has been given and will be forthcoming to carry out the works. Letters of consent have been submitted from Galway County Council in relation to works in the public domain, D King Construction for works on Folio Ey1066F (map not supplied), Cúirt Na hAbhann Claregalway Management Company, Deparemten of Education and Patrick Moran/Rionach timon/Paul Edmund O’Hare regarding roadside works. Again, I refer the Board to S.34(13) and S. 10(6) of the 2016 Act and the guidance provided in this respect in the Development Management Guidelines 2007. Irrespective, the proposed connections make complete sense and tie-in with existing infrastructure in Cúirt Na hAbhann. In addition to reinforcing and

accommodating pedestrian desire lines, it will also make walking and cycling times much shorter to the village centre to the north. This will logically reduce car dependency for short journeys and make sustainable transport options a more attractive alternative.

10.7.8. Traffic and Transport Assessment (TTA) – The planning authority state that scoping was not completed with Galway County Council and that traffic counts used in the analysis for Junction 1 were undertaken in May 2021 during a period of reduced traffic volumes arising from the Covid-19 pandemic. Further, these traffic counts have not been adjusted to take account of this volume reduction by comparing with data from nearby permanent TII traffic counters or other pre-pandemic traffic data. Therefore, there are concerns regarding the accuracy of the junction traffic analysis results highlighted in the TTA report. I note that Transport Infrastructure Ireland (TII) echo these concerns and that insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site. Observers have also questioned the findings of the TTA and fear greater traffic volumes generated by the proposed development in conjunction with school drop and pick up times. Observers have raised concerns in relation to the impact of traffic from the development on the local road network.

10.7.9. The application is accompanied by a Transportation Assessment. The methodology used in the assessment is acceptable and generally in accordance with the TII Traffic Assessment Guidelines 2014 and the Institute of Highways and Transportation Guidelines for Traffic Impact Assessments. The impact of the proposed development on the signalised junction at the intersection of Lakeview Road and the R381 (Junction 1) and the Lakeview / Lydican Road Priority Junction (Junction 2) has been considered.

10.7.10. Traffic counts were undertaken at these locations during Covid restrictions in order to generate baseline traffic. The planning authority have reservations about the accuracy of such data and what it means for traffic flows and junction capacity and operation. I do not share these concerns to the same extent. It is evident that traffic data was collected during a time of when some Covid restrictions were in the early phases of being eased, May 2021, with many outdoor activities recommenced and most schools open to students. The applicant has shown that the data was collected

in the proper manner and used to generate an analysis to show that potential impact of the proposed development on the surrounding road network can be accommodated. Detailed modelling of the existing junction onto the R318 and Lakeview / Lydican Road has been carried out. The assessment of both junctions indicates that the junctions will operate with reserve capacity in all design years modelled. I am satisfied that the submitted traffic assessment is robust and that it accords with relevant national guidance. The assessment demonstrates that the impact of the proposed development on the local traffic network would be marginal.

10.7.11. Construction Traffic - The applicant has not submitted a Construction Management Plan and the planning authority have noted this omission. In order to preserve the residential amenities of local residents and ensure the safe operation of the schools in the area it would be best practice to prepare and agreed Construction Management Plan. This can be satisfactorily addressed by way of condition.

10.7.12. Traffic and Transport Conclusion - The concerns voiced by observers with regard to the potential degradation of traffic flows around the area will be addressed by the additional pedestrian and cyclist facilities that the proposed development will provide. The proposed development will increase permeability to and from the Village centre and formalise existing pedestrian desire lines to and from the GAA/community centre and schools in the area. These will be better and more attractive opportunities for pedestrians and cyclists to avail of where they do not currently exist. Therefore, resulting in the reduction or need to resort to unsustainable short car journeys that will be now possible on foot or bicycle. On balance, the proposed development is located at a well-served location close to a variety of amenities and facilities, such as schools, playing pitches, employment and the commercial/retail centres of the Village. Current public transport options are limited to low frequency bus services to Galway and elsewhere but these can only improve with increased densities and patronage. In addition, there are good cycle and pedestrian facilities proposed in the development, these will connect to an already impressive pedestrian/cycle network in Baile Chláir and this should encourage further network improvements in the area. The proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and

future residents to increase modal shift away from car use to more sustainable modes of transport and this can be reinforced by the preparation of a mobility management plan and car parking strategy. Finally, and in relation to concerns expressed by the planning authority and TII in relation to the traffic count data sourced during Covid restrictions, given the foregoing, my observations of the site and the information on file I am satisfied that the data collected is reasonably robust and indicative of the likely traffic scenario to result from the proposed development. I see no reasonable reason to recommend a refusal of permission on this basis.

10.8. Flood Risk

- 10.8.1. The Clare River passes through Baile Chláir and is located 151 metres to the east of the subject site. Baile Chláir has a well-documented history of flooding. The planning authority note that significant infrastructural improvements have occurred in Baile Chláir, including a new bridge over the Clare River and recent works to alleviate flooding. The applicant notes that alleviation works have been developed to provide 100year protection plus freeboard for existing flood prone developments in the Baile Chláir area and at Corporate Park, Lakeview, Cúirt Na hAbhainn, Mhainistir Estate and the Village Centre / Tuam N17 road and adjoining properties. Observers also note that prevalence of flooding at Baile Chláir and question whether any development should happen at this location.
- 10.8.2. Variation 2(b) of the County Development Plan was subject to the statutorily required environmental assessments, including a Strategic Environmental Assessment (SEA), a Strategic Flood Risk Assessment (SFRA) and an Appropriate Assessment (AA), which assist in informing future land uses through the avoidance of ecologically sensitive and flood risk areas and the inappropriate development of same. In response to the issue of flooding, the proximity of the site to the Clare River and local flood plains, the applicant has submitted a Flood Risk Assessment (FRA) Study prepared by Hydro Environmental Ltd. The report states that the preliminary Flood Risk Maps for Baile Chláir have shown virtually the entire Village development area within a potential high Flood Risk Zone A. Consequently, a site-specific flood risk assessment is required for the proposed development as per the Flood Risk Management Planning Guidelines (November 2009).

10.8.3. The statutory plan for Baile Chláir outlines a number of flood risk related objectives, such as Objective DO 7 – Flood Zones and Appropriate Land Uses, part (b) seeks to ensure that development proposals in areas identified in An Cheathrú Rua, An Spidéal and Baile Chláir plan areas within Flood Zone C that may be subject to potential flood risk from other sources (e.g. areas of indicative pluvial/groundwater flooding and identified alluvium soil areas) are required to be accompanied by a Site Specific Risk Assessment in accordance with the criteria set out under the Flood Risk Management Guidelines. However, I note that the County Development Plan DM Guideline CSB 3– Flood Zones and Appropriate Land Uses looks for highly vulnerable land uses (such as housing) to be just screened for flood risk in flood zone C. Only public open space is proposed within flood zone C. The planning authority are not entirely sure that all the site specific information has been submitted. I am however satisfied that the applicant has prepared a Flood Risk Assessment that includes all the elements of a Site Specific Flood Risk Assessment (SSFRA), such as a Justification Test of sorts and that together with the information submitted with the Civil Engineering Report, an adequate flood risk assessment can be made. In any case, the Gaeltacht Plan looks for a detailed Flood Risk Assessment, carried out in accordance with The Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014 (or as updated), which shall assess the risks of flooding associated with the proposed development on lands designated as a Constrained Land Use Zone (CL) Objective CSB10 refers. Objective DO 6 seeks a Site-Specific Flood Risk Assessment (SSFRA), and Justification Test where appropriate, in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere. The subject site is located flood zone C and so a SSFRA would not ordinarily be required. Objective DO 7 provides additional guidance and states that the planning authority may request that a site-specific flood risk assessment be carried out if the site is subject to potential flood risk from other sources.

10.8.4. The FRA finds that the two main risks to the site are from groundwater flooding and fluvial flooding from the Clare River. The FRA states that CFRAM mapping shows that the majority of the development site and in particular the area for the proposed 114 (sic) residential units and internal roads are within Flood Zone C (low probability of flooding), figure 12 refers. The report goes to state that groundwater flood risk

results from karst groundwater sources forming a local turlough area which is possibly exacerbated through backing up of flood levels by the Clare River. Events in 2009 shows observed flooding and this indicates that the proposed site is located within Flood Risk Zone C in respect to Groundwater flooding. Such events are exacerbated in the winter months. I note that the surface water management strategy for the site is to dispose of surface water by infiltration to ground. It will be important that such measures will not result in a flood risk to the site or elsewhere.

- 10.8.5. The FRA identifies that the proposed minimum finish floor level within the development is 12.65m OD Malin with ground floor levels varying from 12.65 to 13.65 generally increasing in a southeast direction. Based on the OPW pFRA maps the site is shown to be subject to potential fluvial flood risk from the Clare River and CFRAM mapping shows the site to be generally in Flood Zone C with the lower northwestern section adjacent to Cúirt na hAbhann in the high and medium Flood Risk Zone A and B. Consequently, the proposed development such as housing and streets have been positioned on lands zoned residential and conforming to the boundary of flood zone A/B extents.
- 10.8.6. The FRA has taken into account of the Baile Chláir flood relief scheme in respect to the provision of a flood eye constructed in 2012 (bridge works), the local deepening of the river bed at Claregalway Bridge by 1 to 1.2m and the local drainage culvert for the Lakeview Corporate Park Area constructed in 2016/2017. The applicant has used the CFRAM 100year and 1000year flood inundation mapping to establish the Flood Risk Zones for the site and proposed streets/footpaths, parking, driveways and residential units are all located in the low flood risk Zone C.
- 10.8.7. The proposed grassed and landscaped areas to the northwest of the site adjacent to Cúirt Na hAbhann are shown to be located in flood zones A and B and this is a suitable land use in terms of flooding and flood risk. Such landscaped areas should function as effective and usable green space area as the risk of flooding/inundation in any given year is of the order of 1% or less. This is common practice as such features are considered to represent “water compatible development” and under the flood risk management planning guidelines suitable for location in Flood Zones A and B.

10.8.8. Ultimately the FRA concludes that the site is not strategic to flood storage or to a flood pathway and consequently development of the site will not affect the flood risk on adjacent lands. The road access to the residential development is from Flood Zone C to the southeast off the Lakeview Local road and the proposed development will not impact flood risk to itself or adjacent lands or restrict access to the river, floodplain or any existing or proposed flood defence facilities.

10.8.9. The planning authority state that the data presented by the applicant relies on flood mapping for the site based on CFRAM 2016 data, while CFRAM mid future scenario data would indicate greater flood extents for flood zone A and B on the site. This has consequences for apartment block 1. There are also concerns with regard to proposed wastewater connection pipe to the foul sewer network in Cuirt nahAbhainn and the pumping station located therein, all located within the flood extent as is the watermain connection pipe and this matter has not been adequately addressed in the SFRA. The planning authority require more detailed site-specific analysis to consider all available flood risk information and require the carrying out of a Justification test as outlined in section 5 of the Flood Risk Management Guidelines. I note that the site is not located in an area at a high or moderate risk of flooding and so the requirement for the application of a Justification Test as outlined in section 5 of the Flood Risk Management Guidelines is not necessary. In this regard I note that the drawings submitted by the applicant all indicate a 'flood restriction line' that conforms to the information provided in Variation No.2(b) Galway County Development Plan 2015-2021, *Flood Risk Management May 2018* map refers. Consequently, I note that the lands have been zoned for residential development, the proposal has been subject to a flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere, measures to minimise flood risk have been included, measure to minimise and manage residual risks have been included and will achieve wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

10.8.10. I have had regard to all of the above information before me, including the contents of the third party submissions in this regard. I note the location of the built up area within Flood Zone C and also the location of public open space and amenity pathways in Flood Zones A and B. I also note the location of a foul sewer that links this development to Cuirt nahAbhainn across Flood Zones A and B. The applicant

has specified that sewers and manholes are to be fully sealed to prevent the contamination of the ground water during flood events. I also note a number of discrepancies/omissions in the FRA, which would need to be rectified. However, it is noted that the planning authority recommends a condition in relation to flood issues and surface water management. SuDS measures are proposed, with greenfield run-off rates proposed. Furthermore, Irish Water have technical standards with regard to water services infrastructure that must be complied with before permission to connect is given. Specifically, the planning authority have posited that the omission of apartment block 01 could alleviate any flood risk but have not advanced a condition to require it. In this respect, I note that the finished floor levels of apartment block 01 and block 02 are stated to be 12.70 OD, but that block 02 is closer to the indicated 'flood restriction line' and maybe its omission is meant by the planning authority. I would not recommend refusal of permission in relation to this matter; however it is a matter that should be addressed (for example either by raising finished floor levels or omitting units) and I draw the attention of the Board to it. I recommend that a condition is attached to ensure full implementation of measures outlined in the FRA submitted by the applicant.

10.9. Infrastructure

Water Services

- 10.9.1. At the outset, I note that Irish Water have confirmed that both water supply and wastewater connections are feasible without infrastructure upgrade by Irish Water, appendix 4 of the Civil Engineering Report submitted by the applicant refers.
- 10.9.2. It is proposed to connect into the Baile Chláir Wastewater Network via the pumping station located within Cuirt na hAbhann, a housing estate located to the north of the planned public open space. This will involve a new pipe connection to the existing 225mm diameter sewer network in Cuirt na hAbhann. The path of the new connection brings the sewer through a flood plain and manholes are to be fully sealed to prevent the contamination of the ground water during flood events, the manhole cover levels in the flood plain will be raised above the 1 in 100-year flood level. The planning authority raise no technical issues in this regard but have raised concerns that adequate attention has not been paid to such details in the flood risk

assessment and appropriate assessment. However, I have addressed these issues in the relevant sections of my report.

- 10.9.3. I note that the proposed sewer connection will be made to an adjacent housing estate to the north. The applicant states that a letter of consent has been obtained for connecting into this network and is included in Appendix 5 of the Civil Engineering Report. However, observers, and specifically Cúirt na hAbhann Baile Chláir Management CLG (the management company of the estate) state that they were not aware of the application and did not give any consents. Irish Water also highlight that permission to connect to third-party infrastructure shall be obtained ahead of any connection agreement. The letter produced by the applicant is penned by Doherty Solicitors who act for K King Construction Claregalway Ltd and all consents are provided. I note that K King Construction Limited is the named applicant in the subject planning application. In any case, I am satisfied that some form of consent has been given and submitted with the application and this is acceptable. However, the matter of connection agreements and consent are issues to resolved during negotiations with Irish Water and not an issue at this planning stage of the development. Irish Water have stated that they have yet to take in charge the sewer network at Cúirt na hAbhann and require confirmation of capacity from the owner of this sewer network. These are all matters to be agreed by condition and Irish Water have detailed these in their planning recommendation, dated 26 January 2022 and received by the Board.
- 10.9.4. In terms of water supply, the applicant proposes to supply water through a new 150mm diameter PE100 connection to the existing public water supply in Cúirt na hAbhann. The applicant indicates the consumptions volumes for the development and states that the network has sufficient capacity for the development. Irish Water note that the proposed connection point for the water network is a private group water scheme and permission and confirmation of capacity from the trustees of this group scheme are required. Again, these are matters that will be agreed prior to the issuance of a connection agreement and a matter between, the developer, any third parties and Irish Water.
- 10.9.5. I am satisfied that an appropriate condition can address the matters raised by IW and there is no substantive reason to delay the subject the proposal. IW confirm that water connection to the development is feasible without any upgrades. I am satisfied

that there are no significant water services issues that cannot be addressed by an appropriate condition.

Surface Water Management

- 10.9.6. The applicant states that the principles of Sustainable Urban Drainage Systems such as, swales, attenuation systems and an infiltration area into the surface water drainage design which will assist in minimising the impact of urbanisation by replicating the runoff characteristics of the greenfield site. All stormwater generated onsite, will generally be managed by on-site infiltration. Because there is currently no existing storm drainage in the immediate vicinity of the site suitable for serving the proposed development, consequently, all surface water run-off from the site will be discharged to ground water. Infiltration will take place on the proposed areas of public open space within the flood plain. The Civil Engineering Report states that the winter water table level at these locations has been taken into account. Site investigations carried out recorded the winter water table level in the vicinity of soakaway 2 and 3 at 10.44m while the winter water table level at soakaway 1 was recorded at 10.41m. The invert level of all three proposed soakaways is 10.52m. For modelling purposes an outfall discharge rate of 0.1l/sec was added to each storm network, additional storage capacity has been added to each tank which equates to the volume discharged at 0.1l/sec for the critical storm event.
- 10.9.7. The planning authority note the surface water strategy advanced by the applicant and have some concerns about the link between surface water drainage and flood risk. Specifically, the planning authority have highlighted a number of deficiencies with regard to drainage on site including the absence of comprehensive details of infiltration tests, groundwater levels, flood risk and attenuation, the absence of storm simulation analysis results to demonstrate the development is capable of dealing with extreme rainfall events without causing overground flooding and failure to provide construction details of soakaways or consideration of Nature based solutions to the management of rainwater and surface water run-off in urban areas. All these matters are considered to be outstanding and are required by the planning authority, condition 20 states that surface water drainage and management shall be designed, sized, located and operated in accordance with details to be agreed in writing with the planning authority, prior to the commencement of development on site. I am satisfied that the applicant has prepared sufficient material to demonstrate

the proposed surface water management strategy and that further detailed design matters can be agreed with the planning authority.

10.10. Other Matters

10.10.1. Archaeology - I refer the Board to the Archaeological and Cultural Heritage Impact Assessment report submitted by the applicant. The report concludes that there is nothing of archaeological potential noted within the proposed development site. The closest Recorded monument RMP. Ref. GA070-072 (Enclosure), GA 083-031 & 070-011 (redundant records), and a group of ecclesiastical monuments and medieval fortifications in the vicinity of the Clare River Bridge, all beyond 500m of the subject site. There are no national monuments located within close proximity to the development, the nearest being Claregalway Abbey (NM NO. 165) located 920m north west. The planning authority recommend the attachment of a condition to ensure the continued preservation (either in situ or by record) of any sites, features or other objects of archaeological interest. I concur, an appropriate condition with regard to the archaeological potential of such a large site should be attached in the event of a grant of permission.

10.10.2. Social and Affordable Housing – The applicant has submitted proposals for transfer of 10% of the proposed units to the planning authority, 11 units, as follows:

Unit Type	Bedrooms	Amount
Apt. 1A	1	2
Apt. 1B	1	4
Apt. 2A	2	2
Apt. 2B	2	2
House C	3	1
Total		11

10.10.3. Units are distributed throughout both apartment blocks (ground floor block 01 and 02) and a semi-detached house at the centre of the scheme, drawing number 3118 ‘*Indicative Part V Provision Plan*’ refers. The planning authority note the provision of Part V and its obligations for the developer, revisions to initial

discussions are noted and the number of units not yet clarified. The standard Part V requirement of 10% was applicable at the time that the application was being prepared. With regard to the above I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.10.4. Childcare facilities – A Childcare Impact Assessment which assesses existing childcare capacity in Baile Chláir has been prepared. The proposed development consists of 111 residential units. The applicant states that nine of these are 1-bed apartments and can be excluded when assessing childcare need (based on Apartment Guidelines 2018), giving a figure of 102 units for the purposes of assessing demand. It is proposed to provide a childcare facility with space for 32 children within the proposed development. Due to some research difficulties that applicant states that it is difficult to conclude whether demand generated by the proposed development could be met in existing facilities or whether a new facility is required. The applicant advances the theory that a crèche may not be needed on site, but have proposed one in any case. The planning authority do not comment an opinion in this regard.

10.10.5. The proposed crèche has a stated floor area of 413sqm with capacity for 32 children. The applicant has provided an assessment and concluded that this is the appropriate scale of childcare facility given the availability of others in the area. The planning authority raise no issue with the scale of crèche proposed. I am satisfied that the rate of provision is acceptable by reference to the Childcare Facilities Guidelines (Appendix 2). I am also satisfied that the location of the crèche south of Block 01 is acceptable and I recommend no changes to the design and layout of the scheme.

10.10.6. Recent Section 28 Guidelines – The new guidelines are brief and concern the regulation of commercial institutional investment in certain housing developments of five or more houses and/or duplex units but not those schemes that have ‘build-to-

rent' status. The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities, enables planning authorities and An Bord Pleanála to attach planning conditions that require a legal agreement controlling the occupation of units to individual purchasers, i.e. those not being a corporate entity, and, those eligible for the occupation of social and/or affordable housing, including cost rental housing. In the context of the current planning application that comprises a mixture of houses and apartments/duplexes it is appropriate to attach the relevant condition advised by the recently published guidelines.

- 10.10.7. Ecology – In addition to a Natura Impact Statement, the applicant has submitted an Ecological Impact Assessment (EIA), prepared by Julie O’Sullivan (B.Sc., M.Sc.) and reviewed by Pat Roberts (B.Sc. (Env.) and dated December 2021. The EIA includes a detailed submission from the Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, it includes advice in relation to Nature Conservation specific to the site in question.
- 10.10.8. A walkover survey of the site was carried out on the 23 April 2021 with a follow up survey on 4 June 2021, together with a survey for invasive species on the same dates. Bat walkover surveys of the study area were carried out during daylight hours on the 22 April, 12 May and 26 May 2021, a dusk emergence survey was carried out on the evenings of 22 April and 26 May on each of the structures proposed for demolition, dusk and dawn surveys were also carried out.
- 10.10.9. The habitat character of the site can be described by grassland, treelines and drainage ditches. The assessment identifies that the site has no unusual features of interest and section 5 of the assessment sets out mitigation measures common to any similarly scaled urban development. Measures are mostly highlighted in the preliminary Construction Environment Management Plan (CEMP) submitted with the application. The report concludes that in the absence of mitigation, the proposals have the potential to impact on protected/notable species, through disturbance during the construction phase. However, with the successful implementation of landscaping proposals for the site and the specific mitigation measures outlined in Section 5, no significant adverse residual impacts to fauna are anticipated. The planning authority note the impact that the development may have on ecology and recommend a condition (number 6 of the Chief Executive’s Report). I concur that an

appropriate condition should be attached to ensure the preservation of the local ecology of the area.

10.10.10. Title and Consent - A number of observers claim that their property rights will be infringed by the proposed development and add that their consent to make the planning application was not sought or given. Any disputes relating to such matters as ownership and consent to make an application are a legal matter, outside the remit of this planning application. The Board generally does not arbitrate on matters of dispute in relation to private property as they are not strictly planning matters. It should be noted that the granting of planning permission does not entitle the applicant to carry out works, if the consent of third parties is required. As per section 34(13) of the Planning and Development Act 2000 (as amended), "A person shall not be entitled solely by reason of a permission under this section to carry out any development". I also note that there is no obligation on the Board to be certain that the development can be carried out before approval can be granted. S.34(13) of the PDA Act, implies precisely that. It is normally accepted that planning permissions are frequently granted on the basis of the intentions of a developer - for example to obtain consents of third parties. If third-party consent is not forthcoming, that should not invalidate the planning permission. I refer the Board to section 10(6) of the 2016 Act and the guidance provided in this respect in the Development Management Guidelines 2007.

10.10.11. Irish Language - As Baile Chláir is recognised as being a Gaeltacht area, impact on language and the Gaeltacht is considered. A Linguistic Impact Statement (LIS) has been submitted. Section 1.8 of Variation No.2(b) Galway County Development Plan 2015-2021 Gaeltacht Plan, provides that "A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in Baile Chláir. The proportion of homes to which a language enurement clause will be a minimum of 20% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census, whichever is greater." It is proposed to reserve 22 residential units for Irish speaking members of the community for a period of 7 years in accordance the with the Objective CH3-Language Enurement Clause. It is considered that the proposed development will have an imperceptible impact on the use of the Irish language in Baile Chláir, an appropriate condition should be attached.

11.0 Screening for Environmental Impact Assessment

- 11.1. The site is an urban greenfield site subject to three land use zoning objectives – Residential Existing, Residential Phase 2 and Open Space/Recreation and Amenity, in the Galway County Development Plan 2015-2021 as amended by Variation No. 2(b) - Gaeltacht Plan (including settlements of An Cheatrua Rua, An Spideal and Baile Chlair). The site is located at an infill site towards the edge of an existing urban area comprising a combination of houses, community centre, schools and a business park. The lands comprise agricultural ground. The proposed development relates to the construction of 111 residential units and a crèche.
- 11.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district.
- 11.3. The proposal for 111 residential units on a site of 5.0122 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 12 of my report concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.
- 11.4. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will

not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report
- Environmental Impact Assessment Screening Report
- Construction and Environmental Management Plan
- Ecological Impact Assessment
- Natura Impact Statement
- Architectural Design Statement
- Tree Survey Report
- Landscape Report
- Flood Risk Assessment
- Daylight, Sunlight & Overshadowing Study
- Outdoor Lighting Report
- Archaeological & Cultural Heritage Impact Assessment
- Civil Engineering Report
- Traffic and Transportation Assessment
- Childcare Impact Assessment
- Linguistic Impact Statement

11.5. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, I note that the following assessments / reports have been submitted.

- Report on Appropriate Assessment Screening and a Natura Impact Statement has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- The submitted Outline Construction Management Plan sets out standards derived from the EU Ambient Air Quality Directive and Environmental Noise Directive.

11.6. The EIA screening report prepared by the applicant has, under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

11.7. I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

11.8. Overall, I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.9. Having regard to:

(a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the site's location close to schools, a community centre, the Baile Chláir Corporate Park and frequent bus routes at the centre of Baile Chláir, within an established built up area on lands with a residential and open space zoning objective in the Galway County Development Plan 2015-2021 as amended by Variation No. 2(b) - Gaeltacht Plan (including settlements of An Cheatrua Rua, An Spideal and Baile Chlair),

(c) the existing use on the site and pattern of development in the surrounding area,

(d) the planning history relating to the site and surrounding area,

(e) the availability of mains water and wastewater services to serve the proposed development,

(f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,

(g) the provisions of the guidance as set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),

(h) the criteria as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and

(i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Environmental Management Plan.

11.10. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form (see appendix A) has been completed and a screening determination is not required.

12.0 **Appropriate Assessment**

12.1. Introduction

12.1.1. This section of my report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) and Appropriate Assessment Screening (appendix 1 of the NIS) prepared by MKO Planning and Environmental Consultants, dated December 2021 and submitted with the application. It is stated that field assessments were undertaken by Julie O'Sullivan (B.Sc., M.Sc.) and the report completed by same. The report was reviewed by Pat Roberts (B.Sc. (Env.)). I have had regard to the submissions of observers in relation to the potential impacts on Natura 2000 sites. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

12.2. The Project and Its Characteristics

12.2.1. The detailed description of the proposed development can be found in section 2.0 above.

12.3. Submissions and Observations

12.3.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. Observers have not raised any specific issues with regard to appropriate assessment, however, raise issues in relation to flood risk. The planning application was referred to a number of statutory consultees, including Irish Water, Galway County Council, the Minister for Housing, Local Government and Heritage and Inland Fisheries Ireland. With specific reference to appropriate assessment matters, I note that Irish Water, the Galway County Council and the Department did not make submissions.

12.4. The European Sites Likely to be Affected (Stage I Screening)

12.4.1. A summary of European Sites that are considered to be within a zone of influence of the site is presented in *Identification of Relevant European Sites* section of the applicant's AA Screening Report. The development site is not within or directly adjacent to any Natura 2000 site. The site is located in an area surrounded by existing low density residential development and community infrastructure. The site comprises agricultural land.

12.4.2. I have had regard to the submitted Appropriate Assessment screening section of the applicant's report that identifies a likely zone of impact of the proposed development that includes the following sites: Lough Corrib SAC (000297) Lough Corrib SPA (004042), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031). In addition, the applicant's report identifies a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. These are all listed below with approximate distances to the application site indicated:

Site code	Site name	Distance from the site
000297	Lough Corrib SAC	151m
000268	Galway Bay Complex SAC	6.4km
004042	Lough Corrib SPA	5.4km
004031	Inner Galway Bay SPA	7km in excess of 18km via hydrological connectivity
004142	Cregganna Marsh SPA	9km

12.4.3. In addition, the AA screening section of the document outlines through figure 3.1, the geographical spread of sites and proximity to the subject site.

12.4.4. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the

information on file, including observations on the application made by prescribed bodies and other observers, and I have also visited the site.

12.4.5. I concur with the conclusions of the applicant’s screening for AA, in that the only Natura 2000 sites where there is potential for likely significant effects are the Lough Corrib SAC (000297) Lough Corrib SPA (004042), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) as a result of a direct hydrological pathway because the Lough Corrib SAC/SPA share the same groundwater catchment and for the Galway Bay Complex SAC and Inner Galway Bay SPA via the hydrological connectivity posed by the Clare River.

12.4.6. Significant impacts on the remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site’s conservation objectives. As such, it is reasonable to conclude that on the basis of the information on 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 (000297)
- Lough Corrib SPA (004042)
- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

12.4.7. The qualifying interests of all Natura 2000 Sites considered are listed below:

Table of European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
Lough Corrib SAC (000297)	151m	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]

<p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>		<p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p>
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		<p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Drepanocladus vernicosus (Slender Green Feather-moss) [1393]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>
<p>Galway Bay Complex SAC (000268)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>	6.4km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>
Lough Corrib SPA (004042)	5.4km	Gadwall (Anas strepera)

<p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>		<p>Shoveler (<i>Anas clypeata</i>) Pochard (<i>Aythya ferina</i>) Tufted Duck (<i>Aythya fuligula</i>) Common Scoter (<i>Melanitta nigra</i>) Hen Harrier (<i>Circus cyaneus</i>) Coot (<i>Fulica atra</i>) Golden Plover (<i>Pluvialis apricaria</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Common Gull (<i>Larus canus</i>) Common Tern (<i>Sterna hirundo</i>) Arctic Tern (<i>Sterna paradisaea</i>) Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) Wetland and Waterbirds</p>
<p>Inner Galway Bay SPA (004031)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>	<p>7km</p>	<p>Great Northern Diver (<i>Gavia immer</i>) [A003] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p>

		<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>
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12.4.8. The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration, also note Table 3.1 contained within the applicant's report.

12.5. Potential Effects on Designated Sites

12.5.1. The proposed development shares the groundwater catchment of the Lough Corrib SAC and the Lough Corrib SPA. There is also a hydrological connection to the Galway Bay Complex SAC and Inner Galway Bay SPA due to the proximity of the Clare River and the location of flood zones A and B on the subject site. Other sites listed are considered to be too far removed from the site and away from direct pathways and can be discounted as follows:

- Cregganna Marsh SPA (004142)

12.5.2. The applicant has concluded that it cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on Lough Corrib SAC, Lough Corrib SPA, Galway Bay SAC & Inner Galway Bay SPA. As a result, it is recommended to the competent authority that an Appropriate Assessment is required, and a Natura Impact Statement will be prepared in respect of the proposed development.

12.5.3. In this instance the SuDS measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context. However, the applicant makes the point that although no watercourses were identified on-site, in the absence of appropriate mitigation and following the precautionary principle, the construction and operation of the proposed development has the potential to result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site. In addition, potential hydrological connectivity was identified between the proposed development and downstream SPAs/SACs. A potential pathway for indirect effects on the aquatic QIs of the SAC and SCI 'wetland and waterbirds' as a result of deterioration in surface water quality resulting from pollution associated with the construction and operational activities was identified. Mitigation measures will be required to ensure that water quality is maintained prior to discharge to groundwater. Thus, as a result of these measures, the risk to water quality during the construction phase on the Lough Corrib SAC (000297), Lough Corrib SPA (004042), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) should be considered, other sites can be excluded because of the separation distances involved, lack of direct connections and any dilution factors that might arise. According to the applicant, as extensive works are planned in close proximity to open water courses, following a precautionary approach, the potential for large quantities of silt or other construction pollutants to be washed downstream means that significant effects to the Lough Corrib SAC (000297), Lough Corrib SPA (004042), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031) cannot be ruled out.

12.5.4. Observers and the planning authority have noted technical rather than ecological/biodiversity aspects with regard to a wastewater sewer that is proposed to pass through flood zones A and B and any potential consequences during a flood event. In this regard I note that Irish Water confirm that the proposed development can be facilitated without upgrades and this information was passed to the Board on the 27 January 2022 and I see it as the most up to date scenario with regard to wastewater and the local network. In addition, I note the findings and conclusion of the Flood Risk Assessment prepared by the applicant and I am satisfied that the standard industry approach to such works and operation of equipment will be employed. The AA screening report has identified the potential for impacts during the construction and operational phase of the development and that there is the potential for surface water pollution of the River Clare in the event of a flood.

12.6. **Consideration of Impacts:**

- There is nothing unique or particularly challenging about the proposed greenfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to the European sites listed above.
- During the operational stage, after passing through Sustainable Urban Drainage Systems (SuDS), all stormwater generated onsite will be managed on-site through infiltration. The surface water pathway creates the potential for an interrupted connection between the site and the Clare-Corrib groundwater catchment and a distant hydrological connection between the proposed development and European sites in at Galway Bay.
- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water

will infiltrate to groundwater. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Clare-Corrib groundwater catchment and Galway Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Galway Bay (dilution factor).

- In terms of in combination impacts other projects within the Galway area which can influence conditions in the Clare River, Lough Corrib and Galway Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

12.6.1. Surface water from the proposed development will pass through a range of SuDS including swales. Waters from roofs and paving and all other surface water will be attenuated in underground attenuation tanks before discharge through infiltration. All surface waters will pass through a hydrocarbon interceptor before discharge (See 'Civil Engineering Report' and drawings by Tobin Consulting Engineers and for construction stage see 'Construction and Environmental Management Plan'.).

12.6.2. These waters will ultimately drain to Clare-Corrib groundwater catchment, and Galway Bay via a variety of watercourses. These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any greenfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.

- 12.6.3. The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system and groundwater catchment system to those Natura 2000 sites. They are not required for the purpose of mitigating any potential impact to those Natura sites, given the distance and levels of dilution that would occur in any event. There is nothing unique, particularly challenging or innovative about this urban development on a greenfield/edge of urban site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would not be likely to have a significant effect on the Lough Corrib SAC (000297), Lough Corrib SPA (004042), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA (004031), Stage II AA is not required.
- 12.6.4. I note the applicant submitted a Natura Impact Statement, in their own words 'on an extremely precautionary basis'. In deciding to prepare and submit a NIS the applicant states that the precautionary principle was being applied. I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of caution and is unwarranted.

12.7. **AA Screening Conclusion:**

- 12.7.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites either located within the same groundwater catchment or located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 12.7.2. It is reasonable to conclude that on the basis of the information on 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 the Lough Corrib SAC (000297), Lough Corrib SPA (004042), Galway Bay Complex SAC (000268) and Inner Galway Bay SPA

(004031), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

13.0 Recommendation

13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the Galway County Development Plan 2015-2021 and Variation No.2(b) Galway County Development Plan 2015-2021 Gaeltacht Plan,
- (b) The provisions of Housing for All, A New Housing Plan for Ireland (September 2021),
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013 (as updated)
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,

- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Galway County Council, and
- (n) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2020

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars lodged with An Bord Pleanála on the 14th day of December 2021 by Sean McCarthy, MKO on behalf of K King Construction Limited.

Proposed Development

Permission is sought for 111 residential units on a total site of 5.0122 with buildings ranging in height from 2 to 4 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	5.0122 hectares 3.24 hectares (developable area)

Number of Units	111 units 73 dwelling houses 38 apartments
Density	22 units per hectare (gross) 34 units per hectare (net)
Dual Aspect	94 of all units (85%) 12 apartment units are single aspect 5 houses are single aspect
Other Uses	Crèche – 282 sqm – 32 children
Public Open Space	0.4939 ha – 15% of the site
Height	2-4 storeys
Parking	191 car parking spaces 368 bicycle spaces provided 40 bike stands
Vehicular Access	Via the Lakeview Road.
Part V	11 units

Housing Mix

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
House	0	4	48	21	73
Apartment	14	24	0	0	38
% of Total	12.6%	25.2%	43.2%	18.9%	100%

- Provision of 282 sq.m creche facility including an external secure play area.

- The demolition of 1 dwelling (113.13 sq.m) and associated outbuilding and the demolition of Slatted Building (134.29 sq.m) and associated agricultural sheds and structures (50.77 sq.m)
- New vehicular and pedestrian accesses to the Lakeview Road as well as infrastructure upgrade works on Lakeview Road.
- New pedestrian and cycle access to the neighbouring Cuirt na hAbhann development.
- 191 car parking spaces comprising: 10 no. crèche spaces and 181 residential spaces

Provision of public open space, shared communal and private open space, playground, bicycle parking, bin storage, public lighting, site landscaping, connection to existing services, footpath connections, signage and all associated site development works.

Matters considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives set out in the Galway County Development Plan 2015-2021 and Variation No.2(b) Galway County Development Plan 2015-2021 Gaeltacht Plan,
- (b) The provisions of Housing for All, A New Housing Plan for Ireland (September 2021),
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016

- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013 (as updated)
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Galway County Council, and
- (n) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway

considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required. In particular, the Board agreed with and adopted the Inspector's assessment and conclusion that a Stage 2 Appropriate Assessment was not required notwithstanding the submission of an NIS by the applicant for permission which proceeded on the basis that a Stage 2 Appropriate Assessment was required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Information Report submitted by the developer which contains the information as set out in Schedule 7A of the Planning and Development Regulations 2001, as amended and the Article 299B Statement submitted by the applicant.

Having regard to:

- (a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the site's location close to schools, a community centre, the Baile Chláir Corporate Park and frequent bus routes at the centre of Baile Chláir, within an established built up area on lands with a residential and open space zoning objective in the Galway County Development Plan 2015-2021 as amended by Variation No. 2(b) - Gaeltacht Plan (including settlements of An Cheatrú Rua, An Spideal and Baile Chláir),
- (c) the existing use on the site and pattern of development in the surrounding area,
- (d) the planning history relating to the site and surrounding area,

(e) the availability of mains water and wastewater services to serve the proposed development,

(f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,

(g) the provisions of the guidance as set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),

(h) the criteria as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and

(i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Environmental Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of surface water management and traffic and pedestrian safety and convenience.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plan for the area, a grant of permission could materially contravene provisions of the core strategy and density. The Board considers that, having regard

to the provisions of section 37(2)(b)(i)(ii) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Galway County Development Plan 2015-2021 would be justified for the following reasons and considerations:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended); and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

The objectives of the development plan are not clearly stated in so far as the development is concerned, with regard to the density range proposed within 'DM Guideline DM1' and the application of Adopted Variation No. 2(b) to the Galway County Development Plan 2015-2021 - Gaeltacht Plan (including settlements of An Cheatrua Rua, An Spideal and Baile Chláir 2018 Objective CSB 13 – *Residential Densities* and the associated core strategy density provision.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

The Board considers that the proposed development materially contravenes the Core Strategy and Density as set out Galway County Development Plan 2015-2021.

In relation to Core Strategy, while the proposal is in breach of the housing yield of 76 units assigned to Baile Chláir, the development in all other regards accords with the principles of proper planning and sustainable development, and is of a scale and nature, that in the opinion of the Board, does not significantly undermine the county's settlement hierarchy, notwithstanding the breach of the housing target, or proposed

pattern of growth and does not undermine the principles of compact growth and sustainable development for the county or town. In this regard the Board notes that in respect of the subject site, the lands are zoned for residential purposes, serviceable, and spatially sequential to the settlement, will provide for a development of a reasonable density with a range of house types, will enhance and improve pedestrian connectivity within Baile Chláir, as well as provide for and open up amenity lands. The Board have reviewed and considered the National Planning Framework, Regional Spatial and Economic Strategy and MASP, and Galway County Development Plan Core Strategy relating to Baile Chláir and are satisfied, that notwithstanding the overarching principles and high level population targets in the National Planning Framework and Regional Spatial and Economic Strategy, there are no specific objectives or population targets in the national plans that the development plan is required to meet at a micro level relating to Baile Chláir. The development is in accordance with the broad principles and objectives of the national and regional planning framework documents. The proposal would contribute to the objectives of the adopted RSES and the Galway Metropolitan Area Strategic Plan (MASP) contained therein, where Baile Chláir is identified as a residential site in the MASP and the primary strategy is for consolidation and higher density development on zoned lands. The proposed development would be in keeping with the sustainable development of Baile Chláir and overall of the Galway Metropolitan Area in a reasonably compact and coherent form and would be consistent with the provisions of the National Planning Framework in this regard. It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, specifically National Policy Objective 27, 33 and 35; and the 'Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas May 2009' (in particular Chapter 5).

In relation to Density, it is the opinion of the Board that the proposed development is in accordance with the National Planning Framework, specifically NPO 27, 33, and 35; the Urban Development and Building Height Guidelines SPPR 4; and the 'Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas May 2009' (in particular Chapter 5).

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
Reason: In the interest of clarity.
2. A minimum of 20% of the houses hereby permitted shall be restricted to use as a house by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the planning authority, for a period of 15 years. The developer shall submit a completed Linguistic Impact Statement to the planning authority providing details of compliance with this requirement prior to the commencement of development. Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish. Details of the standard of Irish to be achieved and method of evaluating this shall be agreed in writing with the planning authority prior to the finalization of the agreement hereby conditioned. (Qualification for the Scéim Deontais Tithe will automatically qualify). Within three months of commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to give effect to the above restrictions. No

house shall be occupied until an agreement has been entered into with the planning authority pursuant to section 47 of the Planning and Development Act, 2000, as amended.

Reason: To ensure that development in the area in which the site is located is appropriately restricted.

3. All mitigation and monitoring measures outlined in the plans and particulars, including the Flood Risk Assessment, Construction Management Plan and Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of any development. No development shall commence on any subsequent phase of the development authorised by this permission until the planning authority has certified in writing that the works in the previous phase have been completed to a satisfactory extent.

Reason: To ensure the timely provision of services.

5. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of clarity and public health.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer

shall submit the following details to the planning authority for written agreement:

- (i) Full design details of the proposed footpath works on Lakeview Road. The developer shall coordinate with the planning authority during the detailed design and construction of the development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of public health and surface water management.

- 8. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.
- (b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
- (d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.

- (e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
- (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

- 9. The site shall be landscaped (and earthworks carried out) in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.

Reason: In order to ensure the satisfactory completion of the development.

- 10. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed and patrons of the crèche development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

- 11. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces,

facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

16. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

The Management Company shall include and manage the Community Building for the benefit of the residents of the apartments or the wider community as determined by the Planning Authority.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in

accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;
 - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the

matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and

23. Prior to the commencement of any house or duplex unit in the development as permitted, the developer or any person with an interest in the land shall enter into an agreement with the planning authority such agreement must specify the number and location of each house or duplex unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

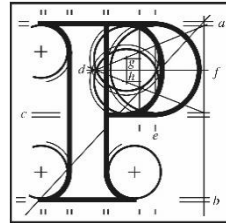
24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Rhys Thomas
Senior Planning Inspector
08 April 2022

17.0 Appendix I EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312191-21
Development Summary		111 dwelling units and crèche.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report and Natura Impact Statement

<p>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	<p>No</p>
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>Galway County Development Plan 2015-2021 as amended by Variation No. 2(b) - Gaeltacht Plan (including settlements of An Cheatrua Rua, An Spideal and Baile Chlair) was subject to SEA and SFRA. And the following are of relevance:</p> <ul style="list-style-type: none"> • Report on Appropriate Assessment Screening and Natura Impact Statement has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). • The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive. • The submitted Outline Construction Environmental Management Plan sets out standards derived from the EU Ambient Air Quality Directive and the Environmental Noise Directive.

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
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		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider area.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Uses proposed consistent with land uses in the area. Residential zoning applies. Residential use permitted in principle. Some demolition but no changes to topography or waterbodies.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction Environmental Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction Environmental Management Plan. No operational impacts in this regard are anticipated.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Outline Construction Environmental Management Plan. No operational impacts in this regard are anticipated.</p> <p>In the operational phase the development will connect to public wastewater network and attenuated surface water will discharged to groundwater.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction Environmental Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction Environmental Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted FRA. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Development of this site as proposed will result in an increase in residential units within the urban area of Baile Chláir, Co Galway. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p style="padding-left: 40px;">1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>No</p>	<p>No. Potential for significant effects on Natura 2000 sites has been screened out.</p>	<p>No</p>

<p>2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, overwintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No recorded monuments, protected structures or NIAH structures are located within the proposed development site and no impacts to the recorded archaeological resource have been identified. The submitted Archaeological and Cultural Heritage Impact Assessment concludes that pre-development archaeological testing of the proposed development site has been recommended in order to ameliorate any potential impact.</p>	<p>No</p>

<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>There is no watercourse on the site. The Clare River is located 151 metres to the east of the site. Part of the site is located in flood zones A and B.</p> <p>There will be no direct storm water discharge to any surface watercourse from the proposed development with all stormwater from the hard areas discharging to groundwater. Based on the calculations submitted in the Tobin Services Report the storm water drainage from the site includes for climate change allowance, a factor of safety for uncertainty in respect to soil infiltration rates and an additional perimeter surface storage swale to capture any stormwater overflow and return it to the three infiltration areas. It is therefore considered that the proposed storm water treatment and disposal from the development and site does not present a flood risk to the development itself or to any third party lands or properties adjoining the development.</p> <p>The development will include a stormwater system that will manage surface water within the site boundary. This will contain attenuation tanks and discharge surface</p>	<p>No</p>

		water from the site to groundwater at its greenfield equivalent.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No.	No
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	No.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	Residential / community / educational and uses are all in the vicinity of the site. No significant impacts are envisaged.	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	None.	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

Stephen Rhys Thomas

Senior Planning Inspector

08 April 2022