



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
312236-21**

Strategic Housing Development	167 no. residential units, (56 houses and 111 apartments and all associated site works.
Location	Dunlo, Ballinasloe, (Municipal District of Ballinasloe) Co Galway.
Planning Authority	Galway County Council
Prospective Applicant	Limehill Esker Limited.
Date of Consultation Meeting	29.04.2022
Date of Site Inspection	25.02. 2022
Inspector	F. Fair

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The site of the prospective development is located circa 0.7km to the south of Ballinasloe town core in the Dunlo area. This area is characterised by medium density suburban housing schemes, greenfield sites and in the case of lands between the site and the town centre, purpose built convenience retail developments with associated surface customer carparking.
- 2.1.2. The site and general area is accessed via the southwestern arm of a recently constructed roundabout c. 500m to the north of the site at Dunlo Quay also linking Regional Road R446 and Local Road L-4602.
- 2.1.3. The site is bounded by the Esker Fields and Hymany Park housing estates to the northwest and Dun Esker development to the southeast. It is in a primarily greenfield and the topography is undulating with some areas of significant gradation. The western end of the site appears to be the most low-lying with the southern end of the site is several metres higher.
- 2.1.4. A portion of the site is zoned open space and recreational amenity. However the majority of the site is zoned 'R', residential (Phase 1) in the current Ballinasloe LAP 2015 – 2021.
- 2.1.5. Objective T1- 25 and Objectives T1-26 of the LAP sets out desired alignment of link road spines and provision of an access road and accesses.

3.0 Proposed Strategic Housing Development

3.1.1. **Table 1:** A summary of the parameters of the proposed development is listed below:

Site Parameters	
Total Residential Zoned Area – R (Phase 1)	5.5158 ha with 1.2 ha zoned OS
No. of Units	167 (56 houses and 111 apartments) <ul style="list-style-type: none"> - 15 no 1B2P Apartments - 80 no. 2B4P Apartment/Duplex/Townhouse/semidetached house - 42 no. 3B5P Duplex/Townhouse units - 24 no. 3 B4P Semi – detached house - 6 no. 4B6P Detached/semi-detached House units 95 - 2 beds (57 %) / 66 – 3 beds (39%) / 6 – 4 beds (4%)
Density	33 u/ha
Creche	None proposed
Height	2 – 3 storey
Dual Aspect	Not Stated
Part V	16 units (10%)
Private OS	0.3815 ha communal open space/pocket parks at 5 separate locations
POS within R (Phase 1) Lands (15%)	0.7902 ha (15.14%) - 3 principal OS areas
Plot Area ratio (0.1 – 0.5 PAR)	0.326
Site Coverage (50%)	15.76 %

Access	Two access roads through adjacent lands in the ownership of the applicant
Total Car parking not stated	It is stated that 173 spaces are proposed for the apartments. And all of the detached, semi detached and terraced dwellings shall be provided with onsite parking.

4.0 National and Local Planning Policy

4.1.1. National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- The Planning System and Flood Risk Management (2009)
- Design Manual for Urban Roads and Streets
- Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020)
- Part V of the Planning and Development Act 2000 - Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and Development Act 2000
- Urban Development and Building Heights Guidelines for Planning Authorities December 2018
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Appropriate Assessment Guidelines for Planning Authorities (2009)
- Childcare Facilities – Guidelines for Planning Authorities

4.1.2. Regional

Section 3.8 Key Towns Key Towns are those regionally strategic employment centres of significant scale that can act as regional drivers that complement and support the higher-order urban areas within the settlement hierarchy (ie. Regional Growth Centres and Galway Metropolitan Area). They also have the potential to accommodate a significant level of growth in population and employment through appropriate investment in infrastructure, support services and placemaking initiatives. Key priorities have been identified for these Key Towns and some other rural areas that present opportunities of regional scale. Ballinasloe is a key county town which provides an anchor for employment in east Galway. On the border with Roscommon, the town has strong links with Athlone.

Ballinasloe is located within one of the County's Strategic Development Corridors. The town has been recognised as an attractive place to work, live and do business, with benefits such as the M6 Motorway, rail, ICT, hospital and gas infrastructure as well as its strategic location which provides for the creation of sustainable enterprise. The town is the main economic driver for the east of County Galway.

Key Future Priorities

Realising the town's potential as a 'County Town, ensuring a balance of development in the town centre of Ballinasloe and providing for compact growth and brownfield development, revitalising Dunlo Street, Market Square, Society Street and Main Street, and to reduce vacancies and support the vitality and vibrancy of these core shopping streets/side streets and the town centre.

Promoting the town's heritage as an important Market town supporting the future delivery of a regularised outdoor market/farmer's market at a suitable location.

Promoting sustainable land use and transport solutions, whilst capitalising on the opportunity presented by the railway service and the M6 Motorway, so that sustainable travel, including walking and cycling, and integrated land use and

transportation become central to the development of new neighbourhoods and the future development of Ballinasloe.

Support the delivery of sustainable transport solutions including the improvement of rail facilities and services serving Ballinasloe, including any future expansion of the railway station for passengers and freight as required.

4.1.3. **Development Plan**

Galway County Development Plan, 2015-2021:

Chapter 2: Core Strategy. Ballinasloe is identified as being within Tier 3 of the settlement hierarchy ('County Town') as identified in Sections 2.6.1 and 2.6.4 of the current County Development Plan.

Section 2.6.1: Ballinasloe as a County town is one of the largest towns in Galway and performs an important role, in particular as a commercial/industrial centre for the eastern area of the County. The town has important transport connections and provides ease of access to other major regional centres including Dublin, Galway and Athlone.

2.6.4 Ballinasloe - The County Town

Ballinasloe is the County town, playing an important role in particular for east Galway and in the delivery of Local Government services. This Development Plan commits to continue and enhance the delivery of Local Government services in the County town, Béal Átha na Sluaighe.

It is a key commercial centre and a large employer for the residents of the town and surrounding hinterland. It provides higher order important services such as Portiuncula Hospital and St. Brigid's Hospital which serve a regional population. Ballinasloe is easily accessible by road and rail with direct links to Galway and

Dublin. It is an important town with great potential that can facilitate growth and should be targeted in this regard.

Objective SS 4 – County Town: Ballinasloe Recognise the County town of Ballinasloe as an important driver of growth in the County and support its sustainable development in line with the Core Strategy, in order to sustain its commercial core, retain its population and accommodate additional population and commercial growth.

Section 2.7 of the County Development Plan apportions a population allocation of 1,540 persons with a stated indicative housing yield of 477 housing units and zoned land allocation of 23.87 Ha.

Chapter 3: Housing – Urban Policies & Objectives (Section 3)

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).

4.1.4. Ballinasloe Local Area Plan 2015-2021

While portions of the site are zoned 'Open Space Recreation and Amenity' the majority of the site is zoned Residential (Phase 1) in the current Ballinasloe Local Area Plan.

Promote a phased, sequential approach on Residential zoned lands, with a strong emphasis on consolidating existing patterns of development, encouraging infill opportunities and promoting sustainable transport options.

It is an objective to:

1. 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 sustainable transport options, to serve the residential population of the area and the surrounding environment.
2. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.
3. Existing commercial businesses in Residential Zonings shall, as far as is practicable, be facilitated to expand and develop their commercial activity. A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under Objective RD1 in Section 3.2.2.

Summary of relevant LAP provisions:

Objective DS 6 – Residential Development Phasing

Direct residential development into appropriately zoned and serviced areas in accordance with the phased development framework set out in Section 3.1 and 3.2 and as shown on Maps 1A/1B – Land Use Zoning.

Objective LU 3 – Residential (R) (Refer to Maps 1A/1B and Objective RD1) Promote a phased, sequential approach on Residential zoned lands, with a strong emphasis on consolidating existing patterns of development, encouraging infill opportunities and promoting sustainable transport options. It is an objective to:

1. 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 sustainable transport options, to serve the residential population of the area and the surrounding environment.

2. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.

3. Existing commercial businesses in Residential Zonings shall, as far as is practicable, be facilitated to expand and develop their commercial activity. A Phasing Scheme shall apply to residential uses on Residential (R) zoned lands, as set out under Objective RD1 in Section 3.2.2.

Objective LU 9 – Open Spaces/Recreation & Amenity (OS) (Refer to Maps 2A/2B) Promote the sustainable development of open spaces and recreational activities, in accordance with best practice and on suitable lands with adequate access to the local community and retain existing open space and recreational facilities, unless it can be demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community.

Ensure that any flood risk areas within the OS zone are appropriately managed to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding.

Objective LU 16 – Development Densities (Refer to DM Guideline LU1)

Ensure that the density of new development is appropriate to the land use zone and site context, is in keeping with the development pattern of the area, and does not unduly impact on the amenities of the area and that it results in a positive relationship between existing developments and any adjoining public spaces. The development of higher density development shall be promoted in appropriate locations, such as suitable sites within the town centre and adjacent to public transport facilities, where such development is compatible with the built & natural heritage, urban design objectives, infrastructure capacity and environmental considerations. The density of developments will generally be in accordance with the guidance set out under DM Guideline LU 1, although the Planning Authority may consider higher density developments where this is deemed appropriate to secure the urban design or other objectives of the plan.

The development density guidance in the tables below indicate the range of densities generally considered appropriate in the various land use zones and in different residential locations within the Plan Area.

Land Use Zone	Plot Area Ratio	Maximum Site Coverage	Minimum Public Open Space
Zone C1	1.00 to 1.25 PAR	80%	Site Specific
Zone C2	0.40 to 1.00 PAR	70%	Site Specific
Zone R	0.10 to 0.50 PAR	50%	15%

Residential Density	Dwelling Units/Ha	Dwelling Units/Acre	Possible Appropriate Locations
Medium to High	35-50	14-20	Town Centre or immediately adjacent to public transport hubs
Low to Medium	15-35	6-14	Neighbourhood Centres (typically within 400m walking distance of centre point), inner urban suburbs
Low	5-15	2-6	Urban periphery, outlying lands, areas with capacity/environmental constraints

5.0 Planning History

None on the site itself. There are several recent permissions relating to residential, commercial and mixed use developments and associated services on adjacent and nearby lands.

18/1881 - Permission granted for revisions to approved development (Ref No. 12/9024) comprising the construction of 17 no. single storey terrace houses and a communal facilities building for older people. The proposed revision comprises: omission of the approved communal facilities building and the addition of 1 no. single storey one-bedroom dwelling and associated site development works.

18/1525 - Permission granted for a new single storey 5 screen cinema approx. 7.9m high and associated site works and car parking at the site beside Aldi. Gross floor space of proposed works: 1123 sqm

19/1978 – Permission granted for 78 no. residential units and all associated site development works and connection into existing services. Gross floor space of proposed works: 9354 sqm (Residential Dwellings - 9022 sqm, Creche - 332 sqm), site located to the east of the subject application site.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. A formal pre-application meeting under Section 247 of the Act was undertaken with Galway County Council (the Planning Authority) on the 16/12/2021.

7.0 Submissions Received

- 7.1.1. Irish Water (report dated 21st January 2022)

Irish Water has assessed the proposal and has issued a Confirmation of Feasibility for connection(s) to the Irish Water network(s).

In respect of Water:

There is a 150mm diameter water main planned to service the adjacent sites. A self-lay agreement was recently issued for the adjacent development to get a 150mm diameter connection from the existing 400mm asbestos water main (Our Ref: CDS2100198801). Based on current records, this new 150mm main will have the capacity to service the proposed development. The applicant will be required to reflect the location of this planned 150mm diameter water main in their layout and designs. The applicant's layout and designs are to be submitted for design validation by Irish Water ahead of any SHD application.

In respect of Wastewater:

There is an existing pumping station servicing the existing development of the Petrol station, Aldi and Tesco. This pumping station is owned and managed by the applicant. A self-lay agreement was recently issued to the same applicant for 78 no. units to connect to the existing pumping station (CDS2100198801). Irish Water identified that an upgrade to the pumping station is required to service this proposed development but that the rising main to the Ballinasloe WWTP has sufficient capacity to cater for the proposed development. All consents within the applicants redline boundary and associated lands owned by the applicant are the responsibility of the applicant.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite

consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 **Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Planning Report and Statement of Consistency
- Environmental Impact Assessment Screening statement
- Appropriate Assessment Screening statement
- Architectural Drawings
- Preliminary Archaeological Report
- Part V letter of understanding (Local Housing Authority)
- Irish Water Pre-connection Enquiry response letter

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 **Planning Authority Submission**

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 21st January 2022.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, planning history; site location, Development Plan Policy and zoning, Requirement for EIAR, Appropriate Assessment (AA), Consistency with GCDP Core Strategy, Landuse Zoning, Urban Density, Placemaking, Architecture & Urban Design, Mobility, Sustainable Energy, Carbon Usage Efficiency & Biodiversity, Community Facilities and Services, Servicing, Part V, Archaeological, Cultural and Architectural Heritage, Development Phasing, Regulation of Commercial Institutional

Investment in Housing, together with appendices containing reports of internal departments.

The report is summarised as follows:

- The County Development Plan (CDP) 2015-2021 supports the provision of housing developments in a sustainable manner.
- Ballinasloe LAP area has been subject to a moderate volume of permitted housing development since the adoption of the GCDP Core Strategy Population allocation of 1,540 (equivalent to an expected housing yield of 477 units).
- It is considered that a further residential development of 167 units on the Residential (Phase 1) lands would, by itself and in conjunction with existing and permitted development during the period of the current LAP on R1 lands, create no clear contravention in principle of the Galway County Development Plan Core Strategy by reason of housing metrics in the context of core strategy settlement population allocation.
- Apartments are indicated as 'Open for Consideration' in the 'R' zone.
- Residential excluding apartments are indicated as 'Permitted in principle' in the 'R' zone.
- A large area of the northern end of the site is contained within a land parcel zoned 'Open Space /Recreation and Amenity' in the current Ballinasloe LAP the proposals to landscape this area would not appear to conflict with the provisions of Objective LU 9 of the Ballinasloe LAP however further details of proposed landscaping arrangements would be required should the prospective developer intend to advance to Stage 2.
- Need to clarified why a more direct street connection which connects the Dun Esker to the prospective scheme has not been proposed.
- There is also a question as to whether the provision of an access road through the OS/RA zone may be considered to contravene the provisions of the current Ballinasloe LAP or whether the provisions of Objective T126 should be balanced against the provisions of Objective LU9.
- Given the provisions of Objective T126 of the Ballinasloe Local Area Plan the local Planning Authority would submit that there is no clear material contravention of the plan associated with the provision of this route across the eastern edge of the 'Open Space/Recreation and Amenity' zone.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 21st January 2021, commencing at 10.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Compliance with the CDP 2015 – 2021 and the Ballinasloe LAP 2012-2022
2. Design and Layout
3. Transportation & Connectivity
4. Open Space and Landscaping
5. Issues raised in CE Report
6. AOB

11.1.2. In relation to Compliance with the Galway CDP 2015 – 2021 and the Ballinasloe LAP 2012-2022, an Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Consideration that all material contravention issues in respect of; core strategy, apartments within 'R' zone and road going through the OS are addressed in any future application.
- Consideration that all material contravention matters are addressed and advertised accordingly, having regard to the change in the CDP and a new LAP.
- Further justification of the proposal in light of specific objective T1-26 with respect to access, should this objective be pertinent at the time a future application is made.
- Consideration that the County Development Plan and the Ballinasloe LAP 2022 are being amended and new plans eminent. The application will be assessed against the statutory plan in place at the time the Board are making its decision.

- Clarification that all issues raised in the CE report with respect to policy and objectives for the area have been considered and overcome or fully justified.

11.1.3. In relation to design and layout, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification of the development strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; connection to the surrounding road network, pedestrian connectivity, proximity to boundaries, boundary treatments and interaction with the existing surrounding land-use pattern.
- Further consideration of the proposals contribution to the character and identity of the neighbourhood.
- Further justification of the proposal in terms of visual impact analysis, use of materials and variety in design.
- Further consideration of urban placemaking, urban assimilation and amenity.
- Further consideration of the proposed layout and finishes. Documentation to include specifications of materials to be used in proposed buildings.
- Further elaboration required for the public open space strategy and quantum and quality of communal open space.
- Further consideration in respect of roads layout proposed, at the access / entrance and through the site. There is a need to adhere to the principles of DMURS.
- Further consideration of units (in particular the apartment units) turning corners, where appropriate and providing passive surveillance of open spaces.
- Dual aspect not clear. Details of the number and percentage of dual and single aspect apartments in the context of the minimum standards set out in 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020). It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect (50%) given the sites location. In the interests of clarity clear delineation / colour coding of

floor plans indicating which apartments are considered by the applicant as dual / single aspect.

- There is a need for a detailed housing quality assessment.
- There is a requirement to carry out a daylight, sunlight, overshadowing Assessment as part of any future application.
- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- All drawings, reports and documentation should relate to one another and be consistent throughout.

11.1.4. In relation to issues raised in respect of transport and connectivity, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Analysis and assessment of the proposed development in terms of a traffic impact assessment.
- Further consideration and justification of the proposal in terms of omission of a childcare facility within any future proposal. Cognisance that each application is dealt with on a case by case basis and therefore it is imperative issues relating to childcare and community audit are fully considered afresh and are fully justified.
- Further consideration and justification of the car parking quantum and layout, further consideration or justification for perpendicular parking flanking internal access roads.
- Further clarity with respect to phasing, connectivity and overall integration with the wider area.
- Further consideration of how it is proposed to deliver pedestrian and cycle connections to the north of the site and pedestrian connections to existing adjoining and permitted future developments to the south and east and future proposed connection to the west.
- Clarification that issues raised by the planning authority's transportation division are further explored and discussed between the parties and resolved or justified.

11.1.5. In relation to open space and landscaping, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further consideration and justification of the proposal in terms of location of public open space. Note, this matter was addressed under Item 2 design and layout, see above.
- Further elaboration required for the public open space strategy and quantum and quality of communal open space.
- Further consideration of a legible and connected green (biodiversity) network, ideally providing a continuous biodiversity corridor through the site.
- Requirement for further cross sections given sloping site, mounding and earth works on the site.

11.1.6. In relation to issues raised in the CE report, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further consideration that surface water drainage, water supply and wastewater items raised in the Irish Water (IW) report and the PA's report are fully addressed at application stage.

11.1.7. In relation to any other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- There is a need for a construction management plan and a quality audit.
- It is important that any future application is supported by AA Screening and EIAR screening reports. NIS should be relevant to substantive issues only.
- All reports to have regard to one another and be consistent and accurate.
- Consideration that the SHD process does not allow for further information, only in exceptional circumstances, it is imperative that all information is clear and of a high quality and accurate to ensure the Board can make an informed decision.

11.1.8. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-312236-21'

which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

12.0 Conclusion and Recommendation

- 12.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 12.1.3. Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that **further consideration and/or possible amendment** of the documents submitted are required at application stage in respect of the following elements: confirmation of agreements for delivery of key infrastructure, i.e. the western distributor north south link road and east west link road via Fishers Cross back into the town of Newtownmountkennedy, in tandem, with delivery of housing, overall phasing and development strategy and cycle and pedestrian linkages through the site, as sets out in the Recommended Opinion below.
- 12.1.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the

specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

13.0 Recommended Opinion

13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

13.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

13.1.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Development Strategy.

- (i) Further clarity with regard to how requirements in the statutory plan and the specific objectives of the Ballinasloe LAP for an integrated, sequential development is to be delivered. Regard being had to the imminent change in statutory plans for the area and consequent impact to the subject lands.
- (ii) Further consideration and / or justification of the documents as they relate to visual amenity and future residential amenity, justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy.

- (iii) Further consideration of the development strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; connection to the surrounding road network, pedestrian connectivity, proximity to boundaries, boundary treatments and interaction with the existing surrounding land-use pattern.
- (iv) Further justification / investigation of the public open space strategy and quantum and quality of communal open space. Further consideration of a legible and connected green (biodiversity) network, ideally providing a continuous biodiversity corridor through the site.

2. Residential Amenity

- (i) Further consideration and / or justification of the documents as they relate to future residential amenity, having particular regard to the proportion of single aspect and north facing units and daylight and sunlight access. Particular regard should be had to the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) Section 3.16 – Section. 3.19 in relation to the dual aspect ratio and north facing units.
- (ii) Further consideration and / or justification of the documents with regard to Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

2. Delivery of Roads Infrastructure

- (i) Clarification at application stage as to the provision of pedestrian and cycle connectivity from the development site to Ballinasloe town centre to the north and to adjoining existing and permitted developments to the east, west and south. Any impediments to such connections should be clearly identified and proposals submitted as to how such impediments are to be overcome.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in

addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies and objectives of the relevant statutory Galway County Development Plan and Ballinasloe Local Area Plan.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory plan / LAP for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. A detailed statement demonstrating how the proposed development ties in with the wider development strategy for the landholding and the overall Ballinasloe Area, with regard to a phasing strategy and delivery of pedestrian / cycle / vehicular accesses through the site.
3. Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to change in levels, compliance with Development Plan standards and planting details.
4. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

5. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
6. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - a. Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - b. Impact to any neighbouring properties.
7. A childcare demand analysis, including but not restricted to the justification for omission of a crèche, the likely demand for childcare places resulting from the proposed development and how it will be accommodated.
8. Submission of a Traffic and Transport Assessment to include car parking and cycle parking and access rationale.
9. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with arrangement and quality of surface water discharge.
10. A response to all matters raised within the CE Opinion submitted to ABP on the 21st January 2022.
11. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.
12. An AA screening report which considers potential impacts on the Qualifying Interests of any Natura 2000 site.
13. An up to date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.

14. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

15. Site Specific Construction and Demolition Waste Management Plan.

16. Details of public lighting.

17. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

13.1.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Minister for Housing, Local Government and Heritage
3. Heritage Council
4. An Taisce — the National Trust for Ireland
5. Galway County Childcare Committee

PLEASE NOTE:

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

Fiona Fair
Senior Planning Inspector
11.05.2022