



An  
Bord  
Pleanála

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

## Inspector's Report ABP-312255-21

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### Strategic Housing Development

101 no. apartments, creche and associated site works.

### Location

Station Road, Carrowmoneash,  
Oranmore, Co. Galway.  
([www.torcaoranmoreshd.com](http://www.torcaoranmoreshd.com))

### Planning Authority

Galway County Council

### Applicant

Torca Developments Ltd

### Prescribed Bodies

Irish Water  
Minister for Housing, Planning and  
Local Government;  
Heritage Council;  
An Taisce;  
Health and Safety Authority; and

The Galway County and City  
Childcare Committee.

**Observer(s)**

1. AM Lavery
2. Billy McDonnell and Dearbhail  
O Callaghan
3. Brian and Mary O Higgins
4. Catherine Flannery
5. Coleman Corrigan
6. David Mulry
7. Eoin Butler
8. Fuarán Frenchfort Owners  
Management CLG
9. Gabriel and Carmel Folan
10. Gary and Fionnuala O  
Donnell
11. Gearóid, Seán and Colleen  
McInerney
12. Gerard Curley
13. Hayden Simpson
14. Hugh Mullin
15. Ita and Gerry McInerney
16. James and Bridget Flynn
17. Joan Healy
18. John and Mary Cullinane
19. John and Virginia  
Shaughnessy
20. Jonathan Drane
21. Kay Smyth
22. Laurik Mathieu

23. Liam Carroll
24. Marian and Brian McVicker
25. Martin Breen
26. Mary and James Noone
27. Mary Madden
28. Maureen and Oliver Foley
29. Michael Murrhy
30. Oliver Foley
31. Oranmore Community  
Development Association  
CLG
32. Patrick Conacur
33. Patrisha Ryan
34. Residents of Carrowmoneash  
Estate
35. Residents of Lois na Cri
36. Rita Tighe
37. Sarah Burke
38. Sean and Betty Greene
39. Theresa Donohue
40. Tom Sampson

**Date of Site Inspection**

24<sup>th</sup> April 2022

**Inspector**

Rachel Gleave O'Connor

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## 1.0 Introduction

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.

## 2.0 Site Location and Description

2.1. The site is located in Oranmore, County Galway. The site is situated in a suburban area, towards the centre/north eastern side of Oranmore and approximately 1.6 kilometres east of Oranmore Train Station and approximately 700 metres from Oranmore town centre. The site is accessed from a local road (referred to as Station Road) via an existing private access road serving the Carrowmoneash residential housing scheme immediately to the west of the site of the proposed development. The junction of the local road is located approximately 120 metres to the south of the Carrowmoneash roundabout on the N67 which is one of the major approaches to Oranmore town centre from the north. The site generally slopes down from the northeast to the south west and a significant watercourse (Frenchfort Stream) is located south of the site and flows out into Oranmore Bay. The site is characterised by overgrown grassland and development in the vicinity is predominantly two storey houses on large plots.

## 3.0 Proposed Strategic Housing Development

3.1. The proposed development is for 101 no. residential units as follows:

- Block A: 4 no. storey block comprising 2x one bed and 23x two bed apartment units; and 10x three bed duplex apartments.
- Block A1: 4 no. storey block comprising 2x one bed and 13x two bed apartment units; and 6x three bed duplex apartments.
- Block B: 3 no. storey block comprising 2x one bed and 13x two bed apartments; and 10x three bed duplex apartments.
- Block C: 3 no. storey block comprising 6x two bed apartment units and 4x three bed duplex apartments.

- Block C.1: 3 no. storey block comprising 2x one bed and 4x 2 bed apartment units; and 4x three bed duplex apartments.
- Creche facility (202sqm) in detached building including secure outdoor play area.
- Wastewater pumping station (218.9sqm).
- New vehicular and pedestrian access via Carrowmoneash Road.
- 133 no. car parking spaces.
- Provision of central landscape courtyard and public open space, bicycle parking, bin storage, ESB Substation (10.84sqm), public lighting, site landscaping, boundary treatments, SuDS drainage including swales & associated services, signage, solar PV panels, and all associated site development works.

### 3.2. Table 3.1: Key Figures

<b>Site Area in hectares (ha)</b>	3.4 ha (gross) 2.3 ha (net)
<b>No. of units</b>	101
<b>Density</b>	44 units per hectare (uph) (note erroneous reference to 37 uph in application documents).
<b>Height</b>	3 and 4 storey apartment blocks / single storey creche
<b>Dual Aspect</b>	83%
<b>Open Space</b>	7,734.56sqm (21.5%)
<b>Part V</b>	11 (10%)
<b>Vehicular Access</b>	Carrowmoneash Road
<b>Car Parking</b>	133 (101 for residents inclusive of 6 designated disabled bays, 25 for visitors, 7 for creche)

<b>Bicycle Parking</b>	278 (144 within secure lockable units, 110 under cover and 24 uncovered)
<b>Creche</b>	202sqm

<b>Housing Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>No. of Apartments</b>	8	59	34	101
<b>%</b>	8	58.4	33.6	100

## 4.0 Planning History

4.1. Application reg. ref. 19/1721 for the provision of 74 no. residential units was refused by Galway County Council for a total of 6 reasons summarised below:

1. Impact of construction traffic, deficiencies of pedestrian connectivity, inhibited sight distance at the Carrowmoneash / Station Road junction, conflict between traffic using internal access road and heavy goods vehicles, intensification of movements at an existing private junction – the planning authority is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard or obstruction, contrary to objectives TI 11 of the Galway Development Plan 2015 and policies T12, T14, and T15 of the Ornamore LAP 2012.
2. Traffic hazard by reason of the configuration of the development, car parking areas and entrance arrangements, necessitating reversing onto the main road.
3. Not adequately reflecting and reinforcing the existing urban form of the area, contrary to objectives UHO 7 of the Development Plan 2015 and UD 1, UD2, UD 3 and UD5 of the LAP 201, and provisions of sections 2, 6 and 7 of the Urban Design Manual.

4. Scale and massing of proposed apartment blocks, are discordant building typologies with the suburban setting of the area, contrary to objectives UHO 7 and UHO 8 of the Development Plan and UD1, UD5 of the LAP.
  5. The planning authority is not satisfied that the site is not at risk of flooding in the future or that the development will not exacerbate the risk of flooding elsewhere, contrary to policy FL4 and objectives FL 1, FL 2, FL 3 and FL 4 of the Development Plan and UI 12, UI 13, UI 14 and UI 16, and would be contrary to Ministerial Guidelines.
  6. The Planning Authority consider that likely significant effects arising from the proposed development, either individually or in combination with other plans or projects, on Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of their conservation objectives cannot be ruled out.
- 4.2. Application reg. ref. 11/855 for Extension of Duration of Permission for construction of 134 dwelling houses and 1 creche with associated site works was granted to extend the effective period of the permission to 29/09/2016. The red line boundary included the site of the current proposals and adjacent lands to the southeast.
  - 4.3. Application reg. ref. 04/1093 for construction of 134 dwelling houses and 1 creche was granted by Galway County Council subject to conditions. Following a third party appeal permission was granted by An Bord Pleanála (ABP Ref. 07.210590) subject to revised conditions. The conditions included a reduction to 69 residential units. The red line boundary included the site of the current proposals and adjacent lands to the southeast.
  - 4.4. Application reg. ref. 00/1072 Further Information request issued for Outline Permission for the construction of 117 houses, 4 apartments and 4 retail units together with associated roads and services. The red line boundary included the site of the current proposals and adjacent lands to the southeast.

## 5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicant and the planning authority took place via video call with An Bord Pleanála on 5<sup>th</sup> May 2021 in respect of a proposed development of 105 no. apartments, creche and associated site works.



- 5.2. Copies of the record of the meeting and the inspector's report are on this file. In the Notice of Pre-Application Consultation Opinion dated 23<sup>rd</sup> June 2021 ABP Ref. ABP-308522-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. It was noted that further consideration/amendment or justification of the following: (1) flood risk; (2) development strategy; and (3) design and layout.
- 5.3. Specific information was also requested, summarised as follows:
1. Wastewater connections;
  2. Taken in charge details;
  3. Landscaping proposals;
  4. Construction and Demolition Waste Management Plan;
  5. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018; and
  6. Noise Impact Assessment.

### **Applicant's Statement**

- 5.4. The applicant includes a statement of response to the pre-application consultation (Statement of Response to Notice of Pre-Application Consultation Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which includes a description of how the application responds to each of the above specific items, including identification of specific documentation submitted where relevant.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

- 6.1.1. The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential

densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 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 Policy Objective 13: In urban areas, planning and related standards, including in particular building 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 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

6.1.2. 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 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Housing for All – a New Housing Plan for Ireland 2021.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 6.2. Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 (RSES)

6.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

6.2.2. An approximate land area of 33 ha is identified in Oranmore in the RSES for housing. The RSES states the following in relation to Oranmore:

*“Oranmore is located to the east of the Metropolitan Area and is serviced by the Galway-Dublin/Limerick rail service, with the rail terminus at Garraun serving it. It is also within proximity to the motorway which makes it a strategic location for residential development of scale. There are circa 33ha of lands identified for Residential Phase 1 use in the Oranmore LAP and additional residential lands shall need to be brought forward to supply future demand. There is potential for Oranmore to accommodate an increase in population allocation and it is serviced through the Mutton Island Wastewater Treatment Plant. That plant has in recent years been upgraded to ensure population growth can be achieved while at the same continuing*

*to protect bathing water quality. The East Galway Main Drainage Scheme shall be a key enabler for the larger area of Oranmore and Ardaun to the north, which shall enable the strategic potential offered by the rail terminus at Garraun.”*

### 6.3. **Local Planning Policy**

6.4. The Galway County Development Plan 2015-2021 is the operative development plan for the area, the Oranmore LAP concerns the specifics of the site.

### 6.5. Galway County Development Plan 2015-2021

6.6. The overall development plan approach is based on the promoting the development of Galway City and the associated Galway Metropolitan Area (GMA) along with the development of key towns and smaller villages along strategic development corridors focussed on transportation routes. There is a strategic economic corridor to the east of Galway City between Oranmore and Attymon, which is identified as an area with potential to attract significant levels of investment and stimulate economic development and employment creation, performing a number of economic functions to support both the city, county and broader region. The development plan incorporates the Galway Transportation and Planning Study (GTPS), as adopted by both Galway City and County in 2003, which also proposed consolidating development within Galway City and County within a planned corridor for expansion to the east. The core strategy identifies Oranmore as a ‘key town’ at the edge of the GMA, which is at the top of the settlement hierarchy. Key towns are at the 4th tier of the settlement strategy with populations > 1,500. Oranmore is partially located within the GMA but the development site is located outside this area.

6.7. The following development plan objectives apply. Objective SS 1 – Galway Metropolitan Area: “Galway County Council shall support the important role of Galway City and the Galway Metropolitan Area (which includes the City area and the Electoral Divisions of Oranmore, Bearnna, Galway Rural and Ballintemple which are inextricably linked to and function as part of a greater Galway City), as key drivers of social and economic growth in the County and in the wider Western Region and will support the sustainable growth of the strategic settlements, including the future development of Ardaun and Garraun, within the Galway Metropolitan Area.” Objective SS 5 – Development of Key Towns: “Support the development of the key towns of the County as outlined in the Core Strategy and Settlement Strategy in

order to sustain strong, vibrant urban centres which act as important drivers for the local economies, reduces travel demand and supports a large rural hinterland, while providing a complementary role to the hub town of Tuam and the smaller towns and villages in the County.” The core strategy allocates a population of 1,170 to the town of Oranmore / Garraun with a housing land requirement of 22.67 ha, as originally provided for under the 2012 Oranmore LAP. Housing policy objective UH0 10 – Sequential Development includes a positive presumption in favour of the sequential development of suitably serviced Residential Phase 1 lands in zoned towns and villages. Development on Residential Phase 2 lands will normally only be considered where 50% of the lands in Residential Phase 1 are committed to development. Objective UHO 11 – Development Densities states: “Galway County Council shall ensure that the density of new development is appropriate to the particular land use zone and/or site context, is in keeping with the existing development pattern of the area, does not unduly impact on the amenities of the area and results in a positive relationship between existing development and any adjoining public spaces. The development of higher density development shall 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. New development shall also have regard to the ‘Sustainable Residential Development in Urban Areas’ Guidelines (or any updated/superseding document).”

6.8. Development plan table 13.1 provides the following indicative density standards for residential developments:

<b>Residential Density</b>	<b>Units / ha</b>	<b>Possible Appropriate Locations</b>
Medium to high	35-50	Town centre or immediately adjacent to public transport hubs.
Low to medium	15-35	Neighbourhood centres (typically within 400m walking distance of centre)

		point), inner urban suburbs.
Low	5-15	Urban periphery, outlying lands, areas with capacity/ environmental constraints.

Policy FL 4 concerns the application of the principles of the flood risk management guidelines to development proposals, Objective FL 1 also concerns the application of the guidelines, as well as confirming that development that would be subject to risk of inappropriate flooding or exacerbate such risk to other locations will not be permitted, FL 2 concerns surface water drainage, requiring the details of SuDs with applications, FL 3 concerns the protection of waterbodies and watercourses including natural floodplains and FL 4 concerns the submission of FRA for planning applications in flood risk areas. Objective TI 11 concerns the application of DMURS into development schemes. Objective NHB 1 concerns the protection of protected habitats and species and Objective NHB 14 concerns the protection of riparian zones

6.9. Oranmore Local Area Plan 2012-2022

6.10. The Oranmore LAP 2012 has been extended to from 2017 to 2022. The originally allocated population growth of 1,170 additional persons and housing land requirement of 22.67 ha have been incorporated into the core strategy of the current county development plan. The report of the Chief Executive of Galway County Council on the proposed deferral of notices under Section 20 of the Planning & Development Act 2000 noted that, as of May 2017, there had been limited development in Oranmore in the period since the adoption of the LAP and there was no evidence that this was going to change substantially in the immediate period ahead. Practically all of the 22 ha required for phase 1 residential development remained undeveloped. Most of the site is zoned 'RD1', 'Residential Phase I', with a large portion of the southern and western margins zoned 'OS', 'Open Space / Recreation and Amenity'. As per LAP objective DS 6 – Residential Development Phasing, residentially zoned lands are to be developed sequentially with Phase 1

lands identified for development in the short to medium term in locations that are serviceable and accessible.

- 6.11. LAP section 3.1.3 provides the following standards for residentially zoned lands:
- Plot ratio 0.10 to 0.50
  - 50% maximum site coverage
  - 15% minimum public open space
- 6.12. The LAP also repeats residential density standards set out in development plan table 13.1 as above.
- 6.13. Specific policies that relate to the site or in the vicinity of the site, include:
- Policy UI15 – Protect water bodies and watercourses within the Plan Area from inappropriate development, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains. This will include a 10 metre protection buffer from rivers within the Plan Area, measured from the near river bank. Promote the sustainable management and uses of water bodies and avoid culverting or realignment of these features.
  - Policy UI16 – Ensure that development proposals on Residential(R) zoned lands located to the north of the Frenchfort Stream are accompanied by a Detailed Flood Risk Assessment that is carried out in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009. The flood risk assessment should also specifically take account of and address climate change and potential impacts, such as an increase in the extent or probability of flooding, and any associated measures necessary to address these impacts. The assessment should also address issues in relation to access to and egress from these lands through any flood risk area. The assessment would need to demonstrate that the development would not be subject to an inappropriate risk of flooding and that it would not cause or exacerbate such a risk at other locations. Any assessment should be prepared by a suitably qualified expert with hydrological experience and should quantify the risks and the effects of any necessary mitigation, together with the measures needed or proposed to manage any residual risks.
  - Objective UI 23 – Seveso Site Galway County Council shall consult with the Health and Safety Authority when assessing any proposed relevant developments in or in

the vicinity of sites identified under the Control of Major Accident Hazards Directive (Seveso II Directive), in order to prevent major accidents involving dangerous substances and to limit their consequences to the environment and community. Refer to Map 2A/2B - Specific Objectives. (Map 2A identifies the subject site as being within the area for consultation).

- Objective NH 8 – Protect land for an Ecological Corridor linking two disjoint parts of the Galway Bay Complex candidate Special Area of Conservation and proposed Natural Heritage Area, along Frenchfort Stream (and require a Screening for Appropriate Assessment and/or Natura Impact Statement and an Ecological Management Plan to be produced for any new development along this area). The Ecological Management Plan will ensure no disruption to the conservation management objectives of the Natura 2000 sites and pNHAs.

6.14. The following relevant LAP policies and objectives are also noted:

- LU 3 – Residential (R)
- LU 15 – Residential Densities
- Policy RD1 – Residential Development
- Policy RD 2 – Phased Development on Residential Zoned Lands
- Objective RD 1 – Phased Residential Development
- Objective RD 2 – Quality Housing Environments
- Objective RD 3 - Housing Options
- Objective RD 4 – Open Space in Residential Areas
- Objective RD 5 – Social and Affordable Housing
- Objective CF 3 – Childcare Facilities
- Objective CF 4 – Open Spaces
- Objective CF 9 – Riverside Networks
- Objective UI 12 – Flood Risk Management and Assessment
- Objective UI 13 concerns the protection of flood zones A & B from inappropriate development



- Objective UI 14 concerns prohibiting development that would be at unacceptable risk of coastal flooding or increase risk to surrounding areas
- Policy TI 2 concerns safe and convenient road and street networks, objective TI 4 concerns safe and accessible walking routes, and TI 5 concerns safe and accessible cycle routes.
- Objective UI 15 Waterbodies and Watercourses requires a 10m buffer zone to watercourses and NH 8 Frenchfort Stream Ecological Corridor protects the habitats and associated ecological linkages along the Frenchfort Stream.

## 7.0 Statement of Consistency

7.1. 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 Planning Framework, Section 28 Guidelines, the Development Plan and Local Area Plan I have had regard to same. A Statement of Material Contravention also accompanies the application, relating to exceeding housing targets under the Core Strategy and the proposed density. The submitted statement states that these aspects of the proposal may be considered to materially contravene the following objectives in the Galway County Development Plan (DP) 2015-2021 and/or the Oranmore Local Area Plan (LAP) 2012-2022 as follows:

1. Core Strategy Housing Targets: Over the lifetime of the CDP (i.e 2015-2021) the Core Strategy estimates that the settlement of Oranmore can accommodate an increase in population of 1,170 no. people, with an associated requirement for 263 no. new homes. A review of recent planning application reveals that the Core Strategy allocation for Oranmore set out in the extant County Development Plan has been reached. The total units granted in Oranmore under the extant County Development Plan, on both Residential, Existing Residential and other zoned sites is 640 no. units, with 117 of these commenced/completed. The proposed 101 no. units of this development would theoretically bring the overall permitted number to 741 no. units. In addition, if the population of the proposed development were to be added to the populations of developments already commenced, a total of 2,190 no. persons would be added to the population of Oranmore.

2. Density: the LAP and DP include table 13.1 (copied above in section 6 of this report) which state that lands located in the 'inner urban suburbs' or within 400m walking distance to the town centre would be allocated a Low to Medium, with a residential density of 15-35 no. units per hectare. 'Objective LU 15 – Residential Densities' in the LAP promotes a range of residential densities within the LAP area 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). The objective also specifically includes that "The density of residential developments will generally be in accordance with the guidance set out under DM Guideline LU1, 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". DM Guideline LU 1 – Development Densities sets out that "The development of higher densities will need to be appropriate to the context and will be assessed based on the merits of the proposal and subject to good design, compliance with both qualitative and quantitative standards, location, capacity of the site and infrastructure to absorb development, existing character of the area, established densities on adjoining sites, protection of residential amenities, proximity to public transport, etc. The Planning Authority may use its discretion in varying these density standards". The proposed development has a density of 37 uph exceeding the range described in table 13.1 of the DP (also copied into the LAP).

## 8.0 Third Party Submissions

- 8.1. 40 no. responses were received from third parties in relation to the application and the main matters raised are summarised below:

- 8.2. General, nature, principal of the development

- The site area includes the amenity and recreation land, which is not allowed without an approved material variation to the LAP. Application is therefore invalid.

- There are adequate lands zoned for residential in Oranmore without the application site.

### 8.3. Density

- The proposed density is in contravention of the LAP and DM Guidelines and therefore the application is invalid.
- Contrary to Objective LU 15 – Residential Densities and LU1 – Development Densities.

### 8.4. Mix

- The proposed development for solely apartments is not permitted in the Oranmore LAP.
- Intended to locate social housing as required under part 5 outside of the development site and within a 258 proposed housing scheme in Oranhill, which is at pre-planning stage.
- No single family homes. Proposed mix is alien to the established typology of the area.

### 8.5. Design

- The Department of Housing, Local Government and Heritage raise concerns regarding the location, scale and footprint of a previously proposed development on the site, the proposed scale has increased in the current application.
- The proposal will be prominent and visually intrusive and this is described in the submitted Landscape and Visual Impact Assessment.
- Serious concerns about the impact of the proposal in a Class 3 landscape with high sensitivity value on low lying grounds.
- 3 & 4 storey blocks not in keeping with the existing 2 storey houses in the area.
- The visual impact of the development viewed from the existing Carrowmoneash Estate is appalling, inconsistent and looks totally out of place.

- Nothing provided for youth or older people or families.
- The proposed development cannot be assimilated into the surrounding area (DM guidelines LU2), non-compliant with the provisions of objectives UH07 and UH08 of the Development Plan and contravenes Objective UD1 of the LAP.
- Object to the removal of the existing wall at the end of Carrowmoneash Road to facilitate access. Forms part of the boundary wall to 14 Carrowmoneash Road and was built on the understanding that no more properties would be accessed from the road.
- Not in keeping with the established residential housing in Oranmore.
- The north-eastern blocks are c.14m from the N67, where a set-back of 35m was previously enforced by ABP (ref.09/1925).
- There is no graduation typology in the development scheme to transition from the predominant sub-urban pattern of development to the alien forms proposed.
- The apartment layouts are monotonous and do not offer a range or variation of layouts to accommodate different needs.

#### 8.6. Amenity

- Overshadowing of existing residents.
- Negative impact upon value of properties / sites adjacent.
- Scale is intrusive and invades the privacy of existing Carrowmoneash residents.
- Overbearing impact.
- Noise pollution.

#### 8.7. Flooding

- The proposed development is on a site at risk of flooding and will increase the risk of flooding elsewhere. The proposed mitigation is inadequate.

- Any development of the site will affect the water levels in the adjacent Frenchfort Stream which already floods the surrounding floodplain at certain times.
- Carrowmoneash Road experiences flooding with repairs at the expense of residents.
- Residents have knowledge of, and have experienced flooding in the area and on the site itself.
- Galway County Council have already refused permission on the site because it is in an identified flood risk area and could exacerbate the risk of flooding elsewhere.
- Proposed mitigation as part of the development will contribute to flooding of the surrounding area.
- Query the details of the pumping station and whether this takes account of potential backflow. Query the acceptability of the submitted pump station details in conjunction with Irish Water standards.
- Levels annotated on the drawings across the site do not make sense, query this in light of flood risk concerns.
- Submission to Irish Water concerning the flood risk, storm drainage volume, pumping station proposals should be made available to the public.
- The applicant has not considered the impact of the removal (rising) of part of the flood plain on the drainage and hydrology within the catchment.
- No inflow from the Frenchfort Stream (which joins the Carrowmoneash River downstream of the site and upstream of Oranmore Bridge) is included in the submitted model. This means that the inflow volume to the model domain will be underestimated.
- Lack of detail of tidal surges.
- Independent review provided by a chartered member of the Chartered Institute of Water and Environment Management, highlights serious concerns with the submitted flood modelling. Concerns include data gaps, inaccurate topography, areas omitted in cross section survey, lack of use of OPW data,

figure 3 shows a greater tidal 0.1% AEP flood extent than the fluvial 0.1% AEP event, the downstream tide level to the model is set at 3.07 mOD (figure 4.2.1) which is less than the 50% AEP extreme coastal water level. Recent publication of the National Coastal Flood Hazard Mapping 2021 on floodinfo.ie suggests greater flooding to the site than the FRA presents.

- The development includes essential infrastructure (attenuation swales, embankments, surface water and foul water collection systems and pump station) in flood zones A and B contrary to the sequential approach under flood risk management requirements.
- The design of the proposed embankment to mitigate flood risk is crucial, and no details are provided in the SHD application.
- Tributary that enters the Frenchfort Stream to the east of Oranmore bridge is not included in the flooding model used by the applicant. Therefore, the conclusions reached are incorrect. The model is also incorrect as no flow is included from the water course (tributary) to the south. The hydraulic modelling used was unsuitable and it underestimates the flooding on the site.

#### 8.8. Infrastructure

- The proposed pumphouse contains only a Submersible Pump and a standby pump is not provided. Section 5.3 of the Irish Water Code of Practice for Wastewater Infrastructure has a minimum requirement of 2 submersible pumps and the pumps are to be provided on a duty/standby control arrangement. Also no ventilation stack for the wet well as required by section 5.15 of the Irish Water Manual.
- Large scale developments have already added to the volume of waste. Not clear if the connection to city sewage system was sized to accommodate the expanse of several developments.
- In May 2020 ABP refused permission for a SHD application at Roscam, Merlin Park Galway (ref.306413), with one reason relating to the premature nature of the development with regard to the existing deficiencies in the wastewater network in the area, specifically the Merlin Park Number 1 Pump Station and the period within which this constraint may reasonably be expected to cease.

The wastewater network for Oranmore connects to Galway (Mutton Island) at Merlin Park pump station 1 and no improvements have since taken place.

- Results in the loss of a small amenity area to the eastern end of Carrowmoneash Road which has an underground pumphouse, associated vent stack and electrical control panel. This pumphouse collects all foul waters from all the houses in the Carrowmoneash Estate. This facility cannot be interfered with and it has to be available at all times to the residents and their agents. Interference with this facility would cause a serious public health nuisance which would be totally unacceptable.

#### 8.9. Ecology and Water

- Query impact on the natural hydrology of the area.
- The lands and river banks are successful breeding grounds for the protected Otters.
- The proposed development is a natural habitat for many types of animals, including foxes, otters and several species of birds.
- The site should be protected and developed, not destroyed.
- Site bounds lands zoned amenity. Development should enhance the river-bed areas and offer creative solutions such as planting which encourages bio-diversity and the inclusion of walking paths and bicycle routes.
- The Frenchfort River has already been flagged as a river under significant pressure with poor water quality. Allowing the applicant to discharge wastewater, treated or not is a major risk to not just this catchment but also Galway Bay SAC.
- The site was undergoing a nature-based recovery during the previous decade but to ensure any assessment or NIS would not show this the area was again cleared for any biodiversity value prior to these reports being started.
- The NIS highlights ecological surveys carried out, however the results are not included within the NIS documents. Details are contained in the EclA but the NIS must be a standalone document. Two small patches of grassland habitat types listed as a priority habitat in Annex 1 of the Habitats Directive.

- NIS does not reflect the many sightings that have been recorded by residents in the area of otter. Proposed mitigation for otters is inadequate as noise and light sensitive creatures.
- The site links to the Frenchfort Stream which is an important ecological corridor to the Galway Bay Complex SAC and the Frenchfort SAC. The LAP requires a 10m buffer to the stream.
- Kingfishers are an Annex I species and are present on the Frenchfort Stream, with no mitigation provided.
- Contrary to objective NH 2 and NH 5 of the LAP.
- The NIS and EclA have failed to provide any mitigation for loss of feeding habitat for bats or the potential impact on feeding corridors.
- The Ecology Report makes no reference to the potential loss of Annex 1 Habitat, therefore the integrity of this report should be questioned.
- Concerns in relation to the lack of hydrological assessment to determine if the development and in particular the construction works would not have any effect of the fens that are located to the east of the N67 (upstream). The Galway Bay Complex Special Area of Conservation supports alkaline fen. These fen areas and their location relative to the proposed development site would require assessment.
- The proposed development site is adjacent to the Galway Bay Complex SAC and is close to the inner Galway Bay Complex SPA. The site has direct conduits to these designated European Sites.

#### 8.10. Traffic and Transport

- Use of private road for access that is maintained at the cost of residents.
- Proposal will add to the heavily trafficked station road which is one of the busiest roads in the town with poor sightlines at the junction with Carrowmoneash and station road. Sightlines on Carrowmoneash Road are less than required under DMURS.
- The RSA submitted does not deal with the junction of Carrowmoneash Road.



- The arrangements for construction traffic on Carrowmoneash Road as described in the TTA are incorrect. They are also unworkable as this is a private road and permission will not be given for the signs etc described.
- TTA doesn't address predicted future traffic increases correctly as does not recognise planned growth in the area. Traffic counts are 2.5 years old.
- The TTA erroneously refers to improvements that have created a continuous pedestrian route from the site to the town centre. This is wrong, as the new footpath does not extend to Oran Town Centre and stops just after the entrance to Oakfield/Ashbrook Estate. There is no pedestrian crossing.
- The traffic survey was carried out on Tuesday 3<sup>rd</sup> September 2019 at the start of the school year. Typically the first day in school is staggered.
- Assessment makes no mention of frequent backing up of traffic on the northbound carriageway of the station road.
- No desirable or safe segregated cycling or walking route to the village so residents will favour the car for short journeys.
- The additional traffic proposed will endanger public safety.
- No cycle lanes on the road.
- The existing Carrowmoneash Estate road is sub-standard and unsuitable for construction traffic.
- The number of car parking spaces contravenes the County Development Plan.
- The Carrowmoneash Road was built to serve 20 houses, not a development of this scale.
- Lack of pedestrian crossings in the area.
- Lack of consultation with residents who maintain the private road. Previous consent for development of the site was via access from Station Road.
- Traffic assessment is insufficient, it looks at historic accident records which has no bearing on future risk given increase in volume of traffic in recent years.

- Exit onto Station Road is current dangerous with inadequate sight lines, fast traffic, junction location near the dual carriageway roundabout, traffic calming should be included and the NRSA consulted.
- Entrance to the site to the south of the Carrowmoneash estate should be used.
- Proposed development will cause an intensification of on street visitor parking on Carrowmoneash Road causing traffic hazard.
- Results in the loss of the turning area and small amenity area to the eastern end of Carrowmoneash Road, that was used by refuse vehicles, service vehicles, deliveries etc.
- Car parking requirement of 164 spaces according to the Development Plan, but only 133 provided.

#### 8.11. Other matters

- The application is invalid as it is addressed to Galway City Council rather than Galway County Council.
- Applicant cannot rely upon the draft County Development Plan to justify exceedance in population growth figures. This is presumptive prior to its adoption. Once adopted the site will be rezoned to amenity/open space.
- No phasing proposed in contravention of the Development Plan and LAP.
- The planning report contains erroneous figures as follows: density of 37uph when density is actually 44uph, plot ration of 0.29 when actually it is 0.42. Report claims the site is in the town centre for the purposes of density ranges, when it is not.
- The Part V letter refers to another SHD Development for 258 units in Oranhill Oranmore, therefore section 297(2)(g) of the Planning and Development (Housing) and Residential Tenancies Act 2011 has not been complied with.
- The proposed use of the site has not been provided in section 6 of the application form. Sufficient detail of the applicant's legal interest has not been adequately described in Section 7 of the application form.

- It is intended to build on lands that are not in the ownership of the developer. The application is invalid as the drawings are not representative of the land ownership.
- The first floor corridors of the larger blocks do not comply with the fire safety requirements in terms of fire escape and provisioning of fire escape stairs.
- Proposal is in contravention of objectives RD 2, SI 2, CF 7, CF9, TI 1, TI 4, TI 5, TI 8, TI 13 and TI 17.
- Dispute land ownership in relation to the site for the proposed creche and the ability to access site through the private road for the Carrowmoneash estate. Letter from solicitor regarding the same included.
- Consultation period of five weeks is insufficient, oppressive and unfair. Inadequate time to engage experts on behalf of residents. Constitutional rights effected. Inconsistent with Human Rights convention.
- GCC records showed unauthorised development in 2019 as a deliberate attempt to fundamentally alter the natural environment of the site to remove environmental evidence. This is not addressed in the NIS. Concerns raised by the Department of Housing, Local Government and Heritage.
- The 6 councillors representing the Oranmore area and the planning, environmental and the roads executives in Galway County Council are totally opposed to this development. Galway County Council have refused planning on this site in the past. Therefore, to impose this development now would be against the wishes of all of the above as well as the community and unconstitutional.
- As unauthorised works have interfered with Annex I habitat on the site, an application for leave to apply for Substitute Consent is required and ABP are preclude from making a decision on this SHD application until the correct procedure for regularising the Unauthorised Works taken place.
- Numerous enforcement actions have been taken by the Council in relation to illegal site works on the site. (Recent case EN19170).

- Galway elected members have voted to rezone 2.3ha of lands at Carrowmoneash Oranmore from Residential Phase 1 to Open Space / Recreation and Amenity. The OPR indicated that the lands be reinstated to Residential Phase 1. They did not have sight of photographic evidence that the site flooded on a regular basis. A further motion was agreed to reinstate the rezoning to open space / amenity despite the OPR indication.
- Proposed to rezone the lands in the LAP, if this happens, the Council should purchase the lands and create a public park.
- Material contravention of the LAP by reason of traffic hazard and policies T12, T14 and T15; as well as objective TI II of the Development Plan.
- Seveso site – part of the site is within the 800m zone delineated around the Chemoran site in Deerpark Oranmore. This site is a Seveso II site to which the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 apply. It is therefore a specific objective of the Oranmore LAP that development on this site should be referred to the Health and Safety Authority for consultation (Objective UI23). There is no evidence on the Planning Application documents that this has been carried out.

8.12. Enclosures: Photos of flooding in the area and of the site; Aerial views of the site in relation to flooding; Aerial views demonstrating clearance works undertaken over the years; Ordnance Survey Map 1842 of Oranmore showing site is marked as liable to floods; OPW extracts relating to flooding in Oranmore; Extract of records of otter sightings in the area; Councillor submission on application ref.19/1721; Copy's of motions to rezone land; Letter from solicitor regarding land ownership of the location for the creche within application redline and the Carrowmoneash Road; Affidavit of Declan Burke and associated map lodged with the Land Registry; Affidavit of James Burke; Galway County Council acknowledgment letter with respect to petition to have Carrowmoneash Road taken in charge; Copy of planning decision ref.19/1721; Signatures of 18no. residents of Carrormoneash Estate; Endorsement of Brian and Mary O'Higgins of the submission by Oliver Higgins on the application; Untitled map of the area showing the location of the Frenchfort Stream, application site and Galway Bay; and Existing Junction drawing by Oliver Higgins Chartered Engineers.

## 9.0 Planning Authority Submission

9.1. Galway County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

### 9.2. Principle of Development

9.3. The majority of the proposed SHD scheme is contained within lands zoned 'Residential -Phase 1' and approximately 0.3 ha is zoned 'Residential Existing'. A comprehensive backland housing development / housing is an appropriate form of development in principle on these landuse zones, provided qualitative standards are met, existing residential amenities are protected and subject to normal considerations and suitability in the context of other provisions of the Local Area Plan and County Development Plan.

9.4. Note the construction of two surface water attenuation swales associated embankments and associated works in the OS/RA zone. It is considered that subject to appropriate design surface water attenuation swales and service of amenity functions in addition to their water attenuation function retention swales would create no clear incompatibility with, or material contravention of the current Oranmore LAP. It is noted that submissions received from An Taisce have highlighted that the two attenuation areas and raised embankments are integral parts of the houses the applicant proposes to build and should therefore be within the area zoned for housing. It is also noted that Section 7.1.2 of the Planning Report and Statement of Consistency sets out that a pumping station and access road are 'provided within the OS zoning designation' however comparison of the site layout and landuse zoning map appears to indicate that the proposed pumping station is located with the 'R' landuse zone.

### 9.5. Urban Density

9.6. The proposed housing density of 43.9 units/Ha exceeds density parameters set down in the Oranmore Local Area Plan.

9.7. The site of the proposed development is a suburban greenfield site within the settlement of Oranmore which is located within the Galway Metropolitan Area

Strategic Plan area boundary. The settlement of Oranmore had a 2016 census population of 4,990. Section 6 of the current Section 28 guidelines which provide guidance to Local Authorities in relation to urban appropriate urban densities, 'Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)-Guidelines for Planning Authorities' (DEHLG; 2009) provide density standards for small towns and villages (defined as those with a population ranging from 400 to 5,000 persons). The population of Oranmore in the most recent (2016) census of less than 4,990 people indicates that it should be classed, under the definition of 'Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)-Guidelines for Planning Authorities' (DEHLG; 2009) as a small town. The density standards set down for 'edge of centre sites' (Section 6.11 refers) indicates that "development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation". While the 2016 census population is very close to the threshold for consideration the proposed housing density of 43.9 units/Ha exceeds density parameters set down in 'Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)-Guidelines for Planning Authorities' (DEHLG; 2009) for such areas.

9.8. The Galway MASP indicates a default standard of 35 units/ha for other areas of the MASP. The proposed housing density of 43.9 units/Ha therefore also appears to exceed density parameters set down in the Galway Metropolitan Area Plan for such areas.

9.9. Apartment Use

9.10. Apartments (by themselves and as a landuse) are not unacceptable in principle and 'open to consideration' on lands zoned either 'Residential Existing' or 'Residential – Phase 1', subject to normal planning considerations and other provisions of the County Development Plan and Oranmore Local Area Plan. Justification is therefore required for the quantum and proportion of apartments proposed in the 'R' land use zone. It is considered that satisfactory justification has been provided in this instance for consideration of the principle of the proposed 101 apartment units.

9.11. Alleged Unauthorised Site Preparation

- 9.12. A number of third party submissions and a statutory consultee have made reference to possible unauthorised development on site and there was evidence on various site inspections of recent site excavation and/or filling. There is no evidence of any planning permission for these works and planning permission/retention of these works did not form part of the proposals. If unauthorised development has been carried out and a Natura Impact Assessment would have been required for this development an application to An Bord Pleanála for leave for substitute consent may be necessary (Section 34(12) of the Planning and Development Act 2000(as amended refers).
- 9.13. Sufficiency of Interest
- 9.14. It is not fully conclusive at the time of this report and based on submissions previously received that the applicant has sufficient legal interest in relation to Carrowmoneash estate road and possibly a portion of lands zoned Existing Residential on Carrowmoneash road upon which development is proposed. It is noted that current SHD legislation prevent An Bord Pleanála addressing such issues by way of deferral.
- 9.15. Mobility
- 9.16. While a pedestrian footway has been provided by Galway County Council on the eastern side of Station Road that connect with the existing footpaths on Carrowmoneash Road, there remain discontinuities in this footway between the site and Oranmore town centre, for example a large section of road edge in the vicinity of the bus stop to the south on Station Road.
- 9.17. There are concerns over the absence of definite proposals for pedestrian facilities between the site of the proposed development and the town centre and it would be appropriate that such proposals be made as part of the current application (inside the red line boundary). In the absence of such definite proposals, there are concerns over the potential, associated with the proposed development for pedestrian safety and for the associated likelihood for the proposed development to lead to unsustainable mobility patterns (unduly car based).
- 9.18. In relation to traffic modelling, the TTA indicates increases in movements during peak hours following occupation of the development, as well as increases during the construction phase. The planning authority considers that irrespective of the

mitigation measures outlined in the TTA, the impacts of the proposed development on the Carrowmoneash road will be significant.

- 9.19. It is noted that based on stated car parking provision of 133 spaces there appears to be a shortfall (based on current GCDP car parking standards) of 32 car parking spaces (approximately 19% shortfall). Such shortfall may not be unduly injurious to the proper planning and sustainable development of the area in the event that it could be demonstrated that a commensurate modal share of trips would be by modes other than private car trips.
- 9.20. Section 7.1 of the TTA refers to walking and cycling but does not plot a continuous pedestrian and cycle network to Oranmore Town centre or routes to Garraun Station. It is also noted that the TTA does not appear to rate the impact of the planned upgrade works to the Inanord Eireann line between Garraun Station and Galway city which will likely result in increased usage of the line and may impact on projected traffic movements on Station Road.
- 9.21. The Planning Authority has concerns, both in the context of road safety and sustainable development, regarding the proximity of the development to the N67 national secondary road. Given the proximity of the proposed access to the N67 (circa 9m separation) there is potential for dazzling of drivers' visibility. It is not clear whether this has been taken into consideration and addressed by the applicant. The proposed separation distance also does not comply with DM Standard 21 of GCC's CDP 2015-2021 (Requirement for 35 metres from the existing or proposed realigned carriageway surface edge). Any future carriageway widening (for bus lanes etc) may be impeded by the proposed development. (Planners note: It is noted however that the provisions of DM Standard item e may be a relevant consideration as the proposed development could be classed as urban).
- 9.22. The existing Carrowmoneash access road is not a public road. Previous inspections by Galway County Council's Taking in Charge (TIC) Section has highlighted deficiencies in the standard of this road with significant resurfacing works required to bring it in line with TIC standard. Additional traffic volumes from the proposed development will exacerbate the deteriorating condition of this road. The current status of this road would preclude the proposed development from being taken in



charge. It has not been addressed in the application how these issues shall overcome and consent of the relevant third parties has not been provided.

- 9.23. It is not clear how electric vehicle charge point infrastructure shall be provided for parking facilities. These spaces are spatially constrained and there does not appear to be sufficient space for these to be provided without impeding pedestrian access and creating trip hazards. Only a stage 1 road safety audit has been submitted with the application. A stage 1&2 road safety audit should be submitted. Specified macadam build ups are out of date and proposed pavement build ups are not suitable for trafficked areas. The developer should be required to agreement such finishes with Galway County Council prior to commencement of development.
- 9.24. The Planning Authority is not satisfied based on submissions received that the proposed development, if permitted, would not endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, as a consequence, be contrary to the Objective TI 11 of the current Galway County Development Plan 2015-2021 and Policies TI2, TI4, and TI5 of the Oranmore Local Area Plan 2012-2022, would present undue risk of hazard to road users and would accordingly be contrary to the proper planning and sustainable development of the area.
- 9.25. Placemaking, Architecture and Urban Design
- 9.26. Having reviewed the submitted plans and elevations, the local planning authority express concerns over the ability of the site and surrounding low-lying lands to satisfactorily assimilate the building typologies proposed within the scheme given the nature of contextual development and adjacent scale referencing buildings.
- 9.27. The current proposals have focused on creating a central space enclosed by buildings however the organizing unit of design is the slab block rather than the street which gives the scheme a suburban rather than (the normally more appropriate on urban lands) urban feel and the impact of this space on the wider area is diminished somewhat by the design decision to close off this space from existing streets. The proposed layout does not adequately reflect or reinforce the existing urban form of the Carrowmoneash development to the west, nether terminating the development in a suitably designed urban space or reflecting existing street lines to the south and therefore does not make sufficient contribution to sense

of place by logically perpetuating existing urban street patterns or creating the required standard of public urban spaces, thereby assimilating its inner suburban setting. The design choice tends to create a closed off internal public space rather than a space which is legibly open to the residential scheme to the south had hindered the above objectives. The layout in conjunction with the issues concerning typology and assimilation discussed above would therefore be contrary to the provisions of Objective UHO 7 of the current Galway County Development Plan 2015-2021, the provisions of Objectives UD 1, UD 2 UD 3 and UD 5 of the Oranmore Local Area Plan 2012-2022, and the provisions of Sections 2, 6 and 7 of Urban Design Manual – A Best Practice Guide DEHLG (2009).

- 9.28. It is noted that the scheme is constituted primarily of three and four storey typologies with A and A1 in excess of 19 metres in overall height. It is considered that given the end of street location in conjunction with proximity in relation to much lower urban scale referencing objects or streets and layout of the A and A1 blocks that their design and layout would be contrary to the provisions of Objectives UD1, UD2, UD3 and UD5 of the current Oranmore Local Area Plan, Objectives UHO7 and UHO 8 of the current Galway County Development Plan. Section 3.4 of the Building Heights Guidelines sets out that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards) and that these forms of development also benefit from using traditional construction methods, which can enhance viability as compared to larger apartment-only type projects. In view of the provisions of Section 3.4 above, the local planning authority has no objection with the principle of typologies of up to and including four storeys in suburban locations in Oranmore. Section 3.5 of the building Heights Guidelines sets out however that such forms of development can, where well designed and integrated, also facilitate the development of an attractive street-based traditional town environment with a good sense of enclosure, legible streets, squares and parks and a strong sense of urban neighbourhood, passive surveillance and community. It is considered that there is a question as to whether the layout provides an adequately connected street pattern when taken in conjunction with contiguous development and this approach would appear to conflict with the provisions of Section 3.7 of the Building Height Guidelines.

9.29. The proposed 4 storey slab blocks read visually discordant with prevailing patterns of development and will hinder the achievement of sustainable urban placemaking outcomes. The typology as an individual composition is of a high architectural standard however both the uniformity in terms of typology within the overall composition and when taken in conjunction with the somewhat lower and apparently exclusively two storey dwellings and in conjunction with the layout has not found the correct balance between maximizing the development potential of the site and urban placemaking and street creation objectives set out in the current Oranmore Local Area Plan. Contrary to (Objective UHO 7 and Objective UHO 8 of the current Galway County Development Plan 2015-2021 and Objective UD1, Objective UD5 of the Oranmore Local Area Plan 2012-2022).

9.30. Wastewater

9.31. Manhole and invert levels for this infrastructure are low leading to concerns in relation to the performance of this infrastructure in times of flood. The risk of flooding of the foul water pumping station and network should be assessed, and the risk should be taken into account when reviewing the design. Given the potential for hydrological connection to nearby European Sites via the nearby Frenchfort River it would appear that fail-safes such as backup/standby pump infrastructure and increased holding tank capacity at the pumping station should be considered.

9.32. Surface Water Attenuation

9.33. The Roads and Infrastructure Department of Galway County Council have also provided the following commentary in relation to surface water management:

1. The applicant has failed to submit comprehensive details relating to the design of the proposed surface water drainage system. Details such as calculations for the hydraulic design of sewers, attenuation storage, greenfield run-off rates and have not been submitted. Furthermore, the applicant has failed to submit storm simulation analysis results demonstrating that the proposed surface water drainage is capable of dealing with extreme rainfall events up to the 1/100 return period storm event without causing above ground flooding. Additionally, consideration has not been given to surcharging at the outfall which will occur occasionally (note 10% AEP flood level of 3.53mOD is above Pond 1 invert level of 3.4mOD) and the negative impact this will have on attenuation storage. The applicant has failed to submit

comprehensive details of ground water levels on site (for example through groundwater standpipe monitoring). Given the low-lying nature of the lands and underlying estuary/marine sedimentary subsoil, the planning authority has concerns in relation to the proposed attenuation pond and the potential risk of groundwater ingress with the consequence of soil erosion and loss of storage capacity in the pond. Details of the proposed long-term maintenance strategy for the attenuation pond also have not been furnished. Attenuation ponds require significant maintenance such as vegetation cutting, suction of debris in silt traps, sewers and at outfall. This necessitates the requirement for vehicular access to these points which has not been accounted for in the design. Based on the above assessment, the Planning Authority has concerns in relation to the adequacy of the surface water drainage system to serve the development.

2. The applicant has proposed to use permeable paving for parking spaces. It is not clear whether this is intended to be an infiltration system or tanked system. The applicant has failed to submit comprehensive details of infiltration tests undertaken on site including calculations of infiltration rates in accordance with BRE Digest 365, trial hole logs, date and photographs.

3. While the SuDS proposal includes attenuation ponds, a greater emphasis could be placed on the adoption of nature based solutions, particularly in the central landscaped area, in accordance with DoHLGH publication – ‘Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas’.

4. Details of existing surface water drainage infrastructure in the Carrowmoneash access road (private road) are unknown. Hence, it is not clear what impact (if any) the proposed development would have on the performance of this system or vice versa.

#### 9.34. Water Supply

9.35. Irish Water have indicated that watermain connection can be facilitated. Connection will require excavation in lands zoned Open Space and it would be appropriate that post trenching, lands be appropriately levelled, soiled and seeded.

#### 9.36. Part V

9.37. Request the prospective developer meet their obligations in full under Section 96 of the Planning and Development Act 2000 (as amended).

9.38. Childcare Provision

9.39. Note that a capacity study of other childcare facilities in the Oranmore area found that there were 32 childcare spaces available in the Oranmore area, however these are not plotted and that the survey results appear to be based on limited returns as set out in Table 2 of the Childcare Assessment.

9.40. Major Accidents Directive

9.41. As highlighted at Stage 2, the Oranmore Local Area Plan contains a provision which establishes a zone of 800m around the CHEMORAN manufacturing facility (SEVESO II site to which the EC 'Control of Major Accident Hazards Involving Dangerous Substances' Regulations 2006 applies) within which development proposals shall be referred to the Health and Safety Authority Within 800m of a Seveso II site. The site of the proposed development is contained within this zone,

9.42. Objective UI 23 of the Oranmore Local Area Plan refers: Objective UI 23– Seveso Site Galway County Council shall consult with the Health and Safety Authority when assessing any proposed relevant developments in or in the vicinity of sites identified under the Control of Major Accident Hazards Directive (Seveso II Directive), in order to prevent major accidents involving dangerous substances and to limit their consequences to the environment and community.

9.43. It appears that no submission has been received in relation to the proposed development from the Health and Safety Authority.

9.44. Environmental Impact Assessment

9.45. The Local Planning Authority is not the consent/competent authority in relation to the proposed strategic housing development but would provide the following commentary concerning mandatory EIA screening. It is noted that a submission has been received from the Development Applications Unit of the Department of Housing, Local Government and Heritage which sets out as follows: *It appears that the proposed development may have been incorrectly screened out during the EIA screening process. It is stated in the EIA screening document during the sub threshold assessment required information under Schedule 7A of the Planning and*

*Development Regulations that the proposed development has no potential to impact directly or indirectly on any habitats listed as Annex I in the EU Habitats Directive (and priority habitats). However, two areas of the site support small areas of Annex I priority habitat type “semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometea) (important orchid sites) (Natura 2000 Code 6210) and this habitat will be fully lost with no mitigation or compensation proposed. In addition, it is not clear if more of this habitat was already lost during the 2019 application works.*

9.46. Appropriate Assessment

9.47. Under 19/1721 a submission received by the Department of Culture, Heritage & the Gaeltacht referred to the evidence of clear signs of *Lutra lutra* (otter-Annex II species and qualifying interest for the Galway Bay Complex SAC), on site, when a site inspection was undertaken by the Department in September 2019, which indicated that the otter visited the site regularly at the time of inspection.

9.48. A submission received from the Department of Housing, Local Government and Heritage, Development Applications Unit has indicated that staff of the DAU observed unauthorised development namely, the importation and deposition of infill material, had taken place, on a date before 1st October 2019, within the current site application boundary.

9.49. The DAU have highlighted that it is their view that the site clearance works carried out in 2019 are inextricably linked to the current SHD application for which full Appropriate Assessment (NIS) has been deemed necessary regarding potential significant effects. It is highlighted that retrospective full AA is not allowed as ecological assessment is a pre-emptive process that is designed to mitigate risks prior works being undertaken and that the currently proposed works, even in terms of AA Screening, should have been considered in combination with any effects arising from previous project works in 2019.

9.50. The Planning Authority note that the operation failure of the foul pumping station or mitigation measures in the event of same have not been considered to ensure no adverse impact on the nearby European sites, in such a scenario.

9.51. Having regard to the requirements of Article 6(3) and 6(4) of the Habitats Directive and on the basis on information included with the planning application and available

to the Planning Authority, including the proximity of the site to the Galway Bay Complex SAC and Inner Galway Bay SPA, the concerns of the local planning authority regarding the satisfactory assessment and consideration of impacts on habitats and fauna, impacts associated with headwall construction during headwall construction and related works, infill and excavation on site, and lacunae in the NIS submitted, the Planning Authority consider that likely significant effects arising from the proposed development, either individually or in combination with other plans or projects, on Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of their conservation objectives cannot be ruled out.

9.52. Flood Risk Assessment and Climate Change Management

9.53. Based on the overlay mapping of Flood zones A and B in relation to the proposed development set out in Appendix D of the FRA it appears that small sections of an access road and a small portion of the development footprint of the wastewater pumping facilities appear to be located within areas identified in the submitted Flood Risk Assessment Study as within Flood Zone A. Given the provisions of Table 3.1 and 3.2 of Planning System and Flood Risk Management Guidelines (2009) these uses appear to be either 'highly vulnerable' or 'less vulnerable' development which would appear to trigger a justification test. Having regard to the site location, the absence of consideration of excavation works and deposited material and concerns in relation to potential to increase risk of flooding elsewhere, the planning authority is not satisfied that the site is not at risk of flooding in the future or not satisfied that the development will not exacerbate the risk of flooding elsewhere, it is considered that the proposed development would contravene Policy FL4 and Objectives FL 1, FL 2, FL 3, & FL 4 of the Galway County Development Plan 2015-2021 and Objectives UI 12, UI 13, UI 14 & UI 16 in relation to flood risk, would be contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act, 2000 (as amended) and would be contrary to the proper planning and sustainable development of the area.

9.54. Material Contravention

9.55. In view of the content of the analysis carried out as part of Section 4.1 of the Material Contravention Statement, it is considered that a further residential development amounting to a net increase of approximately 101 residential units on the Residential

(Phase 1) lands represents a comparatively significant in combination exceedance of the core strategy figure and would, in conjunction with existing and permitted development, create a contravention of the Galway County Development Plan Core Strategy. While there is a question as to whether this contravention could be considered material in view of the balancing considerations discussed above the Local Planning Authority would broadly corroborate the content of Sections 4 and 4.1 of the Material Contravention Statement.

9.56. Statement of Recommendation

9.57. **Appropriate Assessment:** The Planning Authority consider that likely significant effects arising from the proposed development, either individually or in combination with other plans or projects, on Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of their conservation objectives cannot be ruled out. Therefore, if permitted as proposed, the development would contravene materially the said policies, objectives and a development management standard contained in the current Galway County Development Plan, would set an undesirable precedent for similar future development and would be contrary to the proper planning and sustainable development of the area.

9.58. **Flood Risk:** The proposed development would contravene Policy FL4 and Objectives FL 1, FL 2, FL 3, & FL 4 of the Galway County Development Plan 2015-2021 and Objectives UI 12, UI 13, UI 14 & UI 16 in relation to flood risk, would be contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act, 2000 (as amended) and would be contrary to the proper planning and sustainable development of the area.

9.59. **Mobility:** Having regard to;

- the potential impact of construction traffic on traffic flow and safety which it is considered has not been conclusively addressed in submissions received,
- the deficiencies in terms of pedestrian connectivity to Oranmore town centre (irrespective of recent works to the footway on Station Road which do not appear to address all discontinuities in the footway between the site and the town centre),



- inconclusive analysis as to whether sight distance is inhibited at the Carrowmoneash/Station Road junction serving the development or whether sightlines can be maintained with implications for public safety,

9.60. and in the context of the access arrangements to the development which will result in an intensification of turning movements at an existing private junction with Station Road at Carrowmoneash, the Planning Authority is not satisfied based on submissions received that the proposed development, if permitted, would not endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, as a consequence, be contrary to the Objective TI 11 of the current Galway County Development Plan 2015-2021 and Policies TI2, TI4, and TI5 of the Oranmore Local Area Plan 2012-2022, would present undue risk of hazard to road users and would accordingly be contrary to the proper planning and sustainable development of the area.

9.61. Placemaking: The proposed development, by reason of not adequately reflecting and reinforcing the existing urban form of the Carrowmoneash development to the west, contributing to sense of place, logically perpetuating existing urban street patterns or creating the required standard of public urban spaces, thereby assimilating its inner suburban setting, is contrary to the provisions of Objective UHO 7 of the current Galway County Development Plan 2015-2021, the provisions of Objectives UD 1, UD 2 UD 3 and UD 5 of the Oranmore Local Area Plan 2012-2022, and the provisions of Sections 2, 6 and 7 of Urban Design Manual – A Best Practice Guide DEHLG (2009). The proposed development would accordingly be contrary to the proper planning and sustainable development of the area. It is considered the proposed development in a predominantly inner suburban area, by reason of scale and massing issues in the case of apartment block type A1 and A2 particularly which render these building typologies discordant with their suburban setting, would fail to compliment the town/their setting in terms of character and provide the required standard of urban placemaking, urban assimilation and amenity called for in the current Galway County Development Plan 2015-2021 and Oranmore Local Area Plan 2012-2022. The proposed development would, therefore contravene Objective UHO 7 and Objective UHO 8 of the current Galway County Development Plan 2015-2021 and Objective UD1, Objective UD5 of the Oranmore Local Area Plan 2012-2022, would detract from the visual amenity of the area, would establish an

undesirable precedent for similar future developments in the area and would accordingly be contrary to the proper planning and sustainable development of the area.

9.62. 32 no. conditions recommended, conditions of note include conditions 31 and 32 concerning the deposit of a bond and payment for the cost of the services which facilitates and/or which will facilitate the proposed development.

9.63. Views of departments for the Planning Authority are reflected in the Planning Authority commentary under the Chief executive report and inform the above summary.

#### 9.64. **Elected Members**

9.65. The submitted Chief Executive Report confirms the following with respect to the views of Elected Members:

*“The Members of the Oranmore/Athenry Municipal District were advised in relation to the submission of this Strategic Housing Development application by the Planning Section of Galway County Council in February 2022. No comments were received in relation to the proposed strategic housing development. It was not possible for the Municipal District to schedule a MD meeting within the prescribed timeframe to discuss the SHD application.”*

### 10.0 **Prescribed Bodies**

#### 10.1. Department of Housing, Local Government and Heritage

10.2. Archaeology: The National Monuments Service (NMS), Department of Housing, Local Government and Heritage broadly concurs with the Archaeological Mitigation Strategy outlined in Section 7 of the AIA (page 38). No further archaeological works are required in relation to the proposed development.

10.3. Nature Conservation: Staff of the Department observed unauthorised development namely, the importation and deposition of infill material, had taken place, on a date before the 1st of October 2019, within the current site Application boundary. A report was sent to the Council by the National Parks & Wildlife Service (NPWS). It is noted also that a Warning Letter Pursuant to Section 152 of the Planning and Development Act 2000 (Reference No: WL/EN19/170) was issued by Galway County Council

Planning and Development Department on the 15/10/2019 in respect of unauthorised development (unauthorised land clearance) at this site. In this current Application, it is acknowledged that site and vegetation clearance works and possibly associated scraping of topsoil/site re-grading works took place prior to the current ecological assessments. It is the view of this Department, that the site clearance works carried out in 2019 are inextricably linked to this current SHD application to ABP for which full Appropriate Assessment (AA)/Natura Impact statement has been deemed necessary regarding potential significant effects. Retrospective AA screening may be allowed in the Planning and Development Acts, however retrospective full AA is not allowed i.e. projects must screen out to receive retention permission. This is because ecological assessment is a pre-emptive process that is designed to mitigate risks prior to works being undertaken. The currently proposed works, even in terms of AA screening, should have been considered in-combination with any effects arising from the previous project works in 2019.

- 10.4. The proposed development footprint comes to 10m from the Frenchfort stream itself and the current proposals footprint extends into the flood plain of the stream and involves the loss of wet grassland and scrub habitat from the flood plain of the stream (see eastern side of development site near the stream). Objective NH8 of the Oranmore Local Area Plan 2012-2022 identifies/protects the area as the Frenchfort stream ecological corridor and in addition the area is also zoned as open space. These measures would complement the maintenance of the area as an ecological corridor between the two sections of the SAC (see above) and in particular ameliorate potential avoidance/displacement or barrier effects for otters, which utilise the site and are an Annex II species and a qualifying interest for the Galway Bay Complex Special Area of Conservation (SAC) (Site Code 0002) which the stream links together. It is also noted that this area is an actual flood zone and classed as a Flood Zone A. Kingfisher, an Annex I Species of the Birds Directive also use the area. Therefore, for the aforementioned reasons, consideration should be given to designing the scheme in a way that retains the Frenchfort stream floodplain habitat.
- 10.5. No data on bird species for which the adjoining SPA is designated, for instance, on the use of the development site and adjoining land by waders, is supplied. It is however stated that as a precautionary measure that “although there will be no significant disturbance to the SCI species of the local SPAs (i.e. Inner Galway Bay

and the much more distant Cregganna marsh) the major groundworks/excavations that are required by the proposed development will occur in the period 1st April to 30th September inclusive, since both of the local SPAs are important for wintering birds”.

- 10.6. Two issues arise here, firstly it is clear that wintering bird survey work (particularly for wildfowl and waders) needs to take place (as previously flagged by NPWS) and to be incorporated into updated ecological assessments.
- 10.7. Secondly it appears that a minimum of nine bird species are likely to breed/nest within the development site yet groundworks and excavations are proposed during the bird nesting season and also no mitigation seems to be proposed for nesting birds. Elsewhere it is mentioned that scrub will be removed outside the bird nesting season. It is not fully clear what is meant here but it appears a differentiation is being made between scrub nesting habitat and other vegetation nesting habitat, however no such distinction is made under the Wildlife Acts.
- 10.8. It appears that the proposed development may have been incorrectly screened out during the EIA screening process/exercise. It is stated in the EIA Screening Document, during the sub threshold Assessment required information under Schedule 7A of the Planning and Development Regulations 2001 for the purposes of screening sub-threshold development for environmental impact assessment, that the proposed development has no potential to impact directly or indirectly on any habitats listed as Annex I in the EU Habitats Directive (and the same is said regarding priority habitats also).
- 10.9. However, two areas of the site support small areas of the Annex I priority habitat type, “Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometea) (\* important orchid sites)” (Natura 2000 Code 6210) and this habitat will be fully lost with no mitigation or compensation proposed.
- 10.10. In addition, it is not clear if more of this habitat was already lost during the 2019 application works. It should also be noted that the Document also states that the proposed development does not have the potential to impact directly or indirectly on the breeding places of any species protected under the Wildlife Act. However during an NPWS site inspection in September 2019, prior to the unauthorised works, there

were several pools on site which were vegetated and may have provided suitable breeding sites for Frogs.

10.11. Irish Water

10.12. In respect of Water: The applicant has been advised that a watermain connection can be facilitated to the Irish Water 200mm diameter distribution watermain which runs along the public road to the west of the proposed development site.

10.13. In respect of Wastewater: The applicant has been advised that a wastewater connection could be facilitated to the Irish Water 450mm diameter sewer to the south of the proposed development or to the Irish Water 300mm diameter sewer to the west of the development site. The applicant is required to check the suitability of the ground conditions along the route to 450mm diameter sewer connection point as it is close to the existing Carrowmoneash Fen stream. The applicant will be required to submit layout and designs within the developments redline boundary for validation by Irish Water. The applicant's layout and designs are to be submitted ahead of any Connection application.

10.14. Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicant's Design Submission.

10.15. Irish Water respectfully requests the board condition(s) any grant to require connection agreement and that there is no build over of assets / compliance with separation distances as per Irish Waters Code of Standards and Practices.

10.16. An Taisce

10.17. Contravention of Galway County Development Plan – Population Density: An Taisce submits that until a new Galway County Development Plan has been adopted (which meets the Applicant's outcomes), it would be premature of An Bord Pleanala to approve this application. If however An Bord Pleanala decides to approve the Application, An Taisce submits that it should be made conditional on adoption of a new Galway County Development Plan which includes a specific number of

additional housing units in Oranmore, and confirms that the land currently zoned as Low Density Residential (the subject site) remains so zoned.

- 10.18. Contravention of Galway County Development Plan – Land Use Zoning: An Taisce submits that both the Attenuation Areas and the Raised Embankment are integral parts of the houses that the Applicant proposes to build and that as such should be within the area zoned for Low Density Residential Housing.
- 10.19. Ecology – destruction of EU Annex 1 Habitat: The previous application on the site was refused for multiple reasons, including the attempts to destroy the EU Annex 1 Habitat. This application is for development on a site on which an underlying unauthorized development has already taken place. An Taisce submits that the application should be considered in this context. The effect of the unauthorized infilling and ground levelling has been to destroy most (but not all) of the EU Annex 1 Habitat at this location.
- 10.20. An Taisce submits that the proposed development should be redesigned to protect untouched the remaining, undestroyed areas of dry calcareous grasslands and that the Applicant should preserve the existing ground water level, so as not to either dry out the areas or to flood them. If there is a compelling, ecology-based reason as to why this is not technically possible. An Taisce submits that these areas should be carefully relocated to a prepared area within the proposed development, under the supervision of an ecologist. The new location should meet the same requirement in term of prevailing ground water level, again so as not to either dry out the areas or to flood them. This was done successfully on the route of the Gort to Tuam M18. Relocation of areas containing EU Annex 1 Habitats is also part of the recently approved N6 Galway City Ring Road.
- 10.21. Flood Risk Assessment: An Taisce submits that the Applicant should have (but has apparently not) analyzed the impact of combined events, namely extreme coastal flooding combined with an extreme fluvial flooding. These conditions will occur if an extreme low pressure storm event is preceded by severe rainfall. An Taisce submits that the combination of these events should be included in the design assumptions and the site levels should be raised accordingly.
- 10.22. The Flood Risk Assessment, prepared on behalf of the Applicant by Langan Consulting Engineers, submitted a Mid-Range Future Scenario has been considered

(Section 3.2.3). In the OPW's CFRAM two scenarios were considered - a Mid-Range Future Scenario with a sea level rise of 500mm and a High-End Future Scenario with a 1,000mm sea level rise.

- 10.23. Given the acceleration in melting of Greenland and Antarctic ice sheets and all the other uncertainties An Taisce submits that applicant should model for the High-End Future Scenarios with a 1,000mm sea level rise. If there is runaway melting of the Greenland and Antarctic ice sheets the resulting sea level rise will be multiples of this.
- 10.24. Foul Water Treatment: An Taisce submits that the design of the foul water system should be revised to include a holding tank for foul water with sufficient capacity to hold a minimum of 48 hours of foul water from the proposed development. A procedure should also be in place to transfer accumulated foul water into holding tanks which allow for pump replacement.
- 10.25. Parking Places for Childcare Centre: An Taisce submits that the number of parking spaces allowed for staff and parents is significantly less than what is needed for a Childcare centre within the proposed development and that a staff car parking space should be provided for 9 staff members plus at least 10 parents bringing children to the childcare centre (or more as may be decided by An Bord Pleanála).
- 10.26. Future Development of Adjoining Land: An Taisce submits that before considering the proposed development, that An Bord Pleanála should satisfy itself as to what future development might occur on the adjoining zoned land, the Applicant's involvement in such future development and what changes would be needed to the current proposed development (for example access) to accommodate any future development of the adjoining site.
- 10.27. Capacity Constraints at Oranmore main Pumping Station: Note Irish Water's submission on the Draft Galway County Development Plan 2022-2028, dated 30th July 2021, that references a project "to resolve existing constraints" at Oranmore which is either "planned or ongoing." The Drainage Area Plan was expected to be completed by the end of 2019. Subsequent Annual Environmental Reports have pushed the date for completion out, most recently to 2024+. An Taisce submits that it is inappropriate to permit large scale developments such as this in advance of the completion of these studies and the completion of the works that are identified as

being necessary by these studies to fully cater for the wastewater that will arise and avoid environmental pollution.

## 11.0 Oral Hearing Request

11.1. One formal request for an Oral Hearing have been received in relation to this application. Section 18 of the 2016 Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

11.2. Having regard to the circumstances of this case, to the issues raised in the observations received by the Board (as summarised in section 8 above), and the assessment set out in section 12.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

## 12.0 Assessment

12.1. The planning assessment set out below should be read in conjunction with my Appropriate Assessment in section 13 and Screening for Environmental Impact Assessment (EIA) in section 14, as there are overlapping considerations under each of these assessments. I will address the main planning issues arising from the proposed development under the following headings-

- Principle of Development
- Density
- Height, Scale, Mass and Design
- Neighbouring Residential Amenity
- Proposed Residential Standards



- Water Infrastructure and Flood Risk
- Traffic and Transport
- Ecology
- Material Contravention
- Planning Authority's Recommendation
- Other Issues

## 12.2. Principle of Development

### 12.2.1. Land Use

12.2.2. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites.

12.2.3. The land use zoning of the site is set out in the Oranmore LAP as R-Residential (Phase 1) and OS-Open Space / Recreation & Amenity. The land use zoning matrix describing permissible and open for consideration uses, is set out DM Guideline LU2. I note third party and An Taisce comments with respect to the suitability for the proposal given the zoning of the site. The submitted drawings are annotated to indicate the extent of the site zoned residential and where the open space zoned area appears. The proposed development, including pump station, is situated within the lands zoned for residential. A pocket park, open space landscape amenity area and attenuation areas, are proposed within lands zoned open space / recreation & amenity. The applicant's submitted Planning Report & Statement of Consistency states that a maintenance road for the pump station is also provided in the OS zoned area, however the drawings do not correlate with this in my view. I note however that the annotated designation of OS and R zoned lands on the drawings are highlighted to be 'indicative' only by the applicant in the report, therefore perhaps some crossover of this road into the designated open space occurs. In any case, I am satisfied that the provision of utilities infrastructure and public service installations is open for consideration in the OS zoning area as set out in the LAP, which would accommodate the aforementioned uses in the OS zoned lands. I am therefore satisfied that the proposed uses for each defined area, are compatible with approved uses for these respective zonings.

#### 12.2.4. County Development Plan

12.2.5. I note third party objections relating to the conformity of the proposed development with the Galway County Development Plan 2022-2028. The new County Development Plan is not currently in force, and as such, is not a material consideration under section 9 of the 2016 act. It would not be appropriate to determine this application on the basis of the contravention of provisions under that plan before it comes into force. Therefore, the planning framework for assessment of the application is through adopted planning policy as expressed in section 6 of this report, and specifically, the current Development Plan 2016-2022, Oranmore LAP and associated zoning of the site.

#### 12.2.6. Population targets

12.2.7. I note third party concerns in relation to the number of homes proposed in light of the population targets for Oranmore. The Galway County Development Plan 2015-2021 Core Strategy, estimates that the settlement of Oranmore can accommodate an increase in population of 1,170 no. people, with an equivalent housing yield expectation of 363 units. The applicant has undertaken a review of recent planning applications which demonstrates that this expending housing yield allocation for Oranmore has already been reached. The total units granted in Oranmore under the extant County Development Plan, on both Residential, Existing Residential and other zoned sites is 640 no. units, with 117 of these commenced/completed. Therefore, the proposed 101 no. units under this current SHD application would bring the overall permitted number to 741 no. units. In addition, if the population of the proposed development were to be added to the populations of developments already commenced, a total of 2,190 no. persons would be added to the population of Oranmore. As a result, the population targets and associated housing yield for Oranmore under the Development Plan are exceeded by the proposed development, as they are already breached in the current condition. The applicant has submitted a Material Contravention Statement in relation to this matter which I address further in section 12.10 below.

12.2.8. The Planning Authority state that there is a level of uncertainty over the delivery and occupation of all of this approved housing development, which is permitted only and not commenced. In other words, the population and housing numbers described in

the above paragraph might not be realised if housing is not constructed as permitted. They also note that the largest permission that contributes to the figures set out above, has an effective period of seven years, with the implication that it may ultimately be developed beyond the Development Plan period.

12.2.9. I also note that Oranmore is included within the Galway Metropolitan Area Strategic Plan (MASP) as part of the Regional Spatial and Economic Strategy for the North and West Region. The RSES states that there is potential for Oranmore to accommodate an increase in population allocation.

12.2.10. In my opinion, an overly constrained approach to housing capacity in suitable locations would be contrary to the overarching approach described in national policy and guidance. The application site is in an existing residential settlement area and proximate to both the town centre and employment areas. As a result, I see no reason to reject the application in principle, on the basis of the exceedance in residential capacity. In my opinion, a qualitative assessment is required first in relation to the suitability of the proposed density for the site and whether such an exceedance is justified with reference to the national and regional planning policy approach. I set out this qualitative assessment below and throughout my report.

12.2.11. I note that An Taisce submits that any approval of the application should be made conditional on adoption of a new Galway County Development Plan including additional housing units in Oranmore and confirming the land zoning as Residential. A condition of the nature requested would not be permissible under planning legislation and seeks to tie assessment of this proposal to an unadopted plan, which as outlined above, would not be appropriate or acceptable.

12.2.12. SEVESO Site

12.2.13. The LAP confirms on page 35 the following:

*“CHEMORAN in Oranmore manufactures emulsifiers, adhesive agents and micro surfacing agents in three reactors in their facility in Oranmore. The Chemoran site has been identified as a Lower Tier Seveso II site to which the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 applies. In this regard, a zone of 800 metres has been delineated around this site, as indicated on the Map 1A/1B - Land Use Zoning and Map 2A/2B -*

*Specific Objectives. Development proposals in this area shall be referred to the Health and Safety Authority for consultation.”*

12.2.14. Objective UI 23 – Seveso Site states that in order to prevent major accidents involving dangerous substances and to limit their consequences to the environment and community, Galway County Council shall consult with the Health and Safety Authority when assessing any proposed relevant developments in the vicinity of sites under the Control of Major Accident Hazards Directive (Seveso II Directive), with reference to Map 2A/2B – Specific Objectives of the Plan. Map 2A of the Plan identifies the subject site as being within the area required for consultation due to proximity to the Seveso site.

12.2.15. Consultation with the Health and Safety Authority has been undertaken as part of this SHD application, with a request that submissions be provided by the 6<sup>th</sup> May. No response has been received from the Authority to date.

#### 12.2.16. Validity of the Application

12.2.17. I note that third parties have raised a number of matters which they considered relevant to the validity of the current application. In relation to the inclusion of drainage design features in OS zoned lands, I have discussed this above and there is no question regarding the validity of the application in relation to this matter in my opinion, with all proposed uses situated within appropriately zoned areas for those uses. In relation to potential material contraventions of the plan, I address these in section 12.10 below, but I can confirm that a material contravention of any policy or objective of the plan does not invalidate an application in itself, although it might form a reason in the Board’s determination of the application.

12.2.18. I also note queries raised regarding the land ownership of the site. The applicant has included letters of consent from Galway County Council in relation to the inclusion of a part of Station Road within the application, and Hailview Ltd, although the extent of landownership for Hailview is not identified. Third parties contest the landownership of the Carrowmoneash Road and state that this is a private road maintained by residents. The Planning Authority confirm in their Chief Executive Report that Galway County Council records confirm that Carrowmoneash Road is not a public road and is not taken in charge.

- 12.2.19. The application blue line (to demonstrate ownership extent) extends to approximately half way up the Carrowmoneash Road. The entire road is coloured yellow on the submitted site plan, but there is no corresponding 'key' or explanation in relation to this highlight. There is no reference of a wayleave or right of way in the application documents.
- 12.2.20. I note third party submissions, that include an extract from the land registry in relation to Carrowmoneash Road and the last undeveloped plot in the residential estate. This last plot is within both the applicant's red and blue line boundary and forms the proposed location for the creche in the development. The land registry map extract also highlights the Carrowmoneash Road in yellow, denoting a 'proposed right of way'. The map describes the intention of a Mr Declan Burke to register land owner interest for the last plot in the residential estate. Documentation provided as part of consultation responses to this application indicate that the ownership of this plot is disputed and before the Courts.
- 12.2.21. In relation to the Carrowmoneash Road, there does not appear to me to be any evidence or confirmation provided by the applicant, that they have an adopted right of way over this land. Therefore, the ability to access their site via this road is a topic for further discussion, which I set out in section 12.8 below.
- 12.2.22. With respect to the validity of the application, the resolution of landownership disputes does not form part of the planning application process. I am satisfied that the applicant has met the obligations concerning demonstration of consent of landowners for lands within the redline boundary extent, based upon their understanding of the landownership extent of these areas. Although it would have been preferable that a land ownership map was provided with respect to Hailview Ltd's consent. In any case, the granting of planning permission does not superseded landownership entitlement and would not entitle the developer to undertake works outside of their ownership without legal consent of relevant landowners. In this regard I note provision in section 10 subsection 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016 as quoted above, confirming that the grant of consent for SHD does not entitle a development to be carried out. For the purposes of my assessment of the current application and based upon the information submitted, I am satisfied that I can continue with my assessment.

### 12.3. Density

- 12.3.1. A number of representations have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level proposed for the location.
- 12.3.2. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' (Building Height Guidelines), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (Sustainable Residential Development Guidelines) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.
- 12.3.3. In the Oranmore LAP Objective LU14 – Development Densities states that the density of new development should be appropriate to the land use zone and site context, and that density shall generally be in accordance with the guidance set out in DM Guideline LU1 (of the LAP), although the Planning Authority may consider high density developments. Objective LU 15 – Residential Densities of the LAP states that a range of residential densities will be promoted in the Plan Area in accordance with the guidance in 'Sustainable Residential Development in Urban Areas Guidelines 2009.' The objective goes on to state that higher densities will be encouraged at appropriate locations, where it will not unduly impact on the integrity of Natura 2000 sites. DM Guideline LU1 of the DP states the expected density range depending upon the characteristics of the location of the site. The proposed density of 43.9 uph exceeds all but the upper tier of these ranges, which would relate to a town centre site or a site immediately adjacent to a public transport hub, neither of which apply to the subject site.
- 12.3.4. I note the Planning Authority comments with respect to density and that the subject site should be classed, under the definition of 'Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)- Guidelines for Planning Authorities'

(DEHLG; 2009) as a small town. The density standards set down for 'edge of centre sites' (Section 6.11) indicates that "development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation". The Planning Authority also states that the proposed development exceeds the default standard density of 35 uph in the Galway Metropolitan Area Strategic Plan.

- 12.3.5. The applicant has submitted a material contravention statement in relation to density, and I address this further in section 12.10 below.
- 12.3.6. I note that there are inconsistent references to the density figure for the proposed development in the application documents, with reference to a figure of 37 uph in the Statement of Material Contravention and a reference to a figure of 45.6 uph in the Planning Report & Statement of Consistency. I can confirm that on the basis of the residential area for development and the number of units proposed, the density is 43.9 uph.
- 12.3.7. I agree with the Planning Authority that the subject site should be consider under section 6 'Small Towns and Villages' and can be classed as an edge of centre site, under the Sustainable Residential Development Guidelines. Therefore, the proposed density exceeds the range set out in that section 28 guidance. However, I also note that the Apartment Guidelines states that for 'Intermediate Urban Locations' being sites within a reasonable walking distance (i.e. up to 10 mins) of principle town or suburban centres or employment locations, density levels exceeding 45 dwellings per hectare can be considered. The applicant seeks to rely upon this to justify the density proposed.
- 12.3.8. Having visited the site, I walked to the centre and can confirm that this took me a approximately 10 minutes. To the north of the site, there is the zoned business and industrial areas for Oranmore where employment opportunities will exist and the subject site is within a 10 minute walk of that area. It should also be noted these section 28 guidelines specifically state that "The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors." The proposed density of 43.9 uph is less than the >45 dwellings

per hectare set out in the Apartment Guidelines for intermediate locations. In my opinion, this is a site situated on the periphery of Oranmore centre, a small town, but walking distance to employment areas to the north. The characteristics of the area is suburban and pedestrian infrastructure exists between the site and the centre, where a range of amenities and services are provided. There is also a bus stop (with infrequent services) on Station Road. Overall, I am satisfied that the density of 43.9 uph is not unacceptable for this site in principle, although it would be considered a 'higher' density in light of the characteristics of Oranmore. With this in mind, I refer to Objective LU 15 – Residential Densities of the LAP which states that higher densities will be encouraged at appropriate locations, where it will not unduly impact on the integrity of Natura 2000 sites, and cross reference to my Appropriate Assessment at section 13 of this report is therefore required.

12.3.9. Overall, while I am content that the proposed density would not be inappropriate in principle, a wider assessment of the overall development impacts is required. I set this assessment out further below, however I am satisfied that there is nothing to preclude the proposed density level on the site with reference to the above local and national policy documents, which promote a qualitative assessment, as set out in this report.

#### 12.4. Height, Scale, Mass and Design

- 12.4.1. I note third party objections in relation to the scale of buildings proposed and associated visual impact. The Planning Authority state in their Chief Executive Report that they consider the proposed development to be contrary Objectives UD 1, UD 2, UD 3 and UD 5 of the LAP and UHO 7 and UHO 8 of the Development Plan, as well as national planning guidance in the Urban Design Manual and DMURS.
- 12.4.2. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. I note SPPR 4 in the guidelines in relation to greenfield or edge of city/town locations, which states that a greater mix of building height and typologies should be sought, and avoidance of mono-type building typologies. Paragraph 1.9 states that *'these guidelines require that the scope to consider general building heights of at least three to four storeys,*



*coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.’* I also note national policy in Project Ireland 2040 National Planning Framework, and particularly objective 35 concerning increased residential density in settlements.

- 12.4.3. Development management criteria are also described in section 3.2 of the Building Height Guidelines to inform an assessment of appropriate heights. SPPR 3 requires that an applicant for planning permission sets out how a development proposal complies with criteria in section 3.2, and where a planning authority or An Bord Pleanála concur with this, a development may be approved even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 12.4.4. Under the Galway County Development Plan, the site is located in an area defined in the Landscape Sensitivity and Character Areas – LCM2 map in the Plan, as lying in Class 3 (Medium) landscape sensitivity area, and within the Landscape Character Area no.13 ‘East Galway Bay (Oranmore to Kinvarre Bay and inland to N18 road). Objectives under the plan seek to preserve, protect and enhance landscape character and require the submitted of landscape and visual impact assessments to inform the assessment of applications. Objective UHO 7 asks that in terms of scale, height, massing and building line, proposed development respond to site context. Objective UHO 8 promote the guidance contained in the Sustainable Residential Development guidelines with respect to urban design. Section 3.7.2 of the LAP describes the policies and objectives relating to urban design and place-making. This includes the promotion of established sustainable urban design principles as described in national planning policy. Both policy UD1 and objective UD 1 state that buildings should be appropriately scaled, responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. Objectives UD 2, UD 3 and UD 5 described the expectation that development deliver high quality public spaces, with spatial definition, animation and responsive frontages. Objective UD 7 states that landscape character should be protected with development required to be response to high and special sensitivity landscapes. Map 2A/2B specific objectives is referred to and identifies views and prospects to be protected, largely related to views over the Galway Bay area.

- 12.4.5. As a result, the proposed building height for the site does not represent a material contravention of the development plan, with height being considered on a case-by-case basis. However, the applicant has still addressed the criteria described in section 3.2 of the guidelines and I have regard to it as part of my assessment of the proposed height as set out below.
- 12.4.6. The proposed development comprises the construction of 5 apartment blocks, blocks A and A1 are 4 storeys in height to the south of the site, while blocks B, C and C1 are 3 storeys in height towards the northern portion of the site. Surrounding the site, the area is characterised by single and 2 storey residential dwellings to the west and south, with open landscape adjacent to the Frenchfort Stream to the south west, and Galway Bay Complex SAC to the east of the site. As such, the proposed development with a maximum height of 4 storeys, is a departure from the established residential scale of the area and therefore regard of the criteria under section 3.2 of the Building Height Guidelines can assist in the consideration of the proposed building heights for the site given this context.
- 12.4.7. The first criteria under section 3.2 of the Building Height Guidelines relates to the accessibility of the site by public transport. The subject site is situated in close proximity to a bus stop on Station Road serving a number of routes, with the most frequent being the 404 Bus Eireann route with buses every 30 mins. The subject site is also approximately 2kms away from Oranmore Garraun South rail station (approximately a 30 minute walk / less than a 10 minute cycle). The rail station can be described as serving high capacity services and has around 14 services a day connecting to Galway. Both the bus and rail services interconnect Oranmore to Galway where there is accessibility to further public transport options linking to wider areas and the rest of the country. I am satisfied that given the accessibility of the site to this combination of public transport options, the subject site can be described as being well served by high capacity, frequent service, with links to other modes of public transport.
- 12.4.8. The second criterion relates to the character of the area in which the development is located. As described above, the subject site is situated in an area where residential development is characterised by single and 2 storey housing. The site is also located in a sensitive landscape area no.13 East Galway Bay under the Development Plan. The applicant has included a Landscape and Visual Impact Assessment (LVIA) and

CGIs / Photomontages with the submission. This demonstrates that the proposed development will not be visible from the highly sensitive coastal areas, where views would be protected. The LVIA concludes that predicted landscape impact is deemed to be Medium and the overall landscape character of the local area will change to become slightly more suburban in character. In relation to visual effect, the LVIA concludes that viewpoints in close proximity to the proposed development demonstrate where the development will have its greatest effect, and that overall impact is predicted to be Medium to High. Effects are expected to be localised, with an overall change in character to the site from greenfield to suburban housing.

12.4.9. I have reviewed the submitted photomontages and concur with the applicant that the proposed development will not impact any protected views or the landscape setting to the more highly sensitive areas closer to the coast. The proposed development will be most prominent in views from surrounding urban and residential areas. This change in character of the site from greenfield to suburban is reflective of the residential zoning of the site and would therefore be expected. In relation to the impact of the proposed scale and mass of the development upon the adjacent residential areas and their visual amenity, I am cognisant of the Planning Authority's concerns in this regard and third party objections. Certainly, the proposed development is in contrast to the established built context in the immediate vicinity to the site, and would represent a distinctive change for residents. However, it is necessary to consider this change to the character of the area in light of the national planning policy approach which requires a compact growth model that focuses efficient housing delivery in appropriate areas, with in principle support at development management level for at least three to four storeys in areas outside of city and town centre areas, in more suburban areas (para.1.9 of the guidelines as extracted above).

12.4.10. In terms of local planning policy, as described above this indicates that the scale and height of proposed development should be responsive to context. The proposed development incorporates three storey blocks (blocks B, C and C1) towards the northern portion of the site and closest to the established residential estate for Carrowmoneash Road, while the four storey blocks (A and A1) are situated towards the southern end of the site, readily visible from the N67 and with significant designated open space areas providing separation to the next residential estate of

Lios Na Cri to the south. The proposed creche is a single storey structure, and situated between proposed block A and the next closest existing dwelling on Carrowmoneash Road. Block B is the closest of the proposed apartment blocks to existing dwellings on Carrowmoneash Road and is three storeys in height. Therefore, in my view, the layout of the site does respond to the established context, with transitional heights across the site as a whole, albeit not within individual blocks. The proposed design locates the lowest rise elements closest to the nearest existing properties, while scale increases within the site and adjacent to open space areas. While the proposed development will be readily visible and prominent at the end of the established Carrowmoneash estate, given the sites zoning for residential development, the characteristics of the site in terms of accessibility to public transport and to the town centre as well as employment areas, and national guidance on compact growth, this visual impact is within acceptable parameters in my opinion.

12.4.11. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood (a 3.2 criterion), I have also considered the creation of high quality public spaces with spatial definition, amination and responsive frontages (local planning policy described above) as part of my assessment. The proposed development connects to the existing Carrowmoneash residential estate with a logical and legible vehicular route around the perimeter of the proposed development, with blocks arranged around central courtyard amenity areas. These spaces are publicly accessible and include play equipment, seating, basketball court and pedestrian / jogging trails around the site. Pedestrians and cyclists would have access throughout the proposed landscape areas within the site. New tree planting is proposed to the site boundaries and the proposed blocks define and enclosure the public spaces for the site, with good natural surveillance and frontages animated with windows, terraces and balconies. I am therefore satisfied that both national and local planning policy previously is therefore satisfied in this regard.

12.4.12. In terms of the detailed appearance of the blocks (3.2 criteria including avoidance of uninterrupted walls, contribution to space and materials), the proposed development is formed of 5 apartment blocks that have a consistent exterior appearance, with the exception of height (blocks A, A1 being 4 storey and blocks B, C and C1 being 3 storey). The blocks incorporate an inverted pitch roof form and a variety of window types. It is proposed to finish the blocks with render to the facades and a colour

coded window extrusion (primary colours suggested). The roofs are finished with a profiled standing seam metal / membrane finish. While render is exhibited in the surrounding area, masonry is also an established material finish in the area, and in my opinion, might have been incorporated to introduce some diversity between the blocks and robustness in material form. I have counted at least six different window types incorporated into the facades, which in my opinion, does not add to the quality of the design which would have benefited from being refined with less variety to the openings. The further layer of variety with coloured extruding windows is also an additional attempt to add variety and distinctiveness which in my opinion, does not add to the quality of the design. The inverted pitched roofs provide some visual interest, but in my opinion, there is a lack of attempt to draw inference from the surrounding built character to influence the design of the proposed development. However my opinion on the aesthetic of the proposal is subjective and overall, the proposed development does incorporate criteria under section 3.2 of the Building Height Guidelines, by avoiding long uninterrupted walls, with consideration of the built fabric, and in my view, the proposal is not monolithic. Therefore, this criterion is satisfied in my opinion.

12.4.13. The proposed development will provide increased diversification of housing typology in the area which is currently predominately self-contained dwelling houses. The incorporation of apartments on the site would therefore be a positive contribution to the mix of typologies in the area (a 3.2 criterion).

12.4.14. Lastly, the section 3.2 criteria under the Building Height Guidelines refers to considerations on daylight and overshadowing. In relation to Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing, I discuss this in detail below in sections 12.5 and 12.6 of this report. The submission of specific assessments is also referenced in the guidelines and reports sufficient to assess a development of the scale proposed have been submitted. I note the applicant's documents that have informed my assessment, including (but not limited to) the submitted LVIA, NIS, EclA, Design Statement, Photomontages, CGIs and Landscape Design Rationale Report.

12.4.15. I am satisfied that the proposed development appropriately incorporates the criteria described in section 3.2 of the Building Height Guidelines which I have had regard to above. As part of this, I note that the proposed development does not amount to a

material contravention of the LAP or Development Plan in relation to height. In relation to the Planning Authority and third party concerns regarding the proposed height and design, I have described above conformity with the planning policy framework in consideration of height and design, and I consider amenity impacts in further detail below. Overall, I am satisfied that the proposed development would not have significant negative visual impacts and would not be overbearing.

## 12.5. Neighbouring Residential Amenity

### 12.5.1. Daylight and Sunlight

12.5.2. I note third party objections to the proposed development in relation to overshadowing as a result of the proposed development.

12.5.3. Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. The Galway County Development Plan 2015-2021 requires the submission of daylight and shadow projection diagrams with application proposals. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

12.5.4. Section 5 of the BRE guidance notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

12.5.5. The BRE guidelines state that in relation to daylight to existing buildings:

*"Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height"*

*above the centre of the existing window. In these cases the loss of light will be small...*" (para. 2.2.4)

- 12.5.6. The guidelines also states that if a proposed development is taller or closer than this, a 25<sup>0</sup> line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.
- 12.5.7. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property *'is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.'* Therefore, the preservation of a minimum VSC of 27% and/or reductions to no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21<sup>st</sup> March.
- 12.5.8. The application includes a Daylight and Sunlight Report. This explains the potential impact upon those properties that, following BRE methodology as described above, could be affected by the proposed development in terms of daylight and sunlight conditions. The report identifies 2 properties adjoining the site to the west on Carrowmoneash Road that could potentially be affected. No other properties require further assessment in accordance with the methodology described in the BRE guidelines. The results demonstrate that all tested windows would pass VSC targets as described in the guidelines in the proposed condition, with VSC levels in excess of 35% in all cases. Similarly, with the proposed development in place, all tested

windows would retain sunlight levels well in excess of minimum APSH levels described in the guidelines (in excess of 46% for annual and 16% for winter levels).

12.5.9. In relation to overshadowing, the submitted report confirms that the proposed development will not alter the existing conditions within the rear amenity spaces to assessed properties, with gardens retaining sunlight over at least 99% of their area for over 2hrs on the 21<sup>st</sup> March.

12.5.10. The proposed developments potential impact upon surrounding occupiers daylight, sunlight and overshadowing will therefore be within acceptable parameters.

12.5.11. Separation Distance and Privacy / Overlooking

12.5.12. I note third party concerns with respect to overlooking and adverse privacy impact as a result of the proposed development. Section 13.3 Guidelines for Residential Development (Urban and Rural Areas) in the Development Plan, part (u) 'overshadowing' states that in general there will be a distance of 22m between opposing first floor windows, with separation distance increased for developments over 2 storeys in height.

12.5.13. The proposed block A (four storeys) is situated over 20m away from the boundary with the closest residential dwelling on Carrowmoneash Road and over 40m away from the dwelling itself. The proposed creche is situated between block A and this property, and is situated 5.3m away, but is single storey and does not generate any overlooking concerns. Proposed block B is situated over 24m to the boundary to the closest residential dwelling on Carrowmoneash Road, with this separation increasing to over 30m to the dwelling itself. All other proposed blocks are situated further away from adjacent residents than the distances described here. As such, the proposed development demonstrates acceptable separation to surrounding dwellings and does not generate overlooking or privacy concerns.

12.5.14. Property Values

12.5.15. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.



#### 12.5.16. Noise and Light

12.5.17. I note third party concerns regarding the change in the quiet character of the area, as well as noise from traffic associated with the proposed development. I address traffic impact in section 12.8 below. I do not consider the increased population of the area and associated change in character to be a negative consequence of the development. The site is zoned for residential development and will naturally result in increased population with associated footfall and traffic. The noise associated with this population will be at a standard residential level and not unusual for the area.

#### 12.5.18. Construction Impacts

12.5.19. Concern has been raised in third party submissions about impacts during construction. A Construction Environmental Management Plan has been submitted with the application. Measures for the management of vibration, noise and suppression of dust are described. Traffic management is also addressed.

12.5.20. I note third party concern that site access during construction should be from Station Road only. The submitted CEMP identifies access as being from Carrowmoneash Road and provides a description of measures to manage site access. Where the redline boundary for the site extends to Station Road, is within a zoned OS (open space and recreation / amenity) area. The applicant is electing to focus access through the zoned residential areas adjacent to the site and therefore access is from Carrowmoneash Road during construction.

12.5.21. I acknowledge that the construction of a development on this site zoned for residential use, and via Carrowmoneash Road, would result in disturbance to adjacent residents. However this will be on a temporary basis and mitigated through measures in the construction management plan. This type of disturbance is an inevitable and typical consequence of any development and I am satisfied that impact will be within acceptable parameters. All contractors on the site will be required to adhere to mitigation described in the Construction and Environmental Management Plan / CEMP. With the application of mitigation measures through a detailed CEMP, I have no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development.

#### 12.5.22. Development Potential of Adjoining Lands

12.5.23. I note comments from An Taisce concerning the compatibility and consideration of the development potential of adjoining lands with the current application submission. The lands referred to are zoned residential but separated from the subject site by areas zoned OS open space. I am not aware of any proposals for those lands, but it is appropriate to give due regard to any implications as a result of the proposals for the subject site upon the development potential adjacent lands.

12.5.24. An Taisce specifically queries matters of access, however, those lands are not connected to the subject site and a significant area of open space zoned lands separate the two, so it would not necessarily be logical or practical for access to that adjoining area to be tied to the current site. In relation to any overshadowing, daylight or sunlight impact, the adjacent lands zoned for residential are not located proximate enough to the subject site and its proposed structures, for there to be any consequential impact in my view.

12.5.25. Overall, in my opinion, the proposed development would have no consequential impact upon the ability to develop the lands zoned residential to the south west.

## 12.6. **Proposed Residential Standards**

12.6.1. In this section of my report, I address the range of applicable standards guiding an appraisal of the quality of proposed accommodation.

### 12.6.2. Daylight, Sunlight and Overshadowing

12.6.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The Design Standards for New Apartments states that levels of natural light in new apartment developments is an important planning consideration and regard should be had to BRE standards.

12.6.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the proposed apartment blocks in the development against BRE guidelines in relation to daylight and sunlight. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. In the proposed development, where kitchens and dining spaces form part of open plan

living areas, the applicant has provided analysis against the 2% ADF target. A selection of the units as 'worst case scenario' aspects have been used to illustrate the minimum daylight conditions within the proposed development.

- 12.6.5. When considering the targets set out in the BRE guidelines as described above, the applicant demonstrates within the submitted report that all 'worst case scenario' units will meet the minimum ADF targets as described above. As a result, it can be logically extrapolated across the development, that 100% of units will achieve the minimum ADF levels of 1% to bedrooms and 2% to open plan living / kitchen / dining spaces. I am satisfied that most of the units will in fact comfortably exceed these minimum levels.
- 12.6.6. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. The submitted report demonstrates that 75% of the proposed windows meet the annual target with 76% meeting the winter target.
- 12.6.7. I am satisfied that the orientation of the proposed blocks has sought to maximise sunlight penetration into the accommodation, while addressing street interface and enclosure of open spaces. The predominance of proposed units will achieve minimum BRE APSH target levels, which is acceptable in my view. I also note that the Apartment Guidelines does not refer to sunlight and only to daylight, while the Building Height Guidelines refer to daylight or light more generally, and therefore sunlight to windows is not a specific consideration under those guidelines.
- 12.6.8. In relation to overshadowing, the submitted analysis demonstrates that all proposed communal external amenity areas for the proposed development will achieve BRE target levels.
- 12.6.9. Overall, I am satisfied that the proposed development will experience good daylight, sunlight and overshadowing conditions and that it accords with criteria described in the BRE guidelines.
- 12.6.10. Dual Aspect

12.6.11. The Apartment Guidelines state in SPPR 4 that a minimum of 50% dual aspect apartments is required in suburban or intermediate locations, such as where the subject site is located. The proposed development comprises 83% dual aspect apartments and therefore is in accordance with this requirement. There are no single aspect due north units in the proposed development.

12.6.12. Internal Space Standards

12.6.13. The minimum apartment floorspace standards are described in the Apartment Guidelines and the proposed development meets or exceeds the minimum floor areas set out in the guidelines.

12.6.14. Floor to Ceiling Heights

12.6.15. The proposed development conforms with SPPR 5 of the Apartment Guidelines which states that a minimum of 2.7m floor to ceiling height should be provided at ground level to apartment blocks.

12.6.16. Privacy and Noise

12.6.17. All proposed blocks are situated a sufficient distance from each other, ensuring opposing window relationships are never more than 15m in proximity, with most distances exceeding 20m. I am satisfied that adequate privacy is retained in the design of the proposal as a result. I note Section 13.2 DM Standard 1 subsection (n) of the County Development Plan that states that in general, a minimum back to back distance of 22m shall apply to dwellings, however this relates to stand alone housing, is not an objective or policy of the plan, and is a separation distance that would not reflect standard arrangements demonstrated to apartment block schemes that would have no defined 'back' and demonstrate closer relationships without resulting in adverse privacy impact.

12.6.18. In relation to the potential for noise exposure for future residents, the site is situated adjacent to the N67. The applicant has included a Noise Intrusion Assessment in the submission. This describes that all interior areas for the proposed development will comply with noise level standards. I am satisfied that the proposed development will incorporate appropriate internal conditions for the proposed accommodation with respect to noise.

12.6.19. Number of Apartments to a Core

- 12.6.20. The proposed development does not exceed 12 apartments per a single core in accordance with policy standards described in the Apartment Guidelines.
- 12.6.21. Private Amenity Space and Communal / Public Open Space
- 12.6.22. Terraces and balconies are provided for each unit in the proposed development in accordance with the Apartment Guidelines. Section 13.2 General Development Guidelines (DM Standard 1) for the County Development Plan states under subsection (b) Design Guidelines, that on greenfield sites, the minimum area of usable open space that is acceptable is 15% of the total site area.
- 12.6.23. The proposed development incorporates 7,734.56sqm of public open space, comprising approximately 5,190sqm of formal landscape areas and approximately 2,044sqm of secondary open space amenity equating to 21.5% of the total site development area. Considering only the formal landscape areas proposed, this would equate to just over 15% of the subject site development area.
- 12.6.24. Mix
- 12.6.25. SPPR 1 of the Apartment Guidelines states that up to 50% of a proposed development may comprise 1 bedroom units, with no more than 20-25% being studio units. The proposed development does not include any studio units and only 8% 1 bedroom units, in conformity with SPPR1.
- 12.6.26. I note third party concern that a 100% apartment scheme is not supported by the LAP and that there is need for greater provision for family homes that reflect established typologies in the area.
- 12.6.27. I note Objective RD 3 – Housing Options of the LAP, which requires ‘that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics and social changes, social inclusion, life time changes, smaller household sizes, lower formation age, immigration, etc.’
- 12.6.28. The proposed development will diversify the existing housing mix of the area, which is currently overwhelming focused on standalone housing. Therefore, in my opinion, the proposed development will contribute to the achievement of objective RD 3, by providing greater housing choice in the area. As a result, and while the predominate characteristic of the area is heavily weighted towards self-contained housing, I am content that the proposed development for 100% apartments on this site is

acceptable in the context of the housing mix of the area, and flows from national planning policy objectives for densification of sustainable locations for compact housing growth.

## 12.7. **Water Infrastructure and Flood Risk**

12.7.1. I note third party and An Taisce concern regarding proposed wastewater infrastructure.

### 12.7.2. Water / Wastewater Infrastructure

12.7.3. In relation to water supply, this is proposed to be facilitated by Irish Water via public mains supply. In relation to wastewater, the submitted Surface Water and Foul Water Drainage Report states that foul water will be collected on site via a traditional gravity pipe network and discharged to a waterproof reinforced concrete underground pump chamber. The foul effluent will then be pumped from the chamber to the public network along Station Road at the western boundary of the site. It is proposed that the pumping station meet Irish Waters code of practice requirements.

12.7.4. Irish Water have issued a Design Acceptance for the proposed development and request conditions to secure a connection agreement and compliance with their Code of Standards and Practices in the event that the Board grant planning consent.

12.7.5. I note third party concern regarding the specifications of the pump station and compliance with Irish Waters standards, however I am satisfied that Irish Water is the competent authority on compliance with their Code of Standards and Practices and a condition can be used to secure adherence to these standards as part of any grant of consent. In relation to third party concern regarding the capacity of sewage infrastructure, I note that the RSES states in relation to Oranmore that 'There is potential for Oranmore to accommodate an increase in population and it is serviced through the Mutton Island Wastewater Treatment Plant. That plant has in recent years been upgraded to ensure population growth can be achieved while at the same continuing to protect bathing water quality.'

12.7.6. I note third party reference to an ABP SHD refusal ref.306413 and a reason relating to deficiencies in the wastewater network via the Merlin Park Number 1 Pump Station, which third parties state would also serve this development. The determination of that application was related to the individual characteristics of that

site, the proposed development and its specific infrastructural connections. Irish Water have not indicated any relationship between the current application and the Merlin Park pump station, or the need for upgraded infrastructure in relation to that pump station, as was the case for application ref.306413. Based upon the consultation with Irish Water on this current application, I am satisfied that the proposed arrangements for foul / wastewater management can be facilitated.

12.7.7. I note third party concern at the loss of a grass area to the eastern end of Carrowmoneash Road which has an underground pumphouse, associated vent stack and electrical control panel. This area forms a proposed landscaped area to the front of the creche in the proposed development, and so it would appear that no interference would be necessary with any underground infrastructure here. A condition could be relied upon by the Board should they determine to grant consent, to ensure that this existing pumphouse is retained in the proposed development.

#### 12.7.8. Flood Risk

12.7.9. I note third party concerns regarding flood risk, as well as the submission of a detailed independent review of the applicant's submission by a chartered member of the Chartered Institute of Water and Environment Management. An Taisce also raise concern regarding the detail of the flood risk assessment submitted.

12.7.10. I also note that the Planning Authority conclude that the proposed development would contravene Policy FL4 and Objectives FL 1, FL 2, FL 3, & FL 4 of the Galway County Development Plan 2015-2021 and Objectives UI 12, UI 13, UI 14 & UI 16 in the LAP in relation to flood risk and would be contrary to Ministerial Guidelines.

12.7.11. In the County Development Plan, policy FL 4 concerns the application of the principles of the flood risk management guidelines to development proposals, Objective FL 1 also concerns the application of the guidelines, as well as confirming that development that would be subject to risk of inappropriate flooding or exacerbate such risk to other locations will not be permitted, FL 2 concerns surface water drainage, requiring the details of SuDs with applications, FL 3 concerns the protection of waterbodies and watercourses including natural floodplains and FL 4 concerns the submission of FRA for planning applications in flood risk areas. In the LAP, Objective UI 12 concerns flood risk management and assessment, UI 13 concerns the protection of flood zones A & B from inappropriate development, UI 14

concerns prohibiting development that would be at unacceptable risk of coastal flooding or increase risk to surrounding areas and UI 16 concerns the requirement for the submission of a detailed FRA for any development proposal for the lands zoned residential to the north of the Frenchfort Stream, which should address climate change and potential impacts.

12.7.12. The applicant has submitted a Flood Risk Assessment, this describes that the majority of the site and where the proposed apartment blocks are shown, is situated within Flood Zone C, while there are areas to the south and south west of the site in Flood Zones A & B where services and landscaping is proposed. The report describes the site as brown field and states that historic infilling was undertaken prior to 1990. I would note that in other documents for the application, as well as in my opinion, the site is green field and not brown field in character.

12.7.13. The submitted FRA describes that the OPW Western CFRAM Study was undertaken in 2016 and includes the topography of the subject site at that time, upon which the submitted Flood Risk Assessment (FRA) is based. The report goes on to describe that a FRA was originally carried out for the site in November 2018 and that site regrading works were subsequently carried out on the subject site after that original FRA was completed. The report includes a further topographical survey of the site undertaken in May 2020 after regrading works were completed. Details of the comparison to ground levels is provided, and the report states that the balancing of flood storage occurs across the site due to lowering of certain areas and raising of others, with no increase in fill material. In relation to historical flooding, the report states that there is no flooding issues in the vicinity of the proposed development lands, although 'anecdotal evidence suggests flood waters have encroached on the proposed development lands'. The report addresses coastal flood risk and does not suggest any likely risk regarding the same. Mapping provided in the submitted report also suggests that there is no risk of fluvial flooding on the proposed development site itself, this being confined to adjacent areas. Pluvial flooding is not directly addressed, however mapping within the submitted report suggests there is no significant risk regarding the same.

12.7.14. In terms of mitigation of flood risk, the submitted report confirms a minimum proposed finished floor level of +5.765m OD, with is above the design flood level for



structures of +5.01m OD, as well as the following surface water management measures:

- Coastal embankment to prevent tidal flooding.
- Bio-retention and attenuation as part of SuDS principles to reduce surface water runoff volume and improve water quality;
- Surface water routing to swale and attenuation areas.
- The surface water network is designed to account for extreme tidal surge and rainfall events including climate change.
- Reduction in surface water outfall rate from the development, hence reducing impact of fresh water on salinity concentrations in the bay.
- Landscaping designed to minimise impact on existing flood storage.

12.7.15. The applicant includes a justification test in section 5.7 of the FRA as required under the Flood Risk Management Guidelines.

12.7.16. The Planning Authority have raised concerns regarding the submitted FRA and state that the applicant has failed to submit comprehensive surface water drainage details, storm water analysis, or give consideration to surcharging at the outfall and associated impacts on attenuation storage, as well as comprehensive details of groundwater levels on the site, with concern raised with respect to potential groundwater ingress with the consequence of soil erosion and loss of storage capacity in the pond. A technical report has also been provided by a third party reviewing the submitted FRA and raises a number of concerns regarding the accuracy and reliability of the data provided in the submitted FRA.

12.7.17. There are a number of matters for consideration in my assessment as a result. In relation to the accuracy of the submitted report, I am satisfied that with respect to the flood zoning of the site, accurate CFRAM mapping is included and I have cross referenced this with mapping on floodinfo.ie. In relation to the inclusion of infrastructure in Flood Zones A and B, this is not contrary to the sequential test in my view, and the inclusion of attenuation areas in such flood zone areas is not uncommon in development proposals. However, it is essential that proper consideration is given to the design of features in these flood zones and any consequential impact upon flood storage and the surrounding area.

12.7.18. The applicant states in the submitted FRA that small wave overtopping and run-up will be managed through the use of an embankment surrounding the swales and integration of the embankment with the circulation roads on the southern portion of the site. The FRA states that the 'crest of the embankment is designed for the 1 in 1000-year condition, including allowance for climate change' (section 5.3.2 of the FRA). Third parties and the Planning Authority raise concern regarding the lack of any specifications for this feature. However, the detailed technical drawing of the proposed embankment is provided in the site sections drawing no.P-307 Rev.C of the submitted Surface Water and Foul Water Drainage Report. Although, when reviewing these details, I note that the crest is shown to be 4.06m with annotation that it is designed to the 1:200 year flood level plus 500mm for climate change while the annotation at the top on the embankment states 4.60m. Therefore, this contradicts the description in the FRA concerning the embankment design responding to the 1:1000 year scenario (being specified in the report as +4.31m in the existing and +4.81m OD in the mid-range further scenarios.) As a result, I am not satisfied that sufficient information is provided with respect to the proposed embankment, which is a key feature proposed to manage the risk of flooding to the site and surrounding areas following development of the site. In my opinion, it would appear that the conclusions reached in the submitted FRA concerning the sufficiency of proposed mitigation measures to manage flood risk are based upon an embankment design that does not reflect that detailed in the submitted drawing, and as such the FRA is unsatisfactory in this regard. This is particularly important given that this embankment is located in Flood Zones A & B and while the raised floor areas within the development itself responds to the 1:1000 year scenario for coastal flooding, the design of the embankment will be crucial to managing consequential flood risk to surrounding areas, including where existing residential property is located.

12.7.19. The Planning Authority also state that insufficient information is provided concerning technical surface water information and calculations, storm water analysis and consideration of surcharge events, and ground water levels, which in of itself, might not be fundamental in general to a development proposition, and could in certain circumstances be resolved by condition. However, in my opinion, given the overlap of Flood Zones A and B into the site and the matters identified above, I consider the detail within the applicant's FRA to be inadequate.

12.7.20. In relation to the topography of the site, the applicant has sought to address this in the data submitted with the application, however it is not sufficiently certain in my opinion, that the submitted FRA with CFRAM mapping informed by topography surveys of the site in 2016, accurately reflects the current site topography conditions following regrading works in 2019, and consequently whether the suggested flood risk levels and mitigation levels for attenuation features and floor levels, is sufficient.

12.7.21. A third party with technical qualification, has also raised a query in relation to the accuracy of the hydraulic modelling used, asserting that this underestimates the flooding of the site and omits a tributary to the Frenchfort Stream to the south of the site. CFRAM diagrams are provided to illustrate this point by the third party. From reviewing the submitted FRA, it is not clear to me that this tributary has been included, and given the identified flaws in the FRA above, I am in doubt as to the accuracy of the FRA in this regard.

12.7.22. As a result of the above data gaps and inconsistencies, I am not satisfied that the submitted flood risk assessment demonstrates that the proposed development would not expose future occupants to risk of flooding from any sources, particularly coastal, fluvial and ground water, I am also uncertain that it would not increase the risk of flooding elsewhere. As a result, I am not satisfied that the proposed development is acceptable in terms of flood risk, and I am recommending that the application be refused in accordance with Objectives FL 1 and FL 2 of the County Development Plan, Objectives UI 12, UI 14 and UI 16 of the LAP; as well as the Flood Risk Management Guidelines.

## 12.8. **Traffic and Transport**

### 12.8.1. Traffic Impact

12.8.2. I note third party concern regarding the submitted Traffic and Transport Assessment (TTA). I also note that the Planning Authority conclude that the proposed development would be contrary to the Objective TI 11 of the current Galway County Development Plan 2015-2021 and Policies TI2, TI4, and TI5 of the Oranmore Local Area Plan 2012-2022 as it would present undue risk of hazard to road users. The Planning Authority highlight concerns in relation to the intensification of use of Carrowmoneash Road, the proposed route for construction traffic, the lack of

pedestrian infrastructure and in adequate sightlines. I address access matters separately below.

- 12.8.3. In relation the increased generation of traffic movements, the submitted TTA includes traffic surveys that were undertaken in September 2019. I note third party concern regarding the length of time that has passed since those surveys were undertaken, however given that during the intervening period, lockdowns and changes in working patterns due to the Covid-19 pandemic would have altered traffic counts (reducing them), I am satisfied that using data from 2019 would be closer to a 'normal' position than would be the case during 2020 or 2021. Given the lead-in for submission of an SHD application and the need to undertake assessments to inform the design of proposals, it would not be reasonable in my view to require a survey from 2022. I also note third party concern that the day when the traffic survey was undertaken was the start of the school year, which may have staggered drop-off / pick-up times differing to the 'normal' situation. In my opinion, there is no reason to suggest that the fact that the survey was undertaken at the start of the school year would influence results to any significant degree, and indeed, traffic surveys taken at various times of year including during school breaks will often be a valid representation of traffic conditions in the area. I also note that different schools can have a different first day of term, so it is not necessarily the case that all schools were not operating a 'normal' school day at the time of the survey.
- 12.8.4. The TTA analysis future year scenarios and traffic forecasts up to 2038. The TTA demonstrates that the adjoining road network would continue to operate within capacity up to the year 2038 with the proposed development in place, and I am satisfied that the submitted data supports this conclusion.
- 12.8.5. I note that third parties are concerned regarding existing congestion and the impact that this proposed development would have upon that however in my opinion, the application submission adequately demonstrates that any increase in traffic on the local network as a consequence of the proposed development will be within capacity considerations.
- 12.8.6. I note that the Planning Authority state concerns regarding the intensification of use of a private road (Carrowmoneash), however while an intensification of use of the Carrowmoneash Road would result, the conclusions in the submitted TTA do not

suggest that this would lead to a traffic hazard or public safety concern. I address the proposed access arrangements separately and in further detail below.

- 12.8.7. In relation to traffic impact during construction, I note third party and Planning Authority concerns regarding the access to the site via the Carrowmoneash Road. The Planning Authority conclude that the impact of construction traffic on traffic flow and safety has not been conclusively addressed.
- 12.8.8. Section 6 of the submitted TTA addresses traffic impacts during construction. This estimates traffic volumes associated with site staff and deliveries, including by HGVs. All deliveries and turning manoeuvres are to be undertaken within the site boundary itself, with no reversing undertaken on the Carrowmoneash Road. It is suggested in the TTA that deliveries to the site could be restricted to the hours of 10:00 to 15:00 on weekdays only, limiting HGV movements on Carrowmoneash Road. This could be secured by condition in the event that the Board determined to grant planning consent. Standard size HGVs are also described, with no use of larger vehicles. Measures are described in the TTA with respect to signage, fencing and controlled access on Carrowmoneash Road to the site. I note third party comment that these measures are unworkable as the developer requires permission for such measures on Carrowmoneash Road which is a private road maintained by residents, and permission will not be granted. This is a matter for the applicant to resolve and as highlighted in section 12.2 above, the granting of planning permission does not entitle a developer to operate over third party lands without land owner consent. Given the short-term nature of construction access, I am not overly concerned regarding the need to access the site through third party lands, however I consider the permanent operational access arrangements to the site in further detail below.
- 12.8.9. Overall, I am satisfied that the submitted Transportation Assessment Report is sufficiently comprehensive in order to support my assessment, and I concur with the conclusions reached, that no significant impact will result from the proposed development upon the surrounding traffic network.
- 12.8.10. DMURS and Road Safety
- 12.8.11. A DMURS Statement of Consistency has been submitted with the application. This demonstrates that the proposed design is in accordance with the design principles

set out in the Design Manual for Urban Roads and Streets (DMURS). A Stage 1 Road Safety Audit (RSA) is also submitted and has informed the design evolution of the proposed internal road network for the development.

12.8.12. I note that third parties state that the submitted RSA doesn't deal with Carrowmoneash Road and refers to historic accident records which have no bearing on future risk.

12.8.13. In my opinion, there is no obligation upon the applicant to assess the existing road network, which a developer can have little or no control over in terms of design and function. DMURS clearly describes the Quality Audit process as a checking procedure on the *proposed design* (my emphasis). The intention being that the proposed design be updated to reflect recommendations made under the audit. DMURS describes the Quality Audit process as follows:

*The intention of a Quality Audit is not to 'pass' or 'fail' a design. Rather it is intended as an assessment tool that highlights the strengths and weaknesses of a design and a documented process of how decisions were made. (Page 138).*

12.8.14. It is therefore the proposed design that is rightly the focus of any RSA and not the existing surrounding network into which it interconnects. In relation to the use of historic accident data in the area to inform the audit, this would be a standard practice and in my view is logical.

12.8.15. Access

12.8.16. Access to the site is proposed via Carrowmoneash Road and third parties highlight a number of concerns in relation to this aspect of the proposal. Residents and the Planning Authority state that this is a private road. The applicant extends their landownership extent up towards the middle of the road, but not for its entire length. It appears that a landownership dispute exists in relation to part of the site which may also extend to this part of the Carrowmoneash Road. While the applicant highlights the road in yellow on their submitted plans, there is no corresponding explanation of this and there does not appear to be a right of way secured over the road to the subject site.

12.8.17. I have already considered landownership matters in section 12.2 above, and again, I note provision in section 10 subsection 6 of the Planning and Development (Housing)

and Residential Tenancies Act 2016 in this regard, confirming that the grant of consent for SHD does not entitle a development to be carried out.

12.8.18. I note that the applicant's ownership and redline boundary extend to Station Road to the south of the Carrowmoneash estate, and residents request that this form the access route to the development (as was the case for historic proposals for the site). The applicant has not chosen to access the proposed development from that location (which forms the current access to the site). That area is zoned OS open space / amenity under the LAP and this may be an influential aspect in this regard. In my view, it would not be appropriate to compel the applicant to rely upon that route to access the site under this current application, as that would have implications in terms of zoning compatibility, design and appropriate assessment. As a result, I am only able to consider the proposed access from Carrowmoneash Road.

12.8.19. There is nothing to suggest that this access arrangement would be unsafe from the application submission. I note third party and Planning Authority concern that the sightlines for the Carrowmoneash Road do not comply with DMURS and are unsafe. However, as highlighted above, the DMURS process relates to proposed design, and it is outside of the developers control to redesign the surrounding existing road network (given the scale of the proposed development in this application).

12.8.20. However, it is clear that the proposed development as described in the current application, hinges upon access from the Carrowmoneash Road. If approval is not secured for this access, the development would essentially be landlocked. Therefore, it does appear to me that this matter is somewhat unresolved and not adequately reflected upon by the applicant, with no acknowledgement in the application submission that Carrowmoneash Road (either in whole or in part) is in private ownership and therefore agreement is required to access the site during the permanent operational phase over third party lands. This might be resolved by confirmation of a legal and adopted right of way, however that is not currently identified in the application submission. In my opinion, the application can be considered premature in this regard, and would benefit from further explanation from the applicant as to the landownership for Carrowmoneash Road and what agreement or approvals are in place to secure access to their site via this road. I therefore consider the application to be deficient and inadequate in this regard, and alongside

other matters, recommend that the Board refuse the application as a result of prematurity.

12.8.21. In relation to pedestrian access, I note concerns by both the Planning Authority and third parties that there is no continuous pedestrian route into Oranmore centre. As part of my site visit, I walked from the subject site to Oranmore centre. I can confirm that there is pedestrian footpaths for the entire route, albeit not always on the same side of the road, and therefore it is necessary to cross the road. While there is a pedestrian crossing further up Station Road away from the site, there is a gap in the footpath provision on the south side of Station Road between the subject site and this crossing. Therefore, as a pedestrian, it is necessary to cross the road without a pedestrian crossing if walking from the subject site to the centre, however footpath provision is in existence for the route. The Planning Authority have stated it is their preference to have pedestrian footways extended, rather than have an additional pedestrian crossing. The applicant confirm that they do not propose to extend footpath provision as part of the application. In the event that the application was approved, the Board might rely upon a condition to require the applicant to work with the Planning Authority to deliver a pedestrian crossing, however the Planning Authority appears unsupportive of this approach. From my experience as a pedestrian on Station Road, the pedestrian environment was not unduly unsafe. I am satisfied that there is pedestrian access from the site to the centre that is reflective of many similar suburban environments.

12.8.22. I also note third party concern at the lack of cycle lanes in the surrounding road network. This is not within the control of the development (particularly in light of the relative scale of the proposal) and is a matter for the Local Authority to resolve.

12.8.23. Lastly in relation to access, I note third party concern at the loss of a turning area to the eastern end of Carrowmoneash Road. The proposed development would include a continuous road connection to Carrowmoneash Road, with a mini roundabout to the south west corner that would facilitate the need for any turning movements to exit the subject site as well as Carrowmoneash Road.

12.8.24. Overall, in relation to access, I am satisfied with the proposed design of the development, however I retain reservation regarding the practicality of these arrangements as a result of the private ownership of Carrowmoneash Road. I do not



consider this matter to be adequately addressed by the applicant, and therefore conclude that the application is premature in this regard. As such, in my view the application is contrary to policy TI 2 of the LAP and DM Standard 2 of the County Development Plan in relation to demonstrating convenient access.

#### 12.8.25. Car Parking

12.8.26. I note third party and An Taisce concern that the quantum of parking included for the proposed development.

12.8.27. The proposed development incorporates a total of 133 car parking spaces at surface level. Of these, 101 are for future residents (of which 6 are accessible bays), 25 are for visitors and 7 are for the proposed creche.

12.8.28. The Galway County Development Plan describes car parking requirements in Development Management (DM) Standard 22. This would equate to around 165 spaces for the proposed development, and therefore there is a shortfall of 32 spaces in the scheme from this standard. Part (d) of DM Standard 22 states that a flexible approach is to be applied to the parking standards set out in the plan taking account of site specific context. The Apartment Guidelines state that for intermediate urban locations such as the subject site, particularly for schemes over 45 dph, a reduced overall car parking standard should apply.

12.8.29. The subject site is situated in close proximity to Oranmore centre and employment areas to the north, as well as a bus stop and within a 30 min walk to the train station. Given this context, I am satisfied that reduced car parking can be supported on the site and will assist in discouraging private car ownership, which will in turn, reduce the likelihood of overspill on street parking into surrounding areas. The incorporation of large numbers of bicycle parking and the sites accessibility, will all encourage reduced reliance on the private car by future occupiers of the proposed development in my opinion, particularly for shorter journeys.

12.8.30. In relation to electric vehicle (EV) charging points, the application submission does not describe in detail how these would be incorporated into the proposed development. However, in the event that the Board determined to grant planning permission, these could be incorporated to equate to 10% of the total number of car parking spaces provided, with a requirement that all spaces are suitable for future retrofitting to accommodate EV charging points.

12.8.31. As a result of the foregoing, I am satisfied with the quantum of car parking proposed and that this site and the characteristics of the proposed development make it appropriate for support reduced car parking provision.

#### 12.8.32. Bicycle Parking

12.8.33. The Apartment Guidelines give a general minimum standard of 1 cycle storage space per bedroom and 1 cycle storage space per every 2 residential units. This is not a specific planning policy in the guidelines and is expressed as a 'general' approach, it is therefore not a requirement to conform with this standard.

12.8.34. The proposed development incorporates 278 (144 within secure lockable units, 110 under cover and 24 uncovered), which is acceptable in my view.

### 12.9. **Ecology**

12.9.1. I note third party concerns related to ecological impacts as well as observations from the Department of Housing, Local Government and Heritage and An Taisce. I deal with the matters raised during consultation as part of my assessment further below.

12.9.2. In the Oranmore Local Area Plan, Objective UI 15 Waterbodies and Watercourses requires a 10m buffer zone to watercourses and NH 8 Frenchfort Stream Ecological Corridor protects the habitats and associated ecological linkages along the Frenchfort Stream. In the Galway County Development Plan Objective NHB 1 concerns the protection of protected habitats and species and Objective NHB 14 concerns the protection of riparian zones.

12.9.3. The applicant has submitted an Ecological Impact Assessment (EclA) providing an assessment of the potential impact of the proposed development upon the ecological environment on the site. The EclA contains the results of surveys undertaken on the site which I describe in further detail below.

12.9.4. In relation to habitats, the EclA describes that the majority of the site is formed of Recolonising bare ground/dry meadows and grassy verges (ED3/GS2), along with areas of Scrub (WS1), West grassland (GS4), Wet grassland/scrub (GS4/WS1), Spoil and bare ground (ED2), Buildings and artificial surfaces (BL3) and Stone walls and other stonework (BL1). In addition, and of note, is 0.139 ha (equating to 4.1% of the site area) made up of Dry Calcareous and neutral grassland (GS1), which includes 0.04 ha / 1.2% of semi-natural grassland with 13 indicators of the same

Annex I priority habitat 'Semi-natural dry grasslands and scrubland facies on calcareous substrates (important orchid sites)', that is a Qualifying Interest (QI) of the Galway Bay Complex SAC European site which is situated to the east and adjacent to the subject site. I address potential impact upon European sites in detail as part of my Appropriate Assessment (AA) in section 13 below.

12.9.5. The EclA explains that this Annex I priority habitat on the subject site is formed of two small areas that are on slightly raised ground, in the highest part of the site and growing on limestone, which is stated as being an original feature of the site from before filling works occurred. The EclA concludes that habitats and flora on the site are of 'local importance (high value)', as much of the site is of little ecological value and the small area of Annex I habitat is not viable, and the predicted 'do noting' impact of the proposal would be 'the eventual development of scrub on the entire area of the land not subject to regular flooding', and therefore the loss of this Annex I habitat in any case. In the absence of mitigation, loss of grassland and scrub as a result of the proposed development is concluded to be a permanent slight negative effect at a local level in the EclA. Mitigation includes the implementation of a landscaping plan for the site which includes the planting of wildflowers and grass areas (that are not of particular ecological value), resulting in a residual impact of permanent slight negative effect at the local level.

12.9.6. In relation to birds, the EclA describes the results of bird surveys undertaken in May to August 2020 with 19 species recorded within the site with 9 suggested as likely to be nesting on (or very near) to the subject site. None of these species is listed in Annex I of the E.U. Birds Directive or a Red List species. Species recorded adjacent to the subject site and around the Frenchfort Stream include Kingfisher (Annex I species), Sparrowhawk (Annex I species), Herring Gull (Annex II species) and Skylark (Annex II species). The EclA concludes that there are no potential nesting sites for Kingfisher in the area, with use of the stream relates to commuting and foraging only. Skylark and Kingfisher are Amber list species, while Meadow Pipit (a Red list species), Sparrowhawk, Cuckoo and Sedge Warbler (Green list species) were also recorded adjacent to the site.

12.9.7. In relation to wintering birds, the EclA states the following:

12.9.8. *'No wintering bird surveys were carried out at the study area due to the application schedule for the original submission to An Bord Pleanála. However, the opinion of the survey is that there is no potential for the usage of the filled area of the site by any of the twenty SCI species of the Inner Galway Bay SPA. Adjacent wet grassland areas and wetland habitat close to and including the Frenchfort Stream have been judged to have minor potential for usage by ducks and waders. It is thought possible that small numbers of species like Mallard and Snipe may use the river and areas immediately adjacent to it during the winter months. The tall rank nature of the floodplain vegetation communities is such that it appears highly unlikely that they would host significant numbers of feeding waders or grazing wildfowl during the winter months.'*

12.9.9. The EclA concludes in relation to birds that the site and adjacent areas provide habitat and structural diversity for a moderate number of common bird species, and is assigned the category of local importance (higher value).

12.9.10. In relation to bats, 2 surveys were undertaken in June 2020. The EclA states that bat activity levels on the site were recorded to be high for Soprano Pipistrelle, moderate/high for Common Pipistrelle, moderate for Leisler's Bat and low for Myotis species. The EclA suggests from the survey results, it is likely that there may be roosts for Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat nearby to the site and in surrounding houses and trees within the subject site itself are considered to have a negligible suitability for bat roosts. The EclA concludes in relation to bats that the site is used as a foraging area and is of local importance (higher value). Short-term slight negative effect at the local level is predicted in relation to fauna during the construction phase and in the absence of mitigation.

12.9.11. In relation to other mammals, the EclA states that Otter were not recorded during any of the surveys undertaken, however signs of otter in the form of footprints in animal trails and spraints were recorded on/close to the Frenchfort Stream. The EclA acknowledges that in 2019, a NPWS Conservation Ranger found Otter spraint within the subject site itself. The EclA surveys in 2020 found signs of Otter outside of the site redline boundary and proximate to the stream. Trail cameras set up on the site only recorded Red Fox, with no other mammals surveyed on the site. The EclA concludes in relation to other mammals that the site is of low significance. During

construction, the EclA concludes a short-term slight negative effect at the international level will result to Otter in the absence of mitigation.

12.9.12. In relation to butterfly, four species were recorded on the site and are all of the 'least concern' category of the Irish Butterfly red list. The EclA also confirms that no invasive species were recorded on the site.

12.9.13. Mitigation during the construction phase is described from page 36 of the submitted EclA. This states that proposed works would be carried out during daylight hours only, with no external night-time artificial lighting. This will ensure that there is no disturbance to bats or other nocturnal mammals that may commute through the site. Temporary fencing is also proposed along the site boundary closest to the Frenchfort Stream to avoid disturbance of fauna using the stream. It is also proposed that scrub clearance take place outside of bird nesting season (1<sup>st</sup> March to 31<sup>st</sup> August) and that major groundworks is undertaken between 1<sup>st</sup> April to 30<sup>th</sup> September in recognition of proximate SPAs of importance to wintering birds, but this is an additional mitigation measures applied as part of the precautionary principle since no significant disturbance of SCI species is anticipated. No significant residual disturbance impacts on fauna are expected during the construction phase following the application of this mitigation.

12.9.14. In relation to habitat loss as a result of the proposed development, the EclA states that in the absence of mitigation permanent slight negative effect at a local level is predicted. This is as a result of the lack of prime habitat for any particularly rare species, lack of suitable roosting or foraging habitat for bird species listed as SCIs of nearby SPAs, the condition of the site, and the availability of replacement habitat in the wider area, with populations of fauna at the site not considered to be of county, national or international significance. Mitigation is described from page 37 of the EclA and centres on the landscape plan for the proposed development, which will include planting that will maintain landscape connectivity for commuting and foraging fauna, pre-construction clearance of vegetation taking place between 1<sup>st</sup> March and 31<sup>st</sup> August and the inclusion of wall mounted bat boxes with associated monitoring. No significant residual impact on fauna populations is expected to result from habitat loss in the proposed development following the application of mitigation. The application of measures as described in the CEMP for the proposed development is also

identified in the EclA to ensure no negative residual impact upon water quality as a result of the proposed development.

12.9.15. During the operating phase and in the absence of mitigation, permanent slight negative effect at the international level is described in the EclA. This is as a result of the potential for the proposed development to create disturbance to Otter in the area adjacent to the site and possibly a barrier effect if Otter are discouraged from using the section of the Frenchfort Stream upstream of the proposed development in the Frenchfort Fen area which forms part of the Galway Bay Complex SAC. However, the EclA identifies the inclusion of a 10m buffer to the river bank and that outlet pipes from the proposed development into the stream will be buried and therefore there is no loss of habitat for Otter. Mitigation is described on page 39 of the EclA and includes a 1.1m high Paladin fence along the line of the proposed embankments for the development, to ensure that pedestrians and dogs will not be able to access the banks of the Frenchfort Stream from the proposed development. With mitigation in place, the EclA concludes that any disturbance impacts on Otter will not be significant and there will be no significant negative impacts on SCIs/QIs of Natura 2000 sites. During operation, adverse impact upon water quality is avoided through the design of surface water drainage systems as described on page 40 of the EclA. Foul water is also noted to be pumped to the public network. No residual negative impact upon water quality is anticipated as a result.

12.9.16. In relation to the proximity of the proposed development to the Frenchfort Stream, I note Objective UI 15 Waterbodies and Watercourses of the LAP which states that waterbodies and watercourse be protected from inappropriate development and that this will include a 10m protection buffer from the near river bank. As well as NH 8 'Frenchfort Stream Ecological Corridor' in the LAP which states the Objective to protect land for an Ecological Corridor linking two disjoint parts of the Galway Bay Complex SAC along the Frenchfort Stream, with no disruption permitted to the conservation management objectives of the European site (and pNHAs).

12.9.17. I also note the Department's comments regarding the extension of the footprint of the proposed development into the flood plain of the stream and the loss of wet grassland and scrub habitat in this area. Due to the use of habitats along the Frenchfort Stream by Otter and Kingfisher, the Department requests that, consideration should be given to designing the scheme in a way that retains the

Frenchfort stream floodplain habitat and therefore prevents the possibility of a barrier effect resulting to these protected species.

12.9.18. A key matter for consideration in my view therefore, relates to the extension of drainage management systems into the 10m buffer zone, as part of outflow pipes from the proposed attenuation swale areas that discharge into the Frenchfort Stream. This drainage layout is shown in drawing P-300 within the Surface Water and Foul Water Drainage Report. The EclA describes this work as follows:

*‘The two planned swales will both have outlet pipes that discharge to the Frenchfort Stream, but these will be buried in soil until they reach the stream. Each will be provided with a terminal grille that will exclude animals the size of Otter. Natural vegetation will regenerate along the routes of these buried outfall pipes, so that they will constitute no barrier to animal movement and no loss of Otter habitat.’*

12.9.19. In my view, given the specific objective relating to preserving the ecological corridor along the Frenchfort Stream (and its role in linking the disjointed sections of the European site which I consider specifically in section 13 below), and the objective to retain a 10m buffer to the watercourse, comprehensive technical detail and specification of the works to take place in this zone should have been provided with the application. It is not clear to me from the submitted details, what the scale of excavation work is along the edge of the stream that will be required to accommodate the pipes, what the materials are for these works, what the dimension of the pipework will be and what the degree of access into this riparian habitat by HGVs or other works vehicles and equipment will be to facilitate construction of the pipes. All of which could have potential negative impacts upon habitat both inside and outside of the site redline boundary, which is of ecological value and serves protected species. On the basis of the information provided, I cannot conclude that the works will not result in significant permanent adverse impact upon habitat for the Frenchfort Stream with any consequential impact upon species that rely upon this habitat, including protected species (Kingfisher and Otter). As a result, I consider the EclA to be fundamentally flawed in this regard.

12.9.20. A further matter for consideration is in relation to the bird surveys submitted. This is also a consideration separately, in relation to my Appropriate Assessment in section 13 below in terms of European sites, but here I deal with general impact upon birds.

The Department state that groundworks and excavations are proposed during the bird nesting season and there is no mitigation proposed for nesting birds. The submitted surveys concluded that it is likely that up to 9 different species of bird nest on or near the site. As there is no conclusive identification in the report as to whether this nesting is taking place on or off the site, and in taking the precautionary approach, I would expect mitigation related to the potential for the site for nesting birds.

12.9.21. I concur with the Department that there is some conflict in the statements in the EclA in this regard. The EclA states that while scrub clearance would only take place outside bird nesting season, and therefore between September to April, groundworks will only take place outside of the period that wintering birds might be utilising the area and between April to September. From this, there does not appear to be any period within the year that both groundworks and scrub clearance could take place. In addition, and as the Department suggest, bird nesting may not only be taking place in scrub areas, therefore groundworks during bird nesting period could also generate unacceptable disturbance. In my opinion, what might have been expected by way of mitigation, would be pre-clearance surveys and the supervision of the site preparation works by a qualified ecologist with measures outlined in the event that a nest was discovered. However, no such mitigation is suggested in the submitted EclA in this regard. While a condition might provide appropriate resolution of this matter in some circumstances, given other flaws in the EclA and in my opinion, the overall approach to the consideration of ecology and biodiversity, that would not be the appropriate approach for this application in my view.

12.9.22. I also note that the Department mentions the potential for the site to provide suitable habitat for breeding frogs. This is not identified in the surveys for the site and a more comprehensive approach would likely have included such discussion. However, given the lack of any evidence of the existence of breeding frogs on the site, I do not consider this to be a significant omission in the EclA.

12.9.23. I note third party concern regarding the principle of habitat loss on the site and consequential impact upon biodiversity. However, it should be acknowledged that this site is zoned for residential development, and therefore the loss of this habitat is an inevitable consequence of any development of the site. I deal with the suggested 'unauthorised works' on the site as part of my AA separately below. In relation to the



Annex I habitat on the site, there may have been options regarding its relocation and preservation within the site that might have been explored by the applicant, but that is not necessary a requirement for the application in my view where justification for this loss and/or adequate mitigation is identified. The preservation of the site as a biodiversity area therefore does not flow from the current planning policy framework for the site. Although, it is important that any development take place in an appropriate manner in recognition of obligations under both national and EU law to protect and/or provide appropriate mitigation with respect to specific habitats and species. In my view, while development of the site can be accepted in principle, the application has failed to outline an appropriate approach to this development in order to manage and mitigate potential ecological impact (and particularly in relation to protected habitats and species) on and adjacent to the site.

12.9.24. Overall, I consider the submitted EclA and approach to the protection of sensitive ecology and biodiversity on the site to be fundamentally flawed and as a consequence the application, in my view, is contrary to Objective NHB 1 and Objective NHB 14 of the County Development Plan as well as Objective UI 15 and NH 8 of the Oranmore Local Area Plan.

#### 12.10. **Material Contravention**

12.10.1. 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 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. 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'.

12.10.2. 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'.

12.10.3. The applicant has submitted a Statement of Material Contravention with the application. This identifies potential areas that may be considered material contraventions in relation to the following:

- Core Strategy Housing Targets: The Core Strategy for the Galway County Development Plan 2015-2022 estimates that the settlement of Oranmore can accommodate an increase in population of 1,170 no. people, with an associated requirement for 263 no. new homes. The proposed 101 no. units of this development would bring the overall permitted number of units in Oranmore to 741 and a total of 2,190 no. persons would be added to the population of Oranmore.
- Density: The Oranmore Local Area Plan (LAP) and Galway County Development Plan 2015-2022 indicate a residential density of 15-35 no. units per hectare for the site. The proposed development has a density of 37 uph exceeding the range described in table 13.1 of the DP (also copied into the LAP).

12.10.4. In relation to the number of units proposed and population targets under the Core Strategy in the Development Plan, I agree with the applicant that a material contravention of the Development Plan results in this regard. The applicant states that a material contravention of the Development Plan is justified as the proposed development is of strategic importance, there are conflicting objectives in the Development Plan and that permission should be granted with regard to statutory guidelines under section 28 and 29 of the Act.

12.10.5. In my opinion, the site can be considered of strategic importance to housing delivery for Oranmore in the context of national planning policy documents and guidelines. These focus on the need to increase housing delivery on appropriate sites, including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework. Equally Housing for All, recently published continues to support and encourage Planning Authorities to facilitate and advance development to meet the housing needs of the country. As identified in section 12.3 above, the site characteristics align with national principles underpinning sustainable

compact growth in urban areas, being situated a short walking distance to the centre of Oranmore and employment areas to the north, as well as in close proximity to a bus stop and a train station in the wider area. In this sense, the exceedance of population targets in the Core Strategy would be justified.

- 12.10.6. In relation to conflicting objectives under the Development Plan, the applicant states that as Oranmore is situated in the Galway Metropolitan Area, there are conflicting objectives under the Development Plan. While Objectives CS 2 and CS 8 of the Development Plan require development to be in accordance with the growth targets set out in the Core Strategy, Objective SS 1 – Galway Metropolitan Area states that Galway County Council “*shall support the important role of Galway City and the Galway Metropolitan Area (which includes the City area and the Electoral Divisions of Oranmore, Bearna, Galway Rural and Ballintemple which are inextricably linked to and function as part of a greater Galway City), as key drivers of social and economic growth in the County and in the wider Western Region and will support the sustainable growth of the strategic settlements, including the future development of Ardaun and Garraun, within the Galway Metropolitan Area*”. The applicant therefore contends that restricting growth to the level described in the Core Strategy for Oranmore is counter to achieving the type of growth described for the Galway Metropolitan Area.
- 12.10.7. I disagree with the applicant in relation to this. Objective SS 1 does not highlight Oranmore or set out a population target that differs to that in the Core Strategy, as it only generally describes growth. It is purely the applicant’s opinion that the level of growth described in the Core Strategy is not reflective of the intention of Objective SS 1. As a result, in my opinion, it does not conflict with Objectives CS 2 and CS 8 relating to the adherence to the Core Strategy.
- 12.10.8. In relation to section 28 and 29 guidelines, I agree with the applicant that an exceedance of the population targets and unit numbers described by the Core Strategy would be justified in this regard. Specifically, in light of objectives under the National Planning Framework: Project Ireland 2040, including NPO 1b which describes a population target of 160,000-180,000 for the Northern and Western Region which has not been delivered, and NPO 3a which requires the delivery of 40% of new homes in the footprint of existing settlements and the subject site is located on zoned residential land within the Oranmore LAP area. In relation to the RSES, this identifies a population growth level for the Galway Metropolitan Area Strategic Plan of

27,500 to 2026, increasing by a further 14,500 to 2031, with the delivery of at least half of new homes within the existing built-up footprint, which as outlined above, would include the subject site as a zoned residential site on the edge of an existing estate and within the LAP area for Oranmore. Oranmore is also highlighted in the RSES as a strategic location for targeted population growth.

12.10.9. As a result, should the Board determine to grant planning permission for this application, with respect to the potential unit number and population target identified for Oranmore under the Galway Development Plan 2015-2022, a material contravention of the plan is justified as follows:

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

The strategic nature of the site for the delivery of housing Oranmore, in light of the characteristics of the site and the context of national planning policy documents and guidelines which promote compact growth.

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

Permission for the development should be granted having regard to national planning policy guidelines that promote increased housing delivery on appropriate sites, including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework and specifically NPO 1b and NPO 3a. As well as the specific identification of Oranmore for targeted population growth in the RSES, and the site characteristics which align with national principles underpinning sustainable compact growth being situated on a zoned site for residential development within the LAP area, a short walking distance to Oranmore centre, employment areas and a bus stop, as well as having accessibility to a train station in the wider area.

12.10.12. In relation to the proposed density of the development, I have outline in section 12.3 above why, notwithstanding wider assessment implications, I consider the proposed density to be acceptable in principle for the characteristics of the area in light of both national and local planning policy. While I note that the proposed density at 43.9 uph exceeds all but the upper tier of the ranges set out in DM Standard 2 of the Development Plan and DM Guideline LU1 of the LAP, these are not policies or

objectives of the plan. In addition, I note that Objective LU14 of the Oranmore LAP states that while density shall generally be in accordance with the guidance set out in DM Guideline LU1 (of the LAP), the Planning Authority may consider high density developments. Objective LU 15 of the LAP also states that higher densities will be encouraged at appropriate locations, where it will not unduly impact on the integrity of Natura 2000 sites. I describe my Appropriate Assessment of the application below in section 13, while the proposed development may not be in accordance with objectives under the Development Plan and LAP, in my opinion a material contravention with respect to density does not arise given the flexibility described in Objectives for the plan.

12.10.13. I note third party concern that other material contraventions arise with respect to this application, however those objectives or standards highlighted in submissions all relate to matters requiring a qualitative assessment of the application, which I have set out above and below in this report. I am satisfied that the only potential material contravention that arises is with respect to the Core Strategy population and housing targets for Oranmore, and I have set out above why the Board would be justified in granting planning permission for the application, should they decide to do so, with reference to sections 37 2(b)(i) and (ii) of the Act.

#### **12.11. Planning Authority's Recommendation**

12.11.1. I note that the Planning Authority does not provide a conclusive statement as to whether they recommend that this application be approved or refused, however given the conclusions reached in the Chief Executive report, it is clear in my opinion that they do not support the approval of the application and I address the reasons for this below.

12.11.2. In relation to Appropriate Assessment, the Planning Authority state that likely significant effects arising from the proposed development, either individually or in combination with other plans or projects, on Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of their conservation objectives cannot be ruled out. I have set out my Appropriate Assessment of the application in section 13 below and I concur with the conclusion reached by the Planning Authority in this regard, albeit our conclusions do not necessarily flow from the same concerns. The Planning Authority state that if permitted as proposed, the development would materially contravene

policies, objectives and development management standard contained in the current Galway County Development Plan, with respect to Appropriate Assessment and the site. While I concur that a contravention of these objectives may be concluded to result, I do not agree that these would be material as a qualitative assessment of the application details is first required. I describe this in detail in section 13 of my report and am recommending that the application be refused in relation to the inadequacy of the submitted Natura Impact Statement (NIS).

12.11.3. With respect to flood risk the Planning Authority concludes that the proposed development would contravene Policy FL4 and Objectives FL 1, FL 2, FL 3, & FL 4 of the Galway County Development Plan 2015-2021 and Objectives UI 12, UI 13, UI 14 & UI 16 in relation to flood risk, as well as being contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act, 2000 (as amended) and would be contrary to the proper planning and sustainable development of the area. I describe my assessment of flood risk in detail in section 12.7 above and I concur with many of the concerns raised by the Planning Authority in relation to the submitted Flood Risk Assessment (FRA). As a result I am recommending that the application be refused as a result of the inadequacy of the submitted FRA.

12.11.4. The Planning Authority also conclude that the application is inadequate with respect to mobility issues, and particularly in consideration of construction traffic flow and safety, deficiencies of pedestrian connectivity and inadequacy of sight lines. As well as an intensification of turning movements at an existing private junction with Station Road at Carrowmoneash. The Planning Authority concludes that the proposed development would, be contrary to the Objective TI 11 of the current Galway County Development Plan 2015-2021 and Policies TI2, TI4, and TI5 of the Oranmore Local Area Plan 2012-2022, would present undue risk of hazard to road users and would accordingly be contrary to the proper planning and sustainable development of the area. I describe in detail my assessment of traffic and transportation matters in section 12.8 above. I do not agree with the Planning Authority that pedestrian infrastructure serving the site and routes into the centre of Oranmore is inadequate. I also do not agree that the road safety audit or DMURS compliance (specifically in relation to sight lines) should be demonstrated outside of the site bounds for a proposal of the scale described, and in light of the description of the intention of such audits in DMURS. In relation to construction traffic, I specifically address this in

section 12.8 above, and while I acknowledge that disruption will occur on a short-term basis, this is within the acceptable range of impact to be expected as part of the development of a site zoned for residential use in my view. However, I do consider that the applicant has failed to provide comprehensive explanations as to how development of the site will be accessed, what rights of way exist or what the ownership is for the Carrowmoneash Road (the access road to the site) and the recognition of any conflict regarding the same. In the absence of this information, I consider the application to be premature.

12.11.5. In relation to placemaking (design) the Planning Authority states that the proposed development, does not adequately reflect and reinforce the existing urban form of the Carrowmoneash development to the west. The Planning Authority concludes that due to scale and massing issues, with building typologies discordant with their suburban setting, the proposal would fail to compliment the setting in terms of character and provide the required standard of urban placemaking, urban assimilation and amenity called for in the County Development Plan and LAP in contravene of Objective UHO 7 and Objective UHO 8 of the Development Plan and Objective UD1, Objective UD5 of the LAP. I have set out my assessment of the proposed height, scale, mass and design of the proposed development in section 12.4 above. I do not concur with the conclusions reached by the Planning Authority in this regard, and consider that the proposed design, with reference to both national and local planning policy, is of an acceptable standard for this site.

## 12.12. **Other Issues**

### 12.12.1. Archaeology

12.12.2. I note the Department of Housing, Local Government and Heritage recommendation with respect to archaeology conditions. The Department state that they concur with the conclusions and recommendations outlined in the archaeological report. No concerns are raised with respect to archaeology by third parties or the Planning Authority.

12.12.3. The application includes an Archaeological and Cultural Heritage Impact Assessment. The subject site is not identified as being situated in an area of known archaeological potential. There are no recorded monuments, protected structures or NIAH structures located within the proposed development site or in close proximity. A

desktop study and walk over of the site was carried out. As there is no historical evidence or data to suggest archaeological potential and previous groundworks have removed top soil for the site without archaeological discovery, no further mitigation is recommended.

12.12.4. I am satisfied that in the event that the Board determines to grant planning permission, that a condition could be used to ensure that in the event of discovery of archaeological features or deposits on the site, no negative impact to archaeology would result from the proposed development.

12.12.5. Childcare

12.12.6. I note that the Guidelines for Childcare Facilities requires the provision of childcare facilities (equivalent to 20 child spaces) for new housing for 75 or more dwellings unless there is justification to exclude such provision. This may include the existing provision of childcare facilities in the area and the demographic profile of the area. The Apartment Guidelines reiterate these provisions and also state that the exclusion of 1 bedroom units is accepted, given that they are unlikely to generate significant child yield.

12.12.7. A Creche Proposal and Childcare Assessment report is submitted with the application. This describes that the proposed creche for the development will cater for 27 no. children which equates to the child yield expected to result from the proposed residential units on the site with reference to CSO population data. While I note that the Planning Authority identify issues with the survey data with respect to existing capacity for childcare in the area, I am satisfied that the proposed development would accommodate any demand that it would generate through the proposed creche and in accordance with national planning guidance concerning the same.

12.12.8. Part V – transfer of units / wrong letter

12.12.9. The applicant has submitted Part V proposals as part of the application documents. 11 no. units are currently identified as forming the Part V housing. The Planning Authority have confirmed they have no concerns with relation to the Part V proposals. I note third party concern that the letter submitted by the applicant with respect to Part V references the wrong site and does not relate to the current application. In my opinion,



this does not fundamentally impact the determination of this application with housing under Part V to be secured separately.

12.12.10. 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.

#### 12.12.11. Fire Safety

12.12.12. I note third party concern regarding the adherence of the design to fire safety standards. Building Regulations is the appropriate framework for the consideration of fire safety design and will be applied to any residential development during later design and construction stages that would follow any planning permission for a site.

### 13.0 **Appropriate Assessment**

13.1. This section of the report considers the likely significant effects of the proposal on European sites. Where likely significant effects cannot be excluded, appropriate assessment is required to assess the likely effects on a European site(s) in view of its conservation objectives, and assesses whether adverse effects on the integrity of the site will or might occur in respect of each of the European site considered to be at risk, and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) including Appropriate Assessment Screening submitted with the application.

13.2. I have had regard to the submissions of third parties, prescribed bodies and the Planning Authority in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites.

#### 13.3. The Project and Its Characteristics

13.4. See the detailed description of the proposed development in section 3.0 above.

#### 13.5. Likely significant effects on European Sites (Stage I Screening)

13.6. The subject site consists of 3.35 ha accessed via a gateway off Station Road and is situated to the west of the Frenchfort Stream which flows into Oranmore Bay just to the north of Oranmore Castle. The submitted NIS details that the majority of the site was filled with approximately 2m of fill material at some point before 2004. The ecological surveys carried out of the site in 2020 identified eight habitats within the site and forming its boundaries. Of these, two 'small patches' of habitat are identified as grassland of the type listed as a priority habitat in Annex I of the Habitats Directive. I note consultation responses that refer to the current condition of the site and I address this further below.

13.7. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any European site, there are a number of European sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:

- Galway Bay Complex SAC (0268) 7m;
- Inner Galway Bay SPA (4031) 630m;
- Cregganna Marsh SPA (4142) 1.9km;
- Lough Corrib SAC (0297) 8.5km;
- Lough Fingall Complex SAC (0606) 8.9km;
- Rahasane Turlough SPA (4089) 9.9km;
- Rahasane Turlough SAC (0322) 9.9km;
- Lough Corrib SPA (4042) 10.5km;
- Castletaylor Complex SAC (0242) 11km
- Kiltiernan Turlough SAC (1285) 11.5km;
- Ardahan Grassland SAC (2244) 12.5km.

13.8. 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 European sites, and any potential pathways which may exist from the development site to a European site, aided in

part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

13.9. The qualifying interests of all European sites considered are listed below:

Table 13.1: European Sites/Location and Qualifying Interests (QI)

<b>Site (site code) and Conservation Objectives</b>	<b>Qualifying Interests (QI)/Species of Conservation Interest (SCI) (Source: EPA / NPWS)</b>
<p>Galway Bay Complex SAC (0268)</p> <p>To maintain or restore the favourable conservation condition of the species and habitats listed as Qualifying Interests/Special Conservation Interests for this SAC.</p>	<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>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>

<p>Inner Galway Bay SPA (4031)</p> <p>To maintain the favourable conservation condition of the species listed as Qualifying Interests/Special Conservation Interests for this SPA.</p>	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]  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]  Red-breasted Merganser (<i>Mergus serrator</i>) [A069]  Ringed Plover (<i>Charadrius hiaticula</i>) [A137]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Lapwing (<i>Vanellus vanellus</i>) [A142]  Dunlin (<i>Calidris alpina</i>) [A149]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Curlew (<i>Numenius arquata</i>) [A160]  Redshank (<i>Tringa totanus</i>) [A162]  Turnstone (<i>Arenaria interpres</i>) [A169]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Common Gull (<i>Larus canus</i>) [A182]  Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]  Common Tern (<i>Sterna hirundo</i>) [A193]  Wetland and Waterbirds [A999]</p>
<p>Cregganna Marsh SPA (4142)</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>
<p>Lough Corrib SAC (0297)</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p>

<p>To maintain or restore the favourable conservation condition of the species and habitats listed as Qualifying Interests/Special Conservation Interests for this SAC.</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> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>
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	<p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>
<p>Lough Fingall Complex SAC (0606)</p> <p>To maintain or restore the favourable conservation condition of the species and habitats listed as Qualifying Interests/Special Conservation Interests for this SAC.</p>	<p>Turloughs [3180]</p> <p>Alpine and Boreal heaths [4060]</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>Limestone pavements [8240]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>
<p>Rahasane Turlough SPA (4089)</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. To maintain or restore the favourable conservation condition of the wetland habitat at Rahasane Turlough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	<p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Rahasane Turlough SAC (0322)</p>	<p>Turloughs [3180]</p>

<p>To maintain the favourable conservation condition of Turloughs in Rahasane Turlough SAC.</p>	
<p>Lough Corrib SPA (4042)</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. To maintain or restore the favourable conservation condition of the wetland habitat at Lough Corrib SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	<p>Gadwall (<i>Anas strepera</i>) [A051]  Shoveler (<i>Anas clypeata</i>) [A056]  Pochard (<i>Aythya ferina</i>) [A059]  Tufted Duck (<i>Aythya fuligula</i>) [A061]  Common Scoter (<i>Melanitta nigra</i>) [A065]  Hen Harrier (<i>Circus cyaneus</i>) [A082]  Coot (<i>Fulica atra</i>) [A125]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Common Gull (<i>Larus canus</i>) [A182]  Common Tern (<i>Sterna hirundo</i>) [A193]  Arctic Tern (<i>Sterna paradisaea</i>) [A194]  Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]  Wetland and Waterbirds [A999]</p>
<p>Castletaylor Complex SAC (0242)</p> <p>To maintain or restore the favourable conservation condition of the species and habitats listed as Qualifying Interests/Special Conservation Interests for this SAC.</p>	<p>Turloughs [3180]  Alpine and Boreal heaths [4060]  Juniperus communis formations on heaths or calcareous grasslands [5130]  Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]  Limestone pavements [8240]</p>
<p>Kiltiernan Turlough SAC (1285)</p>	<p>Turloughs [3180]</p>

To restore the favourable conservation condition of Turloughs in Kiltiernan Turlough SAC.	
Ardrahan Grassland SAC (2244)  To maintain or restore the favourable conservation condition of the species and habitats listed as Qualifying Interests/Special Conservation Interests for this SAC.	Alpine and Boreal heaths [4060]  Juniperus communis formations on heaths or calcareous grasslands [5130]  Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]  Limestone pavements [8240]

13.10. Table 13.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

#### 13.11. Potential Effects on Designated Sites

13.12. The submitted report confirms that the subject site is located in Hydrometric Area/WFD catchment 29 (Galway Bay South-East), in the WFD surface water sub-catchment area known as 29-6 and called Carrowmoneash (Oranmore). The subject site is also within the GWDTE Galway Bay complex Fens groundwater waterbody area, whose status is under review, as well as a regionally important karstified aquifer with conduit flow. Groundwater vulnerability at the site is high.

13.13. The Frenchfort Stream is stated in the submitted report as separated to the development by 10m *'ignoring the outlet pipes from the two swales'*. The extension of the site and associated route for these drainage outlets is described in drawings submitted for the Surface Water and Foul Water drainage report, however no specifications are provided in the submitted NIS. The report goes on to confirm that the proposed development is hydrologically linked to the Galway Bay Complex SAC and Inner Galway Bay SPA, and that while the Cregganna Marsh SPA lies within the same hydraulic catchment area, they do not share the same drainage routes and have no direct hydraulic connection as a result. The remaining European sites



identified in table 13.1 do not lie in the same hydrological catchment area as the subject site.

- 13.14. The Appropriate Assessment Screening submitted as part of the NIS document for the application, identifies the likely impacts as a result of the proposed development upon the European sites listed above. Potential for some disturbance of Otter (*Lutra lutra*) a QI of the Galway Bay Complex SAC is identified, however the report states that disturbance is unlikely as the proposed development is set back by a buffer of 10m to the stream. Potential for pollution impact during the construction and operation stages (in the absence of mitigation) of certain habitats in the Galway Bay Complex SAC and Inner Galway Bay SPA is also identified. No other impacts are identified to the remaining European sites listed above, as a result of the distance and link of any connection (direct or indirect, hydrological or other), to these European sites from the subject site area.
- 13.15. I note consultation responses from third parties, An Taisce, the Department of Housing, Local Government and Heritage and comments from the Planning Authority with respect to the adequacy of the NIS including AA Screening submitted. There are a number of matters that require further consideration before I can reach a conclusion on my appropriate assessment screening of the site, and I set these matters out below.
- 13.16. I note the consultation response from the Department of Housing, Local Government and Heritage and the referenced NPWS report following the Wildlife Rangers visit to the site. This notes the undertaking of ground clearance and infill works in 2019. The existence of Otter spraint is also noted within the site and a number of concerns are raised with respect to the ecological impact arising from the proposed development and consequential impact upon European sites. I address a number of these matters as part of wider ecological considerations in section 12.9 above, in this section I am focused upon matters related to European sites only.
- 13.17. I note consultation responses received from third parties, prescribed bodies and the Planning Authority with respect to the current condition of the site. I am satisfied that there is evidence to suggest that the condition of the site has been altered in recent years. I also observed on my site visit that site clearance works had taken place with piles of 'fill' material situated intermittently throughout the site. I also note

enforcement references provided by the Department and third parties however I have been unable to view documents relating to this reference myself (EN19/170). I note that the Planning Authority suggest that unauthorised works may have taken place on the site (although no reference to current enforcement actions relating to these works is provided). They therefore query the ability to consider this application with reference to section 34 (12) (c) of the amended 2000 Planning and Development Act, in relation to the need for an appropriate assessment.

13.18. In my opinion, the matter of unauthorised works is for the Local Planning Authority (LPA) to determine in the first instance. There is no evidence in my opinion that the clearance undertaken on the site is related to the current application and indeed, the period over which these works have taken place, extends beyond the time that this current proposal came into fruition. The LPA does not confirm that current enforcement action is in place regarding these works or that they consider the works to be part of the current application. Notwithstanding the statements made by the NPWS and third parties of unauthorised works as outlined above, this is for a matter for the LPA to determine in the first instance. It should be noted that the applicant is not applying for retention permission and I am not assessing any application for retention works, I am assessing the site in its current state and the proposed development as outlined in the application documents. Therefore, my Appropriate Assessment Screening is undertaken on the basis of the current condition of the site, and this is informed by the submitted surveys for the application.

13.19. In relation to the current condition of the site, I note the existence of habitats on the site that reflect the same QI grassland habitat on the Galway Bay Complex SAC which is situated adjacent to the site (7m to the east at its closest point), and I consider this further as part of in combination effects below.

13.20. As described above, the submitted screening identifies the potential of pollution impacts (sewage, surface water, ground water) during the construction and operation stages in the absence of mitigation that could impact habitats in the Galway Bay Complex SAC and wetlands in the Inner Galway Bay SPA. As such, these two European sites are not screened out by the applicant, and I concur with this approach, particularly given the adjacency of the subject site to the Galway Bay Complex SAC and hydrological links to both that SAC and the Inner Galway Bay SPA. These potential effects include impact upon the QI habitat 'large shallow inlets

and bays' associated with the Galway Bay Complex SAC, and Oranmore Bay is a known haul out site for Harbour (or common) Seals. However, given the degree of separation to the bay, the extent of dilution that would occur to any discharges from the site and the built character of the intervening environment, I am satisfied that it is not likely that the extent of any potential pollution from the proposed development would impact the attributes and targets described in the conservation objectives for Harbour Seal in the Galway Bay Complex SAC (relating to habitat, breeding, moulting and resting behaviour etc as outlined below).

13.21. The applicant however screens out potential impact upon the priority habitats in the Galway Bay Complex SAC, namely 'Semi-natural dry grasslands and scrubland facies on calcareous substrates' and 'Calcareous fens', as well as 'Alkaline fens', all of which have an overall conservation status of bad or inadequate. The applicant states that there is no potential impact as a result of no direct pathway, hydrological connection or land take within the SAC. However, as outlined above, the applicant also identifies the subject site as being within the GWDTE Galway Bay complex Fens groundwater waterbody area. In the absence of any explanation as to why there is no connection (i.e. drainage flow etc) this would in my opinion suggest the possibility of a link to the fen habitat for the Galway Bay Complex SAC. The conservation objectives state in relation to Calcareous and Alkaline fens that the full extent of habitat area is unknown and that fen vegetation occurs in wetland areas to the east of Oranmore. This is the part of the Galway Bay Complex SAC closest to the subject site.

13.22. In relation to ex-situ species associated with European sites, the submitted report states that 19 bird species were recorded on the site (within or flying over) during ecological surveys, but that these species of bird were not listed in Annex I of the EU Birds Directive and did not form species of European sites in the vicinity. The survey to inform this conclusion is not included within the submitted NIS document and is contained separately within the submitted EclA for the application. By cross referencing to the submitted EclA, it is confirmed that the survey was carried out in May and August 2020 and that no wintering bird surveys have been carried out.

13.22.1. In relation to wintering birds, the EclA states the following:

13.22.2. *'No wintering bird surveys were carried out at the study area due to the application schedule for the original submission to An Bord Pleanála. However, the opinion of the survey is that there is no potential for the usage of the filled area of the site by any of the twenty SCI species of the Inner Galway Bay SPA. Adjacent wet grassland areas and wetland habitat close to and including the Frenchfort Stream have been judged to have minor potential for usage by ducks and waders. It is thought possible that small numbers of species like Mallard and Snipe may use the river and areas immediately adjacent to it during the winter months. The tall rank nature of the floodplain vegetation communities is such that it appears highly unlikely that they would host significant numbers of feeding waders or grazing wildfowl during the winter months.'*

13.23. The subject site is situated 630m away from the Inner Galway Bay SPA to which wintering birds would relate. The site itself is undeveloped and is situated adjacent to undeveloped areas. A watercourse and wetland areas also characterises the area that the site is located. In my opinion, consideration of the potential for ex-situ SCI species associated with this European site is therefore required and in the absence of any data to confirm that the site does not form an ex-situ site or is situated adjacent to ex-situ areas, a Stage II assessment is required in this regard.

13.24. In relation to Otter, I concur with the applicant that there is potential for disturbance of this QI for the Galway Bay Complex SAC. However the submitted report does not provide a clear description of the extent of this potential in my view, as there is little information provided on the extension of outlet pipes into habitats adjacent to the Frenchfort Stream that are relied upon by Otter. In any case, I agree with the applicant that a Stage II assessment is required in this regard.

13.25. I note that table 2.2 of the submitted screening states that 'common seal' (also known as Harbour Seal) is a QI species for the Galway Bay Complex SAC and that there is no potential for a significant negative impact, given the separation of the site from this species habitat. Section 2.4 of the submitted screening also states that 'there is no potential for disturbance effects' on Harbour Seal. Whereas table 2.3 of the same screening states that 'There is potential for negative impacts on Harbour Seal' in relation to the same European site. Therefore, the submitted screening contains contradictory statements in relation to this matter. In my opinion, as there is no suitable habitat for Harbour Seal within 630m of the subject site and given the

extent of the built environment that separates the subject site from Oranmore Bay (a known haul out site for the seals), there is no likelihood of negative effects upon Seals access to suitable habitat, breeding behaviour, moulting behaviour, resting behaviour or other disturbance that would result from the proposed development.

13.26. I note third party concern raised the potential for negative effects upon European sites as a result of the possible failure of the proposed pumping station has not been properly considered by the applicant, however I accept the applicant's conclusion that the potential for pollution of the aforementioned two European sites from 'sewage' associated with the development cannot be ruled out. Therefore, this is not screened out at this stage.

#### 13.27. AA Screening Conclusion

13.28. I do not concur with all of the conclusions reached in the applicant's screening, however I agree that there is the possibility for significant effects on the European sites outlined below (associated with impact to species and habitats of conservation interest).

13.29. In my view, the likelihood of potential effects upon European sites cannot be ruled out as a consequence of the following:

- In relation to the Galway Bay Complex SAC: Potential for disturbance impacts on Otter in the absence of mitigation as a consequence of the proximity of the site to the Frenchfort Stream, a known area for foraging and commuting by Otter. There is also potential for pollution impacts (sewage, surface water, ground water) during the construction and operational stages in the absence of mitigation upon all habitats in this SAC, including fen and semi-natural dry grasslands and scrublands facies on calcareous substrates habitats.
- Inner Galway Bay SPA: There is potential for pollution impacts (sewage, surface water, ground water) during the construction and operational stages in the absence of mitigation. In addition, in light of the proximity to the Inner Galway Bay SPA and characteristics of the site and area that it is situated, consideration of ex-situ SCI birds associated with the Inner Galway Bay SPA is required.

13.30. The specific conservation objectives and qualifying interest of the habitats for the potentially effected Galway Bay Complex SAC and Inner Galway Bay SPA relate to range, structure and conservation status. The specific conservation objectives for Otter in the Galway Bay Complex SAC relate to population distribution, diet, barriers, disturbance and habitat extent. Potential effects on water quality and associated habitats for the aforementioned European sites, as well as a result of potential disturbance of Otter have been highlighted above, which have the potential to affect the conservation objectives supporting the qualifying interest / special conservation interests of these two European sites. In addition, given the proximity of the subject site to the Inner Galway Bay SPA, a decisive conclusion should have been provided by the applicant in relation to the potential for impact upon ex-situ birds, however the screening contains a lack of data in this regard. In light of the foregoing, likely effects on Galway Bay Complex SAC and Inner Galway Bay SPA cannot be ruled out, having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required.

13.31. In relation to the remaining SAC and SPA areas considered, taking into consideration the distance between the proposed development site to these designated conservation sites, the lack of direct hydrological pathway or evidence of any other pathway or link to these conservation sites, as well as the dilution effect with other effluent and surface runoff, 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 construction and operation of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives of features of interest of Cregganna Marsh SPA (4142), Lough Corrib SAC (0297), Lough Fingall Complex SAC (0606), Rahasane Turlough SPA (4089), Rahasane Turlough SAC (0322), Lough Corrib SPA (4042), Castletaylor Complex SAC (0242), Kiltiernan Turlough SAC (1285), and Ardahan Grassland SAC (2244).

13.32. Stage 2 – Appropriate Assessment

13.33. The submitted NIS identifies the potential for negative effects upon the Galway Bay Complex SAC (0268) and Inner Galway Bay SPA (4031) as a result of the proposed development during both construction and operation.

- 13.34. The site-specific conservation objectives and qualifying interests / species of conservation interests of the aforementioned European sites are summarised above in table 13.1. The NIS provides a description of the European sites, the potential effects of the proposed development, as well as any required mitigation to avoid adverse effects. A conclusion on residual impact is then provided. A summary of this assessment is set out below.
- 13.35. Galway Bay Complex SAC: Situated on the west coast of Ireland, it comprises the inner, shallow part of a large bay which is partially sheltered by the Aran Islands. It is comprised of terrestrial and marine littoral and sublittoral habitats. There are Oyster and Seagrass beds, maerl beds and EU Habitats Directive Annex I habitats such as reefs, mudflats and sandflats, sailcornia marsh, Atlantic and Mediterranean salt meadows, lagoons, calcareous habitats, alkaline fen, important orchid grassland and juniper formations and a turlogh at Ballinacourty. There is a population of Common Seal and Otter is also present, both species are listed in Annex II of the EU Habitats Directive. It also hosts four Irish Red Data Book plant species; Sea Kale, Sea Purslane, Henbane and Reflexed Saltmarsh-grass.
- 13.36. Inner Galway Bay SPA: One of the most important ornithological sites in the western region, supporting an excellent diversity of wintering wetland birds and with internationally and nationally important wintering populations of many bird species. It provides both feeding and roost sites for most of its SCI species, although some birds commute to areas outside of the SPA.
- 13.37. During the construction phase, the submitted NIS describes mitigation measures to limit potential impacts. This includes no use of external night-time artificial lighting and fencing along the Frenchfort Stream to limit impact upon Bats and Otters. The NIS also states that 'Although there will be no significant disturbance to the SCI species of the local SPA (i.e. Inner Galway Bay) the major groundworks/excavations that are required by the proposed development will occur in the period 1<sup>st</sup> April to 30<sup>th</sup> September inclusive, since the Inner Galway Bay SPAs is important for wintering birds.' The applicant is therefore including mitigation for a potential impact that they previously screened out, although, as outlined above, I have concluded that insufficient evidence was provided to support the applicant's statements in this regard, and indeed, no decisive conclusion is provided on this matter in the NIS itself, with the data contained only in the separate EclA document. I have therefore

'screened-in' potential impact upon ex-situ SCIs for this European site. In terms of the mitigation described by the applicant, this has not been informed by any data in terms of the occurrence of ex-situ species either on or adjacent to the site, and related considerations of impact upon overall population. Therefore, I am unable to determine whether the suggested mitigation relating only to the period during which ground clearance works are undertaken is sufficient. As such, I consider the submitted NIS to be unacceptable in this regard.

13.38. In relation to potential impact upon water quality, the submitted NIS describes the application of best practice environmental control measures to treat water arising within the site during construction to avoid pollution events. These measures are also described within the submitted Construction Environmental Management Plan. In my view, specific consideration should have been given to the fen habitats in the Galway Bay Complex SAC, as the submitted NIS only considers potential water quality impact with respect to marine habitats in the Inner Galway Bay SPA and Galway Bay Complex SAC.

13.39. In this regard, I note that the submitted Chief Executive report states that the applicant has failed to submit comprehensive details of ground water levels on the site and that given the low-lying nature of the lands and underlying estuary/marine sedimentary subsoil, the Planning Authority has concerns in relation to the proposed attenuation pond and the potential risk of groundwater ingress. Those comments were provided in the context of flood risk, however it is clear that the potential for groundwater ingress is identified by the Planning Authority and insufficient consideration is given to this in the submitted NIS. Given that the site is within the Galway Bay Complex Fens groundwater body and Calcareous and Alkaline fen habitat is a QI for the European site, specific consideration and mitigation should have been described for the proposed development in relation to potential effects on groundwater and associated habitats.

13.40. While it could be argued that the mitigation measures set out in the NIS could also mitigate impacts on this habitat type, without an adequate discussion in relation to the extent and nature of this habitat type within the NIS, including potential groundwater connections, potential impacts on same and any mitigation that is required, it is not possible to rule out significant impacts on same, and it is my view that this represents a further significant gap in information in the submitted NIS.



13.41. During the operational phase, the NIS refers to ecological surveys of the site which do not highlight any significant habitat for the SCI species of nearby SPAs. The NIS outlines mitigation with respect to the potential for disturbance of Otter, which is acknowledged in the report as using the Frenchfort Stream. It is concluded in the report that with the application of mitigation no significant residual impact would result to Otter. However, in my opinion, insufficient detail is provided with respect to the proposed outlet pipes associated with the surface water drainage and attenuation areas for the proposed development. In my view, the NIS fails to acknowledge that the works to facilitate these outlet pipes will extend into the riparian habitat for the Frenchfort Stream. The NIS states the following:

*“Otter is an aquatic mammal that is found in both marine and freshwater environments. **No suitable habitat for Otter exists on the site of the proposed development. However, Frenchfort Stream lies just to the east (as close as 10 metres to the site of the proposed development) and this watercourse is known to be used for foraging and commuting by Otter. Although the section of the Frenchfort Stream that runs past the site of the proposed development is not part of the SAC, the stream flows into the SAC and rises just upstream of the site in Frenchfort Fen, which is also part of the SAC. It is considered, given that the stream will not be affected, that a buffer of ten metres land, as specified in the Conservation Objectives document for the SAC (NPWS, 2013), will remain between the site of the proposed development and the western bank of the stream and that the eastern bank and floodplain of the stream will not be altered, that (a) there is unlikely to be a significant disturbance impact on Otter and that (b) there will not be a barrier to movement of Otter within the SAC. However, it was not judged reasonable to entirely screen out the possibility of a disturbance impact on this species at the Appropriate Assessment stage.”** (My emphasis).*

13.42. Therefore, the NIS does not give adequate consideration to the extent of works that will extend closer to the stream and within the buffer zone and outline adequate mitigation in this regard. This is illustrated in drawings for the Surface Water and Foul Water Drainage Report submitted with the application. However, the NIS specifically states at the start of the document, that the Frenchfort Stream is situated as close as 10m ‘ignoring’ outlet pipes. In my view, these pipes should not be

ignored by the NIS. The construction of these pipes will likely require excavation and removal of habitat adjacent to the Stream. It is not clear what equipment and vehicles will be required to enter this area to facilitate this construction work. The final appearance of the area is also not detailed, as well as how openings into the stream will appear, or what materials will be used in and around the waterbody. As a result, I am not certain that the proposed development will not create a barrier to Otter movements along the Frenchfort Stream, and therefore have potential negative impact upon this QI species of the European site.

13.43. Consideration of surface water drainage is however detailed in the NIS with respect to water quality. Operational stage impacts are described in relation to water quality and the surface water runoff from the site. However, the conclusions set out in the submitted NIS describe the application of surface water management and drainage systems that are designed to deal with runoff during '*construction*'. Reference is then given to serving the proposed development with silt trap gullies, surface water pipes, access junctions, inspection chambers and manholes. Surface water from the proposed development is also described as being discharged via petrol/oil separators and swales. While I am satisfied with the described mitigation with respect to water quality, it would appear that the reference to construction is erroneous at this point of the report which is dealing with operational impacts (page 22). Alongside other inconsistencies and inadequacies in the NIS, this suggests an overall failure to provide a comprehensive assessment in my view.

13.44. In relation to sewage from the proposed development, this is described as being collected in a pump station and pumped on to the public network along Station Road. The NIS concludes that 'with the mitigation in the form of the foul sewer system and ultimate connection to the public sewage system in place there will be no residual negative impacts'. However, third parties raise concern that there is no detailed specification in relation to the pumping station and failure of this infrastructure could harm European sites. I note that Irish Water has accepted the proposed pumping station and that such infrastructure would not be accepted unless in accordance with 'Code of Practice for Wastewater Infrastructure' published by Irish Water. This code of practice describes in detail the requirements to be incorporated into the design of pumping stations:

*“...The pipes and related infrastructure to be put in place within Developments shall comply fully with this Code of Practice...”* (Scope page i of the code of practice.)

Features for the design of pump stations include pump unit protection systems to cover potential for pump failure events, incorporation of dial out alarm and emergency storage. The code of practice also specifically states that:

*“Emergency storage is required at each pump station by the provision of a larger wet well, a single separate specifically designed off-line storage tank or an enlarged Sewer shall be provided in order to provide additional storage and thereby reduce the risk of localised flooding or pollution during plant or power failure.”*

13.45. Final details of the pumping station will also require approval from Irish Water and a planning condition can require confirmation that the design meets the specifications set out in the code of practice. As a result, while it would have been useful for the NIS to explicitly refer to the design requirements under the code of practice, the omission of this information does not represent a fundamental flaw in the report, and I am satisfied from my own review of the specifications described in the code of practice that with the incorporation of a design in accordance with those specifications, the pumping station does not represent a risk to the integrity of the SAC and SPA areas.

13.46. However, overall and in light of the foregoing assessment, there are a number of significant gaps in the information provided in the submitted NIS, specifically the lack of wintering bird surveys within the submitted NIS, lack of consideration of groundwater connections to fen habitats in the Galway Bay Complex SAC and lack of detail and mitigation with respect to works associated with outlet pipes into habitats adjacent to the Frenchfort Stream, what the impact of this work would be and regard to the potential for barriers to be created to Otter movements. It is therefore my view the NIS is therefore fundamentally flawed as a result.

#### 13.47. In-Combination / Cumulative Impacts

13.48. The NIS also considers the in combination / cumulative effect of the plans and projects to European sites, alongside the proposed development. The report states that it is necessary to determine if there is any potential for the proposed development to result in the loss of potential commuting corridors for species between sensitive habitats within the Galway Bay Complex SAC. No such potential

loss is identified in the report. The report states that *'The site of the proposed development does not provide an extension of habitats that are located within either the Galway Bay Complex SAC or the Inner Galway Bay SPA and does not represent any cumulative loss of supporting habitat adjacent to these Natura 2000 sites.'*

13.49. However, as identified above, the ecological survey of the site identifies 'Semi-natural dry grasslands and scrubland facies on calcareous substrates' as occurring within the subject site itself, which is the same habitat occurring within the Galway Bay Complex SAC and an Annex I priority habitat. Therefore, I cannot concur with the NIS conclusions on this matter as extracted above, and residual cumulative impacts cannot be ruled out upon the basis of the information provided in my opinion.

#### 13.50. AA determination – Conclusion

13.51. My assessment is based upon the site in its current state. The Chief Executive Report provided by the LPA does not confirm that unauthorised works have taken place, which is a matter for the LPA to determine in the first instance. The applicant is not applying for retention and my assessment is not based on retention. The conclusions reached in this assessment on the AA relate to the current condition of the site and the proposed development only.

13.52. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement as relates to the following:

- The lack of wintering bird surveys in relation to SCIs for the Inner Galway Bay SPA;
- The lack of consideration of groundwater connections to European sites, including potential connection to Calcareous fens with (*Cladium mariscus*) and species of the *Caricion davallianae* and Alkaline fens, which are QI habitats in the Galway Bay Complex SAC;
- The lack of consideration or mitigation with respect to works (in the form of outlet pipes) in the habitat alongside the Frenchfort Stream and associated impact upon Otter, a QI for the Galway Bay Complex SAC; and
- With respect to in combination / cumulative effect, the lack of consideration of the occurrence of 'Semi-natural dry grasslands and scrubland facies on

calcareous substrates' within the application which is a QI habitat for the Galway Bay Complex SAC;

- As well as inconsistencies in the document.

13.53. In my view, the submitted NIS contains omissions and lacks comprehensive consideration of potential effects on European sites. As such, I am not satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of both the Inner Galway Bay SPA and Galway Bay Complex SAC, in view of those sites' conservation objectives. In such circumstances, it is my view that the Board is precluded from granting permission.

## 14.0 Screening for Environmental Impact Assessment

14.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Impact Assessment Screening Document and I have had regard to the same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold Environmental Impact Assessment Report (EIAR) is not required in this instance as the proposed development will not have significant impacts on the environment.

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

- (i) Construction of more than 500 dwelling units;
- (iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other built-up area and 20ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

14.3. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for:

*"Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would*

*be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”*

- 14.4. The proposed development is for 101 no. residential units, creche and associated site works. The overall site area is approximately 3.4 ha and is formed of green field area. The site is currently zoned for residential use and can be serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and is below 10ha (that would be the applicable threshold for this site, being outside a business district but within an urban area). Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. I would note that the uses proposed are in keeping with 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. In relation to habitats or species of conservation significance, an Appropriate Assessment is set out in section 13 of this report above.
- 14.5. 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 EIA. Section 299B(1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The submitted EIA Screening Report address the information under Schedule 7A. It is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment. 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 regarding other permitted developments in proximity to the site, and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment for the purposes of EIA. 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 Schedule 7A and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report and Statement of Consistency
- Natura Impact Statement
- Ecological Impact Assessment Report
- Environmental Impact Assessment Screening Document
- Construction and Environmental Management Plan
- Landscape and Visual Impact Assessment
- Sunlight, Daylight and Shadow Assessment
- Verified Photomontages and CGIs
- Noise Intrusion Assessment
- Architectural Design Statement
- Building Lifecycle Report
- Housing Quality Assessment
- Landscape Design Rational Report
- Statement of Compliance with DMURS
- Traffic and Transport Assessment
- Surface Water and Foul Water and Watermain Layout Report
- Flood Risk Assessment
- Energy Report
- Public Lighting Design
- Stage 1 Road Safety Audit
- Archaeological and Cultural Heritage Impact Assessment

14.5.1. In addition I have taken into account the SEA of the Development Plan. Noting the requirements of Article 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 EIA Directive have been taken into account, I would note and have considered that the following assessments / reports have been submitted:

- The Planning Report and Statement of Consistency and An Environmental Impact Assessment Screening Document which consider the various Directives related to EIA as well as the EU Habitat Directive and Birds Directive.
- The Construction and Environmental Management Plan and Flood Risk Assessment which considers the Water Framework Directive.
- An Energy Report and Building Lifecycle Report which consider the European Energy Performance of Buildings Directive.
- A Natura Impact Assessment that considers the EU Habitats Directive and Birds Directive.
- An Ecological Impact Assessment that considers the EU Habitats Directive, Birds Directive, Water Framework Directive and Groundwater Directive.
- A Noise Intrusion Assessment which considers the EU Noise Directive.

14.5.2. The EIA Screening Document 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 purposes of EIA Screening.

14.5.3. I have completed a screening assessment as set out in Appendix A of this report and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report (EIAR) would not therefore be required. The conclusion of this assessment is as follows:

14.5.4. Having regard to: -



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

(b) the location of the site on lands zoned as R-Residential (Phase 1) and OS-Open Space / Recreation & Amenity in the Oranmore Local Area Plan where residential, childcare facility and open space is in conformity with the land uses.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.

(e) 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).

(f) The guidance 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).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Construction and Environmental Management Plan, Landscape Report and Flood Risk Assessment.

14.5.5. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. I recommend that a screening determination be issued accordingly, confirming that no EIAR is required.

14.6. I note the consultation response from the Department of Housing, Local Government and Heritage. This states that the proposed development may have been incorrectly screened out during the EIA screening process/exercise as it is stated in the EIA Screening Document, that the proposed development has no potential to impact directly or indirectly on any habitats listed as Annex I in the EU Habitats Directive

(and the same is said regarding priority habitats also). However, two areas of the site support small areas of the Annex I priority habitat type, “Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometea) (\* important orchid sites)” (Natura 2000 Code 6210) and this habitat will be fully lost with no mitigation or compensation proposed.

14.7. While I agree with the Department that the EIA Screening Document submitted incorrectly suggests that there are no habitats of significance recorded on the site when Annex I habitat that reflects a QI of the Galway Bay Complex SAC was in fact recorded on the site, this does not necessarily trigger the need for EIA in my opinion. Indeed, as set out in section 13 of this report, I disagree with the applicant in relation to the potential for the proposed development to have likely impacts upon European sites for a number of reasons, and am recommending that the application be refused as a result. However, the likelihood of potential impact upon European sites (or biodiversity, flora and fauna, included protected species) does not in itself trigger the need for EIA, with the question relating to the significance of this impact. In my view, and as outlined in my assessment above in sections 12.9 relating to Flood Risk, 12.11 relating to Ecology and 13 relating to AA, the question relates to the identification of risk with appropriate mitigation measures to reduce or negate this risk. The applicant has failed to appropriately identify the risk of harm in all cases in my view, and has subsequently failed to provide appropriate mitigation, however the significance of this risk would not necessarily be sufficient to trigger the need for EIA in my view based upon the information currently before me in this application.

## 15.0 Conclusion

15.1. The subject site is situated in proximity to European sites, and specifically the Galway Bay Complex SAC (at its closest 7m to the east) and the Inner Galway Bay SPA (630m to the west). While a Natura Impact Statement (NIS) has been submitted with the application, this fails to provide a sufficient degree of certainty that the integrity of the aforementioned European sites will not be adversely affected in view of those sites’ conservation objectives. This is particular in relation to the lack of wintering bird surveys, lack of groundwater data and consideration of potential links to QI habitat for the SAC, lack of consideration of potential impact arising from works within 10m of the Frenchfort Stream and consequential impact of the proposed outlet

pipes upon habitat in this area that supports a QI species for the SAC, the lack of consideration of in combination effect as a result of the loss of Annex I habitat on the site that forms a QI of the adjacent SAC area, and general inconsistencies and inadequacies within the report. In addition, the submitted Ecological Impact Assessment (EclA) fails to adequately address the potential disturbance of nesting and overwintering birds, as well as the potential for permanent adverse impact upon protected species under Annex II of the Habitats Directive and Annex I of the Birds Directive as result of works to locate outlet pipes in areas adjacent to the Frenchfort Stream.

- 15.2. The application also fails to demonstrate that the proposed development would not expose future occupants to the risk of flooding or increase this risk to surrounding areas, including adjacent residencies, as a result of inconsistencies and inadequacies contained within the submitted Flood Risk Assessment (FRA) and supporting documentation. This is particularly (but not exclusively) in relation to groundwater, surface water management, attenuation, embankment and technical drainage, specifications.
- 15.3. Furthermore, the applicant fails to adequately describe how access can be secured to the site via the Carrowmoneash Road which appears to be (in part) private ownership. As a result, the application is premature and fails to demonstrate convenient access.
- 15.4. As a result, the proposed development is in my opinion, contrary to policies and objectives within the Oranmore LAP and Galway County Development Plan 2015-2021, including UI 15, NH 8, TI 2, UI 12, UI 14 and UI 16 of the Local Area Plan and NHB 1, NHB 14 21, FL 1 and FL 2 and DM Standard 2 of the Galway County Development Plan 2015-2021; as well as The Planning System and Flood Risk Management Guidelines for Planning Authorities.

## 16.0 **Recommended Order**

**Planning and development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

16.1. 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 17<sup>th</sup> Day of December by Torca Construction Limited care of MKO Planning and Environmental Consultants, Tuam Road, Galway, Ireland, H91 VW84.

### **Proposed Development**

16.2. The proposed development is for 101 no. residential units as follows:

- Block A: 4 no. storey block comprising 2x one bed and 23x two bed apartment units; and 10x three bed duplex apartments.
- Block A1: 4 no. storey block comprising 2x one bed and 13x two bed apartment units; and 6x three bed duplex apartments.
- Block B: 3 no. storey block comprising 2x one bed and 13x two bed apartments; and 10x three bed duplex apartments.
- Block C: 3 no. storey block comprising 6x two bed apartment units and 4x three bed duplex apartments.
- Block C.1: 3 no. storey block comprising 2x one bed and 4x 2 bed apartment units; and 4x three bed duplex apartments.
- Creche facility (202sqm) in detached building including secure outdoor play area.
- Wastewater pumping station (218.9sqm).
- New vehicular and pedestrian access via Carrowmoneash Road.
- 133 no. car parking spaces.
- Provision of central landscape courtyard and public open space, bicycle parking, bin storage, ESB Substation (10.84sqm), public lighting, site landscaping, boundary treatments, SuDS drainage including swales & associated services, signage, solar PV panels, and all associated site development works.

### **Decision**

**Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

### **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**

1. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement (NIS), in particular:
  - The lack of wintering bird surveys in relation to SCIs for the Inner Galway Bay SPA;
  - The lack of consideration of groundwater connections to European sites, including potential connection to Calcareous fens with (*Cladium mariscus*) and species of the Caricion davallianae and Alkaline fens, which are QI habitats in the Galway Bay Complex SAC;
  - The lack of consideration or mitigation with respect to works (in the form of outlet pipes) in the habitat alongside the Frenchfort Stream and associated impact upon Otter, a QI for the Galway Bay Complex SAC; and
  - With respect to in combination / cumulative effect, the lack of consideration of the occurrence of 'Semi-natural dry grasslands and scrubland facies on calcareous substrates' within the application site which is a QI habitat for the Galway Bay Complex SAC;
  - As well as inconsistencies in the document;

the Board is not satisfied that the proposed development would not adversely affect the integrity of the Inner Galway Bay SPA and Galway Bay Complex SAC, in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

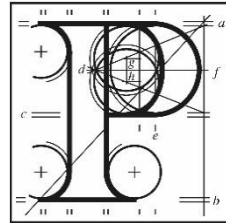
2. Having regard to the deficiencies in the submitted Ecological Impact Assessment (EclA), particularly in relation to:
  - works proposed alongside the Frenchfort Stream to accommodate outlet pipes for the proposed development, and associated consideration of potential consequential impact upon habitat associated with Kingfisher (an Annex I species) and Otter (an Annex II species);
  - inconsistencies and insufficient regard in relation to nesting birds and overwintering birds;

significant permanent adverse impact upon sensitive habitat, protected species and nesting or overwintering birds cannot be excluded. As such, the proposed development is contrary to Objective UI 15 Waterbodies and Watercourses and NH 8 Frenchfort Stream Ecological Corridor of the Oranmore Local Area Plan and Objective NHB 1 Protected Habitats and Species and Objective NHB 14 Protection of Riparian Zones of the Galway County Development Plan 2015-2021. Contrary to the proper planning and sustainable development of the area.

3. The submitted Flood Risk Assessment (FRA) does not demonstrate that the proposed development would not expose future occupants to risk of flooding from all sources and would not increase the risk of flooding elsewhere. As a result, the proposed development is contrary to Objectives FL 1 and FL 2 of the Galway County Development Plan 2015-2021 and Objectives UI 12, UI 14 and UI 16 of the Local Area Plan, as well as The Planning System and Flood Risk Management Guidelines for Planning Authorities. Contrary to the proper planning and sustainable development of the area.

The applicant fails to adequately describe and demonstrate how access can be secured to the site via the Carrowmoneash Road which appears to be in (part) private ownership. As a result, the application is premature and fails to demonstrate convenient access in accordance with Policy TI 2 of the Oranmore Local Area Plan and DM Standard 2 of the Galway County Development Plan 2015-2021. Contrary to the proper planning and sustainable development of the area.

## 17.0 Appendix A: EIA Screening



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

#### A. CASE DETAILS

<b>An Bord Pleanála Case Reference</b>		ABP-312255-21
<b>Development Summary</b>		101 no. apartments, creche and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An NIS has been submitted with the application.

**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?**

No

**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**

Yes

SEA undertaken in respect of the Galway County Development Plan 2015-2021. An NIS and Ecological Impact Assessment (EclA) under the Habitats Directive and Birds Directive and with reference to the Water Framework Directive. A Construction and Environmental Management Plan and Flood Risk Assessment references the Water Framework Directive. A Noise Intrusion Assessment references the EU Noise Directive. An Energy Report and Building Lifecycle Report consider the European Energy Performance of Buildings Directive. The submitted EIA Screening Statement and Planning Report and Statement of Consistency also refer to Directives relevant to EIA and the Habitats Directive and Birds Directive.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?
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		<p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Yes/ No/ Uncertain</p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The residential use proposed and the size and design of the proposed development would not be inappropriate for this part of Oranmore. While the height of the proposed apartment blocks is up to 4 storeys and the maximum height of adjacent buildings is 2 storeys, the proposed scale is not exceptional, relative to the established urban context.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The works will involve levelling out in some areas, but with no significant change to topography. Changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area, and the site is situated in an existing residential area.</p>	<p>No</p>

<p><b>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?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such development. While the development will result intensity of land coverage by buildings and loss of trees/vegetation, this is not on a significant scale at either national or county level. The proposed landscape works also incorporate mitigation measures through landscape planting.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></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. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Construction waste can be managed via Construction Waste Management procedures to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>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?</b></p>	<p><b>Yes</b></p>	<p>The AA carried out for this application concludes that there is risk of pollution to ground, surface and coastal waters. While surface water management systems as required of a project of this scale and will prevent the escape of potential pollutants from the site to surface and coastal areas, insufficient detail was submitted with respect to the potential for contamination to ground water. However, it is possible that such impact could be mitigated once the risk is identified.</p>	<p><b>Uncertain</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction and Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction and Environmental Management Plan to include traffic movements, would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>The site is within a SEVESO consultation area and the Health and Safety Authority were consulted on the application, however no response was received. No significant risk having regard to the nature and scale of development has been identified. Any risk arising from construction will be localised and temporary in nature.</p>	<p><b>No</b></p>

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the scale of the development, its situation in an existing urban area and the surrounding pattern of land uses.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is a stand-alone development, comprising renewal of a site. The Galway County Development Plan 2015-2021 and Oranmore Local Area Plan plans for the expansion of the county and has been subject to SEA. This application and those developments in the vicinity are catered for in the plan through land use zoning. Other developments in the wider area alongside the proposed development, are not considered to give rise to significant cumulative effects.	No
<b>2. Location of proposed development</b>			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	Yes	An NIS Report including AA Screening and Ecological Impact Assessment	Uncertain

- 1. European site (SAC/ SPA/ pSAC/ pSPA)**
- 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**

Report are submitted with the application. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement as relates to the following:

- The lack of wintering bird surveys in relation to SCIs for the Inner Galway Bay SPA;
- The lack of consideration of groundwater connections to European sites, including potential connection to Calcareous fens with (*Cladium mariscus*) and species of the *Caricion davallianae* and Alkaline fens, which are QI habitats in the Galway Bay Complex SAC;
- The lack of consideration or mitigation with respect to the extension of works (in the form of outlet pipes) into the habitat for the

		<p>Frenchfort Stream and associated impact upon Otter, a QI for the Galway Bay Complex SACI; and</p> <ul style="list-style-type: none"> <li>• With respect to in combination / cumulative effect, the lack of consideration of the occurrence of ‘Semi-natural dry grasslands and scrubland facies on calcareous substrates’ within the application which is a QI habitat for the Galway Bay Complex SAC;</li> </ul> <p>The submitted NIS contains a number of omissions and lacks comprehensive consideration of potential effects on European sites.</p>	
<p><b>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, over-wintering, or migration, be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>Existing habitats have been surveyed in the submitted Ecological Impact Assessment Report. Surveys demonstrate that while bats utilise the site for commuting and foraging, the survey suggests they do not roost on the site. However, insufficient regard is had to the extension of the site and works into habitat adjacent to the Frenchfort Stream where Otter is evident. In addition, insufficient information is provided with</p>	<p><b>Uncertain</b></p>

		respect to overwintering birds and the existence on the site of Annex I habitat that reflects a QI of the adjacent Galway Bay Complex SAC. Therefore adequate mitigation has not been identified with respect to potential effects.	
<b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b>	<b>No</b>	The submitted Archaeological and Cultural Heritage Report confirms there are no schedule monuments, protected structures, NIAH structures or archaeological features / records of significance on or proximate to the site.	<b>No</b>
<b>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?</b>	<b>No</b>	The subject site is formed of green field area.	<b>No</b>
<b>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?</b>	<b>Yes</b>	A the Frenchfort Stream is situated to the south and east of the site and the site includes areas in Flood Zones A&B. A Flood Risk Assessment is submitted with the application but contains inconsistencies and omits technical specifications with regards to mitigation.	<b>Uncertain</b>



2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands proposed for development are susceptible to landslides or erosion and the topography of the area is flat.	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.	The site is accessed via minor local traffic routes.	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	No such facilities are situated immediately adjacent to the site. Schools and other community facilities are situated in the wider area and would be accessed by future populations of the proposal. The lands are zoned for residential.	No

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Developments have been identified in the vicinity, however these are all of a scale and nature that would be anticipated under the Galway Development Plan 2015-2021 and would not give rise to significant cumulative environmental effects alongside this development.	No

<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

**C. CONCLUSION**

<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

**D. MAIN REASONS AND CONSIDERATIONS**

Having regard to: -

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

(b) the location of the site on lands zoned as R-Residential (Phase 1) and OS-Open Space / Recreation & Amenity in the Oranmore Local Area Plan where residential, childcare facility and open space is in conformity with the land uses.

- (c) The pattern of development in surrounding area.
- (d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.
- (e) 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).
- (f) The guidance 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).
- (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- (h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Construction and Environmental Management Plan, Landscape Report and Flood Risk Assessment.

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

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Rachel Gleave O'Connor  
Senior Planning Inspector

09 May 2022