



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312258-21

<b>Development</b>	Construction of 4 no. single storey, 2 bed dwellings
<b>Location</b>	Claremount, Oughterard, Co. Galway
<b>Local Authority</b>	Galway County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	Department of Housing, Local Government and Heritage – Development Applications Unit (DAU) Inland Fisheries Ireland (IFI)
<b>Observer(s)</b>	1. Cepta and Michael Stephens 2. Patrick and Carmel Healy 3. Michael Healy 4. Daniel Gadd 5. Fergus McKiernan
<b>Date of Site Inspection</b>	14 <sup>th</sup> January 2022
<b>Inspector</b>	Máire Daly

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## **1.0 Introduction**

- 1.1. Galway County Council is seeking approval from An Bord Pleanála to undertake a housing scheme of 4 no. units adjacent to a hydrological pathway to the Lough Corrib SAC which is a designated European site. The Lough Corrib SPA is also in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on European sites.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## **2.0 Proposed Development**

- 2.1. Galway County Council is seeking permission for a residential housing scheme of 13 no. units comprising the following:
  - 4 no. single storey, 2 bed dwellings which each unit having an area of 75.7m<sup>2</sup>.
  - Car parking;
  - Hard and soft landscaping;
  - Site clearance works, roads, footpaths, public lighting; and
  - Connection to services and all ancillary site development works.

## 2.2. **Accompanying documents:**

- Natura Impact Statement (NIS) which includes Screening for Appropriate Assessment as well as Baseline Ecology Studies relating to sensitive receptors.
- Planning Report which includes an Archaeological Impact Assessment and Site Specific Flood Plain Report and details in relation to Screening for Environmental Impact Assessment.
- Drawing Schedule and Planning Drawings.

## 3.0 **Site and Location**

- 3.1. The subject site which has a stated area of 0.622 Ha is located to the immediate north of the Sruchán an Chláir housing estate, to the north of the settlement boundary of Oughterard in Co. Galway. Oughterard is situated near the western shores of Lough Corrib on the N59 approximately 25km north-west of Galway City. Residential development has occurred in the form of housing estates, one off dwellings and linear development, mostly at a distance from the town core. The site is situated approximately 1.2km west of the town centre.
- 3.2. Levels fall across the site from south-west to northeast by approximately 8.6m over a distance of 100m. There is an existing agricultural gate and access track which traverses the site from the southern boundary to the north of the site where there is a stream that lies immediately to the north. The site is bounded to the north, west and east by agricultural lands, while existing residential dwelling are located immediately to the south of the project site. Stone walls continue along the western and northern site boundaries. The adjoining residential properties vary in scale and design ranging from bungalows to two storey detached dwellings.

## 4.0 **Planning History**

### 4.1. Subject Site:

- ABP Ref: 304339-19 – In August 2019 the Board refused to approve the proposed development for 13 number units, comprising of nine number single-storey two-bed dwellings, four number two-storey two-bed dwellings,

car parking, provision of green space, connection to existing services and all ancillary site development works at Claremount, Oughterard, County Galway.

3 no. reasons for refusal were given these included:

1. *The Board is not satisfied that the local authority has demonstrated that the proposed development would not adversely affect the integrity of the European Sites, the Lough Corrib Special Area of Conservation (site code: 000297) and the Lough Corrib Special Protection Area (site code: 004042), in view of the sites' Conservation Objectives, as the proposed development would entail site clearance, excavation and piling operations in proximity to the adjoining tributary of the Owenriff River, which forms part of the Lough Corrib Special Area of Conservation (site code: 000297), and which contains a population of Freshwater Pearl Mussel downstream of the confluence of these two watercourses. In addition, it is concluded that there is a lack of surveys of mammals, birds or other aspects of biodiversity along the stream channel where there is potential for local or nearby otter, badger and bat presence and usage of the site. In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the above-mentioned European Sites in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from approving the proposed development.*
2. *The Ministerial Guidelines "Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May 2009 recommends a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference. Notwithstanding the residential zoning objective for the site within the expired local area plan, it is considered that the site is located in an area which is remote and isolated from the village core and its development would not be in line with the orderly expansion of the settlement. Having regard to the lack of a pedestrian linkage and the excessive walking distance to the centre of Oughterard, the absence of public transport to the village centre and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be excessively car dependent and would, therefore, be*

*contrary to the Ministerial Guidelines and to the proper planning and sustainable development of the area.*

3. *It is considered that, by reason of its inadequate qualitative and quantitative provision of communal open space, and the uneven distribution of plot sizes and associated private open spaces, the proposed development would give rise to a substandard form of development that would conflict with the provisions of the current development plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in May 2009. Furthermore, the proposed development would constitute a car dominant layout that would militate against an attractive pedestrian environment and would generate additional traffic turning movements at a junction onto a national road where adequate sightlines have not been demonstrated. The proposed development would seriously injure the residential amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **5.0 Legislative and Policy Context**

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under

its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. **National nature conservation designations:** The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located in proximity to the subject site include:

- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000 (as amended) sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura Impact Statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.

- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## **5.6. National Planning Framework**

- 5.6.1. The NPF recognises that the fastest growing areas at present are the edges of cities and towns and this results in a process of infrastructure/ services catch up, city and town centres becoming run down, greenfield sprawl and a higher carbon footprint.
- 5.6.2. It is stated that an increase in the proportion of more compact forms of growth in the development of settlements of all sizes, from the largest city to the smallest village, has the potential to bring new life and footfall, contribute to the viability of services, shops and public transport, increase housing supply and enable more people to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less.

## **5.7. Sustainable Residential Development in Urban Areas, 2009**

- 5.7.1 It is stated in Section 6.7 of these Guidelines that “... *the overall order and sequencing of development of small towns and villages must avoid significant so called “leap-frogging” where development of new residential areas takes place at some remove from the existing contiguous town/village and leading to discontinuities in terms of footpaths lighting or other services which militates against proper planning and development.*”

## **5.8. Galway County Development Plan 2022-2028**

- 5.8.1 This development plan came into effect on 20<sup>th</sup> June 2022. The town of Oughterard is included under Volume 2 of the plan as a ‘Small Growth Town’. These are defined as small towns with local service and employment potential where there is a need to promote regeneration and revitalisation of towns and support local enterprise and



employment opportunities to ensure their viability as service centres for surrounding rural areas. Under Volume 1, Chapter 2 - Section 2.3.13 Core Strategy Map & Core Strategy Table, the town of Oughterard has a Housing Allocation of 201 for the plan period 2022-2028 with residential units proposed 60.

- 5.8.2 Policy HS 5 Social Housing Stock of Chapter 2 states that *“It is a policy objective of the Planning Authority to increase and effectively manage the stock of social housing within the county in order to meet the long-term housing needs of those households on the local authority housing list”*.
- 5.8.3 The detailed policies and objectives for this settlement are included under Volume 2, Section 8.1 to 8.5 and the associated land Use Zoning Map and Flood Risk Management Map are contained at the end of same chapter.
- 5.8.4 Section 8.3.1 states *“A key purpose of this settlement plan will be to provide additional housing development into the future that conforms to the principles of quality and sustainability in terms of design and layout particularly. The settlement plan and accompanying County Development Plan provides information and guidance pertaining to development for the next six years up to 2028. This information includes details of the optimum future location, type and design of future residential development in and around the town of Oughterard”*.
- 5.8.5 Land Use Zoning Policy Objectives for Oughterard - Oughterard Small Growth Town-OSGT2 Sustainable Residential Communities states that the plan will *“Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities....”*. It also emphasises that the plan will *“Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the plan area”*.
- 5.8.6 Objective OSGT 8 Pedestrian and Cycle Network states it is the plan’s aim to *“Encourage and support the development of a series of pedestrian and cycle routes linking the residential areas to the town centre and local community services, where feasible”*.
- 5.8.7 Section 8.4.3 states *“Residential development in this settlement plan encourages sustainable transport links to the main shopping streets and community facilities*

*such as the schools and sports playing pitches in the area. This approach to land use zoning and a sequential approach to development thereof should encourage and promote a reduction in reliance on the private car”.*

5.8.8 The Board should note that under the previous Oughterard Local Area Plan 2006-2012 the subject site was within the development boundary of the LAP and was zoned Residential, however, it should be noted that the site the subject of this application is currently no longer zoned and under the Land Use Zoning Map of the current plan (2022-2028) is located outside of the defined settlement boundary.

5.8.9 According to **Map 1.1 Rural Area Types** of Chapter 4 of the operative development plan (2022-2028) the subject site is now located within **Rural Housing Zone 2 - Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1**. It is policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the following criteria:

*1(a) Those applicants with long standing demonstrable economic and/or social Rural Links\* or Need to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

OR

*1(b) Those applicants who have no family lands, or access to family lands, but who wish to build their first home within the community in which they have long standing demonstrable economic and or social Rural links\* or Need and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Having established a Substantiated Rural Housing Need\*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management.*

*To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.*

*Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

OR

*1(c) Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

OR

*1(d) Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.*

OR

*1(e) Where applicants can supply, legal witness or land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links will not have to be demonstrated.*

OR

*1(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitat's Directive and normal planning considerations*

OR

*1(g) Rural families who have long standing ties with the area but who now find themselves subsumed into Rural Villages. They have no possibility of finding a site within the particular Rural Villages. Rural Villages dwellers who satisfy the requirements for Rural Housing Need as outlined in RH2 will not be considered as Urban Generated and will have their Housing Need upheld.*

*2. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.*

- 5.8.10 I note the inclusion of **Policy RC 5** in relation to **Rural Clustering on un-serviced lands in Villages** for up to 5 houses, however the current site is not within a village and it is proposed to connect the houses to existing public services/infrastructure, and therefore this policy would not apply.

## 6.0 The Natura Impact Statement

- 6.1. Galway County Council's application for the proposed development was accompanied by a Natura Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.
- 6.2. A range of ecological field surveys have also been completed to inform the NIS these include: Phase 1 Habitat Surveys, an aquatic survey of the Canrawer East Stream, an otter survey of the Canrawer East Stream, encompassing the stretch of the stream 100m upstream of the project site and downstream to the culverted section of the Canrawer Stream to the north of Oughterard Rugby Club and a survey for field signs indicating the presence of otters or other protected non-volant mammal species such as Irish stoat and badgers was undertaken during the field surveys.
- 6.3. A bat survey of the project site was also completed encompassing static automatic monitoring at the project site for an extended period of time between the 2<sup>nd</sup> September 2021 and 10<sup>th</sup> September 2021. One call of lesser horseshoe bat was recorded during monitoring over these 8 consecutive nights, however I note that the

project site is not located within the 2.5km core sustenance zone of the lesser horseshoe bat roosts that have been designated as part of this SAC. These roost sites are located over 10km from the project site. The results of the surveys at the project site and those from the school site to the east of the project site in the spring of 2021 indicate that lesser horseshoe bats do not rely on the project site or the area surrounding the project site and that soprano pipistrelle is the dominant species occurring at and surrounding the project site. There is only one tree occurring within the proposed development footprint. This is a willow tree with no potential to function as a roost site for bats.

- 6.4. The NIS identifies the potential effects arising from the project and the potential in-combination effects. Mitigation measures are set out for as part of the design of the project which includes a buffer distance of 45m between the footprint of the proposed development and the Canrawer East Stream to the north. The provision of surface water management drainage infrastructure during the operational phase will also mitigate any possible adverse impacts on water quality. Construction phase mitigation including provisions for correct management of earthworks, fuel use and storage and protection of water quality and surface water bodies are also detailed (Section 8.2). Section 8.2 of the NIS then details mitigation measures to prevent the spread of non-native invasive species including best practice and biosecurity.
- 6.5. The conclusions reached from the Stage 2 Appropriate Assessment outlines that that provide all mitigation measures that aim to avoid the discharge of contaminated surface drainage waters are implemented, the potential for negative impacts to occur will be eliminated and associated adverse impacts to the Owenriff River catchment and the Lough Corrib SAC and the Lough Corrib SPA will not arise. Bespoke mitigation measures have been outlined for the treatment of the Lesser Knotweed infestation on site and for the prevention of the introduction of any other non-native invasive species through the implementation of biosecurity measures. The implementation of these measures will provide effective safeguards preventing the spread of non-native invasive species from the project site to the Owenriff River catchment and the associated Lough Corrib European Sites. It is the considered view of the authors of this NIS that it can be concluded that the project will not, alone or in-combination with other plans or projects, result in significant adverse effects to the integrity and conservation status of European Sites in view of their Conservation

Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

## 7.0 Consultations

7.1. The application was circulated to the following bodies:

- Department of Housing, Local Government and Heritage – Development Applications Unit (DAU)
- Inland Fisheries Ireland (IFI)
- Irish Water

Responses were received from the DHLG&H and IFI.

7.2. The response received from the **Department of Housing, Local Government and Heritage**, can be summarised as follows:

- Canrawer East stream borders the northern part of the site and flows in a south easterly direction into the Owenriff River, which is part of the Lough Corrib SAC. Overall, the stream has good habitat potential for salmonids and for lamprey species (both of which are Annex I species and qualifying Interests (QI) for the European site).
- The Owenriff River also supports an internationally important population of the Annex I species Freshwater pearl Mussel (also a QI).
- The Department highlights that the Owenriff waterbody section 020 has been classified as “At Risk” under the Water Framework Directive (WFD) and currently has ‘Bad’ ecological status, as a consequence of this the Owenriff River is listed as a Priority Area for Action (AFA0148).
- Considering the above, the Department highlight that the soakpit area is 50m from the Canrawer stream. Soakpits are not suitable in areas of high-water table, the potential for groundwater coming into contact with the soakpit must be excluded by the proposal. It is not clear from the documentation provided if this has been fully considered.
- The Department highlights recent (2021) Best Practice Guidance on “Nature-based solutions to the Management of Rainwater and Surface Water Runoff

in Urban Areas” and note that as part of the current proposal dry swales and filter drains were not considered as SUDs measures – nature-based solutions should be sought by local authorities.

- The Department does however welcome the specific biodiversity enhancement measures which are considered important for water quality protection and for the protection of riparian and fringing habitat, however it is not clear who will be responsible for the landscape plan. Further information should clarify the roles and responsibilities for implementation.
- The Department recommends that all planting should be of local provenance and that the biodiversity enhancement measures are implemented fully before construction starts.
- There is no description of the site compound and delineation of the construction area. This should be clearly set out to ensure that mitigation and biodiversity enhancement measures are implemented effectively and the shown ‘buffer zones’ are protected.
- The Department stated that there should be no uncertainty surrounding the implementation of mitigation measures. A Construction Environmental Management Plan (CEMP) should be provided which should include mitigations detailed within the NIS and give specific details of:
  - The person or body in charge of implementation.
  - The methods for checking implementation of the measures.
  - The monitoring programme to verify the effectiveness of the measures and adapt them if necessary.

#### Other Ecological Considerations

- The proposed Natural Heritage Area (pNHA 002082) is 700m southeast of the proposed development area. This site has been designated for a significant Leisler’s Bat maternity roost.
- The Department acknowledges that the NIS has outlined that the lightning standards for the two street lights should align with the ILP 2018 guidance (warm white spectrum ,2700 Kelvin). However, the site layout plan indicates

‘proposed 6m Standard Street Light Pole’. The Department recommends that the proposed luminaires are in line with ILP 2018 guidance and that final sign off post-construction/operational phase of installation should be carried out by a lighting professional.

- Clearance of vegetation for the site should only be carried out in the period September to February inclusive i.e. outside the main bird breeding season. Where vegetation clearance is required outside of this period it must be inspected by a suitable ecologist and suitable mitigation measures must be put in place should nesting birds be found.

7.3. The response received by the Board from the **IFI**, can be summarised as follows:

- The location of the proposed site was noted as well as its proximity to the Owenriff River catchment and its relationship with the Lough Corrib SAC. The Owenriff river gets annual runs of wild brown trout and salmon which ascend the upper reaches of the river to spawn. The main channel of the river also hosts FWPM.
- The Owenriff has been designated as a Priority Area for Action.
- It is noted that the revised proposal onsite will be set back 45m from the stream, the 2016 Guidelines on protection of fisheries during construction works should therefore be referenced prior to commencement of works.
- IFI also requests that the appointed contractor also ensures that the development does not lead to the spread of the non-native lesser knotweed which is present on site.
- If any issues arise during the construction phases which has implications on fisheries /water quality of the Owenriff River then works should cease immediately.
- The IFI recommend that the appointed contractors liaise with them two weeks in advance of commencement of works on site.



#### 7.4. Public Submissions:

- 7.4.1 A total of 6 no. submissions on the proposed development were received from members of the public and local residents. The main points raised in each of these submissions is summarised as follows:

Cepta and Michael Stephens, Claremount

It should be noted that two separate submissions were received from the above observers. One was made by Brendan McGrath and Associates, Planning Consultants on behalf of the observers and a second was made separately by the observers themselves.

Planning Policy Context:

- The policy context is inadequately described in the planning report.
- The subject site is not within a designated settlement boundary or zoned for residential development. It is wrong to make these assumptions based on a LAP which was drawn up in 2006 and expired in 2012.
- In the first draft of the Galway County Development Plan 2022-2028 the subject site is not within the settlement area or zoned for residential development. The Office of the Planning regulator (OPR) who made a submission on the plan stated under Recommendation No.7 *“Having regard to the national and regional objectives for compact growth NPO 3c and RPO 3.2: the requirement under the ‘Development Plan Guidelines for Planning Authorities’ (2007) that is sequential approach to zoning of lands is applied and the tiered approach to zoning outlined in NPO 072, the planning authority is required to:-*

*II. Oughterard - omit the inclusion of lands to the east of the town, accessed from the Pier Road for Residential Phase 1.”*

In response to the OPR recommendation the council removed the Phase 1 residential zone lands however based on the removal of R1 lands as per recommendations no.7 and no. 15 the Council then reallocated residential lands (Phase 1) to the lands identified in the Pre-Draft Galway County Development Plan which include the subject site and the site to the immediate west.

It is the observers' opinion that the Council's response to the recommendation of the OPR is unreasonable and provocative. It is now proposing to zone lands for Phase 1 Residential Development which are further from the settlement core than the proposed zoned area being omitted at the behest of the OPR. It is therefore quite likely that proposed amendments will not prevail.

The Grounds of Objection:

- The proposal is unacceptable in principle having regard to statutory guidance - unzoned, peripheral site contrary to Sustainable Residential Development in Urban Areas – Guidelines 2009.
- This peripheral site is unsuitable for residential development and for social housing in particular. The site is more than 1km from Oughterard town centre.
- The site is not within a reasonable walking distance of the town centre and there are no services or facilities of any kind close to the site, other than the riverside public open space and the bus stops at the L5330 junction, more than 300m from the site. The proposal is inherently car dependent.
- It is the observers' understanding that the Council has a substantial landholding close to Oughterard town centre which would be a more suitable location for new housing.
- In addition to the above the observers also raised concerns in relation to the possible re-zoning of the subject site which they state is currently agricultural to residential lands given its environmental sensitivity and likely effects on a European site. In addition, the proposal would result in an impact on a presently inadequate sewage plant.

Vehicular access is substandard:

- Access to the site is via the T-junction formed by the N59 and L5330. Cars travelling on this road often go faster than the 50kph speed limit. Although the plan contains an objective to develop an Oughterard by-pass this is unlikely to happen in the near future.
- Even assuming the 50kph traffic speed on the main road, the existing junction does not meet minimum design standards for visibility splays. Therefore, refusal reason no.3 of the previous application has not been addressed.

#### David Gadd, Claremount

- None of the previous conditions that An Bord Pleanála set out for refusal have been mitigated.
- The subject site is peripheral, rural and unsuitable for this type of development.
- The access road (L5330) to the N59 from Claremount is not sufficiently designed to allow safe egress. The existing junction does not reach minimum design standards for visibility splays. This was the case at the time of the application when the speed limit was 50kph and since then the situation has been made worse as the speed limit is now 60kph.
- The topography of the land is unsuitable as it slopes to a substantial gradient downward towards the stream to the rear.
- Adverse effect on environment and protected species.
- Inadequate services such as sewage or possibility of improving same.
- Alternative Council owned lands are already available.
- There are further land pockets available in the town centre that need to be developed.

#### Fergus McKiernan, Claremount

- There is no infrastructure in the area to support elderly or mobility impaired residents that may occupy these proposed houses.
- The road surface in Claremount is in poor repair and uneven and pathways are narrow and uneven.
- As you exit Claremount the access to the main road (N59) is down a steep narrow road that has no footpaths at all – this road does not support two-way traffic and is dangerous to all pedestrians.
- There is a lack of bus services in the area and the nearest in Oughterard town centre is not very accessible from the proposed site.
- The site is partial sandbank which slopes down to a tributary of the Owenriff and to develop this site would be costly and does not make good financial

sense when there are other sites in the village which could be better developed, beside public transport.

- The owners of the adjoining agricultural sites have a right to access these lands through the site and regularly drive farm machinery through the subject site.
- There are existing houses in the area on the Bog Road that have been left fall into disrepair by GCC and this adds to the exitsing residents' reluctance in the area.

Michael Healy, 18 The Hawthorns, Limerick Road, Ennis

- Observer's parents live adjacent to the proposed site.
- Landuse Zoning – the proposed site is not zoned residential in the Draft DCDP 2022-2028 and is located outside the settlement boundary.
- There was a previous over zoning of lands within the settlement (88.9hectares) for the expired 2006 LAP and no weight should be given to the fact that the site was previously zoned residential in this LAP.
- The proposed development is on the periphery of the settlement (1.1km from the western end of the Main Street) and is not supported by the Sustainable Residential Guidelines.
- There are significant areas of undeveloped lands closer to the village centre, some of which GCC own.
- Site Suitability – The proposal does not seek to achieve the objective in relation to social housing as set out in the Quality Housing for Sustainable Communities, 2007. The proposed development is merely an extension of an exitsing housing estate but does nothing to address the inadequate pedestrian access for the N59 to the site. There is no footpath or street lighting along the L5330 local road over a distance of 80m form the N59.
- The reuse and restoration of rundown and underutilised buildings in the village should take place before grants of planning permission are considered for new developments outside of the town centre.

- Access – The access through the existing Claremount estate and the junction between the N59 and L5330 is substandard in terms of site visibility from the local road onto the national road. Additional traffic generated from this development will compromise road safety further.
- Lack of footpaths and public lighting.
- Site Layout – No landscape plan for the communal area/open space. No details of biodiversity enhancement measures.
- Planting hedging along the proposed road will create hidden space which may result in anti-social behaviour or fly tipping in the area.
- A masonry wall bordering the site should be required with a specified height of 1.8m to ensure privacy for existing adjoining residents.
- House Design – The design is uninspiring and lacks imagination.

#### Patrick and Carmel Healy, Claremount

House immediately adjoining site to the south.

- The site is outside of the settlement boundary.
- The proposed planning application has not addressed the inadequate infrastructure in relation to pedestrian access to the village, limited footpath connectivity and street lighting.
- The site has noxious weeds on site including Japanese knotweed.
- GCC have deliberately ignored repeated requests to upgrade the Junction of the N59 and L5330 leading off the N59 into approx. 50 homes in Claremount and Sruchan an Chláir. There is a lack of visibility at the N59/L5330 junction in both directions.
- Development would be completely car dependant and there are more suitable sites within 500m of the village core that should be used, including options to regenerate vacant properties in main street Oughterard.
- Concerns regarding the maintenance of the proposed houses in the future.
- Southern boundary of site which adjoins observers' property needs to be landscaped appropriately, address existing dead organic material and issue

with flies. 6ft block wall should be required between observers' property and proposed site.

- Concerns over potential impacts from proposed development on the stream at the bottom of the subject site and subsequent impacts on Owenriff River and Lough Corrib, European site.

## **8.0 Assessment**

8.1. Under the provisions of Section 177AE(6) of the Planning and Development Act, 2000 (as amended), the Board is required to consider the following in respect of this type of application:

- The likely consequences for the proper planning and sustainable development of the area;
- The likely effects on the environment; and
- The likely impact on any European sites

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

8.2.1 The Board should note that the subject site previously fell within the development boundary of the Oughterard Local Area Plan, 2006-2012. The site was residentially zoned and situated on the western edge of the plan boundary, however under the current Galway County Development Plan 2022-2028 which came into effect on 20<sup>th</sup> June 2022 the subject site is no longer zoned and under the Land Use Zoning Map for Oughterard as contained in Section 8 of Volume 2 of the plan is in fact located outside of the defined settlement boundary. The policy that therefore applies to the site is governed under Policy RH2 - Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1) where it is a policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the criteria already outlined under Section 5.8 above. Applicants within these areas are required to demonstrate compliance with one of the criteria listed under Policy RH2. In the case of the current application the housing need of prospective residents has not been outlined and neither has compliance with any of the criteria listed.

- 8.2.2 It should be noted that the area surrounding/adjoining the settlement boundary of Oughterard has clearly been under pressure from residential development in the past. As previously mentioned, the subject site is located on the periphery of the town development boundary, at a walking distance of approximately 1.1km from the western end of Main Street and 1.5km from Market Square. Residential development in and around Oughterard has taken the form of housing estates, one-off dwellings and linear development, much of which is at a distance from the town core. The effect of this pattern of development is the presence of significant areas of undeveloped land around the historic town centre. I note the adopted Development Plan (2022-2028) seeks to address this issue stating that any additional housing development into the future should conform to the principles of quality and sustainability in terms of design and layout and details of the optimum location, type and design of future residential development in and around the town of Oughterard have been provided and highlighted on the zoning map for the settlement.
- 8.2.3 Oughterard has a projected population growth figure for the plan period of 2022-2028 of 350 which according to Table 4.1 of the Section 4 of Volume 2 of the operative plan required 8.8ha of residentially zoned lands. To provide for this requirement residential infill sites have been zoned close to the town centre, Residential Phase 1 lands are zoned in a sequential manner where possible and Residential Phase 2 lands are zoned on the periphery. The plan highlights however that these periphery Phase 2 sites will generally not be developable during the lifetime of this plan. Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development maybe considered in a phased manner on some residential (Phase 2 lands). I note however that the “leapfrogging” of development, whereby new development takes place at a remote location from the existing contiguous town/ village, is discouraged within Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2009.
- 8.2.4 In summary the subject site is currently not zoned for residential development and although previously zoned under the LAP (2006-2012) these lands have subsequently been removed for valid reasons. I also note the OPR highlighted their concerns in relation to the inclusion of the subject site within the settlement boundary in their submission on the Draft Development Plan. The Board will also note that the

same issues that were raised under the inspectors report for the previous application on site in 2019 (ABP ref: 304339) and the circumstances in relation to the site and distance from the town centre have not changed. Valid concerns have also been expressed within submissions regarding the layout of the proposal, the impact on surrounding residential amenities and traffic safety and visibility for vehicles egressing onto the N59 National Secondary Route. The issues that existed previously under ABP. 304339 still remain and these are now in fact exacerbated by the fact that the site is definitively not zoned under the current, recently adopted development plan. In addition as mentioned previously the proposal would be contrary to the current Galway County Development Plan 2022-2028 by reason of non-compliance with the rural housing policy RH 2 Rural Housing Zone 2.

#### Access and Traffic

- 8.2.5 Access to the site is proposed via the existing estate road of Claremont/ Sruchán an Chláir housing estate, which in turn provides access to the L5330 local road to the west and following this south onto the N59 national secondary road, which in turn runs eastward to Oughterard town centre. I note that several submissions received express their concerns in relation to inadequacies in design at the current junction with the N59. In particular the observers state that the existing junction does not meet minimum design standards for visibility splays and therefore that the existing junction is not sufficiently designed to allow safe access and egress. Under the previous application on site (ABP Ref.304339) similar issues were raised in the associated inspector's report and refusal reason no.3 of the Board's decision stated that adequate sightlines had not been demonstrated at the junction on to the national road. The Council in their submitted Planning Report (page 13) make no attempt to address these traffic and access concerns. No assessment of the junction or any additional traffic movements that may be generated from the proposal has been submitted as part of the current application and notwithstanding the current proposal's decrease in scale to 4 no. houses I still have serious reservations about encouraging any additional traffic from new housing development onto this junction without an adequate assessment.
- 8.2.6 In addition to the above I note that there are no current pedestrian links from the proposed development into Oughterard town centre. As there are no amenities or services within the immediate area, future residents would be required to travel into



the town for services. As there are no suitable pedestrian linkages, these journeys would more than likely be taken by car. While existing footpaths do exist to the edge of the adjoining housing estate, the L5330 has no pedestrian facilities or consistent public lighting south to the junction with the N59. I would therefore recommend that permission for this proposed housing development, in a peripheral location, is refused on the basis that the proposal would be inconsistent with the orderly expansion of Oughterard, would be insufficiently connected to the town centre via safe pedestrian footpaths or linkages and would also by virtue of its location be excessively car dependent.

### Conclusion

- 8.2.5 Therefore, having regard to the above, and to the extent of zoned and serviced lands within the settlement of Oughterard, I consider that the proposed development will have adverse consequences for the proper planning and sustainable development of the area. The subject site is substantially removed from the town centre and is poorly connected in terms of safe pedestrian/ cycle routes. In addition, the applicant has not addressed the concerns previously raised in relation to the junction with the L5330 and the N59 where adequate sightlines have not been demonstrated. I would therefore recommend that permission is refused.

### **8.3 The likely effects on the environment**

- 8.3.1 The application is accompanied by a Planning Report, Natura Impact Statement (which includes Screening for Appropriate Assessment and Baseline Ecological Studies). As noted under Section 7 above there are a number of concerns set out in the observations received regarding the impacts of the proposed development on the surrounding environment in particular with respect to biodiversity and ecology (including European sites), residential amenity, traffic and pedestrian safety and access.
- 8.3.2 In terms of impacts on existing residential amenity, I note that a number of the submissions received have highlighted concerns regarding boundary treatment, lack of amenities, services and connectivity/pedestrian links to the town centre. According to the 'Proposed Site Layout Plan' GCC propose to construct a 1.8m high masonry wall along the western half of the southern site boundary. The eastern half of the southern boundary is to be comprised of agricultural stock proof printing. The adjoining residents to the south have expressed concerns regarding this type of

boundary finish and have requested that a masonry wall should be required with a specified height of 1.8m along this area to ensure privacy for existing adjoining residents. Although no houses are proposed in the area adjoining these existing residents, I do acknowledge their concerns, in particular considering that this will now form a new area of open space in the proposed development. If the Board are minded to approve, I would suggest that a condition is attached to ensure the entirety of the southern boundary, apart from the entrance/access to the site be comprised of a 1.8m masonry wall, thus protecting the residential amenity of the existing residents in the estate to the south.

### Open Space

- 8.3.3 With respect to addressing the previous refusal reason no.3 in relation to communal open space, the proposed development on site has been significantly reduced in scale and density resulting in a 62% reduction in the overall developable footprint as well as an increase in the provision of open space. Wildlife buffers have been provided along the northern boundary of the site and also a second band circa. 15m further south. Section 3.8 of the NIS outlines the landscaping proposed on site but does not detail species proposed or access provisions from the proposed dwelling houses. In addition, I note that Figure 3.1 of the NIS which shows the Biodiversity Landscaping proposed on site defines a large area of Existing Scrub (WS1) habitat which would appear to be proposed for retention on site. I would imagine that this may have been included in error, as it would also appear that another area of Existing Scrub habitat is located on the proposed turning head area. The submitted site layout plan (Drawing No. 6501-JOD-XX-ZZ-DR-T-200-004) contains no such scrub habitat. It is stated in the Development Plan that the minimum acceptable area of useable (my underline emphasis added) open space on greenfield sites is 15% of the total site area (not including incidental lands). While I am satisfied that the proposal now affords each dwelling adequate private amenity space and that an adequate quantitative area of communal open space has also been provided on site, I am not satisfied with the level of detail included or the qualitative standards of the communal open space proposed, or its useability given that access to the area is not clearly provided with the area cut off from the main proposed dwellings by proposed agricultural stock proof fencing. I would therefore suggest that if the Board are minded to approve the proposal, that a condition be attached requiring a detailed

landscape plan for the site to be developed, including specifics of plant/tree species and biodiversity enhancement measures proposed, as well as details of access to the communal open space area, therefore ensuring its useability.

#### Ecology and Biodiversity

- 8.3.4 Several of the submissions received raised concerns regarding the impact that the development may have on the ecology of the Owenriff River which in turns flows downstream into the Lough Corrib SAC. In particular concerns in relation to impacts on water quality, the impact of bat and mammal species and the spread of lesser knotweed from the site. Refusal reason no. 1 of the previous proposal on site (ABP Ref. 304339) concluded that there was a lack of surveys of mammals, birds and other aspects of biodiversity along the stream channel where there is potential for local or nearby otter, badger and bat presence and usage of the site. In response to this the applicant has completed a range of ecological field surveys and species surveys to inform the NIS, these included a Phase 1 Habitat Surveys, an Aquatic survey of the Canrawer East Stream, an otter survey and bat survey. These surveys and the results of same are examined in detail in the sections that follow. Please note that a detailed examination of the project's compliance with Articles 6(3) of the EU Habitats Directive is conducted separately under Section 8.4 below.
- 8.3.5 The habitat survey completed for the site revealed that the site is dominated by a mosaic of dense bracken and bramble scrub which occur to the west and east of a grassy verge access path that leads to the north of the project site. Hedgerows occur along the southern and northern boundary of the project site as well as willows, hazel, hawthorn, ash and blackthorn. A conifer treeline occurs along the eastern site boundary. The habitats occurring within the project site are all representative of habitats of low to local nature conservation value.
- 8.3.6 Lesser knotweed (*Persicaria campanulata*) was recorded in the stand of dense bracken towards the southwest of the project site. Unlike other non-native "knotweed" species, Lesser Knotweed currently is not listed as an invasive species in Ireland, however it has been identified as an invasive species in Connemara National Park, where it establishes it dominates the cover and excludes other native species from the sward. Measures to prevent the spread of non-native invasive plant species have been outlined under Section 8.2 of the NIS, this included for the

eradication of Lesser Knotweed and best practice and biosecurity measures. I am satisfied with the measures proposed and that compliance with same can be addressed by way of condition.

- 8.3.7 The aquatic survey of the Canrawer East Stream (which is c.1m in width at the point where it passes the rear of the site) included an analysis of the quality of the habitat, and thus its potential suitability, for salmonid fish such as a Atlantic salmon and brown trout. In addition to the above the stream bed was also searched for the presence of freshwater pearl mussels during the walked transect. There is unrestricted livestock access to the stream at a number of points along it and signs of cattle access and poaching along the stream bank was noted. Overall, the stream was identified as having good habitat potential to support resident salmonids, however presence of a culverted section of the stream under Carrowmanagh may detract from the overall good habitat potential provided along the stream. During the walkover no freshwater pearl mussels were observed along the stream. I note the consultation response received from IFI which highlights that the Canrawer East Stream forms part of the Owenriff River catchment, which in turn forms part of the Lough Corrib SAC. The Owenriff has been designated as a Priority Area for Action as it is currently classified as “at risk” of failing to meet WFD objectives by 2027. The IFI note that the revised proposal on site is to be set back 45 metres from the stream and highlights measures that should be followed during construction to avoid any implications on the fisheries habitat/water quality. I am satisfied that these can be addressed by way of condition should the Board be minded to approve the proposal.
- 8.3.8 No field signs, holts or couches indicating the presence of otters were recorded during the walked transect along the Canrawer Stream from approximately 100m upstream of the project site to the culvert downstream at Carrowmanagh. This survey also examined the area, including the subject site for field signs of other species including badger and Irish stoat, none were detected.
- 8.3.9 A bat survey of the project site, encompassing static automatic monitoring was conducted for an extended period of time between the 2nd September 2021 and 10th September 2021. A total of six species of bats were recorded during the bat monitoring. These were Myotis species, Leisler's bat, Common pipistrelle, Soprano pipistrelle, brown long-eared bat and lesser horseshoe bats. Lesser horseshoe bats were not found to be reliant on the area (with only 1 pass for lesser horseshoe bats

recorded during 8 consecutive nights of monitoring). There are no structures or trees occurring within the project site that have potential to function as roost sites for bats. The submitted site layout plan shows 2 no. proposed 6m standard street light poles positioned to the front of the proposed dwellings, along the proposed access road to the site. Section 3.7 of the NIS states that the lighting to be used will adhere to the best practice lighting standards provided in the Institute of Lighting Professionals (ILP) guidance document Guidance Note 08/18 – Bats and Artificial Lighting in the UK (2018). I am satisfied that these requirements can be met subject to condition. I am satisfied with the methodology used as part of the surveys conducted and that the revised surveys and their results address the concerns raised previously in refusal reason no.1 (ABP 304339).

#### Environmental Impact Assessment (EIA) Screening

- 8.3.10 The applicant states that a Screening for EIA has been included in the submitted Planning Report, however what in fact has been included is a summary of the various thresholds outlined under Schedule 5 of the Planning and Development Regulations 2001 (as amended). The applicant also refers to a Screening for EIA which was carried out on the previous planning application for 13 residential dwellings on the same site (ABP Ref. 304339) stating that the findings of that EIA Screening Report concluded the nature and characteristics of the proposed development (13 no. dwelling houses) are not considered likely to have significant effects on the environment and that the geographic extent of the proposed development is small and therefore there will be no impacts during the operational phase.
- 8.3.11 In relation to screening for EIA, I note that there is no specific provision under Section 177AE of the Act to require EIA or to carry out a formal EIA Screening Determination for a local authority project submitted under this section of the Act. Nonetheless, the Board, in making its decision, is required to consider the likely effects on the environment in respect of the proposed development
- 8.3.12 The project is not of a type included in Schedule 5 Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended) or in the Roads Act 1993 (as amended). Furthermore, it does not meet any of the criteria set out in Schedule 7 of the Regulations for determining whether a sub-threshold development would be

likely to have significant effects on the environment, with regard to the characteristics of the works, its location and the characteristics of potential impacts.

8.3.13 Having regard to the nature and scale of the proposed development, which would comprise the construction of 4 no. single storey, semi-detached, two-bed dwelling houses, and the characteristics of the receiving environment which is not densely developed or covered by any sensitive heritage designations, and notwithstanding its proximity and hydrological connection to the Lough Corrib SAC, SPA and pNHA, I am satisfied that the proposed works, would not have any significant adverse effects on population and human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, and the need for environmental impact assessment can, therefore, be excluded.

8.3.14 Notwithstanding this conclusion, it is noted that the surrounding area has a rich ecological heritage and the Owenriff River and its associated habitats provide a refuge and foraging opportunities for a range of species (incl. mammals, fish & birds). As such the Council should ensure that the NIS ecological mitigation measures and any recommended conditions are fully implemented, that the buffer zone to the stream banks is maintained, and that the works do not take place during the bird nesting/wintering or fish spawning seasons.

#### Other concerns

8.3.15 I note that several of the observers have raised concerns regarding the capacity of existing wastewater treatment facilities in Oughterard. Appendix E of the submitted GCC Planning Report contains the original 'pre-connection enquiry' for the previous proposed scheme on site, though reference is made to 10 no. houses as opposed to the originally proposed 13 no. houses. Irish Water confirmed at the time that scheduled upgrade works of the Oughterard WWTP were planned to be completed by the end of 2017 and that adequate capacity would be available for the development. In addition, IW stated that a connection to the existing 80mm uPVC watermain to the south of the proposed site could be accommodated.

8.3.16 GCC have stated in their Planning Report that 'the new wastewater treatment plant has increased the current treatment capacity of the plant and facilitates for future growth in population and economic development in the area. The upgraded plant caters for a population equivalent (PE) of 2,400. I note that no consultation response

has been received from Irish Water on the current application, however having considered the above I am satisfied that the development of 4 no. houses on the subject site could be accommodated by the new wastewater treatment plant. This is however subject to the relevant agreements being reached separately with Irish Water.

#### **8.4 The likely significant effects on a European site**

8.4.1 The areas addressed in this section are as follows:

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

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

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

##### **The Natura Impact Statement:**

8.4.3 The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It considered the potential impacts for these sites, their respective qualifying interests and their conservation objectives, and any in-combination effects with other plans and projects that may occur. It then suggested mitigation measures and evaluated same for each of the European sites and their conservation objectives.

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

- A desk top study.
- An examination of the previous AA carried out by the Board for the previous application for 13 no. dwelling houses on site (ABP Ref: 304339).
- Site visits and surveys (including bat surveys undertaken in September 2021)
- An examination of aerial photography, maps and existing services in the area.
- An examination of the previously completed Flood Risk Assessment.

8.4.4 The report concluded that, subject to the implementation of all mitigation measures which aim to avoid the discharge of contaminated surface drainage waters, the potential for impact to occur will be eliminated and associated adverse impacts to the Owenriff River catchment and the Lough Corrib SAC and the Lough Corrib SPA will not arise.

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

## **8.5 Appropriate Assessment**

8.5.1 I consider that the proposed development of the proposed 4 no. dwelling houses is not directly connected with or necessary to the management of any European site.

8.5.2 Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites outlined under table 8.1 overleaf are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.



**Table 8.1 European sites considered for Stage 1 screening:**

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
<b>Lough Corrib SAC (000297)</b>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [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 <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>	c.270m

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
	Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]	
<b>Lough Corrib SPA (004042)</b>	Gadwall (Anas strepera) [A051] Shoveler (Anas clypeata) [A056] Pochard (Aythya ferina) [A059] Tufted Duck (Aythya fuligula) [A061] Common Scoter (Melanitta nigra) [A065] Hen Harrier (Circus cyaneus) [A082] Coot (Fulica atra) [A125] Golden Plover (Pluvialis apricaria) [A140] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999]	c.1.7km
<b>Connemara Bog Complex SPA (004181)</b>	Cormorant (Phalacrocorax carbo) [A017] Merlin (Falco columbarius) [A098] Golden Plover (Pluvialis apricaria) [A140] Common Gull (Larus canus) [A182]	c.4.3km
<b>Connemara Bog Complex SAC (002034)</b>	Coastal lagoons [1150] Reefs [1170] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Natural dystrophic lakes and ponds [3160] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	c.4.3km

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Depressions on peat substrates of the Rhynchosporion [7150] Alkaline fens [7230] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Euphydryas aurinia (Marsh Fritillary) [1065] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833]	
<b>Gortnadarragh Limestone Pavement SAC (001271)</b>	Limestone pavements [8240]	c.7.1km
<b>Ross Lake and Woods SAC (001312)</b>	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	c.7.9km
<b>Maumturk Mountains SAC (002008)</b>	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Northern Atlantic wet heaths with Erica tetralix [4010] Alpine and Boreal heaths [4060] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Siliceous rocky slopes with chasmophytic vegetation [8220] Salmo salar (Salmon) [1106] Najas flexilis (Slender Naiad) [1833]	c.11.1km
<b>Cloughmoyne SAC (000479)</b>	Limestone pavements [8240]	c.11.7km
<b>Ballymaglancy Cave, Cong SAC (000474)</b>	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	c.11.9km

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
<b>Lough Carra/ Mask Complex SAC (001774)</b>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>European dry heaths [4030]</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 davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]</p>	c.13km
<b>Lough Mask SPA (004062)</b>	<p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>	c.14.2km
<b>Kilkieran Bay and Islands SAC (002111)</b>	<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>	c.15km

European site (SAC/SPA)	Qualifying Interests	Distance from site boundary
	<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>	

8.5.3 Based on my examination of the NIS report and supporting information (including the submitted planning report), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for two of the twelve European sites referred to above, namely Lough Corrib SAC (site code 000297) and Lough Corrib SPA (side code 004042).

8.5.4 The remaining 10 no. sites can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No(s) 004062, 004181, 001312, 001774, 002008, 002034, 000474, 002111, 000479 and 001271 in view of the sites

conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this/these sites.

**Table 8.2 Relevant European sites: The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.**

Site Name	Qualifying Interests	Distance
<b>1. Lough Corrib SAC (000297)</b>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoetes-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> <p>Lutra lutra (Otter) [1355]</p>	c.270m

Site Name	Qualifying Interests	Distance
	Najas flexilis (Slender Naiad) [1833] Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]	
<b>2. Lough Corrib SPA (004042)</b>	Gadwall (Anas strepera) [A051] Shoveler (Anas clypeata) [A056] Pochard (Aythya ferina) [A059] Tufted Duck (Aythya fuligula) [A061] Common Scoter (Melanitta nigra) [A065] Hen Harrier (Circus cyaneus) [A082] Coot (Fulica atra) [A125] Golden Plover (Pluvialis apricaria) [A140] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999]	c.1.7km

## 1. Lough Corrib SAC (site code: 000297)

### Conservation Objectives:

- The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Lough Corrib SAC.
- Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Lough Corrib SAC.
- To restore or to maintain the favourable conservation condition of all other habitat/ species listed above and which are defined by the list of attributes and targets set out within European Site Documents.

## **2. Lough Corrib SPA (site code: 004042)**

### **Conservation Objectives:**

- 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.

### **8.5.5 Potential direct effects:**

- Habitat loss and fragmentation.
- Habitat degradation resulting from emission to surface water – construction works involve clearance of vegetation, excavation of soil and movement of fill on site. This may give rise to the potential for increased sedimentation and silt run off.
- Fuel use and storage during works leads to the potential for pollution from leaks and spillages.
- Habitat degradation resulting from emission to groundwater.
- Potential impacts to groundwater as a result of contaminated surface water runoff.
- Habitat degradation resulting from the spread of non-native invasive species during works within the project site. Lesser knotweed has been identified as occurring within the project site.
- Disturbance and/ or displacement of qualifying species from within or outside European Sites from increased noise, vibration and activity.
- Any excessive silt-laden water and suspended solids from the project site to the Canrawer East Stream sub-catchment and the Owenriff River and Lough Corrib downstream could exacerbate the already critically endangered conditions for Freshwater Pearl Mussel. The exposure of benthic freshwater fauna, such as freshwater pearl mussel and white-clawed crayfish, as well as qualifying freshwater fish species to contaminants can result in disturbance and stress effects.



- Inappropriate discharge of wastewater from the project site and its release to the Canrawer East Stream will have the potential to result in significant negative impacts to the water quality of this stream and the water quality status of the Owenriff River downstream.
- The discharge of contaminated surface water runoff to the Canrawer East Stream sub-catchment and downstream to the Owenriff River and Lough Corrib will have the potential to result in negative impacts to invertebrates, plant life and on all life stages of salmonid fish and lamprey species.
- Disturbance during operational phase from increased human presence and associated noise, lighting and traffic.

#### **8.5.6 Potential indirect effects:**

- Although no otter breeding sites were identified in the vicinity of the project site otters may potentially use the watercourse and riparian habitats present outside the site.
- Lesser horseshoe bat may potentially forage along stream corridor.
- Freshwater Pearl Mussel are present in the Owenriff River main channel.
- There is a supporting habitat for a number of other mobile species including Annex II species crayfish, lamprey and salmon downstream in the Owenriff catchment.
- Potential impact pathway exists in relation to risk of potential deterioration in water quality and effects on supporting habitats for wetlands and waterbirds.

#### **8.5.7 Potential in-combination effects:**

- A review of planning applications for the Claremount estate and surrounding townlands was carried out – given the nature of these applications (residential units and access roads), the potential for ongoing environmental effects and associated potential cumulative effects within the proposed development are low.

#### **8.5.8 Mitigation measures:**

- All construction phase mitigation measures outlined in the NIS will be required to be included in the Contractor's contract of works. Construction phase environmental and ecological monitoring will be provided to ensure

that the mitigation measures and best practice outlined in this Natura Impact Statement are implemented.

- Mitigation by Design – minimising the scale of the project and maximising the buffer distance between the footprint of the proposed development and the Canrawer East Stream to the north. A buffer distance of 45m has been achieved between the proposed development footprint and this watercourse. In addition, the footprint of the project site has been positioned in a portion of the site where the majority of surface water runoff will flow along existing gradients in an easterly direction.
- The operation phase of the project has included for the provision of surface water management drainage infrastructure that comprises surface water drainage pipe work, interception, attenuation and discharge to ground via a soakaway to the east of the project site.
- Requirements for contractors will include contingency plans to deal with spillages, should they occur.
- Soil excavation should be undertaken during dry periods whenever possible.
- Site visits by a Design Engineer will be agreed in advance and will be undertaken at various stages of the construction process to ensure that the proposed SuDS scheme is being constructed in line with the design.
- An Environmental Manager will also be appointed who will have responsibility for ensuring attenuation measures are appropriately maintained.
- Earthworks – carried out in small progressive stages, minimising depths and volumes and with topsoil stored away from watercourse and monitored by staff.
- Provision of a silt fence to catch run off without water flowing underneath or around the edge – constructed in accordance with CIRIA standards with regular inspection.
- Fuel use and storage – location of works compound in centre of site, bunding of mobile storage and double skinned bowsers and generators, strict procedures for refuelling, plant maintenance, etc.
- The Contractor will be obliged to implement the control measures outlined under Section 8.1.2.2 of the NIS to avoid the release of cement-based

pollutants and the measures listed under Section 8.1.2.3 to ensure that precautions will be taken to avoid spillages of diesel, oil or other polluting substances during the construction phase.

- Invasive species - The contractor appointed for the construction of the proposed development will be required to prepare a method statement detailing the approach to the eradication of Lesser Knotweed from the project site and to prevent its spread within the site or to the wider surrounding environment including in particular the Canrawer East Stream. In advance of works commencing the Lesser Knotweed infestation will be chemically treated with herbicide treatment during the 2022 growing season.
- Incorporation of best practice and biosecurity protocols to construction works on site, in line with best practice guidelines issued by the National Roads Authority (NRA, 2010) – The Management of Noxious Weeds and Non-native Invasive Plant Species on National Roads and broadly based on the Environment Agency's (2013) – The Knotweed Code of Practice: Managing Japanese Knotweed on Development Sites (Version 3, amended in 2013, accessed on the Environment Agency's website on the 11th of July 2016).
- In addition to the above, Best Practise measures around the prevention and spread of Crayfish plague will be adhered with throughout all construction works and activities.

A list of best practice guidance which have informed the mitigation measures and environmental safeguards proposed in this NIS and that will be adhered to throughout the construction and operation of the proposed development are included under Section 8.3 of the NIS.

## **8.6 Further analysis (Department of Housing, Local Government and Heritage, DAU)**

- 8.6.1 The Department's main concerns were in relation to the location of the soakpit on site and the potential for groundwater coming into contact with the soakpit. They stated that this must be excluded by the proposal and that it is not clear from the documentation provided if this has been fully considered.
- 8.6.2 Potential impacts that may arise as a result of the project are highlighted under Section 5.0 of the NIS, one of which relates to the discharge of contaminated surface

water from the project site during the construction phase to the Canrawer East Stream or the sub-surface groundwater flow paths that in turn discharge to the Canrawer East Stream (Based on the Maam Clonbur Groundwater Body report it is considered that any groundwater flow paths under and in the vicinity of the project site will discharge to the Canrawer East Stream) and downstream to the Owenriff River, Lough Corrib and the SAC and SPA.

- 8.6.3 According to the submitted Site Specific Flood Plain Report the underlying geology is composed of circa 62% dinantian sandstone (DS) and 38% dinantian lower impure limestone which contain a locally important aquifer (LI & Lm). There are no turloughs, caves or swallow holes within 2Km, with the topographical survey indicating a height difference of 8.66M between the highest point on the site and the lowest. The northwest corner of the site is 1.11M above the bed of the stream with a 1.07M difference between the northeast corner and the bed of the stream. Section 8.1 of the NIS outlines Measures to Protect Water Quality and states that the proposed permeable underground attenuation storage will be constructed above the water table and will be designed to allow the water to infiltrate through the unsaturated zone above the existing water table. According to the Teagasc Soils Map, the site is located within the zone classed as Faoldroim (1150FO) series. The soil associated with the Faoldroim series is classed as a free 'fine loamy drift with limestones' type soil. The infiltration of the water into the unsaturated zone in the soil below and adjacent to the soakaway pits will allow for water collected from the proposed surface water drainage system within the site to be filtered through the unsaturated zone's clay and silt particles. The proposed soakaway pits will be designed to accommodate an additional 20% storage volume over the required design volumes for the facility, in order to ensure that there will be sufficient capacity for rainfall events. A petrol and oil interceptor will be installed immediately upstream of the proposed permeable underground attenuation storage unit in order to remove any petrol or oils that are washed from the surface of the proposed car park and other hardstanding areas into the proposed surface water drainage system.
- 8.6.4 Having examined the location of the proposed soak pit at a level between 19.5m and 19m OD and the fact that a full retention separator (treating /separating oil and silt) is included as part of the design of the soakpit I am satisfied that there will be no significant impacts on groundwater from the proposed development and that the

design of the operational phase surface water drainage infrastructure will provide safeguards to ensure that the project does not result in the discharge of polluted drainage waters to ground or downstream to the Canrawer East Stream via groundwater baseflows. In addition, the proposed distance of the soakpit at 50m from the Canrawer East Stream is considered sufficient.

#### **8.7 NIS Omissions:**

None noted.

#### **8.8 Suggested related conditions:**

- 8.8.1 The works should be undertaken outside of the bird breeding season. The site compounds should be located a substantial distance from the Canrawer East Stream and drainage ditches. No concrete mixing, vehicle washing or refuelling on site. A Construction Environmental Management Plan (CEMP) should be provided which should include mitigation measures detailed within the NIS and all plant and machinery should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

#### **8.9 Appropriate Assessment Conclusion:**

- 8.9.1 Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that subject to the implementation of the outlined mitigation measures, the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site nos. 004134 and 000304 or any other European site, in view of the site's Conservation Objectives.

#### **9.0 Recommendation**

- 9.1. I recommend that permission be refused for the proposed development having regard to the likely consequences for the Proper Planning and Sustainable Development of the area, for the following reasons and considerations:
1. The proposed development is located on unzoned lands and therefore is governed by the Rural Housing Policy outlined under the Galway County Development Plan 2022-2028. Compliance with the development plan policy

has not been achieved and therefore the proposed development is contrary to the policies and objectives of the Galway County Development Plan 2022-2028, in particular the policies in relation to the planned growth for the settlement of Oughterard. In addition, the "Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009, recommends a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference. It is considered that the site is located in an area which is remote and isolated from the town centre and its development would not be in line with the orderly expansion of the settlement. Having regard to the lack of a safe pedestrian linkage and the excessive walking distance to the centre of Oughterard, the absence of public transport to the village centre and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be excessively car dependent and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

2. The proposed development would generate additional traffic turning movements at a junction with the L5330 local road and the N59 National Secondary Road where adequate sightlines have not been demonstrated. Having regard to the absence of an adequate assessment of this junction the Board is not satisfied that the proposed development would not have an unacceptable impact on traffic movements and public safety. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Máire Daly  
Planning Inspector

11<sup>th</sup> August 2022