



An  
Bord  
Pleanála

## Inspector's Report

**ABP-312381-22**

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<b>Development</b>	Construction of forty three dwelling units, comprising a mix of two and three bedroom units, connection to piped services and all associated site works.
<b>Location</b>	Oranhill Drive, Oranhill, Oranmore, Co. Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	21/408
<b>Applicant(s)</b>	Japet Investments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party V. Condition & Third Party's V. Grant  <ol style="list-style-type: none"><li>1) Japet Investments Ltd</li><li>2) Kevin Conneely</li><li>3) Oranhill Property Management Group</li></ol>
<b>Observer(s)</b>	Ray Lavery
<b>Date of Site Inspection</b>	23 <sup>rd</sup> day of August 2022
<b>Inspector</b>	Fergal Ó Bric.

## 1.0 Site Location and Description

- 1.1. The appeal site is located to the south-east of the settlement of Oranmore, with access off the Maree Road. The site is located to the east of the established Oranhill residential development which comprises a mix of two storey detached and semi-detached dwellings, apartment and duplex units. To the north, east and south are undeveloped residentially zoned lands. Immediately west of the appeal site are three storey duplex units and an area of public open space serving the overall Oranhill development. The appeal site comprises three agricultural fields in pasture with cattle grazing them at the time of my site inspection. The area is generally characterised by medium to low density conventional housing units. The access point off the Maree Road, within the 50 kilometre per hour speed control zone.
- 1.2. The site has a stated area of 1.506 hectares. It is largely rectangular in shape, except for a dog leg access to the site from the Oranhill distributor road. Site levels fall gradually from north to south and west to east within the appeal site. There is a drainage ditch along the eastern boundary of the appeal site. The northern, southern and eastern site boundaries comprise hedgerow, stone walling and shrubbery and the western boundary comprises hedgerow and a two metre high capped walled boundary with the Oranbay duplex units (part of the overall Oranhill development).

## 2.0 Proposed Development

- 2.1. It was originally proposed to construct 43 two storey residential dwellings. However, following the submission of the further information, 39 residential units are now proposed to be developed by the applicants. The development would comprise 13 no. two bed terraced dwellings, 12 no. three bed semi-detached dwellings and 14 no. three bed terraced units. Permission is also sought for connection to existing piped services and all associated site works. Essentially three house types are proposed with slight variations within each of the house types, A, B and C.
  - Type A1, s (12) are three bed semi-detached, 5 person dwellings with a floor area of 104 square metres.
  - House type B1, s (7) are three bed end of terrace and semi-detached dwellings, 5 person dwellings with a floor area of 104 sq. m.

- House type B2 (2) is a three bed mid terrace dwelling, 5 person dwellings with a floor area of 104 sq. m.
- House type B3 (1) is a three bed end of terrace dwelling, 5 person dwellings with a floor area of 104 sq. m.
- House type B4, s (4) are three bed end of terrace and semi-detached dwellings, 5 person dwellings with a floor area of 104 sq. m.
- House type C1, s (9) are two bed mid terrace dwellings, 4 person dwellings with a floor area of 86 sq. m.
- House type C2 (1) is a two bed end of terrace dwelling, 4 person dwellings with a floor area of 86 sq. m.
- House type C3, s (2) are two bed end of terrace dwellings, 4 person dwellings with a floor area of 86 sq. m,
- House type C4 (1) is a two bed end of terrace dwelling, 4 person dwellings with a floor area of 86 sq. m,

All houses are of traditional design with a pitched roof and a mixture of brick and smooth sand/cement render external finishes.

2.2. Access is proposed from the internal access road which serves the Oranhill residential development. Some of the proposed dwellings have individual driveways with off-street car parking provision for two cars and others have communal car parking in proximity to their frontage. Bicycle parking facilities are proposed within the largest and centrally located area of public open space. Two additional visitor car parking spaces are proposed in addition the standard visitor parking provision. A two-metre wide footpath with streetlighting is proposed along each side of the internal service road.

2.3. A number of supporting documents and reports were submitted to accompany the planning documentation and include the following:

- A Planning Statement,
- An Architectural Design Statement.
- An Engineering Services Report,

- A Traffic and Transport Assessment (TTA),
- A Traffic Impact Assessment (TIA).
- A Stage 1 and 2 Road Safety Audit,
- A Lighting Report,
- A Site-Specific Flood Risk Assessment (SSFRA).
- A Preliminary Construction Waste Management Plan (CWMP),
- An Appropriate Assessment (AA) Screening Report,
- A Natura Impact Statement (NIS),
- An Ecological Impact assessment (EclA).
- An Environmental Impact Assessment (EIA) Screening Report.

2.4. Further Information was submitted to the Planning Authority on the 9th day of August 2021 in relation to the following:

- An addendum report to the SSFRA including details in relation to access to the site during a flood event.
- Details of land ownership including land registry mapping and folios.
- Details of foul sewer and watermain capacity and of wastewater and water supply networks.
- Clarification of surface water management details.
- Additional field surveys and an updated bat survey as well as details of site and hedgerow clearance and mitigation measures to be used during site development works.
- Details of vehicle turning manoeuvres and provision for delivery and service vehicles.
- Details of increased connectivity and linkages to adjoining lands.
- Boundary treatment details:
- Revised layout including a number of residential units removed and incorporating more dual aspect units within the overall development.

- Increased public open space provision.
- Details of bicycle parking location.
- Revised and updated Road Safety Audit.

2.5. Clarification of further Information was submitted to the Planning Authority on the 4th day of November 2021 in relation to:

- A revised Traffic and Transport Assessment (TTA).
- Details of land ownership including land registry mapping and folios,
- Details of connectivity and linkages to adjoining lands
- Updated boundary treatment details.

2.6. A letter of consent from Lactans Ltd has been submitted, consenting to the applicants to use their lands for access to the appeal site and to lay piped and electrical services.

2.7. The applicants' legal representatives have confirmed in writing that they are proposing to connect into the roads and services within the Oranhill development following agreement with the registered owners of the lands.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant permission subject to 30 number conditions. The relevant conditions are noted below:

*Condition 2:* Mitigation measures as set out in the NIS shall be implemented in full.

Condition 3: A Construction environmental and Management plan (CEMP) shall be prepared and submitted for the written agreement of the Planning Authority.

Condition 4: All mitigation measures as set out in the EclA shall be implemented in full.

Condition 5: The recommendations within the Bat survey report shall be implemented in full.

Condition 6: The noise and acoustic measures shall be implemented in full.

Condition 7: Archaeological monitoring.

Condition 8: A Stage 3 RSA shall be completed and submitted for the written agreement of the PA.

Condition 15: Evidence of a properly constituted management company for this development and the existing Oranhill housing development shall be submitted to the PA.

*Condition 21:* Connection agreement with Irish Water.

*Condition 25:* Boundary treatments.

*Condition 28:* Submission of a bond/cash deposit or other security.

Condition 29; Part V agreement with PA re; Social and affordable units.

Condition 30: Financial contributions

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

1<sup>st</sup> planning report (12<sup>th</sup> day of May 2021)

This report supported the principle of development on the residentially zoned lands. However, further information was sought to address a number of issues as set out within Section 2.4 above.

2<sup>nd</sup> planning report (3<sup>rd</sup> day of September 2021)

This report again supported the principle of development on the appeal site. However, clarification of further information was sought to address a number of issues as set out within Section 2.5 above.

Final planning report (30<sup>th</sup> day of November 2021)

The Planning Officer recommended that planning permission be granted following clarification on the matters raised within the further information and clarification

requests. The number of residential units proposed reduced from forty three to thirty nine units.

### **3.2.2. Other Technical Reports**

Roads and Transportation Department: No objection, subject to conditions.

Environment: Requested that clarity be sought from IW regarding capacity of the pumping station serving the overall Oranhill residential development.

### **3.3. Prescribed Bodies**

Department of Tourism, Culture, Arts Gaeltacht, Sports and Media: In relation to archaeology, recommended an archaeological monitoring condition be included as part of any grant of planning permission. In relation to natural heritage, they noted the location of the appeal site north of Cregganna Marsh SPA and that the Planning Authority should satisfy itself that the information submitted by the applicants addresses any potential significant impacts and recommended that all mitigation measures included within the Natura Impact statement (NIS) and the Ecological Impact Assessment (EclA) be included as part of any grant of planning permission.

An Taisce: Raised issues in relation to the site location, removed from Oranmore town centre will increase dependence on the private motor car; Questioned whether there is sufficient wastewater capacity available: The seasons in which construction is proposed would coincide with the nesting season between March 1<sup>st</sup> and August 31<sup>st</sup> and pre-site clearance bird surveys should be carried out.

Transport Infrastructure Ireland: TII note the use of access to the Maree Road in the short term and the long term possibility of accessing the N67 via distributor link road currently under construction. They are of the opinion that the development would adversely affect the operation and safety of the national road network. The proposal, if approved, would be at variance with National policy in relation to the control of development on/affecting national roads and result in the intensification of an existing direct access to a national roads.

### **3.4. Third Party Observations**

Twelve third party observations were received. The majority of the observations were from neighbouring residents within the Oranhill residential development. The issues raised are similar to those raised in the third-party appeals/observation except for the following:

- Access road and safety.
- Right of access to service road.
- Safe pedestrian access to local schools.
- Right of access to water services.
- Flooding.
- Planning history in the area.

#### 4.0 Planning History

Subject Site:

An Bord Pleanála (ABP) reference PL 07.232285, in 2009, the Board refused planning permission for a residential development comprising 222 residential units. The site comprised the current appeal site and a much larger area of land further south, south-west and south-east of the current appeal site. Two reasons for refusal were set out by the Board. relating to the absence of an Appropriate Assessment and the lack of an appropriate buffer area between the appeal site and the Cregganna Marsh Special Protection Area (SPA).

Adjacent lands

ABP reference 304203-19, In 2019, ABP granted planning permission for the construction of 212 residential units north-west of the appeal site.

ABP reference 308310-20, In 2021, ABP granted planning permission for the demolition of a dwelling and the construction of 6 dwelling units further west within the overall Oranhill residential development.



## 5.0 Policy Context

### 5.1. Galway County Development Plan, 2022-2028

The Development Plan was adopted by the elected members on the 9<sup>th</sup> May and came into effect on the 20<sup>th</sup> day of June.

Chapter 2 of the Plan places Oranmore within the Tier 1 settlements-Metropolitan Area and Volume 2 of this Plan includes Plans for the Metropolitan settlements, including Oranmore.

Table 2.11 sets out the Core Strategy Table where it is envisaged that the population of Oranmore is anticipated to grow by 1,540 persons over the plan period with 886 residential units to be developed to sustain the population growth during the plan period to 2028.

Table 2.12 Settlement Hierarchy sets out the following for the Metropolitan Area Strategic Plan (MASP): The MASP has been identified to accommodate critical mass in population growth within the area that will ensure the vitality and appeal of Galway City and the surrounding towns and villages.

Section 2.4.5 sets out the following vision for the Metropolitan Area: The Galway Metropolitan Area, the subject of the MASP, extends from Bearna in the west to include Galway City and suburbs and continuing eastwards to Baile Chláir and Oranmore. The role of the Metropolitan Area is to accommodate population growth within the area that will ensure the vitality and appeal of Galway City and the surrounding towns and village settlements. A robust Metropolitan Area, incorporating high quality and integrated physical infrastructure and community facilities will strengthen the role of the Northern and Western region and help it to compete at a national level.

The policy objective set out for the Metropolitan Area is as follows:

SS1 MASP (Level 1) Galway County Council shall support the important role of the Metropolitan Area Strategic Plan(MASP) which is inextricably linked to Galway City, as a key driver of social and economic growth in the County and in the wider

Western Region and will support the sustainable growth of the strategic settlements, including the future development of the Urban Framework Plans identified for Briarhill and Garraun and the settlements of Baile Chláir, Bearna and Oranmore, within the Galway Metropolitan Area.

Section 3 of the Plan pertains to Placemaking, Regeneration and Urban Living.

The relevant policy objectives include the following:

CGR 1 Compact Growth To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.

Section 15.2.3 Guidelines for residential development in Towns and Villages.

In relation to residential density, outer suburban/greenfield areas within the MASP area densities in the range of 25-30 units per hectare are encouraged at locations adjacent to open rural countryside.

In terms of public open space, the following is set out: The planning authority will take a flexible approach in the interests of delivering good quality development and the wider Policy Objectives for placemaking.

Private Open Space shall be designed for maximum privacy and oriented for maximum sunshine and shelter. In general, a minimum back-to-back distance between dwellings of 22 meters shall apply in order to protect privacy, sunlight and avoid undue overlooking.

DM standard 31 sets out parking standards which require 1.5 spaces for 1-3 bed dwelling units and 2 spaces for 4+ bed dwelling units.

## **5.2. Oranmore Metropolitan Settlement Plan 2022-2028**

The appeal site has the benefit of an R-Residential Phase 1 land use zoning objective.

The zoning matrix sets out that residential development is acceptable on zoned lands subject to complying with the SGT2 policy objective which is that: Residential infill development within existing towns, small scale limited infill housing development will be considered on appropriate sites. These infill sites shall have regard to the existing character of the street respecting the existing building line, scale, proportions, layout, heights and materials of surrounding developments. The site must have a safe means of access and egress and comply with development management standards for new dwellings.

Section 2.13.1 of the Oranmore Metropolitan Settlement Plan (OMSP) pertains to Housing where the following is set out: The provision of housing will be based on the delivery of high quality sustainable residential development where the principles of good design and layout will be employed.”

The following are the relevant policy objectives set out within this plan:

OMSP 1 Sustainable Residential Development Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community

facilities, local services and public transport facilities, to serve the residential population of Oranmore Metropolitan settlement plan.

Lands immediately south of the appeal site are zoned for the provision of Community facilities and include a specific policy objective (OMSP9) in relation to the provision of a nursing home/retirement home and /or sheltered housing.

OMSP 9: Reserve lands for the provision of retirement homes/ nursing homes / sheltered housing in line with sustainability, accessibility and social inclusion within Oranmore and its environs.

OMSP 17 Pedestrian and Cycle Network Encourage and support the development of a series of pedestrian and cycle routes linking the residential area to the town centre and local community services, where feasible.

The flood mapping included as part of the OMSP indicates the majority of the appeal site as being within Flood Zone C and, therefore, suitable for residential development. There is a small portion of land to the south-east of the site is identified as PRFA pluvial indicative.

### 5.3. National Guidance

#### 5.3.1. National Planning Framework 2040

The following National Policy Objectives are considered relevant in the assessment of the current proposals:

##### ***National Policy Objective 32***

To target the delivery of 550,000 additional households to 2040.

##### ***National Policy Objective 33***

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

##### ***National Policy Objective 35***

Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes or site-based regeneration and increased buildings.

### 5.3.2. **Sustainable Residential Development in Urban Areas, Guidelines (DoEHLG, 2009)**

The key objective of these Guidelines is to encourage the development of high quality – and crucially – sustainable developments:

- Quality homes and neighbourhoods,
- Places where people actually want to live, to work and to raise families, and
- Places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

### 5.3.3. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Design Manual for Urban Roads and Streets’ (DMURS 2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (DoEH&LG 2009)
- ‘Quality Housing for Sustainable Communities’ Best Practice Guidelines (DoEHLG 2007)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009)

### 5.4. **Natural Heritage Designations**

The closest Natura 2000 site is the Cregganna Marsh SPA (Site Code 004142), which at its closest point by land is located approximately 82 metres south of the appeal site.

Galway Bay Complex SAC (Site Code 000268) is located approximately 250 metres north-east of the appeal site.

Inner Galway Bay SPA (Site Code 004031) is located approximately 830 metres west of the appeal site.

Rahasane Turlough SAC and SPA (Site Codes 000332 and 004089) are located approximately 8.6 kilometres south-east of the appeal site.

The closest Natural Heritage Area (NHA) is the Galway Bay Complex pNHA, (site code 000268), which at its closest point is located approximately 250 metres north-east of the appeal site boundary.

### **5.5. Environmental Impact Assessment (EIA) Screening**

It is proposed to construct 39 residential units. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 1.506 ha and is located contiguous to the built-up area of Oranmore. The site is not located in a business district and currently constitutes a greenfield site.

An Environmental Impact Assessment Screening Report was submitted with the planning documentation. The screening report concluded that the development is sub-threshold in terms of the number of units proposed, that the scale, nature and footprint is not significant and, the overall probability of impacts upon the receiving environment is considered to be low once the mitigation measures are implemented. It determined that an EIA is not required for the development proposals as there will be no significant effects.

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

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

The site area is, therefore, well below the applicable threshold of 10 hectares for a built-up area and 20 hectares in the case of a site contiguous to the built-up area.

As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended)), as to whether a development would/would not have a significant effect on the environment. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not located within an area of landscape sensitivity or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below in Section 7.9 of this report) and there is no hydrological connection present such as would give rise to significant impact on nearby watercourses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Galway County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that have the benefit of a residential zoning objective under the provisions of the Oranmore Metropolitan Settlement Plan 2022, and the results of the strategic environmental assessment of the Galway County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the designated settlement boundary of the Oranmore urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, having regard to the nature, scale and location of the subject site within the confines of the settlement boundary on serviceable lands, the proposed development would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the environment, arising from the proposed development. The need for Environmental Impact Assessment Report (EIAR) can, therefore, be excluded at preliminary examination.

## 6.0 The Appeal

### Grounds of Appeal

- 6.1. A third-party appeal was received from O Tuirisg Associates Ltd which incorporated an element prepared by Reddy Charlton solicitors on behalf of the Oranhill Property Management Company Limited by Guarantee (OPMG).

### Site Location:

- The site is best classified as urban periphery, outlying lands and areas with capacity and environmental constraints due to its proximity to European sites.
- The site is the furthest removed from the town centre of Oranmore of all of the phase 1 residentially zoned lands.

### Core and Settlement Strategy:

- The proposals would result in development in excess of the housing target for Oranmore set out within the Development Plan and, therefore, materially contravene the Plan.
- The density proposed at 33 units per hectare would materially breach density and guidance and objectives within the Development Plan.



#### Access, Connectivity & Traffic:

- Increased traffic levels would be generated by the development exiting onto the Maree Road.
- Presently, residents within the Oranhill development experience delays in accessing the Maree Road during morning and evening peak traffic periods.
- The applicants have not demonstrated that the junction of Oranhill with the Maree Road has the capacity to cater for the additional traffic that would be generated by the development.
- The applicants in their planning documentation show potential future pedestrian connectivity. However, the applicants have failed to include the necessary consent from the OPMG.
- The proposals would present a significant hazard to young children who often play on the local internal service road.

#### Services:

- The existing services within the Oranhill development have not been taken in charge by the Local Authority and, therefore, not under the control of Irish Water.
- Flooding in the area, particularly during the winter period does not appear to have been duly considered by the Planning Authority in its planning decision.

#### Appropriate Assessment:

- The Appropriate Assessment (AA) carried out by the Planning Authority (PA) did not assess the impact of the development on the Greenland White fronted Goose at Cregganna Marsh Special Protected Area (SPA), specifically in relation to the appropriate buffer distance between the appeal site and the SPA.
- Having regard to the proximity of the appeal site to Cregganna Marsh SPA, the appellants are not satisfied that no adverse impacts would arise on the

protected geese flock in terms of human disturbance created by increased noise, lighting and visibility.

- The applicants rely on bird survey results carried out in 2005 and 2007 which may be out of date. Copies of the bird survey results from 2005 and 2007 have not been submitted.

#### Other Matters:

- The planning application should have been invalidated as the applicants (Japet Investments) are not registered as a company with the Companies Registration Office and, therefore, the applicants listed cannot be directors of an un-registered company.
- Modifications/alterations to footpaths within the Oranhill development cannot be carried out as no consent has been sought/received from the OPMG.
- The applicants have failed to demonstrate that they have consent to gain access to the appeal site.
- The applicants have failed to demonstrate that they have consent to connect to the water services.

6.2. A second third party appeal submission was received from Mr Kevin Conneely, a resident of Orangrove, part of the overall Oranhill residential development. The issues raised within the appeal submission relate to the following:

#### Access and Permeability

- The issue of traversing agricultural zoned lands for the purposes of access to the appeal site will provide for a convoluted access with poor permeability for pedestrians/cyclists, with a twenty minute walk from the nearest bus stop in an area with no community facilities.

#### Site/Residential layout and types:

- Ordnance Survey mapping indicates that there is a water feature along the southern boundary of the site which is not referenced in any of the planning documentation received from the applicants. This could be an important

ecological/hydrological feature in the area and should have been referenced by the applicants in their planning documentation.

- The predominant unit type (68%) is terraced, with the remaining units being semi-detached which lends itself to more inner urban development where terraced and semi-detached units are the norm.
- There would be an over concentration of two and three bed units on a site removed from the town centre of Oranmore.

#### Other Matters:

- The appeal site is in multiple ownership and the applicants (Japet Investments) are not the registered owners of a number of the folios that are included within the appeal site boundaries.
- The further information response issued to the Planning Authority incorporating new landscape plans, revised unit layouts, traffic impact assessment and linkages to neighbouring lands would constitute significant additional data and should have required new public notices.

### 6.3. First party appeal.

6.3.1. A first party appeal submission was received from James O Donnell, Planning Consultant, on behalf of the applicants, Japet Investments was received. The issues raised within the appeal submission relate to the following:

- This appeal specifically relates to the wording of condition number 15 by the Planning Authority
- The applicants consider that this condition relating to establishing a properly constituted management company to incorporate the existing residential developments in Oranhill is unreasonable. The condition in its current form would require them to be reliant on membership consent to join the Oranhill Property Management Company (OPMC).
- This condition would not be reasonable given that OPMC is an objector to the proposals and has refused consent to the applicants to join the existing management company.

- The applicants are seeking to establish their own independent management company to ensure the satisfactory completion and maintenance of the development.
- The applicants have referenced a number of precedents relating to the development of residential developments in Oranhill under Board references 308310-20 and PL07.246315 where the Board did not impose a specific condition regarding the establishment of a management company.
- Under Board reference 304203-19, the Board included a condition regarding the establishment of a management company which the applicants consider to be reasonable, as that condition allowed for the establishment of an independent management company and was not reliant on an existing Management Company.
- The applicants would have no objection to the imposition of a similar type of worded condition regarding the establishment of an independent management company for the completion and maintenance of the development.

#### 6.4. **Applicant's response to third party appeal submissions**

A response to the grounds of appeal was received from the applicant's Planning Consultant, James O Donnell on 14<sup>th</sup> day of March 2022, which can be summarised as follows:

Principle of Development:

- An Bord Pleanála and Galway County Council have both permitted residential developments in Oranmore where independent management companies were conditioned to be established to ensure the satisfactory completion and monitoring of the developments.

Appropriate Assessment:

- The protected winter birds associated with Cregganna Marsh do not use the appeal site for grazing or foraging.
- The appellants reference a board decision in 2008, board reference PL07.232285, which related to a development that was more proximate to the Cregganna March SPA than the current proposal.

#### Other Matters:

- A letter of consent from Mt Padraic Dillon, owner of three separate land plots at Oranhill, authorising Japet investments to apply for planning permission on his lands has been submitted.
- The owners would put a bond in place to ensure satisfactory completion of the development prior to it being taken in charge as conditioned by the Planning Authority.
- It is intended that the residential development would be taken in charge by the Local Authority (LA) when the roads, services and communal areas are completed to a standard acceptable to the Local Authority (LA).
- The applicants should be afforded the opportunity to establish an independent management company for the completion and maintenance of the development and in any event, the issue of having to join a management company is a civil matter that could be pursued through legal proceedings within the courts service.
- The applicants have submitted details of written consents and easements from the owners of the watermains and foul sewer networks as well as the internal service roads within the Oranhill development between the appeal site and the Maree Road (public road).
- Legal documentation has been submitted stating that the applicants purchased the lands from Corrib Supreme Management which also included easements in favour of the applicants over the common areas including the right to use the Oranhill internal roadway in common with all other authorised persons using the estate services.
- The legal documentation submitted confirms that the applicants have an easement over the entrance road and the associated water services in their client's favour. This will enable the connection of the proposed development to these services. The Irish Water documentation confirms that the development could be facilitated within their networks. The connection works

and any associated works required to facilitate a connection will be carried out by the developer.

#### **6.5. Third party Appellant response to first party commentary on third party appeal submission**

Response from Mr Kevin Conneely:

Other Matters:

- Mr. Connelly's appeal submission has been signed by himself.
- Japet Investments is a registered business name and not a company.
- Mr Padraic Dillon is the registered owner of the lands, but not a registered partner within Japet Investments.
- The Board should seek to revisit the validity of the application, particularly in relation to land ownership.

Response from Reddy Charlton Solicitors on behalf of the Oranhill Property Management Company Limited. The issues raised in this submission are largely the same as those made within their original appeal submission, except for the following:

Other Matters:

- The appellants in this instance are the Oranhill Property Management Company Limited by Guarantee (OPMCLG)
- To dismiss an appeal as the word "Property" has been inadvertently left out of an appellants' name would be to disproportionately interfere with the appellants' right to fair procedure.
- Japet Investments has a long history of interaction with the Oranhill Property Management Company.
- The Planning Authority is well aware of the observation made by the OPMG and condition number 15 specifically refers to the appellant.
- There is no doubt that the identity of the appellants has been clear throughout the planning process, notwithstanding the error made in the title name by the appellants.
- Japet Investments is a registered business name and not a company name.

- The applicants have confirmed as part of their appeal submission that that Japet Investments is a partnership comprising members of the Dillon family.
- The Board is precluded from granting permission for a development where the applicant has avoided the material contravention procedures.

Appropriate Assessment:

- A research report prepared regarding Greenland White Fronted Goose in Islay, Scotland, is largely irrelevant to the assessment of the subject case.
- With regard to the Wintering Bird Survey Report, dated February 2022, submitted by the applicants, the Board may wish to consider whether the bird survey is correct to rely on the absence of geese as relevant (Page 18).
- The Board may wish to consider whether the Bird Survey adequately explains why the buffer distance chosen is sufficient. The core reasons relied on are the separation distance and the lack of intervisibility/presence of screening between the appeal site and the SPA.
- No quantification of the level of noise that would be generated during construction activities has been set out. The extent to which construction noise would dissipate over the intervening distance or the level of noise that would be acceptable is presented. No method or analysis of the buffer distance has been carried out by the applicants.
- The Board may wish to consider that the Geese do not/and will not graze the improved agricultural grassland within the SPA and will only use the marsh lands within the SPA.
- The Board may wish to consider why there will be no visual impact on the SPA from the development and whether light disturbance can be eliminated solely by avoiding a direct line of sight between the feeding area and the appeal site. Light pollution may arise in a number of ways and should be assessed accordingly.

## 6.6. Observations

- 6.6.1. A third party observation was received from Mr Ray Lavery. The issues raised within the observation relate to the following:

- The proposals are premature pending the upgrade of the of the local wastewater infrastructure.
- The density of development is excessive and widths of cyclepaths, footpaths and internal carriageways are not consistent with the established Oranhill estate.
- The public open space layout is not appropriate, and no details of the playground have been submitted.
- The house types and designs within the development are almost all identical and not in accordance with best design practice.
- The Oranhill distributor road is owned by a number of third parties. It is unclear if the relevant consents have been sought or are forthcoming.
- Permission has been previously refused by An Bord Pleanála on these lands due to proximity to protected geese.
- The proposals will increase the deficit in recreation and amenity space that is available locally on Oranhill. This would increase the risk of anti-social behaviour and would be contrary to the provisions of the Oranmore Local Area Plan and County Development Plan.

#### 6.7. **Planning Authority Response**

None received.

### 7.0 **Assessment**

The main issues are those raised within the grounds of appeal (and the Planning Report,) and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Legal Issues.
- Core Strategy and Residential Density
- Design and Layout



- Services and Flood Risk.
- Access and traffic.
- First Party v Planning Condition number 15.
- Other Issues
- Appropriate Assessment

## 7.1. Principle of Development

- 7.1.1. The appeal site is located on lands zoned for residential purposes (phase 1) as per the Oranmore Metropolitan Settlement Plan., The stated zoning objective is: To protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area. I am satisfied the principle of residential development is acceptable in this instance. I consider that the proposed development on residentially zoned lands is acceptable and would accord with the proper planning and sustainable development of the area.
- 7.1.2. The appeal site is accessed through an existing established residential development (Oranhill). The proposal is to construct 39 no. two-storey semi-detached and terraced two and three bedroom dwellings. The provision of additional dwellings would represent an efficient use of residentially zoned and serviced lands. I consider that the proposal is acceptable in principle subject to matters in relation to Core and Settlement strategy, residential density, servicing, access and traffic and legal interest being satisfactorily addressed. Appropriate Assessment will also be considered as part of the assessment.
- 7.1.3. The proposal would accord with NPO 11 of the National Planning Framework regarding: A presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns, and villages, and with the guiding principles set out within the Sustainable Residential Development in Urban area Guidelines, 2009. I consider the current proposals would accord with

policy objective OMSP1 of the Oranmore Metropolitan Strategic Plan 2022 in relation to locations deemed suitable for residential development.

## **7.2. Legal Issues**

- 7.2.1. The issue of access to the Oranhill distributor road and the piped water and wastewater services is raised by the appellants.
- 7.2.2. The applicants have submitted legal documentation, including details of property folios and maps which state that the applicants have consent to use the access road and to connect into the piped water services within the roadway. I note that the Planning Authority accepted that the applicants had demonstrated sufficient legal interest in this instance. I consider that the applicants have demonstrated sufficient legal interest in terms of access to the internal service road and the water services within the service road. I am satisfied that the current proposals should be assessed on their merits. I note that the current proposals would be consistent with the pattern of residential development in this vicinity and would, therefore, accord with the principles of proper planning and sustainable development.
- 7.2.3. I note that both the applicants and the appellants have made appeal submissions in relation to the right to make a planning application and that some confusion arose over the name of the appellants management company. I consider these matters to be of a civil nature and are not concerned with the proper planning and sustainable development of the area.
- 7.2.4. Section 5.13 of the Development Management Guidelines for Planning Authorities advises that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts.
- 7.2.5. I refer also to Section 34(13) of the Planning and Development Act 2000 (as amended) which sets out the following: A person shall not be entitled solely by reason of a permission under this section to carry out any development.

## **7.3. Core Strategy and Residential Density**

### Core Strategy:

- 7.3.1. The appellants set out that the proposals would contravene the Core Strategy set out within the Development Plan. The Core Strategy is set out within Section 2 within the current Galway County Development Plan (GCDP) 2022-2028. Within the Plan, Oranmore is designated as part of the Metropolitan Area of Galway City. The Metropolitan Area (MA) is the prime area within the county where development is encouraged. Table 2.11 within the Core Strategy sets out that up to 1,560 residential units will be required to be constructed within the settlement of Oranmore over the plan period in order to meet the housing demand associated with the anticipated growth in population over lifetime of the Plan. Given the plan only came into effect in June 2022 and the lands are zoned Residential phase 1, I am satisfied that the proposals are in accordance with the Core Strategy of the Development Plan and with proper planning and sustainable development of the area. I note that the pattern of development in the area has been for the development of residential units, in the form of the adjoining Oranhill residential development and extant planning permissions on neighbouring residentially zoned lands as referenced in Section 4 of this report.

### Residential Density:

- 7.3.2. The third party appellants make specific reference to the residential density breaching guidance set out within the Development Plan. The appeal site is zoned residential, and the lands are fully serviced in terms of access to the public watermains and foul sewer network. The location of the site within the Metropolitan Area of Galway is also of relevance as the Metropolitan Area (MA) is where increased densities are envisaged and encouraged as per Section 2.4.5 within the current GCDP. Table 15.1-Residential Density within Section 15.2.3 of the current GCDP sets out a residential density range of 25-30 units per hectare for the outer suburban areas within the MA. I note the appeal site is located approximately 2 kilometres south-east of the town centre on the periphery of the settlement, and therefore, would constitute an outer suburban area. The density proposed in this instance is 25.9 units per hectare. I am satisfied that the density proposed is in accordance with the density guidance provided within the current GCDP. I consider the density proposed is appropriate in this instance and will provide for a quality

residential development whereby future residents are afforded sufficient quality and quality of public and private open space. I also note that the proposals will provide for a range of house types which would cater for a range family typologies, sizes and needs.

- 7.3.3. The site location in this instance is approximately two kilometres removed from Oranmore town centre and would typically constitute a low/medium density development location, having regard to the established pattern of development in the immediate Oranhill area. However, I also refer to the provisions of Guidelines for Planning Authorities for Sustainable Residential Development in Urban Areas and recommendation in relation to density. This location would correspond to the definition of an 'outer suburban / greenfield site'. The Guidelines encourage densities of 35-50 units/ha at such sites, to involve a variety of housing types where possible. Development at net densities of < 30 units/ha are discouraged. Given the site is adjoining an existing permitted and established low to medium density housing development on the periphery of Oranmore settlement boundary, the density proposed is considered acceptable, provides for an efficient use of zoned serviced land while having adequate regard to the existing pattern of development in the area.
- 7.3.4. In conclusion, the density proposed is acceptable in that it complies with the density range provided for within suburban sites within the MA as set out within the current Development Plan, provides for an efficient use of zoned serviced land while having adequate regard to the existing pattern of development in the area.

#### 7.4. Design and Layout

- 7.4.1. In relation to private open space provision, I note that they are in accordance with Development Management Standards within Section 15 of the current GCDP which sets out a requirement to maintain a 22 metre separation distance between opposing first floor windows. Public open space is dispersed throughout the site, provided in four separate areas and would comprise an area exceeding 15% of the total site area. The requirements of the development plan are met in all instances. Many of the dwellings have a direct aspect or are in close proximity to public open space. In terms of optimising the sustainability of a site on zoned serviced lands in the Galway Metropolitan Area, I am of the opinion that the density and layout as proposed by the

applicants is acceptable and would accord with the proper planning and sustainable development of the area.

7.4.2. An Architectural Design Statement was submitted as part of the planning documentation which incorporated a universal design statement and a statement of compliance with Ministerial Guidance on housing design and urban design standards as set out within the Development Plan. A design statement methodology addressed issues including connectivity, variety, efficiency, layout, public realm adaptability, privacy and amenity and detailed design.

7.4.3. In conclusion, the design and layout as revised is appropriate and would be consistent with the pattern of development on the area and would provide for a high quality of accommodation and amenity for future residents. The design and layout would comply with the relevant policies and objectives set out within the current Galway Development Plan and would provide for an efficient and sustainable use of zoned serviced land and with the proper planning and sustainable development of the area.

## 7.5. **Services and Flood Risk**

7.5.1. It is stated by the appellant that the Oranhill Property Management Company which comprises the Corrib Supreme Management Company and the residents within the Oranhill residential development are the owners of the Oranhill distributor road/right of way over which existing watermains, surface water and foul sewer mains are laid. I note the applicants have submitted legal correspondence as part of their planning documentation (included within the appellants response to the third-party appeal), providing details of easements in favour of the applicants, including over the common areas and the right to use/access the Oranhill internal access road in common with all other authorised persons using the estate services. Notwithstanding the overall Oranhill residential development has not yet been taken in charge by the Local Authority, I consider that the applicants have demonstrated sufficient legal interest in terms of access to the water services within the distributor road for the purposes of the planning application. This matter was addressed in greater detail previously within Section 7.2 above.

- 7.5.2. In terms of the water supply and the wastewater, it is proposed to tap into the existing water networks within Oranhill, which are privately owned and which ultimately outfall to the Irish Water (IW) networks along the Maree Road by means of gravity feed. Irish water confirmed within correspondence issued to the applicants (dated 28<sup>th</sup> July 2021) as part of a pre-connection enquiry that a connection to the IW networks can be facilitated and that capacity exists within the Merlin Park pumping Station. This was specifically raised as a potential Issue by the Water Services Section within the Local Authority. The IW agreement in principle includes a caveat that the applicants satisfy IW that the privately owned networks within Oranhill have sufficient capacity and are substantially in compliance with Irish Waters' Code of Practice and Standard Details.
- 7.5.3. I consider that the issue of the capacity of the Merlin Park pumping station has been clarified by IW within their correspondence and therefore, the issue specifically raised by the Water Services Section within Galway County Council (GACC) has been addressed satisfactorily. I am satisfied that access to the public water services is possible and available. Again, this matter was addressed in greater detail previously within Section 7.2 above.
- 7.5.4. A condition was attached to the final grant of permission (Condition number 22) setting out that the surface water generated by the development shall be disposed of within the site and shall not be discharged onto the distributor road or adjoining property. The applicants are proposing to incorporate a surface water infiltration tank under the public open space along the western site boundary. An unlined modular system will be incorporated and has been designed to cater for rainfall events up to and including a 1:100 year storm event. The surface water will discharge naturally to ground through the unlined filtration tank. A number of additional SuDS measures are also to be incorporated within the development proposals and include permeable paving, road gullies fitted with silt traps, a fuel separator will be provided prior to surface water entering the infiltration tank. The surface water management infrastructure will be regularly inspected and maintained and is not part of the infrastructure that would be taken in charge by the Local Authority.

7.5.5. A residential use is one that is identified as being highly vulnerable as set out within Table 3.1 of the Flood Management Guidelines 2009 (FMG's). Given the vast majority of the site within Flood Zone C, the fact that a highly vulnerable use (residential) is proposed, the preparation of a justification test is not specifically required as per the FMG's. The applicants have submitted a Site Specific Flood Risk Assessment (SSFRA) as part of their planning documentation. They acknowledge that a pluvial flood risk exists on a small portion of the site, that, to the south-east of the appeal site. The SSFRA concludes; With the introduction of a number of mitigation measures, including the use of SuDS within the development proposals, that the residential development will not increase the risk of flooding within the site nor within the vicinity of the appeal site. I would concur with the view that through the implementation of the mitigation measures as set out within the Construction and Environmental Management Plan (CEMP) and the SSFRA that the risk of flooding in the area will not be increased and that the proposal would be in accordance with Section 7.5.9 and policy objectives WW7 and WW8 of the current GCDP and in accordance with the provisions of the Flood Management Guidelines, 2009.

7.5.6. I refer to the Office of Public Works (OPW) website [floodinfo.ie](http://floodinfo.ie) where the appeal site is not identified as being within an area of flood risk and neither is there a history of flood events on site nor within the vicinity of the appeal site.

7.5.7. In conclusion, based on the flood information available within the Development Plan, on the data available on the OPW website and as per the site-specific information provided by the applicants within their SSFRA, I am satisfied that subject to the inclusion of the surface water management proposals, including on site attenuation that the development proposals will not increase the risk of flooding on site nor within the vicinity of the appeal site.

## 7.6. Access and Traffic

7.6.1. The appellants have queried the right of the applicants to access the appeal site via the Oranhill distributor road. Access to the appeal site is through the established Oranhill housing development including its service roads and vehicular entrance onto the public road, the Maree Road (L-4101), where the access is within the 50kph speed control zone. A n internal distributor road serves the overall Oranhill housing

development of approximately four hundred residential units. The proposal seeks to construct an additional 39 residential units and use the existing Oranhill internal service road and access point onto the local Maree Road. The Planning Officer and the Traffic and Transport Department within the Local Authority were both satisfied that the existing entrance to the Oranhill development off the Maree Road has sufficient capacity to cater for the additional traffic movements generated by the proposals.

- 7.6.2. The applicants submitted a Traffic Impact Assessment (TIA), a Traffic and Transport Assessment (TTA) as well as a Stage 1 and 2 Road Safety Audit as part of their planning documentation. The TTA sets out that the Volume of traffic generated by the proposals is unlikely to be high and would be similar in nature to the traffic using the existing entrance and services road (residential traffic). I am of the opinion that the relatively modest level of traffic likely to be generated is unlikely to have significant adverse traffic impact over and above existing traffic levels generated on this distributor road. I also concur with the Road Engineers within GCC that the existing junction onto the Maree Road has sufficient capacity to cater for any increase in traffic levels. I consider that the access proposals are satisfactory in the context of traffic safety and convenience. A number of potential road safety issues were identified within the RSA and solutions have been presented and have been incorporated within the final roads design and layout. I note that the PA have conditioned in the completion of a Stage 3 RSA, to be submitted to the LA prior to the commencement of development.
- 7.6.3. The issue of access and use of the spine road was addressed in Section 7.2 further above in my report. In terms of traffic safety, I note that the Oranhill internal service road would be used in the short term to access the proposed residential development.
- 7.6.4. There are footpaths and streetlighting on both sides of the Oranhill internal access road and linking Oranhill into Oranmore town centre. The applicants propose to extend these within their residential layout. There are traffic calming measures included within the internal service road in the form of speed bumps and safety signage. I am satisfied that the scale of the development would not result in



excessive traffic levels being generated and that the proposals are designed in accordance with the Design Manual for Urban Roads and Bridges standards (DMURS) best practice standards and therefore, safety of pedestrians and drivers is optimised.

7.6.5. I note the comments made by Transport Infrastructure Ireland (TII) in relation to access to a distributor link road (currently under construction) from the appeal site. This link distributor road is located approximately 300 metres north of the appeal site and would be accessed via third party land and will link the SHD development permitted by ABP north of the appeal site with the N67. This issue of access between the distributor road under construction and the N67 was raised as part of the assessment under 304203 and that residential development was ultimately permitted by the Board. I do not consider it reasonable not to permit a modest scale residential development of 39 units, given that a scheme of 212 residential units which would be located immediately adjoining the said distributor road and would impact it to a much greater extent has been permitted in the recent past by the Board. In conclusion, I consider that the proposed distributor road has been designed with sufficient future proofing and carrying capacity to cater for the current modest residential proposals and the additional undeveloped zoned lands in this vicinity.

7.6.6. In relation to development management standards the dwellings are provided with either on-street car parking or parking within site curtilage at a rate of 1.5 spaces per residential unit, which is in accordance with current Development Plan requirements under Table 15.5 (1.5 spaces per 1-3 bed dwelling units).

#### **7.7. First Party V Planning Condition number 15**

7.7.1. Condition number 15 of the planning decision sets out that the applicants shall establish a Property Management Company in tandem with the existing Property Management Company serving the overall Oranhill residential development. The applicants have stated that this would not be feasible, given that the existing property management company is one of the appellants in this instance. The applicants have requested that they be conditioned to establish an independent property management company to supervise the construction and completion of the

development proposals, until such time the development would be taken in charge by the Local Authority.

- 7.7.2. The applicants have referenced a number of precedents established by both the Planning Authority and An Bord Pleanála under reference number 304203, whereby planning conditions were applied and provided for the establishment of independent property management companies to supervise the construction and completion of residential developments, until such time the development would be taken in charge by the Local Authority,

## 7.8. **Other Issues**

- 7.8.1. The appellants are of the opinion that the applicants should not be permitted to establish their own independent management company and should instead by agreement join the OPMG. I consider that given the fact that the OPMG are one of the appellants in this instance and, therefore, it is unlikely that agreement between the parties can be reached at this moment in time. With reference to Section 7.2 above, I am satisfied that the Board, in granting planning permission can attach an appropriate planning condition regarding the construction, completion and maintenance of the development until taken in charge.

## 7.9. **Appropriate Assessment**

### **Background to Application**

- 7.9.1. An Appropriate Assessment Screening Report and Natura Impact Statement were submitted as part of the planning documentation. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me to undertake a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans or projects on European sites. The screening is supported by an associated report, including an Ecological Impact Assessment (EclA), a Site-Specific Flood Risk Assessment as well as a review of National Parks and Wildlife Service (NPWS) datasets, Ordnance survey mapping and aerial photography.

- 7.9.2. The AA Screening Report states that this assessment was undertaken without considering or taking into account specific mitigation measures or protective measures included in the construction management plan prepared for the proposed development.
- 7.9.3. The applicants AA Screening Report concluded that: Significant effects cannot be ruled out to the Galway Bay Complex SAC, the Inner Galway Bay SPA, the Rahasane Turlough SAC and the Cregganna Marsh SAC. The applicant identified that potential exists for construction and operational pollutants to enter the surface water and groundwater systems which could result in negative effects to water quality and impacts to the invertebrate communities of the mudflat habitats within Galway Bay during the construction and operational phases and also adversely impact the water quality within the Marsh area of the Cregganna SPA, south of the appeal site where protected winter birds (specifically the Greenland White fronted Goose), are a qualifying interest. Significant effects to the SPA/SAC, s cannot, therefore, be ruled out.
- 7.9.4. As a result, an Appropriate Assessment may be required. A Natura Impact Statement has been submitted to inform such an assessment, if deemed required by the Board.

### **Appropriate Assessment Screening**

- 7.9.5. The project is not directly connected to or necessary to the management of a European site. The development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site.

### **Description of Development Site**

- 7.9.6. The development is described in Section 2 of my report. The proposed residential development is located on a greenfield site to the south-west of Oranmore town centre, on residential-Phase 1 zoned lands, and accessed off the Oranhill distributor road which in turn is accessed off the local Maree Road, within the town settlement boundary. The site is in close proximity to Galway Bay which is protected by a

number of nature conservation designations, namely the Galway Bay Complex SAC, the Inner Galway Bay SPA and the Cregganna Marsh SPA which is also located in proximity to the Bay. The terraced and semi-detached dwellings are all two storey in height, consistent with the two and three storey height of the adjoining Oranhill residential development. The development would be connected to the public foul and surface water sewer networks. There are no surface water channels within the appeal site. The foul sewer from the proposals will outfall from the appeal site to Galway Bay via the piped networks.

### **Submissions/Observations**

- 7.9.7. I have reviewed the appeal submissions received and I note that one of them specifically references the proximity of the Cregganna Marsh SPA to the south of the appeal site and the issue of potential adverse impact upon the wintering Greenland White fronted Goose and the lack of a suitable buffer distance between the appeal site and the European site.

### **Characteristics of Project:**

- 7.9.8. The relevant characteristics of the project that might give rise to potential impact on European sites, both during the construction and operational phases are as follows:

Construction impacts:

- Foul and/or surface water drainage runoff which could result in deterioration of surface and ground water quality and resultant degradation and loss water based habitats and bird and aquatic species.
- Disturbance of foraging/feeding habitat which could potentially adversely impact upon the Qi's of European sites.

Operational Impacts:

- Pollution of surface and groundwaters
- Disturbance of feeding/foraging grounds of the winter bird population within the adjoining European site(s).
- Potential for light disturbance from streetlighting within the proposals.

### **Designated Sites and Zone of Influence**

7.9.9. A potential zone of influence has been established by the applicant having regard to the location of European sites, the Qualifying Interests (QIs) of the sites, the source-pathway-receptor model and potential environment effects of the proposed project.

7.9.10. A number of European sites in the wider area were examined by the applicant and found not to be within a likely zone of influence due to the distances from the appeal site and the absence of ecological pathways between them and the appeal site or due to the significant separation distances between them and the appeal site. I consider that only sites within the immediate area of the proposed development require consideration as part of the screening process.

7.9.11. The following Natura 2000 sites are considered to be located within a possible zone of influence of the proposed development site:

Table 1:

<b>European Site</b>	<b>Qualifying Interests</b>	<b>Distance from Appeal Site</b>	<b>Potential Connections (source-pathway-receptor)</b>	<b>Further Consideration in Screening</b>
Cregganna Marsh SPA (Site Code 004142)	Greenland White-fronted Goose	Approximately 82 metres to the south and south-west of the appeal site,	Yes. Requires further assessment due to there being potential to cause disturbance to the Greenland White fronted Goose who are known to roost and feed at Cregganna Marsh during the winter months. Potential for construction related sediment, hydrocarbons and foul effluent to outfall from the appeal site	Yes.

			towards the SPA, as ground levels fall north-west to south-east in the direction of Cregganna Marsh.	
Galway Bay Complex SAC 000268	<p>Qualifying Interests:</p> <p>Mudflats and sandflats not covered by seawater at low tide.</p> <p>Coastal lagoons.</p> <p>Large shallow inlets and bays.</p> <p>Reefs.</p> <p>Perennial vegetation of stony banks.</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts.</p> <p>Salicornia and other annuals colonising mud and sand.</p> <p>Atlantic salt meadows.</p> <p>Mediterranean salt meadows.</p>	Approximately 340 metres north-west and 250 metres north-east of the appeal site.	Yes. Potential to cause deterioration in water quality during construction and operation arising from surface water, ground water and outfall of sewage and hydrocarbons from the proposed development and to potentially adversely impact upon habitats/species within Galway Bay.	Yes.

	<p>Turloughs.</p> <p>Formations on heaths or calcareous grasslands.</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates.</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>.</p> <p>Alkaline fens.</p> <p>Limestone pavements.</p> <p>Otter</p> <p>Harbour Seal</p>			
Rahasane Turlough SPA (site code 004089)	<p>Qualifying Interests:</p> <p>Whooper Swan.</p> <p>Greenland White-fronted Goose.</p> <p>Wigeon.</p> <p>Golden Plover.</p> <p>Black-tailed Godwit.</p>	8.6 kilometres south-east of the appeal site.	Yes. Requires further assessment due to there being potential for an indirect impact due to the ornithological connectivity between Rahasane and Creganna Marsh where the Greenland white fronted goose use	Yes.

			both of these European sites for feeding and foraging.	
Inner Galway Bay SPA 004031	<p>Black-throated Diver</p> <p>Great Northern Diver</p> <p>Cormorant.</p> <p>Grey Heron.</p> <p>Light-bellied Brent Goose.</p> <p>Wigeon.</p> <p>Teal.</p> <p>Red-breasted Merganser.</p> <p>Ringed Plover.</p> <p>Golden Plover.</p> <p>Lapwing.</p> <p>Dunlin.</p> <p>Bar-tailed Godwit.</p> <p>Curlew.</p> <p>Redshank.</p> <p>Turnstone.</p> <p>Black-headed Gull.</p> <p>Common Gull.</p> <p>Sandwich Tern.</p>	830 metres west of the appeal site.	Yes. Potential to cause deterioration in water quality during construction and operation arising from surface water, ground water and outfall of sewage and hydrocarbons from the proposed development and to potentially adversely impact on species within Galway Bay.	Yes.



	Common Tern. Wetland and Waterbirds.			
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### Identification of Likely Significant Effects

- 7.9.12. The Cregganna Marsh SPA, The Rahasane Turlough SAC the Galway Bay Complex SAC and the Inner Galway Bay SPA are the four European sites being considered as part of this assessment due to the possibility of habitat degradation due to a risk of potential construction impacts in the form of release of hydrocarbons and/or sediment during groundwork excavations and the potential for adverse impacts to arise with the surface water drainage discharging to Galway Bay resulting in potential adverse impacts upon water quality, alone or in combination, with other pressures on transitional water quality. There is also the potential to cause disturbance and displacement of bird species within the adjacent SPA sites.
- 7.9.13. In terms of noise, I note that best practice construction methods would be implemented, and environmental considerations such as noise, dust and vibration would be addressed as part of a Construction Waste Management Plan (CWMP), which would be required to be submitted to, and for the written agreement of the Planning Authority. I note that a preliminary CWMP was submitted as part of the planning documentation. I consider the inclusion of best practice construction measures to be acceptable. This is a matter that can be addressed by means of an appropriate planning condition.
- 7.9.14. Given the greenfield status of the appeal site, which is presently in pasture and dominated by dry calcareous grassland and scrub habitat, it would potentially provide for suitable foraging/feeding grounds for the winter birds associated with the SPA sites. However, I note that the Marsh area traditionally used mainly by the Greenland White fronted Goose flock within the Cregganna Marsh SPA is located approximately 630 metres south of the appeal site. There are many of the existing Oranhill dwellings are located closer to the area used by the protected species than the appeal site. The SPA has a buffer area designate within its boundary and this buffer area comprises dry pasture fields. However, the area favoured by this

particular Geese flock is further south within the SPA, within a wet valley area. Therefore, I consider that this particular QI is not likely to be significantly affected by disturbance from the proposals due to the separation distance between the marsh habitat and the appeal site and the separation distance including mature hedgerow between the two.

7.9.15. One of the appellants has raised the issue of light overspill from the proposals onto the Cregganna Marsh SPA site. Adopting the precautionary principle, the threshold for AA screening is low and therefore, further consideration of this matter will be undertaken.

7.9.16. No water quality objectives have been set out for the Inner Galway Bay SPA. Catchments.ie have classified the water quality in Galway Bay as good, which would indicate that the Galway Bay Complex SAC and the Inner Galway Bay SPA have not been impacted upon by either wastewater or surface water outfalls from development within the city area to date. I am also satisfied that there is adequate capacity within the foul sewer network to cater for the foul effluent arising from the development. The EclA submitted as part of the planning documentation sets out that there are no habitats/species listed as Qualifying Interests (QI; s) associated with any European site within the appeal site boundary. For these reasons, I am satisfied that it is unlikely that habitat loss or disturbance of habitat or species listed as Qualifying interests would arise in this instance. Therefore, likely direct significant effects on these specific SPA sites and the Lough Corrib SAC can be ruled out.

7.9.17. I consider that there is potential for indirect significant effects in the form of outfall of sediment, sewage and/or hydrocarbons to the surface water network during the construction period on water quality within Galway Bay/Cregganna Marsh. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken.

7.9.18. From an examination of the NPWS datasets, in particular map numbers 3 (tidal mudflats and sandflats), 5 (Coastal lagoons) and 6 (reefs) associated with the Conservation objectives of the Galway Bay SAC, I consider that the pollutants

arising from on-site construction activities and during the operational phase could result in significant effects to invertebrates within estuarine habitats, the shallow inlets and bays and Reefs within this European site.

7.9.19. No evidence of the Otter or the Common Seal species for which the Galway Bay Complex SAC European site has been designated was recorded within or in the vicinity of the appeal site, and I note that the appeal site nor the surrounding lands do not provide suitable habitat for the otter or seal species.

7.9.20. The surface water management proposals, including SuDs, proposed for the operational phase are considered adequate to serve the development and would not result in likely significant effects upon the European sites. I am of the opinion that the water supply within Lough Corrib would not be subject to likely significant effects as the design of the water network would provide for a non-reversible valve, thereby eliminating that as a source of contamination. Therefore, I am satisfied that these particular potential impacts do not require further assessment in the context of Appropriate Assessment.

7.9.21. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites within the settlement boundary of Oranmore, which have been granted planning permission and are referenced in Section 4 of this report. However, through the implementation of best practice construction methods and the fact that all of these sites have been subjected to Strategic Environmental Assessment and also have been subjected to an Appropriate Assessment determination under the preparation of the Galway County Development Plans of 2016 and 2022, the cumulative environmental impact of all of the zoned lands being developed was considered and deemed acceptable.

7.9.22. Therefore, taking the precautionary approach, I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential significant effects that may arise in relation to a number of the nearest European sites, namely, the Cregganna Marsh SPA, the Galway Bay Complex SAC, the Inner Galway Bay SPA and the Rahasane Turlough SPA. This conclusion is consistent with that of the applicant.

## **Screening Determination**

7.9.23. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects could have likely significant effects on the Cregganna Marsh SPA, the Galway Bay Complex SAC, the Inner Galway Bay SPA and the Rahasane Turlough SPA, and Appropriate Assessment is, therefore, required.

7.9.24. The potential for significant effects on other European sites can be excluded.

### **7.10. Stage 2- Appropriate Assessment**

#### **Natura Impact Statement**

7.10.1. The Natura Impact Statement (NIS) examines and assesses potential for adverse effects of the proposed development on Cregganna Marsh SPA, The Rahasane Turlough SAC the Galway Bay Complex SAC and the Inner Galway Bay SPA. Section 3.1 of the NIS sets out the potential impacts arising from the construction and operational phases of the development on each of the European sites and includes details of mitigation measures that would be incorporated as part of a Construction Waste Management Plan (CWMP).

7.10.2. The NIS concludes that with the implementation of the pollution control mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase, adverse effects on the site integrity of the European sites alone, or in combination with other plans and projects can be excluded.

#### **Appropriate Assessment of implications of the proposed development on the European Site**

7.10.3. The following tables (2-5) set out my assessment of the implications of the project on the qualifying interest features of the Cregganna Marsh SPA, The Rahasane Turlough SPA, the Galway Bay Complex SAC and the Inner Galway Bay SPA using the best scientific knowledge in the field as provided in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation

measures designed to avoid or reduce any adverse effects are considered and assessed.

7.10.4. It should be noted that a number of Qualifying Interests (QI's) within the Galway Bay Complex SAC were removed from further assessment at screening stage as the potential for likely significant effects on these particular QI's has been ruled out due largely to the absence of direct hydrological pathways between the appeal site and these particular QI's. These QI's include Coastal Lagoons, Turloughs, Juniperus communis formations, Calcareous fen, Alkaline fen, Scrubland facies on calcareous substrates, Perennial vegetation of stony banks. Salicornia and other annuals colonising mud and sand, Mediterranean/Atlantic salt meadows, Harbour Seal which is almost entirely a marine species and the Otter as there is no suitable habitat within the appeal site or in its vicinity for this species. Ecological surveys conducted on site indicate that: The appeal site and the areas immediately adjacent to it do not provide significant habitat for the qualifying interest fauna species of the nearby SPAs and SAC.

Table 2

Site 1

<p><b>Name of European Site, Designation, site code:</b> Cregganna Marsh SPA, 004142</p> <p>Summary of Key issues that could give rise to adverse effects.</p> <ul style="list-style-type: none"> <li>• Species degradation/loss</li> <li>• Disturbance of QI species</li> </ul> <p>Conservation Objective: To maintain or restore the favourable conservation status of the Greenland white-fronted goose.</p>					
		<b>Summary of Appropriate Assessment</b>			
<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be</b>

					<b>excluded ?</b>
Greenland White-fronted Goose	To maintain or restore the favourable conservation condition of Greenland white-fronted goose in Cregganna Marsh SPA,	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water and/or groundwater arising from construction and or operational activities on site and potentially adversely impacting upon the Marsh which acts as a feeding area for this particular protected wintering geese species. Light spillage from the development post construction	Major groundworks and excavations to take place outside of the winter season. Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems. Streetlights will be fitted with hoods to ensure all light is directed within the site boundaries.	No significant in-combination adverse effects	Yes
<b>Overall conclusion: Integrity test</b>					

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Table 3

Site 2:

<b>Name of European Site, Designation, Rahasane Turlough, 004089</b>					
Summary of Key issues that could give rise to adverse effects.					
<ul style="list-style-type: none"> <li>• Loss of foraging ground</li> <li>• Disturbance of QI species</li> </ul>					
<b>Conservation Objectives: To maintain or restore the favourable conservation condition of the wetland Habitat of lough Corrib as a resource for the regularly occurring migratory waterbirds that visit the lake.</b>					
		Summary of Appropriate Assessment			
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Wetlands and Waterbirds	To maintain or restore the favourable conservation condition of the wetland Habitat of Rahasane Turlough as a resource for the regularly occurring migratory waterbirds	Indirect disturbance impact and loss of associated with the Cregganna Marsh as the Greenland White fronted Goose spend majority of	Major groundworks and excavations to take place outside of the winter season. Silt fencing adjacent to land drains. The use of silt traps prior to	No significant in-combination adverse effects	Yes

	that visit the lake.	its time at Rahasane Turlough and occasionally use Cregganna Marsh for feeding and foraging purposes. human activity.	discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems		
<p><b>Overall conclusion: Integrity test</b></p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

Table 4

Site 3:

<p><b>Name of European Site, Designation, site code:</b> Galway Bay Complex SAC 000268</p> <p>Summary of Key issues that could give rise to adverse effects.</p> <ul style="list-style-type: none"> <li>• Adverse impact upon Water Quality and water dependant habitats/species</li> <li>• Habitat/species Loss</li> <li>• Disturbance of QI species/habitats</li> </ul> <p><b>Conservation Objectives: To maintain or restore the favourable conservation condition of the protected habitats and species within Galway Bay.</b></p>						
		<b>Summary of Appropriate Assessment</b>				
<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be</b>	



					<b>excluded ?</b>
Mudflats and sandflats not covered by water at low tide.	To restore the favourable conservation condition of the protected Mudflats and Sandflats not covered by seawater at low tide in Galway Bay.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems	No significant in-combination adverse effects	Yes
Large shallow inlets and bays		Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors	No significant in-combination adverse effects	Yes

		construction activities on site and potentially adversely impacting upon protected habitat	s within the surface water systems		
Reefs		Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems	No significant in-combination adverse effects	Yes
<p><b>Overall conclusion: Integrity test</b></p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

Table 5

Site 4:

**Name of European Site, Designation, site code:** Inner Galway Bay SPA 004031

Summary of Key issues that could give rise to adverse effects.

- Water Quality and water dependant habitats
- Loss of foraging ground
- Disturbance of QI species

**Conservation Objectives:** To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay as a resource for the regularly occurring and visiting migratory winter birds.

		<b>Summary of Appropriate Assessment</b>			
<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded ?</b>
Wetlands and Winter birds	To maintain or restore the favourable conservation condition of the wetland Habitat of Galway Bay as a resource for the regularly occurring migratory waterbirds that visit the bay.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water and/or groundwater arising from construction and or operational activities on site and potentially adversely	Major groundworks and excavations to take place outside of the winter season. Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation	No significant in-combination adverse effects	yes

		impacting upon the Marsh which acts as a feeding area for this particular protected wintering geese species	tank and hydrocarbon interceptors within the surface water systems		
<p><b>Overall conclusion: Integrity test</b></p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

7.10.5. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites, existing, permitted and those under construction. With the incorporation of best practice construction methods and the fact that many/all of these sites would have been subjected to their own individual Appropriate Assessments, Strategic Environmental Assessment and an Appropriate Assessment determination under the preparation of the Galway County Development Plans of 2016 and 2022, the cumulative environmental impact of development within the appeal site and within the adjacent lands has been considered and deemed acceptable.

7.10.6. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC, and the Inner Galway Bay SPA, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

**Appropriate Assessment Conclusion**

7.10.7. Having carried out screening for Appropriate Assessment, it was concluded that, in the absence of mitigation measures to prevent construction related pollutants

reaching Galway Bay, the proposed development might have a significant effect on four European Sites, Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC and the Inner Galway Bay SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European sites in light of their conservation objectives.

7.10.8. Following an Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC nor the Inner Galway Bay SPA, or any other European site, in view of the site's Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC and the Inner Galway Bay SPA.

## 8.0 Recommendation

I recommend that planning permission be granted subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the location of the site within the 'existing built up area' of Oranmore on zoned and serviced lands, the provisions of the Galway County Development Plan 2022-2028 and the Oranmore Metropolitan Settlement Plan 2022-2028, the pattern of development in the area, and the nature and scale of the

proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the Core and Settlement Strategies of the Development Plan, that the proposed density of development is appropriate and that the development would not result in the creation of a traffic hazard or seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 9th day of August 2021 and the 4<sup>th</sup> day of November 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, proposals for increased on-site attenuation in accordance with the *Greater Dublin Regional Code of Practice for Drainage Works*, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public health.

- 3 The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

- 4 Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenities.

- 5 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

6. All of the mitigation measure cited in Section 3.1 of the Natura Impact Statement and Section 5 of the Ecological Impact Assessment submitted to the Planning Authority on the 19<sup>th</sup> day of March 2021 shall be implemented in full.

**Reason:** In the interest of the natural heritage of the area and protecting the environment.

- 7 Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity

8. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interests of amenity and of the proper planning and sustainable development of the area.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

- 10 The landscape masterplan shown on drawing number 20322-3-100, as submitted to the planning authority on the 9th day of August 2021, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

11. All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the



electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. The construction of the development shall be managed in accordance with a Construction Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.

**Reason:** In the interests of public safety and residential amenity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the

planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

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

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 18 Prior to the commencement of development, the developer shall submit to and agree in writing with the Planning Authority evidence of a properly constituted management company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Confirmation that this management company has been established shall be submitted to the Planning Authority prior to the occupation of the first residential unit. The Management Company shall be solely responsible for all ancillary infrastructure, services, utilities, access roads, open space and other communal areas within the site.

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

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Fergal Ó Bric

Planning Inspectorate

28th day of June 2023