



An
Bord
Pleanála

Inspector's Report

ABP-313259-22

Development

Permission for demolition of a ruined dwelling and out buildings and construction of older persons housing with supports scheme comprising 62 dwellings, communal space and tearoom arranged in seven blocks, car and bicycle parking, footpaths along Station Road, landscaping and ancillary site works,

Location

Station Road, Gort, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

22/28

Applicant(s)

Mount Fuji Ltd

Type of Application

Permission

Planning Authority Decision

Refuse Planning Permission

Appellant(s)

Mount Fuji Ltd

Observer(s)

None

Date of Site Inspection

11th day of April 2023

Inspector

Fergal Ó Bric.

1.0 Site Location and Description

- 1.1. The appeal site is located to the east of the settlement of Gort, with access off Station Road which in turn connects into Bridge Street. The site is split into two sections, one smaller section to the east of Station Road which comprises a number of dilapidated agricultural structures and the other section to the west of Station Road and comprises Flowervale, a two storey dwelling which is vacant and in a poor state of repair. Gort rail station is located immediately southeast and east of the appeal site and a builder's providers (TJ O 'Mahony's) is located north-east of the appeal site. The Gort River is located immediately west of the appeal site and a gravelled riverside walk traverses the western appeal site boundary. There is an Aldi supermarket located immediately south-west of the appeal site. The access to the appeal site is off the Station Road is within the 50 kilometre per hour speed control zone.
- 1.2. The site has a stated area of 1.17 hectares. Site levels are reasonably flat and consistent with those of the adjoining Station Road, though there is a fall in levels within the eastern section of the site where levels fall from south to north within the appeal site. The western part of the site contains some disturbed ground and both sides of the appeal site are overgrown and there is some evidence of dumping and anti-social behaviour occurring within the site. The western appeal site boundary is open to the river and the site is open to Station Road, a 2.4 metre walled boundary exists to the south-west at its boundary with a supermarket and there are hedgerows and shrubbery along the eastern site boundaries.

2.0 Proposed Development

- 2.1. It was originally proposed to construct sixty two residential units, comprising a mix of one and two bedroom apartment units and two, three and four bed residential dwellings ranging in height from single to two and three storeys tall. However, following the submission of the further information, five residential units have been omitted and, a communal space (296 sq. m) and a tearoom (45 sq. m) are now proposed. Two residential units are now set aside as staff support units (non-residential) for employees (180 sq. m) of the management company who will manage the residential, commercial and community development. 57 residential

units (48 apartments and 9 houses) are now proposed to be developed by the applicants. The development would comprise five blocks of units within the western side, blocks three, four and five being single and two storey and blocks one and two being partly two and three storey, and two blocks, numbers six and seven in the eastern section of the site, both being partly two and three storey units. All units are of traditional design with pitched roofs and a mixture of brick and smooth sand/cement render external finishes and reconstituted slate roofs.

2.2. The breakdown of the type and size of units proposed is as follows:

- 5 x Type A, 2 bed apartments 76.1 sq. m.
- 2 x Type B, 1 bed apartments 57.8 sq. m.
- 1 x Type C, 2 bed apartment-73.1 sq. m.
- 18 x Type D, 1 bed apartments 54.7 sq. m.
- 9 x Type E 2 bed apartments 67.8 sq. m.
- 4 x Type F, 1 bed apartments 53.7 sq. m.
- 9 x Type H, 2 bed apartments-95 sq. m.
- 1 x Type 1, 2 bed house-96 sq. m.
- 2 x Type 2, 3 bed houses-96 sq. m.
- 2 x Type 3, 4 bed houses, 130 sq. m.
- 1 x Type 4, 4 bed house, 130 sq. m.
- 3 x Type 5, 2 bed houses-96 sq. m.

2.3. Commercial and Community development in the form of a tea room with a floor area of 45 square metres (sq. m) and a communal area (296 sq. m) will also be provided

and made available to future residents of this development and to the wider Gort community. Units 14, 21 and 53 as originally proposed have been omitted and two residential units, numbers 32 and 33 will be owned by the commercial operator of the development and are to be utilised by employees of the commercial operation for staff support purposes.

2.4. The total floor space of commercial and community uses would amount to 521 sq. m, or 11.9% of the total area. These comprise a tearoom, a communal room, meeting rooms, a physiotherapy room and other ancillary community spaces. The area of residential development has been reduced to 4,367.5 sq. m.

2.5. Permission is also sought for hard and soft landscaping works, enhancement and extension to Station Road footpath, a pedestrian crossing at the entrance to the rail station, boundary treatment, a new accessible ramp to the Gort Riverside walk from the Aldi car park to the south-west corner of the site and enhancement of the Gort River walk pathway; 33 parking spaces and 55 bicycle spaces; Demolition of a ruinous dwelling (Flowervale House) and other dilapidated farm structures. Permission is also sought for connection to piped services and all associated site works.

2.6. 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 and three dimensional visuals.
- An Engineering Services Report,
- A Traffic Assessment Report (TAR),
- A Stage 1 Road Safety Audit,
- A Site-Specific Flood Risk Assessment (SSFRA).
- An Appropriate Assessment (AA) Screening Report,

2.7. A letter of consent from Irish rail has been submitted consenting to the making of the planning application and to the carrying out of works (footpath and pedestrian crossings) on their lands. Two additional letters of consent were submitted, one from Galway County Council Roads Operations Department, consenting to the principle of

laying a foul sewer across their lands to service the proposals and secondly from an adjoining land owner, Mr John O Donnell has been submitted consenting to easements over his lands regarding the laying of piped services and to allow for access to the services into the future, if necessary.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for 7 reasons which can be summarised as follows:

- 1 Proposal for almost 100% residential and limited commercial use does not provide for the appropriate development response to give effect to the zoning objective of the site or provide for the avoidance or over proliferation of uses as called for under objective ED 7 of the Gort Local Area Plan 2013-23. The development as proposed would undermine the delivery of a satisfactory quantum of an appropriate mix of uses in the town centre, contravenes objectives LU1 and ED7 of the Gort LAP 2013-23 and, therefore, would be contrary to the proper planning and sustainable development of the area.
- 2 Some of the proposed design elements lack satisfactory animation at street level, the high density provision, potential overlooking of some units and absence of usable functional communal and private open space, would constitute a substandard residential design, would injure the amenities and depreciate the value of property in the vicinity and, therefore, be contrary to the proper planning and sustainable development of the area.
- 3 The applicant has not satisfactorily demonstrated that there is adequate foul sewer infrastructure available to service the development.
- 4 The Planning Authority have concerns in relation to traffic and transportation aspects of the development including flood risk and drainage of the local road and the absence of a Road Safety Audit and the omission of a number of the required key considerations in the Traffic and Transport Assessment submitted. Therefore, the proposed development would endanger public safety by reason of a traffic hazard.
- 5 The Planning Authority cannot be satisfied that the site is not at risk of flooding in the future or that emergency services will be able to access the

development or that the development would accord with the provisions of the Flood Risk Management Guidelines (FRMG's) 2009. The development, if permitted, would materially contravene Objective RL 1 of the Galway Development Plan 2015-21 and the FRMG's.

- 6 Having regard to the hydrological connections to the Coole Garryland Complex SAC and SPA, it is considered that mitigation measures will be required to protect European sites from potential impacts of the development on water quality associated with these specific European sites. Furthermore, the applicant has failed to provide an adequate assessment of impacts of the development on bats (in particular the Lesser Horseshoe Bat) on the qualifying interests of a number of adjacent European sites including Kiltartan Cave SAC, East Burren Complex SAC and the Lough Cartan SAC to ensure that no adverse impacts on these specific European sites arises in view of their conservation objectives. The development, if permitted, would materially contravene Objective DS6 of the Galway Development Plan 2015-21 and be contrary to the proper planning and sustainable development of the area.
- 7 In the absence of archaeological impact assessment, the proposed development would materially contravene Objectives ARC 1 and ARC 2 of the Galway Development Plan 2015-21 in relation to the protection of archaeology and, therefore, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

Planning report (10th day of March 2022)

This report noted that the proposals would be acceptable in principle under the Core Strategy given the town centre zoning pertaining to the appeal site. However, the Planning Officer was not satisfied that an appropriate mix of uses is proposed within the scheme as required under specific objective LU1 of the Gort LAP 2013, with less than 1% relating to commercial uses and that specific objective ED7, which relates to the proliferation of any individual use that would not contribute to the vitality and viability of the town centre. The Planning Officer raised issues in relation to the

density, design and functional communal and private open space, questioned if adequate capacity is available in the foul sewer network, flood risk and drainage, and potential adverse impact upon European sites and archaeological heritage.

3.2.2. **Other Technical Reports**

Roads and Transportation Department: That a number of inadequacies exist within the documentation submitted including: That part of the access road (Station Road) is located in Flood Zone B; That Station Road would require a significant upgrade; There are no surface water proposals for the Station road; That a Stage 2 RSA would be required; The Transportation Assessment Report submitted by the applicants has failed to address cumulative impact assessment, pedestrian and cyclist facilities, parking provision and construction traffic; That surface water attenuation in accordance with Development Plan standards has not been provided.

Architectural Conservation Officer: Documentation submitted is comprehensive but no detail of date or fabric of existing buildings on site, no justification for palette of external finishes proposed has been submitted and the comments of the National Monuments Service should be sought in relation to the recorded monument GA122-109-former mill site.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage (DHLGH): In relation to archaeology, it is recommended that an Archaeological Impact Assessment be submitted including archaeological test excavation and that test trenches be excavated at locations decided by the Site Archaeologist and that a written report outlining the results of the test trenching and geophysical survey be submitted to the DHLGH and the Planning Authority.

In relation to nature conservation, the following it is set out: That there is a hydrological connection from the Gort River via a sink depression (Polltoophill) to Coole Garryland SAC and SPA and that a bat survey should be undertaken on site due to proximity to the Gort River.

3.4. **Third Party Observations**

Two third party observations were received. The issues raised relate to the following:

- Access road width and safety.
- Excessive density of development.
- Inadequate car parking provision and inappropriate car parking layout.
- Request that layout be revised to provide improved access for older persons and to increase separation distance between the development and the Riverside walk.

4.0 Planning History

The following is considered to be the relevant planning history pertaining to the apparel site.

Subject Site:

Planning Authority reference 04/249. In 2004, Planning permission was refused by Galway County Council to construct 31 number 1-3 bedroom units in two blocks of three storeys and a single storey day centre providing facilities for residents. The reasons for refusal related to traffic safety and inadequate open space. This decision was upheld by An Bord Pleanála (ABP) reference PL 07.206775, The reasons for refusal related to traffic safety grounds due to inadequate sightlines being available in a northerly direction and poor quality of private open space for the ground floor apartments and poor layout of public open space throughout the development.

5.0 Policy Context

5.1. Gort Local Area Plan 2013-2023

The appeal site has the benefit of a C1-Town Centre/Commercial- land use zoning objective.

The zoning matrix sets out that apartments are permissible, and that residential development is open for consideration on C1-Town centre zoned lands.

The following specific policies and objectives are considered relevant to the current proposals:

LU1: Land Use Management: It is the policy of Galway County Council to provide a land use zoning framework for the plan area to direct the type, density and location of development in a manner that contributes to the consolidation of the town centre, that allows for the orderly and sequential development of the town, that protects and enhances the existing landscape setting, character and unique identity of the town and that complies with the statutory requirements in the Planning and Development Act 2000 (as amended). The land use zoning framework is supported by a residential phasing framework to ensure compliance with the Core Strategy and to promote the orderly and sequential development of the town.

Policy RD1: Residential Development: It is the policy of Galway County Council to support the creation of sustainable communities and high quality residential areas at appropriate locations with a range of housing options and adequate support services, facilities and amenities, having regard to the guidance contained in the following policy documents or any updated versions:

- Joint Galway County Council and Ballinasloe Town Council Housing Strategy 2009-2015.
- Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities, 2009 and the accompanying guidance document Urban Design Manual: A Best Practice Guide – A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
- Design Manual for Urban Roads and Streets, 2013
- Galway Clustered Housing Guidelines, where appropriate, in the assessment of any proposals for new multiple unit housing developments within the Plan Area.

- Galway County Council Traveller Accommodation Programme.
- Smarter Travel “A Sustainable Transport Future 2009 – 2020”, including the National Cycle Policy Framework 2009-2022, and any other related national policy documents.
- Water Framework Directive and the Planning System and Flood Risk Management, Guidelines to Planning Authorities 2009.

Objective RD3 – Housing Options Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics and social changes, social inclusion, life time changes, smaller household sizes, lower formation age, immigration, etc.

Objective RD8 – Other Residential Development There shall be a general presumption in favour of the development of nursing homes and retirement facilities and community/day care centres on residential zoned lands or adjacent to the established town centre or as suitable re-use for protected structures or other buildings (e.g. institutional or educational buildings) that would have a limited re-development potential given their size and architectural character, subject to normal planning, access and servicing requirements.

Objective ED4 – Tourism Development (refer to Maps 2A/2B) Encourage and facilitate the sustainable development of the tourism potential of Gort and its environs in a manner that respects, builds on, protects and enhances the cultural, built and natural heritage of the town and the local amenities within the Plan Area. Key projects and initiatives that will be supported will include:

- a) Support the sustainable development of a river walkway and a linear park including recreational facilities and activities that will benefit the local community and visitors to the area and enhance the tourism infrastructure in an environmentally sustainable manner that recognises the Water Framework Directive, water quality and Natura 2000 conservation management objectives for the Coole-Garryland Complex and associated protected species including otter and bat species.
- b) Investigate the provision of a tourist/information centre within the town centre.

Objective ED7 – Proliferation of Individual Uses: To protect and enhance the vitality and viability of the town centre by ensuring that it remains the primary retail, commercial and mixed use centre in the town and prohibit a proliferation of any individual use that, in the opinion of the Planning Authority, does not contribute to the vitality and viability of the town centre.

Objective UD6 – Design Statements Require design statements with all large scale or sensitively located development proposals, such as in close proximity to an Architectural Conservation Area, protected structure, natural heritage designation, significant public amenity, elevated position or visually vulnerable area, and in the case of any other development proposals where this is considered necessary by the planning authority. Design statements should include a site appraisal examining the location, context, landscape/townscape setting, accessibility, features and characteristics of the development site, which should be used to inform the selection of appropriate development forms and design responses and the incorporation and provision of any important landscape features in the layout and design of the development. Design statements should be succinct documents that include both text and supporting graphics demonstrating how the site context and characteristics and design principles, policies and objectives have been addressed in the design and layout of the development proposal.

Policy BH1 – Built Heritage It is the policy of Galway County Council to support the conservation of architectural and archaeological heritage, including the Protected Structures, Architectural Conservation Area and Recorded Monuments and Places and other important features of architectural or archaeological heritage within the Plan Area. Galway County Council will ensure the implementation of the legislative, statutory and policy provisions relevant to the conservation of built heritage, including the following (and any updated/superseding documents)

The appeal site is located within Flood Zone C as per Map 3B within the current Gort LAP. Part of Station Road, in proximity to its junction with Bridge Street is located within Flood Zone B.

5.2. Galway County Development Plan, 2022-2028

The Development Plan was adopted by the elected members on the 9th May and came into effect on the 20th day of June 2022.

Chapter 2 of the Plan places Gort within Tier 4 of the Settlement Strategy-Self-sustaining towns.

Table 2.11 sets out the Core Strategy Table where it is envisaged that the population of Gort is anticipated to grow by 800 persons over the plan period with 460 residential units to be developed on residentially zoned lands to sustain the population growth during the plan period to 2028. Town centre zoned lands would also provide for additional residential units.

Table 2.12 Settlement Hierarchy sets out the following for the self-sustaining settlements: Self-Sustaining Towns with high levels of population growth and a limited employment base which are reliant on other areas for employment and/or services and which require targeted “catchup” investment to become more sustaining.

Section 2.4.8 sets out the following vision for the self-sustaining settlements: The growth strategy for both Gort and Loughrea is to consolidate their designation as Self-Sustaining Town’s and continue to support expansion of their employment base. In addition, residential development will be facilitated that will support the sustainable growth

Policy objective SS4 sets out the following for self-sustaining settlements:

Support the development of Gort and Loughrea as Self-Sustaining Towns as outlined in the Core Strategy and Settlement Hierarchy in order to improve local employment, services and sustainable transport options in order to become more self-sustaining settlements.

Policy objective SH4: Adaptable Housing: To promote and support the development of sustainable housing for older people and those with disabilities or learning disabilities, the concept of independent living will also be promoted.

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

Section 3.6.7-: A number of settlements in the County offer brownfield development opportunities that could deliver the aspirations of placemaking and compact growth. They are very often serviceable and located along existing public transport corridors and their re-development would improve the quality of public realm in a place.

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.

CGR 2 Regeneration To promote the redevelopment and renewal of areas in towns and villages that are in need of regeneration.

CGR 8 Town and Village Centre To encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration and reuse of vacant and under-utilised buildings and land and will re-energise the town and village centres, subject to a high standard of development being achieved.

Section 7.9 pertains to surface and storm water management and sustainable drainage systems.

WW 7 Sustainable Drainage Systems

To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS

assessment including run-off quantity, run off quality and impacts on habitat and water quality.

WW 8 Storm Water Infrastructure

To support the improvement of storm water infrastructure and to increase the use of sustainable drainage and reduce the risk of flooding in urban environments.

Section 15.2.3 Guidelines for residential development in Towns and Villages.

In relation to residential density, town centre/infill/brownfield sites in self-sustaining towns should seek to achieve 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 metres 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.

5.3. 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 30

Local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of

ageing communities as part of the core strategy of city and county development plans.

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 34

To support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

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.

Section 6.4-Age Friendly Communities: In providing a more seamless and appropriate continuum of housing choices with appropriate supports for older people and a built environment that is attractive, accessible and safe, older people will be supported and motivated to enjoy more active, healthy and connected lives and to age confidently and comfortably in their community. This further reinforces the need for well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by universal design and improved urban amenities, including public spaces and parks as well as direct and accessible walking routes. The provision of such accommodation can provide opportunities for older people to downsize from larger houses within their existing communities.

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.

- Housing for All, Department of Housing, Planning and Local Government and Department of Health, September 2021.
- Housing options for our ageing population, policy statement-Department of Housing, Planning and Local Government and Dept of Health-March 2020
- 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 sites to the appeal site are the Coole Garryland SPA (Site Code 004107), which at its closest point by land is located approximately 1.2 kilometres north-west of the appeal site. and the Coole Garryland SAC (Site Code 000252), which at its closest point by land is also located approximately 1.2 kilometres north-west of the appeal site.

The closest Natural Heritage Area (NHA) is the Coole Garryland pNHA, (site code 000252), which at its closest point is located approximately 1.2 kilometres north-west of the appeal site boundary.

5.5. Environmental Impact Assessment (EIA) Screening

It is proposed to construct 57 residential units and approximately 521 sq. m. metres of commercial and community use floorspace on the form of a café/tea room, communal space and support services for employees of the management company. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The appeal site has an overall area of 1.17 hectares (ha.) and is located adjacent to the central business district and constitutes a brownfield site.

An Environmental Impact Assessment Screening Report was submitted with the appeal. 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 hectares in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 hectares 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 two hectares for a commercial area within a town and the number of residential units is considerably below the threshold of 500.

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 7.8 of my 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 town centre zoning objective under the provisions of the Gort Local Area Plan 2013-23, 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 Gort 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 first-party appeal was received from Mr. Jerry Colins, Managing Director of Mount Fuji Ltd (the applicants) which address the reasons for refusal as set out by the Planning Authority on a topic related basis as follows:

Principle of Development:

- The appeal site is best classified as a brownfield site, a derelict dwelling exists within the western part of the site and redundant agricultural buildings within the eastern section of the site.
- The site is located within the designated urban settlement boundary of Gort, adjoins Gort rail station and is within 200 metres of the town core.
- There are a number of national policy documents which would support the principle of development on site namely The National Planning Framework, Department of Housing, Planning and Local Government, 2019, Housing options for our aging population policy document, Dept of Housing, Planning and Local Government (DHPLG) 2020, Age-friendly, principle and guidelines for the Planning Authority, Age Friendly Ireland, 2021, Housing for All, DHPLG, 2021.
- There are local policy documents which would support the principle of development including the Galway County Development Plan 2022-2028 and the Gort Local Area Plan 2013-23.

Land use zoning and uses proposed:

- A C1-town centre land use zoning objective applies to the site which allows for residential uses as well as other commercial and community uses.
- The zoning matrix within the Gort LAP sets out that apartments are permissible, houses are open for consideration on town centre zoned lands and that community facilities and café uses are both permissible uses on C1 zoned lands.
- The applicants have revised the layout as part of their appeal submission whereby five residential units have been omitted and they have now introduced a communal facility and a tearoom which will be made available to future residents of the development and to the wider Gort community. Two units will be utilised by employees of the commercial operator who will own and manage the tearoom and the communal area for staff support purposes (non-residential).
- The commercial/community uses on site would comprise 11.9% of the site area.
- The appeal site, by virtue of its off-street location is unsuitable for the development of conventional retail/commercial units and there is currently low demand for commercial units in Gort town.
- There is high demand for residential accommodation in Gort town. There are currently no residential properties in the town that are suitable for the older generation and there is high demand for this type of accommodation at the moment.
- The commercial/community uses now proposed on site are aligned with the land use zoning and demographic of the residential element.
- The proposal represents a positive and self-sustaining mixed use development that meets the town centre-C1 zoning requirements.
- The self-sustaining mixed uses align with Gorts' status as a self-sustaining town, as set out within the Settlement Strategy within the current Development Plan.
- The tea room will also serve as a tourist attraction and function, promote increased and safe use of the Gort riverside walk, will be accessible to locals

and visitors and from the local rail station. The bicycle parking facilities can be used by local and tourist visitors alike.

- The revised residential density as set out within the appeal submission equates to 48.7 units per hectare and within the density range deemed appropriate within the current Gort LAP.
- The revised density and introduction of the commercial and community uses complies with the C1 land use zoning objective and specific objectives LU1 regarding the consolidation of the town centre and ED4 in relation to an appropriate mix of uses.

Design and layout:

- The design and layout have been modified within the appeal submission to the Board from those presented to the Planning Authority.
- The public open space allocation on site has been increased and as a result and the development has been moved further back from the riverside walk.
- The 10 HAPP care ready design principles have been considered and incorporated within the design and layout as proposed.
- The private external gallery areas associated with the two and three storey residential units allow for more meaningful circulation by future residents and social interaction between future residents.
- The western orientation of the external galleries provide for passive surveillance overlooking the adjoining Gort River and walkway and areas of public open space and provide for quality amenity spaces for future residents.
- The upper floor external gallery access adhere to best practice design and are oriented to minimise isolation and provide potential for meaningful circulation and social interaction for future residents.
- The residential units are designed to be at least dual aspect. The plan depth at 9.4 metres is considerably less than the accepted 14 metres limit that allows for cross ventilation and daylight penetration in compliance with best practice design principles.

Core and Settlement Strategy:

- The proposals would result in development which is provided for within the Core Strategy residential allocation as set out for Gort within the current Development Plan.
- The residential density proposed at 48,7 units per hectare would accord with the density guidance and objectives provided for within local and national planning guidance.

Access, Connectivity & Traffic:

- The site is located off a very lightly trafficked road which also serves as an access to the local rail station, a builders providers depot and some farmlands.
- There is no history of road accidents on the access road as per the RSA database.
- A Transportation Assessment Report (TAR) in accordance with Transport Infrastructure Ireland (TII) guidance was submitted as part of the planning documentation.
- The proposed upgrade of Station Road is compliant with the Design Manual for Urban Roads and Streets (DMURS) and with National Cycle Manual (NCM) Guidance.
- An independent Stage 1 Road Safety Audit was commissioned. It would be onerous to expect a full detailed design for roads drainage and lighting design at this early stage.
- Responsible road design by qualified roads engineers is achieved through the application of modern design guidance principles as outlined in DMURS and the National Cycle Manual (NCM) and through the commissioning of follow-on independent Road Safety Audits of these designs, as necessary.
- The Stage 1 RSA already submitted is more than adequate to allow for a determination of the proposals.

- The requirement for detailed design and associated Stage 2 RSA and subsequent safety audit phases could be addressed by means of an appropriate planning condition.

Services:

- Revised foul sewer proposals were submitted as part of the applicants' appeal submission. It is now proposed to lay a new 225 mm sewer through land owned by third parties and consents/easements to traverse third party lands have been submitted.
- Discharge to the existing foul sewer on Kinncha Road for final discharge to Gort Wastewater Treatment Plant is now proposed.
- Revised surface water management details have been submitted as part of the applicants' appeal submission whereby all the surface water generated on site will discharge by gravity and pass through a by-pass interceptor to an attenuation tank and ultimately discharge to the Gort River. The storm drainage system will accord with best practice Sustainable Urban Drainage Systems (SuDS) principles.
- Surface water gullies will be installed along Station Road and will similarly discharge to the on-site attenuation system, through a bypass interceptor and ultimately discharge to the river.
- The flood risk assessment submitted is based on the guiding principles set out within the Planning System and Flood Risk Management Guidelines 2009.
- Fluvial flooding from the Gort River was identified as the relevant flood mechanism for the proposals.
- Gort was identified as an Area for Further Assessment (AFA) and final CFRAMS maps, prepared by the Office of Public Works have been published for Gort.
- The dwelling houses with the lowest finished floor level within the proposals have a freeboard of 1.95 metres above the 1:1,000 (0.1%) flood risk identified within the CFRAMS studies.

- As per Table 3.1 of the FRMG's, dwelling houses are identified as highly vulnerable development, however the local transport infrastructure (including the local access road) are categorised as less vulnerable development.
- The CFRAMS mapping identify the appeal site as being within Flood Zone C and the initial section of Station Road, at its junction with Bridge Street identified as being within Flood Zone B.
- Table 3.2 of the FRMG's set out that highly vulnerable developments do not need a justification test, if located within the Flood Zone C area.
- The less vulnerable developments (which include access roads infrastructure) within Flood Zone B are also appropriate and similarly do not require a justification test.
- The proposals will not increase flood risk within the appeal site nor within adjacent lands.

Appropriate Assessment:

- It is not accepted that there is a hydrological link between the appeal site and the Gort River.
- There is no watercourse present within the appeal site which could act as a pathway for surface water run-off to the Gort river.
- No works will occur within approximately ten metres of the Gort river channel.
- There is a gravelled riverside walk and a riparian vegetation area separating the development proposals from the Gort river. These would act as a buffer to any potential minor sediment run off arising from any development works.
- Levels within the appeal site are flat with no slope towards the Gort River.
- The current water quality within the Gort River is classified as poor (Cannahowna 10-EPA database). Therefore, sediment run-off would need to be substantial to deteriorate this water quality further.

- Given the hydrological separation distance from the nearest European sites (Coole Garryland SAC and SPA), the lack of development within at least a ten metre distance from the Gort watercourse and the existing poor water quality within the watercourse, that any potential impact arising from the development proposals would not be significant.
- The East Burren Complex SAC is elevated above the levels of the appeal site and, therefore, could not be adversely impacted by the development proposals.
- Lough Cutra SAC and Termon Lough SAC are both located upstream of the Gort River and, therefore, could not be adversely impacted by the development proposals.
- The SPA sites have been designated for their bird species, none of which use the appeal site for feeding or foraging purposes, due to the absence of suitable habitat within the appeal site.
- The Otter species has also been discounted due to lack of suitable habitat, and the set-back distance of the proposals from the Gort river channel and the poor water quality within the Gort River which the Otter species do not favour.
- Potential adverse impacts upon the Lesser Horseshow Bat have also been ruled out as they were not identified as being one of the bat species positively identified within a bat survey completed on site in the year 2020.

Archaeological Heritage:

- An Archaeological Impact Assessment (AIA) was conducted on site and concluded that the proposals will directly impact upon a 19th century corn mill site, reference number GA122-109. The AIA recommends that pre construction archaeological test trenching be conducted on site to determine any potential follow-on archaeological investigations.

6.2. Planning Authority Response

None received.

7.0 Assessment

The main issues are those raised within the grounds of appeal and the reasons for refusal as set out within the Planning Authority decision, and I am satisfied that no other substantive issues arise. The issue of Appropriate Assessment will also be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Residential Design, Layout and Density
- Core Strategy
- Design and Layout
- Services and Flood Risk.
- Access and traffic.
- Archaeology
- Appropriate Assessment

7.1. Planning Context

- 7.1.1. At the time the Planning Authority made its decision on the 11th day of March 2022, the appeal site was included within the settlement boundary of Gort as set out within the Gort Local Area Plan (LAP) 2013-2023. The Gort LAP expired on the 25th day of June 2023. However, an updated LAP has not been prepared and, therefore, the 2013-2023 LAP continues to be the relevant local planning policy document for the purposes of this assessment.

7.2. Principle of Development

- 7.2.1. The Planning Authority within its first reason for refusal set out that the proposals would, if permitted, undermine the delivery of a satisfactory quantum and an appropriate mix of uses on town centre zoned lands and would contravene the LU1 zoning objective and specific objective ED7 of the Gort LAP 2013-23.

- 7.2.2. The appeal site is located within the settlement boundary of Gort as set out within the Gort Local Area Plan (LAP) 2013-2023. The policies, objectives and land use zoning objectives as set out within the 2013 LAP remain applicable for the purposes of this assessment.
- 7.2.3. The appeal site is located on lands zoned C1-Town centre as per the Gort Local Area Plan 2013-2023. The stated zoning objective (LU1) is: To promote the development of the town centre as an intensive, high quality, well-landscaped, human scaled and accessible environment with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors to the town. The town centre and associated main streets will remain the primary focus for retail and service activity in Gort.
- 7.2.4. As per the zoning matrix within the Gort LAP, apartment units are permissible in principle and housing units are open for consideration on C1 zoned lands, cafés and community facilities are both permissible uses on C1 zoned lands. I note that the economic development section within the Gort LAP (Section 3.4) does not set out any specific percentage of commercial development that must be provided on C1 zoned lands. The majority of the proposal in terms of apartments, community space and tearooms are all permissible uses, and the 9 residential units are open for consideration. I consider that the proposed mixed residential, commercial and community uses development on town centre zoned lands are acceptable and would accord with the proper planning and sustainable development of the area.
- 7.2.5. There are also a number of specific objectives relevant to the current proposals. Among these are ED4 which seeks to: Encourage and facilitate the sustainable development of the tourism potential of Gort and its environs in a manner that respects, builds on, protects and enhances the cultural, built and natural heritage of the town and the local amenities within the plan area. Key projects and initiatives that will be supported will include: a) Support the sustainable development of a river walkway and a linear park including recreational facilities and activities that will benefit the local community and visitors to the area and enhance the tourism infrastructure in an environmentally sustainable manner that recognises the Water

Framework Directive, water quality and Natura 2000 conservation management objectives for the Coole-Garryland Complex and associated protected species including otter and bat species. b) Investigate the provision of a tourist/information centre within the town centre. Specific objective ED7 seeks to prohibit a proliferation of any individual use that, in the opinion of the Planning Authority, does not contribute to the vitality and viability of the town centre. I consider that the current proposal would assist in the realisation of both of these objectives given a number of uses are proposed, albeit that the residential uses are the dominant ones. The enhancement of the riverside walk and connectivity with the town centre as well as the tearooms will assist in improving local tourist amenities and facilities.

7.2.6. Specific residential policy objective SH4 supports the concept of adaptable housing and supporting sustainable housing options for older people including promoting the concept of independent living. I consider that the current proposals would assist in the realisation of this policy objective.

7.2.7. Gort is identified as a self-sustaining town where the growth strategy is: To consolidate their designation as self -sustaining Town's and continue to support expansion of their employment base. In addition, residential development will be facilitated that will support the sustainable growth of the towns. The applicants set out that the proposals to provide for residential development for older persons along with some ancillary commercial and community elements which would assist in sustaining the town centre and would enhance the vitality and viability of the town centre. The proposal would also provide opportunities for people to downsize within Gort and the surrounding area and free up some larger residential units and holdings for others to purchase, lease and/or rent.

7.2.8. In terms of contravening ED7 which relates to prohibiting a proliferation of any individual use, I consider that the applicants within their revised proposals are now proposing a mix of residential, commercial and community uses. The commercial and community uses will comprise 11.9% of the total floor area. The applicants have submitted correspondence from a local estate agent who has stated that there is no demand for commercial premises in Gort and that there is a high demand for residential properties. Given the location of the appeal site, which although has the

benefit of a town centre/commercial land use zoning objective, is located to the rear and removed from the town core and, therefore, would not benefit from sufficient footfall to warrant the establishment of conventional retail and commercial uses. Therefore, I consider that the current proposals, as submitted within the applicants' appeal submission which provides for a tearoom and community uses including a communal room, a physio room, small meeting rooms as being appropriate. The applicants state within their appeal submission that the community and commercial uses would be made available to future residents within the development and to residents within the wider Gort community.

- 7.2.9. The proposal would accord with NPO 30 of the National Planning Framework regarding: Local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans. I am satisfied that the proposal would also comply with the guidance and principles as set out in other Government housing Guidance as set out in Housing for All, 2021 and in Housing options for our ageing population, 2020.
- 7.2.10. I consider that the provision of residential units and ancillary community and commercial uses on town centre zoned lands and on a centrally located brownfield site, adjacent to the town centre and adjoining the rail station within its ancillary tearooms and communal building would represent an efficient and sustainable use of zoned and serviced lands. Although the applicants have stated that the residential units will be made available to serve older persons, I am of the opinion that given the town centre location, proximity to rail and bus transport services and to the town commercial and community facilities I would consider it appropriate that the residential units be made available to all age cohorts.
- 7.2.11. In conclusion, I do not consider that the proposals would contravene objectives LU1 or ED7 in terms of an appropriate mix of commercial, community and tourist uses, which are all provided for within the revised proposals submitted as part of the applicants' appeal submission to the Board. I consider that the proposals are acceptable in principle subject to matters in relation to: Residential design, layout

and density, Core Strategy, services and flooding, access, traffic and archaeology being satisfactorily addressed.

7.3. Residential Design, Layout and Density,

- 7.3.1. The second reason for refusal as set out by the Planning Authority references a substandard quality of residential design and layout and specifically raises issues in relation to lack of animation at street level, the high density proposals, overlooking unsatisfactory communal and private open space.

Design and Layout:

- 7.3.2. 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 current Galway Development Plan. A design statement methodology which addressed issues including connectivity, variety, efficiency, layout, public realm adaptability, privacy and amenity and detailed design was also submitted as part of the applicants' appeal submission to the Board.
- 7.3.3. In terms of the design of the residential development, the applicants have broken down the mass and bulk by proposing seven residential blocks, blocks 1-5 within the western portion of the appeal site and blocks six and seven within the eastern portion of the appeal site. The building heights range from one to three storey. There are a range of unit types provided, ranging from one bedroom apartment units to 1.5 and two bedroom apartment units and a mix of two, three and four bedroom terraced houses which would cater for various family unit types. The courtyard type design would provide passive surveillance over the Gort riverside walkway and also over the areas of public open space. There are balcony/gallery areas proposed at first and second floor levels which provide for quality private open space and allow for interaction between future residents on other balcony areas and/or to walkers along the riverside path and to people using the internal public open space areas. The depth of the buildings is 9.4 metres at a maximum which is considerably below the 14 metres as recommended in the best practice guidance in terms of providing cross

ventilation and achieving sufficient daylight within the units and optimising the residential amenity afforded to future residents.

- 7.3.4. In terms of animation, I am satisfied that the design of the residential units as set out is appropriate. It complies with best practice guidance as set out within Housing options for our ageing population document, 2020. The choice of external materials will be crucial given the climate that exists along the western seaboard. The external finishes would provide for a mix of render, glazing and brick cladding with a slatted roof. These are matters that can be addressed by means of an appropriate planning condition. I am satisfied that the design of the residential units is appropriate and will provide for sufficient animation.
- 7.3.5. In terms of overlooking, this was specifically raised by the Planning Officer in relation to unit number 14. This specific residential unit was removed as part of the revised layout submitted by the applicants as part of their planning appeal. I am satisfied that no adverse overlooking arises from the proposals and that sufficient separation distance between the proposals and neighbouring development is provided for.
- 7.3.6. In relation to communal public open space, there are two main areas proposed, the largest of them is provided within the western part of the appeal site and comprises an enclosed area between 1 and 2 and blocks 4 and 5. The public open space is broken down into different uses, including grassed areas, outdoor dining areas, urban allotments areas and seating areas. The smaller area of public open space is located within the eastern section of the site and comprises a grassed area and a small playground area. There are a number of ancillary (non-functional) public open space areas. One of these areas adjoins the existing Gort Riverside walkway, which provides for walking and seating areas. These areas are all overlooked by the residential units. Approximately 19% public open space is set out within the revised layout. The private open space for the above ground floor apartment units is provided in the form of first floor galley spaces which provides for privacy and the potential for social interaction, if so desired. The ground floor apartments and housing units are provided with conventional rear garden spaces. Adequate separation distances from the neighbouring commercial properties and rail station buildings is provided for. I am satisfied that the private and public open space

proposals provide for a quality layout for future residents whereby all units are at minimum dual aspect, with a number of end units being triple aspect, with at least one aspect facing onto public open space and/or the riverside walkway.

- 7.3.7. 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 within the town centre of Gort, 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.

Residential Density:

- 7.3.8. In relation to density, the applicants submitted revised proposals as part of their appeal submission to the Board whereby three residential units were omitted, and some commercial/community elements were introduced in lieu of five of the original residential units. A total of 11.9% of the footprint of the proposals will be for commercial/community uses. The residential density will be 48.7 units per hectare which is within the range of 35-50 dwelling units per hectare range deemed to be acceptable and appropriate within the current Gort LAP and specifically referenced within the Planning Report prepared by the Planning Authority. Given Gort's status as a self-sustaining town, the town centre zoning and brownfield status pertaining to the site, the fact that the site is fully serviced and adjoining the local rail station and within a 200 metre walk of the town core, I am satisfied that the density as proposed is acceptable, especially given its town centre zoning and brownfield status.

- 7.3.9. I am satisfied that the density proposed is in accordance with the density guidance provided within the current GCDP. I note that the Case Planner within Galway County Council set out within her report that a density range of 35 to 50 units per hectare is provided for within the current Gort LAP. The revised density as submitted to the Board by the applicants as part of their appeal submission provides for a density within this range. 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 quantity of public and private open space.

I also note that the proposals will provide for a range of apartment and house types which would cater for a range family typologies, sizes and needs, not just suitable for older persons as set out by the applicants.

7.3.10. In conclusion, the density proposed is acceptable in that it complies with the density range provided for within suburban sites within the 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. The design and layout is also considered appropriate in that private and public open space provision complies with the relevant standards and would accord with local and national planning guidelines.

7.4. **Core Strategy**

Core Strategy:

7.4.1. The Core Strategy for the county is set out within Section 2 within the current Galway County Development Plan (GCDP) 2022-2028. Within the Plan, Gort is designated as a self-sustaining town along with Loughrea. Table 2.11 sets out that up to 460 residential units will be required to be constructed on residential zoned lands within the settlement of Gort over the plan period in order to meet the housing demand associated with the anticipated growth in population over the lifetime of the Plan. Given the plan only came into effect in June 2022 and the lands are zoned C1-town centre (and therefore, can provide for additional residential units over and above the 460 unit allocation) and fully serviced, I am satisfied that the proposals are in accordance with the Core Strategy provisions of the Development Plan and with proper planning and sustainable development of the area. I note that the pattern of development in Gort has been for the development of residential units towards the fringes of the town. This development, given its location within a 200 metre walking distance of the town core, on town centre zoned lands, particularly given the uses for residential, community and commercial purposes is considered to accord with the Core Strategy of the Plan.

7.5. **Services and Flood Risk**

- 7.5.1. The third reason for refusal as set out by the Planning Authority related to inadequate foul sewer capacity and the fourth and fifth refusal reasons raised the issues of flooding along the Station Road which could hinder access for the emergency services and that the proposals would not increase the risk of flooding on site.
- 7.5.2. The applicants submitted revised foul sewer proposals as part of the appeal submission. The revised proposal would traverse third party lands, including lands owned by Galway County Council and by a Mr John O' Donnell. A letter of agreement in principle signed by the Local Authority Senior Engineer within the Roads Operational Section and details of easements provided by Mr O "Donnell to the applicants have been submitted. The revised foul sewer proposals would involve traversing third party lands and discharging effluent to the Irish Water 225mm piped network on the Kinncha road, and ultimately discharging to the Gort Wastewater Treatment Plant. I consider that the applicants have demonstrated sufficient legal interest in terms of access to the water services within the locality. They state that they are awaiting a formal response from IW to their revised proposals as IW had advised them to seek consent from the relevant third-party landowners. A letter of agreement in principle from Irish Water has been submitted by the applicants which I consider to be acceptable. It outlines that a water network connection would be feasible without an infrastructure upgrade to be completed by Irish Water. IW set out that the wastewater connection originally proposed would require upgrade works to be completed by Irish Water, Subsequently, revised wastewater proposals, traversing third party lands were submitted to obviate the need for the Irish Water upgrade works.
- 7.5.3. The applicants submitted a site specific Flood Risk Assessment (SSFRA) as part of their proposals. An addendum surface water management report was prepared by their Consultant Engineers and is included as part of their appeal submission to the Board. The SSFRA report states that the appeal site is located within Flood Zone C, where a low probability of flooding exists, as is the entrance to the appeal site. Table 3.2 of the FRMG;s set out that highly vulnerable development (which includes residential development) are appropriate on Flood Zone C lands and that a justification test is not required in such instances.

- 7.5.4. A residential use is one that is identified as being highly vulnerable as set out within Table 3.1 of the Planning System and Flood Risk Management Guidelines (2009). Given the appeal site is located within Flood Zone C, the preparation of a justification test is not specifically required, even though a highly vulnerable use (residential) is proposed. Local transport infrastructure, which would include the local access road (Station Road) is in the less vulnerable category, as per the Guidelines.
- 7.5.5. The initial section of Station Road at its junction with the R458 at Bridge Street, is located in Flood Zone B. However, this junction would constitute local transport infrastructure and, therefore, would not require the submission of a justification test. The addendum flood report submitted by the applicants as part of their appeal submission concludes; The proposed development is not obstructing natural flow paths and floods are not displaced by the said development. Therefore, the proposed development would not increase the risk of flooding on the subject site or elsewhere. The development proposals are, therefore, considered suitable having regard to the provisions of the Planning System and Flood Risk Management Guidelines (2009).
- 7.5.6. The applicants Consultant Engineers set out that with the inclusion of a number of mitigation measures, including the use of SuDS measures within the development proposals, the proposals will not increase the risk of flooding within the site nor within the vicinity of the appeal site. I would concur with this assertion, that through the implementation of the mitigation measures as set out within the Civil Works Planning Report and the SSFRA that the risk of flooding within the appeal site and within its vicinity will not be increased. I consider that the proposals 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.
- 7.5.7. In terms of surface water management, the applicants have confirmed that all surface water generated on site by the proposals will be managed on site using the Sustainable Urban Drainage Systems principles (SuDs). On site attenuation tanks and permeable paving will be used to manage the storm water generated on site and ultimately this water will be released at a controlled rate to the Gort river. By-pass

interceptors will be fitted to the attenuation system in order to manage hydrocarbons and sediment generated by the proposals.

- 7.5.8. I refer to the Office of Public Works (OPW) website 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.
- 7.5.9. 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 and within the civil works report, 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 and that the water and wastewater requirements for the proposals can be met. .

7.6. **Access and Traffic**

- 7.6.1. The fourth and fifth refusal reasons raised the issues of flood risk and drainage on the Station Road and access for the emergency services.
- 7.6.2. Access to the appeal site is from the Station Road which is the main access route to the local Gort Rail Station. The station road is located within the town centre and within the 50kph speed control zone, just north-east of the junction of Bridge Street (R458) with the station Road. The Station Road serves Gort rail station, a local builder's providers and some farm lands. The road is lightly trafficked and as per the Road Safety Authority website, there is no history of traffic accidents on the road or in its vicinity. The proposal seeks to construct an additional 57 residential units, a tearoom and communal space with access onto the local Station Road. The Roads and Transportation Department within the Local Authority raised issues in relation to flooding and drainage along Station Road and the absence of a Stage 2 Road Safety Audit.
- 7.6.3. The applicants submitted a Traffic Assessment Report (TAR) which the applicants state is compliant with Transport Infrastructure Ireland Guidance as well as a Stage 1 Road Safety Audit as part of their planning documentation. The applicants have

submitted proposals for the upgrade of Station Road which they state would be compliant with the Design Manual of Urban Roads and Streets (DMURS) and the National Cycle Manual (NCM) Guidance. The TAR sets out that the volume of traffic generated by the proposals will have: A negligible and unnoticeable impact upon the operation of the adjacent road network, with increases in traffic in the town Centre beyond the site access being significantly below TII guidance threshold levels. We confirm that more than adequate capacity exists to accommodate the entire level of development proposed with the significant enhancements to Station Road provided. There are no traffic capacity or operational issues associated with the construction and occupation of the development that would prevent planning permission being granted.

7.6.4. 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 (footpath tie-in on Station Road and ramped access at the Aldi car park tie-in and provision of pedestrian crossing on Station Road) have been presented and have been incorporated within the final roads design and layout. I consider that as the applicants have suggested that the completion of a Stage 2 Road Safety Audit is a matter that can be conditioned by the Board to be submitted to the Planning Authority, prior to the commencement of development,

7.6.5. The applicants have submitted details of current weekday AM and PM peak hours two way traffic flows on Station Road which amount to 49 Passenger Car Units (PCU's) and 43 PCUs respectively and details of TRICS trip rates that the proposals would generate which they estimate would amount to 19 and 20 PCU's during the average weekday AM and PM peak periods.

7.6.6. The applicants are proposing to make a number of modifications along Station Road in the form of introducing cycle markings on the carriageway, erecting a slow zone 30 km/h speed signage revising the access to the rail station and to TJ O Mahony's to provide for pedestrian crossings onto Station Road and improve pedestrian links and safety into the applicants proposals, improving existing pedestrian links to the neighbouring Aldi supermarket car park and to the Gort river walkway, widening the Station Road carriageway to 5 metres at its northern end and introducing a turning

bay for larger vehicles at the northern site boundary. Sightlines in accordance with DMURs have also been demonstrated. The applicants propose to upgrade the Station Road whereby footpaths would be extended and streetlighting would be provided from the appeal site in a south-westerly direction where they would link into Bridge Street. 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.

7.6.7. In relation to development management standards the developer provided for 33 on-street car parking spaces. The applicants set out that although car parking provision is provided at a rate below those envisaged with the Development Plan, that the Development Plan also provides for flexibility in certain situations, where the proposals relate to apartment developments within town centre sites and in proximity to public transport hubs. Given the appeal site is zoned town centre and the appeal site is adjoining the Gort rail station and within easy walking distance (200 metres) of the town core, I consider that a reduced parking standard provision to be acceptable. Fifty five on-site bicycle parking spaces are also proposed which will also provide for an alternative to the private motor car and provide for residents to enjoy a more sustainable form of transport, particularly given the urban context of the appeal site.

7.6.8. In Conclusion. I do not consider it reasonable not to permit a modest scale residential development of 57 units on a town centre zoned site within a 200 metre walking distance of the town core. I also consider that the Station Road upgrade has been designed with sufficient future proofing and carrying capacity to cater for the current modest residential/commercial/community proposals and the additional undeveloped zoned lands in this vicinity.

7.7. **Archaeology**

7.7.1. An Archaeological Impact Assessment (AIA) was submitted by the applicants, and it acknowledges that the appeal site incorporates the underground remains of a 19th century mill complex, known as Gort Mills. The mill site is included within the Records of Monuments and Places (RMP) under reference number GA122-109. The

archaeological assessment concluded: That the proposed development will directly impact upon a 19th century corn mill site, reference number GA122-109. The AIA recommends that: Avoidance of any direct impacts on the archaeology is recommended through appropriate design and that pre construction archaeological test trenching be conducted to identify the nature and extent of the archaeology present within the development area as a minimum on site to determine any potential follow on archaeological investigations. These are matters that can be addressed by means of an appropriate planning condition.

- 7.7.2. The Department of Housing, Local Government and Heritage issued a referral response to the Planning Authority and recommended that an Archaeological Impact Assessment be submitted which should provide for archaeological test excavations including test trenching and the submission of a written report and mitigation measures, if deemed appropriate and necessary. This report has been submitted as part of the planning appeal submission by the applicants and is referenced in Section 7.7.1 above.

7.8. **Appropriate Assessment**

Background to Application

- 7.8.1. An Appropriate Assessment Screening Report was submitted as part of the planning documentation. An addendum report was also submitted as part of the appeal submission addressing the seventh reason for refusal of the Planning Authority decision, which specifically related to Appropriate Assessment. The addendum report addresses the issues of the absence of a direct hydrological link between the appeals site and the Coole Garryland SAC and/or SPA and the absence of either the Lesser Horseshoe Bat or Otter species in the within or in the vicinity of the appeals site. 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 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.

- 7.8.2. The AA Screening Report states that the 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.
- 7.8.3. The applicants AA Screening Report concluded that: Significant effects can be ruled out to the Coole Garryland SPA and SAC as there is no direct hydrological pathway connecting the appeal site to the Gort River which is hydrologically linked to a number of European sites including the Coole Garryland SPA and SAC. The applicant identified there is little potential exists for construction and/or operational pollutants to enter the surface water and groundwater systems which could result in negative effects on the habitats and species which are identified as qualifying interests within the European sites referenced above. Significant effects to the SPA/SAC, s, can, therefore, be ruled out.
- 7.8.4. As a result, an Appropriate Assessment would not be required, and therefore, a Natura Impact Statement has not been submitted to the Board in this instance.

Appropriate Assessment Screening

- 7.8.5. 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

- 7.8.6. The development is described in Section 2 of my report. The proposed residential, commercial and community development is located on a brownfield site to the east of Gort town core, on town centre zoned lands, and accessed off the Station Road, within the town settlement boundary. The site is in close proximity to the Gort River which in turn may be connected to the Coole Garryland SPA and SAC (via the

Poltoophill sink hole) approximately 1.2 kilometres north-west of the appeal site, west of the settlement of Gort and the M18 motorway. 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 ultimately to Galway Bay via the piped networks.

Submissions/Observations

- 7.8.7. I have reviewed the appeal submission received and I note that the applicants have specifically referenced the Coole Garryland SAC and SPA as set out within the seventh reason for refusal by the Planning Authority. They have made a response to the two issues raised by the PA within the refusal reason regarding the absence of a pathway from the appeal site to the Gort River and the absence of the Lesser Horseshow bath species from within or in the vicinity of the appeal site.

Characteristics of Project:

- 7.8.8. 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:

- Surface water drainage runoff, sediment and hydrocarbon run-off 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 and/or displacement of foraging/feeding grounds for the winter bird 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).

Designated Sites and Zone of Influence

- 7.8.9. 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.

7.8.10. 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 or the European sites locations upstream of/or at a more elevated level than the development proposals. I consider that only sites within the immediate area of the proposed development require consideration as part of the screening process.

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

Table 1:

European Site	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
Coole Garryland SPA (Site Code 004107)	Whooper Swan	Approximately 1.2 kilometres to the north-west of the appeal site.	Yes. Requires further assessment due to there being potential to cause disturbance to the Whooper Swan who are known to roost and feed at the Coole Garryland SPA during the winter months. Potential for surface water run-off, construction related sediment and hydrocarbons to outfall from the appeal site towards the SPA.	Yes.

<p>Coole Garryland SAC 000252</p>	<p>Natural eutrophic lakes</p> <p>Turloughs.</p> <p>Rivers with muddy banks,</p> <p>Juniperus communis formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</p> <p>Limestone pavements.</p> <p>Taxus baccata woods</p> <p>Lesser Horseshoe Bat.</p>	<p>Approximately 1.2 kilometres to the north-west of the appeal site.</p>	<p>Yes. Potential to cause deterioration in water quality during construction and operation arising from surface water, ground water and outfall of hydrocarbons from the proposed development and to potentially adversely impact upon habitats/species within Galway Bay.</p>	<p>Yes.</p>
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Identification of Likely Significant Effects

7.8.12. The Coole Garryland Complex SAC and the Coole Garryland SPA are the two 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 from surface water discharging to the Gort river resulting in potential adverse impacts upon water quality, alone or in combination, with other pressures on water quality. There is also the potential to cause disturbance and displacement of bird species within the adjacent SPA site.

- 7.8.13. 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 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.
- 7.8.14. Given the brownfield status of the appeal site, which is presently in pasture and dominated by bramble, Willow, Bindweed, Honey suckle, Bracken, Rank grasses. Ragwort, Dock, Thistle, Creeping Buttercup, Dandelion, Daisy, Rushes and scrub habitat, it would not provide for suitable foraging/feeding grounds for the winter birds associated with the SPA site. I note that the Coole Garryland SPA is located approximately 1.2 Kilometres west of the appeal site, on the opposite side of Gort Town and on the opposite side of the M18 Motorway, linking Galway city with Ennis and Limerick. The SPA has a buffer area designated within its boundary and this buffer area comprises dry pasture fields. Therefore, I consider that this particular QI will not be adversely impacted by disturbance from the proposals due to the separation distance between the marsh habitat around the Coole Garryland SPA and favoured by the Whooper Swan and the separation distance including mature hedgerow between the marsh habitat and the appeal site and the absence of suitable feeding/foraging habitat for the Whooper Swan within the appeal site boundaries.
- 7.8.15. No water quality objectives have been set out for the Coole Garryland SAC nor SPA. Catchments.ie have classified the water quality in the Gort River as being poor. I am satisfied that there is adequate capacity within the foul sewer network to cater for the foul effluent arising from the development. The AA screening report 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. Therefore, I consider that the Whooper Swan would not utilise the appeal site for foraging, feeding or nesting purposes. The trees on site are small and there is little or no hedgerow in existence on site and, therefore, would not represent suitable habitat for the Lesser Horseshoe Bat species, a qualifying interest of the

Coole Garryland SAC. Given the poor water quality recorded by the EPA (EPA database-Cannahowna 10) within the Gort River its attractiveness for the Otter species is compromised. For these reasons, I am satisfied that it is unlikely that habitat loss or disturbance for species listed as Qualifying interests would arise in this instance. Therefore, likely direct significant effects on the Coole Garryland SPA and the Coole Garryland SAC, can be ruled out.

7.8.16. I consider that there is potential for indirect significant effects in the form of outfall of sediment, and/or hydrocarbons to the surface water network during the construction period to adversely impact upon water quality within the Coole Garryland SAC and SPA. However, given the set back of the development proposals from the river channel, set back a minimum of ten metres from the river channel, the site levels being relatively flat and not sloping towards the River Channel, the already compromised nature of the water quality within the Gort River, the temporary nature of the construction activities, and the use of best practice construction methods, including the use of silt fencing along the river channel banks, that the proposals would not adversely impact upon the Gort River watercourse, and therefore, further consideration of these matters is not necessary in this instance.

7.8.17. No evidence of the Lesser Horseshoe Bat (LHB) for which the Coole/Garryland SAC European site has been designated was recorded within or in the vicinity of the appeal site as per the results of a bat survey undertaken by Eire Ecology in 2020, although evidence of other (non-protected bat species) including the Common and Soprano Pipistrelle were recorded in the vicinity of the appeal site. Foraging bats would likely use the Gort river corridor and the associated riparian vegetation for foraging purposes which are outside of the area for development under the current proposals. The development is also beyond the Core Sustainment Zone for the LHB, defined as being within 2.5 kilometres of their roosting areas within the SAC. Therefore, I consider that the appeal site nor the surrounding lands do not provide suitable habitat for this particular protected Bat species.

7.8.18. The surface water management proposals, including SuDs, proposed for the operational phase are considered adequate to serve the development and would not result in adverse impacts upon the European sites. I am of the opinion that the water

supply within Lough Corrib would not be adversely impacted upon 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.

7.8.19. 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 Gort. 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.

7.8.20. Therefore, I consider that there is no ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential adverse construction or operational impacts that may arise in relation to a number of the nearest European sites, namely, the Coole/Garryland SAC and SPA. This conclusion is consistent with that of the applicant.

Screening Determination

7.8.21. 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 would not have likely significant effects on the Coole/Garryland SAC and SPA, and Appropriate Assessment is, therefore, not required.

7.8.22. The potential for significant effects on other European sites can, therefore, be excluded.

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 'Town Centre area' of Gort on zoned and serviced lands, the provisions of the Galway County Development Plan 2022-2028 and the Gort Local Area Plan 2013-2023, 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 density of development is appropriate and that the layout and design is appropriate, that the development would not result in the creation of a traffic hazard, would not exacerbate flood risk on site nor in the vicinity of the site, not adversely impact upon the natural or archaeological heritage in the area 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 on the 18th day of January 2022 and by the further plans and particulars received by An Bord Pleanála on the 7th day of April 2022, 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 Galway Area Strategic Drainage Study, 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. Final details of the access and traffic arrangement as submitted to the Planning Authority on the 18 day of January 2022 shall be agreed in writing with the Planning Authority It shall be the responsibility of the developers to

implement the recommendations of A Road Safety Audit, Stage 2, which shall be submitted to, and agreed in writing with the Planning Authority, prior to the commencement of development.

Reason: In the interest of public safety and sustainable transportation.

- 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 plans shown on drawing reference numbers LD GRTRES 1.1 and LD GRTRES 1.2, as submitted to the planning authority on the 18th day of January 2022, 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. A minimum of 25% of the proposed car parking spaces in on-surface car parking shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements 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, measures for managing construction sediment run-off 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.

- 19 Archaeological monitoring by a qualified archaeologist shall be in place for all ground disturbance associated with the development. The name of the archaeologist shall be submitted to the Planning Authority four weeks in advance of the commencement of any site works. Should archaeological material be found during the course of monitoring, the archaeologist may have

work on site stopped, pending a decision as to how best to deal with the archaeology. The Department of Culture, Heritage and the Gaeltacht and the local authority archaeologist shall be informed. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigation action and shall facilitate the archaeologist in recording any material found. On completion, a satisfactory archaeological report detailing the works shall be submitted to the Planning Authority and to the Department of Culture, Heritage and the Gaeltacht.

Reason: In the interest of natural heritage and the proper planning and sustainable development of the area.

20 Prior to the commencement of development details of the materials to be used within the bicycle parking shelters including provision of adequate illumination.

Reason: In the interest of the protection of residential amenities of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate

31st day of July 2023