



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313761-22

#### Development

Demolition of disused two storey house and construction of 58 residential units, including all associated site works. The application is accompanied by a Natura Impact Statement.

#### Location

Lands to the East of the Ballymoneen Road, In the Townland of Keeraun and part in the Townland of Ballyburke, Ragoon, Galway.

#### Planning Authority

Galway City Council

#### Planning Authority Reg. Ref.

20286

#### Applicant(s)

O'Malley Construction Company.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Galway Cycling Campaign.

#### Observer(s)

None.

**Date of Site Inspection**

12<sup>th</sup> October 2022.

**Inspector**

Barry O'Donnell

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## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 1.6ha and is located on the western outskirts of Galway City, approx. 4.5km west of the City Centre and approx. 1km north of Knocknacarra. It is located on the east side of Ballymoneen Road and comprises a greenfield site that forms part of patchwork of agricultural land. It currently contains a detached house and the dilapidated remains of a former outbuilding.
- 1.2. Ballymoneen Road routes from Ragoon Road to the north, to the Western Distributor Road and Barna Road, to the south. The northern part of the road, where the site is located, is narrow and has a rural character and is enclosed by a mix of stone walls and post and wire fencing and hedgerows. The southern end of the road has been widened and has an urban character, forming part of Knocknacarra's urban street network. There is a pedestrian footpath to the south of the site, which commences in the area of the Fána Bui estate and which connects to Knocknacarra.
- 1.3. The approved route of the proposed Galway City Ring Road lies adjacent to the south boundary of the site. The route runs around the northern outskirts of the city, from the M6 motorway to the R336 west of Barna and includes alterations to the layout of Ballymoneen Road in the area of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development entailed within the public notices comprising the demolition of a two-storey house and the construction of 58 No. residential units consisting of 28 No. houses (22 No. 4-bed and 6 No. 3-bed) and 30 No. apartments (3 No. 1-bed and 27 No. 2-bed). The development also includes communal and private open spaces, car and bicycle parking, bin stores, landscaping and public lighting, new pedestrian and vehicular access from Ballymoneen Road and associated drainage and site works. A Natura Impact Statement was submitted with the application.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority granted permission on 18<sup>th</sup> May 2022, subject to 18 No. conditions. The following conditions are noted.

- Condition 2 required omission on unit Nos. 5, 10 and 40 and repositioning of the remaining units to provide 1.5m side-to-side separation between units.
- Condition 3 required provision to be made for cycle and pedestrian connections to the east.
- Condition 5 required that no extension, shed, store, garage or other free-standing structure should be erected within the curtilage of any house without a prior grant of permission.
- Condition 7 required that surface water should drain to a soakaway or an alternative attenuation method, subject to prior agreement.
- Condition 13 required provision of a piece of artwork on the site, details of which are to be agreed prior to commencement of development.
- Condition 14a required submission of a revised landscaping scheme to include provision for teenagers and also including a paved area with sheltered seating and self-directed play equipment.
- Condition 15 required payment of a financial contribution of €508,096.80 in accordance with the S48 development contribution scheme.
- Condition 16 required lodgement of a cash deposit of €137,500 or a bond to the value of €220,000 to ensure satisfactory completion of the development

### **3.2. Planning Authority Reports**

3.2.1. Planning Reports dated 8<sup>th</sup> January 2021, 15<sup>th</sup> September 2021 and 11<sup>th</sup> May 2022 have been provided. The first report states that the proposal is in accordance with the zoning and the proposed layout is acceptable but, expresses concern regarding aspects of the proposal. A request for additional information was recommended, in relation to the following: -

- Proximity to the Galway City Ring Road scheme,
- Connectivity to adjacent zoned lands,
- Proposed layout, parking provision and materials,
- Bat potential,
- Site ownership, and
- Apartment layouts.

3.2.2. The second report followed receipt of the AI response. It summarises and responds to the individual AI response items and expresses ongoing concern regarding aspects of the proposal. It recommends a request for Clarification of AI regarding: -

- Connectivity to adjacent zoned lands,
- Apartment layouts, and
- Proposed layout.

3.2.3. The third report followed receipt of the CAI response. It summarises and responds to the individual AI response items and recommends that permission be granted, subject to 18 No. recommended conditions which are consistent with those attached to the Planning Authority's decision.

3.2.4. Other Technical Reports

A **Transportation** department report dated 21<sup>st</sup> December 2020 has been provided. The report advises that there is no conflict between the development and the city ring road scheme but that there is poor permeability in view of the single point of entry/exit proposed and, in this context, references the recommendation by ARUP regarding connectivity to the east. A request for additional information is recommended in relation to the issue.

**Parks** department reports dated 23<sup>rd</sup> December 2020, 26<sup>th</sup> July 2021 and 6<sup>th</sup> May 2022 have been provided. The first report expresses concern regarding the quality, layout and function of open spaces proposed and recommends conditions as part of a grant of permission. The subsequent reports advise that no provision has been made for teen-specific play equipment and that a condition should be attached to a grant of permission, to require the provision of such equipment.

**Climate Change and Environment** section reports dated 9<sup>th</sup> December 2020 and 26<sup>th</sup> July 2021 have been provided, which express no objection subject to conditions.

**ARUP**, as design team for the Galway City Ring Road scheme, made a submission on 15<sup>th</sup> December 2020, advising that there is an overlap between site boundary and the boundary of the proposed ring road but that there is no conflict with the project. The submission also recommends that a condition be attached to any decision to grant permission to provide for connectivity to the east, as a means of facilitating active travel between the site and future development sites to the east.

The **Chief Fire Officer** made a submission on 16<sup>th</sup> December 2020, which expresses no objection to the development subject to recommended conditions.

The Planning Report indicates that the **Building Control** department made a submission on the application, which expressed no objection. A copy of this submission was not provided as part of the appeal documents.

### 3.3. **Prescribed Bodies**

- 3.3.1. Transport Infrastructure Ireland made submissions on 1<sup>st</sup> December 2021, 26<sup>th</sup> July 2021 and 1<sup>st</sup> April 2022. The first submission advised that the proposal is at variance with policy regarding the control of development on or affecting national roads as it is located in close proximity to the preferred and/or approved route of a national road scheme. The subsequent submissions followed the AI and CAI responses and advised that the Authority had no further observations on the application.

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

- 3.4.1. A single letter of observation was submitted on the application, the issues raised within which can be summarised as follows: -
- National and local planning policy,
  - Walking and cycling facilities,
  - Cycle parking provision,
  - Permeability,
  - Galway City Ring Road.

## 4.0 Planning History

- 4.1. I did not encounter any recent planning records pertaining to the site.

### Relevant Nearby Planning History

**ABP-311294-21:** *Site to the northeast:* Current Local Authority development for a social housing development comprising 71 no. residential dwellings (63 no. social housing units and 8 no. Traveller Appropriate Accommodation units).

**ABP-304762-19:** *Site to the south:* Permission granted on October 14<sup>th</sup> 2019 for a Strategic Housing Development comprising demolition of existing house/outbuildings and construction of 238 no. residential units, childcare facility and associated site works immediately to the south of the proposed N6 Galway City Ring Road.

**ABP-302848-18:** Approval granted on 6<sup>th</sup> December 2021 for the N6 Galway Ring Road scheme.

## 5.0 Policy Context

### 5.1. Galway City Development Plan 2017-2023

- 5.1.1. The site is zoned Residential 'R', with an objective '*To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods*'.
- 5.1.2. The site is in an outer suburban location and Section 2.5 states that in these locations, the creation of sustainable neighbourhoods will include for local shopping, community, leisure infrastructure and local employment opportunities. Access to public transport, walking and cycling are also identified as being integral to sustainable neighbourhoods. The following policy is relevant to the appeal: -

#### **Policy 2.5:**

- Encourage higher residential densities at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency, public transport services.



- Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form.
- Ensure the layout of residential developments has regard to adjoining developments.
- Encourage a mix of housing types and sizes within residential developments.
- Encourage the use of homezones within residential developments.
- Require residential developments of over 10 units to provide recreational facilities as an integral part of the proposed open space.
- Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.
- Encourage the integration of energy efficiency in the design and layout of residential development.
- Encourage the promotion of universal design principles and lifetime adaptability in the design and layout of residential developments.
- Promote the use of appropriate placenames for new residential development in accordance with the policy of An Coiste Logainmneacha.

5.1.3. Section 11.3 contains development standards for residential development. Section 11.3.1 relates to housing in the outer suburbs and it provides a range of standards and requirements for housing proposals.

## 5.2. **Ballyburke, Mincloon and Keeraun Framework Plan**

5.2.1. The Framework Plan was prepared in 2007 and relates to an area of 35.7ha of land at Ballyburke, Mincloon and Keeraun. The subject site and surrounding lands on the east side of Ballymoneen Road fall within the Plan area.

5.2.2. The Framework Plan promotes the development of a sustainable neighbourhood and provides guidance on development issues including density, urban design, movement and connectivity, unit mix, services, facilities and amenities.

## 5.3. **National Planning Framework**

5.3.1. The National Planning Framework provides an overarching policy and planning framework for the social, economic and cultural development of the country. The NPF sets out 75 no. National Policy Objectives including the following:

NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

NPO 68: A Metropolitan Area Strategic Plan may enable up to 20% of the phased population growth targeted in the principal city and suburban area, to be accommodated in the wider metropolitan area i.e. outside the city and suburbs or

contiguous zoned area, in addition to growth identified for the Metropolitan area. This will be subject to:

- any relocated growth being in the form of compact development, such as infill or a sustainable urban extension;
- any relocated growth being served by high capacity public transport and/or related to significant employment provision; and
- National Policy Objective 9, as set out in Chapter 4.

#### **5.4. Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032**

- 5.4.1. The subject site is located within the Galway Metropolitan Area Boundary.
- 5.4.2. Section 3.6 contains the Galway Metropolitan Area Strategic Plan. Knocknacarra is identified as one of a number of strategic locations within the Metropolitan Area that present the opportunity and capacity to deliver the necessary quantum of housing to facilitate targeted growth, subject to the adequate provision of services. Knocknacarra is identified for consolidation of the existing neighbourhood.

#### **5.5. Spatial Planning and National Road Guidelines for Planning Authorities (2012)**

- 5.5.1. The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions. Key principles of the guidelines include integration of land use and transportation to minimise the need to travel and safeguarding against a proliferation of developments accessing national roads.
- 5.5.2. Chapter 2, Section 2.7 addresses Development at National Road Interchanges or Junctions. This outlines that interchanges/junctions are especially important elements of national roads infrastructure that development plans and local area plans must take account of and carefully manage. The following guidance is set out:
- “Therefore, planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning*

*policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users”.*

- 5.5.3. Chapter 3 of the Guidelines deal with Development Management and Roads. Section 3.7 relates to Avoiding Adverse Impacts from Existing and Future Roads. This outlines that national roads can potentially produce significant adverse effects that extend beyond the roads concerned. Such effects are identified as traffic noise and vibration, vehicle generated emissions, lighting glare, dust and visual impact. In this regard it is stated that all proposals in respect of noise sensitive developments within the zone of influence of such existing or planned new roads should identify and implement mitigation measures in relation to noise and other potential impacts. The potential impact of lighting within developments which run parallel to national road networks are also identified. The Guidelines furthermore outline that inappropriate building design or materials can also reflect light in a manner that may result in adverse impacts on road safety. The use of highly reflective building surfaces, such as glass, in situations where they are likely to reflect car headlights can impair drivers’ vision and cause distraction and thus create confusion and have adverse effects on road safety.

*Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)*

- 5.5.4. The Guidelines set out standards for apartment developments, with the aim of ensuring that such developments are an attractive and desirable housing option in the future. Standards provided within the Guidelines include: the mix of units to be provided, minimum size thresholds, the orientation and internal layout of units and private open space provision.

## **5.6. Natural Heritage Designations**

- 5.6.1. The subject site is not located within or adjacent to any designated European site, the closest such being Galway Bay Complex SAC (Site Code 000268), which is

approx. 1.6km south. Galway Bay Complex is also identified as a proposed Natural Heritage Area.

- 5.6.2. Moycullen Bogs Natural Heritage Area (Site Code 002364) encroaches to within c. 550m to the north.

## **5.7. EIA Screening**

- 5.7.1. An Environmental Impact Assessment Screening report was not submitted with the application.

- 5.7.2. 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,

- 5.7.3. The proposed development comprises demolition of a two-storey house and the construction of 58 houses and apartments, together with associated works, on a site with a stated area of 1.6ha. The development therefore falls well below the threshold of 500 dwelling units noted above.

- 5.7.4. I have given consideration to the requirement for sub-threshold EIA. The site is located in a suburban area of Galway City and is proximate to other commercial and residential uses. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. 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 City Council, upon which its effects would be marginal.

- 5.7.5. 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 outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- 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).

5.7.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows: -

- Zoning and Galway City Ring Road
  - There is a considerable weight of planning policy calling for compact growth and addressing urban sprawl. The proposal is incompatible with compact growth, given its relationship to the Ring Road route.
  - The delivery of the Ring Road will jeopardise the development of a sustainable neighbourhood in this area and will sever linkages to the urban area to the south, contrary to requirements of the development plan.
  - The alignment of the Ring Road through this area makes the Ballyburke Framework Plan 2007 redundant.
- Road safety and active travel
  - The traffic light sequence design on the Ring Road is a significant deterrent to walking from the site.

- Reference is made to the modelled assessment of the junction, provided as part of the Ring Road application.
- The width, alignment and nature of Ballymoneen Road are further deterrents to walking.
- The proposal is premature, in view of current road network inadequacies and the absence of detail on future treatment of Ballymoneen Road.

## 6.2. Applicant Response

6.2.1. A submission was received on 7<sup>th</sup> July 2022, submitted on behalf of the applicant by MKO Planning and Environmental Consultants. Its contents can be summarised as follows: -

- Zoning
  - The site is zoned for residential development under the current City Development Plan and is proposed to be zoned for residential development under new 2023-2029 development plan.
  - Precluding development would set a precedent and negate the value of the Ring Road project in opening up lands for development along it.
  - The Ring Road project is the subject of judicial review currently. If it does not proceed, the lands within the applicant's ownership can be developed for housing. The proposed layout is cognisant of this and does not prevent further development.
- Road safety and active travel
  - The development has been designed in accordance with DMURS and facilitates pedestrian movement and permeability.
  - The site is within walking distance of public transport, which provides services to Galway City. Other residential development to the south, on Ballymoneen Road, includes footpath extensions, which will link to the Ring Road.
    - The Ring Road project precludes works within its boundaries, so no footpath extension is proposed along the Ballymoneen Road frontage of the site.

- There is a pedestrian linkage to the adjacent lands to the north/east, which was requested by the Planning Authority and which provides for linkages between sites.
- Density
  - The requirement of condition No. 2 of the Planning Authority's decision will decrease density on the site.
  - The proposed layout balances the requirement to have adequate circulation space around houses with the overall requirement to make optimum use of the lands and achieve compact growth.
  - The approved Strategic Housing Development to the south incorporates identical separation distances of 2.3m between houses.
- The Board is requested to uphold the decision to grant permission.

### 6.3. **Planning Authority Response**

6.3.1. None.

### 6.4. **Observations**

6.4.1. None.

## 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal, I consider the main planning issues in the assessment of the proposed development are as follows:

- Zoning and site location,
- Proposed layout,
- Traffic and road safety,
- Site drainage, and
- Appropriate assessment

### 7.2. **Zoning and Site Location**



- 7.2.1. The site is located north of Knocknacarra, in an outer suburban location west of Galway City. The City Development Plan 2017-2023 (CDP) residential development strategy focusses development to Ardaun, to the east of the city. Knocknacarra is identified as a newer suburb of the city and an area which is anticipated to grow further, but at a more constrained rate and in character with the established nature of development.
- 7.2.2. The site is zoned Residential under the CDP and the emerging City Development Plan 2023-2029, which is currently at the Material Alterations stage, indicates that the site is proposed to continue to be zoned for this purpose. The proposal is consistent with the Residential zoning.
- 7.2.3. The appellant argues that, notwithstanding the zoned context, there is a considerable weight of planning policy calling for compact growth and that the proposal is incompatible with compact growth, given its relationship to the proposed Galway City Ring Road (GCRR) project. The appellant also argues that the delivery of the GCRR will jeopardise the development of a sustainable neighbourhood in this area and will sever linkages to the urban area of Knocknacarra to the south.
- 7.2.4. In responding to the appeal, the applicant highlights the zoned context and contends that the site is within walking distance of public transport and is connected to the centre of Knocknacarra by a series of footpath extensions associated with other development along Ballymoneen Road.
- 7.2.5. Whilst I note the zoned context underpinning the site and the acceptability in principle of the proposal under the zoning, I nevertheless have concerns regarding existing infrastructure in the area and future connectivity to Knocknacarra, following delivery of the GCRR, as are discussed in detail below.
- 7.2.6. I noted on my visit to the site that Ballymoneen Road currently has a mixed character; at its northern end it has a rural character and functions as narrow boreen. At its southern end the road has been widened and has an urban character and functions as part of the urban street network. The site is located at the northern end of the road.
- 7.2.7. The road condition in the area of the site is, in my view, substandard, owing to its narrow width and condition/alignment. I estimate that the road reduces to a minimum width of c.3.5m in the area of the site and there is a dip in its vertical alignment to the

north, which affects northward visibility from the proposed site access. It appears the road width in the area of the site is insufficient to facilitate two-way traffic flows (I observed the use of existing entrances by motorists as informal passing bays while at the site) and there is also no hard strip or verge, which results in pedestrians having to walk along the carriageway. Given there is limited development in the vicinity of the site, there is likely to be little or no current pedestrian usage of Ballymoneen Road.

- 7.2.8. The GCRR scheme involves road improvement works to Ballymoneen Road and I note, as the applicant states, that the footpath will be extended to the northern side of the GCRR (both as part of the GCRR scheme and the approved SHD development). But I also note that there is no proposed connection from the subject site to the extended footpath network. The applicant states that the reason for the non-provision of a footpath connection is that the GCRR scheme prohibits any works being completed within its boundary.
- 7.2.9. Residents of the scheme will therefore be required to walk along Ballymoneen Road, which has been shown by the Traffic and Transport Assessment to experience high traffic volumes and which is subject to an 80km/h speed limit, in order to access the footpath to the south. This is likely to result in the creation of a road safety hazard.
- 7.2.10. A wide setback from Ballymoneen Road is maintained as part of the development, associated with the provision of sightlines from the proposed site access, and it may be that a footpath extension can be provided by the Planning Authority, in time. I am unclear on whether this is a possibility and the Planning Authority has not commented on the issue. The Board may wish to clarify this.
- 7.2.11. The Board will also note that there is no clear timetable for commencement or completion of the GCCR scheme. Ballymoneen Road may therefore continue in its current condition for the foreseeable future, with pedestrians from the development required to walk a greater distance on the road in order to access the footpath.
- 7.2.12. The issue of permeability for the wider area north of the GCRR was identified by both the Transportation Department and ARUP submissions on the application, which requested that provision be made for connectivity on the eastern boundary, to facilitate active travel through the subject site from adjacent developments in the future. I agree that connections through the subject site to adjacent lands would

improve pedestrian permeability, but any benefit is negated by the absence of a connection to the footpath network.

- 7.2.13. Regarding the issue of pedestrian connectivity via the GCRR following its delivery, I also note the appellant's reference to the Traffic Modelling Report submitted with the GCRR application to the Board. The Report<sup>1</sup> (Appendix A.8.1 of the Further Information Response) provides an assessment of junction modelling along the GCRR in the context of National Planning Framework growth forecasts and it includes a modelled assessment of the junction of the GCRR and Ballymoneen Road (identified as Junction 8). For the junction it identifies that in the modelled scenario: -

*'...the predicted volume of traffic was too excessive to be accommodated on the right turn flare provided. Therefore, the length was increased to approximately 90-95m. This combined with the assumption that the all pedestrian stage would be called every two cycles was enough to enable the junction to operate within capacity in the design year.'* (Section 8.6.1)

- 7.2.14. It appears to me from this modelled assessment that regular usage of the pedestrian stage of the junction may affect traffic conditions on the GCRR. This was not assessed by the Traffic and Transport Assessment submitted with the application.
- 7.2.15. The Board will note, in the context of the above, that there is a concurrent appeal (ABP-311294-21 refers) on the east-adjointing lands for a social housing development of 71 units and there are additional lands zoned for residential development to the north/north-east. The wider development of lands on the north side of the GCRR for residential purposes is likely to put further pressure on its operation, associated with active travel movements.
- 7.2.16. The Board may wish to give further consideration to the issue, by clarifying predicted pedestrian movements to and from the site and adjacent lands and the impact of same on the operation of the GCRR.
- 7.2.17. I also consider the issue of severance arises, following delivery of the GCRR. The thrust of National planning policy supports compact growth patterns, to make better use of public infrastructure, to place people in closer proximity to services and

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<sup>1</sup> <http://www.n6galwaycityringroad.ie/Volume,2,,RFI,Response,Report,Appendices/>

amenities and to promote active travel patterns. The GCRR will provide a barrier between Knocknacarra on one side and the subject site and other zoned lands to the north-east on the other. The development will be functionally separated from the urban area of Knocknacarra, would be isolated from social and community facilities in the vicinity and, due to the absence of pedestrian linkages to Knocknacarra, would result in a car dependent development.

- 7.2.18. In conclusion, whilst I note and acknowledge that residential development is permitted under the zoning, I consider the current condition and alignment of Ballymoneen Road are inadequate to accommodate the proposed development. The GCRR will improve pedestrian connectivity to the south but residents of the proposed development will continue to be required to walk along a section of road with no pavement, which is likely to result in the creation of a road safety hazard. The requirement for pedestrians to walk along the carriageway in order to access the footpath network will not be resolved directly by the delivery of the GCRR. Further, I am concerned that regular usage of the pedestrian stage of the planned signalled junction of Ballymoneen Road and the GCRR may affect the operation of the GCRR. In view of the above, a refusal of permission is recommended.

### **7.3. Proposed Layout**

- 7.3.1. The proposed layout sees house Nos. 1-6 located adjacent to the north-east site boundary and house Nos. 7-17 and 39-49 more centrally located. The apartment blocks, which contain unit Nos. 18-38 (Block A) and 50-58 (Block B) are located adjacent to the south-east and south-west corners. An internal carriageway routes through the centre of the site, providing direct access to each house and to surface level parking for the apartment component. The primary area of public open space is located adjacent to the west boundary and is overlooked by a number of units, whilst a smaller area of open space is located adjacent to the east boundary and is overlooked by apartment Block B.
- 7.3.2. The layout was amended as part of the AI and CAI submissions, in relation to the internal carriageway and parking layout, the unit layout and design and the incorporation of connections to adjoining lands to the east. In its final report on the application, the Planning Authority expressed reservations regarding the side-to-side distance between houses and, in this context, condition No. 2 was attached to its

decision, which required omission of unit Nos. 5, 10 and 40 and the consequent incorporation of 1.5m side-to-side distances between houses.

- 7.3.3. In the appeal, the appellant states that the proposed layout balances the requirement to have adequate circulation space around houses with the overall requirement to make optimum use of the lands and achieve compact growth and that the requirement of condition No. 2 of the Planning Authority's decision will decrease density on the site. The appeal further states that the approved Strategic Housing Development to the south (ABP-304762-19) incorporates identical separation distances of 2.3m between houses.
- 7.3.4. I have given consideration to the proposed layout and I am satisfied that, in general, it provides an acceptable and legible layout and maintains an appropriate level of connectivity to adjacent lands that are identified for future development. The proposed 2.3m side-to-side separation between houses is adequate to allow for circulation and access to rear gardens and is, in my view, acceptable.
- 7.3.5. Whilst apartment Block A is appropriately scaled and presents a strong urban frontage onto Ballymoneen Road, I consider the proposed bicycle and bin store building, which is located north of the Block and facing Ballymoneen Road, is inappropriately sited in this location. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to relocate the structure away from the Ballymoneen Road frontage of the site to a less prominent location, with such a revised location to be agreed with the Planning Authority.
- 7.3.6. A net density of 38.15 units per hectare is proposed, in accordance with advice contained within national policy contained in the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, which advises that densities of 35-50 units per hectare are appropriate in outer suburban locations.
- 7.3.7. A plot ratio of 0.38:1 is stated, in accordance with the requirements of Section 11.3.1 the CDP.

#### Proposed houses

- 7.3.8. Regarding the proposed houses, the development plan does not specify a standard in respect of internal layout. I have therefore given consideration to the target recommendations contained within *Quality Housing for Sustainable Communities*

(2007). Each of the proposed houses achieves or exceeds the target recommendations contained in Section 5.3.2 and Table 5.1 of these guidelines, except for provision of storage for the 4-bedroom houses.

- 7.3.9. For each of the 4-bed houses, storage of 4.5sqm is proposed, together with a further 3.5sqm in the attic. In view of the fact that each house exceeds the minimum requirement regarding its overall size, I see no reason why the total 6sqm storage space cannot be provided within each house. To this end, I recommend a condition be attached requiring that 6sqm storage space shall be provided within each house, should the Board decide to grant permission.
- 7.3.10. Private open space of minimum area 60sqm is proposed for each house, in accordance with the requirements of Section 11.3.1 the CDP, which requires that private open space for housing should equate to not less than 50% of the floor area of the house.

#### Proposed apartments

- 7.3.11. Regarding the proposed apartments, compliance has been demonstrated with key aspects of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2020) in relation to the mix of units, the size and internal layout of each unit, orientation and the level of private open space provided.

#### Public/Communal Open space

- 7.3.12. The development includes 2 areas of open space, a primary area of 1,674sqm which addresses Ballymoneen Road, and a secondary area of 737sqm which is in front (north) of apartment Block B. This equates to 15.8% of the overall site area and accords with the requirements of the CDP, which requires that 15% of the overall site area should be provided as open space. The landscape drawing provided at the CAI stage identifies the proposed layout and indicative play equipment. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to agree the detailed layout of the open space areas with the Planning Authority prior to the commencement of development.
- 7.3.13. For the apartment element there is a requirement for 201sqm of communal open space. A semi-private open space of 114sqm is identified immediately north of apartment Block B and a semi-private open space of 306sqm is identified

immediately west of apartment Block A. The exact extent of each area is unclear as they are not clearly demarcated and I would also question the practical usability of both as they are of restricted width in parts.

- 7.3.14. I note that condition No. 3 of the Planning Authority's decision required the provision and maintenance of a connection to the lands to the east, which should be delivered up to the site boundary. I have previously discussed the absence of pedestrian connectivity to Ballymoreen Road and further south, to Knocknacarra. The Board may wish to clarify with the Planning Authority whether it is intended to provide an extension to the public footpath, to serve the subject site and the adjacent lands.

#### **7.4. Traffic and Road Safety**

- 7.4.1. The development includes a single point of access from Ballymoreen Road, from which achievable sightlines of 2.4m x 160m are provided in both directions. The sightline to the southwest is achieved by the incorporation of a significant setback from Ballymoreen Road. A pedestrian footpath is provided within the site, up to the point of the site access, where it terminates. As I have stated previously, the applicant states that the reason for the non-provision of a footpath along the entire road frontage of the site is that the GCRR scheme prohibits any works being completed within its boundary. The boundary of the GCRR scheme extends up to the area of the proposed access.
- 7.4.2. A Traffic and Transport Assessment (TTA) was submitted with the application. Ballymoreen Road is acknowledged by the TTA as experiencing high traffic volumes and it is indicated as being used as a rat-run, for traffic routeing northward from Knocknacarra. The junction of Ballymoreen Road and Rahoon Road is acknowledged by the TTA as operating over its capacity in the AM peak period.
- 7.4.3. The TTA calculates expected traffic volumes arising from the proposal and predicts the impact of same on the local road network, using a base year 2022 and design years 2027 (+5 years) and 2037 (+15 years). Three junctions were analysed as part of the assessment: -
- Junction 1 - Junction of Ballymoreen Road and Rahoon Road,
  - Junction 2 - Ballymoreen Road/Western Distributor Road roundabout,
  - Junction 3 - Proposed site access onto Ballymoreen Road.

- 7.4.4. The junction assessment predicts that capacity issues at Junction 1 during the AM peak period will worsen in each of the assessment years, even with the delivery of the GCRR. This relates to the right-turning arm of the junction, which allows traffic to travel east on Ragoon Road, towards the City. The proposed development is shown to be a small contributor to the overall traffic volume in each of the assessment years.
- 7.4.5. For junction 2, the junction assessment indicates that it will continue to operate well below its capacity in each of the assessment years. Similar to junction 1, the proposed development is shown to be a small contributor to the overall traffic volume in each of the assessment years.
- 7.4.6. For junction 3 the assessment discusses existing high traffic levels through the junction but this is clearly an error, since the junction is a proposed site access. Notwithstanding this, I note that Table 6-3 of the assessment identifies that a very small number of movements through the junction would arise.
- 7.4.7. Commuter traffic and dependency on car usage are acknowledged by the CDP and the Galway Transport Strategy as serious issues for the development of Galway City, with both stating that car dependency and congestion impact on peoples' quality of life, the economy of the City and the regional role of Galway.
- 7.4.8. I have previously stated that the current condition of Ballymoneen Road in the area of the site is substandard, owing to its narrow width and condition/alignment. It appeared on my visit to the site that the road is not wide enough to facilitate two-way traffic flows in the area of the site access. The Road Safety Audit submitted with the application also questions whether a dip in the vertical alignment of the road to the north of the site impedes northward visibility from the site access. Improvement works appear to be linked to the GCRR scheme but there is no clear timetable for its commencement or completion, so the current substandard road conditions are likely to remain for the foreseeable future. I would also highlight to the Board that the exact nature of the improvement works is unclear and they may wish to clarify this.
- 7.4.9. I acknowledge that the development will generate a small number of peak hour vehicle movements (27 AM peak hour movements and 32 PM peak hour movements are predicted by the TTA) and that development traffic is likely to have a minor impact on background traffic levels but I nevertheless have concerns that the road in



the area of the site is incapable of accommodating the development and I am also concerned that the TTA identifies that the junction of Ballymoneen Road and Rahoon Road already operates above its capacity and that this situation will worsen in future years, even with the delivery of the GCRR.

- 7.4.10. The site is not connected to the public footpath network and, as I have outlined previously, it is not within the applicant's power to deliver a connection to the network as part of the development. In the absence of pedestrian connectivity, the development will be heavily car dependant and will contribute to the above-discussed worsening situation of traffic congestion in the area. I have previously outlined that it may be that a footpath extension can be provided by the Planning Authority, in time, but that I am unclear on whether this is a possibility and that the Board may wish to clarify this issue.
- 7.4.11. Section 11.3.1 of the CDP states in suburban locations, residential development should be laid out in such a way so as to maximise accessibility to local services, public transport and to encourage walking and cycling.
- 7.4.12. I note that a Mobility Management Plan forms part of the TTA (Section 8) and it highlights the proximity of the site to the City Centre and to public transport connections but, in my view, such references are undermined by the previously discussed infrastructure deficit in the area.
- 7.4.13. In conclusion, the current condition of Ballymoneen Road is substandard and is incapable of accommodating the proposed development and whilst upgrades form part of the GCRR, there is no clear timeframe for its delivery. I consider the proposed development is premature pending delivery of road upgrades to Ballymoneen Road in the area of the site and, in particular, pending confirmation of proposals to connect the site to the public footpath network to the south. A refusal of permission is recommended on this basis.

## **7.5. Site Drainage**

- 7.5.1. Surface water is proposed to drain to an attenuation tank in the area north of apartment Block B, wherefrom it will be disposed of via a mix of infiltration and attenuated discharge to the public storm sewer. The Civil Works Design Report submitted with the application identifies that it will have 95% porosity and that an

associated oil/petrol interceptor will be installed, through which all surface waters will pass prior to entering the tank.

- 7.5.2. The Design Report states that a tank volume of 420m<sup>3</sup> is required to accommodate all run-off from the development but calculations of this requirement have not been provided. In this context I note that the site layout drawing indicates that the tank would have capacity of 500m<sup>3</sup>. The Design Report also does not contain any assessment of the suitability of the site to dispose of surface water via infiltration.
- 7.5.3. I do not object to the mixed proposals for surface water drainage system. I noted on my visit to the site that it appeared to be characterised by wet grassland, with a strong presence of rushes. The drainage capacity of the site is therefore questionable and, in my view, it is likely that at some discharge to the public network will be required. I note in this respect that the Planning Authority did not object to the proposed surface water drainage system.
- 7.5.4. Should the Board be minded to grant permission, I recommend a condition be attached requiring the applicant to agree the detailed design of the system with the Planning Authority, prior to the commencement of development.
- 7.5.5. There is a drainage channel in the southern part of the site, the route of which passes through the development area in a number of locations. The NIS submitted with the application states that the stream will be culverted, but this is not identified or discussed elsewhere within the application drawings or supporting documents. The NIS and Ecological Assessment state that the stream flows into the Barna stream, to the west of the site, and provides a hydrological connection to European sites within Galway Bay. This gives rise to issues in respect of Appropriate Assessment, as are discussed below.

## **7.6. Appropriate Assessment**

### Appropriate Assessment Screening

#### *Compliance with Article 6(3) of the Habitats Directive*

- 7.6.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

#### *Background on the Application*

- 7.6.2. The applicant submitted a Natura Impact Statement as part of the application, prepared by MKO Planning and Environmental Consultants (the NIS includes an Appropriate Assessment Screening Report at Appendix I). It provides a description of the proposed development, identifies European sites within a 15km potential zone of influence and identifies potential impacts in relation to Galway Bay Complex SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code 004031).
- 7.6.3. Having reviewed the appeal documents provided and submissions, I am satisfied that there is adequate information in relation to the European sites to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

#### Need for Stage 1 Appropriate Assessment Screening

- 7.6.4. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.
- 7.6.5. The proposed development is not directly connected with or necessary to the management of a European site and accordingly is subject to the provisions of Article 6(3).

#### Brief Description of the Development

- 7.6.6. The applicant provides a description of the proposed development at Section 3 of the NIS. The development is also summarised at Section 2 of this Report. In summary, permission is sought for demolition of a two-storey house and the construction of 58 No. residential units, including associated drainage and site works. The site has a stated area of 1.6ha and is currently greenfield in nature. The subject site is located on Ballymoneen Road, on the western outskirts of Galway City, approx. 4.5km west of the City Centre and approx. 1km north of Knocknacarra. Foul water is proposed to drain to the public network which routes parallel to the site boundary, whilst surface water is proposed to drain to an attenuation tank, wherefrom it will be disposed of via a mix of infiltration and attenuated discharge to the public storm sewer.

7.6.7. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, I consider the following potential impact mechanisms require examination:

- The impact of potential surface water discharges from the site on water quality within the European sites, during construction and operational phases.

#### Submissions and Observations

7.6.8. The submissions from the appellant, applicant and the Planning Authority are summarised at Section 6 of this Report.

#### European Sites

7.6.9. The development site is not located in or immediately adjacent to a European site. The NIS identifies the following sites as being located within a 15km search zone: -

- Galway Bay Complex SAC (Site Code 000268), 1.6km south,
- Inner Galway Bay SPA (Site Code 004031), 1.9km south,
- Lough Corrib SAC (Site Code 000297), 3.1km north-east,
- Lough Corrib SPA (Site Code 004042), 3.2km north-east,
- Connemara Bog Complex SAC (Site Code 002034), 8.5km west,
- Ross Lake and Woods SAC (Site Code 001312), 10.9km north,
- Cregganna Marsh SPA (Site Code 004142), 12.2km east,
- Connemara Bog Complex SPA (Site Code 004181), 13km west,
- Gortnadarragh Limestone Pavement SAC (Site Code 001271), 14.6km north, and
- East Burren Complex SAC (Site Code 001926), 14.7km south.

7.6.10. Regarding Lough Corrib SAC, Lough Corrib SPA, Connemara Bog Complex SAC, Ross Lake and Woods SAC, Cregganna Marsh SPA, Connemara Bog Complex SPA, Gortnadarragh Limestone Pavement SAC and East Burren Complex SAC, the NIS states that each site is not within the likely zone of impact and, on this basis, no further assessment is required.

7.6.11. I have given consideration to available EPA mapping, which identifies that surface waters drain southward from the subject site, toward Galway Bay. The above-

mentioned sites are remote from the site and are primarily located north, west or east of the site, so are either upstream of the site or are not hydrologically connected to it (East Burren Complex SAC is south but lies on the opposite side of Galway Bay). In this context, I concur with the NIS that these sites are not within the likely zone of impact and, as such, no further assessment is required

7.6.12. Regarding Galway Bay Complex SAC and Inner Galway Bay SPA, the NIS states that these sites are located hydrologically downstream and that there is potential for deterioration of water quality within the European sites during the construction and operational phases. Both sites are consequently identified as requiring further consideration during the screening assessment. I concur that for both sites, further consideration should be given to the potential for impacts on water quality arising from surface water flows containing suspended solid or pollutant content, during the construction and operational phases.

7.6.13. Summaries of both sites are contained in the table below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)
<u>SPA</u>		
Inner Galway Bay SPA (Site Code 004031)	<ul style="list-style-type: none"> <li>•Black-throated Diver,</li> <li>•Great Northern Diver,</li> <li>•Cormorant,</li> <li>•Grey Heron,</li> <li>•Light-bellied Brent Goose,</li> <li>•Wigeon,</li> <li>•Teal,</li> <li>•Red-breasted Merganser,</li> <li>•Ringed Plover,</li> <li>•Golden Plover,</li> <li>•Lapwing,</li> <li>•Dunlin,</li> <li>•Bar-tailed Godwit,</li> <li>•Curlew,</li> <li>•Redshank,</li> <li>•Turnstone,</li> <li>•Black-headed Gull,</li> <li>•Common Gull,</li> <li>•Sandwich Tern,</li> <li>•Common Tern,</li> </ul>	1.9km

	<ul style="list-style-type: none"> <li>•Wetland and Waterbirds</li> </ul>	
<u>SAC</u>		
Galway Bay Complex SAC (Site Code 000268)	<ul style="list-style-type: none"> <li>•Mudflats and sandflats not covered by seawater at low tide,</li> <li>•Coastal lagoons,</li> <li>•Large shallow inlets and bays,</li> <li>•Reefs,</li> <li>•Perennial vegetation of stony banks,</li> <li>•Vegetated sea cliffs of the Atlantic and Baltic coasts,</li> <li>•Salicornia and other annuals colonising mud and sand,</li> <li>•Atlantic salt meadows,</li> <li>•Mediterranean salt meadows,</li> <li>•Turloughs,</li> <li>•Juniperus communis formations on heaths or calcareous grasslands,</li> <li>•Semi-natural dry grasslands and scrubland facies on calcareous substrates,</li> <li>•Calcareous fens with Cladium mariscus and species of the Caricion davallianae,</li> <li>•Alkaline fens,</li> <li>•Limestone pavements,</li> <li>•Otter,</li> <li>•Harbour Seal</li> </ul>	1.6km

7.6.14. In respect of Screening, the report concludes that: -

*'It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would be likely to have a significant effect on the Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031).*

*As a result, an Appropriate Assessment is required, and a Natura Impact Statement shall be prepared in respect of the proposed development.'*

#### Evaluation of Potential Significant Effects

- 7.6.15. As has been outlined already, I consider that the impact of potential surface water discharges from the site on water quality within the European sites, during construction and operational phases, requires to be considered.
- 7.6.16. The Appropriate Assessment screening report within the NIS states that both European sites are located downstream of the site and that, taking a precautionary approach, a potential pathway for indirect effects on qualifying interests was identified, in the form of deterioration of surface water quality resulting from pollution associated with constructional and operational phases of the development.
- 7.6.17. For the construction phase, I agree that there is the possibility of surface waters being discharged from the site that contain suspended solid or pollutant content. The NIS identifies the presence of a drainage channel toward the southern end of the site, which flows northwest and joins with the Barna watercourse, which in turn drains southward and flows into Galway Bay (the drainage channel within the site is to be culverted as part of the development). There is therefore a direct hydrological connection between the subject site and both European sites. From the information available to me, I consider there is a risk of significant effects arising from potential surface water discharges from the site during construction and the issue therefore cannot be excluded at this stage.
- 7.6.18. For the operational phase, effluent is proposed to drain to the public sewer, via connection adjacent to the south-east corner of the site and will thereafter be drained and treated as part of the municipal WWTP. As part of the application the applicant provided correspondence from Irish Water, which confirms there is capacity within the municipal WWTP to accept effluent from the proposed development. The municipal WWTP operates under a licence, treating effluent to a specified level in accordance with licence conditions. In this context I am satisfied that significant effects arising from the proposed development are unlikely and can be excluded at this stage.
- 7.6.19. All surface water from the site is proposed to drain to an attenuation tank, wherefrom it will be disposed of via both infiltration and attenuated discharge to the public storm sewer. The Civil Works Design Report submitted with the application, prepared by Tobin Engineers, states that the attenuation tank (described as a soakaway unit) will provide 95% porosity and that an oil/petrol interceptor will be installed, through which

all surface waters will pass prior to entering the tank. In view of this, I consider the risk of pollutants being discharged from the site as part of surface water flows is low. Indeed, in the event of such a discharge, I am satisfied that there is a considerable distance to the European sites and the quantity is unlikely to be of such a scale that significant effects would arise. I am therefore satisfied that the potential for likely significant effects on qualifying interests within the European sites can be excluded at this stage.

#### Screening Determination

7.6.20. 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 Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development, individually or in combination, will have a significant effect on the following European sites.

- Inner Galway Bay SPA (Site Code 004031), and
- Galway Bay Complex SAC (Site Code 000268).

#### Stage 2 Appropriate Assessment

7.6.21. The NIS examines and assesses potential adverse effects of the proposed development on the SPA and SAC and was prepared based on a desk study and a field survey dated 14<sup>th</sup> November 2019.

7.6.22. The NIS concluded that: -

*'Where the potential for any adverse effect on any European site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within the report and its appendices. The measures ensure that the construction and operation of the proposed surface water drainage upgrade does not adversely affect the integrity of the European sites.'*

*Therefore, it can be objectively concluded that the proposed surface water upgrade, individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.'*



### Appropriate Assessment of Implications of Proposed Development

- 7.6.23. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

### European Sites

- 7.6.24. The relevant European sites for Stage 2 Appropriate Assessment are Inner Galway Bay SPA (Site Code 004031), and Galway Bay Complex SAC (Site Code 000268). This Stage 2 assessment will consider whether or not the project would adversely affect the integrity of this European site, either individually or in combination with other plans and projects in view of the site's conservation objectives.

### Evaluation of Effects

- 7.6.25. Discharge of surface water during construction has the potential to cause the release of suspended solids and/or pollutants and I have previously identified a hydrological link between the subject site and European sites, via a drainage channel within the site that flows into the Barna watercourse and which in turn drains southward, into Galway Bay. Any such discharges have the potential to affect hydrological processes occurring within the SAC (the Conservation Objectives document for the SAC identifies that the Mudflats and sandflats habitat type lies at the point of entry of the Barna Stream to Galway Bay) and may also affect qualifying species by degrading habitats and reducing prey availability.
- 7.6.26. Sections 5.2.2.1 and 5.2.2.2 of the NIS contains an assessment of potential effects, in view of the relevant conservation objectives for each site.
- 7.6.27. For the SAC, for each of the conservation objectives pertaining to QI, the assessment states that there will be no direct impact, vis. reduction in habitat area or community extent or changes to habitat structure/hydrological regime, and that indirect pathways were considered in the design of the development and measures are in place to avoid all water pollution during the construction and operational phases.

- 7.6.28. Regarding Otter, the assessment states that there was no evidence of species presence within the drainage ditch and that it provides sub-optimum habitat.
- 7.6.29. Regarding Harbour Seal, the assessment states that there will be no disturbance of the species and no impact on breeding, moulting or resting sites.
- 7.6.30. For the SPA, for the conservation objectives pertaining to the SCI 'wetland and waterbirds', the assessment similarly states that there will be no reduction in habitat area and that indirect pathways were considered in the design of the development and measures are in place to avoid all water pollution during the construction and operational phases.

*Proposed Mitigation*

- 7.6.31. Section 3.3 contains Construction Best Practice Measures, which are intended to ensure that no suspended solids or other pollutants will be discharged to the stream during construction. The proposed mitigation relates to: -
- Site setup,
  - Demolition,
  - Earthworks,
  - Waste management,
  - Disturbance limitation measures,
  - Pollution prevention,
  - Biosecurity, and
  - Environmental monitoring.
- 7.6.32. In relation to the proposed culvert of the drainage ditch, Section 3.3 states that if any site works are to be carried out prior to culverting taking place, a silt fence and straw bales will be used along the margin of the drain to prevent sedimentation from entering and causing surface water deterioration.
- 7.6.33. Whilst such mitigation will contain suspended solid content from the rest of the site, it does not address potential effects arising from the proposed culvert. Culverting will require soil scraping and installation of pipes directly into the bed of the drain and no details of construction methods or assessment of potential impacts has been

provided. I further note that the proposed culvert is not identified on the site layout drawing and no design or construction drawings have been provided. In the absence of details regarding construction methods and proposed mitigation, I am unable to ascertain whether the development would adversely affect water quality within the European sites and/or the integrity of the sites, in view of their Conservation Objectives.

#### *In-Combination Effects*

- 7.6.34. Section 6.1.1 of the NIS contains an in-combination assessment of the proposal, together with other relevant plans and projects.
- 7.6.35. Plans relating to the area (including the new Galway County Development Plan 2022-2028 which took effect after the submission of this application) were themselves subject to Appropriate Assessment, where the potential for significant effects on the European sites was considered and excluded.
- 7.6.36. Other projects in the area with the potential to give rise to potential in-combination effects relate primarily to housing development and the proposed GCRR and are summarised at Section 4 of my report. Each of these applications were subject to Appropriate Assessment, where the potential for significant effects on the European sites was considered and excluded.

#### *Appropriate Assessment Conclusion*

- 7.6.37. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.
- 7.6.38. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Inner Galway Bay SPA (Site Code 004031), and Galway Bay Complex SAC (Site Code 000268). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites, in light of their conservation objectives.
- 7.6.39. Following an Appropriate Assessment, it has not been ascertained beyond a reasonable doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European site Nos

004031 and/or 000268, in view of the sites' Conservation Objectives. This conclusion is based on:

- A lack of information on possible effects of culverting the open drain that routes through the site, which will require soil scraping and installation of pipes in the bed of the drain. This element of the proposed development was not examined for possible impacts on the European Sites.

7.6.40. Appropriate assessment identified that the proposed culverting works have the potential for significant effects on these European sites, arising from the potential for soil/sediment to enter the drain during construction and thereafter be discharged to the Barna stream and, in turn, Galway Bay. In the absence of details regarding construction methods and proposed mitigation, the likelihood and/or extent of such effects cannot be determined. This is considered a gap in the overall assessment and therefore in the absence of such information, adverse effects on integrity of the European sites cannot be excluded.

## **8.0 Recommendation**

8.1. I recommend that planning permission be refused in accordance with the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. The proposed development, whilst acceptable in principle under the Residential zoning that applies under the Galway City Development Plan 2017-2023 is located at the northern end of Ballymoneen Road and is physically separated from the urban area of Knocknacarra, to the south, by the planned Galway City Ring Road scheme. A grant of permission would continue and extend a pattern of piecemeal development in the area, whereby the development would be functionally separated from the urban area, would be isolated from social and community facilities in the vicinity and, due to the absence of pedestrian linkages to Knocknacarra, would result in a heavily car dependent form of development. The proposed development would therefore be contrary to national and regional planning policies that promote compact growth patterns, would be contrary to

policy 2.5 of the City Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located at the northern end of Ballymoneen Road, where the condition and alignment of the road are substandard, by reason of its condition and alignment and the absence of pedestrian linkages. The development would be car dependent and, taken together with other permitted development in the vicinity, would exacerbate existing traffic congestion issues on Ballymoneen Road. The development is also likely to result in the creation of a serious road safety hazard as pedestrians will be required to walk along Ballymoneen Road, in conflict with motorists, in order to access the footpath network and urban area of Knocknacarra to the south. The proposed development is considered to be premature, pending upgrades to Ballymoneen Road that form part of the Galway City Ring Road scheme and, further, pending confirmation of a proposed footpath extension that would connect the subject site to the footpath network.
3. The proposed development includes culverting an existing open drain within the site, which is identified as draining to the Barna stream and which itself flows into Galway Bay and the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268). Insufficient information is provided as part of the application in relation to the proposed works and such works are not assessed within the submitted Natura Impact Statement. The Board is therefore not satisfied, on the basis of the information provided with the application, that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site(s) including the Inner Galway Bay SPA (Site Code 004031), and Galway Bay Complex SAC (Site Code 000268). In such circumstances the Board is precluded from granting permission.

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Barry O'Donnell  
Planning Inspector

24<sup>th</sup> October 2022.