



An
Bord
Pleanála

Inspector's Report

ABP-314028-22

Development

Construction of seventeen dwellings, alteration to existing vehicular entrance, car parking, open space, landscaping, new stone boundary treatment, connection to foul mains drainage system, surface water drainage, attenuation and associated site works. A Natura Impact Statement accompanies the proposals.

Location

Carrowmanagh, Glann Road, Oughterard, Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

22/508

Applicant(s)

Charles Cormican

Type of Application

Permission

Planning Authority Decision

Refuse Planning Permission

Type of Appeal

First Party V. Refusal

Observer(s)

Bobby and Annette Tierney

Date of Site Inspection

12th April 2022

Inspector

Fergal Ó Bric.

1.0 Site Location and Description

- .1.1. The appeal site is located on the western side of the Glann Road to the rear of a large two storey dwelling that front onto the road. The Glann Road is characterised by large two storey dwellings on generous plot sizes. On the opposite side of the road from the appeal site is the Owenriff river. The appeal site is bound to the east by the Glann Road, to the south-east and north-east by one-off dwellings, to the west and north are agricultural lands and to the south are undeveloped residentially zoned lands. The appeal site largely comprises a green field site, though it is brownfield within the eastern portion of the site where a new stone splayed entrance has been developed, there is some hardcore fill laid inside the gated entrance with some construction materials and plant stored in this area, The area is generally characterised by low density individual housing units on generous plot sizes.
- .1.2. The site has a stated area of 0.85 hectares. It is rectangular in shape and site levels fall gradually from west to east within the appeal site and towards the public road. There are drainage ditches along the southern site boundary and a number of drains traverse the eastern portion of the site. The site boundaries comprise hedgerow along the western, northern and southern boundaries and a stone wall and hedging along the north-eastern boundary. The site is open to the dwelling to the south-east of the site and a stone walled gated entrance forms the eastern site boundary. There is a public footpath along the site frontage onto Glann Road.

2.0 Proposed Development

- 2.1. It is proposed to construct 17 two storey residential dwellings as follows:
- Two number Type A, two storey, three bedroom terraced dwellings, 103.82 square metres.
 - Two number Type B, two storey three bedroom terraced dwellings, 73.8 square metres.
 - Ten number Type C, semi-detached two storey, three bedroom dwellings. 110.48 square metres.

- Three number Type D two-storey, four bedroom detached dwellings, 178.28 square metres.
- Alteration of existing vehicular entrance onto Glann Road.
- Surface car parking.
- Open space provision.
- Landscaping and new stone boundary treatments.
- Wastewater drainage connection to Oughterard mains drainage system.
- SuDS surface water drainage system, attenuation and associated site works.

2.2. Access is proposed from the existing vehicular gate which accesses directly onto the Glann Road. The detached dwellings have individual driveways with off-street car parking provision for two cars and the remaining dwelling units have communal car parking along their frontage. Two additional visitor spaces are proposed with access off the internal access road. A two-metre wide footpath with streetlighting is proposed along each side of the internal service road.

2.3. It is proposed that the development would connect to the public main foul sewer and mains water supply.

3.0 Planning Authority Decision

3.1. Decision

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

- 1 On the basis of the information submitted, the proximity of the site to Lough Corrib Special Area of Conservation (SAC), the hydrological pathways between the appeal site and the European site, the concerns of the Planning Authority regarding the satisfactory assessment and consideration of an internationally important population of Annex 1 species, flood risk, water flows, groundwater impacts, surface water management and the concerns raised by the Department of Heritage and Local Government and Inland Fisheries Ireland in terms of gaps within the Natura Impact Statement (NIS) submitted, the Planning Authority consider

that likely significant effects arising from the proposed development on the SAC cannot be ruled out. The proposed development would contravene the policies, objectives and development management standard 40 of the Development Plan, would establish an undesirable precedent and be contrary to the proper planning and sustainable development of the area.

- 2 On the basis of the information submitted and the criteria set out within Section 7 of the Planning and Development Regulations (2001) as amended, the absence of a robust assessment of the cumulative impacts of the development in combination with other development in the vicinity of the appeal site, the Planning Authority consider that significant effects on the environment cannot be ruled out arising from the proposed development.
- 3 Based on the location of the site, the absence of a site-specific flood risk assessment, the design of the surface water drainage system and concerns over the satisfactory operation of the surface water drainage system, the Planning Authority is not satisfied that the site is not at risk of flooding or will not exacerbate the risk of flooding elsewhere. The proposals would contravene policies and objectives of the Development Plan in relation to flood risk, be contrary to the Section 28 Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.
- 4 The layout of the scheme does not adequately reinforce the urban form of Oughterard or make a sufficient contribution to a sense of place or provide for the required standard of public spaces. The layout which provides for a deficiency of suitably located and appropriately overlooked public spaces would be contrary to urban housing objectives within the Development Plan and the provisions of the Design Manual for Urban Roads and Streets (DMURS) and the Urban Design Manual-Best Practice Guide published by the Department of Environment Heritage and Local Government, 2009.
- 5 The appeal site is located on lands not zoned for development in the Development Plan and, therefore, would be contrary to the sequential

approach and the principles as set out in the Sustainable Residential Development in Urban Areas Guidelines, 2009, where there is a positive presumption in favour of sequential development emanating from the town/village core outwards. The development would be contrary to the Core Strategy, would establish an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

- 6 The design of residential unit numbers 5 and 6 is sub-standard in terms of floor area and would be seriously injurious to the residential amenity of future residents and would be contrary to the recommended guidance set out within the Quality Housing for Sustainable Communities-Best Practice Guidelines 2007 (2020 as amended), Department of Environment, Heritage and Local Government.
- 7 The Planning Authority consider that the development, if permitted, would endanger public safety by reason of a traffic hazard or obstruction of road users. The Development would be contrary to specific transport objective TI11 of the Galway County Development Plan 2015, would present an undue risk of hazard to road users and would be contrary to the proper planning and sustainable development of the area.
- 8 The development would establish an undesirable precedent with other similar developments, which would in themselves and cumulatively, be harmful to the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

Planning Report

The Planning Officer recommended that planning permission be refused due to the reasons set out within Section 3.1 above.

3.3. ***Other Technical Reports***

Roads Department: Raised issues in relation to street design and the requirement to submit a Road Safety Audit (RSA) and the absence of surface water disposal measures for the internal service road.

3.4. Prescribed Bodies

Department of Housing, Local Government and Heritage: The Department were not satisfied that the proposals would not result in significant effects on a Natura 2000 site in view of its conservation objectives.

Inland Fisheries Ireland: Issues raised regarding wastewater treatment proposals and storage and potential for unacceptable environmental risk to arise with water quality and habitats within the Owenriff River and the Lough Corrib SAC.

3.5. Third Party Observations

Four third party observations were received. The majority of the observations were from neighbouring residents of the Glann Road. The issues raised related to the following matters:

- The development would be in proximity to Owenriff River and Lough Corrib SAC/SPA and pose a risk to protected habitats and species within these water bodies.
- The lands are no longer zoned within the current land use zoning map for Oughteard.
- The drainage proposals are not acceptable, malfunction within the pumping station could result in adverse consequences for the neighbouring watercourse.
- Surface water from the appeal site has been draining into the neighbouring lands.
- Storm water proposals should not adversely impact upon third party lands.
- The sightlines at the entrance point do not meet best practice road safety standards.
- The sightlines demonstrated are not measured from the required 2.4 metre set back.
- No road safety audit was conducted assessing potential impact.

- The design and layout of the development is of a poor standard and would adversely impact upon the visual amenities of the area.
- No visual impact statement or design statement has been submitted.
- The development proposals would devalue properties along the Glann Road.
- The proposals would result in a lack of sense of place in an urban context.
- The public open space is of a poor standard and not overlooked by dwellings.
- The proposals would result in the creation of a flood risk due to the extent of impermeable surface proposed.
- The site is not adequate to cater for the number of residential units proposed.
- The Planning Authority have refused planning permission for multiple residential development and for single residential units on neighbouring lands.

4.0 **Planning History**

Subject Site:

I am not aware of any relevant planning history pertaining to the appeal site.

Lands to south of appeal site:

Planning Authority reference number 21/1530, in 2021 the Planning Authority refused planning permission for the construction of sixty one dwellings, surface car and bicycle parking, a wastewater pumping station, playground and boundary treatment. The reasons for refusal related to: Potential adverse impact upon Lough

Corrib SAC, environmental impact concerns, flood risk, traffic safety, non-compliance with the Core and Settlement Strategies, poor design and layout.

Lands to north of appeal site.

Planning Authority reference number 20/876, and An Bord Pleanála reference number 308248-20. In 2022, the Board refused planning permission for the construction of a 363 sq. m. dwelling house, treatment system and percolation areas and all associated siter services. The reasons for refusal related to potential adverse impact upon Lough Corrib SAC, housing need and safe disposal of wastewater from the site.

5.0 Policy Context

5.1. Oughterard Small Growth Town Plan 2022-2028

This plan is contained within Volume two of the County Development Plan. The appeal site is located on unzoned lands as per the current Oughterard Small Growth Town Plan 2022-2028 but is contiguous to the designated settlement boundary. However, lands immediately south of the appeal site are zoned residential-phase 1.

The following policy objective are considered to be of relevance:

OSGT 2 Sustainable Residential Communities Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of Oughterard settlement plan. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the plan area.

Specifically encourage living over the shop which can contribute to the vitality of the core and extend activity beyond business hours.

Section 8.3.1 of the Small Growth Town Plan pertains to Housing where the following is set out “A key purpose of this settlement plan will be to provide additional housing development into the future that conforms to the principles of quality and sustainability in terms of design and layout particularly.”

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 Oughterard with the Tier 5 settlements-Small Growth Towns and Volume 2 of the Draft Plan includes Small Growth Town Plans for these settlements including Oughterard.

Table 2.9 sets out the Core Strategy Table where it is envisaged that the population of Oughterard would grow by 350 persons over the plan period with 141 residential units to be developed on greenfield sites to sustain this population growth.

Section 2.4.9 sets out the following vision for Small Growth Towns “The towns listed in this category have an important function in supporting the development of local areas. The residential development will be proportioned to the growth of the towns.

The growth strategy will focus on the localised sustainable growth that meets the needs of the local population and wider hinterland.

The following policy objectives are considered to be of relevance:

SS5-Small Growth Towns (Level 5):

To Protect and strengthen the economic diversity of the Small Growth Towns enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands.

CS 2-Compact Growth

To achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.

Section 3.5.8 Design Quality

PM 1- Placemaking

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

PM 10-Design Quality

To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.

Section 15.2.3 Guidelines for residential development in Towns and Villages.

DM Standard 2: Multiple Housing Schemes (Urban Areas).

In relation to public open space, the following is set out:

The provision of high quality accessible public open space should be set out as an integral part of the design process for proposed development.

Section 15.3 - Guidelines for Residential Development (Urban and Rural Areas)

In relation to private open space the following is set out:

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

DM standard 32 sets out parking standards which require 1.5 spaces for 1-3 bed dwellings and 2 spaces for 4+ bed dwellings.

The flood mapping set out within Appendix 10 was conducted as part of the review of the Galway County Development Plan 2022-28 and identified the appeal site as being within an area of Benefit lands. Benefit lands are those which benefited from the implementation of flood defence measures or are lands that protect the neighbouring lands from being flooded and, therefore, if developed upon would increase the risk of flooding on site or on adjoining lands. Lands to the east of the Glann Road and along the edge of the Owenriff watercourse, approximately 40 metres east of the appeal site are identified as being within Flood Zone B, where a fluvial flood risk of 1% AEP is identified.

5.3. National Guidance

5.3.1. National Planning Framework 2040

The National Planning Framework includes a number of National Policy Objectives which are relevant and pertinent to the current proposals.

National Policy Objective 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.

National Policy Objective 13

In urban areas, planning, and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed

high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 33

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

5.3.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)-Department of Housing, Local Government and Heritage 2009.

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

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

5.3.3. Section 28 Ministerial Guidelines

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

- Design Manual for Urban Roads and Streets’ (DMURS 2013).
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (DoEH&LG 2009).
- Quality Housing for Sustainable Communities Best Practice Guidelines (DoEHLG 2007).

- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009).

5.4. Natural Heritage Designations

The closest Natura 2000 site is the Lough Corrib Special Area of Conservation (SAC), site code 000297, which at its closest point is located approximately 40 metres south of the appeal site boundary.

The Lough Corrib Special Protection Area (SPA), site code 004041, which at its closest point is located approximately 0.66 kilometres north-east of the appeal site.

The closest Natural Heritage Area (NHA) is the Oughterard District Bog NHA, (site code 002431), which at its closest point is located approximately 1.7 kilometres south-west of the appeal site boundary.

5.5. Environmental Impact Assessment (EIA) Screening

It is proposed to construct 17 residential units. The number of dwellings proposed is well below the threshold of 500 dwelling units as set out within Schedule 5, Part 2, Class 10 of the Planning and Development Regulations, 2001, as amended. The site has an overall area of 0.85 hectares (ha.) and is located contiguous to the built-up area of Oughterard. The site is not located in a business district and currently the appeal site lands are unzoned but, contiguous to the development boundary.

An Environmental Impact Assessment Screening Report was not submitted with the appeal.

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

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20

ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).

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

As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended)), as to whether a development would/would not have a significant effect on the environment, the introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is located within landscape character 4(a) Upper Corrib Environs, an area of nationally significant scenic, ecological and recreational asset which is highly sensitive to change in appearance and character by new development of scale. However, the modest scale of the residential development appeal site is located approximately 660 metres south-west of the lakeshore of Lough Corrib and adjoins the town settlement boundary of Oughterard would not be considered to adversely impact upon the local landscape classification. 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 are not governed by any zoning objective under the provisions of the Oughterard Local Area Plan, 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 contiguous to the existing built-up 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 and scale of the proposals, and notwithstanding the location of the subject site outside of the confines of the settlement boundary, the proposed development on serviceable lands 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

6.1. Grounds of Appeal

First Party appeal submission

A first party appeal submission was received from Mr Fergal Bradley, Building Surveyors/Engineers on behalf of the applicant, Mr Charles Cormican. The issues raised within the appeal submission can be summarised as follows:

Appropriate Assessment:

- The project was screened for Appropriate Assessment (AA) and was screened in as four of the qualifying interests of the nearby Lough Corrib SAC were deemed to have been at risk from adverse impacts arising from the development.
- Section 4 of the Natura Impact Statement (NIS) concludes: The applicant is satisfied that the issues raised by the Department of Housing, Local

Government and Heritage have been fully addressed within the NIS submitted.

- The site is highly sensitive from an ecological perspective.
- The protection of the water quality leaving the site is of utmost importance and mitigation measures are proposed to ensure the project will not result in significant adverse effects to any European site. The foul water and storm water drainage reports include a number of mitigation measures which would protect water quality.
- Table 7 of the NIS outlines the potential impacts arising from the proposals, direct, indirect and cumulative impacts.
- Table 8 of the NIS describes the potential pressures and threats to the Qualifying Interests (QI's) of the Lough Corrib SAC with comments in relation to the specific QI's thought to be most at risk.
- The pathways to the river from the appeal site would be via existing drainage channels and would only enter the water course after attenuation, thus eliminating the issue of deteriorating water quality.
- Section 4.5 of the NIS sets out mitigation measures proposed including details of foul effluent being discharged to the town network considerably reducing the risk of in-combination effects.

Flooding and Services:

- The flood mapping completed as part of the Development Plan review demonstrates that flooding is confined to the low lying lands on the eastern (opposite) side of the Glann Road.
- The appeal site has not been subjected to previous flood events as confirmed in the most recent flood studies conducted by CAAS Planning and Environmental Consultants as part of the review of the Galway Development Plan, adopted in June 2022.
- The Galway County Development Plan 2022-28 identifies the appeal site as being in Flood Zone C, where the probability of fluvial flooding is 0.1%, or occurring in a 1:1,000 year flood event and, therefore, the surface water

proposals are in accordance with the provisions of the Planning System and Flood Risk Management Guidelines (FRMG's) for Planning Authorities 2009.

- Vulnerable classes of development as defined in the FRMG's, include dwelling houses are deemed appropriate on Flood Zone C lands as per Table 3.1 of the FRMG's.
- Foul water discharge is proposed by gravity to the existing foul sewer network via an existing pumping station which is located on the opposite side of Glann Road on lands owned by the applicant. Additional storage capacity will be provided to the pumping station.
- Surface water is proposed to be collected on site and attenuated prior to discharge to the Owenriff river. A hydrocarbon interceptor will be installed in advance of discharge to the river.
- SuDS principles will be incorporated within the surface water management proposals and include the use of permeable paving, swales, attenuation storage on site and a hydrocarbon interceptor. An allowance for climate change has also been included within the surface water calculations as per best practice principles.
- Water connections for the proposals will be in accordance with Irish Water (IW) best practice standards. The watermain would comprise a 100 mm pipe connecting to the existing public watermain. Watermains would be commissioned and pressure tested to IW code of practice standards.

Design, Layout and House Type

- The layout has been designed to reflect the urban form of Oughterard with public open space in excess of 15% is provided.
- The design and layout accords with the Sustainable Residential Development Guidelines 2009 and its accompanying Urban Design Manual and the Design Manual for Urban Roads and Streets 2013.

- The applicant is agreeable to the removal of three detached residential units, house numbers 1-3 in lieu of the provision of additional public open space.
- The applicant is agreeable to a condition whereby units' number 5 and 6 would become two bedroom units to satisfy the floor area requirements as set out within Table 5.1 in the publication: Quality Housing for Sustainable Communities-Best Practice Guidelines -Department of Environment Heritage and Local Government (2007).

Land use zoning/Core and Settlement Strategy

- The lands were zoned residential under the provisions of the Oughterard Local Area Plan (LAP) 2005-2011. The LAP expired and was not replaced during the lifetime of the Galway County Development Plan (GCDP) 2015-21.
- The planning application was made during the lifetime of the GCDP 2015-21.
- The development was refused planning permission on the basis of the newly adopted GCDP 2022-28,
- The development is consistent with the population targets, policies and objectives as set out within the GCDP 2015-21 and as per the provisions of the Regional Planning Guidelines for the western region.

Access and Traffic:

- Sightlines in excess of 150 metres are available in both directions at the site entrance. The roads and footpaths infrastructure has been designed in accordance with the Design Manual for Urban Roads and Streets Guidance, 2013.
- A new public footpath has been developed by the Local Authority along the appeal site road frontage (along Glann Road) and street lighting is in the process of being erected by the Local Authority along this stretch of road.
- The development would not present undue risk or hazard to road users nor be contrary to the proper planning and sustainable development of the area.

6.2. **Planning Authority Response**

None received.

6.3. **Observation(s)**

One third party observation was received from neighbouring property owners, who's address is stated as being at Carrowmanagh, Glann Road, Oughterard. A number of the issues raised within the observation are similar to those made within their submission to the Planning Authority. However, a number of additional issues have been raised and can be summarised as follows:

- Potential for adverse impacts to arise upon protected species/habitats.
- It is unclear what mitigation measures are proposed to protect these species/habitats.
- Access, traffic and sightlines.
- Inadequate turning circle radii.
- A substandard design and layout is presented.
- Poor disposition of public open space.
- Proposals will increase the risk of flooding in the area.
- Inadequate connectivity to Oughterard.

7.0 **Assessment**

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

- Principle of Development
- Design and Layout
- Services.
- Flood Risk.
- Access and traffic.
- Other Issues.

- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The fifth reason for refusal as set out by the Planning Authority is that the appeal site is located on unzoned lands and would be contrary to the provisions set out within the Core Strategy of the Development Plan and would be contrary to the sequential approach for residential development as recommended within the Sustainable Residential Development in Urban Areas Guidelines 2009.
- 7.2.2. The appeal site is located on unzoned lands as per the Oughterard Small Growth Town Plan set out within Volume two of the current Galway County Development Plan (GCDP) 2022-28. I note that the lands were once zoned for residential purposes under the provisions of the Oughterard Local Area Plan (LAP) 2006-2012. However, that plan has since been superseded by the Oughterard Small Town Growth Plan and the land use zoning objectives contained therein. Therefore, I am satisfied the principle of residential development is not acceptable in this instance, given the lands no longer have the benefit of a residential land use zoning objective as per the provisions of the current Development Plan.
- 7.2.3. The Settlement Strategy for the County is set out within Section 3.4 and designates Oughteard as a small growth town. The Core Strategy envisages that 141 residential units will be needed to cater for the population growth of 350 persons envisaged to meet the growth needs of the town over the period from 2022 to 2028. There are 8.8 hectares of residential zoned lands identified in the current plan to cater for the growth in population anticipated over the plan period and this figure includes a headroom figure of 20-25%, as provided for under Section 4.4.3 of the Development Plans - Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, June 2022. Therefore, I consider that there are sufficient residentially zoned lands identified within the current Oughterard Small Growth Town Plan to meet the anticipated population growth of the town for the plan period. The current proposals, located on unzoned lands, would provide for additional housing units, over and above the specified requirements for the town, as set out within the Core Strategy. Therefore, I consider, the current proposals would establish an undesirable precedent and would be contrary to the Core and Settlement Strategy provisions of the current Galway Development Plan.

7.2.4. Section 3.6.7 of the Galway Development Plan (GCDP) 2022 sets out locations suitable for residential development in urban areas including: Town Centre, Infill and Brownfield sites. The appeal site does not fall within any of these categories of location and, therefore, would establish an undesirable precedent and would be contrary to the Core and Settlement Strategies as set out in the current Development Plan.

7.3. Design and Layout

- 7.3.1. Refusal reasons numbers four and six relate to a substandard layout and quality of public open space and that residential unit numbers 5 and 6 by virtue of their floor areas would not accord with the provisions of the Quality Housing for Sustainable Communities publication 2007, in terms of floor areas for three bedroom residential units.
- 7.3.2. The applicant did provide for in excess of 15% of public open space within the layout as submitted to the Planning Authority. Most of the public open space was originally to be provided within the eastern part of the development, nearest the access onto the Glann Road and removed from the residential units and very few (if any) of the residential units had a direct aspect overlooking the public open space.
- 7.3.3. In response to the fourth reason for refusal, the applicant has submitted a revised site layout (as part of his appeal submission) whereby the three detached residential units, unit numbers one to three inclusive, along the northern site boundary would be omitted and public open space would be provided in lieu of these three residential units. The applicant states that this would increase the public open space provision to approximately 30% (30.15%) of the site area. However, I consider the public open space would not provide for a cohesive green area as recommended within Section 3.5.8 of the Development Plan, but rather provide for a large area of public open space that could prove difficult to manage, would not be easily accessible in that one would have to cross the internal service road to access this area of public open space. The other areas of public open space to the east of the site are sub-optimal and they are not directly overlooked by residential units, some of the public open space within the eastern portion of the appeal site would constitute ancillary linear narrow spaces, areas left over after the roads and dwelling units have been

designed in, would represent an after-thought, rather than being design-led and considered from the start of the design process.

- 7.3.4. The layout of the revised development as presented within the applicants' appeal submission would provide for fourteen residential units, all presented in a linear fashion, comprising ten semi-detached and four terraced units. I do not consider that the revised layout as presented would contribute to the character of the area, which comprises large, detached dwellings on generous plot sizes on the edge of the development boundary. The revised layout as presented, notwithstanding the proposals to omit the three detached residential units in lieu of increased public open space would not provide a design quality, sense of character and identity as required under Section 3.5.8 of the current Development Plan, which pertains to Design Quality.
- 7.3.5. The layout would not provide for a sense of place or enclosure nor accord with the guiding principles set out within the Sustainable Residential Development in Urban Area Guidelines -Urban Design Manual, 2009. This guidance document sets out 12 design criteria which should be considered as part of the evolution of the design process for a residential development and include the following: Inclusivity, distinctiveness, variety, public realm and detailed design within a residential development. It is unclear from the planning documentation submitted, where no design statement has been submitted, that these core design principles have not been incorporated within the layout as presented and, therefore, I consider the development would constitute a substandard form of development which is roads dominated and would seriously injure the amenities of future residents and, therefore, be contrary to the proper planning and sustainable development of the area.
- 7.3.6. The sixth reason for refusal related specifically to the floor area of residential units, specifically unit numbers five and six. The Planning Authority noted that the *three bedroomed terraced dwellings did not accord with* the provisions of Table 5.1 of the Guidelines for Sustainable Residential Development in Urban Areas, 2009. in that their floor areas would not accord with the provisions of the said guidance document.

7.3.7. The applicant as part of his appeal submission stated that these particular residential units would be revised from three bedroom units to two bedroom units and would, therefore, comply with the Table 5.1 of the standards set out in this guidance. I would concur with the comments of the Planning Authority in terms of requiring developers to provide quality residential accommodation and at the very least, minimum quantitative and qualitative standards in terms of living room floor areas and bedroom sizes are met in order to optimise the residential amenities afforded to future residents. However, I would also acknowledge that the revised two bedroom dwelling layouts (for terraced unit numbers 5 and 6) as included within the first party appeal submission, would accord with the residential standards as set out within Table 5.1 of the said guidelines and, therefore I consider that the sixth reason for refusal has been satisfactorily addressed by the applicant.

7.4. **Services and Flood Risk**

7.4.1. The third reason for refusal as set out by the Planning Authority related to the absence of a site-specific flood risk assessment and the design of the surface water proposals would not be satisfactory. The Planning Authority was not satisfied that the appeal site is not at risk of flooding or would not increase the risk of flooding in the vicinity of the appeal site.

7.4.2. I note from the planning appeal documentation submitted, that the applicant stated a site specific flood risk assessment (SSFRA) was completed and submitted to the Planning Authority by the applicant's Consultant Engineers in accordance with the guidance provided within the: The Planning System and Flood Risk Management Guidelines (FRMG;s) for Planning Authorities 2009. The Planning authority have no record of an SSFRA being submitted as part of the planning documentation. It is noted from the flood mapping recently conducted as part of the review of the Galway Development Plan and sets out that lands to the east and south-east of the appeal site, along the Glann Road are identified as being at risk of flooding. However, the Development Plan mapping also sets out that the appeal site is an area of "Benefit Lands". Therefore, the lands that have benefitted from flood prevention measures and/or interventions and would not, therefore, be suitable for non-water compatible development, including the development of residential units, as per the guidance set out within Table 3.1 of the FRMG's.

- 7.4.3. Notwithstanding the applicant has referenced the submission of an SSFRA as part of his planning documentation and referenced surface water management in general terms as part of his storm water drainage design report prepared by his Consultant Engineers, I cannot find any record of an SSFRA having been submitted to inform his commentary in relation to surface/storm water management on site. Therefore, I consider that the applicant has failed to demonstrate that the appeal site will not flood nor contribute to flooding in the area. Given the history of flooding in the area, the existence of surface water drains within the appeal site boundaries, the existence of a high water table on site and that the appeal site is specifically identified as an area of Benefit lands within the current Development Plan, I am not satisfied that the proposals would not increase the risk of flooding on site nor in the area and, therefore, the third reason for refusal as set out by the Planning Authority should be upheld.
- 7.4.4. In conclusion, a residential use is one that is identified as being highly vulnerable as set out within Table 3.1 of the Flood Management Guidelines 2009 (FMG's). Given the location of the site within an area which is in proximity to an area of flood risk, along the banks of the Owenriff watercourse and the fact that a highly vulnerable use (residential) is proposed and in line with the precautionary principle, the preparation of a SSFRA would be justified in this instance and be in accordance with the guidance set out within the FRMG's.
- 7.4.5. I note that one of the submissions received the Planning Authority raised the issue of the surface water outfall from the appeal site being routed from the appeal site under the Glann Road and into the public surface water sewer. However, I note the applicant within his appeal submission sets out that the surface water management on site would be attenuated on site and include driveway infiltration system, surface water gullies and hydrocarbon interceptors prior to discharge to the Owenriff River. The applicant also sets out that flow discharge rates from the site will be attenuated to greenfield run-off rates by Hydro brake flow control device installed at the last manhole prior to discharge to the river, which I would consider to be acceptable. The applicant also proposes to tap into the public foul sewer network and the public watermains which would be acceptable in principle.

7.5. **Access and Traffic**

- 7.5.1. The seventh reason for refusal as set out by the Planning Authority relates to the endangerment of public safety by reason of a traffic hazard or obstruction of road users.
- 7.5.2. The access to the appeal site is located within the 80 kilometres per hour speed control zone. A natural stone wall has been constructed along the appeal site frontage and the public footpath is also located along the site frontage, but no public lighting columns have been erected to date along this section of the Glann Road. The applicant has developed an eight metre wide opening onto the public road and a six metre wide gate has been erected within the opening. As per DM standard 28 of the current Development Plan, sightlines of 160 metres are required for access points where the 80 km/h speed control zone applies. from a 2.4 metre set back from the edge of the carriageway. These sightline standards are not achievable from the existing entrance point, as the roadside wall would impede sightlines.
- 7.5.3. The applicant has stated within his appeal statement that sightlines of 150 metres are available in both directions from the appeal site entrance and that the development has been designed in accordance with the standards as set out within the Design Manual for Roads and Bridges (DMURS) 2013. The applicant is satisfied that the access proposals would accord with the road safety standards as set out within the Development Plan and that the development would not result in undue risk or hazard to road users in the area.
- 7.5.4. In conclusion, the applicant has failed to submit details of the set back from the edge of the carriageway from where the sightlines are measured from, and no drawings demonstrating that adequate sightlines from the entrance point are achievable in accordance with DMURS standards have been submitted. Therefore, I consider that the applicant has not demonstrated that adequate sightlines are achievable in accordance with DM standard 28 of the current Development Plan nor in accordance with best practice road safety standards.

7.6. **Other Issues**

- 7.6.1. Refusal reason number two relates to the absence of a robust assessment of the cumulative impacts of the development in-combination with other development in the vicinity of the appeal site. The potential for the development to result in significant

effects on the environment cannot be ruled out arising from the development proposals, having regard to the criteria set out within Schedule 7 of the Planning and Development Regulations (PDR, 2001, as amended).

7.6.2. Schedule 7(1) of the 2001 Regulations specifically references the size of the proposed development and the cumulation with other development and Schedule 7(2) references the absorption capacity of the natural environment, including areas protected under the habitats directive. The issue of cumulative development has been considered further above within Section 5.5 of this report.

7.6.3. In terms of the capacity of the natural environment to absorb the development and impacts on areas protected under the Habitat's Directive, this is something that will be considered in greater detail in Section 7.7 below. However, I do note that the applicant has submitted an Appropriate Assessment Screening document and a Natura Impact Statement addressing the issues of potential impact upon the Lough Corrib Special Area of Conservation and this will be addressed in greater detail below, within Section 7.7 of this report.

7.7. Appropriate Assessment Screening

Background to Application

7.7.1. An Appropriate Assessment Screening Report and Natura Impact Statement were submitted as part of the planning documentation. I am satisfied that adequate information is provided in respect of the baseline conditions, however, not all of the potential impacts are clearly identified, and there are a number of lacunae within the information submitted as part of the planning documentation in terms of the sound scientific information and knowledge that was used. However, the information contained within the submitted reports is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

7.7.2. The AA Screening Report states that this assessment was reached without considering or taking into account mitigation measures or protective measures included in the construction management plan prepared for the proposed development.

7.7.3. The applicants AA Screening Report concludes that: There is potential for negative effects to take place. Effects on some of the qualifying interests and conservation

objectives of the Lough Corrib Special area of Conservation (SAC) site, as a result of the proposed development in question, alone or in combination with other plans and projects in the area have to be considered. The screening reports sets out the habitats and species that potentially could be impacted upon are:

- Oligotrophic soft water lakes (3110).
- Floating river vegetation (3260)
- Salmon (1106).
- Freshwater Pearl Mussel (1029).

As the project is located in close proximity to the Lough Corrib SAC, the proposals may have potential to impact on the European site during the construction and/or operational phases. A Natura Impact Statement is, therefore, necessary in order to further assess the significance of the potential effects on the Lough Corrib SAC. As a result, an Appropriate Assessment is required, and a Natura Impact Statement shall be prepared in respect of the proposed development.

7.7.4. Having reviewed the documents and the submissions received from the Department of Housing, Local Government and Heritage and Inland Fisheries Ireland, I am satisfied that the information allows 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.

AA Screening

7.7.5. The project would directly link to the Owenriff river/Lough Corrib SAC via two surface water outfall points set out as part of the applicants' surface water management proposals and, therefore, would be connected with, or necessary to the management of a European Site and, therefore, it needs to be determined if the development would be likely to have significant effects on a European site(s).

Description of Development Site

7.7.6. The development is described in Section 2 of my report. The proposed residential development is located on unzoned lands outside of the designated settlement boundary east of the town of Oughterard and accessed off the Glann Road. The site is located in close proximity to Owenriff river which is protected by a number of

nature conservation designations, namely the Lough Corrib SAC and SPA, both of which are connected to the river. The residential development would comprise two storey detached, semi-detached and terraced dwellings. The development would be connected to the public foul and surface water sewer networks. There are a number of surface water channels along the site perimeter and others that traverse the appeal site. Surface/storm water sewers will outfall from the appeal site to the Owenriff River/Lough Corrib SAC via the piped networks. The development will also connect to the public watermains.

- 7.7.7. The appeal site comprises grassland habitat with a proliferation of rushes throughout the site. The appeal site is wet and muddy underfoot with areas of poached ground and contains some low-quality sward. There are a number of land drains around the perimeter of the site and along the east and south of the appeal site which were full of water on the day of my site inspection. The site is bordered by poor-quality whitethorn hedgerow with some bramble and gorse and a drainage ditch along its eastern boundary. There are Ash trees along its western boundary. There is a treeline of Ash and Holly and a drainage ditch up to 1.5 metres wide along the southern site boundary.

Submissions/Observations

- 7.7.8. I have reviewed the submissions made and I note that the submission received from the Department of Housing, Local Government and Heritage who raised a number of issues in terms of the Appropriate Assessment submitted and the potential for impacts to arise from the proposals to adversely impact upon the Lough Corrib SAC.

Characteristics of Project:

- 7.7.9. The relevant characteristics of the project that might give rise to potential impact upon a European site(s), both during the construction and operational phases are as follows.

Construction impacts:

- Deterioration in water quality arising from surface water run-off from the appeal site to the Owenriff river/Lough Corrib SAC.

- Foul and/or surface water drainage runoff which could result in habitat degradation and loss.
- Potential for construction noise disturbance.

Operational Impacts:

- Deterioration in water quality arising from surface water run-off from the appeal site to the Owenriff river/Lough Corrib SAC.
- Surface water drainage runoff which could result in habitat degradation and loss.

7.7.10. No watercourse flows directly through the appeal site; however, drainage ditches run through the appeal site and along the northern, southern and eastern site boundaries and ultimately drain off to the Owenriff River on the opposite side of the Glann Road. The Owenriff river, which is part of the Lough Corrib SAC is located approximately forty metres east of the appeal site boundary. Water quality results from two locations south-east of the appeal site were recorded along the Owenriff River where the water quality status was recorded at both locations as being Q4/5 Good to High. (Source EPA Water Framework Directive monitoring 2013-2018). Within the 3rd Cycle Draft Corrib Catchment Report (HA 30) Catchment Science & Management Unit Environmental Protection Agency August 2021 Version no. 1, the Lough Corrib surface waterbody is described as not at risk in terms of water quality deterioration and that the change from the 2nd to the 3rd cycle of River Basin Management Plans (RBMP,s) has seen an improvement in the risk, rather than a deterioration.

Operational Phase:

7.7.11. The ‘source-pathway-receptor’ model was used to determine potential links between sensitive features of the natura sites and the source of the effects.

Designated Sites and Zone of Influence

7.7.12. A potential zone of influence has been established 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.

7.7.13. 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 as no hydrological pathway between

them and the appeal site or due to the significant hydrological separation distances between them and the appeal site. I consider that only sites within the immediate area of the proposed development require consideration as part of the screening process.

7.7.14. 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
Lough Corrib SAC (Site Code 000297)	<p>Oligotrophic waters containing very few minerals of sandy plains.</p> <p>Oligotrophic to mesotrophic standing waters with vegetation</p> <p>Hard oligo-mesotrophic waters with benthic vegetation</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous</p>	40 meters to the east of the appeal site,	<p>Yes. Requires further assessment due to there being potential hydrological connectivity between the appeal site and the SAC via groundwater and land drains and via the storm water collection network. Proposed works have potential to cause deterioration in water quality during construction and operation and to potentially adversely impact on habitats/species, either alone or in combination, and on the conservation status of aquatic habitats and species dependent on the water quality within such habitats due to pollution or sedimentation arising from the</p>	Yes.

	<p>substrates (important orchid sites)</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils</p> <p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration.</p> <p>Depressions on peat substrates of the Rhynchosporion</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>Petrifying springs with tufa formation.</p> <p>Alkaline fens.</p> <p>Limestone pavements.</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles.</p> <p>Bog woodland.</p> <p>Freshwater Pearl Mussel).</p>		<p>construction/operational phase of the development.</p> <p>Potential for construction noise impacts to disturb the Otter species within the nearby river watercourse.</p>	
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	<p>White-clawed Crayfish.</p> <p>Sea Lamprey.</p> <p>Brook Lamprey.</p> <p>Salmon.</p> <p>Lesser Horseshoe Bat.</p> <p>Otter.</p> <p>Slender Naiad.</p> <p>Slender Green Feathermoss.</p>			
<p>Lough Corrib SPA 004042</p>	<p>Gadwall.</p> <p>Shoveler.</p> <p>Pochard.</p> <p>Tufted Duck.</p> <p>Common Scoter.</p> <p>Hen Harrier.</p> <p>Coot.</p> <p>Golden Plover.</p> <p>Black-headed Gull.</p> <p>Common Gull.</p> <p>Common Tern.</p> <p>Arctic Tern.</p> <p>Greenland White-fronted Goose.</p>	<p>0.66km north-east of the appeal site.</p>	<p>Yes. Requires further assessment due to there being potential hydrological connectivity between the appeal site and the SAC via groundwater and land drains and via the storm water collection network. Proposed works have potential to cause deterioration in water quality during construction and operation and to potentially adversely impact on habitats/species, either alone or in combination, due to pollution or sedimentation arising from the construction/operational phase of the development.</p>	<p>Yes.</p>

	Wetland and Waterbirds [A999]		Potential for noise disturbance arising from construction activities	
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Identification of Likely Significant Effects

- 7.7.15. The Lough Corrib SAC and SPA, are the two European sites being considered as part of this assessment due to the possibility of habitat degradation arising from potential construction impacts in the form of release of hydrocarbons and/or sediment during groundwork excavations and the potential for adverse impacts to arise within the surface water drainage discharging to Lough Corrib resulting in potential adverse impacts upon water quality, alone or in combination, with other pressures on transitional water quality.
- 7.7.16. In terms of noise (although not specifically identified within the applicants' AA screening report), the main impacts would arise at construction stage where excavation works would be conducted in order to develop the foundations for the dwellings. I note that best practice construction methods would be implemented as part of the Construction Environmental and Management Plan (CEMP), and environmental considerations such as noise, dust and vibration would be addressed as part of the CEMP. I note that a preliminary CEMP was submitted as part of the planning documentation. I consider the inclusion of best practice construction measures to be acceptable. This is a matter that could be addressed by means of an appropriate planning condition.
- 7.7.17. Given the greenfield status of the appeal site, which is grass surfaced and surrounded by hedgerow and trees and includes a number of surface water drains, it may provide for suitable foraging grounds for winter birds associated with the Lough Corrib SPA, which is located 0.66 kilometres north-east of the appeal site. No water quality objectives have been set out for the Inner Lough Corrib SPA. Catchments.ie have classified the water quality in Lough Corrib as good, which would indicate that the lake has not been impacted upon by either wastewater or surface water outfalls from development within the area to date. I am satisfied that there is adequate capacity within the foul sewer network to cater for the foul effluent arising from the development. However, in line with the precautionary principle, the threshold for AA

screening is low and, therefore, further consideration of these matters will be undertaken.

- 7.7.18. I consider that there is potential for the outfall of sediment and/or hydrocarbons to the surface water network during the construction period to adversely impact upon water quality within the Lough Corrib SAC. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken.
- 7.7.19. From an examination of the NPWS datasets, in particular map number 3 (Indicative Lake habitats), number 9 (Freshwater Pearl Mussel) and number 12 (Otter) are qualifying interests specifically associated with the Conservation objectives of the Lough Corrib SAC. I consider that the pollutants arising from on-site construction activities could result in significant effects to these protected habitats and species within the SAC and, therefore, potentially adversely impacting upon these specific qualifying interests within the European site Lough Corrib SAC. The European site(s) most at risk from the development proposals, by virtue of catchment, size and scale, land take, proximity of development to European sites, underlying aquifer type and vulnerability, excavations, transportation requirements, duration of construction are considered to be the Lough Corrib SAC. The Owenriff watercourse supports an internationally important population of the Annex 1 species, the Freshwater Pearl Mussel (FPM) and the Owenriff is identified as one of the top eight priority FPM catchments in Ireland and is listed as a First Schedule River listed under SI No. 296/2009, European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations, 2009. From the information submitted, and having regard to the precautionary principle, it is evident that the FPM could be adversely impacted as a result of a deterioration in water quality arising from construction and or operational impacts of the development, by virtue of the two surface water outfall points proposed to the Owenriff watercourse, only forty metres east of the appeal site. I note that FPM is particularly sensitive to a deterioration in water quality.
- 7.7.20. The Department of Culture Heritage and Local Government have stated that there is evidence of the Otter species within the Owenriff river body has been recorded and this is supported by the mapping that accompanies conservation objectives within

the National Parks and Wildlife Service (NPWS) website, specifically map no 12 Conservation objectives for the Lough Corrib SAC (www.npws.ie). Any adverse impact upon water quality could potentially adversely impact the Otter, specifically identified as a qualifying interest within the Lough Corrib SAC. The applicant has failed to identify what impacts, if any, may arise upon the Otter during the construction and/or operational phases of development. for which the Lough Corrib SAC European site within the vicinity has been designated.

7.7.21. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on neighbouring sites within Oughterard, both permitted and under construction, however through the use of best practice construction methods and the fact that all of these sites would have been subjected to Strategic Environmental Assessment and also have been subjected to an Appropriate Assessment determination under the preparation of the Galway City Development Plans of 2017 and 2023. Therefore, the cumulative environmental impact of all of the zoned lands being developed would have been considered and deemed acceptable.

7.7.22. Therefore, taking the precautionary approach, I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential adverse construction impacts that may arise in relation to the nearest European sites, the Lough Corrib SAC and SPA.

7.7.23. From an examination of the NPWS datasets, I am satisfied that none of the habitats or species within the appeal site are qualifying interests for any European sites within the vicinity.

Screening Determination

7.7.24. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant adverse effect on two European Sites, namely the Lough Corrib SAC and SPA, and Appropriate Assessment is, therefore, required.

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

Stage 2- Appropriate Assessment

7.8. Natura Impact Statement

- 7.8.1. The application included a Natura Impact Statement (NIS) for the proposed residential development located east of and outside of the designated settlement boundary of Oughterard. The NIS examines and assesses potential for adverse effects of the proposed development on the Lough Corrib SAC only, I have included the Lough Corrib SPA as part of the assessment, as the Conservation objectives series for the SAC (www.npws.ie). states that the Lough Corrib SAC overlaps with the Lough Corrib SPA. Section 4.2.4 of the NIS outlines the characteristics of the Lough Corrib SAC. Section 4.3.1 sets out the potential impacts arising from the construction and operational phases of the development on the SAC and Section 4.5 includes details of mitigation measures that would be incorporated as part of a Construction Management Plan. In combination effects are examined within Section 4.4 and it is concluded that significant in combination effects of the proposed project with other projects and plans are not likely.
- 7.8.2. The NIS concludes that; All of the potential impacts identified in this Appropriate Assessment report will be avoided with the correct implementation of the proposed mitigation measures as outlined above and in the site-specific Construction Environmental Management Plan (CEMP). As a result of the appropriate design of the proposed activities and the proposed mitigation measures, this report concludes that the proposed development will have no significant residual impacts on the integrity of the nearby Natura 2000 sites.

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

- 7.8.3. The following is an assessment of the implications of the project on the qualifying interest features of the Lough Corrib SAC and SPA, 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.
- 7.8.4. I have relied on the following guidance as part of this assessment:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009).
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002).
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011).
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

7.8.5. A description of the designated sites, their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the screening assessment above and repeated in Table 2 of the Appropriate Assessment, and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Potential Impacts on identified European Sites

Table 2

Site 1:

Name of European Site, Designation, site code: Lough Corrib SAC, 000297					
Summary of Key issues that could give rise to adverse effects.					
<ul style="list-style-type: none"> • Water Quality and water dependant habitats • Habitat degradation/loss • Disturbance of QI species 					
Conservation Objective: To maintain or restore the favourable conservation status of habitats and species within the Lough Corrib SAC.					
			Summary of Appropriate Assessment		
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity

					be excluded?
Oligotrophic waters containing very few minerals of sandy plains.	To restore the favourable conservation status of the waters containing very few minerals.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat	Silt traps adjacent to land drains. storage and handling of harmful materials including hydrocarbons, monitoring of silt levels , stockpiling of topsoil away from surface water channels	No significant in-combination adverse effects	No
Oligotrophic to Mesotrophic waters standing waters with vegetation	To restore the favourable conservation status of the standing waters with vegetation	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat.	Silt traps adjacent to land drains. storage and handling of harmful materials including hydrocarbons, monitoring of silt levels , stockpiling of topsoil away from surface water channels	No significant in-combination adverse effects	No
Hard Oligo-Mesotrophic waters with	To restore the favourable conservation status of the Hard Oligo-	Deterioration in water quality arising from sedimentation and release of	Silt traps adjacent to land drains. storage and handling of	No significant in-combination	No

Benthic vegetation	Mesotrophic waters with Benthic vegetation	hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat.	harmful materials including hydrocarbons, monitoring of silt levels , stockpiling of topsoil away from surface water channels	adverse effects	
Water courses of plan to montane levels	To restore the favourable conservation status of the Hard Oligo-Mesotrophic waters with Benthic vegetation	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat.	Silt traps adjacent to land drains. storage and handling of harmful materials including hydrocarbons, monitoring of silt levels , stockpiling of topsoil away from surface water channels	No significant in-combination adverse effects	No
Freshwater Pearl Mussel	To restore the favourable conservation condition of the Freshwater Pearl Mussel	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on	Silt traps adjacent to land drains. storage and handling of harmful materials including hydrocarbons, monitoring of silt levels , stockpiling of topsoil away	No significant in-combination adverse effects	No

		site and potentially resulting in habitat degradation or loss.	from surface water channels.		
Otter	To maintain the favourable conservation condition of Otter	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected species	Silt traps adjacent to land drains. storage and handling of harmful materials including hydrocarbons, monitoring of silt levels , stockpiling of topsoil away from surface water channels	No significant in-combination adverse effects	No
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of this proposed development may adversely affect the integrity of this European site and reasonable doubt remains as to the absence of such effects.</p>					

Table 3

Site 2:

<p>Name of European Site, Designation, site code: Lough Corrib SPA 004042</p> <p>Summary of Key issues that could give rise to adverse effects.</p> <ul style="list-style-type: none"> • Water Quality and water dependant habitats • Disturbance of QI species <p>Conservation Objectives: To maintain or restore the favourable conservation condition of the wetland Habitat of Lough Corrib as a resource for the regularly occurring migratory waterbirds that visit the lake.</p>			
		Summary of Appropriate Assessment	

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Wetlands and Waterbirds	To maintain and/or restore the favourable conservation condition of the wetland Habitat of Lough Corrib as a resource for the regularly occurring migratory waterbirds that visit the lake.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected wintering waterfowl. Loss of foraging ground and a potential resultant disturbance of the wintering waterbirds due to loss of foraging areas. However, the appeal site is already subject to disturbance given that there is existing residential development to the north and west. The winter birds in the southern part of the	Silt traps adjacent to land drains. storage and handling of harmful materials including hydrocarbons, monitoring of silt levels , stockpiling of topsoil away from surface water channels	No significant in-combination adverse effects	yes

		Lough Corrib SPA, that nearest the appeal site, would currently experience disturbance by virtue of proximity to the urban settlement of Oughterard with its associated traffic and human activity.			
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

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

7.8.7. I consider that the Appropriate Assessment is deficient in terms of key information in relation to:

- Specific impacts which would arise from the construction and operational phases of development, in that noise was not considered to arise as a construction impact even though the appeal site is located within forty metres of the Lough Corrib SAC boundary.

- Impact upon the particular qualifying interests identified within the screening is not examined in detail, conclusion that no potential impact upon the Otter even though the Otter is known to be present within in the Owenriff watercourse,
- Potential impact upon the Freshwater Pearl Mussel, given the threatened nature of the species, and the particular vulnerability of this species to a deterioration in water quality.
- Source -pathway-Receptor model in terms of water quality has not been adequately observed.
- Contradiction in relation to retention of hedgerow and trees between the NIS and the planning documentation submitted.

7.8.8. It is apparent that lacunae/inconsistencies exist within the information submitted, in that the information submitted is incomplete and, therefore, I cannot reasonably conclude that adverse impacts upon water quality within the Lough Corrib SAC will not arise from the works proposed. I note that the specific conservation objective for the Lough Corrib SAC in relation to the Freshwater Peral Mussel is to restore the favorable conservation condition of the Pearl Mussel species, identified as a Qualifying Interest (QI) within the SAC. I do not consider that that the proposals in their current form would contribute to the restoration of the favorable conservation condition of this particular species.

7.8.9. There is potential for ingress of silts and hydrocarbons especially during the construction phase into the SAC lake waters. These potential adverse impacts could result in threats upon the qualifying interests of the SAC, specifically the Freshwater Pearl Mussel species which are particularly sensitive to a deterioration in water quality. The applicant has failed to identify what specific impacts a deterioration in water quality may have upon the Otter species who are known to be present within the Owenriff River. A deterioration in water quality arising from sedimentation, silts and hydrocarbons arising from construction activities within the appeal site and could result in potential harmful effects on the Otter, a qualifying interest within the SAC. NPWS data identifies that the Otter frequents the Owenriff watercourse and, therefore, any potential to adversely impact water quality must be duly considered.

The Screening identified the Otter may be adversely impacted by the proposals. However, the NIS has not continued with the assessment of potential impacts upon the Otter. This is another lacuna within the information submitted.

- 7.8.10. Therefore, I cannot reasonably conclude that the proposals would not adversely impact upon the Lough Corrib SAC, and specifically the Freshwater Pearl Mussel and Otter qualifying interests. I cannot ascertain with confidence that the project would not adversely affect the integrity of the Lough Corrib SAC, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.
- 7.8.11. I have also considered the potential impacts upon the winter birds within the Lough Corrib SPA. However, given the hydrological separation distance of 660 metres between the appeal site and the SPA, I consider that any siltation, sediment or hydrocarbons that would enter the Owenriff watercourse would be diluted sufficiently before they would reach the nearest boundary of the SPA (approximately 660 metres north-east of the nearest part of the appeal site boundary) and, therefore, the impacts would be lessened and would not be so adverse as to cause undue adverse impact upon the protected winter birds. Therefore, I do not consider it appropriate to assess the potential impacts upon the SPA any further as part of this exercise.

Appropriate Assessment Conclusion

- 7.8.12. Having carried out screening for Appropriate Assessment of the project, it was concluded that in the absence of mitigation measures to prevent construction related pollutants reaching Lough Corrib, it may have a significant effect on the Lough Corrib SAC and SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European site, in light of its conservation objectives.
- 7.8.13. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project could adversely affect the integrity of the Lough Corrib SAC, in view of the site's Conservation Objectives for the sites. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with other plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Lough Corrib SAC.

8.0 Recommendation

I recommend that planning permission be refused for the following reasons.

1- The "Sustainable Residential Development In Urban Areas -Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009, recommends a sequential and co-ordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes be given preference. Notwithstanding the residential zoning objective for the area, as set out in the current development plan for the area, it is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development and not in line with the orderly expansion of the settlement. Having regard to the scale and density proposed, the lack of a pedestrian linkage, the excessive walking distance to the town centre of Oughterard the absence of public transport to the town centre and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be excessively car dependent and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

2- Having regard to its location on the edge of the town, it is considered that the proposed development would be out of character with the pattern of development in

the area and would result in the poor disposition and quantity of public and private/communal open space, a road layout which would not be conducive to pedestrian safety. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Having regard to the periphery location of the site, together with the elevated topography of the site and the layout of the overall development as proposed, it is considered that the proposed scheme would:

- Be out of character with the pattern of development in the area.
- Be inappropriate in the context of adjoining development.
- Provide for a roads dominated layout which would not be conducive to pedestrian safety therefore not complying with the requirements of Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013 (as amended),
- Conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2008, and with the Urban Development and Building Heights

Guidelines, published by the Department of Housing, Planning and Local Government, December 2018;

- Result in an inadequate amount of quality public open space to serve the proposed development, and
- Give rise to substandard residential amenity for future occupiers.

The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3- It is considered that the proposed development, which would result in an intensification of use of an existing entrance which accesses directly onto the Glann Road, at a point where the speed limit of 80 km/h applies, would endanger public safety by reason of a traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road.

4- Having regard to the location of the site, together with adjoining land, within the zone of influence of the Lough Corrib Special Area of Conservation, it is considered that:

(a) the residential development proposal could result in the continued significant loss of Oligotrophic waters, floating river vegetation, Freshwater Pearl Mussel, Salmon and Otter species, which are included on Annex I of the European Union Habitats Directive of 1992; and

(b) the retention of the trailer storage facility could give rise to continued increased disturbance to wildlife, including the Freshwater Pearl Mussel and the Otter species (which is a protected species included on Annex II of the European Union Habitats Directive), from human activity in what was formerly a relatively undisturbed area.

Notwithstanding (a) and (b) above the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the development on

hydrological and ecological conditions within the Annexed habitat and species and the resulting implications for wildlife and flora.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the development does not adversely affect the integrity of a European Site and it is considered that the development would be contrary to the proper planning and sustainable development of the area.

Based on the information submitted, the Board is not satisfied that the development proposals would not adversely impact upon the qualifying interests of the Lough Corrib Special Area of Conservation-Recent recommendation

5- Having regard to the location of the site in an area which is prone to flooding and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development 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

26th day of September 2023.