



An
Bord
Pleanála

Inspector's Report ABP-314444-22

Development	Construction of 6 no. residential units on infill residential site in the existing Cuil Na Canalacht housing development.
Location	Pollboy, Ballinasloe, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22/60591
Applicant(s)	Crownbell Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Crownbell Ltd
Observer(s)	None
Date of Site Inspection	8 th December 2022
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the south-eastern corner of the Cuil Na Canalacht housing estate, which lies in the south-eastern outskirts of Ballinasloe. This housing estate is accessed off a local road, the L4603, from its western end. It is composed of two-storey detached, semi-detached, and terraced dwelling houses and it is accompanied by a creche and areas of public open space. A short, isolated stretch of canal runs to the north of the housing estate and the River Suck passes further to the north.
- 1.2. The site itself is regular in shape and, apart from a turning head in its north-eastern quadrant, it is undeveloped. This site extends over an area of 0.192 hectares. It is bound by the end of an existing cul-de-sac to the north, which is composed of the residential property at No. 96 Cuil Na Canalacht, a road, and a strip of public open space, and by the L4603 to the south. The respective carriageway levels are c. 45m OD and over 51m OD and so the site is the subject of moderate gradients, which rise in a southerly direction. The eastern boundary abuts a field, and the western boundary abuts the residential property at No. 2 Pollboy Cottages, which includes an exposed retaining wall and a garden wall above. No. 2 is one of two dormer bungalows, which lie to the west of the site, and which are accessed directly off the L4603. The roadside and field boundaries are enclosed by means of post and wire fences. The field boundary is also enclosed by means of a hedgerow.

2.0 Proposed Development

- 2.1. Under the proposal, 6 no. two storey, dwelling houses would be constructed in a row with their front elevations facing the existing/extended turning head to the cul-de-sac to the north. Their rear elevations would face south, and they would overlook rear gardens that would be terraced to span the change in levels between their ground floors and the L4603 to the south. Four of the dwelling houses (house type C) would be terraced, and they would afford three-bed/four-person accommodation. Two of the dwelling houses (house type B) would be semi-detached, and they would afford three-bed/five-person accommodation. They would have a total floorspace of 611.20 sqm.

- 2.2. Under the proposal, the access, water supply, and drainage arrangements to the existing Cuil Na Canalacht housing estate would be utilised.

3.0 Planning Authority Decision

3.1. Decision

The application was refused for the following reason:

Based on the information submitted, the planning authority is not satisfied that proposed design, scale and layout of the proposed development will reflect or reinforce the existing urban form of the area and consequently does not make sufficient contribution to sense of place by logically perpetuating existing urban street patterns or creating the required standard of public urban spaces, thereby assimilating its urban setting. The layout, in conjunction with concerns in relation to the juxtaposition of the proposal to the L4603 public carriageway, sufficiency of suitably designed, located, defined and overlooked public spaces to provide a satisfactory urban environment, would therefore be contrary to the provisions of Policy Objectives DM 8, DM 10 & UL 1 of the current Galway County Development Plan 2022-2028, the provisions of Sections 2 and 3 of the Design Manual for Urban Roads and Streets (2019 updated) and the provisions of Sections 2, 6 and 7 of Urban Design Manual – A Best Practice Guide DEHLG (2009). The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision

3.2.2. Other Technical Reports

None

4.0 Planning History

Overall housing site:

- 06/091: Construction of 108 residential units, creche, and ancillary services: Permitted.

- 12/9011: Extension of time for 06/091: Permitted for an additional 5 years.

Site:

- 21/2219: Similar proposal to the current one refused on the following grounds:
 1. The first reason was the same as that given for refusing the current proposal,
 2. Insufficient pedestrian connectivity to the wider urban area and inadequate building line set back from the L4603,
 3. Water supply and wastewater drainage arrangements maybe unsatisfactory,
 4. Hydrological link with the River Suck Callows SPA may lead to a significant effect upon this European site, and
 5. The site may be at risk of flooding.

Site in the western half of the overall housing site:

- 22/60590: 38 three-bed dwelling houses (2 detached, 16 semi-detached, and 20 terraced): Refused on the grounds that the site is zoned for open space in the LAP, and it would have insufficient pedestrian connectivity to the wider urban area.

5.0 Policy and Context

5.1. National Planning Guidelines

The Planning Authority's reason for refusal cites the following sections of national planning guidelines:

Design Manual for Roads and Streets¹:

- Chapter 2: Re-examining the street
- Chapter 3: Street networks

¹ There appears to be a typo in the Planning Authority's reason for refusal, i.e., Sections 2 & 3 should read Chapters 2 & 3.

Urban Design Manual: Best Practice Guide²:

- Indicator 2: Connections
- Indicator 6: Distinctiveness
- Indicator 7: Layout

5.2. Development Plan

Under the Ballinasloe Local Area Plan 2022 – 2028 (LAP), the site is identified as a residential infill site.

The Planning Authority's reason for refusal³ cites the following policy objectives from the Galway County Development Plan 2022 – 2028 (CDP):

- Place making PM 8: character and identity:

Ensure the best quality of design is achieved for all new development and that design respects and enhances the specific characteristics unique features of the towns and villages throughout the County.

- Place making 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.

- Urban living UL 1: infill sites

To encourage and promote the development of infill, corner and backland sites in existing towns and villages in accordance with proper planning and sustainable development.

5.3. Natural Heritage Designations

- River Suck Callows SPA (004097)

² There appears to be a typo in the Planning Authority's reason for refusal, i.e., Sections 2, 6 & 7 should read Indicators 2, 6 & 7.

³ There appears to be a typo in the Planning Authority's reason for refusal, i.e., DM 8 & DM 10 should read PM 8 & PM 10.

- River Suck Callows NHA (000222)

5.4. EIA Screening

Under Items 10(b)(i) and (vi) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where more than 500 dwelling units would be constructed and/or where an urban site of more than 10 hectares would be developed, the need for a mandatory EIA arises. The proposal is for the development of 6 dwellings on a 0.192-hectare site. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant states that, under the parent permission (06/091) for the overall housing estate, the current application site would have been developed to provide a three-storey block of 12 apartments (4 one-bed and 8 two-bed over a floorspace of 762.48 sqm). Under the current proposal, 6 two-storey, three-bed, dwelling houses would be provided with a floorspace of 611.2 sqm.
- The earlier permitted apartments would have had a ridge height of 59m OD, whereas the currently proposed dwelling houses would have ridge heights between 54.57m and 54.65m. Adjacent dwelling houses to the north and the west have ridge heights of 53.175m and 56.65m, respectively. Accordingly, these proposed dwelling houses would be of intermediary height between the existing dwelling houses in their vicinity.
- The earlier permitted apartments would have been provided on the site without contributing to the public open space (POS) in the wider housing estate. Future residents would thus have availed of this POS.
- The proposed rear gardens would be stepped to provide useable split level amenity space. (Such treatment exists already at Nos. 73 – 80 Cuil Na

Canalacht, further to the west of the site, beyond the two dormer bungalows at Nos. 1 & 2 Pollboy Cottages). These gardens would be provided in conjunction with a 2m wide strip along the southern boundary of the site, which would be developed to provide a footpath along the site's frontage with the L4603.

- The Cuil Na Canalacht housing estate is not presently served by a continuous footpath into Ballinasloe. The applicant has acquired lands to provide a missing link in this respect, along with widening of the carriageway. These works have been agreed in principle with the local engineer under Galway County Council's Active Travel Scheme.
- The Cuil Na Canalacht housing estate has yet to be "taken in charge". The applicant intends to work with local residents to complete outstanding works to the required standard for taking in charge to occur.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

- 7.1. I have reviewed the current proposal in the light of national planning guidelines and advice, the Galway County Development Plan 2022 – 2028, the Ballinasloe Local Area Plan 2022 – 2028, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Planning history and zoning,

- (ii) Urban design and visual amenity,
- (iii) Development standards and future residential amenity,
- (iv) Access and road safety,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Planning history and zoning

- 7.2. The applicant draws attention to the planning history of the site. Under the parent permission (06/091) for the Cuil Na Canalacht housing estate, this site would have been developed to provide a three-storey block of 12 apartments with accompanying access and car parking arrangements.
- 7.3. Under the current LAP, the site is identified as a residential infill site. Accordingly, there is no in principle objection to the site's development for residential use.
- 7.4. I conclude that there is planning precedent and current LAP encouragement for the site to be developed for residential use.

(ii) Urban design and visual amenity

- 7.5. The proposal would entail the provision of 6 two-storey, three-bed dwelling houses, 2 of which would be semi-detached, and 4 of which would be terraced. These dwelling houses would be laid out in a row across the central portion of the site with associated parking and an accompanying existing/extended turning head in the northern portion and rear gardens in the southern portion. Additionally, an area of public open space would be provided along with some cycle stands in the north-western corner of the site.
- 7.6. The dwelling houses would be of conventional suburban design. The end terraced dwelling houses would be recessed slightly at the front and so they would have a slightly lower ridge line than that of the two central terraced dwelling houses. Likewise, the end portions of the pair of semi-detached dwelling houses would mimic these features.
- 7.7. The Planning Authority's reason for refusal, if read in conjunction with the case planner's assessment under the heading "design, residential and visual impact", critiques the relationship that would emerge between the proposal and the existing

pair of dormer bungalows at Nos. 1 & 2 Pollboy Cottages, to the west of the site. While their alignment is considered to be satisfactory, the differences in their access arrangements and typologies is considered to be problematic and one that would fail to provide visual continuity along the northern side of the L4603. The Planning Authority is of the view that the design and layout of the site needs to be “transposed”, presumably, so that any development can address the local road.

- 7.8. During my site visit, I observed that on the far (western) side of the pair of dormer bungalows there are existing two-storey dwelling houses in the Cuil Na Canalacht housing estate, which occupy sunken plots in relation to the local road. These dwelling houses have southern rear gardens and so their front elevations do not address the local road. Their ridgeline heights are significantly lower than those of the dormer bungalows. They, therefore, present a precedent for what the applicant now proposes.
- 7.9. The applicant’s reason for refusal cites national advice and local policy objectives, which seek to promote good urban design. During my site visit, I observed that the Cuil Na Canalacht housing estate is largely constructed. I also observed that the application site is a small one, which lies within the south-eastern corner of the overall housing estate. The context of this site is established by the existing housing estate and the pair of dormer bungalows to the west. While it is of regular shape, its topography poses challenges insofar as the site is subject to moderate gradients that rise in a southerly direction from the existing turning head (c. 45m OD) to the north to the local road (over 51m OD) to the south. Given these factors, the scope for new design departures would appear to be limited.
- 7.10. I consider that the proposal would relate reasonably well to the existing dwelling houses on the cul-de-sac to the north. The terraced dwelling houses would provide a terminus to this cul-de-sac, and, when seen in conjunction with the pair of semi-detached dwelling houses, their designs would be complementary. I consider that the proposal would relate less well to the pair of dormer bungalows to the west. The difference in their ridgeline heights would be a factor in this respect, i.e., the former ridgelines would be between 54.57m and 54.65m, whereas the latter are 56.65m. They would effectively present to the local road as having a difference of one storey in height, thereby accentuating the “pop-up” presence of the existing dormer bungalows within their context.

- 7.11. I recognise the convention of having the front elevations of dwelling houses address the higher order road in their vicinity. However, to achieve this outcome, the site would need to be raised in level to an extent that would cause it to have a problematic relationship with the cul-de-sac to the north. I, therefore, consider that this convention can be departed from. Indeed, to do so would be welcome from a traffic management perspective, as it would avoid the need to create additional accesses off the local road in favour of simply using the road network in the existing housing estate.
- 7.12. I conclude that, while the proposal would have a satisfactory relationship with the cul-de-sac to the north, its relationship with the dormer bungalows to the west would be of concern visually.

(iii) Development standards and future residential amenity

- 7.13. Under the proposal, 6 dwelling houses would be constructed. These dwelling houses would comprise 4, two-storey, terraced house type Cs, which would afford three-bed/four-person accommodation, and 2, two-storey, semi-detached house type Bs, which would afford three-bed/five-person accommodation.
- 7.14. The applicant has submitted a table within which the total floorspace of each of the proposed dwelling houses is disaggregated between daytime and night time accommodation. If this table is compared with that of Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, then both the proposed total floorspace and the proposed total daytime and night time accommodation floorspace would exceed the minimums cited by Table 5.1 for the relevant house types. However, both house types would fail to provide internal storage space as recommended under Table 5.1. If the Board is minded to grant, then this omission could be conditioned for inclusion.
- 7.15. The applicant's submitted table also cites the extent of private amenity area which would accompany each of the proposed dwelling houses, i.e., between 53 sqm and 265 sqm. The applicant's plans depict these private amenity areas, which would lie to the rear (south) of each dwelling house. These rear gardens would span the difference in levels between each dwelling house with a finished ground floor of 46m OD and the L4603, which has a carriageway level of over 51m OD. They would be terraced over four levels: the first would be a little below 46m OD, the second and

third would be at 47.5m and 49m, and the third would be at over 50m, and it would be ornamental, i.e., the subject of barked landscaping. Steps would afford access to the second and third levels, which would be narrow in depth. The first level would be narrow in depth, too, although with the increase in house plot depth from east to west, the first level to the pair of semis would be somewhat deeper. The Planning Authority has, fairly in my view, questioned the useability of the proposed rear gardens.

- 7.16. The rear elevations of the proposed dwelling houses would face south. However, their sunken position in relation to the L4603, along with the proposed 1.5m wall along the roadside boundary would lead to a situation wherein the top of this wall would be at a height of 53.5m OD and so at a level between the eaves and ridge heights of the proposed dwelling houses. The distance between the rear elevations and this wall would range between 11.35m in the east of the site to 16.4m in the west.
- 7.17. During my site visit, I observed that the equivalent relationship between the dwelling houses to the west of Nos. 1 & 2 Pollboy Cottages and the roadside boundary wall is not as challenging with the top of this wall coinciding with approximately the mid-point of the first floor of the dwelling houses. I also observed that the design of the dwelling houses entails full width, single storey, lean-to returns, which have extensive glazing in their roofs to “catch the sunlight”. By contrast, the currently proposed dwelling houses would be on more sunken plots and their designs would not incorporate such elements/features.
- 7.18. While the applicant has not submitted a sunlight/daylight analysis, I am concerned that the reception of sunlight into habitable room openings would be unreasonably restricted by the above cited juxtaposition of rear elevations and the adjacent, elevated, roadside boundary to the south. Instead, significant overshadowing would occur. Furthermore, if the 27 degree “rule of thumb” test is applied (cf. Figure 14 of the BSE’s “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (2nd Edition)) to the submitted cross section on drawing no. P-013, then ground floor habitable room openings would receive less than the normally required skylight, i.e., daylight.

- 7.19. The aforementioned juxtaposition would also result in heavily enclosed outlooks to both ground floor and, indeed, first floor habitable room openings in the rear elevations of the proposed dwelling houses. Similarly, the terraced gardens would be enclosed, and, as they would effectively face north, they would be poorly lit. Accordingly, not only their potential utility, but their attractiveness would be meagre.
- 7.20. The applicant proposes to provide some public open space (POS) in the north-western corner of the site, i.e., to the side of the most westerly dwelling house and the end of the extended turning head. While this POS would make a nominal contribution to the housing estate's overall POS, I consider that its isolated position would render its use, in practice, unlikely. Accordingly, it should be omitted, and the land thereby released incorporated within the private amenity of the nearest dwelling house. Any notional loss of POS should be viewed in the light of the site's planning history, where, under the parent permission for the Cuil Na Canalacht housing estate, it would have been developed for apartments without POS. Such reapportionment should, if the Board is minded to grant, be conditioned.
- 7.21. I conclude that, due to the sunken position of the house plots in relation to the elevated local road to the south, the lighting to and outlook from indoor and outdoor living spaces would be unduly restricted. Likewise, the utility value of the proposed multi-level rear gardens would be severely curtailed. Consequently, the standard of amenity that would be afforded to future residents would be unsatisfactory.

(iv) Access and road safety

- 7.22. The proposal would be accessed by means of the existing road network through the Cuil Na Canalacht housing estate, which in turn is accessed off the L4603 at the western end of this housing estate. This proposal would generate additional traffic during its construction and operational phases. Such traffic would be capable of being satisfactorily accommodated on this existing road network, including its access point off the local road.
- 7.23. Under the proposal, each of the dwelling houses would be served by 2 off-street parking spaces, which would be sited in positions forward of each dwelling house. This level of provision and design approach to such provision would replicate that existing elsewhere on the cul-de-sac to the north of the site. Additionally, several cycle stands would be sited at the western end of the extended turning head.

- 7.24. The applicant has addressed the second reason for the Planning Authority's refusal of its earlier application 21/2219 for the current application site. Accordingly, it has agreed with the area engineer to widen the L4603 to the west of the above cited access point and to provide a public footpath where it is needed to achieve pedestrian connectivity with the town further to the west. The applicant has submitted a letter dated 4th April 2022, in which Galway County Council agrees in principle to the envisaged works under its Active Travel Scheme.
- 7.25. I conclude that the access and parking arrangements for the site would be satisfactory and that the applicant's proposed works to the L4603 to improve pedestrian connectivity would be welcome.

(v) Water

- 7.26. The applicant has addressed the third reason for the Planning Authority's refusal of its earlier application 21/2219 for the current application site. Accordingly, it confirms that it has made a pre-connection enquiry of Irish Water concerning its proposal to connect the proposed development to the public water mains and the public waste water sewerage system. Irish Water has advised the applicant that these connections would be facilitated. The applicant's submitted plans show how such connections would be made to the existing public water mains and the existing public waste water sewer in the adjacent cul-de-sac to the north of the site. These plans also show how connection would be made to the existing public stormwater sewer in the cul-de-sac.
- 7.27. The applicant has addressed the fourth reason for the Planning Authority's refusal of its earlier application 21/2219 for the current application site. Accordingly, it has addressed the question of flood risk by means of a Flood Risk Assessment (FRA). The FRA concludes that, due to the proximity of the River Suck, fluvial flooding is a potential risk to the site. The applicant undertook a flood studies update, which predicted lower flood levels than the Catchment Flood Risk Assessment and Management (CFRAM) studies for the River Suck. The higher predicted flood levels were, therefore, adopted as design floods. Nevertheless, the 1 in 1000-year return flood event would entail levels of 38.06m OD, which would be well below the ground floor levels of 46m OD for the proposed dwelling houses. Accordingly, the site lies within Zone C, under the relevant categories of the Planning System and Flood Risk

Management Guidelines, and so the need for the sequential test/justification test does not arise.

- 7.28. The applicant's FRA also comments on any implications for other properties of the proposed development. Preferential pathways for surface water run-off to the west within the overall housing estate would be unaffected by the proposal, and so its impact on other properties would be neutral.
- 7.29. The proposal would incorporate Sustainable urban Drainage Systems (SuDS), which would enable rainwater run-off from roofs to discharge to soakaways. Similar run-off from driveways and roadways would discharge to the public stormwater sewer in the cul-de-sac to the north of the site.
- 7.30. I conclude that the proposal would raise no water issues.

(vi) Appropriate Assessment

- 7.31. The applicant has addressed the fifth reason for the Planning Authority's refusal of its earlier application 21/2219 for the current application site. It has thus submitted an Appropriate Assessment Screening Report, a Wintering Bird Survey and a Natura Impact Statement (NIS). I will draw upon these documents, the NPWS's website, and my own site visit in addressing the question of appropriate assessment below.
- 7.32. Compliance with Article 6(3) of the Habitats Directive

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

- 7.33. Background to the application

The applicant has submitted the above cited documents. Its Screening Report concludes as follows:

The site for the proposed development lies approximately 269 meters from the River Suck Callows SPA. The River Suck Callows SPA has been screened in due to the close proximity of the proposed development and the potential for disturbance to bird species associated with the River Suck Callows SPA cannot be ruled out during the construction phase.

Therefore, in the absence of mitigation measures significant indirect impacts/effects are predicted, which could impact/effect the qualifying interests or conservation objectives of

the surrounding Natura 2000 sites, as a result of the proposed development in question, alone or in combination with the other plans and projects in the area, and therefore a Natura Impact Statement is required in this case.

Having reviewed this Report, 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.

7.34. Screening for appropriate assessment – test of likely significant effects

The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site.

7.35. Brief description of the development

The applicant provides a description of the project on page 2 of its Screening Report. In summary, the development comprises: “the construction of 6 no. residential units on infill residential site in the existing Cuil Na Canalacht housing development”.

The site is a small one, at 0.192 hectares, and it is located in the south-eastern corner of the existing Cuil Na Canalacht housing development, which is substantially completed. This site slopes to the south, and it is composed largely of recolonised bare ground and exposed gravel.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction phase: noise and disturbance.

7.36. European sites

The development site is not located in or beside a European site. It is however 269m to the south of the River Suck Callows SPA (004097). Other European sites within a 15km radius have been considered and discounted, due to their far greater distance

from the site and the absence of source/pathway/receptor routes between the site and any of them.

A summary of the River Suck Callows SPA is presented below. Its qualifying interests are listed and its conservation objectives, which are either to restore (R) or to maintain (M) their favourable conservation condition, are cited.

Whooper Swan (Cygnus cygnus) [A038] – (M)

Wigeon (Anas penelope) [A050] – (R)

Golden Plover (Pluvialis apricaria) [A140] – (R)

Lapwing (Vanellus vanellus) [A142] – (R)

Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] – (R)

Wetland and Waterbirds [A999] – (M)

7.37. Identification of likely effects

During the construction phase, noise and disturbance could disturb the bird species, which are the qualifying interests of the nearby River Suck Callows SPA.

The applicant's Screening Report lists several plans, which would have either a positive or neutral impact upon the conservation objectives of the SPA. It also lists 5 planning applications, 3 of which would be to the south of the site and so further from the SPA than the site itself. Of the remaining 2, one was for retention, and one was for the installation of ground mounted solar panels at Irish Water's waste water treatment plant (WWTP) to the north of the site (application 21/1626).

7.38. Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

7.39. Screening determination

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 effect on European Site No. 004027, in view of the Site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

7.40. The NIS

The applicant's NIS is dated June 2022. It examines and assesses potential adverse effects of the proposed development on the River Suck Callows SPA. This NIS was prepared in line with current best practice guidance, and it concludes as follows:

With the implementation of the best practice and mitigation measures described in section 6 of this report, it is not expected that the proposed development will give rise to any direct, indirect or secondary impacts on the River Suck Callows SPA.

All ground & earth works are to take place outside of the wintering bird season. As such these works should not be carried out from October to April. In order to prevent disturbance to bird species associated with the River Suck Callows SPA. This will mitigate any potential of disturbance to bird species associated with the River Suck Callows SPA due to the proximity of the application site to the Natura 2000 site. No impacts/effects are expected on any of the SSCO associated with the River Suck Callows SPA.

Having reviewed this NIS, 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.

7.41. Appropriate Assessment of the implications of the proposed development

The site, the proposed development, the European site, and the identified likely effects are all as presented above under my screening for Appropriate Assessment.

The applicant's Wintering Bird Survey entailed dawn and dusk surveys of the site and its environs on 31st March 2022. Its findings are discussed as follows:

The distance between the proposed development area and the River Suck Callows is significant enough that no direct impacts are predicted. However indirect impacts such as disturbance cannot be ruled out.

Although no wintering or water birds were recorded during this survey it does not rule out their presences in the area.

Given the existing environment present the proposed development is not expected to cause a significant impact in this regard.

Having regard to the above given that;

- *The subject site is a habitat that would be unsuitable for wetland and waterbirds. Due to the lack of vegetation and water features.*

- *Is bounded by a buffer improved agricultural grassland between the application site and the River Suck Callows SPA*

- *Is bounded by existing number of residential buildings in the area.*

- *The subject site consists of an infill site bounded by multiple residential development to the north and south east, where anthropogenic activity is well established.*

It is considered that the proposed development is not expected to have a significant adverse effect on Bird species associated with the River Suck Callows SPA.

The above findings acknowledge that an indirect impact, in terms of noise and disturbance during the construction phase, could adversely affect the integrity of the River Suck Callows SPA. The applicant has, therefore, set out a series of best practice measures in order to mitigate such an indirect impact. Foremost amongst these measures is an undertaking not to carry out ground and earthworks between October and April, the winter bird season.

In relation to the potential in-combination plans and projects identified at the screening stage, I consider that the installation of solar panels at Irish Water's WWTP would not be commensurate with the construction activities that would arise under the applicant's proposal and so, even if these two projects were to occur together, I do not consider that in-combination effects, in terms of noise and disturbance, would be significant.

7.42. Appropriate Assessment Conclusion

The project to construct 6 no. residential units on existing infill residential site in the existing Cuil Na Canalacht housing development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the European Site No. 004027. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests of this site in the light of its conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development individually or in-combination with other plans or projects would not

adversely affect the integrity of the European Sites No. 004027, or any other European site, in view of its conservation objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including mitigation measures, in relation to conservation objectives of European Sites Nos. 004027,
- Detailed assessment of in-combination effects with other plans and projects, and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Sites No. 004027.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

Having regard to the orientation of the rear elevations of the proposed dwelling houses and their rear gardens, their proximity to the adjacent local road, and its elevated position above the site, it is considered that the proposed residential properties would receive insufficient sunlight and daylight and their outlooks would be excessively enclosed. Additionally, as the proposed rear gardens would be terraced over multiple north-facing levels, their fragmented layout and northerly aspect would severely curtail their utility and attractiveness. Consequently, these residential properties would afford an unsatisfactory standard of amenity to future occupiers and so they would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

3rd February 2023