



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-314493-22

Strategic Housing Development	165 no. residential units (59 no. houses, 106 no. apartments) and associated site works
Location	Dunlo and Pollboy, Ballinasloe, Co. Galway (www.DunloSHD.com)
Planning Authority	Galway County Council
Applicant	Limehill Esker Limited
Prescribed Bodies	<ol style="list-style-type: none">1. Irish Water2. Department of Housing, Local Government and Heritage
Observer(s)	<ol style="list-style-type: none">1. Padraic and Catherine Concannon2. Catherine Dolan

3. Willie Dolan
4. Daniel and Emma Moynihan
5. Denis Judge and Renate
Kohlmann
6. Evelyn and Vincent Parsons
7. Enda Lohan

Date of Site Inspection

16th August 2023

Inspector

Phillippa Joyce

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (2016 Act).

2.0 Site Location and Description

- 2.1. The application site is located in the townlands of Dunlo and Pollboy, c.800m southwest of Ballinasloe town centre. The area surrounding the site has experienced notable developments in recent years, including to the north of the site retail (Tesco, Aldi), commercial (Costa Coffee and Omniplex cinema), and to the northeast new residential development (Eiscir Riada).
- 2.2. The site has an irregular rectangular configuration and is indicated as measuring c.6.67ha and comprises several distinct parcels of land. Previously (c.2009), the site was disturbed, and development works were commenced as part of a partially implemented planning permission. The western and northwestern parts of the site have been previously stripped of topsoil, excavated, and partially serviced (e.g subsurface services, footpaths, and roads constructed). The undeveloped lands to the south and east of site are disturbed, with topsoil stripped and contain revegetated spoil heaps associated with same. Remaining greenfield areas are primarily those undisturbed adjacent to field boundaries.
- 2.3. Established residential estates are located adjacent to the west of the site (Esker Hills), to the southeast (Dun Esker), and to the south (Beechlawn Heights), while detached residences and agricultural fields are located further to the south and southeast. The site is relatively open in nature, with pedestrian access gained at points from the existing Tesco complex and Beechlawn Heights.
- 2.4. While the topography rises steadily in a southerly direction across the site from a level of c.40m OD at the northern access road to c.53m OD at the southern boundary at Beechlawn Heights, the ground levels within the site are undulating due to the amount of historic disturbance and spoil heaps. The site boundaries comprise wooden fencing and block walls with Tesco and the residential estates, and treelines

and hedgerows along the remaining field boundaries in the west and south perimeters. There are no watercourses at or adjacent to the site. The River Suck traverses through Ballinasloe town and is located c.785m to the northeast of site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves the construction of 165 residential units, (comprising 106 duplex apartments and 59 houses), public and communal open space, and all associated site works. The apartments are arranged in 15 three storey duplex blocks (Block A1-A2, Blocks B1-13). The number of apartments in each block varies between five and 15 units. The two storey houses are arranged in pairs of semi-detached dwellings and terraces of three dwellings. The residences are sited within four areas across the site, referred to as Character Areas 1-4.
- 3.2. The proposed development includes two new access roads (along the western and eastern boundaries of the site) connecting with existing roads (serving Tesco and the Eiscir Riada estate respectively), an internal road layout including an access point referred to as ‘future potential connection’ (southeastern corner of the site), a series of public and communal open spaces including a main public park (c.0.85ha) in the east of the site, 281 surface car parking spaces, bicycle sheds, waste storage areas, hard and soft landscaping, boundary treatments, water services infrastructure (surface water, wastewater and water supply), utility ducting, public lighting, and all other site servicing and development works.
- 3.3. The following tables present the principal characteristics, features, and floor areas of the proposed scheme in summary, which are extrapolated from the application form, plans and particulars with the application.

Table 1: Key Statistics

Site Area	6.67ha (gross area) 5.22ha (net area)
Gross floor space	15,820sqm
Residential component	165 residential units 106 duplex apartments (c.64% of the scheme) 59 houses (c.36% of the scheme)

Net Density	c.32dph
Building Height	Duplex block types (3 designs): 3 storeys (principal height, 13.4m) House types (2 designs): 2 storeys (principal height, 9.54m)
Aspect (Duplex apartments)	Dual Aspect: 106 (100%)
Open Space	Total Open Space: 2.38ha Public Space: main park (8,467sqm) and 5 areas (7,999sqm) Communal Space: 9 areas (7,346sqm) Private: gardens and terraces (various sqm)
Part V provision	Total: 16 units 4 houses: 2 bedroom units 12 duplex apartments: 9 x 1 bedroom apartments, 1 x 2 bedroom duplex, and 2 x 3 bedroom duplexes
Car Parking	Total: 281 surface car spaces 163 communal spaces for the duplex apartments (1.5 per apartment) and 108 private spaces for the houses (2 per dwelling)
Bicycle Parking	Total: 90 communal spaces for the duplex apartments, in five bicycle sheds (note: TTA and Travel Plan refer to 99 spaces, however site layout plan indicates 90 spaces)

Table 2: Summary of Residential Unit Mix

Duplex apartments (106 units, 64% of the scheme)				
Unit Type	1 bed	2 bed	3 bed	Total
Total	15	49	42	106
% of Total	14%	46%	40%	100%
Houses (59 houses, 36% of the scheme)				
Unit Type	1 bed	2 bed	3 bed	Total
Total	0	32	27	59
% of Total	0%	54%	46%	100%
Overall Unit Mix as % of Total				

1 bed	2 bed	3 bed	Total
15	81	69	165
9%	49%	42%	100%

3.4. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by the following reports and documentation:

- Statement of Response to An Bord Pleanála Opinion (arranged in several documents),
- Statement of Consistency and Planning Report,
- Statement of Material Contravention,
- Architectural Design Statement,
- Schedule of Accommodation,
- CGI Visualisation and Photomontages,
- Daylight, Sunlight, and Overshadowing Study,
- Part V Compliance Methodology,
- Childcare Demand Analysis Report,
- Energy Statement and Building Life Cycle Report,
- Outdoor Lighting Report,
- Landscape Planning and Design Report,
- Traffic and Transport Assessment,
- DMURS Compliance Statement,
- Road Safety Audit Report,
- Travel Plan,
- Construction and Demolition Waste Management Plan,
- Engineering Services Report,
- Hydrological Impact Assessment Report,

- Archaeological Impact Assessment,
- Bat Assessment Report,
- Ecological Impact Assessment,
- Environmental Impact Assessment Screening Report,
- Statement on Article 299(B), and
- Natura Impact Statement.

4.0 Planning History

Application Site

No planning history.

Adjacent lands to north/ northwest (associated with the Retail Park)

PA Ref. 09/9009

Permission granted to P. Delaney in July 2009 for demolition of existing agricultural shed and construction of a cinema, four retail units, two office units, ancillary roads, car parking, building signage and all associated site development works.

This permission was partially implemented whereby demolition and site clearance works were undertaken with subsurface services, footpaths and road constructed at part of the subject site.

PA Ref. 07/9104

Permission granted to P. Delaney in May 2008 for a retail park accessed via a roundabout at Harbour Road and new road network. The retail park comprised of a discount store, cinema, drive through restaurant, foodstore with car parking, 8 retail units with car parking, vehicular and pedestrian access and internal roads, signage, site development works, ancillary site services, service areas and circulation. Total gross floor area of development being 21,778 sqm. The application will be accompanied by an Environmental Impact Statement.

This permission was partially implemented with the delivery of the referred-to new road layout from Harbour Road, discount store (Aldi), foodstore (Tesco), surface car parking area, vehicular and pedestrian access and internal roads.

Adjacent lands to north/ northeast (Eiscir Riada residential estate)

PA Ref. 19/1978

Permission granted to Limehill Esker Ltd (current applicant) in September 2020 for 78 residential units (mix of apartments, duplex apartments, dwellings), a creche, open space, and all associated site works.

As noted at the time of my site inspection, the residential component of this permission is at an advanced stage of construction. Construction of the childcare facility had not commenced.

5.0 Pre Application Consultation

5.1. Pre Application Consultation

5.1.1. A pre application consultation took place on the 29th April 2022 (ABP-312236-21) in respect of a proposed development comprising 167 no. residential units (125 no. houses and 99 no. apartments) at the application site. The main topics discussed at the tripartite meeting were (as per the Record of the Meeting, P312236-21):

- Compliance with the Galway CDP 2015-2021 and the Ballinasloe LAP 2012-2022,
- Design and Layout,
- Transportation and Connectivity,
- Open Space and Landscaping,
- Issues raised in CE Report, and
- Any Other Matters.

5.1.2. A copy of the record of the meeting, the Inspector's report and the Opinion are available for reference by the Board.

5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification on the 13th May 2022 that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The applicant was advised that certain issues in the documentation submitted needed to be addressed so that these could constitute a reasonable basis for an application.

5.2.2. The issues can be summarised as follows:

- Development strategy for the proposal is to be further considered/ justified for policy requirements in the Ballinasloe LAP (with regard to be had to the imminent adoption of a new LAP).
- Development strategy for the proposal is to be further considered/ justified for visual amenity and future residential amenity, urban design considerations, and open space strategy.
- Residential amenity for the proposal is to be further considered/ justified for daylight and sunlight access for residential units, private, public and communal open spaces.
- Road infrastructure and connectivity for the proposal is to be further considered/ justified for pedestrian and cycle connectivity to the town and adjacent existing and permitted development, with any impediments identified and measures to overcome same.
- Specific documents to be provided including statement of consistency with the relevant Galway CDP and Ballinasloe LAP, material contravention statement as applicable, development strategy statement for the wider area with a focus on the phasing strategy and delivery of accessibility, open space strategy with supporting green infrastructure, arboricultural, landscape and engineering plans, daylight and sunlight assessment, childcare demand analysis, traffic and transport assessment, surface water management plan, response to the planning authority pre-application consultation opinion, several environmental assessments (EIAR screening, AA screening, Ecological Impact Assessment with bat and bird surveys), taken in charge plan, construction and demolition waste management plan, and a public lighting plan.

5.3. Applicant Statement of Response

- 5.3.1. A Statement of Response (arranged in several documents) to the An Bord Pleanála Opinion is submitted with the application. The Statement of Response outlines the amendments made to the proposed development and responds in turn to the items requested to be submitted with the application. Key issues include the following:

Development strategy with regard to Ballinasloe LAP

- Since the pre planning consultation opinion issued, Galway CDP 2022-2028 and Ballinasloe LAP 2022-2028 have been newly adopted.
- Change to zoning of 65.5% of the application site from R-Residential Phase 1 to R-Residential Phase 2,
- Change in transportation policy so that *‘the consistency of the provision of an access roadway through the tract of land zoned Open Space was diluted and made more non-prescriptive’*.
- Notwithstanding, the proposed development remains consistent with the Core Strategy in the Galway CDP, and Objectives BKT 1, BKT 2, BKT 6, and BKT 8 in the Ballinasloe LAP.

Development strategy with regard to amenity and urban design considerations

- Amendments made to the scheme include:
 - a reduction in total number of units (from 167 to 165 units).
 - revised scale of blocks (dimensions, massing).
 - redesigned internal road layout so as to not dominate layout.
 - improved pedestrian connectivity through the scheme and with adjoining development.

Residential amenity

- Use of duplex apartment typology with own-door designs.
- All apartments now are dual aspect.
- Daylight and Sunlight assessment demonstrates residential units achieve required standards and scheme does not have a negative impact on adjoining properties.

Road infrastructure and connectivity

- Scheme provides for pedestrians and cyclists in accordance with DMURS and the National Cycle Manual.
- Pedestrian and cyclist connectivity provided through extending to existing access roads which provide access to Harbour Road and residential estate under construction.
- Layout of scheme designed to site edges and provides for future connections to adjacent estates to the south.

Specific Documents

- As requested, the range of specific documents have been provided.

6.0 Relevant Planning Policy

6.1. Having regard to the nature of the proposed development, the receiving environment, the documentation on the case file including the applicant statements (Statements of Response, Consistency, and Material Contravention), submissions from the observers, planning authority, and prescribed bodies, I consider the policy and guidance to be relevant to the determination of the application.

6.2. As necessary, certain policy and/ or objectives are cited in full or greater detail in section 7.0 as relevant to the applicant's statements, in section 8.0 in relation to observer submissions, in section 9.0 as relevant to the planning authority submission, and/ or in section 12.0 Planning Assessment of this report.

6.3. National Planning Context

National Planning Framework, Project Ireland 2040 (NPF)

6.3.1. A number of overarching national policy objectives are identified as being applicable to the proposed development from the NPF, including:

- NPO 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Planning Guidelines

6.3.2. The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021).
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2022 (Apartment Guidelines).
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines).
- Design Manual for Urban Roads and Streets, 2013, updated 2019 (DMURS).
- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021 (Commercial Institutional Investment Guidelines).

6.4. Regional Planning Context

Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 (RSES)

- 6.4.1. The RSES provides a development framework for the Western Region within which Ballinasloe is located. The RSES projects a maximum population increase to 2031 of c.103,500 persons for this part of the wider region. The RSES includes a settlement hierarchy with different urban typologies. After Galway City and three Regional Growth Centres, including Athlone as the most proximate to the application site, is the tier of Key Towns. In County Galway, these towns include Ballinasloe and Tuam.
- 6.4.2. The Key Towns are identified as playing a vital role in the region's settlement strategy. Population forecasts in Key Towns are envisaged as increasing by 30% of their 2016 Census figures within the lifetime of the RSES and up to 2040. Main policy objectives applicable to the proposed development include:

- RPO 3.1: Develop urban places of regional scale through...- Delivering significant compact growth in Key Towns, and - Developing derelict and underutilised sites, with an initial focus within town cores.
- RPO 3.2(c): Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.
- Section 3.8 outlines that Key Towns are those regionally strategic employment centres of significant scale that can act as regional drivers that complement and support the higher-order urban areas within the settlement hierarchy, and which have the potential to accommodate a significant level of growth in population and employment through appropriate investment in infrastructure, support services and placemaking initiatives.
- Ballinasloe is identified as a key county town providing an anchor for employment and performing as the main economic driver in east Galway. Several future priorities are identified for the town linked to tourism, transport, and recreational opportunities.

6.5. Local Planning Context

- 6.5.1. The application has been made under the Galway County Development Plan 2022-2028 (CDP) and the Ballinasloe Local Area Plan 2022-2028 (LAP). Accordingly, these are the applicable plans for the for the assessment of the application. The relevant local planning policy from both are outlined below.

Galway County Development Plan 2022-2028

- 6.5.2. Chapter 2 of the CDP includes the Core Strategy which details the county's settlement hierarchy and associated population and housing targets for the plan period. The spatial representation of the Core Strategy is indicated in the applicable land use zoning maps. While the CDP contains land use zoning maps for smaller towns, separate Local Area Plans have been prepared for larger towns, including that for Ballinasloe, which contain zoning objectives, corresponding maps and land use matrices.
- 6.5.3. The following are the key policy objectives and development management requirements applicable to the proposal. These are to be read in conjunction with

the objectives identified in the applicant's Statement of Consistency and identified by the planning authority in Section E of the CE Report.

- 6.5.4. The key CDP policy objectives included in Chapter 2: Core Strategy, Settlement Strategy and Housing Strategy are Policy Objectives CS 2, CS 5, SS 2, HS 1, and Table 2.11 Core Strategy as follows:

Policy Objective 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.

Policy Objective CS 5 Population within Tiers

It is a policy objective of the Planning Authority to support the delivery of the population projections within the different settlement tiers of the Core Strategy. Where individual settlements are not progressing to reach their population allocation at the half way point in the lifetime of the plan the population allocation maybe redistributed within the individual tier subject to servicing and the proper planning and sustainable development of the area.

Policy Objective SS 2 Key Towns (Level 2)

Recognise the Key Towns of Ballinasloe and Tuam as important drivers of growth in the County and support their sustainable development in line with the Core Strategy, in order to sustain their commercial core, retain their population and accommodate additional population and commercial growth.

Policy Objective HS 1 Housing Requirements

It is the policy objective of the Planning Authority to facilitate the housing needs of the existing and future population of County Galway through the management of housing development in the county in accordance with the Housing Need Demand Assessment, Core Strategy and Settlement Hierarchy.

Extract from Table 2.11 Core Strategy for Ballinasloe during 2022-2028

Population allocation	Housing allocation	Residential Units (brownfield)	Residential Units (greenfield)	Density	Brownfield ha	Greenfield ha
1,999	1,151	345	805	35	10	23

- 6.5.5. The key CDP policy objectives included in Chapter 3: Placemaking are Policy Objectives PM 1 and PM 10 as follows:

Policy Objective 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.

Policy Objective 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.

- 6.5.6. The key CDP policy objectives include in Chapter 6: Transport and Movement are Policy Objectives WC 1 and NNR 3 as follows:

Policy Objective WC 1 Pedestrian and Cycling Infrastructure

To require the design of pedestrian and cycling infrastructure to be in accordance with the principles, approaches and standards set out in the National Cycle Manual and the Design Manual for Urban Roads and Streets, TII Publications, 'The Treatment of Transition Zones to Towns and Villages on National Roads', and the NTA document Permeability: Best Practice Guide.

Policy Objective NNR 3 Design Manual for Urban Roads and Streets

Implement the national design standards outlined in the Design Manual for Urban Roads and Streets (DMURS 2019) for urban streets and roads within the 50/60 kph zone.

6.5.7. The key CDP policy standards included in Chapter 15: Development Management Standards are DM Standard 31 and DM Standard 67 as follows:

DM Standard 31: Parking Standards (extract)

Car Parking:

Dwellings/ Apartments (1-3 bedrooms): 1.5 spaces per dwelling.

Cycle Parking:

Housing Developments: 1 bicycle space per bedspace, 1 visitor bicycle space per two housing units.

DM Standard 67: Sustainable Drainage Systems (SuDS)

All new developments (including amendments / extensions to existing developments) will be required to incorporate ‘Sustainable Urban Drainage Systems’ (SuDS) as part of the development/design proposals. SuDS are effective technologies, which aim to reduce flood risk, improve water quality and enhance biodiversity and amenity. The systems should aim to mimic the natural drainage of the application site to minimise the effect of a development on flooding and pollution of existing waterways.

SuDS include devices such as swales, permeable pavements, filter drains, storage ponds, constructed wetlands, soakways (sic soakaways) and green roofs. In some exceptional cases, and at the discretion of the Council, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort. Proposals for surface water attenuation systems should include maintenance proposals and procedures.

Development proposals will be required to be accompanied by a comprehensive SuDS assessment that addresses run-off rate, run-off quality and its impact on the existing habitat and water quality. This approach using SuDS offers a total solution to rainwater management and is applicable in both urban and rural situations. Current best practice guidance on SuDS is available from the Guidance Documents produced by the Greater Dublin Strategic Drainage Study (GDSDS).

Ballinasloe Local Area Plan 2022-2028

6.5.8. The LAP defines the development boundary for the town, contains the land use zoning objectives, zoning map, land use matrix, and outlines the phasing strategy for the orderly development of the town. The LAP is accompanied by the Ballinasloe Local Transport Plan (LTP).

6.5.9. The following are the key LAP map-based objectives for the application site:

- Four zoning objectives apply to the application site as follows:
 - Residential Phase 1 (RP1): *'To protect, provide and improve residential amenity areas within the lifetime of this plan'*.
 - Residential Phase 2 (RP2): *'To protect, provide and improve residential amenity areas'*.
 - Open Space/ Recreation and Amenity (OS): *'To protect and enhance existing open space and provide for recreational and amenity space'*.
 - Business and Enterprise (BE): *'To provide for the development of business and enterprise'*.
- There are no protected structures, architectural conservation areas, or archaeological monuments within or adjacent to the site.
- There are no environmental or nature conservation designations, or flood plains within or adjacent to the site.
- There are no protected views or landscape designations within or adjacent to the site.
- There are no reservations identified for access or transport infrastructure within or adjacent to the site. In the LTP an 'additional link' cycle route for future development (fig. 52) is indicated traversing the site.

6.5.10. The LAP contains a land use matrix table (section 1.6.1, pg. 13) with several caveats of direct relevance to the proposed development. The key issues arising from the matrix and caveats include:

- Residential zoning objective 'R' in the matrix table includes lands zoned as both Phase 1 (P1) and Phase 2 (P2).

- Different residential use classes are specified, 'Residential (excluding apartments) P1' and 'Apartments P1'.
- Under zoning objective 'R', use class 'Residential (excluding apartments) P1' is permitted in principle while 'Apartments P1' is open for consideration.
- Qualifying caveats to the table include that:
 - 'Residential (excluding apartments) P1' will be considered subject to Policy Objective BKT 6.
 - For lands under zoning objective 'R':
 - P1 is phased for residential development within the lifetime of this Plan, and
 - P2 is 'generally not developable during the lifetime of this Plan, subject to the provisions and exceptions set out under Policy Objective BKT 6'.
- A use class is indicated as open for consideration may be permitted if found to be compatible with the policy objectives for the zone, to not conflict with permitted uses and conform to the proper planning and sustainable development of the area, including the policy objectives set out in the LAP.
- Under zoning objectives BE and OS, both use classes 'Residential (excluding apartments) P1' and 'Apartments P1' are not normally permitted in principle.
- A use class is indicated as being not normally permitted due to its perceived effect on existing and permitted uses, its incompatibility with the policy objectives, standards and requirements contained in the LAP, or the fact that it may be inconsistent with the proper planning and sustainable development of the area.
- A use class classified as not normally permitted is one that will not be permitted except in 'exceptional circumstances'.

6.5.11. Chapter 3: Land Use Policy Objectives of the LAP contains several objectives relating to the development of the town. Of particular relevance to the proposed development includes those relating to the core strategy, Policy Objective BKT 1 and phasing, Policy Objectives BKT 6 and 8, which are as follows.

Policy Objective BKT 1 Consistency with the Core Strategy

Ensure that the developments permitted within the plan area are consistent with the zoned land allocations in the Core Strategy and associated provisions in the Galway County Development Plan (GCDP) 2022 – 2028.

Policy Objective BKT 6 Residential Development Phasing

Support the development of lands designated as Residential (Phase 1) within the lifetime of the Plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of Ballinasloe. Residential (Phase 2) lands are generally not developable for housing within the lifetime of this Plan, with the exception of the following developments, which may be considered by the Planning Authority, subject to a suitable evidence based case being made for the proposal:

a) Single house developments for local family members on family-owned land, subject to a 7-year occupancy clause.

b) Non-residential developments that are appropriate to the site context, residential amenities, the existing pattern of development in the area and the policy objectives in the Plan.

c) Where it is apparent that Residential (Phase 1) lands cannot or will not be developed for residential purposes within the plan period, residential development may be considered in limited cases in a phased manner on suitable Residential (Phase 2) lands, in exceptional circumstances:

- Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development.*
- Residential developments on Residential (Phase 2) lands will be subject to compliance with the Core Strategy, the principles of proper planning and sustainable development, connectivity, including infrastructure and public footpath and lighting to the town centre, the sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements. Developments will only be permitted where a substantiated evidence-based case has been made to the*

satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of each settlement.

Policy Objective BKT 8 Sequential Development

Endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach as set out in the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines 2009 (or as updated). This shall include a presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands emanating outwards from the town core and/or sequential extensions to the existing residential fabric of suitably serviced Residential (Phase 1) lands within the LAP boundary, subject to the principles of proper planning and sustainable development and the current County Development Plan.

- 6.5.12. Other LAP policy objectives relevant to the proposal relate to high quality design and surface water drainage and include Policy Objectives BKT 23 and BKT 48 as follows:

Policy Objective BKT 23 High Quality, Contextually Sensitive Design

Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the existing character of the area in terms of scale, height, massing, building line, urban grain and definition and through high quality design proposals for buildings/ structures/ shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details.

Policy Objective BKT 48 Surface Water Drainage and Sustainable Drainage Systems (SuDs)

Maintain and enhance, as appropriate, the existing surface water drainage system in Ballinasloe. Ensure that new developments are adequately serviced with surface water drainage infrastructure and promote the use of Sustainable Drainage Systems in all new developments. Surface water runoff from development sites will be limited to pre-development levels and planning applications for new developments will be

required to provide details of surface water drainage and sustainable drainage systems proposals.

7.0 Applicant Statements

7.1. Statement of Consistency

7.1.1. The applicant has submitted a Statement of Consistency as per section 8(1)(iv) of the 2016 Act. This statement indicates how the proposed development is consistent with national (including NPF and Ministerial Guidelines), regional (RSES) and local (CDP and LAP) policies and objectives. Of note, include the following points:

National Policy

- Consistent with applicable NPF policy objectives including NPO 3a and NPO 3c as delivering new homes in the footprints of existing settlements other than the five cities, and NPO 4 and NPO 18a as supporting proportionate growth and appropriately designed development in rural towns.
- Consistent with the Sustainable Residential Development Guidelines as the proposed density of c.32dph is appropriate for the town centre location, at the edge of the built-up area, and due to site context and planning history.
- Consistent with the Urban Design Manual accompanying the Sustainable Residential Development Guidelines as the proposal complies with design best practice and satisfies each of the 12 criteria for good urban design.
- Consistent with Building Height Guidelines as the proposal complies with the mandatory SPPR 4 as the proposal has a compliant density, mix of building heights, typologies, avoids mono-type building typologies, and features higher elements at corners of main routes to create a sense of urban neighbourhood.
- Consistent with the Quality Housing for Sustainable Communities as the proposed houses meet the required design standards for sizes, dimensions, private open space;
- Consistent with the Apartment Guidelines as the site is an appropriate location for apartments (within 1000m/ 10mins walking distance of the town centre) and the

proposed apartments meet the SPPR required standards for sizes, dimensions, and open space.

- Consistent with DMURS as main roads are provided with cycle lanes and the overall scheme has adequate provision of pedestrian footways and connectivity.
- Consistent with the Flood Risk Guidelines as the Hydrological Impact Assessment demonstrates the proposal not in a flood plain and the minimum finished floor levels are higher than the maximum predicted flood levels of the River Suck.
- Consistent with the Childcare Guidelines which state that childcare facilities should be provided in appropriate locations to meet demands and the submitted Childcare Demand Analysis demonstrates that the demand from the proposal (44 spaces) can be met in the adjacent permitted childcare facility.

Regional Policy

- Consistent with the applicable RSES policy including RPO 3.2(c) as the proposal supports consolidated growth on zoned lands, in Ballinasloe town centre (designated as a Key Town), and RPO 7.17-7.20 as new and adaptable residential units are provided in a scheme with a distinct identity.

Local Policy: County Development Plan

- Consistent with Policy Objective CS 2 Compact Growth as the proposal for 165 residential units represents a significant contribution to achieving the Core Strategy allocation for Ballinasloe of 805 dwelling units, and the site is most proximate to the town centre, satisfies sequential development principles, is serviced/ serviceable, and facilitates connectivity to the town.
- Consistent with Policy Objective CS 5 Population with Tiers as the proposal of 165 residential units could generate a population of 413 persons which will support the delivery of the Core Strategy population projection for Ballinasloe of 1,999 persons.
- Consistent with other Policy Objectives CGR 1, PM 1, PM 3, PM 9, UL 2, UL 3, UL 5, and PV 1 which relate to achieving good design, placemaking, connectivity, housing mix, open space, and delivering part v units.

Local Policy: Local Area Plan

- Consistent with Objective BKT 1 Consistency with the Core Strategy as the provision of 165 residential units significantly contributes to achieving the Core Strategy allocation for Ballinasloe, the site is zoned for residential purposes and is within the LAP boundary, and the proposal represents the orderly and sequential development of greenfield lands.
- Consistent with Objective BKT 6 Residential Development Phasing as there is flexibility in the objective (emphasises the word 'generally' about RP2 lands being generally not developable within the lifetime of the LAP and the inclusion of exceptional circumstances) which allows RP2 lands to be developed. The applicant states that the exceptional circumstances which would allow the site to be developed include the implications of the previous 2015 LAP residential zoning of the site (unrestricted by phasing), the development of the adjacent residential scheme (PA Ref. 19/1978, access road and services partially provided), and that parts of the site and other lands further south will be landlocked and sterilised if the proposed development is not permitted to be developed. States that an evidence-based case is made to support the development of the RP2 lands within the site by analysing the RP1 zoned lands (refers to a total of 23ha, identifies land parcels A-M excluding parts of the site) and estimating their development potential. The case finds that 31% (c.7.16ha) of the RP1 lands are not available for development, which is calculated as being a shortfall of 251 residential units and 627 persons in the Core Strategy allocations for Ballinasloe. Separately, the applicant submits that 105 residential units have been granted permission on certain RP1 lands which when combined with the proposed 165 residential units results in 535 residential units remaining available from the Core Strategy allocation for Ballinasloe.
- Consistent with Objective BKT 8 Sequential Development as the site represents the next sequential development site which is appropriate and available for development.
- Consistent with other Objectives BKT 2, BKT 3, BKT 16, BKT 23, BKT 24, BKT 27, BKT 35, BKT 36, BKT 37, BKT 44, BKT 45, BKT 48, BKT 57, BKT 58, BKT 59, and BKT 60 which relate to serviced lands, environmental assessments, open

space, quality design, universal access, social and affordable housing, traffic and safety assessments, roads and infrastructure, reservation of access points, flood risk, connection to public water services, SuDS, utilities and services, hedgerows, and development management standards.

7.2. Statement of Material Contravention

- 7.2.1. The applicant has submitted a Statement of Material Contravention, in accordance with section 8(1)(a)(iv) of the 2016 Act. This statement identifies two policy objectives from the Ballinasloe LAP 2022-2028 that the proposed development may be considered to materially contravene and indicates the legislative policy context through which the contraventions, if so found to be, are appropriate.

Policy Objectives BKT 32 and BKT 37

- 7.2.2. The policy objectives identified as being contravened and the reasons the applicant has given as to why are as follows:

Policy Objective BKT 32 Transportation Infrastructure

Reserve access points for future development and the development of backlands that may be identified for reservation by the Planning Authority during the plan period, to ensure adequate vehicular, pedestrian and cycle access to backlands, in order to facilitate efficient development of these lands and to ensure connectivity and accessibility to lands with limited road frontage.

Policy Objective BKT 37 Reservation of Access Points

Facilitate the provision and maintenance of essential transportation infrastructure. This shall include the reservation of lands to facilitate public roads, footpaths, cycle ways, bus stops and landscaping together with any necessary associated works, as appropriate.

- 7.2.3. Policy Objectives BKT 32 and BKT 37 relate to transportation infrastructure and access arrangements. Both objectives refer to reserving lands to facilitate the provision of necessary transport infrastructure allowing for future development. The applicant states that the LAP does not include any mapped specific objectives or supporting maps which identify the reservation of vehicular access points which would cater for the future development at the site.

7.2.4. The applicant submits that the proposed development includes for the provision of roadways and access points to serve the scheme, and that it could be construed that the proposal materially contravenes Objectives BKT 32 and BKT 37 in the absence of any definitive reservations for roads and/ or access points to the site being identified in the LAP. The applicant submits that if the provision of vehicular roads to access the site cannot be considered, it would render these serviceable residential development lands as being essentially landlocked and undevelopable.

Applicant's Justification for Material Contraventions

7.2.5. The applicant has outlined the legislative context facilitating the justification for the material contraventions in respect of section 37(2)(b) of the 2000 Act, as amended. Of the two objectives identified, the applicant provides combined justifications as the issues are similar in nature.

7.2.6. In respect of the proposal including for transportation infrastructure and access points in the absence of mapped reservations for same in the LAP, the applicant submits the material contraventions of Policy Objectives BKT 32 and BKT 37 are justified by reason of section 37(2)(b)(i), (ii), and (iv) as follows:

- The proposal being of strategic and national importance:
 - compliance with national housing legislation and policy, national planning policy, and planning guidelines.
- Objectives in the development plan are not clearly stated:
 - Objectives BKT 32 and BKT 37 refer to reservations of land and access points but these are not clearly mapped.
 - There are two versions of Objective BKT 37 included firstly in the LAP and secondly in the LTP. The version of Objective BKT 37 in the LTP is as follows (Note: the bold emphasis indicates the additional text):

*Reserve access points for future development and the development of backlands that may be identified for reservation by the Planning Authority during the plan period, to ensure adequate vehicular, pedestrian and cycle access to backlands, in order to facilitate efficient development of these lands and to ensure connectivity and accessibility to lands with limited road frontage. **Filtered permeability, pedestrian and cycle-only access***

points should be considered as part of this process, with reference made to the NTA's Permeability Best Practice Guide as appropriate.

- There are two versions of Objective BKT 38 included firstly in the LAP and secondly in the Ballinasloe LTP. The version of Objective BKT 38 in the LTP includes reference to completing a 'proposed link road at Dunlo' which the applicant submits may relate to the subject lands having regard to the planning history of the area.
- Regard being had to the pattern of development in the area:
 - Road and access points reservations were clearly included in the previous 2015 LAP.
 - Planning permissions were granted and have been implemented on the basis of the previous 2015 LAP.
 - These include access points and roadways which the proposed development seeks to connect with, extend to, and utilise.

8.0 Observer Submissions

8.1. Seven submissions have been received from third party observers (including those with addresses given at Beechlawn, Beechlawn Hill, and College Court). These are in objection to the proposed development.

8.2. The submissions can be summarised under the following headings:

Phasing and Sequential Approach to Town's Development

- Ballinasloe LAP identifies several alternative development sites which should be preferentially developed for residential purposes.
- Proposal conflicts with the LAP as the indicated construction phases 1-3 are on part of the site zoned as RP2 as opposed to RP1.
- Proposal compromising the preferred and sustainable development sequence approach to the town's development.
- It would be discriminatory for these Phase 2 lands to be developed over Phase 1 lands and/ or other Phase 2 lands.

- Public rely on the zoning objectives in the LAP and any attempt to undermine this may result in judicial review.

Density, Facilities and Services

- Density of the proposal is not consistent with the established area.
- Area south of site is characterised by low density rural housing.
- Proposal should be lower density with larger family homes.
- Services are already overstretched and under resourced in the town e.g. garda, childcare facilities, schools.
- Scheme does not include any building for day social services or purpose-built buildings for individuals with additional needs.

Design, Height, and Character of the Area

- Design is inappropriate for context and lacks vision.
- Scheme dominated by the design of the roads and a more imaginative design could be achieved with greater setbacks.
- Type and character of residences proposed are in direct contrast to established bordering residences.
- Houses and apartments are monotonous, lack variety in terms of design, orientation, and materials.
- Refuse facilities and collection points not clearly indicated.
- Open space layout is poor.
- Cross sections indicate that the highest 3 storey buildings are located on higher grounds than the 2 storey which creates an imbalance and is inappropriate.

Residential Amenity

- Proposal is overbearing to adjacent residential properties.
- Any use of Beechlawn Heights as a through road would dramatically interfere with the established norms of living in the area.

- Area of open space (small, incidental, and not maintainable) which backs onto the western boundary should be incorporated into House No.s C137 and C138 for amenity and safety purposes.
- Overhanging balconies are undesirable and should be integrated into the building for amenity reasons.
- Inappropriate and/ or inadequate boundary treatments (landscaping) proposed adjacent to Tesco and the along the southwestern boundary (incorporating the boreen (old walkway/ mass route)).

Biodiversity, Ecological and Environmental Impact

- Conflict between the findings of the badger survey (badger setts and runs are likely within the site) and the ecology report which states the site is unsuitable for badgers. This indicates a knowledge gap which should be addressed.
- Bat survey refers to renovation works in the mitigation measures of which there are not any, so has the proposal being wrongly assessed.
- Disputes the assessment and conclusions of the EclA report in relation to impact on the River Suck Callows SPA and the presence of orchids at the site.
- Questions whether cumulative impacts with PA Ref. 19/1978 have been adequately considered in respect of sub threshold EIA.
- Raises potential for project splitting (PA Ref. 19/1978, proposal development, future connections to adjacent lands) and avoidance of EIA requirement.
- Submits the EIA screening is defective and that the project requires an EIA due to the impact on the River Suck Callows SPA, and protected species and habitats.

Traffic, Access, and Parking

- Questions information and projections in the TTA, e.g. the number of morning peak trips.
- No data on or analysis of traffic on Beechlawn Road included in the documentation, which in a recent local authority survey was found to be high frequency and high speed.

- Traffic safety concerns in relation to the Dunlo roundabout, Beechlawn Heights and Beechlawn Road.
- Beechlawn Heights granted permission for the current number of houses in the estate and not to allow full flow access for vehicles from the proposed development onto Beechlawn Road (to the south).
- Beechlawn Heights and Beechlawn Road will be used as a through road and a rat run.
- Beechlawn Hill, which the site partially bounds, is a privately held road that is not referred to.
- Proposed development includes for potential connections through to several existing fields and Beechlawn Heights, the multiplicity of connections and potential volumes of traffic are of concern.
- Proposed development (c.280 car parking spaces) in combination with PA Ref. 19/1978 results in c.400 car parking spaces which will generate extra traffic of a nature likely to be unsustainable as majority of trips will be out of town.
- No information on electric vehicles, and there are insufficient bike storage facilities.
- Cycle lanes are not sufficiently interconnected within the proposal and are entirely absent south of apartment blocks B11-B13.
- Substandard network of cycling lane infrastructure between the proposed development and Ballinasloe town.
- Discrepancy/ conflicts in the details provided for road widths and cycle lanes as an engineering drawing indicates 6m width with no cycle lanes, site layout plan indicates 1.8m wide cycle lanes, DMURS statement refers to shared road use. If DMURS standards are applied, road widths of minimum 9.9m would be required (1.8m cycle lanes and 3.15m each way-traffic carriageway).
- Proposal does not appear to comply with DMURS in terms of width, turning radii, traffic calming, contrasting materials, forward visibility.

- Incorrect information provided on bicycle parking in the documentation as TTA refers to 99 spaces, but the site layout plan indicates 90 spaces in five stores, both of which must be substandard.
- Recommendations of the road safety audit do not appear to have been incorporated into the scheme.

Water Services and Flood Risk

- No proposals for rainwater conservation and re-use.
- Not definitively demonstrated that the surface water soakaways have the capacity to deal with the volume of water to discharge to them from roads, footpaths etc.
- No tests are provided in accordance with the BRE digest 365 soakaway design.

Other

- Lack of consultation with adjacent residents.
- Absence of site notice along southern side of the site.
- Discrepancies and/ or omissions in the documentation e.g. description of adjacent roads, and occurrence of serious collisions on local road network.
- Disputes applicant's land ownership details as part of the western hedgerow boundary is included which is understood to be a mass/ funeral path.
- Questions legitimacy of reliance on infrastructure associated with PA Ref. 19/1978 to support the proposed development which may not be commenced, completed, delivered according to the conditions.
- Plans not in compliance with requirements of P & D Regulations (drawings have not indicated adjacent properties, north point).

9.0 Planning Authority Submission

9.1. Overview

- 9.1.1. The Chief Executive's (CE) report, in accordance with the requirements of section 8(5)(a) of the 2016 Act, was received by An Bord Pleanála on the 25th October 2022.

The planning authority recommends permission be refused for the proposed development for five reasons, however in accordance with section 5 of the 2016 Act, provides 35 conditions to be attached in the event of a grant of permission by the Board.

- 9.1.2. The report describes the site location, details the proposed development, lists the relevant policy context, outlines the planning history, identifies key issues in the prescribed bodies and third party submissions, presents the views of the elected members, provides an assessment, with a conclusion, statement of recommendation, and planning conditions.

9.2. **Summary of Views expressed by Elected Members**

- 9.2.1. The CE report refers to a special meeting of the elected members of the Municipal District of Ballinasloe held on the 20th October 2022.

- 9.2.2. The following is a summary of the views expressed by elected members:

- Queries regarding the phased nature of zonings of lands within the application site,
- Queries regarding material contraventions of County Development and Local Area Plan and proportion of the Core Strategy allowance for Ballinasloe,
- Support for the proposal as largescale development needed in the town (increased residential units with potential for student accommodation, increased economic activity, support hospital and investment opportunities),
- Proposal is of a high-quality design which will enhance the town,
- Queries regarding standards (e.g. open space, car parking, EV parking) and services (childcare facilities, public transport),
- Queries regarding density and building heights,
- Proposal may overburden already over-stretched services in the town (e.g. general practitioners, hospital, education services),
- Potential right of way (funeral path) crossing the site should be respected and protected, and

- Beech Lawn area should be safeguarded with no-through access facilitated from the proposed development.

9.3. Summary of Planning Assessment contained in the Chief Executive's Report

9.3.1. The following is a summary of key planning considerations identified in the CE report.

Core Strategy

- Ballinasloe is identified as a key town within the Core Strategy with a total housing allocation of 1,151 residential units during the lifetime of the CDP until 2028.
- A total of 805 units are permitted to be delivered on greenfield sites, at a density of 35 units per hectare. This quantum is to be secured through the development of lands zoned as RP1.
- Extant permissions in Ballinasloe on such zoned lands is estimated as c.113 units, which in combination with the proposed development of 165 units would yield 278 units.
- This figure of 278 units does not constitute an exceedance of the core strategy housing allocation for the settlement of Ballinasloe of 805 units.
- However, a significant portion of the proposed residential units are located on lands outside of the RP1 zone which are not identified for development within the lifetime of the CDP and not included within the core strategy allocation.
- Large scale residential development on such lands may, by itself and by the precedent it would set for similar development on RP2 lands, have an undermining effect on the core strategy of the CDP.

Land Use Zoning Objectives

- In the Ballinasloe LAP, the application site is zoned as four different land use zoning objectives, Residential Phase 1, Residential Phase 2, Business and Enterprise, and Open Space/ Recreation and Amenity.
- LAP has allocated 23.02ha of RP1 zoned lands to accommodate the housing allocation 805 units at a density of 35 units per hectare.

- The total area of the application site is 6.67ha of which c.1.8ha is zoned as RP1 lands (c.26% of the site area). The area zoned RP2 amounts to c.3.4ha.
- Policy Objective BKT 6 Residential Development Phasing supports the delivery of RP1 zoned lands within the lifetime of the CDP, with a presumption against the development of RP2 lands which are to be reserved for the longer-term growth of the town.
- Policy Objective BKT 6 contains three exceptions including a) single-house development, b) appropriate non-residential development, and c) residential development of Phase 2 lands when Phase 1 lands will not be developed within the CDP period, where 50% of the lands in Phase 1 are committed to development, and if in compliance with the Core Strategy, proper planning and sustainable development, and subject to normal planning, environmental, access and servicing requirements (evidence-based case required indicating Phase 2 development will not prejudice the future use of the lands for the longer-term growth needs of each settlement).
- While the proposed development of RP1 lands is acceptable, the applicant has not met or made a compelling case to qualify under any of the exceptions to Policy Objective BKT6, therefore the proposed development of any RP2 lands is not in compliance with land use zoning objectives of the Ballinasloe LAP.
- Policy Objective BKT 8 Sequential Development promotes the sequential development of Phase 1 lands from the town core outwards and/ or sequential extensions to the existing residential fabric within the LAP boundary. The proposed development is incompatible with same and as such materially contravenes the Ballinasloe LAP.
- Questions the compatibility of the proposed western access road through Business and Enterprise zoned lands (c. 0.3ha of site area) to facilitate the development of part of the Phase 2 lands (Blocks A1-A2 and B1-B5 on c.2.2ha), the eastern access road through Open Space/ Recreation and Amenity zoned lands (along eastern boundary), and the 'future connection' access road through Open Space/ Recreation and Amenity zoned lands (southeastern corner).

- Does not concur with the applicant's position (as per the Material Contravention Statement) that the proposed development contravenes LAP Policy Objectives BKT 32 Transportation Infrastructure and BKT 37 Reservation of Access Points, instead finding the contravention is of the land use zoning objectives (RP2, and the required access roads through other BE and OS zonings to access the site).

Urban Density

- The proposed development is indicated as having a net density of c.32.1 dph.
- With regard to DM Standard 2 of the CDP (Table 15.1 Residential Density), the site is identified as an outer suburban/ greenfield location in a key town for which a density range of 15-25dph is appropriate. The proposal is stated as appearing to exceed same.
- With regard to the Sustainable Residential Development Guidelines, the site is indicated as being at an outer suburban/ greenfield location in a large town (Ballinasloe has a population in excess of 5,000 persons), for which an appropriate density range is 35-50dph. The proposal is stated as appearing to be at the lower range of same.
- With regard to the Apartment Guidelines, the site is identified as being a peripheral and/ or less accessible urban location for which a density of less than 45dph is appropriate.

Housing Mix and Tenure

- In lands zoned Residential 'R', apartments are 'open for consideration' whereas residential developments excluding apartments are 'permitted in principle' subject to Policy Objective BKT 6.
- This reaffirms that the zoning matrix does not supersede the phasing requirements of the lands zoned Residential 'R', whereby only Phase 1 lands are developable within the LAP lifetime.
- Of the total unit mix, c.25% are apartments, c.39% are duplex apartments, and c.36% are houses, of which c.58% are 1 and 2 bedroom properties.

- Represents an appropriate mix with reference to local housing need and demand analysis demonstrating future requirements for same.

Environmental Considerations

- There is no mandatory requirement for an Environmental Impact Assessment Report to be prepared for the proposal.
- The proximity to the River Suck Callows SPA (600m to the northeast) and the provision of a Natura Impact Statement for the proposal are noted.
- An Bord Pleanála is identified as the competent authority with responsibility for undertaking the respective assessments.

Flood Risk and Surface Water Management

- The site location within Flood Zone C and the provision of a Hydrological Impact Assessment for the proposal are noted.
- The site overlies a groundwater body (Suck South IE_SH_G_225) which is subject to an abstraction license for drinking water. The most southerly part of the catchment for the groundwater body is downstream of Ballinasloe. The groundwater waterbody is identified as having a 'good status'.
- The nearest surface waters in the immediate vicinity are the Suck_140 to the northeast and the Suck_150 to the south. Both of these surface water bodies are identified as being 'at risk', and the Suck_140 forms part of the River Suck Callows SPA (a groundwater hydrological connection). The groundwater and surface water drainage systems are described as highly interlinked throughout the catchment.
- While there are no identified surface water features within the site or its immediate vicinity, the site is considered to be sensitive in nature with potential hydrological connections to protected waters.
- The proposal lacks site specific drainage measures to further mitigate against any potential adverse impacts on groundwaters by means of modern SUDs solutions such as nature-based drainage solutions, including swales or rain gardens, or indeed the harvesting of rainwater.

- The Hydrological Impact Assessment does not include precise calculations of generated surface water run-off, in conjunction with full details of areas of proposed permeable paving including saturation capacity.
- Proposal fails to comply with DM Standard 2 Sustainable Drainage Systems of the Ballinasloe LAP and DM Standard 68 (sic DM Standard 67) of the CDP.

Placemaking, Architecture and Urban Design

- Questions whether the proposal satisfies the Building Heights Guidelines (section 3.5) requiring integrated, attractive streets based on traditional town environments with a good sense of enclosure and legible streets, squares and parks and a strong sense of urban neighbourhood.
- The proposed heights of the building typologies are not considered to conflict with the requirements of the Building Height Guidelines (section 3.7) for urban locations such as suburban edges of towns. Instead, it is considered that aspects of the proposed layout result in somewhat dendritic characteristics. This approach is in conflict with the provisions of DMURS and references to consistency with same to justify the provision of higher building typologies.
- References to 'potential future connection' are outside the site and therefore presumably not part of the development. The scheme is effectively divided into two separate developments both of which appear to be of a highly dendritic nature which would be contrary to the provisions of DMURS.
- Proposed layout fails to be sufficiently exploitative or reflective of the potential to make street connections with adjoining development, e.g. the existing road connections to the Dun Esker development to the east.
- Unsatisfactory road layout in the southeastern corner of the scheme which fails to make connections to the existing development to the east, with incidental public space provided between the existing and proposed new road.
- Architectural Design Statement fails to focus on placemaking or distinction of the character areas, streets, and spaces the scheme proposes to create (only a basic analysis provided of the proposal).

- Site layout is not considered an optimum design response resulting in good urban placemaking outcomes or the establishment of suitably defined and enclosed urban character areas given the provisions of LAP Policy Objective BKT 23 High Quality, Contextually Sensitive Design.

Mobility

- Acknowledged that access points are not specifically identified as reserved points on the LAP zoning map.
- The proposed access routes cross lands zoned as OS to the east and B & E and RP2 lands to the west which are contrary to these zoning objectives.
- Insufficient information is provided on internal access routes, pavement details, proposed surface materials, no clear delineation of cycle lanes, or vehicle tracking/ swept path analysis.
- Travel Plan is deficient in several areas including how the proposal will impact/ encourage greater use of sustainable modes of transport, and in analysis of frequency of public transport, public and private buses, train connectivity, accessibility of services, and proximity of the site to essential services.
- Road Safety Audit highlights a number of concerns regarding the proposed site layout which have not been addressed and have the potential to significantly impact on the proposed site layout, in particular relating to long straight roads, cycle lanes, junction visibility, parking bays, turning heads, refuse collection movements, and inadequate cycle parking.

Green Infrastructure and Biodiversity

- Notes the findings of the Bat Assessment and the presence of four bat species at the site.
- Recommends a bat box scheme be designed and implemented to address any fragmentation of corridors and a lighting scheme which incorporates reduced artificial light (intensity and spill). Finds that the proposal falls short of these requirements and other recommendations in the Bat Assessment (e.g. incorporate bat and/or bird boxes in the landscape plan).

- A detailed arboricultural survey has not been undertaken, the landscape plan lacks sufficient detail on the number and species of plants and trees, fails to clearly delineate the areas of existing hedgerow, the lengths to be retained and measures for protection same during construction.

Community Facilities and Services

- Does not concur with the applicant's Childcare Demand Analysis which concludes the proposal would not generate a demand for a childcare facility.
- Finds the proposal to be of a scale that would, by itself generate considerable demand for such facilities, and is therefore contrary to section 2.4 of the Childcare Guidelines.

Services

- Notes that Irish Water has confirmed feasibility of water supply and wastewater servicing.
- Questions adequacy of surface water management proposals (four soak pits proposed, more SuDS and nature-based systems could be proposed).

Part V

- Questions legislative context for the number of units to be provided (10% or 20%) and states it is incumbent on the applicant to comply with the applicable legislation on the matter.

Cultural Heritage

- Notes the submission and requirements of the DAU of the Department of Housing in respect of archaeological heritage.

9.4. Chief Executive Report Recommendation

- 9.4.1. The CE Report recommends permission for the proposed development be refused for five reasons as follows:

Reason 1

It is considered that the proposed development would materially contravene the provisions of the Ballinasloe Local Area Plan 2022-2028, which provides that no development should be permitted in Phase 2 Residential lands, which forms a

significant proportion of this application site, until a substantial portion of all Phase 1 lands have been completed.

Therefore to allow this development would be premature and would materially contravene Land Use Zoning Objectives as well as policy provisions BKT 6 and BKT 7 (sic, BKT 8) of the Ballinasloe Local Area Plan 2022-2028 and as such would be contrary to the orderly and phased development of the town and would therefore be contrary to the proper planning and sustainable development of the area.

Reason 2

The proposed development would endanger public safety by reason of serious traffic hazard because it is considered that the site layout does not adequately provide appropriate turning heads and in the absence of swept path analysis for both fire tender and refuse truck movements, there are concerns that fire tender access to many areas of the site are not in compliance with TGD Part B of the Building Regulations. Deficiencies in design identified in the Road Safety 1/2 audit are not adequately addressed in the design proposed development and as such proposed site layout poses a risk to other road users and would therefore (sic) be contrary to the proper planning and sustainable development of the area.

Reason 3

The proposed development requires vehicular accesses which cross both open/space (sic), Recreation and Amenity zoned lands as well as Residential Phase 2 Lands, the development of these access roads would materially contravene the land use zoning objectives of the Ballinasloe Local Area Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

Reason 4

It is considered that the development, as proposed, would result in a poor quality of residential design and layout that would be substandard in its scale and layout and would fail to provide high quality usable open spaces or sufficient street connectivity with contiguous development. The proposed development would therefore be contrary to Ballinasloe Local Area Plan Policy Objective BKT 23 and Galway County Development Plan Policy Objective PM 1, PM8 and PM10 and Section 3.1.1 (sic, 3.3.1) of the Design Manual for Urban Roads and Streets (2019). The proposed

development would accordingly be contrary to the proper planning and sustainable development of the area.

Reason 5

In the absence of a dedicated childcare facility for a development of the scale and extent proposed, it is considered that the proposed development is contrary to the provisions of Section 2.4 of the Childcare Facilities: Guidelines for Planning Authorities (2001). The proposed development would be contrary to the proper planning and sustainable development of the area.

Conditions in the Event of a Grant of Permission

9.4.2. In the event of a grant permission, the CE Report includes 35 recommended conditions. These are for the most part standard in nature with a degree of crossover:

- Implementation, phasing, and construction: Conditions 2, 3, 4, 14, 15, 23, 24, and 26.
- Residential estate standards and operation: Conditions 7, 10, 11, 12, 13, 16, 17, 18, 19, 21, 22, 25, and 28.
- Water services: Conditions 8, 9, 10, 31, and 32.
- Traffic and transportation: Conditions 5, 6, 15, and 29.
- Environmental, biodiversity and cultural heritage protection: Conditions 4, 12, 30, and 33.
- Administrative: Conditions 20, 27, 34 and 35.

10.0 Prescribed Bodies Submissions

10.1. The list of prescribed bodies that the applicant was required to notify prior to making the SHD application to An Bord Pleanála, issued with the pre application consultation opinion, and included the following:

- i. Irish Water,
- ii. Minister for Housing, Local Government and Heritage,
- iii. Heritage Council,

- iv. An Taisce, and
- v. Galway County Childcare Committee.

10.2. The applicant notified the listed prescribed authorities, and copies of the correspondence are submitted with the application.

10.3. Of the prescribed bodies notified, submissions on the application have been received from two prescribed bodies. A summary of the submissions made are included in the following subsections. I highlight that separate correspondence from Irish Water (Confirmation of Feasibility and Statement of Design Acceptance) also accompany the application.

10.4. **Uisce Eireann**

10.4.1. The submission provides observations on water and wastewater connections, capacity, design standards, and recommendations. Key issues include:

- In respect of water supply, a connection between the proposed development and the existing 400mm public watermains is feasible via a permitted 150mm diameter watermain (under the control of the applicant) planned to serve adjacent development. The 150mm watermain is confirmed as having sufficient capacity to service the proposed development. The provision of the 150mm watermain by the applicant is subject of a self-lay agreement.
- In respect of wastewater, a connection between the proposed development and the Ballinasloe WWTP is feasible via an existing pumping station (under the control of the applicant serving adjacent development (Aldi and Tesco). An upgrade to the pumping station is required to service the proposed development. The rising main to the Ballinasloe WWTP is confirmed as having sufficient capacity to service the proposed development.
- Uisce Eireann identify that any and all consent, design and construction of all water and/ or wastewater infrastructure are the responsibility of the applicant, and
- Requests, in the event of a grant of permission, conditions are attached requiring a connection agreement, restricting construction near/ diversion of its services, and development to be carried out in compliance with Irish Water standards.

10.5. Department of Housing, Local Government and Heritage

- 10.5.1. The submission from the Development Applications Unit provides heritage related observations in respect of archaeology.
- 10.5.2. The contents of the desk-based Archaeological Impact Assessment (AIA) are noted, with potential impacts and mitigation measures stated as being largely concurred with. A condition requiring an updated AIA with archaeological test excavation to be undertaken prior to commencement of development is recommended to be attached to a grant of permission.

11.0 Oral Hearing

- 11.1. One formal request for an Oral Hearing was received in relation to this application. Section 18 of the 2016 Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:
- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
 - (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.
- 11.1.1. Having regard to the circumstances of this case, to the issues raised in the submissions and observations received by the Board, the planning assessment, and environmental impact assessment and appropriate assessment screenings set out in the following sections of this report, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider that there is a compelling case for the holding of an oral hearing in this instance.

12.0 Planning Assessment

12.1. Introduction

- 12.1.1. Having examined the application details and all other documentation on the case file, including the submissions and observations received in relation to the application, having inspected the site, and having regard to the relevant national, regional, and

local policies and guidance, I consider that the main issues in this application are as follows:

- Zoning Objectives,
- Core Strategy, Phasing and Sequential Development,
- Density, Population, and Services,
- Layout and Design,
- Residential Amenity,
- Biodiversity,
- Hydrology and Hydrogeology,
- Cultural Heritage,
- Traffic and Transportation,
- Water Services and Utilities,
- Chief Executive Report, and
- Material Contravention.

I propose to address each item in turn below.

12.1.2. I have carried out a screening determination for an Environmental Impact Assessment (EIA) and a screening determination for Appropriate Assessment (AA) in respect of the proposed development, which are presented in sections 13.0 and 14.0 below in this report.

12.2. Zoning Objectives

Application Site

12.2.1. The LAP defines the development boundary for the town and contains the zoning objectives, zoning map, and corresponding land use matrix table. The application site (total area indicated as c.6.67ha) comprises lands subject to four different zoning objectives. The zoning and area of each (as indicated by the applicant/ planning authority) are as follows:

- Residential Phase 1 (RP1): '*To protect, provide and improve residential amenity areas within the lifetime of this plan*', measures c.1.8ha.

- Residential Phase 2 (RP2): *'To protect, provide and improve residential amenity areas'*, measures c.3.4ha.
- Open Space/ Recreation and Amenity (OS): *'To protect and enhance existing open space and provide for recreational and amenity space'*, measures in total c.1.12ha (two areas referred to as OS Area 1, 1.0335ha and OS Area 2, 0.0883ha).
- Business and Enterprise (BE): *'To provide for the development of business and enterprise'*, measures c.0.33ha.

12.2.2. The LAP provides descriptions for the zoning objectives. For RP1 zoned lands, the objective seeks the phased delivery of residential development within the lifetime of the LAP. Importantly in respect of RP2, the description of the zoning states that *'Phase 2 residential land is generally not developable during the lifetime of the plan subject to the provisions of [Policy Objective BKT 6]'*. While I consider the substantive issue of phasing in the following section 12.3, this description is of note as it similarly serves as a caveat to the land use matrix.

Land Use Matrix and Residential Typologies

12.2.3. The land use matrix differentiates between residential typologies 'Residential (excluding apartments) P1' and 'Apartments P1'. In the matrix, the residential zoning objective 'R' includes lands zoned as both Phase 1 and Phase 2. Under zoning objective 'R', residential typology 'Residential (excluding apartments) P1' is permitted in principle while 'Apartments P1' is open for consideration.

12.2.4. In the matrix, under zoning objectives OS and BE, both residential typologies 'Residential (excluding apartments) P1' and 'Apartments P1' are classified as not normally permitted in principle. The LAP states that a use class classified as not normally permitted is one that will not be permitted except in 'exceptional circumstances', the nature of which are not defined in the LAP.

12.2.5. In effect, the matrix identifies the most favourable development scenario for the town of Ballinasloe as being firstly, the development of RP1 lands prior to RP2 lands, and secondly, on RP1 zoned lands, the development of 'Residential (excluding apartments) P1' (understood to be conventional houses) in preference of apartments in terms of residential typology.

12.2.6. The development of RP2 lands for either residential typology, houses or apartments, is possible subject to compliance with the provisions and exceptions set out in Policy Objective BKT 6 relating to phasing. However, there is an explicit presumption against the development of lands zoned as OS or BE for residential purposes, except in exceptional circumstances.

Proposed Development

12.2.7. From a review of the LAP zoning map, site layout plan, and details outlined by the applicant, eight duplex blocks (B6-B13, comprising 48 apartments) are sited within RP1 zoned lands. In RP2 zoned lands are seven duplex blocks (A1-A2, 30 apartments), (B1-B5, 28 apartments) and all 59 houses. Within OS zoned lands is a landscaped public park with an access road (indicated as measuring 0.15ha) traversing along the site's eastern boundary. Similarly, along the site's western boundary another access road (indicated as measuring 0.33ha) traverses through BE zoned lands. On OS zoned lands in the southeastern corner of the site, another access road is indicated for 'future connection' (note: I have been unable to identify the area of the road from the documentation and from the site layout plan, I estimate the area as being c.0.04ha).

12.2.8. Further, I highlight to the Board that on review of and comparison between the site layout plans ('Overall' and 'No. 1') and the LAP zoning map, it appears that the northwesterly extent of the proposed development (inclusive of communal open space, pathways, bin store adjacent to Blocks A1, B4, and B5) is encroaching on the BE zoning. The boundary line between lands zoned as RP2 and BE aligns with the boundary line between the adjacent properties 90 and 91 Esker Hills and approximately one-third along the Tesco building. However, the redline boundary extends further north than the zoning boundary line to the property boundary line between 91 and 92 Esker Hills and approximately half the Tesco building. This encroachment is not clearly identified as such by the applicant and no area is provided for this (from the site layout plan, I estimate the encroached area as being c.0.115ha). In the Planning Report & Statement of Consistency, the applicant refers to zoning boundaries in the previous 2015 LAP (pg. 52) as a possible explanation for the encroachment, however I do not consider that to be relevant and the only applicable zonings are those included in the current LAP.

12.2.9. In considering the principle of development, the proposed development of the duplex apartments sited on RP1 zoned lands is 'open for consideration', and the proposed development of houses and duplex apartments on RP2 zoned lands is 'permitted in principle' and 'open for consideration' subject to Policy Objective BKT 6. The proposed development of infrastructure (roads, footpaths, underground services) to access and service the proposed residential development on OS and BE zoned lands is 'not normally permitted' except in exceptional circumstances.

Consideration of Principle of Development

12.2.10. Having regard to the above, as a result of the underlying zoning objectives, the nature of the development proposed on each zoning, and the phasing and use class caveats attached to the zoning matrix, the principle of development is not expressly acceptable. I propose to address each zoning objective in turn below.

12.2.11. The applicant submits that the development of RP1 and RP2 zoned lands as proposed is acceptable in principle in terms of use (residential) and of phased sequential development (complies with Policy Objectives BKT 6 and BKT 8). Of the proposed access roads across OS and BE zoned lands, the applicant submits the infrastructure is acceptable due to the inclusion in the previous 2015 LAP of objectives which specified link roads and access points to the subject site, to the planning history (both western and eastern access roads are stated as being partially constructed), and to the overall site and other lands being landlocked and undevelopable if not allowed to be accessed and serviced in the manner proposed. The applicant's Statement of Material Contravention only identifies LAP Policy Objectives BKT 32 and 37 (relating to infrastructure and access points) as being potentially materially contravened by the proposal. Similarly, the justification for same is given as the proposed roads design being consistent with the pattern of development in the area.

12.2.12. In the CE Report, the planning authority considers that the proposed development of RP1 zoned lands is acceptable in principle but that the development of any RP2 zoned lands is not in compliance with land use zoning objectives of the Ballinasloe LAP. Further, the planning authority questions the compatibility of the proposed eastern access road and the 'future connection' access road (southeastern corner) through OS zoned lands, and the proposed western access road through BE

zoned lands. The planning authority is of the opinion that the proposed development is a material contravention of these zonings, which forms the basis for Reason 1 and Reason 3 in the planning authority's recommendation to refuse permission (cited above in section 9.4 of this report).

12.2.13. Of the siting of duplex apartments on RP1 zoned lands, this aspect of the proposal is an 'open for consideration' use class. I consider that apartments are an appropriate residential typology both within a scheme of this nature and at this location within the town. Apartments are a residential typology required to meet the housing needs of smaller households, respond to changing demographics, and an acknowledged format in the planning authority's HNDA. Accordingly, I consider the apartments to be wholly compatible with the RP1 zoning objective for the lands and not in conflict with other permitted uses. As guided by the LAP therefore, I determine the development of these RP1 zoned lands with apartments to be acceptable in principle.

12.2.14. Of the siting of houses and apartments on RP2 zoned lands, these aspects of the proposal are 'permitted in principle' and 'open for consideration' use classes respectively subject to compliance with Policy Objective BKT 6, which relates to the phased delivery of residential development within the lifetime of the LAP. While I note that the planning authority finds the development of these lands to be a material contravention of the RP2 zoning objective, I do not concur. The proposed development is a residential scheme and as I noted above residential use (inclusive of houses and apartments) is a permissible/ open for consideration use class under the RP2 zoning objective subject to distinct phasing requirements. In this regard, I determine the development of these zoned lands with houses and apartments to be acceptable in principle, subject to the phasing requirements of the LAP.

12.2.15. That being, I do not consider the proposed development to materially contravene the use of the zoning of the lands (i.e. the residential use of RP1 and RP2), or that the Board would be prevented from granting permission for the proposal due to matters of residential typology.

12.2.16. Of the siting of roads and services across OS and BE zoned lands, these aspects of the proposal are 'not normally permitted' due to their being a residential use class, albeit facilitating development associated with the main scheme. The LAP

refers to such use classes as not being permitted except in 'exceptional circumstances', the nature of which are not defined. I have considered the applicant's position which centres on criticising the changes to the zoning objectives and phasing requirements between the 2015 LAP and the current LAP, referring to inconsistencies between policy objectives in the LAP and LTP, explaining and justifying the siting of the proposed infrastructure (including in the 'alternative option' in the Statement of Material Contravention). I do not consider the applicant's case to come within the scope of exceptional circumstances which would allow the facilitating infrastructure (and the encroached area of BE zoned lands) to be considered acceptable in principle. The applicant's case is not definitively proven (extent of infrastructure already constructed) and other options remain for accessing RP1 zoned lands within the site and indeed for delivering residential development on other RP1 zoned lands elsewhere in the town.

12.2.17. Further, I do not consider the proposed access arrangements within the scheme to represent the optimum solution to access the site. More pragmatic connection routes to services appear to be possible through the existing adjacent residential estates. The appropriateness of such access arrangements is evident in the zoning objectives in this area of the LAP zoning map, i.e., the alignment of the 'Residential Existing' and RP1 zonings. Further, given the nature and scale of the RP2 landbank to the south of the site, more appropriate arrangements are likely to be possible to access the wider landbank at a future point. Such an approach would be more strategic instead of the limited and restricted solution incorporated into the proposed development.

Conclusion

12.2.18. In conclusion, the access roads and services (to the east, southeast, and west of the site) and the communal open space, pathways, and bin store (to the northwest of the site) serve the proposed development and are therefore classified as a residential use. Residential use is a 'not normally permitted' use class in the zoning matrix for the OS and BE zoning objectives in which these elements are sited. I consider that the future development of these lands for purposes for which they are zoned would be prejudiced by the provision of these components of the proposed development. As such, I find the proposed development to be a material contravention of the OS and BE zoning objectives. Having regard to section 9(6)(b)

of the 2016 Act, permission for the proposed development should be refused due to this reason.

12.3. Core Strategy, Phasing and Sequential Development

12.3.1. In the previous section 12.2, I considered the issue of use class and determined that the proposed development, a residential use, is acceptable in principle on the RP1 and RP2 zoned lands. While I do not consider that the proposed development materially contravenes the LAP residential zoning objectives within the site (as the planning authority submits), the implications of the phasing caveats associated with the RP2 zoned lands require further consideration. The LAP phasing requirements are linked to the CDP Core Strategy allocations for the county. I consider the proposed development with regard to Core Strategy, phasing, and sequential development in turn below.

Core Strategy

12.3.2. In section 6.5 above of this report, I have extrapolated the population and housing allocations from the CDP Core Strategy as applicable for Ballinasloe and cited relevant policy objectives from the CDP and LAP. Over the lifetime of the CDP, Ballinasloe is allocated an increase of 1,151 residences and 1,999 persons. The Core Strategy allocations include brownfield and greenfield sites. For greenfield sites, the allocation is 805 new residential units. The allocations are based on RP1 zoned lands, not RP2 zoned lands, i.e. lands not identified for development within the lifetime of the CDP.

12.3.3. The key objectives relating to the Core Strategy include CDP Policy Objective SS 2 which seeks the sustainable development of Ballinasloe in line with the Core Strategy, CDP Policy Objective HS 1 which seeks the management of housing development and population growth in accordance with the Core Strategy, and LAP Policy Objective BKT 1 which seeks developments within the LAP are consistent with the Core Strategy and associated CDP provisions.

12.3.4. In the Planning Report & Statement of Consistency, the applicant submits the proposal is consistent with the CDP Core Strategy as the provision of 165 residential units and population of c.413 persons would represent a significant contribution to achieving the allocations for Ballinasloe. The applicant focuses on reasons the site is suitable for development (location, serviceable, available) and the submitted

attributes of the scheme (good design, well connected). A similar response is given for consistency with LAP Policy Objective BKT 1.

- 12.3.5. In the CE Report, the planning authority accepts that the total of the proposed development (165 units) in combination with the extant permissions (estimated c.113 units) of 278 units is within the greenfield allocation of 805 units. However, the planning authority states that this allocation is based on the development of RP1 zoned lands, not RP2 zoned lands. As a significant number of the proposed units are outside the RP1 zoning within the site, the planning authority finds permitting the proposed development would set an undesirable precedent for similar and undermine the Core Strategy.
- 12.3.6. As I outlined in detail in the previous section 12.2, the site is comprised of four zoning objectives. Of a total site area of c.6.67ha, lands zoned for residential purposes (RP1 and RP2) comprise c.5.2ha (78% of the site), of which RP1 zoned lands measure c.1.8ha (27%) and RP2 zoned lands measure c.3.4ha (51%). That being, only marginally more than one-quarter of the site is zoned for residential development which is catered for in the Core Strategy and identified as appropriate to be delivered within the lifetimes of the CDP and LAP. Conversely, just over half of the site is zoned for future residential development which is not to be delivered within the lifetime of the CDP and LAP, thereby serving as a strategic reserved landbank. The remaining quarter of the site is not zoned for any residential purpose.
- 12.3.7. While I acknowledge the applicant's position, I consider that the case put forward for compliance with the CDP Core Strategy is too simplistic. While the proposed development would provide additional houses and population and contribute to the Core Strategy allocations, the Core Strategy policy objectives are more nuanced than that. Within the application site, I calculate that 48 apartments (29% of the total units) are sited on the RP1 zoned lands, with the remaining 117 units (71%) are proposed on RP2 zoned lands. As such, I consider the proposal is not in accordance with the CDP Core Strategy and fails to comply with CDP Policy Objective SS 2 and Policy Objective HS 1, and LAP Policy Objective BKT 1.

Phasing

- 12.3.8. The key phasing related objective is LAP Policy Objective BKT 6 (cited above in section 6.5 of this report). The objective prioritises the development of RP1 zoned

lands within the LAP lifetime, reserves RP2 zoned lands for the longer-term housing needs of the town and expresses a presumption against the development of RP2 lands within the LAP lifetime.

- 12.3.9. Exceptions are included for within the objective, of relevance to the proposal is circumstance c) whereby the development of RP2 zoned lands will be considered if 50% of RP1 lands are committed to development, and a proposed development satisfies several planning considerations (compliance with Core Strategy, proper planning, access and servicing requirements) to be demonstrated on the basis of a substantiated evidence-based case.
- 12.3.10. In the Planning Report & Statement of Consistency, the applicant submits reasons why the site should be permitted to be developed. With regard to phasing, this includes the context set by the previous 2015 LAP whereby the residential zoning of the site was unrestricted by phasing requirements. The applicant refers to the evidence-based case made to support the development of the RP2 lands within the site. The case analyses RP1 zoned lands, estimates their development potential, and comments on the implications for the Core Strategy allocations for Ballinasloe.
- 12.3.11. As outlined in the previous section 12.2, the planning authority considers the proposed development to be a material contravention of the RP2 zoning objective and of Policy Objective BKT 6 due to deviations from the LAP phasing requirements, which forms the basis of Reason 1 in the planning authority's refusal recommendation. Further, the planning authority finds the applicant has not met or made a compelling case to qualify for the development of RP2 zoned lands under any of the exceptions included for in Policy Objective BKT 6.
- 12.3.12. The case made by the applicant identifies and refers to land parcels A-M which are RP1 zoned lands. These exclude G and H, which are RP2 zoned parts of the application site, and include a F1 parcel, thus yielding 12 relevant land parcels (pg. 57 of the Planning Report). The case finds that 31% (c.7.16ha) of the RP1 lands are not available for development, which is estimated as resulting in a shortfall of 251 residential units and 627 persons in the Core Strategy allocations for Ballinasloe. On this basis, the applicant submits that the proposed development will

address the shortfall and thus complies with the exceptional circumstances in Policy Objective BKT 6.

12.3.13. I have reviewed the applicant's case and have several reservations regarding its robustness. These include the restricted nature of the analysis as the applicant did not analyse all of the RP1 zoned lands, only 6 land parcels. The land parcels not analysed are those further in distance from the town centre than the application site. It would appear that the applicant may be seeking to rely on the sequential approach to development as justification for the development of the application site. I find this methodology to be flawed as the exceptional circumstances allowed for in Policy Objective BKT 6 require it to be demonstrated that 50% of the RP1 zoned lands are committed to development. The applicant has failed to demonstrate this in the case, indeed the applicant's case refers to only 31% of the RP1 zoned lands as not being available for development. Further, of the land parcels assessed, I find that at times the applicant makes broad and generalised assumptions regarding developability, densities, and unit yield. In my opinion, the applicant's case fails to come within the scope of what could reasonably be considered as exceptional circumstances and therefore in compliance with Policy Objective BKT 6.

12.3.14. Further, I note and concur with positions raised in observations regarding the LAP phasing requirements and that the proposal is at odds with same (described as compromising, discriminatory). I consider that any deviation from the phasing requirements would need to be appropriately and transparently achieved through the implementation of CDP Policy Objective CS 5, or similar, which allows for redistributions of Core Strategy population allocations on review at a halfway point in the lifetime of the CDP.

Sequential Development

12.3.15. The key objectives relating to sequential development include CDP Policy Objective CS 2 which seeks to achieve compact growth through prioritising the development of infill and brownfield sites in preference of greenfield sites, and LAP Policy Objective BKT 8 which favours the sequential development of suitably serviced RP1 zoned lands emanating outwards from the town core and/ or sequential extensions to existing suitably serviced RP1 zoned lands.

12.3.16. In similarity with the applicant's position on consistency with the Core Strategy and phasing, the applicant generally submits that the proposed development is consistent with CDP Policy Objective CS 2 and LAP Policy Objective BKT 8 due to the site's appropriate location, serviceable, and availability. I do not consider the applicant's case for the site being the 'next sequential development site' in the town to be convincing as the applicant relies primarily on distances from the town centre and the recently permitted Eiscir Riada estate, as opposed to addressing the presence and availability of RP1 zoned lands which are prioritised for development before the application site. In this regard I do not consider the proposed development complies with the requirements of CDP Policy Objective CS 2, nor in particular, LAP Policy Objective BKT 8.

12.3.17. Finally, I highlight to the Board that the potential of the proposed development to contravene materially policy objectives in the CDP and/ or the LAP relating to the county's Core Strategy, phasing requirements, and sequential development is not identified in the applicant's Statement of Material Contravention. Accordingly, there is no justification offered by way of section 37(2)(b) of the 2000 Act allowing for a response to same.

Conclusion

12.3.18. In conclusion, the majority of the application site (c.3.4ha, 51%) comprises RP2 zoned lands within which is sited the majority of the proposed dwelling units (117 units, 71%). The CDP Core Strategy allocations do not include for the development of RP2 zoned lands, the LAP phasing requirements have a presumption against the development of RP2 zoned lands save for exceptional circumstances which the applicant has failed to satisfactorily demonstrate, and the principles of sequential development favour the development of brownfield and other greenfield RP1 zoned lands over RP2 zoned lands, such as those within the application site. Therefore, I consider that the proposed development does not comply with CDP Policy Objectives SS 2 and HS 1, and LAP Policy Objective BKT 1 relating to the Core Strategy, with LAP Policy Objective BKT 6 relating to phasing, or with CDP Policy Objective CS 2 and LAP Policy Objective BKT 8 relating to the orderly sequential development of Ballinasloe. Permission for the proposed development should be refused due to this reason.

12.4. Density, Population and Services

- 12.4.1. The total site area is indicated as c.6.67ha, with a net developable area of c.5.22ha when the access roads and public open space (main town park) are excluded. The residential density for the proposal is indicated as c.32 dwellings per hectare (dph).
- 12.4.2. Several observers object to the density of the proposed development describing it as too high and out of character with the surrounding area including that of the low density rural housing to the south of the site and the established adjacent residential estates. Observers also raise concerns about the resultant increase in population in the town, which the applicant estimates as c.413 persons, and the demand on existing limited facilities and services available.

Residential Density

- 12.4.3. In the CE Report, the planning authority refers to national and local policy on density. With reference to the Sustainable Residential Development Guidelines, the planning authority identifies the site as an outer suburban/ greenfield location in a large town and the appropriate density range is 35-50dph. From the Apartment Guidelines, the site is identified as a peripheral and/ or less accessible urban location for which a density of less than 45dph is appropriate. From the CDP, the site is identified as an outer suburban/ greenfield location in a key town for which a density range of 15-25dph is appropriate (CDP DM Standard 2 and Table 15.1 Residential Density are referenced). The CE Report is somewhat inconclusive on whether the proposed density of the scheme is acceptable, likely due to the divergence in density ranges between national and local policy.
- 12.4.4. In respect of national policy for density, the Sustainable Residential Development Guidelines indicate appropriate densities for schemes in larger towns (I consider that Ballinasloe, as a sub-regional key town with a 2022 Census population of 6,597 persons, comes within this category). Due to its undeveloped nature, transitional context, and distance of c.0.8km from the town centre, I consider the site to be an outer suburban/ greenfield site. In such locations, net densities of between 35-50dph are generally encouraged, while densities of less than 30dph on sites greater than 0.5 ha are to be generally discouraged (section 5.11 of the guidelines).
- 12.4.5. As the proposed development has a density of less than 35 dph and is on a site greater than 0.5 ha, section 5.12 of the guidelines is applicable. Under this section,

provision is made for lower densities where the average densities within a neighbourhood/ district as a whole achieve any of the applicable minimum standards (i.e. 35 dph for outer suburban/ greenfield sites).

- 12.4.6. Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021, clarifies that the neighbourhood/ district referred to in section 5.12 of the guidelines can comprise a significant portion of a rural town. I consider this interpretation to be the case for the proposed development and Ballinasloe town. From a review of the planning history, mapping, and aerial photography sources, I consider that the pattern of development in Ballinasloe town and in the vicinity of the site, support the case for the density of c.32dph as being proposed in this instance. I consider such an interpretation complies with the discretionary approach to residential density highlighted and allowed for in the Circular.
- 12.4.7. Further, from a review of the site layout plan and key site statistics, I consider the provision of c.2.38ha of the site area as open space to be of note, and a contributing factor in the density of the proposed scheme. In summary, while the proposed density is marginally lower than the density range sought in national policy and slightly higher than that included for in the CDP, I find on balance the proposed density to be acceptable in this instance.

Population

- 12.4.8. Several observations object to the increase in population that will be associated with the proposal and the subsequent demand on limited services and resources in the town. In applying the 2022 Census average household size, I estimate that the proposed development has potential to accommodate c.450 persons.
- 12.4.9. As outlined above in section 6.4 of this report, in the settlement hierarchy of the RSES, Ballinasloe is identified as Key Town which in turn is incorporated in the CDP. This settlement category represents the second highest tier in the county's urban hierarchy after Galway City. As derived from the RSES, CDP Table 2.11 Core Strategy indicates the distribution of future population and housing across the county during the CDP period, within which Ballinasloe is allocated an increase of 1,999 persons in population and of 1,151 residential units. In this regard, the future growth and continued development of the town are supported at a national, regional, and local policy level.

12.4.10. Therefore, while I note the concerns expressed in the observations relating to an increase of population, and I identify planned, permitted and recently constructed residential development in the town, I consider a population increase in the range of that which would arise from the proposed development to be consistent with national and regional policy, to be within the population and housing allocations envisaged for the Ballinasloe in the Core Strategy of the CDP, and not to be injurious to the area in due course. However, the substantive issue remains that which has been outlined in detail in the section 12.3, that due to the LAP phasing requirements and the majority of the application site comprising RP2 zoned lands, the development of the site as proposed is premature, does not accord with the population and housing allocations in the Core Strategy nor several CDP and LAP policy objectives.

Services

12.4.11. Objectors claim the proposal will cause excessive demands on existing services that are at capacity and highlight the absence of necessary facilities in the town. These include references to garda, childcare facilities, and schools. I acknowledge that one of the main planning considerations arising from a population increase is the additional demand on facilities and services. From the documentation on the case file and my site inspection, I note the presence of a range of services and facilities in Ballinasloe. In particular, the range of retail, commercial and leisure operations adjacent to the site. While the application does not include a comprehensive community and social infrastructure report, similarly, the observers' objections that services are limited with no capacity are made without definitive evidence of same. In any event, due to the often market driven nature of service provision, I do not consider the general demand on social infrastructure in the wider area to be a substantive refusal reason in and of itself.

12.4.12. The provision of a childcare facility within the scheme is raised as an issue for the planning authority. The proposal does not include for a dedicated childcare facility as is recommended in section 2.4 of the Childcare Guidelines, with a standard of one facility (catering for 20 children) per 75 dwelling units. In the CE Report, the planning authority objects to the absence of such a facility, and this forms the basis of Reason 5 of the planning authority's refusal recommendation. While consulted as a prescribed body, no submission was received from the Galway County Childcare Committee.

12.4.13. Accompanying the application is a Childcare Demand Analysis Report. The absence of an on-site childcare facility is justified in the applicant's report on the basis of there being limited predicted demand, the level of provision of childcare facilities in a 1km radius of the site (5 existing operations) all with available capacity, and the presence of the permitted childcare facility adjacent to the site associated with the Eiscir Riada estate (c.332 sqm, stated as due to commence construction in November 2023) which will have spare capacity (21 spaces) to cater for demands arising from the proposal.

12.4.14. I note the quantum and geographic dispersion of facilities identified by the applicant, that a dedicated childcare facility for 42 children is included in the adjacent Eiscir Riada estate, the demand generated from the demographic profile, and relevantly that section 4.7 of the Apartment Guidelines advise that 1 and 2 bedroom units (which comprise 58% of the scheme) can be excluded from generating a demand for such a facility. In this context, and in this instance, I accept the case outlined by the applicant and agree that another childcare facility is not necessary.

Conclusion

12.4.15. In conclusion, the proposed density of the scheme is considered to be appropriate, an increase in population and the associated demand on services are considered to be within reasonable parameters having regard to the status of Ballinasloe as a Key Town in the county's urban hierarchy, and a separate childcare facility is not deemed necessary. Notwithstanding however, the substantive issues pertaining to the site and the proposed development remain relevant. That being, while an increase in population associated with the provision of new residential units is appropriate for Ballinasloe, achieving this through the development of the application site as proposed is not appropriate. The proposed development fails to comply with several CDP and LAP objectives relating to the Core Strategy, phasing, and sequential development. Permission for the proposed development should be refused due to this reason.

12.5. **Layout and Design**

12.5.1. It is apparent from the planning history and policy context of the receiving area, that there are certain factors influencing the overall layout and design of the scheme. These include landownership, availability of access roads and services, and the

open space zoning objective. Notwithstanding, I identify that the requirements of national planning guidelines and local policy are of direct relevance to the proposal. I address issues of layout (including public open space and road network) and design (including of streets and buildings) in the following subsections.

- 12.5.2. In the Planning Report & Statement of Consistency, the applicant submits broadly that the proposal is consistent with the Sustainable Residential Development Guidelines (scheme has incorporated the 12 'Best Practice Design Manual' criteria), the design complies with DMURS (separate DMURS Compliance Statement), and several CDP and LAP Policy Objectives on placemaking and urban design (high quality scheme, distinctive, creating neighbourhoods).
- 12.5.3. Conversely, in the CE report the planning authority determines the proposal to be of a poor-quality residential design, substandard layout, without quality public open spaces and sufficient street connectivity. The scheme is found to be contrary to national and local policy including section 3.1.1 (sic 3.3.1) of DMURS and CDP Policy Objectives PM 1, PM 10, and LAP Policy Objective BKT 23, which forms the basis for Reason 4 in the planning authority's refusal recommendation. Several observers also comment on the layout and design of the scheme, referring to its being inappropriate for the area, lacking vision, dominated by designs of roads, monotonous and lacking variety, and requiring a more imaginative design solution.

Layout

- 12.5.4. The proposed development comprises 165 residential units (106 duplex apartments and 59 houses) which are arranged in four-character areas (pg. 21, Architectural Design Statement), accessed through a series of roads, and interspersed by several areas of open space. The proposed scheme is accessed via two main roads, one to the west of the site extending from that serving the retail/ commercial uses and the other on the east serving the Eiscir Riada estate. The open spaces through the scheme vary in function, size, and configuration with the most notable being the main public park occupying the northeast of the site. The park is a of square configuration bound by the Tesco complex to the northwest and the Eiscir Riada estate (open spaces area) to the north, through which traverses the eastern access road.

12.5.5. Character Area 1 (northwestern area of the site) accommodates seven duplex blocks A1-A2 and B1-B5, which are arranged in a square configuration around a central area of public open space. The blocks and open space are separated by an internal access road and surface car parking. Character Area 2 (north-central area) is a linear configuration of 22 houses backing onto the rear boundary of the Tesco complex. To the front (south) of the houses are in-curtilage parking spaces, an access road, and areas of public open space. Character Area 3 (south-central area) accommodates the remaining eight duplex blocks arranged on opposite sides of the bisecting access road (B6-B10 on northern side, B11-B13 on southern side), with communal open space, surface car parking, and service areas indicated to the front and rear curtilages of the blocks. Lastly, Character Area 4 (southern area) accommodates the remaining 37 houses with in-curtilage parking spaces arranged in a 'U' configuration addressing a central area of open space, separated from the space by internal roads.

Compliance with the Urban Design Manual

- 12.5.6. The Sustainable Residential Development Guidelines is accompanied by the Urban Design Manual which sets out 12 criteria with indicators that form the basis of good design for residential development. I consider the criteria of distinctiveness, layout, and public realm, and associated indicators necessary to ensure a quality residential scheme to be of relevance to this section (note: the connections criterion overlaps with the DMURS assessment below).
- 12.5.7. Of the distinctiveness criterion, I find that the proposal would be an indistinct addition to the town's identity. This is due to the scheme being largely replicated from the adjacent Eiscir Riada estate, the predominant and restricted use of long straight roads lined with duplex blocks, Character Areas (1 and 4) of the same basic configuration with repetitive elements, absence of a memorable layout, and lack of a discernible focal point (centrally located open space areas are without enclosure and definition, the main public park is poorly incorporated into the scheme).
- 12.5.8. Of the layout criterion, I find that the layout is not sufficiently permeable, interconnected, or navigable. The layout has little in the way of hierarchy between roads and streets, and all routes appear to be predominantly designed as places for cars instead of spaces for residents. The eastern and western access roads connect

with the south-central access road (bisecting Character Areas 3 and 4) to form a large enclosed loop with access to the town's wider road network being through a single point at the main roundabout serving the retail park. This loop is dominated by long straight roads intersected by only four junctions (serving Character Area 1, two service areas at the rear of Character Area 3, and Character 4), all of which terminate as cul de sacs.

12.5.9. Of the public realm criterion, there are several areas of open space, which vary in function, size, and landscaping quality. These include the main public park, public open spaces in the character areas, communal open spaces for the duplex apartments, and incremental spaces serving as landscaped buffer zones. Positively, I consider that the public open spaces in Character Areas 1 and 4 are usable and integrated public realm elements being centrally located and overlooked.

12.5.10. However, I consider the public open spaces serving Character Areas 2 and 3 to be inadequate due to being segregated from the residential units, not easily or safely accessible as surrounded by roads, and of a configuration which is not usable but instead functioning as incremental landscaped areas (I consider the area of communal open space adjacent to House No. 138 in Character 4 to be same).

12.5.11. In particular, I find that the main park in the scheme (corresponding with the LAP OS zoned lands) to be an element of the public realm which has been poorly considered and fails to be adequately integrated into the scheme. The park lacks any meaningful relationship with the remainder of the scheme being bound by a gable of a house, the set-back rear elevations of three duplex blocks, surface parking and service areas associated with the duplex blocks and traversed by the eastern access road. This most important component of the public realm (given its OS zoning objective and purpose to serve the wider population of the town) is not overlooked, addressed, enclosed by or connected with the scheme's built environment. I would have reservations regarding how safe and ultimately how usable the park would be. Finally, save for the open spaces discussed above, there are no proposed hard landscaped public realm areas (e.g. a square or plaza) and, for the reasons outlined above and below with regard to DMURS, the streets fail to serve as quality spaces in the scheme's public realm.

Compliance with the DMURS

12.5.12. The Design Manual for Urban Roads and Streets (DMURS) recommends four core principles for optimum road layouts including those in residential developments. Of particular relevance to the layout of the proposal is Design Principle 1: Connected Streets which relates to the creation and management of permeable and legible street networks. The principle is explored in Chapter 3 of the DMURS which includes discussion of dendritic layouts and section 3.3.1 Street Layouts, both of which are referred to by the planning authority in its assessment and recommended refusal Reason 4.

12.5.13. The DMURS recommends a shift away from dendritic street networks to highly connected networks. Dendritic networks comprise layouts with several cul de sacs which restrict movements through neighbourhood blocks, and cause connectivity and legibility problems for all users. Highly connected networks include layouts where all streets lead to other streets (with the use of cul de sacs limited to mid-block penetration) and the number of walkable and cyclable routes between destinations is maximised.

12.5.14. I consider that the proposal features a dendritic layout, dominated by cul de sacs with insufficient connectivity to contiguous developments (in particular, I identify Dun Esker to the southeast, and Beechlawn Heights to the south). As discussed above, while the road layout includes an enclosed loop this only has a single access/ egress point to the wider road network, and the long straight roads which form the loop are themselves cul de sacs. While the road layout indicates several 'potential future connections', they are all outside of the control of the applicant and not deliverable in tandem with the proposal. In the absence of being able to deliver same, all the access roads are restricted to function as cul de sacs. As such, I consider the layout to be highly restrictive and impermeable, limiting movement for several transport modes, and preventing connectivity. In this regard, the proposed layout cannot be considered to be a highly connected layout ensuring the optimum number of walkable and cyclable routes between available destinations as recommended in the DMURS. While I acknowledge that the dendritic nature of the layout is largely due to the existing nature of development, the site configuration, and the absence of a planned future road network for the southern reserved landbank of RP2 zoned lands, I believe the restricted layout reflects the premature nature of the proposal.

- 12.5.15. With regard to the more specific design details, the DMURS requirements for layouts include avoidance of long straight roads, preference for short orthogonal and/or curvilinear roads, provision of frequent junctions with/ entrances onto access roads, restricted use of cul de sacs, achievement of connectivity opportunities, provision of appropriate block scale (acceptable block dimensions range from 60m to a maximum of 120m (60-80m are optimal for pedestrian movement, up to 100m enables a reasonable level of permeability, up to 120m will likely require mid-block penetration with a cul de sac), and the creation of streetscape enclosure.
- 12.5.16. The proposed layout includes features directly at odds with the requirements of the DMURS. These include the use of long straight roads (western access road is c.280m, eastern access road is c.300m, access road serving Character Area 2 is c.150m, and access road between Character Areas 3 and 4 is c.180m), a minimal number of junctions and/ or entrances proposed onto/ from these access roads (only one or two intersections feature into character areas or parking/ service areas), a dominance of cul de sacs (which is not limited to mid-block penetration), except for the extensions of the eastern and western access roads there is a failure to provide any connections to adjacent developments (in particular Dun Esker to the southeast, and Beechlawn Heights to the south), excessive block dimensions are noted (Character Area 2 is c.150m wide and Character Area 3 is c.180m), and weak streetscape enclosure (the use of duplex blocks to predominantly form the streetscapes along the access roads feature several gaps, and notable set-backs from and separation distances to the open space areas of Character Area 2 and the main public park).
- 12.5.17. These features combine to create a layout with road conditions which encourage speed instead of slowing drivers down, thereby requiring physical interventions such as ramps to the proposal. The benefits of designing in frequent junctions and entrances onto access roads are not secured such as slowing traffic, reducing the size of junctions, lessening uninterrupted pedestrian and cyclist trips, and spreading of traffic congestion. Conditions are not created which would benefit pedestrians and encourage walking, such as block scale and enclosed streetscapes, instead there are inadequate connections and staggered permeability for all users.

Design

- 12.5.18. Of the criteria in the Urban Design Manual, I identify variety and detailed design as being particularly relevant to design considerations for buildings and streetscapes. I have reservations regarding the limited range of architectural designs proposed for the residences within the scheme, which also appear to be largely replicated from the adjacent Eiscir Riada estate. For the 59 houses, there are two designs (House Type C and E), and for the 15 duplex blocks, there are three substantive designs (Block A and two Block B variations).
- 12.5.19. The house types vary marginally in typology (semi-detached pairs versus terrace groupings of three), number of bedrooms and roof height. Otherwise, there is minimal variation in elevational treatment, external finishes, and siting arrangement. Similarly, the types of duplex blocks vary slightly in the number and typology of apartments therein, but otherwise the elevational treatment, external finishes, roof profile and height, and siting arrangements are all replicated. This generic design approach to the building types is magnified for the associated streetscapes and causes the proposal to lack the variety and detailed design required to create a sufficiently distinctive scheme which would make a positive architectural contribution to this area of the town (as opposed to, in my opinion, a neutral-negative one).
- 12.5.20. By way of illustration, I direct the Board to Dwg No. 2521-170 which presents contiguous elevations of the streets formed by the proposed house units. Houses 59-80 correspond with the only street in Character Area 2, where the visual monotony of repeating a single House Type C in a streetscape of c.140m is evident. Similarly, the three remaining streets which form Character Area 4 feature minimal variety in siting and elevational treatment within street dimensions of c.60m-90m. Dwg No.s 2521-171 and 2521-172 present contiguous elevations of the streets formed by the proposed duplex blocks in Character Area 1 (corresponding with the three streetscapes of Units 1-30, 37-53 and 49-58), and Character Area 3 (corresponding with the two streetscapes of Units 81-110 and 111-128). Of particular note, is the design uniformity of and weak visual interest present in the streetscapes formed by Duplex Blocks A1-A2 (Character Area 1), and Duplex Blocks B6-B10 (Character Area 3) in street dimensions of c.110m and c.170m.
- 12.5.21. With regard to building height, the residential units within the proposed development comprise 2 storey conventional houses and 3 storey duplex blocks.

The principal heights range from c.9.5m to c.13.4m. Several observers object to the height of the proposed development, referring to it as out of character and not consistent with the surrounding area.

12.5.22. In terms of the receiving environment, adjacent developments include 2 storey traditional housing estates of Esker Hills, Dun Esker and Beechlawn Heights, and the newly constructed Eiscir Riada which is similar in design and height to the proposal combining 2 and 3 storey residences. Other adjacent and proximate buildings include retail and commercial operations with buildings ranging from c.6-9m in height. To the south of the site are single storey and dormer bungalows on Beechlawn Hill. Having regard to this existing context, I consider that the prevailing building height of the area is 2 storeys.

12.5.23. The Building Height Guidelines define taller buildings as those in excess of 2 storeys than the prevailing height of the surrounding area, and only proposals for taller buildings are required to be assessed against the development management criteria/ 'scale of' test. As the prevailing height of the area is 2 storeys, and the proposed development only comprises buildings of 2-3 storeys, there are no tall buildings. Consequentially, the specific assessment in the guidelines for determining acceptability of building height is not required to be undertaken. The building height of the proposal is acceptable in principle subject to other planning considerations.

Conclusion

12.5.24. In conclusion, I find the proposed development lacks the necessary distinctiveness, highly connected and permeable street layout that promotes sustainable transport modes, quality public realm with integrated open spaces that are safe and usable, variety and detailed designs in buildings and streetscapes that would ensure the creation of a high-quality residential environment, establish a sense of place at this transitional location, and make a positive urban design contribution to the town. The proposed development therefore fails to satisfy the requirements of the Sustainable Residential Development Guidelines and associated Urban Design Manual, the Design Manual for Urban Streets and Roads, CDP Policy Objectives PM 1 and PM 10, and LAP Policy Objective BKT 23. Permission for the proposed development should be refused due to this reason.

12.6. Residential Amenity

12.6.1. The residential amenity of future residents in the proposed development and that of the existing residents in the vicinity of the site are key considerations in the assessment of the proposal. The residential amenity for future residents is dependent on the quality of the overall scheme and the design of individual residences, while the proposed development can affect the residential amenity of adjacent residents through overlooking, overshadowing, overbearance, traffic generation, and construction phase disturbance. I address both in the following subsections.

Residential Amenity for Future Residents

12.6.2. The proposed development comprises 165 new residences, including 59 houses and 109 duplex apartments in 15 duplex blocks. The residential units are arranged within four Character Areas, there are five variations of unit designs, including two house types and three duplex block types, and the proposal has potential to accommodate between c.413 and c.450 new residents.

12.6.3. In section 12.5 above, I considered the road layout, street network, and public realm in the scheme. I found the layout and design of the scheme to be substandard, failing to achieve adequate levels of permeability, optimise connections with adjacent developments, create a highly connected street network, encourage the greater use of sustainable modes of transport, or secure a safe and usable hierarchy of open spaces. As such, the proposal did not constitute a quality residential environment which would ensure a high level of residential amenity for future residents.

12.6.4. Notwithstanding this substantive issue, in the interests of completeness for the Board, I confirm that I have assessed the residential units in terms of several qualitative and quantitative standards, residential unit mix, boundary treatments, landscaping, and impacts on the amenity of future residents. I address these items in summary below.

12.6.5. The policy context setting the standards for the residential units is the CDP and the national Apartment Guidelines. Of the CDP policy context, I have reviewed the individual plans submitted for each residential unit design, and the HQA where applicable. I confirm that the houses and duplex units within the scheme generally satisfy the applicable objectives in the CDP (including CDP DM Standard 2: Multiple Housing Schemes and DM Standard 3: Apartment Developments).

- 12.6.6. Of the national policy context, I have reviewed the HQA which accompanies the application and outlines the key statistics for the proposed development for the duplex units. The proposed duplex units comply with the applicable SPPRs of the Apartment Guidelines in respect of floorspace, room sizes, storage areas, and private open space, and dual aspect ratios.
- 12.6.7. In respect of daylight and sunlight, I have reviewed the Daylight, Sunlight, and Overshadowing Study, and am satisfied that the proposed units would be provided with the BRE recommended levels of daylight (92% of points tested) and sunlight (93%) within the buildings and have sufficient access to sunlight in the private open spaces ensuring an adequate level of residential amenity for future residents.
- 12.6.8. Residents of the houses have in-curtilage car parking spaces and space for cycle and refuse storage, while residents of the duplex apartments have access to communal open space, shared car and cycle parking, and refuse storage and collection.
- 12.6.9. I have reviewed the site layout plan, floor plans, elevations, and cross sections for the proposed houses and duplexes, and consider that these, for the most part, are well laid out and orientated, and provided with sufficient separation distances to avoid causing adverse impacts on future residents from undue overlooking, overshadowing, and overbearance.
- 12.6.10. The residential unit mix of the proposed 165 dwelling units comprises 106 duplex units (64%) and 59 houses (36%). The unit mix caters for 1, 2, and 3 bedroom duplex apartments, and 2 and 3 bedroom houses. The majority of the scheme comprises 2 bedroom units (49%), followed by 3 bedroom units (42%), then 1 bedroom units (9%). I consider the proposed residential unit mix to be appropriate at this location and to offer an acceptable variety of unit sizes and typologies reflecting changing demographics and facilitating a range of household formations.
- 12.6.11. Of the proposed boundary treatments, in terms of the amenity of the scheme (perimeter site boundaries, front boundaries, public interfaces, maintenance) and the amenity of the residences (level of privacy afforded, upkeep and maintenance), I consider these to be satisfactory and would likely ensure an acceptable level of amenity for residents in both the wider scheme and in their private properties.

12.6.12. While I have reservations regarding the layout of the public open spaces, I have reviewed the Landscape Planning and Design Report and associated landscape plans and find these to be of sufficient quality landscaping (hard and soft), function, and planting, and therefore to be acceptable.

Residential Amenity for Existing Residents

12.6.13. This section considers the impact of the proposed development on the residential amenity of existing properties. The application site directly abuts the residential estates of Esker Hills, Dun Emer, and Beechlawn Heights on its western, southeastern, and southern boundaries respectively. These are established estates comprising conventional two storey, mid-density layouts. Dun Emer and Beechlawn Heights have internal roads which terminate as cul de sacs adjacent to the site's southeastern and southern boundaries respectively. Proximate to the northeast of the site is the newly constructed Eiscir Riada estate and to the south of the site are detached properties located on Beechlawn Hill.

12.6.14. The proposed development's adverse impact on the residential amenity of adjacent properties is a particular concern for the observers. Issues raised in depth include the use of the adjacent estates by residents of the proposed development, the impacts associated with connecting to and through the existing estates, overbearance, and boundary treatments. In addition, I identify potential for overlooking, overshadowing and construction phase disruption as issues which can affect residential amenity of adjacent properties. I propose to address each issue in turn.

Overlooking

12.6.15. Having regard to the proposed layout, scale of proposed development, and distance to boundaries, the potential impact on adjacent properties from overlooking is only an issue for the most proximate properties in Esker Hills to the west and Beechlawn Heights to the south of the site.

12.6.16. Along the western boundary Duplex Blocks A1 and A2 are sited opposite a number of houses in Esker Hills are sited. The blocks are c.11m distance from the shared boundary and c.25.5m to the rear of the houses. The blocks each include 8 single storey apartments at ground floor and 8 duplex apartments overhead at first and second floor levels. While not necessarily warranting a refusal reason in itself

as the location of the site is in an urban area and the policy context supports the development of apartments in taller buildings, I do consider that the 16 terrace areas at first floor level and two balconies in corner units at second floor level, all serving apartments' main living areas, are likely to cause an adverse impact on the residential amenity of the adjacent dwellings in Esker Hills through loss of privacy and potential overlooking (there does not appear to be any measures mitigating against direct or oblique overlooking from the terraces/ balconies). A more appropriate design solution to better protect the amenity of the Esker Hills properties maybe that taken for the southern boundary whereby two storey housing is proposed adjacent to the shared boundary with Beechlawn Heights.

12.6.17. The siting of two storey housing only along the southern perimeters of the site has ensured that overlooking and loss of privacy for existing adjacent properties in Beechlawn Heights are not excessive or unduly injurious. The proposed houses along the site's southern boundaries are provided with rear gardens of predominately c.11m in depth and achieve separation distances to the rears of the adjacent houses in Beechlawn Heights in the range of c.22m-24m. Such separation distances between the rears of residences are within required standards in urban areas, and are compliant with CDP policy in DM Standard 2 which refers to a distance of 22m. Further, the existing level of screening along the boundary and the proposed boundary treatment 2m blockwall will further minimise loss of privacy and protect against adverse overlooking impacts.

Overshadowing

12.6.18. I have reviewed the applicant's Daylight, Sunlight, and Overshadowing Study. None of the adjacent properties met the conditions (orientation of window walls in a property, the proposed development subtending a window) which required the levels of sunlight and/ or daylight impacted by the proposed development to be analysed. In respect of amenity spaces, of the existing amenity spaces analysed all continue to receive the same level of sunlight with the proposed development in place. Overall, I am satisfied that the proposal will not cause undue injury to the residential amenity of adjacent properties through loss of existing levels of daylight and sunlight, or through overshadowing.

Overbearance

- 12.6.19. In considering potential overbearance caused by the proposed development, and an associated loss of visual amenity, in similarity with overlooking and overshadowing, this is primarily an issue for adjacent properties on the western and southern boundaries.
- 12.6.20. For adjacent properties in Esker Hills on the western boundary, I acknowledge that the proposed development would result in a change in outlook from that which currently exists due to the undeveloped nature of the site. While I do not consider the extent of change to be unduly excessive (western hedgerow boundary to be retained, new rendered blockwall as a rear boundary for apartments), I do consider that the visual impact of Duplex Blocks A1-A2 would be minimised through use of smaller block widths, gapping, and/ or a stepping of roof profile. While the proposal would change the outlook for residents in Dun Esker and Beechlawn Heights, due to the scale of development proposed in closest proximity and separation distances to same, I do not anticipate any undue overbearance or loss of visual amenity for residents in either estate.

Disturbance and Disruption

- 12.6.21. Other issues of relevance in assessing the proposal's impact on existing residential amenity include disturbance and disruption arising from the construction impacts associated with the proposal, and also from the operation phase (i.e. occupation of the scheme). I have reviewed the applicant's Construction and Demolition Waste Management Plan (CDWMP) which includes operation hours, noise, dust, and traffic management details. I consider that it would be possible to manage the impacts arising from the construction of the proposal on residential amenity and that these would be short-term and neutral in effect.
- 12.6.22. I note the concerns expressed by observers regarding the operational phase disturbance associated with the proposed development connecting into and future residents' using the estate roads of Dun Esker and Beechlawn Heights. However, as outlined in section 12.5 above with regard to permeability, the future potential connections indicated by the applicant are outside of the control of the applicant, not appropriately located being on RP2 zoned lands, and not deliverable in tandem with the proposal. Conversely to the position of the observers, I concur with the planning authority, and I consider that vehicular, cyclist and/ or pedestrian connections to Dun

Esker and Beechlawn Heights to be positive design features in the scheme that would allow for a greater range and choice of traffic movements and modes of transport for same.

Conclusion

12.6.23. In conclusion, I consider that due to the substandard layout and design of the proposed development, the future occupants of the scheme would not be ensured adequate levels of residential amenity in the overall scheme. While residential units may meet minimum quantitative standards, overall, the proposal lacks distinctiveness and a sense of place, sufficient variety and choice in individual residential units, permeable and well-connected streets for all users, and integrated safe open spaces. I have also considered the key issues which can affect the residential amenity of existing properties including overlooking, overshadowing, overbearance, disturbance and disruption. Save for the potential adverse impact on the residential amenity of adjacent properties in Esker Hills due to the siting of the two A type duplex blocks, I am satisfied that the residential amenity of adjacent properties would not be unduly affected by the proposal development.

12.7. Biodiversity

12.7.1. In considering the biodiversity of the site and impacts associated with the proposed development, I have had regard to the Ecological Impact Assessment (EclA) and Bat Assessment. Related to biodiversity are the hydrological and nature conservation contexts for the site which are considered in further detail below in this report. As such, for this section regard has also been being given to the Hydrological Impact Assessment (HIA), and Natura Impact Statement (NIS) submitted with the application.

Biodiversity Value of the Site

12.7.2. Several surveys were undertaken of the site including on the 19th and 28th November 2021, 14th January, 30th March, 29th April, 18th June and 29th July 2022. Three further surveys were undertaken on the 11th, 15th, and 19th July 2022 for bats. This covers a 9-month period of surveys inclusive of the seasons for bird wintering and breeding, and for bats, which I consider to be sufficiently representative and robust.

- 12.7.3. In respect of habitats and plant species, four habitats are identified at the site in the EclA (pg. 22) including the largest area of ED3/ GS1 recolonising bare ground with dry calcareous and neutral grassland (associated with previous disturbance of site and topsoil removal), GA1 improved grassland (coinciding with the OS zoned lands), WS1 scrub (lands south of Tesco) and WL2 hedgerow/ treeline (comprising the western/ southwestern/ southern boundaries). The main habitat on site (the area of ED3/ GS1) is identified as having links to the Annex I habitat Orchid Rich Grassland (Ref. 6210 habitat) as three orchid species (Bee orchid, Heath spotted orchid, and Pyramidal orchid) were found in pockets in June and July surveys. The habitat is stated as transitional in nature (arisen due to the previous site disturbance and clearance), and temporary in nature (without management it would disappear into scrub). While categorised as being of regional importance in the EclA, this habitat within the site is found to not display the requisite indicators of good quality and accordingly is classified as being an example of poor quality habitat. The WS1 habitat is scrub with evidence of bird and bat activity. The WL2 habitat of hedgerow/ treelines along the western, central, and southern field boundaries are identified as serving as biodiversity corridors for birds, badgers, and bats. No part of the site is located within an area that is designated for nature conservation purposes.
- 12.7.4. In respect of bird species, during the wintering survey no species of special conservation interest, or evidence of same, are observed on site (habitats are not suitable for birds such as ducks, geese or waders). During the breeding survey (April, June), the bird species observed are all common green listed birds. None of the bird species recorded during the surveys are red listed or Annex I species. The site is categorised as local importance (lower value) for birds.
- 12.7.5. In respect of mammal species, the surveys record evidence of both common and protected species on site, the latter including badgers and bats. Of badgers, site conditions are stated as not suitable for badger setts or foraging, but commuting routes through the site are possible. No badger setts are identified within the site. Potential badger setts are identified in the EclA in locations outside of the site boundaries, in vicinity to the treelines to the south/ southwest of the site (pg. 27). Other mammal species stated as likely to be on site include fox, wood mouse, hedgehog, hare and pygmy shrew, all of which are common species with widespread distribution. The site is categorised as local importance (lower value) for mammals.

12.7.6. In specific respect of bats species, four bat species (Leisler's Bat, Soprano Pipistrelle, Common Pipistrelle, and Nathusius' Pipistrelle) are recorded foraging and commuting within the site. Importantly, no bat roosts are identified in the surveys. Commuting routes and foraging activity are recorded particularly in the treelines/ scrub habitats at the centre of the site (pg. 28 of the EclA, pg. 49 of the Bat Assessment). The site is categorised as local importance (higher value) for bats.

Impact on Biodiversity

12.7.7. I identify the principal impacts identified for biodiversity at the site are those to the protected mammal species recorded at/ near the site. These include construction phase impacts relating to the loss of habitats and operation phase impacts relating to lighting and noise disturbance from the proposal.

12.7.8. The loss of the WL2 hedgerow-treeline and WS1 scrub habitats are likely to have adverse impacts on badger and bat species identified as using same for commuting and/ or foraging purposes. The mitigation measures proposed to address the impacts include seasonal removal of hedgerow/ treelines, additional planting, retention of biodiversity corridors where possible, pre-construction surveys of species, ecologist supervised site clearance, bat box scheme, and lighting plan design and implementation.

12.7.9. Of the presence of orchids at the site, for the Board's clarity, I have reviewed available information and legislation on endangered and protected flora species from the NPWS and confirm that the three orchid species identified at the site are not protected or of conservation concern in and of themselves. Of the Annex I habitat Orchid Rich Grassland within the main habitat of the site (ED3/ GS1 recolonising bare ground/ neutral grassland), the proposal involves the permanent removal of such pockets for the construction of buildings/ hardstanding/ infrastructure. A compensatory measure is to maintain and manage any such pockets which occur in the scheme's public open space area, indicated in the central public open space area of Character Area 2 in the landscaping plan. While I note the impact of the proposal on the Annex I habitat, due to the nature and quality of the habitat and the compensatory measure, I find the loss of and disturbance to the habitat to be acceptable and not in breach of any legislative provision.

12.7.10. While shortcomings are raised about the applicant's EclA and Bat Assessment by observers, including errors, the basis on which conclusions are drawn, and unsubstantiated conclusions (about orchids, badgers, and bats), I am satisfied that the information provided has been sufficient to enable this assessment to be undertaken.

Conclusion

12.7.11. In conclusion, the site is not designated for nature conservation purposes however the presence of orchids, bats and badgers has been identified within and/or adjacent to the site. For these species, the site is classified as being of regional importance, local importance (higher value) and local importance (lower value) respectively. While the development of the site would involve the partial removal of Annex I habitat Orchid Rich Grassland (Ref. 6210 habitat), I note qualifiers to the classification (e.g. the three orchid species are not individually protected, the orchid habitat is poor quality, transitional, and temporary). In respect of the WL2 hedgerow/treeline habitat used by bats and badgers, in my opinion the applicant has failed to sufficiently justify the development approach for the hedgerow-treeline habitat at the site, the biodiversity value of which is evident. As such, in respect of biodiversity I do not consider the proposed development approach to be appropriate and therefore not acceptable.

12.8. Hydrology and Hydrogeology

12.8.1. The hydrological context of the site and surrounding area are important considerations in the assessment of the proposed development, with interactions with biodiversity, surface water drainage, and nature conservation designations also being of relevance.

Hydrological and Hydrogeological Context of the Site

12.8.2. The application includes a Hydrological Impact Assessment (HIA), which outlines the geology and hydrology conditions pertaining to the site. Items of note include the soil conditions where the topsoil is well drained, subsoil is till derived from limestone, and bedrock is pure bedded limestone. The surface water hydrological features include River Suck (840m to centreline), its floodplain, and a surface water drain (500m) in the town with an outfall to River Suck, all located to the northeast of the site. The status of River Suck is poor (Q3) to moderate (Q4), and part of the river to

the east of the site is within an area of being of risk of not meeting the WFD objectives in 2027. The groundwater hydrological features include the site being between a Moderate/ High groundwater vulnerability rating (western side) and an Extreme/ High rating (eastern side), being within a Regionally Important Aquifer - Karstified (conduit) (Rkc) and within the Lower River Suck groundwater body with a drinking water protected status.

12.8.3. In the CE Report, the planning authority identifies the site as overlying a groundwater body which is subject to an abstraction license for drinking water, and states that while there are no identified surface water features within the site or its immediate vicinity, the groundwater and surface water drainage systems are highly interlinked throughout the catchment. The site is considered to be sensitive in nature with potential hydrological connections to protected waters. I note the contents of the HIA and concur with the position of the planning authority. It is evident that the hydrological environment of the site and receiving area is sensitive, vulnerable to impact, and with indications of environmental pressure.

Impact on Hydrology and Hydrogeology

12.8.4. The HIA relies on the source-pathway-receptor model to assess the hydrological impacts of the proposal (the project being the source). Based on the geology and hydrology conditions of the receiving area, four receptors are identified for assessment including three surface water receptors (i.e., River Suck, its floodplain, the surface water drain in the town), and one groundwater receptor (Lower River Suck groundwater basin). No direct surface water pathways (watercourses, ditches, drains) exist in the receiving area which connect the site to the river, its floodplain, or the drain. Based on the geology and hydrology conditions, the possibility for other pathways to exist is identified. These include pathways (natural flow paths and overland sheet flow) affecting surface water, and subsurface pathways (vertical and horizontal), and pathways through conduits in bedrock affecting groundwater.

12.8.5. The HIA identifies impacts associated with the construction and operation phases of the proposed development. Construction phase impacts are associated with clearing vegetation, construction of access roads, storage and erection of temporary structures, sewerage from construction personnel, excavations, drainage during construction, hydrocarbons from machinery, cement-based products suspended in

water, landscaping, and flooding. Operation phase impacts are associated with drainage from paved areas that have access to vehicles, drainage from other paved areas (roofs), sewerage from dwelling houses, and flooding.

- 12.8.6. Accordingly, the HIA identifies mitigation measures to ameliorate the associated effects on the surface water and groundwater receptors. For the construction phase, these include not undertaking certain processes (topsoil stripping and groundworks) in poor weather conditions, due to topography recommendation for interceptor drains at west/ southwestern boundaries to reduce surface runoff as sheet flow over the site, these interceptor drains should have grass banks and silt fences, areas of stockpiles should have silt fences to reduce erosion and prevent silt entering the drainage system, connect temporary drains to on-site settlement ponds, pump water from an excavation area to a settlement tank, spill and leak prevention and management measures, storage of oils and fuels to be on a location-specified area of bunded hardstand, and incorporation of SuDS measures. For the operation phase, these include surface water discharge to be through an oil/ fuel interceptor, a maintenance programme for the entire drainage network, surface water management through rainwater harvesting, and incorporation of SuDS measures swales, and rain gardens. The HIA concludes that with implementation of the mitigation measures, the proposed development would have an imperceptible or insignificant effect on each of the four receptors.
- 12.8.7. On review of the HIA, I consider the identification of the hydrological pathways and receptors to be logical and likely, with the impacts being relevant to particularly to River Suck and the groundwater body. While I note that several of the mitigation measures represent best practice and/ or are general in their scope and application, I am satisfied that these measures have been devised to address the site's hydrological conditions and protect the surface water and groundwater receptors.
- 12.8.8. Due to the geology (high soil permeability and bedrock with conduits), hydrology (high vulnerability), conditions of the site and receiving area (absence of direct surface water pathways), and the nature of the surface water management system (an on-site collection, attenuation, and infiltration to ground process), I identify groundwater and the impact thereon by the proposed development to be of particular importance in the assessment. The choice of surface water management system in such hydrologically sensitive conditions is pivotal and needs to be robust, and the

extent to which the proposed development can be satisfactorily demonstrated to not cause injury to the hydrology of the site and receiving area are fundamental to the appropriate assessment of the proposed development.

Flood Risk Assessment

12.8.9. The HIA includes an assessment of flood risk at construction and operation phases with mitigation measures as appropriate. The HIA outlines the topography of the area whereby the application site is separated from the most proximate watercourse, River Suck and its floodplain by an area of high ground. From CFRAM flood maps, the risk of flooding of the site from River Suck, is estimated as less than 0.1%. At both the construction and operation phases, the significance of effects from flooding on surface water is classified as quality is negative, magnitude is low/ moderate, probability is very low and temporary, while for groundwater the quality is negative, magnitude is low, probability is very low and temporary. Accordingly, the application site is identified as being within a Flood Zone C.

12.8.10. The planning authority notes and accepts the findings of the HIA with respect to flood risk. I am satisfied that the risk of flooding at the site and of the proposed development from River Suck has been demonstrated as being low, the proposal will not result in an increased flood risk elsewhere, and that protective measures are incorporated into the scheme (e.g. the minimum finished floor levels (44.75m OD) are higher than the maximum predicted flood levels of the River Suck (37.03m OD).

Conclusion

12.8.11. In conclusion, the hydrological conditions of the site and receiving area are sensitive, vulnerable to impact, and with indications of environmental pressure. As such, the potential for the proposed development to adversely impact on the hydrology of the site and area, particularly that of groundwater, is evident, and for which a suitable and robust choice of surface water management system is required. I am satisfied that flood risk to the proposed development has been demonstrated as low and that the site is located in a Flood Zone C.

12.9. Cultural Heritage

12.9.1. Considerations of cultural heritage at the site, include those relating to architectural and archaeological heritage. The application includes an Archaeological Impact

Assessment (AIA) which outlines the cultural heritage context and the impact of the proposed development on same. In respect of architectural heritage, the site comprising a series of fields without buildings, does not contain any protected structures, architectural conservation areas, or NIAH listed buildings in the CDP or NIAH.

- 12.9.2. In respect of archaeological heritage, the site does not contain any recorded monuments in the Sites and Monuments Record (SMR) or the Record of Monuments and Places (RMP). However, the AIA outlines the known archaeological activity in the Ballinasloe area since prehistoric times, and there are archaeological recorded monuments in the vicinity of the site. Further, as part of the archaeological assessment carried out in 2008/ 2009 for the adjacent Tesco complex (monitoring, testing, excavations), four new archaeological sites dating from the Bronze Age were discovered.
- 12.9.3. The application site comprises lands which are greenfield (undisturbed lands at the site boundaries), disturbed (topsoil removed, revegetated spoil heaps) and partially serviced. The historic disturbance of the site is indicated as being associated with the development of the retail park and Tesco in the adjacent lands to the north. The AIA describes this as including ground works in the form of topsoil removal which been completed for almost the entire site and identifies only the field boundaries and adjacent lands as being undisturbed and having potential for archaeological remains.
- 12.9.4. In respect of cultural heritage, the AIA indicates that in the southern portion of the site, a cartographic review and field inspection revealed a surviving stretch of townland boundary (c. 300m) between Dunlo and Pollboy townlands (indicated on pg.29). Possibly dating from the medieval period, the AIA describes this as the only possible surviving feature of archaeological and historical interest on site. No direct or indirect impacts are identified on recorded archaeological heritage, and mitigation measures are proposed to address potential impacts on archaeological heritage at the site. These include archaeological testing of the undisturbed edges of the site and of the surviving sections of the townland field boundary.
- 12.9.5. A submission on the application has been received from the Development Applications Unit (DAU), the relevant prescribed body for archaeological heritage. A condition requiring an updated AIA with archaeological test excavation to be

undertaken prior to commencement of development is recommended. I note the planning authority incorporated the condition into those recommended in the CE Report.

- 12.9.6. While I note the contents of the AIA including the mitigation measures, and the report from the DAU does not object to the proposal per se, I have reservations regarding the impact of the proposed development on the historic townland boundary. The townland boundary is a treeline/ hedgerow field boundary with an inverted 'L' configuration measuring c.100m along the east-west aligned section and c.200m along on the north-south section. Part of the east-west section is proposed to be removed to construct the access road located between Character Areas 2 and 3 of the proposal. Along the southern section of the boundary is an existing boreen, which observers submit is a historic mass/ funeral walk and thus of cultural heritage value (I did not identify any reference to or assessment of same in the AIA). The southern section and the boreen are segregated from the remainder of the proposal through the construction of 2m blockwalls (serving the rears of the houses and a duplex block, and delineating open spaces and the access road). The boundary and boreen are indicated as serving as a biodiversity corridor.
- 12.9.7. From a review of the application documentation, I am not satisfied that the applicant has fully identified and addressed the cultural heritage impact on the site arising from the partial removal and the segregation of the boundary or demonstrated that the proposed layout is the optimum solution for the townland boundary. The removal of any of the east-west section of the boundary is not wholly justified as access could be achieved further east where the boundary does not exist. While the remaining part of the east-west section of the boundary is indicated as being retained as part of the landscaping plan, the southern section could be better incorporated into the layout as a feature within an area of open space or part of a site boundary. Further, I highlight to the Board that the east-west section of the townland boundary forms part of the boundary line between the RP1 and RP2 zoned lands at this location of the site (which constitutes a natural edge in the current development of the town) and, as considered in the previous section 12.7 above, is an important WL2 hedgerow/ treeline habitat for protected badger and bats species at the site.

Conclusion

12.9.8. In conclusion, I consider that the partial removal and segregation of the historic townland boundary, which is identified as the only surviving feature of archaeological and historical interest at the site, will negatively impact on the cultural heritage of the site for which there is insufficient justification. The partial removal and segregation of the boundary arise due to the suboptimum layout of the scheme and insensitive choice of boundary treatments.

12.10. Traffic and Transportation

12.10.1. Previously in section 12.5, I considered in detail the layout and design of the proposal in respect of the requirements of the DMURS. This section focuses on the traffic impacts of the proposal, parking standards, and issues of safety and appropriate design for all road users, and responds to issues raised by the planning authority in the CE Report and in several observations.

Traffic Impact Assessment

12.10.2. Concerns regarding the impact of the proposal on traffic and transportation in the receiving area feature strongly in several observations. These vary from the local area, with particular opposition to the proposed development connecting with existing roads and pathways in the adjacent residential estates (Beechlawn Heights, Dun Esker), to the wider area (certain roads in the town (Beechlawn Road) and commuting patterns in and out of Ballinasloe town itself).

12.10.3. Of the impact on the local area, in sections 12.5 and 12.6 above, I have considered the extent of proposal's connectivity with adjacent developments (limited with delivery being restricted, but desirable on planning grounds) and the impact of same on the amenities of the residents (not unduly affected). Of the impact on the wider area, I have had regard to the applicant's Traffic and Transport Assessment (TTA).

12.10.4. The applicant has submitted a TTA establishing baseline conditions, calculating the trip generation, and forecasting traffic impacts associated with the proposed development on two junctions analysed in the town (Grand Canal and Dunlo Shopping Centre Roundabouts). The TTA finds that by 2040, with the proposed development in place, the two junctions analysed would be operating within the maximum desirable capacity (85%) indicating the proposal would have a minimal impact on the junctions.

12.10.5. While I note criticisms by observers regarding the low trip rates applied for the AM and PM peaks, and the limited scope of the local road network (e.g. no analysis of Beechlawn Road), having regard to the nature of the proposed development and the proposed connections to the local road network (i.e. via the eastern and western roads connecting with the road network further north) I consider focusing on baseline data for the immediate road network (access roads, adjacent roundabout and town streets) to be reasonable and acceptable. With regard to trip generation, I note that the applicant has incorporated the adjacent residential development (Eiscir Riada) and uses TRICS for predicting trip rates for similar developments/ similar locations which would be an industry standard and a mainstay in traffic impact assessment methodologies. As such, I note the conclusion of the TTA which demonstrates that the proposed development would not cause an adverse significant impact on the local road network.

Parking Provision

12.10.6. I have reviewed details provided in the applicant's TTA and the applicable CDP car and cycle parking standards (CDP DM Standard 31). With regard to car parking, the proposed development generates a requirement for 248 car parking spaces (1.5 spaces per unit (1-3 bedrooms)) with 281 spaces provided, representing an over provision of 33 spaces. I identify the over provision as being primarily related to the 2 bedroom houses (32 houses) which are provided with two in-curtilage spaces. I have reservations regarding the over provision of such spaces which would inevitably lead to trips dominated by private car use.

12.10.7. In respect of cycle parking provision, in estimating the requirement generated by the proposal, I have discounted the houses as cycle spaces can be provided within the curtilages. For the duplex apartments, applying the standard in CDP DM Standard 31, I estimate a requirement of 292 cycle spaces. The TTA calculates a requirement of 99 spaces, though the site layout plan indicates a total of 90 spaces in five stores in various locations, and both of which I consider to be flawed/ incorrect. In any event, I concur with concerns raised by observers, and I consider the provision of 90 cycle spaces to serve 106 apartments (with a total of 239 bedspaces) and demand generated by visitors to the scheme (53 visitor spaces), to be wholly inadequate.

12.10.8. Having regard to the above, combined with reservations I have regarding the road layout of the scheme, I consider the approach to parking provision to be inappropriate. The scheme incorporates an unsustainable roads and car parking dominated design which would promote the use of private cars over other sustainable modes of transport through over providing car parking spaces and under providing cycle spaces.

Safety Considerations

12.10.9. The application is accompanied by a Stage 1/ 2 Road Safety Audit (RSA). The audit identifies 11 'problems' in total, nine being general in nature and two being at specific locations. The general problems include occurrence of long straight roads, absence of on-road cycle lane details, restricted visibility at some internal junctions, too close alignment between the cycle lane and on-street parallel car parking bays, inappropriate siting of disabled user parking bays in the carriageway, restricted size of turning heads for large vehicles, no allowance for right turning cyclists in the design of cycle lanes at junctions, no yield/ priority for cyclists in the design of a cycle lane and a road crossing, overly large radii at junctions, restricted size of front driveway of House No. 154, and the absence of a turning area for refuse vehicles in the bin collection area at the rear of Blocks B8-B9. For several of the measures, the recommendation given to ensure a safe and appropriate designed layout is to comply with the requirements of the DMURS and the National Cycle Manual.

12.10.10. In the RSA feedback form, the applicant indicates that of the 11 problems identified, one problem is not accepted (restricted visibility at some internal junctions), and two problems are accepted (disabled user parking bays, and absence of a turning area for refuse vehicles) but the recommended measures are not accepted as alternative design changes are proposed by the applicant. From a review of the site layout plan and accompanying documentation, I note that the accepted measures and newly proposed measures recommended for the layout and design of the scheme have not been incorporated into the scheme as submitted for assessment. Instead, the applicant indicates these will be revised at the design stage and/ or addressed at detailed design stage. I consider such an approach to be inappropriate, concur with the planning authority in anticipating that several of the

recommended measures have the potential to notably amend the final site layout of the scheme.

12.10.11. Having regard to the foregoing, I consider that the applicant has failed to ensure an appropriately designed and safe layout for road users in the scheme. In particular, I identify the occurrence of long straight roads and overly large radii (conditions identified in the DMURS to facilitate speeding vehicles), the manner in which cycle infrastructure (relevant to four of the 11 problems identified in the RSA) would be safely and adequately incorporated into the layout and design of the scheme, and how additional space for turning heads and front driveways would be provided in the scheme to ensure safe and adequate turning movements for all vehicles, in particular larger vehicles. Due to these reasons, I find that the proposed development would likely endanger public safety by reason of traffic hazard.

Outstanding Information

12.10.12. Further to the consideration above of safe road and traffic conditions, is the provision of sufficient information which would allow a thorough assessment of the scheme in this regard. As highlighted by the planning authority and raised by observers, I note the absence of swept path analysis for larger vehicles, and detailed technical information of internal roads, pathways, and cycle lane facilities. The latter, in particular, are necessary to demonstrate compliance with the more detailed design requirements (measurements, distances, calculations) of the DMURS (note: I highlight to the Board that in section 12.5 above I have previously assessed the general layout and design of the proposed development and found these not to comply with the requirements of the DMURS).

12.10.13. I have reviewed the applicant's DMURS Compliance Statement and find applicant's position to be overly general, without detailed information, and lacking sufficient scrutiny in several of the 'DMURS review' responses. Also, the statement indicates certain items as being revised or addressed at the detailed design stage, which as stated about with regard to the RSA, is an approach which I consider to be inadequate.

12.10.14. The failure by the applicant to incorporate the RSA recommended design measures and to provide the necessary technical information form the basis of

Reason 2 in the planning authority's refusal recommendation, a position with which I concur.

Conclusion

12.10.15. In conclusion, I accept the applicant's case that the proposed development would not result in an adverse significant effect on the local road network. However, the scheme incorporates an unsustainable roads and car parking dominated design which would promote the use of private cars over other sustainable modes of transport through over providing car parking spaces and under providing cycle spaces. On the basis of the information submitted with the application, the proposed development is not considered to be an appropriately designed and safe layout for all road users and would likely endanger public safety by reason of traffic hazard. Overall, the proposal fails to comply with the requirements of the DMURS and is not consistent with CDP Policy Objectives WC 1 and NNR 3, or DM Standard 31.

12.11. Water Services and Utilities

12.11.1. In respect of servicing, the proposal seeks to connect to public services for water supply, wastewater drainage, and utilities, and incorporates on-site management for surface water drainage. The majority of the services are to be extended from those existing services in the adjacent developments (via the western and/ or eastern access roads) which are indicated as being under the control of the applicant. Water supply and wastewater drainage are under the remit of Uisce Eireann, surface water management is under that of the planning authority, and utilities are several others.

Water Supply and Wastewater

12.11.2. For water supply, the proposed development seeks to connect into an existing 150mm watermains which is located in the western access road and under the applicant's control. The applicant-controlled watermains presently connects into the 400mm public watermains which is laid in Harbour Road. The Uisce Eireann submission indicates that a connection from the proposed development to the public watermains via the applicant-controlled watermains is feasible, with sufficient capacity, and subject to a self-lay agreement.

12.11.3. For wastewater drainage, the proposed development comprises a gravity sewerage system (serving two catchments) and proposes to connect into the

existing system in the western and eastern access roads and the pumping station. The pumping station presently pumps foul water to the public sewer laid in Harbour Road. The Uisce Eireann submission indicates that an upgrade to the existing pumping station is required (to ensure 24hr storage capacity), on completion of which a connection from the proposed development to the Ballinasloe WWTP via an upgraded pumping station is feasible and there is sufficient capacity in the public system (rising main and the town's treatment plant). The design/ construction of the upgrade to the applicant-controlled pumping station is indicated as being the responsibility of the applicant. No new or upgrades to Uisce Eireann infrastructure are required.

Surface Water Management

- 12.11.4. The applicant's Engineering Services Report outlines the surface water management system for the proposed development. The system is an on-site solution comprising surface water collection, attenuation, and infiltration to ground via several soakaways/ soakpit tanks. This system is stated as being selected due to the absence of a proximate watercourse to discharge to, and due to the soakpit tests and infiltration rate calculations indicating ground suitability and feasibility.
- 12.11.5. The site is divided into six catchments, from which surface water will be collected and drain into one of five soakaways/ soakpit tanks that are sited in corresponding areas of public open space. This is except for Catchment 1 which drains the western access road to an existing attenuation tank located adjacent to the commercial development. Each soakaway/ soakpit tank is provided with a hydrocarbon interceptor through which the collected surface water will pass prior to attenuation, after which the surface water will infiltrate/ discharge to ground.
- 12.11.6. In the Planning Report & Statement of Consistency, the applicant submits that the proposed development complies with LAP Policy Objective BKT 48 (cited above in section 6.5 of this report), which relates to SuDS within new developments. The proposal is stated as including a sustainable surface water collection system which accords with the BRE 365 requirements. The Engineering Services Report describes the specific SuDS measures to be applied to the proposed development as the use of pervious pavements at the front of all duplex blocks, the collection of

surface run-off via a road gully system and further discharge by gravity into the on-site soakpit areas.

12.11.7. In the CE report, the planning authority raises concerns regarding the lack of site-specific drainage measures and absence of more modern SUDs solutions such as nature-based drainage solutions (swales, rain gardens, harvesting of rainwater). The absence of precise calculations of generated surface water run-off, or full details of areas of proposed permeable paving including saturation capacity is also highlighted. The planning authority finds the proposal fails to comply with CDP DM Standard 68 (sic DM Standard 67, which I have cited above in section 6.5 of this report) and LAP DM Standard 2. These standards (which are essentially the same) relate to SuDS being incorporated into all new developments.

12.11.8. Observations raise similar issues to those of the planning authority, highlighting the absence of proposals for rainwater conservation and re-use, of calculations demonstrating that the soakaways have the capacity to deal with the anticipated volume of discharged surface water, and of tests are provided in accordance with the BRE digest 365 soakaway design.

12.11.9. While I acknowledge the position of the applicant and note the contents of the Planning Report & Statement of Consistency, Engineering Services Report, and HIA, I consider the information regarding SuDS measures to be rather vague and the range of SuDS elements incorporated into the scheme to be limited. Importantly, I highlight that the HIA recommends the use of interceptor drains at west/southwestern boundaries to reduce surface runoff as sheet flow, that these interceptor drains having grass banks and silt fences, rainwater harvesting and the use of swales and rain gardens as mitigation measures devised to prevent adverse impacts to the surface water and groundwater environments. These mitigation measures do not appear to and/ or have not been incorporated into the proposed development.

12.11.10. Further, while the applicant refers to soakpit tests and infiltration rate calculations being undertaken for the proposed development, I have reviewed the application documents, and confirm to the Board I have not been able to identify documentary evidence of these or, as referred to by the planning authority, calculations of generated surface water run-off, or full details of areas of proposed

permeable paving including saturation capacity. In this regard, I share the reservations of the planning authority and observers, and consider that the applicant has failed to demonstrate the adequacy and robustness of the surface water drainage system. Accordingly, the proposal fails to incorporate the range of SuDS measures and give the adequate amount of information required to satisfy CDP DM Standard 67 and LAP DM Standard 2.

12.11.11. While I note that the planning authority does not cite these shortcomings as a refusal reason per se (Condition 9 of the recommended conditions in the CE Report requires final agreement on several aspects of the proposed surface water drainage system), as outlined in section 14.0 below, I consider these shortcomings to be a substantive issue for the assessment of the proposed development in the context of nature conservation and appropriate assessment of same.

Utilities

12.11.12. The utilities of electricity, gas, and telecommunications are available at the adjacent development to the east and west of site, by which the proposed development will be served. With regard to waste, a Construction and Demolition Waste Management Plan (CDWMP) accompanies the application. The CDWMP indicates how waste generated from the site during construction will be appropriately managed. While an Operational Waste Management Plan has not been submitted, this would be an outstanding item that could be addressed by condition.

Conclusion

12.11.13. In conclusion, the applicant has demonstrated feasibility to connect to water services infrastructure, and that the proposed development could be serviced adequately, with utilities provided safely. However, the applicant has not adequately demonstrated site suitability for the proposed surface water drainage system (soakaway tests, infiltration rates), or that the system is robustly designed (calculations of surface water run-off generation, saturation capacity of permeable paving), featuring sufficient SuDS measures (no swales, rain gardens or rainwater harvesting as recommended in the HIA). As such, the proposed development fails to comply with CDP DM Standard 67, LAP DM Standard 2, and LAP Policy Objective BKT 48.

12.12. Chief Executive Report

12.12.1. As relevant to the headings above, I have referred to the planning authority's position expressed in the CE Report. Overall, the planning authority does not consider the site's development for residential purposes to be appropriate, finding the proposal to be a material contravention of three of the four zoning objectives which comprise the site and of policy objectives relating to phasing and sequential development (a position with which I mainly agree). The planning authority outlines concerns regarding the design and layout of the scheme highlighting the failure to provide high quality open spaces and sufficient street connectivity (conclusions which I also form). Further, the planning authority highlights the applicant's failure to incorporate the Road Safety Audit findings into the design of the scheme and to provide sufficient technical information on several items (swept path analysis for larger vehicles, internal road, path, cycle lane facilities, and travel plan), concluding the proposal would endanger public safety by reason of serious traffic hazard (a position with which I concur and conclusion which I also form).

12.12.2. I share the reservations of the planning authority regarding the hydrological sensitivity of the site/ wider area, and the lack of technical information on and SuDS features in the surface water management system. While the planning authority did not cite these as a refusal reason per se, I find these to be substantive issues with implications for the screening stage of the appropriate assessment of the proposal.

12.12.3. Of the five refusal reasons cited by the planning authority, I agree substantively with four of the reasons (not Reason 5 relating to the childcare facility) and recommend to the Board the inclusion of an additional reason related to shortcomings with the proposed surface water management system and the implications for appropriate assessment. On balance, I concur with the planning authority's conclusion that permission be refused for the proposed development.

12.13. Material Contravention

12.13.1. Section 7.2 above of this report outlines the applicant's Statement of Material Contravention and cites the two LAP objectives which the applicant has identified the proposed development as potentially being in material contravention of. The statement also provides justifications for the material contraventions with reference to section 37(2)(b) of the 2000 Act.

12.13.2. A material contravention can be justified if one of the four criteria of section 37(2)(b)(i)-(iv) are met. These criteria are as follows:

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

12.13.3. The applicant's statement identifies potential material contraventions in respect of two topics:

1. Transportation Infrastructure (Policy Objective BKT 32), and
2. Reservation of Access Points (Policy Objective BKT 37).

Transportation Infrastructure and Access Arrangements

12.13.4. The applicant submits that the proposed development may be found to be in material contravention of the policy objectives due to the proposal including a road layout with access arrangements in the absence of any map-based reservations indicating same as determined by the planning authority in the LAP (as had been the case for the previous 2015 LAP).

12.13.5. As part of my planning assessment, I have considered the topics in section 12.10. In short, the policy objectives are both sufficiently broad in their terminology and scope, generally applicable and not specific to the application site, and/ or include stipulations or restrictions that are outside of the control of the applicant. Accordingly, I do not find the proposed development to materially contravene same.

12.13.6. Conversely, as discussed in detail section 12.2 above, I find the proposed development to be a material contravention of the LAP 'OS' Open Space/ Recreation

and Amenity and 'BE' Business and Enterprise zoning objectives with regard to the proposed residential use class and the zoning matrix. In the interests of clarity, I find the proposed development to be contrary to several other CDP and LAP policy objectives and development management standards, though not in material contravention of same.

Conclusion

12.13.7. In conclusion, I am satisfied that the proposed development does not constitute a material contravention of the two LAP policy objectives identified by the applicant. However, I consider the proposed development to be a material contravention of the LAP 'OS' and 'BE' zoning objectives, and contrary to several CDP and LAP policy objectives. As the proposal is a material contravention of land use zoning objectives, I have had regard to section 9(6)(b) of the 2016 Act and recommend permission be refused for this reason.

13.0 Environmental Impact Assessment

13.1. Screening Determination for Environmental Impact Assessment

13.1.1. The applicant has submitted an Environmental Impact Assessment Screening Report (EIASR) with the application addressing issues include for in schedule 7A. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and section 172(1)(a) of the Planning and Development Act 2000, as amended, identify classes of development with specified thresholds for which EIA is required.

13.1.2. I identify the following classes of development in the Regulations as being of relevance to the proposal:

- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, and

- Class 15 relates to any project listed in Part 2 which does not exceed a quantity, area or other limit specified in that Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

13.1.3. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the Regulations. Class 15 is of relevance as the project comprises a residential development and/ or an urban development that would not exceed a quantity, area or other limit specified in respect of the relevant class of development (i.e., would facilitate a project of less than 500 dwelling units and/ or an urban development on a site less than 10 hectares).

13.1.4. As such, the criteria in Schedule 7 of the Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the proposal, the location of the site, and any other factors leading to an environmental impact. I have completed an EIA Screening Determination based on the criteria in Schedule 7, which is presented in detail in Appendix A of this report. In the following subsections, I provide a summary of the key considerations for ease of reference for the Board.

Characteristics of the Project

13.1.5. Of the characteristics of the project, the nature and the size of the proposed development are notably below the applicable thresholds for EIA. In short, the proposal differs in terms of character from the adjacent commercial and greenfield areas (land use and building typology), but not from the adjacent residential areas (same residential use, building typologies include traditional houses, surface parking, landscaped open spaces, formal estate boundaries). While the project differs in terms of scale and typology of the residential buildings (increased height and density, 3 storey duplex blocks), overall, the differences in terms of character and scale are not considered likely to result in significant effects on the environment.

13.1.6. The proposal would cause physical changes to the appearance of the site and boundaries though these are not considered to be significant in terms of effect on the environment. The site development works produce waste that would be removed, transported, and disposed of accordingly. The proposal would also cause noise,

vibration, and dust impacts. Ground works for the construction of the scheme would cause a change in site topography/ ground levels, and surface changes arise from the removal of hardstanding and replacement with new hard and soft landscaping. Impacts in relation to the site development works will be addressed through mitigation measures in the Construction and Demolition Waste Management Plan (CDWMP) and the Hydrological Impact Assessment (HIA). The proposal would cause a change in land use from predominantly greenfield to residential, however there would be no change to waterbodies or requirement for a significant use of natural resources during the site development works process.

- 13.1.7. The project does not involve discharge of untreated pollutants to ground or surface water environments. The proposal connects into the public water supply and wastewater treatment services systems which have sufficient capacity to accommodate demands. The scheme includes an on-site surface water management system which after collection, treatment (hydrocarbon interceptors), and attenuation in several soakaways infiltrates to ground. Project includes energy efficient design, and is located close to several services and amenities. There is no risk of major accidents given the nature of project, nor is it part of a wider large-scale change in the area as the site is subject to land use zonings which restrict its development on a phased basis. The proposal would result in a moderate increase in population and residential activity, which are not considered likely to result in significant effects on the environment, and no cumulative significant effects with development works in the area are reasonably anticipated.

Location of the Project

- 13.1.8. Of the location of the project, the site is not in, on, or adjoining a European site, a designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection. Of habitats and flora, pockets of Annex I habitat Orchid Rich Grassland are identified at the site, though classified as poor quality. The partial removal of the habitat, subject to mitigation measures (management in open spaces), would not likely result in significant effects on biodiversity. No protected species of flora are identified at the site. Of fauna, protected badger and bat species are identified as commuting and foraging at and in the vicinity of the site. Importantly, no setts or roosts are identified within the site. The partial removal and segregation of habitat (WL2 hedgerow/ treeline boundary) used by the protected

species, subject to mitigation measures (additional planting and provision of bat boxes), would not likely result in significant effects on biodiversity. No protected bird species are identified at the site and the site is demonstrated as not being suitable or used by the protected waterbird species of River Suck Callows SPA.

13.1.9. There are no known archaeological features or protected structures recorded at the site, or architectural conservation or landscape designations pertaining to the site. A field boundary is identified as a historic townland boundary and classified as being the only surviving feature of archaeological and historical interest at the site. The partial removal and segregation of the townland boundary, subject to mitigation measures (archaeological test trenching), would not likely result in a significant effect on cultural heritage.

13.1.10. There are no high quality or scarce resources on or close to the site. There are no watercourses within or adjacent to the site, or direct surface water connections to watercourses in the area, the closest watercourse being River Suck. Other potential surface water and particularly groundwater pathways are identified to the four applicable receptors. The construction and operation phases of the project, subject to the incorporation and implementation of mitigation measures included in the HIA, would not likely result in significant effects on surface water and groundwater. The site is not located within a fluvial or pluvial floodplain (thus in Flood Zone C) with the chance of flood risk from River Suck being less than 0.1% at a probability of very low.

13.1.11. The proposal would cause construction impacts on the residential amenity of adjacent properties, with mitigation measures to address and ameliorate these impacts contained in the CDWMP. Traffic generation associated with the project is of a scale would have a minimal impact on the surrounding road network and is not anticipated to contribute to congestion.

Other Factors leading to Environmental Impacts

13.1.12. Of whether there are any other factors which could lead to environmental impacts, the proposal is at a greenfield edge of town centre site subject to phasing restrictions. As such, and given the nature of the proposal, the associated impacts arising would be temporary (site development works), localised, and not significant in terms of use or scale. While I note recent development works in lands adjacent to

the site (commercial and residential to the north), these are relatively small in scale and environmental impact, and there are no likely cumulative significant effects on the area that are reasonably anticipated. There are no transboundary effects arising.

Application Documentation

13.1.13. To enable the EIA Screening Determination, the application includes an EIASR. The report comprises a description of the proposed development, of aspects of the receiving environment likely to be significantly affected, of likely significant effects of the proposed development. As applicable, references are made to the reports included in the application documentation, with descriptions of the mitigation measures proposed to address identified impacts.

13.1.14. I have reviewed the EIASR and generally confirm the nature of impacts identified, and the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment. The EIASR submitted with the application concludes that an EIA is not required due to the project being significantly below thresholds for Schedule 5 classes of project requiring EIA, that mitigation measures are proposed to address impacts identified at construction, and operation phases, and that the proposed development is not considered likely to cause significant effects on the environment.

13.1.15. The application is also accompanied by Statement in accordance with Article 299(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended. The statement indicates how the reports prepared and assessments undertaken by the applicant for the project have been completed pursuant to the applicable EU legislation. The EU Directives and Conventions identified as being of relevance to the range of project reports and assessments include the Habitat Directive, Water Framework Directive, SEA Directive, Flood Risk Directive, Bern and Bonn Conventions, Ramsar Convention, and Energy Efficiency Directive.

Screening Determination

13.1.16. In the interest of clarity, I highlight to the Board that in section 14.0 below, I have undertaken an appropriate assessment screening for the project and determined that based on the information submitted by the applicant there is uncertainty as to whether the proposed development would not be likely to have a

significant effect on European site River Suck Callows SPA. The uncertainty arises from the absence of definitive and comprehensive documentation demonstrating the site suitability for the proposed surface water drainage system (soakaway tests, infiltration rates), whether the system is robustly designed (detailed calculations of surface water run-off generation, saturation capacity of permeable paving), or includes sufficient SuDS measures (no swales, rain gardens or rainwater harvesting are incorporated into the design as recommended as mitigation measures in the HIA).

13.1.17. The Board will note from my conclusion below that, conversely, I have screened out the requirement for EIA for the project. I have been able to do so as the environmental impact assessment process allows mitigation measures to be considered in a determination on the likely significance of effects on the environment, and appropriate conditioning of same in the event of a grant of permission (as indicated in my screening determination in Appendix A of this report). This is particularly relevant for the proposed development as the HIA includes several mitigation measures which are required to be incorporated into the design of scheme and/ or implemented during the construction and operation phases of the project. Similarly, the CDWMP is an outline plan, would require final agreement with the planning authority in the event of a grant of permission, which would appropriately allow for further environmental protections to be incorporated as considered necessary. The appropriate assessment process does not allow such an approach, instead requiring a higher degree of certainty and absolutism in determinations of significance of effects on European sites.

13.1.18. Finally, several observations question the absence of an EIAR for the project and state for various reasons why an EIA should be undertaken (protected habitat and mammal species at the site, NIS undertaken so project should require an EIAR, traffic impacts, cumulative impacts with adjacent development). Based on the outcome of the screening determination exercise (in Appendix A) and for the reasons outlined above I am satisfied the proposed development would not likely result in significant effects on the environment.

Conclusion

13.1.19. Having regard to the foregoing, I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment, and that the preparation and submission of an environmental impact assessment report is not therefore required.

14.0 **Appropriate Assessment**

14.1. **Compliance with Article 6(3) of the EU Habitats Directive**

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

14.2. **Background on the Application**

14.2.1. The applicant has submitted a Natura Impact Statement (NIS) for the project which includes an appropriate assessment (AA) screening stage. In short, the AA screening stage concludes that the impact of the project on River Suck Callows SPA (site code: 004097) requires further consideration and, on that basis, the NIS is prepared.

14.2.2. The NIS relies on several relevant reports including the following:

- Ecological Impact Assessment (EclA),
- Hydrological Impact Assessment (HIA),
- Engineering Services Report,
- Construction and Demolition Waste Management Plan (CDWMP), and
- Environmental Impact Assessment Screening Report (EIASR).

Appropriate Assessment Screening Stage

14.2.3. The AA screening stage provides a description of the application site, its features, the nature of proposed development, the research and desk top study undertaken of the area. The AA screening identifies five European sites within a precautionary 15km radius from the proposed development and considers the potential effects arising from the proposed development on these sites. The five European sites

include River Suck Callows SPA, Glenloughan Esker SAC, Castlesampson Esker SAC, Killegan Grassland SAC, and Ballynamone Bog and Corkip Lough SAC.

- 14.2.4. The potential of the project to impact on the European sites is based on the findings of the accompanying EclA (habitats) and HIA (hydrology). With regard to habitats, the presence of habitat at the site with links to the Annex I habitat Orchid Rich Grassland (Ref. 6210) is noted. This habitat (full title) 'Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]' is a qualifying interest for European sites in the vicinity of the site (see below). However, the habitat at the site is assessed as being transitional, arising from land clearance, of poor quality, and likely to be dispersed or replaced by scrub. With regard to hydrology, the potential for hydrological connections between the project and River Suck Callows SPA, primarily potential groundwater pathways, is highlighted.
- 14.2.5. Of the five European sites identified within the 15km radius, four European sites are screened out for further consideration at the AA screening stage. These are the four SACs of Glenloughan Esker SAC, Castlesampson Esker SAC, Killegan Grassland SAC, and Ballynamone Bog and Corkip Lough SAC. The qualifying interest of Glenloughan Esker SAC, Castlesampson Esker SAC, and Killegan Grassland SAC is the Annex I habitat Orchid Rich Grassland (6210). The qualifying interests in Ballynamone Bog and Corkip Lough SAC include turloughs, bogs, peat substrates and bog woodland. These four European sites are excluded from the project's zone of influence due to the absence of pathways (hydrological or ecological, direct or indirect) between the project and these European sites that could affect the respective qualifying interests.
- 14.2.6. Of the decision to screen out these European sites, the AA screening stage concludes *'This decision was made because the development of this site at Ballinasloe has no potential to significantly impact on the conservation of these sites which are 3.8 km and further away. These sites were not considered to be within the zone of influence and were not considered further in this assessment'*.
- 14.2.7. The AA screening stage screens in River Suck Callows SPA for further assessment. River Suck Callows SPA is a protected site associated with a section of River Suck. The applicant's screening calculates the distances from the site as being 700m to

the SPA boundary and 840m to the river, lists and identifies the special conservation interests of the SPA as five bird species and wetlands habitat.

- 14.2.8. Of the decision to screen in River Suck Callows SPA for further consideration, the AA screening stage finds '*Given the type and scale of the project... River Suck Callows SPA at 700m from the development is considered further in this assessment as it is within the zone of influence. It has the potential to be impacted on either hydrologically or via other pathways and will be brought forward for further consideration*'. Accordingly, the author considers it necessary to proceed to Stage 2 Appropriate Assessment with regard to consideration of significant effects on the integrity of River Suck Callows SPA and the NIS is prepared.

Natura Impact Statement

- 14.2.9. To determine the likely significant effects of the project on the integrity of River Suck Callows SPA, the NIS considers firstly, whether the application site is used by the five bird species listed as qualifying interests (i.e. suitable habitat/ wintering bird survey results), and secondly, whether there are any pollution routes to the wetland habitat (a qualifying interest) in the SPA which could impact the bird species of the SPA.
- 14.2.10. Of the suitability of habitats in the application site for the birds of the SPA, the NIS finds that '*habitat and food resources available on site are not suitable for [each of the five waterbird species]. This site is not suitable for these species*'. Of the use of the application site as ex-situ habitat for the SPA bird species, wintering bird surveys were undertaken at the application site (three dates in November, January, and March). No bird species were observed or any evidence of their presence observed, and the NIS finds '*The habitat on the development site is not suitable for these species in terms of foraging or roosting...there is no evidence...that the birds use this site on an ex situ basis.*' Of the potential for the other pathways to impact the bird species, the NIS finds '*The distance of 700 m between the proposed development site and the designated area is sufficient to make a finding of no significant impact in terms of disturbance in respect of light or noise for these birds... their conservation status will not change as a result of this development*'.
- 14.2.11. Of the potential impact on the wetlands habitat, the NIS relies wholly on and reiterates the findings of the HIA. The direct and indirect impacts associated with the

construction stage (10 items from clearing vegetation to flooding) and operation stage (four items from drainage from paved areas to flooding) are cited directly from the HIA.

14.2.12. Similarly, with regard to proposing mitigation measures, while none are required for the waterbird species as no significant impacts are identified, the NIS incorporates all the mitigation measures included in the HIA (I have outlined these above in section 12.11 of this report). The application of the mitigation measures ameliorates the previously identified impacts from varying degrees of significance in effect to predominantly imperceptible in effect.

14.2.13. The NIS concludes that *'...in view of conservation objectives of the Natura 2000 network the proposed project, with mitigation, individually or in combination with other plans and projects will not have a significant effect on the Natura 2000 network.'*

14.2.14. Having reviewed the NIS, the HIA, the Engineering Services Report and other relevant reports, I am not satisfied that the information provided 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.

14.3. **Screening for Appropriate Assessment**

14.3.1. The first test of Article 6(3) is to establish if the project could result in likely significant effects to a European Site. This is considered Stage 1 of the appropriate assessment process, that being, screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a project should be considered to have a likely significant effect and the remaining stages of appropriate assessment carried out.

Test of Likely Significant Effects

14.3.2. 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 a European site(s).

14.3.3. The project is examined in relation to any possible interaction with European sites designated SACs and/ or SPAs to assess whether it may give rise to significant effects on any European site.

Brief Description of Development

14.3.4. The project is located in the townlands of Dunlo and Pollboy, c.800m southwest of Ballinasloe town centre. The site, measuring c.6.67ha, comprises several distinct parcels of land which are greenfield (undisturbed lands at the site boundaries), disturbed (topsoil removed) and partially serviced.

14.3.5. Of relevance to this appropriate assessment screening, the proposed development comprises the following key elements:

- site preparation with excavation works including removal of recolonised vegetation, historic spoil heaps, and previously laid services,
- construction of a residential scheme of 165 houses and apartment units (c.15,830sqm),
- roads, paving, surface car parking, soft and hard landscaped open spaces, and new/ supplemented boundary treatments,
- water services connecting into the public watermains and wastewater drainage systems located in Harbour Road,
- surface water system collecting (from six catchments), attenuating (in soakpits located in corresponding areas of open space) and discharging stormwater runoff (through hydrocarbon interceptors) to ground, and
- all other site development works.

14.3.6. The site is not under any wildlife or conservation designation. The ecological surveys indicate the presence of pockets of Annex I habitat Orchid Rich Grassland (Ref. 6210 habitat) found during the June and July surveys. This habitat is a qualifying interest in three of the SACs within the 15km precautionary radius. However, the habitat at the application site is classified as being of poor-quality habitat (transitional, temporary, without requisite indicators of good quality). There are no direct hydrological connections (watercourses) between the site and River

Suck Callows SPA, potential hydrological connections (surface water and groundwater pathways) have been identified.

14.3.7. Taking account of the characteristics of the proposed development in terms of the site's features, location, and scale of works, I consider the following require examination in terms of implications for likely significant effects on European Sites:

- Construction and/ or operation phase disturbance of qualifying species, and
- Construction and/ or operation phase related surface water and/ or groundwater pollution.

Submissions and Observations

14.3.8. Submissions relevant to this appropriate assessment screening include that received from Uisce Eireann which indicates feasibility and capacity for the water services connections. The planning authority and observers raise concerns regarding the suitability of the site for the proposed surface water management system, the lack of site-specific drainage measures and more modern SUDs solutions.

European Sites

14.3.9. The site is not located in or immediately adjacent to a European site. In this appropriate assessment screening, I identify five European sites within a precautionary 15km radius from the proposed development. These are, in order of proximity (measured at closest points):

- River Suck Callows SPA (site code: 004097) located c.615m to the northeast,
- Glenloughan Esker SAC (site code: 002213) located c.3.87km to the southwest,
- Castlesampson Esker SAC (site code: 001625) located c.10.89km to the northeast,
- Killegan Grassland SAC (site code: 002214) located c.11.36km to the north, and
- Ballynamone Bog and Corkip Lough SAC (site code: 002339) located c.14.66km to the northeast.

- 14.3.10. From my review of the documentation submitted, NPWS information available, and my site inspection, I agree with the conclusion of the applicant's decision to screen out the four SACs sites for further consideration. I accept as reasonable that while the presence of Annex I habitat Orchid Rich Grassland (a qualifying interest for three of the SACs) is noted at the site, the habitat does not display indicators of good quality, is transitional resulting from land clearance, is not naturally occurring due to favourable site conditions, and the three orchid species identified at the site are not protected species in themselves. The development of the application site (and partial loss of the habitat removed for construction works, maintained where it can be incorporated into the landscaping plan) has no potential to significantly impact the three SACs, which I calculate as being between c.3.9km and c.11.4km away. There is no connection with or potential for effect on Ballynamone Bog and Corkip Lough SAC, the fourth SAC.
- 14.3.11. Of River Suck Callows SPA, I note the NPWS's description of the SPA as comprising a section (c.70km) along the course of River Suck and adjacent areas of seasonally flooded semi-natural lowland wet callow grassland. The SPA is of considerable ornithological importance, in particular for the presence of nationally important populations of five bird species including Whooper Swan, Wigeon, Golden Plover, Lapwing, and Greenland White-fronted Goose. In addition to these five waterbird species, the SPA also has the wetlands habitat which support the birds listed as a qualifying interest.
- 14.3.12. At the conclusion of the screening stage, the applicant screened in River Suck Callows SPA for further consideration, proceeded to a Stage 2 appropriate assessment, and prepared a NIS accordingly. In the NIS, the applicant submitted that the development of the application site would have no effect on the waterbird species of the SPA, but that due to hydrological connections between the site and the SPA, significant effects on the wetlands habitat of the SPA could not be ruled out.
- 14.3.13. I have reviewed the applicant's survey work, analysis undertaken, and considered the case put forward by the applicant. I am satisfied that due to the site's habitats not being suitable for foraging and/ or roosting by the waterbirds, there being no evidence of use of the site by the waterbird species, and the distance between the site and the SPA minimising any noise and light disturbance, significant

effects on the waterbirds species in the SPA (as qualifying interests and on the basis of their conservation objectives) can be screened out for further consideration. A consideration of the impact of the proposed development on River Suck Callows SPA due to hydrological connections is screened in for further examination.

Identification of Likely Effects

14.3.14. For the reasons outlined above, it is due to construction phase and/ or operation phase related surface water and/ or groundwater pollution that the identification of likely significant effects on the European site may arise.

14.3.15. The conservation objective and qualifying interest of River Suck Callows SPA (as applicable and screened-in), the distance from the project (measured at closest point), whether there is a connection (source-pathway-receptor), and the possibility of likely significant effects on its conservation objective are presented in the table below.

Table 3: Summary of Screening Matrix

European Site Code/ Conservation Objective	Qualifying Interests/ Special Conservation Interests	Distance from Site/ Connection (source, pathway, receptor)	Likely Significant Effect	Screening Conclusion
River Suck Callows SPA (site code 004097) To maintain the wetland habitats at River Suck Callows SPA as a resource for the regularly occurring migratory waterbirds that	Wetland [A999]	c.615m Hydrological connection (at construction and/ or operation phases): Potential for contamination between the project (source) via the surface water drainage network and/ or a pollution incident entering	Potential for likely significant effect arising due to the nature of the project (on-site surface water drainage system discharging to ground), the presence of pathways to the European site via surface water and/ or groundwater, and the reasons for	Possible significant effects cannot be ruled on the basis of the information submitted with the application.

utilise these areas,		groundwater at the site (pathways) to River Suck and the European site (receptor).	its designation (the nature of the conservation objective and the Wetland qualifying interest).	
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14.3.16. The applicant's NIS reiterates the mitigation measures identified in the HIA and relies on same in making a conclusion of no likely significant effect by the proposed development on River Suck Callows SPA. However, I have reservations regarding this approach as the mitigation measures in the HIA that are project specific (e.g. the use of interceptor drains at west/ southwestern boundaries to reduce surface runoff as sheet flow, that these interceptor drains having grass banks and silt fences, rainwater harvesting and the use of swales and rain gardens) do not appear to and/ or have not been incorporated into the surface water management system and the design of the scheme.

14.3.17. As I assessed in section 12.8, the hydrological conditions of the site and receiving area are sensitive and vulnerable to impact, particularly that of groundwater. The proposed development therefore requires a suitable and robust choice of surface water management system, which as I considered in section 12.11, the applicant has not adequately demonstrated would be provided. Uncertainty remains regarding the absence of definitive and comprehensive documentation demonstrating the site suitability for the proposed surface water drainage system (soakaway tests, infiltration rates), whether the system is robustly designed (detailed calculations of surface water run-off generation, saturation capacity of permeable paving), or includes sufficient SuDS measures (no swales, rain gardens or rainwater harvesting are incorporated into the design as recommended as mitigation measures in the HIA).

14.4. Screening for Appropriate Assessment

14.4.1. On the basis of the information provided with the application, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site

River Suck Callows SPA (site code 004097) in view of the site's Conservation Objectives.

15.0 Recommendation

Following from the above assessment, I recommend that permission be REFUSED for the proposed development for the reasons and considerations set out below.

16.0 Reasons and Considerations

1. The proposed development sites residential development and facilitating infrastructure on lands zoned in the Ballinasloe Local Area Plan 2022-2028 as Open Space/ Recreation and Amenity (OS) which seeks '*To protect and enhance existing open space and provide for recreational and amenity space*' and as Business and Enterprise (BE) which seeks '*To provide for the development of business and enterprise*' In the LAP land use matrix table, residential use is classified as 'not normally permitted' on lands zoned as OS and BE and therefore the proposed development materially contravenes the OS and BE zoning objectives.
2. The majority of the application site comprises lands zoned in the Ballinasloe Local Area Plan 2022-2028 as Residential Phase 2 (RP2) which seeks '*To protect, provide and improve residential amenity areas*', also within which is sited the majority of the proposed dwelling units. The allocations for Ballinasloe in the Core Strategy of the Galway County Development Plan 2022-2028 do not include for the development of RP2 zoned lands, the LAP phasing requirements have a presumption against the development of RP2 zoned lands in preference of Residential Phase 1 (RP1) zoned lands, which seeks '*To protect, provide and improve residential amenity areas within the lifetime of this plan*', save for exceptional circumstances, which the proposed development fails to come within the scope of, and the principles of sequential development favour the development of brownfield and other RP1 zoned greenfield sites closer in proximity to the town centre over those of the RP2 lands within the application site. Therefore, the proposed development does not comply with CDP Policy Objectives SS 2 and HS 1, and LAP Policy

Objective BKT 1 relating to Core Strategy, with LAP Policy Objective BKT 6 relating to phasing, or with CDP Policy Objective CS 2 and LAP Policy Objective BKT 8 relating to the orderly sequential development of Ballinasloe. The proposed development therefore is contrary to the proper planning and sustainable development of the area.

3. The proposed development does not achieve the necessary criteria of distinctiveness, layout, public realm, variety, and detailed design required for quality residential urban design by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and accompanying manual, nor of highly connected network, block scale, permeability, and connectivity required for quality street design by the Design Manual for Urban Roads and Streets. As such, the proposed development is considered to be of a substandard layout injuring the amenity of future residents, a suboptimum development solution for the site requiring the removal and segregation of field boundaries which are of local biodiversity and cultural heritage value, and a roads dominated layout promoting the use of private cars over other sustainable modes of transport. The proposed development would injure the amenities of the area, including the amenities of future residents, and would therefore be contrary to the proper planning and sustainable development of the area.
4. The applicant has failed to adequately demonstrate site suitability for the proposed surface water drainage system, or that the system is robustly designed, incorporating sufficient SuDS measures. As such, the proposed development fails to comply with the provisions of the Galway County Development Plan 2022-2028 and Ballinasloe Local Area Plan 2022-2028 including CDP DM Standard 67, LAP DM Standard 2, and LAP Policy Objectives BKT 48. Further, on the basis of the information provided with the application, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site River Suck Callows SPA (site code 004097) in view of the site's conservation objectives.

5. On the basis of the information submitted with the application, which lacks sufficient technical information to demonstrate compliance with the recommendations of the Design Manual for Urban Roads and Streets and the National Cycle Manual, the proposed development is not considered to incorporate an appropriately designed and safe layout for all road users, and would likely endanger public safety by reason of traffic hazard. The proposed development is not consistent with CDP Policy Objectives WC 1 and NNR 3, or DM Standard 31. The proposed development therefore is contrary to the proper planning and sustainable development of the area.

17.0 Recommended Draft Board Order

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with the plans and particulars lodged with An Bord Pleanála on the 31st day of August 2022 by R.G. Greene and Associates on behalf of Limehill Esker Limited.

Proposed Development

The proposed development consists of a residential development (c. 15,820 m² gross floor area), consisting of 165 No residential units, all associated and ancillary site development and infrastructural works, hard and soft landscaping and boundary treatment works, including:

- Blocks A1 and A2, each consisting of 6 No Two-Bed Ground Floor apartments, 1 No One-Bed ground Floor apartment, 6 No Three-Bed First Floor Duplex Units, and 1 No Three-Bed Second Floor apartment,
- Blocks B1 to B3 and B6 to B13 inclusive, each consisting of 2 No Two-Bed Ground Floor Duplex Units, 2 No Three-Bed Ground Floor Duplex Units, 1 No

Two-Bed Second Floor apartment, and 1 No One-Bed Second Floor apartment,

- Blocks B4 and B5 inclusive, each consisting of 1 No Two-Bed Ground Floor Duplex Unit, 2 No Three-Bed Ground Floor Duplex Units, 1 No Two-Bed Second Floor Apartment and 1 No One-Bed Second Floor apartment,
- House Type C: 32 No Two-Bed units in semi-detached pairs,
- House Type E: 27 No Three-Bed units in triplet arrangements,
- Provision of 281 No. on-site car parking spaces incorporating 163 No. spaces for residents of the apartment/ duplexes, and 118 No. in-curtilage car parking spaces for the housing units,
- Provision of all water, surface water, foul drainage, utility ducting and public lighting and all associated siteworks and ancillary services,
- All ancillary site development works including access roadways, footpaths, cycle ways, pedestrian links, bicycle sheds, waste storage areas, communal and open space, site landscaping, and boundary treatments.

The application contains a statement setting out how the proposal is consistent with the objectives of the Galway County Development Plan 2022-2028 and Ballinasloe Local Area Plan 2022-2028. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement has been prepared in respect of this development.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The proposed development sites residential development and facilitating infrastructure on lands zoned in the Ballinasloe Local Area Plan 2022-2028 as Open Space/ Recreation and Amenity (OS) which seeks '*To protect and enhance existing open space and provide for recreational and amenity space*' and as Business and Enterprise (BE) which seeks '*To provide for the development of business and enterprise*' In the LAP land use matrix table, residential use is classified as 'not normally permitted' on lands zoned as OS and BE and therefore the proposed development materially contravenes the OS and BE zoning objectives.
2. The majority of the application site comprises lands zoned in the Ballinasloe Local Area Plan 2022-2028 as Residential Phase 2 (RP2) which seeks '*To protect, provide and improve residential amenity areas*', also within which is sited the majority of the proposed dwelling units. The allocations for Ballinasloe in the Core Strategy of the Galway County Development Plan 2022-2028 do not include for the development of RP2 zoned lands, the LAP phasing requirements have a presumption against the development of RP2 zoned lands in preference of Residential Phase 1 (RP1) zoned lands, which seeks '*To protect, provide and improve residential amenity areas within the lifetime of this plan*', save for exceptional circumstances, which the proposed development fails to come within the scope of, and the principles of sequential development favour the development of brownfield and other RP1 zoned greenfield sites closer in proximity to the town centre over those of the RP2 lands within the application site. Therefore, the proposed development does not comply with CDP Policy Objectives SS 2 and HS 1, and LAP Policy Objective BKT 1 relating to Core Strategy, with LAP Policy Objective BKT 6

relating to phasing, or with CDP Policy Objective CS 2 and LAP Policy Objective BKT 8 relating to the orderly sequential development of Ballinasloe. The proposed development therefore is contrary to the proper planning and sustainable development of the area.

3. The proposed development does not achieve the necessary criteria of distinctiveness, layout, public realm, variety, and detailed design required for quality residential urban design by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and accompanying manual, nor of highly connected network, block scale, permeability, and connectivity required for quality street design by the Design Manual for Urban Roads and Streets. As such, the proposed development is considered to be of a substandard layout injuring the amenity of future residents, a suboptimum development solution for the site requiring the removal and segregation of field boundaries which are of local biodiversity and cultural heritage value, and a roads dominated layout promoting the use of private cars over other sustainable modes of transport. The proposed development would injure the amenities of the area, including the amenities of future residents, and would therefore be contrary to the proper planning and sustainable development of the area.
4. The applicant has failed to adequately demonstrate site suitability for the proposed surface water drainage system, or that the system is robustly designed, incorporating sufficient SuDS measures. As such, the proposed development fails to comply with the provisions of the Galway County Development Plan 2022-2028 and Ballinasloe Local Area Plan 2022-2028 including CDP DM Standard 67, LAP DM Standard 2, and LAP Policy Objectives BKT 48. Further, on the basis of the information provided with the application, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site River Suck Callows SPA (site code 004097) in view of the site's conservation objectives.
5. On the basis of the information submitted with the application, which lacks sufficient technical information to demonstrate compliance with the

recommendations of the Design Manual for Urban Roads and Streets and the National Cycle Manual, the proposed development is not considered to incorporate an appropriately designed and safe layout for all road users, and would likely endanger public safety by reason of traffic hazard. The proposed development is not consistent with CDP Policy Objectives WC 1 and NNR 3, or DM Standard 31. The proposed development therefore is contrary to the proper planning and sustainable development of the area.

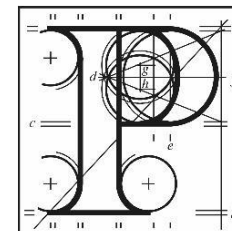
I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Phillippa Joyce

Senior Planning Inspector

29th September 2023

Appendix A: Environmental Impact Assessment Screening Determination Form



An
Bord
Pleanála

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP 314493-22
Development Summary		Construction of 165 no. residential units (106 no. apartments, 59 no. houses) and associated site works.
	Yes/ No/ N/A	Comment (if relevant)
1. Has an AA screening report or NIS been submitted?	Yes	A Natura Impact Statement (NIS) has been submitted with the application.
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have	Yes	<ul style="list-style-type: none"> Ecological Impact Assessment (EclA),

<p>a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.</p>		<ul style="list-style-type: none"> • Hydrological Impact Assessment (HIA), • Engineering Services Report, • Bat Assessment, • Archaeological Impact Assessment (AIA), • Construction and Demolition Waste Management Plan (CDWMP), • Environmental Impact Assessment Screening Report (EIASR), and • Statement on Article 299(B). <p>SEA was undertaken by the planning authority in respect of the Galway County Development Plan 2022-2028 and the Ballinasloe Local Area Plan 2022-2028.</p>
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B. EXAMINATION	Response: Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	Project comprises site clearance and preparation works (vegetation, topsoil and subsoil, underground services, road bases and footpath removal) and the construction of a residential scheme (houses,	No

		<p>apartments, amenity spaces, hard and soft landscaped open spaces, new/ supplemented boundaries, and site services).</p> <p>Project differs in terms of character from the adjacent commercial and greenfield areas (land use and building typology). Project does not differ in character from the adjacent residential areas (same residential use, building typologies include traditional houses, surface parking, landscaped open spaces, formal estate boundaries). Project differs in terms of scale and building typology (increased height and density, 3 storey duplex blocks). The differences in terms of character and scale are not considered likely to result in significant effects on the environment.</p>	
<p>1.2 Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>Project would cause physical changes to the appearance of the site during the site development works (construction phase).</p> <p>Site preparation works include the removal of historic underground services, subsurface materials, road bases and footpaths associated with an unfinished commercial development. These and other underground excavation works (foundations, services) would cause a change in site topography/ ground levels. The changes would be managed through implementation of the CDWMP.</p> <p>The existing land use is predominantly greenfield (with partial disturbance associated with the historic provision of services). The construction of the project and the change in land use from greenfield to residential use would cause physical changes to the site and locality. Excavation works for the construction of the scheme would cause a</p>	<p>No</p>

		<p>change in site topography/ ground levels, and surface changes arise from the removal of hardstanding and replacement with new hard and soft landscaping.</p> <p>There are no watercourses are located at the site. The construction of the project would be managed through the CDWMP, and the implementation of mitigation measures identified in the HIA. No physical changes are anticipated/ likely to any waterbodies.</p> <p>Operational phase of project (i.e. the occupation of the residential scheme) would not cause physical changes to the locality per se.</p> <p>Accordingly, the physical changes associated with the project are not considered likely to result in significant effects on the environment in terms of topography, land use, hydrology, and hydrogeology.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/ minerals, or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Project uses standard site preparation and construction methods, materials and equipment, and the construction process would be managed though the implementation of the CDWMP.</p> <p>Demolition waste (from previously installed services) and construction waste would be managed through the implementation of the CDWMP, involving waste being reused on site, recycled/ recovered, and disposed of offsite.</p> <p>Operational phase of project uses the land, a finite resource, but does not use natural resources in short supply. Project connects into the public water services systems (water supply and wastewater treatment)</p>	<p>No</p>

		<p>which have sufficient capacity to accommodate demands. Project is located close to amenities and services in the town.</p> <p>Accordingly, the use of natural resources associated with the project is not considered likely to result in significant effects on the environment.</p>	
1.4 Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?	Yes	<p>Construction phase of project would require the use of potentially harmful materials, such as fuels, concretes, and other substances, which would be standard for such processes. Project involves the removal, transport, and disposal of the waste and excavated material. Process would be managed through the implementation of the CDWMP and the mitigation measures contained in the HIA.</p> <p>Operational phase of project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential activity would be managed through the implementation of an Operational Waste Management Plan (mitigated by requiring agreement through condition).</p> <p>Accordingly, the use or production of substance(s) associated with the project is not considered likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	No
1.5 Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?	Yes	<p>Project produces waste through the excavation and removal of underground infrastructure and hardstanding within the site. Process would be managed through the implementation of the CDWMP and the mitigation measures contained in the HIA. Conventional waste</p>	No

		<p>produced from construction activity would be managed in accordance with the CDWMP.</p> <p>Operational phase of project does not produce or release any pollutant or hazardous material. Project connects into the public wastewater treatment system which has sufficient capacity to accommodate demands. Surface water management comprises an on-site collection, attenuation, and infiltration system. Each soakaway/ soakpit tank is provided with a hydrocarbon interceptor through which the collected surface water would pass prior to attenuation, after which the surface water would infiltrate/ discharge to ground thereby ensuring treatment of the attenuated surface water.</p> <p>Accordingly, the production of polluting/ toxic substance(s) associated with the project is not considered likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Project involves the removal of historic underground services, road bases and footpaths, underground excavation works, and installation of new services infrastructure during the construction phase. Site clearance and preparation process would be managed through the implementation of the CDWMP.</p> <p>Project uses standard construction methods, materials and equipment, and the process would be managed through the implementation of the CDWMP. There are potential risks identified in relation to contamination of land/ surface water/ groundwater, and the HIA includes mitigation</p>	<p>No</p>

		<p>measures to reduce and ameliorate these. No significant risks of contamination are identified.</p> <p>Project includes for an on-site surface water collection, attenuation, and infiltration system. Each soakaway/ soakpit tank is provided with a hydrocarbon interceptor through which the collected surface water would pass prior to attenuation, after which the surface water would infiltrate/ discharge to ground thereby ensuring treatment of the attenuated surface water.</p> <p>Wastewater would be collected and pumped from an upgraded adjacent pumping station to the Ballinasloe WWTP for treatment. There are no watercourses at or adjacent to the site. The risks of contamination are unlikely, and where likely mitigated and managed through the HIA and CWDMP, and therefore considered to be negligible.</p> <p>Accordingly, pollution associated with the project is not considered likely to result in significant effects on the environment in terms of contamination risks.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	<p>Yes</p>	<p>Project would cause noise and vibration impacts during the site development. The process and mitigation measures to address potential impacts are contained in the CDWMP. These include noise and vibration levels to be to specified standards, use of good site management practices for noise reduction at source, specification of general working hours, and restricted hours of operation for pneumatic hammering and steel cutting. Site investigations indicate no outcropping</p>	<p>No</p>

		<p>bedrock so a significant number of vibration-causing activities are not anticipated.</p> <p>Site development works are short term in duration, impacts arising would be temporary, localised, and addressed by the mitigation measures.</p> <p>Operational phase of project causes noise and light impacts. The noise increase is associated with residential use and standard activity (vehicle access, normal activity), and a lighting plan designed to ameliorate adverse impacts on humans and environment.</p> <p>Accordingly, creation of noise, vibration, or light pollution associated with the project is not considered likely to result in significant effects on the environment in terms of air quality.</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>Construction phase of project causes risks associated with water (see response to 1.6 above) and air pollution through dust impacts during the site clearance works.</p> <p>Mitigation measures are contained in the CDWMP. Dust monitoring to undertaken, use of good site management practices for dust prevention and minimisation at source, and road cleaning. Site development works are short term in duration, and impacts arising would be temporary, localised, addressed by the mitigation measures.</p> <p>The process would be managed though the implementation of the CDWMP. There are potential risks identified in relation to contamination of surface water/ groundwater/ air, and the CDWMP (airborne dust) and</p>	<p>No</p>

		<p>the HIA (surface water and groundwater) include mitigation measures to reduce and ameliorate these.</p> <p>Operational phase of project would not cause risks to human health through water contamination/ air pollution through design of the scheme with mitigation measures incorporated (as applicable) and implemented, connection to public water services systems, and scale of residential use/ activity arising.</p> <p>Accordingly, creation of contamination or pollution associated with the project is not considered likely to result in a significant effect on the environment in terms of risks to human health.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>No risk of major accidents given nature and scale of the project.</p> <p>Risks associated with flooding are identified as low (site in Flood Zone C) and risks are addressed through project design and mitigation measures included for in the CDWMP and HIA.</p>	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>Project would increase localised temporary employment activity and traffic activity at the site during site development works. The site development works are short term in duration and impacts arising would be temporary, localised, addressed by the mitigation measures in the CDWMP.</p> <p>Operational phase of project, results in the occupation of 165 residential units, which is estimated to result in a moderate population increase of c.413-450 persons.</p>	No

		The receiving area is a built-up urban area, close to amenities and services, and has the capacity to accommodate the impacts associated with the population increase. Accordingly, this is not considered likely to result in a significant effect on the social environment of the area.	
1.11 Is the project part of a wider largescale change that could result in cumulative effects on the environment?	No	<p>Application site is located within the development boundary of the Ballinasloe LAP. The majority of the site is zoned for Residential Phase 2 purposes, the delivery of which is required to be on a phased basis and not within the lifetime of the CDP and LAP (i.e. by 2028).</p> <p>The orderly development of Residential Phase 1 zoned lands in the vicinity of the site is not considered to result in a wider largescale change.</p> <p>There is recent planning history in the vicinity of the site for commercial (e.g. Costa Coffee) and residential development (e.g. Eiscir Riada estate) which are for relatively smallscale proposals on appropriately zoned lands.</p> <p>Project site development works are short term in duration, and impacts arising would be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of project, considered to be a moderate increase in population with associated increased activity. This is not considered likely to result in significant effects on the environment in and of itself, or in cumulation with development works in the wider area. No likely cumulative significant effects on the area are reasonably anticipated.</p>	No

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>a) European site (SAC/ SPA/ pSAC/ pSPA)</p> <p>b) NHA/ pNHA</p> <p>c) Designated Nature Reserve</p> <p>d) Designated refuge for flora or fauna</p> <p>e) Place, site or feature of ecological interest, the preservation/ conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	No	Project not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.	No
<p>2.2 Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	Yes	<p>Project comprises site clearance works (vegetation, topsoil and subsoil, underground services, road bases and footpath removal).</p> <p>In the ecological surveys, no protected species of flora are identified at the site. Main habitat at the site (ED3/ GS1) has links to the Annex I habitat Orchid Rich Grassland (Ref. 6210 habitat) with three orchid species identified in pockets in June/ July surveys. The orchids are not protected species per se. While categorised as being of regional importance, the habitat in the site is stated as not displaying indicators of</p>	No

		<p>good quality for the 6210 habitat and as such is classified as poor quality.</p> <p>In the ecological surveys (including the Bat Assessment), badger and bat species are identified as commuting and foraging at and in the vicinity of the site. Importantly, no setts or roosts are identified within the site.</p> <p>The WL2 habitat of hedgerow/ treelines along the western, central, and southern field boundaries are identified as serving as biodiversity corridors for birds, badgers, and bats. The proposed development involves the partial removal and segregation of the boundaries, which, while not considered to be appropriate and justified, mitigation measures are proposed to address the associated impact with additional planting and provision of bat boxes, such that the partial removal of the field boundary would not likely result in a significant effect on protected species.</p> <p>Other fauna (bird, mammal species) identified/ anticipated at the site are common species with widespread distribution. The site is demonstrated as not suitable/ being used by the protected waterbird species of River Suck Callows SPA.</p> <p>Accordingly, the removal of habitats associated with the project is not considered likely to result in a significant effect on the environment in terms of biodiversity.</p>	
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<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>No landscape designations pertain to the site.</p> <p>No protected structures recorded at the site, nor is the site located within an architectural conservation area.</p> <p>No archaeological features are recorded at the site.</p> <p>A southern/ centrally located field boundary is identified as a historic townland boundary and assessed as being the only surviving feature of archaeological and historical interest at the site. The proposed development involves the partial removal and segregation of the townland boundary, which, while considered to be inappropriate and unjustified, the associated impact is proposed to be mitigated against with additional planting and archaeological test trenching and would not likely result in a significant effect on same.</p> <p>Accordingly, the development of the site associated with the project is not considered likely to result in a significant effect on the environment in terms of landscape and/ or cultural heritage.</p>	<p>No</p>
<p>2.4 Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such resources are on or close to the site.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or</p>	<p>Yes</p>	<p>The HIA identifies three surface water receptors, River Suck, its floodplain, and a drain in the town discharging to River Suck., and one groundwater receptor, Lower River Suck groundwater basin.</p>	<p>No</p>

<p>groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>		<p>There are no watercourses in or adjacent to the site, and no direct surface water connections from the site to any watercourses in the area. based on the geology and hydrology conditions, the possibility for other pathways to exist is identified. These include pathways (natural flow paths and overland sheet flow) affecting surface water, and subsurface pathways (vertical and horizontal), and pathways through conduits in bedrock affecting groundwater.</p> <p>The HIA includes several mitigation measures (construction and operation phases) devised to address potential impacts from the project on surface water and groundwater.</p> <p>The site is not located within a fluvial, pluvial, or coastal floodplain. The site is located within Flood Zone C with the chance of risk of flooding from River Suck being less than 0.1%, a probability described as very low. The project will implement some SuDS measures as part of the proposed surface water management risk.</p> <p>With the implementation of the mitigation measures identified in the HIA coupled with the low risk of flooding from River Suck, the development of the site is not considered likely to result in a significant effect on the environment in terms of water and hydrology.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No evidence identified of these risks.</p>	<p>No</p>

<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>Site served by a local urban road network and is in proximity to the national road and motorway network (M6).</p> <p>During the site development works, the project would result in an increase in traffic activity (HGVs, workers). Impacts arising from the site development works would be temporary, localised, and managed under the traffic management plans in the CDWMP.</p> <p>Project includes a moderate quantum of car spaces and the anticipated levels of traffic generated from the proposal would have a negligible impact on the surrounding road network. Project not anticipated to contribute to congestion or to have a significant effect on the environment in terms of material assets/ transportation.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>Yes</p>	<p>There are no sensitive community facilities in proximity to the site, though site adjoins residential development.</p> <p>Site development process would be managed through the implementation of the CDWMP, which includes mitigation measures to protect the amenity of adjacent residents.</p> <p>Operational phase of project would cause an increase in residential activity at the site (use of open spaces, use of balconies, traffic generation) which are typical of residential schemes in residential areas, such as the receiving area. The proposal is not considered to cause undue levels of overbearing, overshadowing, or overlooking which would adversely affect the amenity of adjacent residents. The development of</p>	<p>No</p>

		the project is not considered likely to result in significant effects on the environment in terms of material assets/ human health.	
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	<p>The EIASR, EclA, NIS, HIA and Engineering Services Report consider, as applicable, the cumulative impacts of the project with plans (Galway CDP and Ballinasloe LAP) and other projects (consented developments). Other approved developments and development works are noted in the vicinity (e.g. commercial (cinema, retail) development) and wider area (e.g. upgrade to the town's treatment plant).</p> <p>These plans and projects have undergone planning and environmental assessments and have not been identified to give rise to or result in significant environmental effects.</p> <p>Accordingly, no likely cumulative significant effects on the area are reasonably anticipated.</p>	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations effects arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

- (a) The nature and scale of the proposed development, which is significantly under the thresholds in respect of Class 10(b)(i), Class 10(b)(iv), and Class 15, Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) The location of the site on lands that are subject to policy objectives relating to the Core Strategy under the provisions of the Galway County Development Plan 2022-2028 and the results of the strategic environmental assessment of this development plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (c) The location of the site on lands that are subject to zoning objectives Residential Phase 1 (RP1) and Residential Phase 2 (RP2), and that are subject to policy objectives relating to phasing and sequential development as laid out under the provisions of the Ballinasloe Local Area Plan 2022-2028, and the results of the strategic environmental assessment of this local area plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (d) The location of the site in a built-up area adjacent to the town centre, which is served by public infrastructure,
- (e) The existing pattern of development in the vicinity of the site and planning history at the site,
- (f) The location of the site outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended, and the absence of any relevant connectivity to any sensitive location,
- (g) The guidance set out in the 'Environmental Impact Assessment Guidance for Consent Authorities regarding Sub-threshold Development' issued by the Department of the Environment, Heritage, and Local Government, 2003,
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (i) The features and measures proposed by applicant to avoid, prevent, or mitigate what may otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan (CDWMP) and Hydrological Impact Assessment (HIA),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

Inspector _____ **Phillippa Joyce**

Date **_29th September 2023**_____