



An
Bord
Pleanála

Inspector's Report

ABP-314869-22

Development	Permission to construct a dwelling house, and all associated site development works.
Location	Clarinbridge, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22/60766
Applicant(s)	James and Mairead Cormican
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant	James and Mairead Cormican
Observer(s)	None
Date of Site Inspection	27 th October 2023
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site is located in Clarinbridge, a rural settlement located approximately seventeen kilometres south-east of Galway city. The appeal site is located to the north-east of the settlement and accesses onto an internal service road serving the Reddington Woods residential development and in turn this service road accesses onto the N67 National secondary route within the 50 kilometre per hour (km/h) speed control zone. The N67 is the main route linking Clarinbridge with Oranmore and Galway city.
- 1.2 The appeal site comprises an area of 0.380 hectares and is located approximately 0.47 kilometres north east of the centre of Clarinbridge. The appeal site comprises a brownfield site which has hardcore laid on it and is stated to have been used as a construction depot during the construction of the Reddington Woods residential development and was previously the site of the wastewater treatment system serving the Chainbridge Court Hotel.
- 1.3 The appeal site is surrounded by mature trees to the north, east and west and to the south is the local Clarinbridge GAA pitch. There are a number of dwellings constructed further east of the appeal site, these are part of the Reddington Woods scheme. The access to the site comprises an informal track, approximately thirty five metres in length through the mature woodland area, before it opens out into the hardcored appeal site area.

2.0 Proposed Development

- 2.1 The development would comprise the following:

Construction of a dwelling house, new road access, sewage treatment system and percolation area, upgraded vehicular entrance onto estate road on an infill and brownfield site within the Reddington Woods estate.

- 2.2 The two-storey dwelling would have a maximum ridge height of approximately 8,46 metres and a floor area of 284 square metres (sq. m.). External wall finishes would

comprise napp plaster and natural limestone with a blue/black natural slate on the roof consistent with the finishes of the adjoining residential properties.

- 2.3 The design and layout would continue the established built form pattern in the area and would be consistent with that of the adjoining Reddington Woods residential scheme. A wastewater treatment system is proposed and a connection to the public watermain would be utilised.
- 2.4 Access is proposed from the internal service road serving the Reddington Woods residential scheme. On-site car parking spaces for the residential unit would be provided within the site curtilage.
- 2.5 The Planning Authority screened the development for Appropriate Assessment and concluded that the proposed development, by itself or in combination with other plans and projects, could result in adverse impacts upon the Galway Bay Complex SAC and the Inner Galway Bay SPA as a result of the pluvial flood risk they identified on site and the works required to reinstate the site following decommissioning of the construction depot. The issue of Appropriate Assessment will be addressed in detail later as part of my assessment.
- 2.6 The Planning Authority screened the development for Environmental Impact Assessment and concluded that the proposed development, by itself or in combination with other plans and projects, would not be likely to have a significant adverse effect on the environment. Therefore, no further assessment is required.
- 2.7 The planning application was supported by a number of accompanying reports including an Appropriate Assessment (AA) screening report as well as a site specific Flood Risk assessment (SSFRA) for the appeal site to address two of the refusal reasons as set out by the Planning Authority within its decision.
- 2.8 A letter of consent from the land owners James and Helen Cormican consenting to James and Mairead Cormican making a planning application on their lands has been included as part of the planning documentation.
- 2.9 The Board referred this case to the Department of Housing, Local Government and Heritage, the Heritage Council and An Taisce for comment. The Department

responded and these comments will be referenced later within section 7.5 of my assessment.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority refused planning permission for the development for four reasons as follows:

1 The Ministerial Guidelines Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities as published by the Department of Environment, Heritage and Local Government, May 2009 recommends a sequential and coordinated approach to residential development, where undeveloped lands with accessibility to public infrastructure provision and services be given preference. It is considered the proposed development by reason of its siting and setback distance relative to the existing pattern of development in this class 3, special designated landscape would constitute haphazard and disorderly development, would result in a built form that would not fit in appropriate or integrate effectively into this location and would contravene materially policy objective LCM 1, policy objective LCM 3 and DM Standard 8 of the current Galway County Development Plan, 2022-2028.

Accordingly, it is considered that the development given its peripherals setting to the context of the core of Clarinbridge would not align with the orderly expansion of the settlement, would set an undesirable precedent for similar future development along this woodland periphery, and the potential deterioration of same, interfere with the unique character of the immediate locality, would contravene materially policy objectives and a development management standard contained in the Galway County Development Pan 2022-2018 and would be contrary to the proper planning and sustainable development of the area.

2 The northern extents of the application site, including/encroaching on the proposed residential development and the existing access road/proposed remedial upgrade works are located within an identified pluvial flood risk area. Based on the information received with the planning application, in the absence of sufficient details

pertaining of flood risk, and taking account of the precautionary principle and sequential approach set out under the Planning System and Flood Risk Management Guidelines (2009), the Planning Authority is not satisfied that the application site is not at risk of flooding, if permitted the proposed development would materially contravene policy objective FL2 and DM Standard 68 of the Galway County Development Plan 2022-28, would be contrary to Ministerial Guidelines issued under Section 28 of the Planning and development Act 2000 (as amended) and to the proper planning and sustainable development of the area.

3 The Planning Authority, based on the site inspection and the information included in the planning application, including the Bat Survey Report (dated June 2022), cannot conclude that the construction and operation of the proposed development at this site, which has been assessed in an existing ecological corridor for local bat population in an area considered highly suitable for bat roosting/foraging, by reason of its massing, scale and siting, would result in adverse impacts to local bat populations. Therefore, if permitted as proposed, the development would be contrary to policy objectives NHB1 and NHB9 of the Galway County Development Plan 2022-28

4 Having regard to the omission of satisfactory evidence concerning the planning status of the existing construction depot on site, including associated plant and equipment, storage containers, construction material and miscellaneous waste/refuse, in conjunction with the current proposal to hereby alter the existing development, the Planning Authority considers that the proposed development, in the absence of demonstrable contrary evidence, would perpetuate the existing unauthorised development on site, Accordingly, to grant permission for the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

The Planner's Report dated the 20th day of September 2022 set out the following:

- They accepted the principle of residential development at the edge of the rural settlement of Clarinbridge.
- Policy objective in relation to compact settlements is referenced.
- The Planning Authority is satisfied in principle that the site is indicative of being brownfield.
- Policy UL1 regarding backland/infill development is not applicable in this instance.
- There is a history of unauthorised development on this site.
- The Planning Authority accepted the wastewater proposals in terms of having 1.4 metres of unsaturated soils and achieving minimum separation distances as set out in Table 6.2 of the EPA Code of Practice, 2021, for domestic wastewater treatment systems.
- The design and layout of the dwelling, water supply and wastewater treatment proposals were considered acceptable.
- Sightlines in a westerly and easterly direction from the site entrance are considered favourable subject to the removal of shrubbery, as proposed, in order to achieve the westerly sightlines.
- Four category B trees, 1 category C tree and three others due to their poor condition would be removed to cater for the development.
- The Planning Authority outlined no objections to the dwelling design and set out that there is limited potential for the loss of residential amenity to surrounding properties and that the set back from the service road would comply with DM standard 29 within the Development Plan and be consistent with the building line of dwelling number 9 within the Reddington Woods development, east of the proposed dwelling.
- The Planning Officer considered that the proposals would be contrary to the objectives and policies within the Development Plan and to the proper planning and sustainable development of the area.

3.3 Technical Reports.

None received.

3.4 Prescribed Bodies

No comments sought.

3.5 Third Party Observations

None received.

4.0 Planning History

The following is considered to be the relevant planning history pertaining to the appeal site:

Planning reference number 08/2917, in 2009 Planning permission was granted by Galway County Council for the development of a 60PE wastewater treatment plant to serve the thirteen dwellings and in lieu of the individual wastewater treatment systems for each dwelling unit.

Planning reference number 05/1850, in 2006 Planning permission was granted by Galway County Council for the development of thirteen dwelling units with individual wastewater treatment plants using the existing entrance and driveway to the Clarinbridge Court Hotel.

5.0 Policy Context

5.1 Galway County Development Plan 2022-2028

The sections that are relevant to the current appeal include:

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

Chapter 2 of the Plan places Clarinbridge within Tier 7a of the Settlement Strategy- Rural Settlements.

Clarinbridge is also located with the Galway County Transport and Planning Strategy (GCTPS) Area (Map 2.1)

Section 2.3 provides that: Compact growth will be pursued to ensure sustainable growth and more compact urban and rural settlements, supported by jobs, houses, services and amenities rather than continued sprawl rather than unplanned economic growth.

Section 3 of the Plan pertains to Placemaking, Regeneration and Urban Living: To develop the urban and rural places to live, work and visit in a sustainable manner based on the principle of placemaking, compact growth, high quality public realm where residential developments are connected to service and employment locations.

Section 3.2 sets out Strategic aims including: To reinforce the vitality and future of urban and rural settlements and recognise the role that they play in a wider social and economic context.

The relevant policy objectives include the following:

CGR 1 Compact Growth To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.

Chapter 7 Infrastructure, utilities and Environmental Protection

Policy Objective FL2: Flood Risk Management and Assessment

Chapter 8 Tourism and Landscape

Policy Objective LCM 1: Preservation of Landscape Character

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement,

where possible of views and prospects and the amenities of places and features of natural beauty or interest.

Policy Objective LCM 3: Landscape Sensitivity Ratings

Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

Chapter 12 Architectural, Archaeological and Cultural Heritage

Policy Objective NHB1: Natural Heritage and Biodiversity of Designated sites, habitats and species

Policy Objective NHB 3: Protection of European Sites

Policy Objective NHB 5: Ecological Connectivity and corridors

Policy Objective NHB 9: Protection of Bats and Bat habitats.

Section 15-Development Management Standards

DM Standard 8: Site Selection and Design for Rural housing.

DM Standard 28 Sight Distances Required for Access onto National, Regional, Local and Private Road.

The exit visibility check x distance shall be measured a minimum distance of 2.4m from the edge of the carriageway ('x' distance) or as determined by Galway County Council. In limited instances this may be reduced to 2.4m and to 2.0m in difficult circumstances on urban roads.

The entry visibility check is where: A vehicle turning right into the proposed development shall have a forward visibility to the centre of the opposite lane for a distance of Y to ensure they can safely cross the path of an on-coming vehicle.

Table 15.3 sets out sight distances required for access to national, regional and local roads. Sight Distances (y-distances) required for access onto these roads within the 60 km/h speed control zone National Regional and Local Roads are set at 90 metres.

DM Standard 68: Flooding

5.2 National Guidance

5.2.1 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2024

Section 3.3.5 specifically relates to Rural Towns and Villages with a population of 1,500 or less. Planning Authorities need to promote and support housing that would offer an alternative, including serviced sites, to persons who might otherwise construct rural one off housing in the surrounding countryside. Lands zoned for housing at the edge of rural towns and villages at locations that can be integrated into the settlement and are connected to existing walking and cycling networks can offer an effective alternative to the provision of single houses in the countryside.

The key priority in these rural settlements is:

- Strengthen the existing urban core through adaptation, re-use and intensification of existing building stock.
- Realise opportunities for infill and backland development: and
- Provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into or can be integrated into the existing built up footprint of the settlement and be serviced by necessary supporting infrastructure.

Appendix D: Design check list-Key indicators of quality urban design and placemaking.

5.2.2 Section 28 Ministerial Guidelines

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

- Design Manual for Urban Roads and Streets' (DMURS 2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (DoEH&LG 2009).
- 'Quality Housing for Sustainable Communities' Best Practice Guidelines (DoEHLG 2007).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009).

5.3 Natural Heritage Designations

The closest Natura 2000 site is the Galway Bay Complex Special Area of Conservation (SAC) (site code 000268) which at its closest point is located approximately 530 kilometres north of the appeal site boundary. The Inner Galway Bay Special Protection Area (site code 004031) which at its closest point is located approximately 580 kilometres north-west of the appeal site boundary.

The closest Natural Heritage Area (NHA) is the Galway Bay Complex proposed Natural Heritage Area (pNHA) (site code 000268) which at its closest point is located approximately 530 metres north of the appeal site boundary.

5.4 Environmental Impact Assessment (EIA)-Preliminary Assessment

Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environment impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

A first party appeal against the decision of the Planning Authority to refuse planning permission has been prepared and submitted by a Planning Consultant on behalf of the applicants James and Mairead Cormican. The main issues raised within the appeal submission relate to the reasons for refusal and a number of related planning matters, and can be summarised as follows:

Principle of Development:

- The Planning Authority accept that the appeal site constitutes a brownfield site.
- The Planners report states that the appeal site immediately adjoins the Reddington Woods residential development and is located within an established residential area of Clarinbridge.
- The appeal site is located within walking distance of the urban core with Redington Woods to the north-east, the GAA grounds to the south, Clarinbridge Court housing to the south -east and, therefore, the site constitutes an urban, infill and backland site within the village.
- The most recent Local Area Plan (2007-13) prepared includes the appeal site as being zoned residential and within thirty metres of the village core. There is no longer a statutory land use plan in place.
- The appeal site is located within the 50 kilometre per hour speed control zone.
- The Planners reports states that the DMURS Standards apply in this instance, which supports the claim that the area is urban.
- The appeal site previously accommodated the wastewater treatment system serving the former Clarinbridge Court Hotel (now demolished) which was

acknowledged as being a hotel within the village in the 2007 Clarinbridge LAP.

- The appeal site is urban and located within the established built up environment of Clarinbridge.
- Section 6.3 of the Sustainable Residential Density Guidelines sets out that small towns and villages where services are available and within walking or cycling distance of the settlement offer alternatives to the urban generated housing issue.
- The rural hinterland of Clarinbridge is located in an area under strong urban influence where one-off housing in the countryside is restricted.
- With the implementation of the mitigation measures included within the tree survey and the planting of the additional semi-mature trees, the development would provide for an appropriate use of an underutilised brownfield infill site within the settlement of Clarinbridge and would not contravene policy objectives LCM 1 and 3 nor DM standard 8 of the County Plan.

Design and layout:

- The design and layout has been developed as part of an iterative process to ensure the development would not adversely affect the woodland setting or ecological value of the area.
- The location of the dwelling was specifically chosen to create minimal impact upon the sylvan character of the area, to minimise impact on the area identified as having bat activity to the north of the appeal site, that the site is visually screened in order to assimilate into the local environment, to optimise privacy of future occupants and additional planting of semi mature trees to compensate for loss of trees to ensure no net loss of trees within the wooded setting of the site.
- Page 1 of the planners report states that the set back from the road accords with DM standard 29 and is consistent with the building line established by unit number 9, fifty metres east within the Reddington woods scheme.
- Page 13 of the planners report under the heading “Landscape and visual impact” states the felling/clearance of the site to facilitate the proposed

development would not result in any acute adverse impacts to the site and immediate woodlands.

- The proposed layout seeks to integrate and assimilate the development into its sylvan setting without adversely affecting the character of the area.
- The tree and bat surveys identify the importance of the trees along the northern boundary of the site and outside of the appeal site boundary. From an arboricultural, landscape and ecological perspective, the northern section of trees/woodland will be retained on site and the recommendation to remove lower grade trees within the footprint of the dwelling will be compensated with the planting of five semi-mature beech and hawthorn to the north of the proposed dwelling.
- The Planning Authority have assessed the proposals against the broad brush Class 3 landscape sensitivity designation.
- The class three designation at this location refers to a coastal landscape.
- The appeal site comprises a secluded woodland setting, on the landside of the N67 and approximately 580 metres from the nearest coastline/estuary, therefore, the proposed development would not adversely impact the landscape integrity of any coastal setting.
- A number of planning appeal precedents are referenced relating to development being permitted within class 3 landscape locations including a commercial development in the coastal village of Barna.
- The refusal of the development on landscape character designation reasons would conflict with the Core Strategy provisions within the current Galway County Development Plan.
- The development will be imperceptible from the public domain and would not interfere with the character of the landscape at this location. There are no protected views or perspectives within the appeal site nor within its vicinity.
- The development would be consistent with the prevailing pattern of development within this established residential area in the village.
- DM standard 8 pertains to rural dwelling design and, therefore, does not apply in this instance. Notwithstanding, the development has been purposefully designed to successfully integrate into this setting.

Surface Water Management and Flooding :

- There is no identified pluvial flood risk area within the appeal site nor in its vicinity as per the flood information available as per the data available within the Galway County Council GIS systems.
- A site specific flood risk assessment (SSFRA) has been commissioned by the applicants for the appeal site.
- This SSFRA identifies a low lying area in the north-western section of the site along the driveway access to the site. This area is stated to be a topographic depression and could be susceptible to ponding of surface water after periods of intense rainfall.
- The finished floor levels of the dwelling and wastewater treatment system are stated to have adequate freeboard in a pluvial rainfall event.
- The Consultant Engineers have recommended that the ground levels of the access driveway be increased to be consistent with those of the Reddington Woods access road and that two culverts be constructed under the access driveway to allow surface water flow to continue from the northeast to the southern site boundaries.
- The SSFRA recommends revisions to the on-site surface water management proposals and that following the implementation of these surface water management measures, that the development proposal would be in compliance with the core principles of the Planning System and Flood Risk Management Guidelines.

Natural Heritage:

- The design and layout have been informed by the tree and bat surveys conducted by an arborist and Consultant Ecologist.
- The lower grade trees to be removed to provide for the footprint of the dwelling will not adversely impact upon roost potential as the bat activity has been recorded in the coppice of the trees to the north of the appeal site in the higher value trees. The replacement semi-mature trees will supplement the linear feature of trees for the Bats. The Bat survey has included

recommendations including that all outdoor lighting be provided to the south of the site, away from the sensitive treeline to the north of the appeal site.

- The Planning Authority screened the development for Appropriate Assessment and concluded that the development would not adversely impact upon the qualifying interests of either of the two most proximate European sites, namely the Galway Bay Complex SAC or the Inner Galway Bay SPA nor adversely impact upon water quality in this vicinity as set out within the Site Characterization Report submitted.
- The Appropriate Assessment screening report (AASR) submitted by the applicants concludes that no adverse impacts would occur to the qualifying interests of either the Galway Bay Complex SAC or the Inner Galway Bay SPA as a result of the proposed development.

Other Matters

- The applicants have set out that the appeal site is no longer used as a construction depot, however the site had been used for such purposes historically and has established brownfield characteristics.
- The applicants have also put forward alternative wastewater treatment proposals (as part of their appeal submission) whereby wastewater generated on site would outfall to the communal wastewater treatment system that serves the new section of the Reddington Woods housing development.
- Legal correspondence confirming consent to access the communal wastewater plant has been submitted as have details from a Consultant Engineer which sets out that this wastewater disposal option is technically feasible, and the communal wastewater treatment plant has adequate capacity to cater for the loading from the proposed dwelling.
- The applicants have submitted details of a Board precedent whereby a single dwelling In Furbo was permitted to offload wastewater to a shared effluent treatment system (Board reference 07.243912 applies).
- Legal correspondence confirming access to roads, footpaths and services within the Reddington Woods development has been submitted.

- A drawing has been submitted (as part of the appeal submission) confirming that 45 metre sightlines are achievable in accordance with DMURS standards from the access point given the location of the appeal site within a 50 kilometre per hour speed control zone.
- The applicants have submitted details of consent to tap into the local Group Water Scheme (GWS) which is now dormant and under the management of the Local Authority Rural water scheme which in the future is to be taken over by Irish Water.

6.2 Planning Authority Response

None received.

6.3 Third Party Observations

None received.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development
- Landscape Sensitivity
- Flooding and Surface Water Management
- Access
- Appropriate Assessment.
- Other Matters.

7.1 Principle of Development

- 7.1.1 The subject site is located within the rural settlement of Clarinbridge as set out within the Galway County Development Plan 2022-2028. The objective for rural settlements

as set out within the Plan is: To develop the urban and rural places to live, work and visit in a sustainable manner. Therefore, I am satisfied that the principle of development is acceptable in this instance.

7.1.2 The applicant is seeking to construct a dwelling house within the north eastern section of the settlement immediately adjoining to the Reddington Woods residential development, a development comprising approximately 13 large, detached dwelling units which have been developed within a mature woodland setting (Kilcornan Woods). The appeal site and the adjoining residential scheme all had the benefit of a residential land use zoning objective as per the Clarinbridge Local Area Plan (2007-2013), which was the last land use plan prepared for the settlement. However, I am satisfied that Clarinbridge is identified as a Rural settlement within the current Galway County Development Plan 2022-28 and having regard to the existing established pattern of development in the vicinity of the site, that the principle of the development of a single dwelling on a brownfield site is consistent with the pattern of development in the area.

7.1.3 While the principle of residential development is acceptable on site, other matters relating to design and layout, access, visual/landscape impact, servicing proposals and impact upon natural heritage have to be considered. These were matters raised by the Planning Authority within their planning report and in the reasons for refusal set out within the planning decision. These will be addressed in greater detail within the assessment below.

7.2 Landscape Sensitivity

7.2.1 The first reason for refusal set out by the Planning Authority states that the proposal for the development of the single dwelling would materially contravene two of the landscape policy objectives and a development management standard included within the current Galway County Development Plan 2022-28. These policy objectives LCM1 and the LCM3 relate to preservation of landscape character and landscape rating sensitivities and Development Management Standard 8 relates to appropriate design and layout of rural dwellings.

7.2.2 Section 8.13 of the current Galway County Development Plan 2022 designates the appeal site as being located with a coastal area with a class 3 sensitivity rating of special, which is stated to be highly sensitive to change. The appeal site is surrounded by mature trees, and this is clearly set out within the Arboricultural Assessment submitted as part of the planning documentation. The report states that there are approximately fifty eight mature mainly deciduous trees within the appeal site boundary and many more immediately north of the appeal site. Forty of the trees on site are Grade A trees and comprise mainly of Beech, Sycamore and Lime varieties, eleven category B Ash and Willow trees and a small number (five) lesser grade trees. Eight lower grade trees would be removed in order to provide for the dwelling footprint, one of them is dead and two other have roots exposed. These would be replaced with five semi-mature trees within the northern section of the site. With the retention of the majority of the existing mature trees within the appeal site and the planting of the additional semi-mature trees and the fact that no trees outside of the appeal site boundary will be impacted upon, I consider that the dwelling will not be particularly visible nor prominent within the local landscape within Clarinbridge and certainly not visible from the Galway Bay area, located approximately 550 metres west of the appeal site. There is no intervisibility between the appeal site and Galway Bay. I would, therefore, concur with the applicants that the development will not adversely impact upon the coastal landscape character nor adversely impact upon the class 3 sensitivity rating and, therefore, would not contravene policy objectives LCM 1 and LCM3 of the Development Plan.

7.2.3 In relation to DM standard 8 within the Development Plan, Clarinbridge is designated as a rural settlement albeit that the character of the area has been urbanised by the residential developments of Reddington Woods and Clarinbridge Court, developed in close proximity to the appeal site. It is apparent that the Planning Authority did consider that the appeal site is urban in nature, given that they assessed the sightline standards against the best practice principles as set down within the Design Manual for Urban Roads and Bridges (DMRB) which are standards used when assessing urban development proposals.

7.2.4 In conclusion, I am satisfied that the applicants' proposals have been sensitively designed having regard to its particular woodland setting. I consider that the appeal site is brownfield and note its location immediately adjacent to established and permitted residential development. The proposals will provide for the retention and protection of the vast majority of the mature trees and, therefore, I am satisfied that the proposals will not contravene the landscape character of the area and the design and layout is consistent with that of the established pattern of development within the adjoining Reddington Woods development.

7.3 Surface water management and flooding

7.3.1 The second reason for refusal as set out by the Planning Authority related to a risk of pluvial flooding within a low lying area along the entrance driveway in the north-western part of the appeal site which could be susceptible to ponding of surface waters after periods of intense rainfall.

7.3.2 The applicants have submitted a site specific flood risk assessment report (SSFRA) prepared by their Consultant Engineers, included as Appendix 4 within the appeal submission which specifically addresses the matters of surface water management and flood risk within the appeal site and its vicinity. The SSFRA outlines the following in relation to surface water and the impact of pluvial flooding on the access driveway in the north-western section of the appeal site. This SSFRA identifies a low lying area in the north-western section of the site along the driveway access to the site. This area is stated to be a topographic depression and could be susceptible to ponding surface water after periods of intense rainfall.

7.3.3 In order to address the potential risk of pluvial flooding, the applicants have stated that the finished floor levels of the dwelling and wastewater treatment system are stated to have adequate freeboard to avoid being submerged within a pluvial rainfall event. The Consultant Engineers have recommended that the levels of the access driveway be increased to be consistent with those of the adjacent Reddington Woods access road and that two culverts be constructed under the access driveway to the appeal site to allow surface water flow to continue from the northeast to the southern site boundaries without impediment.

- 7.3.4 The SSFRA recommends revisions to the on-site surface water management proposals and that following the implementation of the surface water management measures, that the development proposals would be in compliance with the core principles of the Planning System and Flood Risk Management Guidelines.
- 7.3.5 I refer to the Office of Public Works (OPW) website floodinfo.ie where the appeal site is not identified as being located within an area of flood risk and neither is there a history of flood events on site or within this area.
- 7.3.6 In conclusion, based on the flood information available within the Development Plan and on the data available on the OPW website and as per the site-specific information provided by the applicants within their SSFRA, I am satisfied that subject to the inclusion of the surface water management proposals, including on site attenuation that the development proposals would not increase the risk of flooding on site or within the neighbouring lands.

7.4 Other Issues

- 7.4.1 The applicant was originally proposing to install a packaged wastewater treatment system and soil polishing filter in accordance with the EPA Code of Practice, Wastewater treatment and disposal systems serving single houses (PE ≤ 10), 2021. The applicants have submitted alternative wastewater proposals as part of their appeal submission whereby the applicants would tap into the combined wastewater treatment system that serves the newer part of the Reddington Woods residential development. The applicants have submitted the necessary consent to tap into this system and their Consultant Engineer has confirmed that there is capacity available within the communal wastewater treatment system to cater for the wastewater loading from the proposed dwelling, the outfall from which is subject to a discharge licence, a process managed by the Environmental Protection Agency (EPA), which I consider to be acceptable.
- 7.4.2 The fourth reason for refusal set out by the Planning Authority relates to unauthorised uses on the site, including use as a construction depot and the retention of a storage container on site and the existence of construction materials and waste on the site that the proposal would perpetuate existing unauthorised

development on site. The applicants have stated that all of the construction materials and construction waste and storage container previously stored on site has been removed from the site. All that remains on site is the hardcore material on the surface of the site. Therefore, the appeal site is considered to be brownfield and it would be difficult to return this site to greenfield status given that the site has been used as a construction depot for over a decade and the hardcore is well compacted into the ground by construction machinery entering and exiting the site. Therefore, it is appropriate to consider this site as brownfield and suitable for development and that the proposals would, therefore, not perpetuate unauthorised development on site. In any event, it is open to the Planning Authority to undertake planning enforcement proceedings against the applicants/land owners if there is/was any issue regarding unauthorised development/uses on site.

7.4.3 In conclusion, I am satisfied with the wastewater treatment details submitted would be in accordance with the best practice wastewater principles and accord with public health principles. Details of the wastewater connection and maintenance proposals are matters that can be conditioned, in the event that the Board are minded to grant planning permission.

7.5 Access

7.5.1 The applicant is proposing to use an existing access to the site off the Reddington Woods internal service road as part of the current proposals. The access is located inside the 50 kilometre per hour speed control zone for the settlement of Clarinbridge. There are thirteen dwellings already accessing this service road and, therefore, I am satisfied that there is adequate capacity within the local road infrastructure to cater for the additional traffic that would be generated by an additional dwelling unit.

7.5.2 The applicants submitted a revised site layout plan to accompany their appeal submission. This Site Plan prepared and submitted by their Consultant Engineers as part of the appeal submission demonstrate sight lines of 45 metres in each direction from an x (set back) distance of 2.4 metres at the access point. As per Table 4.2 of the Design Manual for Urban Roads and Bridges Guidance, 2013 (as updated in 2023) sightlines of 45 metres are required for access points where the 50 km/h

speed control zone applies, from a 2.4 metre set back from the edge of the carriageway. I am satisfied that adequate sightlines would be achievable in accordance with the DMURS standards and as illustrated within the Site Layout Plan and the accompanying sightlines report, included as Appendix 9 within the appeal submission.

7.5.3 In conclusion, I am satisfied that the applicants have demonstrated adequate sight distances in accordance with national road traffic policy standards, specifically DMURS. Therefore, I consider that the proposals would not interfere with the free flow of traffic nor endanger public safety on the adjoining roadway.

7.6 Appropriate Assessment

7.6.1 The nearest Natura 2000 sites to the appeal site are the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (site code 004031) which are located approximately 0.53 and 0.58 kilometres west of the appeal site respectively. The Planning Authority conducted an Appropriate Assessment screening and concluded that the development would potentially adversely impact upon the European sites, by reason of the potential risk of pluvial flooding within the access driveway to the site and the potential for contamination of the site from its use as a construction depot. However, I note that the second reason for refusal specifically relates to impact upon bat species and habitat within the mature tall tress located within the northern section of the appeal site.

7.6.2 The applicants submitted an Appropriate Assessment Screening Report and an Ecological report (ER) as part of their planning documentation and a Consultant Ecologist Opinion as part of their appeal submission which specifically addresses the issue of Bat activity and habitat and addresses the potential for the development to adversely impact upon bat activity, including activity associated with European sites. The Consultant Ecologist conducted a detailed bat survey over a period of eight nights. There were a number of bat species identified as part of the bat survey and these included the most common of the bat species, including the Common and Soprano Pipistrelle and the Leislars Bat. The Lesser Horseshoe Bat (LHB), a qualifying interest associated with a number of Natura 2000 sites, including the

Lough Fingall Complex SAC was not observed within the appeal site during the Bat survey. The applicants set out that the Lough Fingall Complex is located approximately four kilometres distant from the appeal site and, therefore, the appeal site is considered to be outside the 2.5 kilometre foraging range for the LHB. This information is supported by data from the National Parks and Wildlife Service. The results of the bat survey indicate low to moderate levels of bat activity within the surrounding woodland which has been assessed as being highly suitable for bat roosting/foraging.

- 7.6.3 The Planning Authority (PA) set out that long term slight negative impacts to bat population roosting/foraging in the area would arise from the proposed development. The PA raised the issue of disturbance resulting from construction/occupation of the site and the effect on commuting/feeding bats given that the site is part of a corridor for bat species. The PA outline that potential impacts would arise from removal of vegetation and trees and an increase in illumination on site. Mitigation measures are prohibited from being considered at the screening stage. The applicants are proposing to include compensatory planting in the form of five semi-mature trees, beech and hawthorn hedging and to restrict external lighting to the southern extent of the appeal site. The Planning Authority were not satisfied that the proposals would not contravene policy objective NHB9 of the Development Plan in relation to the protection of bats species and habitat.
- 7.6.4 The Bat report and the Planning report prepared by Galway County Council both acknowledge that bat populations will be impacted by the proposals. I note that the Planning Authority rate the impact as being a long term slight negative impact. The Consultant Ecologist states that no bat roosts were recorded within any of the trees to be removed. The trees to be removed were mainly of lower grade quality and a number already uprooted/dead trees. Their replacement with beech and hawthorn semi-mature trees and the fact that no other trees within the appeal site nor to its north (within Kilcornan Woods) will be adversely impacted upon by the proposals will leave the majority of trees within the appeal site, and the area in general available for the local common bat population. Given bat activity is recorded as being low to moderate and the fact that the ecological corridor is already somewhat impacted by

the existence of floodlights around the perimeter of the Clarinbridge GAA pitch immediately south of the appeal site, and the Reddington Woods housing development to the north and east of the appeal site, it is not considered that the impact of the development would be so adverse as to warrant a refusal of planning permission on this matter, especially when the replanting measures as outlined within the proposals would be fully implemented. This is a matter that could be addressed by means of a planning condition, if the Board deem appropriate.

- 7.6.5 On balance, and on the basis of the recorded bat activity within the appeal site and in the woodland to its north, given the bat activity is stated to be rated as low to moderate, that no bat roosts were recorded within the trees to be removed, which were mainly of lower grades, uprooted or dead and that given the control measures to be implemented by the applicants, on balance I consider that the impacts of the development will not be so adverse as to warrant a refusal of planning permission and that the proposals would not contravene policy objective NHB 9 of the Development Plan nor adversely impact any habitats or species associated with any European site.
- 7.6.6 The Department of Housing, Local Government and Heritage issued a response to the Board and noted the submission of an Appropriate assessment Screening Report (AASR) and set out that the Board should make a determination that the proposals will not adversely impact upon the qualifying interests of the Galway Bay Complex SAC or the Inner Galway Bay SPA or the water quality within the European sites or downstream of the site and that an Appropriate Assessment would not be required.
- 7.6.7 Based on the information submitted and on my own assessment, I am satisfied submitted that there are no surface water hydrological or ecological pathways linking the appeal site to these European sites. In terms of groundwater, the Geological Survey of Ireland (GSI) website was consulted for available geological / hydrological information. The site is underlain by carboniferous limestone till. Topsoil on site consists of grey-brown podzolic type, mineral soils which are deep and well-draining. The percolation tests conducted on site state that the soils on site are

shallow well drained mineral soils over bedrock. The status of the water quality within the Clarinbridge ground water body is designated as being good in the 2013-2018 water quality reports. The aquifer underlying the site is designated as a regionally important karstified aquifer with a high level of vulnerability. No karst features were identified within the appeal site, as per the results from the percolation holes dug on site. The water table was not evident within the trial holes dug to a depth of 2.3 metres.

7.6.8 In conclusion, having regard to the nature and modest scale of the proposed development, and the separation distances from the nearest European sites, I am satisfied that the applicants' proposals to tap into the communal wastewater treatment plant, which is managed and monitored by discharge licence, licensable to the EPA. Given the separation distances to the nearest European sites, I am satisfied that any run off that would arise from the wastewater treatment plant, which should be of a high quality, given its monitoring by the EPA, and in any event would be sufficiently diluted before it would reach Galway Bay through the groundwater system. Therefore, it is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site(s).

8.0 Recommendation

I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the site within the designated rural settlement of Clarinbridge as set out within the current Galway County Development Plan 2022-2028, and to the policies and objectives and the development standards in the Plan, it is considered that, subject to compliance with conditions set out below, the proposed development would not adversely impact the landscape character within Clarinbridge or the coastal area, that the design and layout are appropriate and to

the setting and consistent with the established built character of the area, that the proposals would not increase the risk of flooding, subject to surface water mitigation measures being implemented, that no adverse impact upon European sites nor bird species would arise nor would the proposals interfere with the safety and free flow of traffic nor endanger public safety in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 27th day of July 2022 and by further plans and particulars received by An Bord Pleanála on the 17th day of October 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

- 3 The existing mature trees within the appeal site boundary shall be retained. The applicants shall incorporate the recommendations for the protection of the trees during the construction activities as set out within the Arboricultural Assessment Report submitted to the Planning Authority on the 27th day of July 2022. Prior to the commencement of development, boundary treatment details for the remaining site boundaries shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of residential and visual amenity.

- 4 The entrance and access driveway serving the proposed development, shall comply with the detailed standards of the planning authority for such road works. The ground levels of the entrance driveway shall be consistent with those of the adjoining service road. Precise details of the ground levels proposed shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 5 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 6 a) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- b) Connection to the water mains
- c) All recommendations set out within the Flood Risk Assessment Report, included as Appendix 4 within the appeal submission submitted to the Board on the 17th day of October 2022 shall be implemented in full.
- d) Two relief culverts with a minimum diameter of 300 millimetres shall be developed beneath the entrance driveway to the north western section of the site shall be installed prior to the occupation of the dwelling. Precise and final details of the culverts shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of public health.

- 7 (a) The development shall connect to the communal wastewater treatment plant as per the details submitted to the Board on the 17th day of October 2022. The applicants shall ensure that the communal effluent treatment and disposal system is maintained in accordance with current EPA best practice standards. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

(b) Within three months of the occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that connection to the communal proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with best practice EPA standards.

Reason: In the interest of public health.

- 8 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 9 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Fergal Ó Bric

Planning Inspectorate

23rd day of January 2024