



An
Bord
Pleanála

Inspector's Report

ABP-315031-22

Development

Construction of 91 mixed residential units, surface water and foul drainage services, communal and private open space, landscaping and boundary treatments, public lighting, parking, bin storage, pedestrian, cycle, and vehicular links, access to the R338 Coast Road and all other site development works. NIS submitted with application.

Location

Garraun South, Oranmore, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

22439

Applicant

Corestone 16 Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant

Corestone 16 Limited

Observer(s)

Galway Cycling Campaign

Colm Burke

Ronan Burke

Patrick Burke

Eoin Butler

Deirdre Burke

John M Harrington

Date of Site Inspection

22nd September 2023

Inspector

Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The subject site is located on the north side of the R338 (Coast Road), approximately 1km from the town centre of Oranmore, and approximately 500m from Oranmore Train Station. To the west the site is bounded by the L7105, a local road which leads to a level crossing further to the north, and also crosses over the N67 Road. The site comprises a stated area of 3.1 hectares of greenfield land which is to the west of an existing residential housing estate (An Inse Ghlas). There is an existing residential dwelling to the south-west of the site. There is also a residential dwelling lying to the north-west of the site.

2.0 Proposed Development

- 2.1.1. Permission for development which consists of the construction of 91 mixed residential units, surface water and foul drainage services, communal and private open space, landscaping and boundary treatments, public lighting, parking, bin storage, pedestrian, cycle, and vehicular links, access to the R338 Coast Road and all other site development works. NIS submitted with application.
- 2.1.2. Revised plans at Further Information stage revised the number of units proposed from 91 to 101 units.
- 2.1.3. The planning application was accompanied by the following reports/studies;
- Planning Report
 - Traffic and Transportation Assessment
 - Civil Works Design Report
 - Design Manual for Roads and Streets
 - Stage 1 Road Safety Audit
 - Cultural Heritage Impact Assessment
 - Daylight Analysis and Overshadowing
 - Sustainability & Energy Report
 - Public Lighting

- EIA Screening Report
- Tree & Vegetation Strategy
- Flood Risk Assessment
- Ecological Impact Assessment
- Design Statement
- Appropriate Assessment Screening
- Natura Impact Statement
- Accommodation Schedule

Additional and Revised Reports Received At Further Information Stage (Received by PA 19/08/2022)

- Response to Further Information Request
- Ecological Impact Assessment
- Housing Quality Audit
- Civil Works Design Report
- Archaeological Report
- Public Lighting Report
- Daylight Analysis and Overshadowing Report
- Flood Risk Assessment
- Winter Bird Survey Report
- Natura Impact Statement
- Appropriate Assessment Screening Report

Key Figures

Site Area	3.136 Ha
No. of units	101 (revised upwards from 91 units at Further Information Stage)

Density (net)	35.99 units/ha
Height	Maximum 3 storey
Public Open Space	4,700 sq. m (16.13% of net site area)
Part V	10 units
Vehicular Access	From Coast Road
Car Parking	165
Bicycle Parking	60
Other uses	Creche (285 sq. m)

Mix

The proposal provides for the following mix of units, within a range of apartments, duplexes and houses.

Unit Type	1 bed	2 bed	3 bed	4 bed	5 bed	Total
House	-	-	6	29	2	37
%	-	-	6%	29%	2%	
Duplex	-	-	14	-	-	14
%	-	-	14%	-	-	
Apartment	36	14	-	-	-	50
%	36%	14%				50
Total unit mix	36	14	20	29	2	101
%	36%	14%	20%	29%	2%	100%

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to **REFUSE** Permission on the 12th October 2022 for 3 no. reasons as follows:

1. Having regard to the design, scale and car dominated layout of the proposal in a public transport orientated Urban Framework Plan area in Metropolitan County Galway, adjacent to Oranmore Train Station, it is considered that the proposed development would if permitted be contrary to policy objectives PM 4 Sustainable Movement Within Towns and PM5 Sustainable Transport In addition to the car dominance of the proposal, the development will result in poor quality public realm, quality of public and private open space, poor disposition, inadequate and insufficient quality of residential amenity The proposed development would, therefore, constitute a substandard form of development, would seriously injure the amenities of the area and be contrary to Policy Objectives PM 1 Placemaking PM 8 Character and Identity and P1 9 Vitality in Towns and Villages as outlined in the Galway County Development Plan 2022 2028 and to the proper planning and sustainable development of the area
2. The proposal as set out fails to take account of the wider urban framework Plan area and does not set out to achieve the vision or objectives of the Urban Framework Plan. The proposal would therefore be contrary to Policy Objective GUEP 10 of the Garraun Urtian Framework Plan and contrary to the proper planning and sustainable development of the area
3. The Planning Authority is not satisfied that the applicant has submitted sufficient proposals to discharge the applicants obligations under Section 96 of the Planning and Development Act 2000 (as amended) The proposed development would accordingly be contrary to the provisions of the Galway County Development Plan Policy Objective PV 1 Part V Provision and contrary to proper planning and sustainable development

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The first report of the Planning Officer includes the following comments;

Principle

- Application site is located on Residential Phase 1 lands as set out in the Oranmore Local Area Plan 2012-2022 where the policies and objectives contained therein apply
- Proposal for residential is acceptable in principle.
- Proposal was considered premature pending imminent County Development Plan and associated Urban Framework Plan
- Would undermined the future sustainable development
- Contrary to the NPF and RSES

Design

- Projecting balconies/external stairs create a visually obtrusive addition
- Concerns with the design of the H4W units
- Siting of the 2 no. H5 houses is poor
- The overall design and layout raises concerns
- North/south approach road – flank elevations facing the street
- Greater mix of house designs required
- Proposal appears wholly car dependant/configuration is not orientated towards the rail station
- Concerns in relation to the density proposed (29 unit/ha)

Residential Amenity

- Rear garden depth falls short in a number of the dwellings
- Overall configuration of the residential units, tenure mix and style is not in accordance with enhancing the residential amenity of future residents
- Other Issues
- Public open space is not effectively integrated with the proposal

Request for Further Information recommended. The FI requested related to the following issues:

1. Clarification on dwelling types
2. Revised development description referring to pedestrian walkway to the L7105
3. Review of application in light of: (i) - New and emerging policy, including the Urban Framework; approach to Design and Layout; Residential Standards; Density; Car Dominance; Adjacent public transport infrastructure. (ii) revised public open space proposals.
4. Revised Flood Risk Assessment
5. Updated Archaeological Impact Assessment
6. Consideration of emerging greenway/cycle routes
7. Amended carriageway widths
8. Amended turning circles
9. Amended drawings showing transition zones for proposed cycle route on Coast Road
10. EV parking on Access Road No. 5
11. Stage 1 & 2 Road Safety Audit/Resolution of issues highlighted within same
12. Street lighting drawing
13. Details of infiltration tests (Surface Water Drainage)

3.2.3. Significant Further Information was received on 19th August 2022.

3.3.3 The second report of the Planning Officer includes the following comments;

- Notes revised mix/increase in the number of units from 91 to 101
- Design and layout remain largely unchanged
- Fails to into account the Garraun Urban Framework Plan (UFP) which was adopted in May 2022
- Proposal does not consider the remaining framework lands in their totality

- Initial concerns remain/car dominant/lack of pedestrian spaces/shared spaces/scale and visual appearance/including height of unit type H4L/the same issues remain with the main north-south road
- Proposed public open space is remote from the majority of the proposed development
- Creche is removed from the remaining UFP area
- Approach to development of the lands is uncoordinated, haphazard and sporadic.
- Responds to and notes Internal responses to other items of Further Information requested

The report of the Planning Officer recommends a Refusal of permission consistent with the Notification of Decision which issued.

3.3.4. Other Technical Reports

Roads and Transportation

Report of 4th Oct 2022 [in response to FI]

- Applicant has not revised the layout to comply with DMURS/layout should be amended as previously requested
- Applicant has not revised the design of the turning facilities/noted in the Stage 1&2 Road Safety Audit
- Revised layout indicates a section of footpath has been reduced below the minimum 1.8m width/this should be amended.

Report of 25th May 2022

- Concerns re width of carriageway where perpendicular spaces are provided/re turning circles/lack of transitioning zones for the Coast Road cycle path/EV charge points/Revised Stage 1 & 2 Road Safety Audit required/Some issues not addressed in the audit.

Heritage Officer [Report 19th May 2022]

- Recommended a programme of geophysical survey be carried out following targeted test trenching.

3.3. Prescribed Bodies

TII

- Submission received 31st August 2022 [In response to FI] – Position remains the same
- Submission received 5th May 2022 – Council should have regard to Chapter 3 of DoECLG Spatial Planning and National Roads Guidelines

Irish Water

- Submission received 24th May 2022 - Recommends conditions

Department of Housing, Local Government and Heritage

Submission received 6th May 2022

- Broadly concurs with the recommendations for archaeological mitigation as detailed in Section 4 of the AIA report submitted with the application
- No assessment of visual impacts on cultural heritage landscape included in the AIA report
- Recommends that an Updated Archaeological Impact Assessment be carried out (including an assessment of visual impacts, results of the Geophysical Survey and Test Excavation)
- Galway CC must be satisfied that the proposed development will not have a significant negative impact on nearby European Sites
- In the event of a grant, recommend that all mitigation measures as outlined in Chapter 7 of the NIS, and as outlined in Tables 6.1 to 6.6 of the EclA be a condition of planning.

An Taisce

Received 3rd May 2022

- Considered that the proposed development is premature pending the provision of the Galway East WWTPP /As per Section 6.2 of the Development Plan

- Proposed development is in very close proximity to the adjoining Galway Bay SAC and SPA/Wildlife Haven/Host to many protected species/only consideration is to the spill over of contaminated waters during the construction stage
- Should be the provision of a buffer zone from the development of at least 30-40, to the front of the development site
- Sea levels are rising/housing will need to be set further back to avoid flooding
- Proposal raises serious road traffic hazard issues
- Insufficient parking at the crèche

3.4. Third Party Observations

3.4.1. The report of the Planning Officer summarises the main issues raised in the third-party observations as follows:

Ownership

- Submission claims rights over the tends folio GY21319 Reference to having a Les Pendens on the subject lands Reference to ongoing legal case relating to ownership rights over the application site.

Existing Boundary

- Concerns raised regarding the boundary of the application site and the status of ownership of trees along the site boundary with existing property to the south. Further concerns regarding root protection and removal of trees. Trees in situ are not shown on drawings on neighbouring property to the south west.
- Sightlines shown will require works to property wall to the south and west for which comment has not been obtained. Proposed boundary treatment unclear

Traffic

- Concerns relating to traffic safety. Suggests a relocation of the entrance to the proposed estate and complete redesign of the estate layout Transport reports ignore existing junctions
- Car dependent: Excessive car parking spaces

- Reference to GTS and a suite of National, Regional and local policy objectives relating to the proposal
- Pedestrian Entrance The proposed south-west pedestrian entrance to the 17105 is too narrow to accommodate an entrance Site notice description does not make reference to the pedestrian entrance Lack of permeability
- Cycleways
- Clear delineation of cycleways should be included
- Insufficient cycle spaces proposed. More emphasis and detail on cycle infrastructure needed.

Surface Water/Wastewater

- Concerns in relation to wastewater capacity
- Surface Water Disposal
- Concerns regarding lack of surface water management on the walkway/cycleway to the south west
- Submission queries proposed drainage measures
- The proposal includes a Drainage Plan which adequately makes provision for surface water management

Open Space

- Concerns with location and provision/lack of public open space. More of the proposed units should overlook the open space

Environmental Issues

- Proposed site is located close to an SAC and SPA and will compromise these
- The proposal includes a Natura Impact Statement which identifies a series of mitigation measures that protect the integrity of the Natura 2000 Network

Ecology

- Trees etc removed prior to ecological records taken
- Bird survey inconclusive

- Non native trees proposed.
- Concerns raised relating to flooding
- FRA is based on superseded information

Impact on Amenity

- Loss of Light/Privacy
- The proposed 3 storey apartments will reduce light and result in overshadowing for Inse Ghlas residents Proposal will also cause loss of privacy due to overlooking Three storeys would be out of character and inconsistent with the pattern of development Proposed lighting may cause an issue for the neighbouring property to the south west
- Noise Levels
- Concern that the proposed design including the bottle bank will lead to increased noise levels, litter, vehicular movements and traffic/traffic noise

Residential Standards/Design/Density

- Too many one-bed apartments. Residential unit sizes should comply with Government guidance
- Housing Mix
- Density
- Proposed density too low next to Oranmore Train Station.
- Site needs a masterplan. Lack of cognisance taken of Garraun Urban Framework Plan.

Community Facilities

- Poorly thought out facilities and open space out in relation to the Garraun UFP

4.0 Planning History

Appeal Site

No planning history.

Adjacent Site:

16/1262 – Permission granted for 41 no. dwellings [Granted 10/04/2017].

5.0 Policy Context

5.1. National Policy

National Planning Framework 'Project Ireland 2040'

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 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.

National Policy Objective 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.

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

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

5.2. Regional Policy

Regional Spatial & Economic Strategy – North and Western Regional Assembly 2020-2032 – Section 3.6 Galway Metropolitan Area Strategic Plan. Oranmore is located within the Metropolitan Area.

5.3. Ministerial Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).¹
- Urban Development and Building Height Guidelines, Guidelines for Planning Authority (2018).
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Design Manual for Urban Roads and Streets (2013)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

5.4. Development Plan

Galway County Development Plan, 2022-2028

The Development Plan was adopted by the elected members on the 9th May 2022 and came into effect on the 20th day of June 2022.

The majority of the subject site is zoned R - Residential (Phase 1) with a small area zoned OS – Open Space/Recreation and Amenity (see Volume 2 Section 3 of the Galway County Development Plan, 2022-2028 – Garraun Urban Framework Plan).

Volume 1 – Written Statement

¹ As per Circular NRUP 07/2022, all current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the 2020 of the Apartment Guidelines. This application was lodged with Galway County Council on 1st April 2022 and is therefore assessed under the 2020 version.

Chapter 2 of the Plan places Oranmore within the Galway Metropolitan Area (Level 1) within the Settlement Typology, with a housing allocation of 886 no. units between 2022-2028. The MASP has been identified to accommodate critical mass in population growth within the area that will ensure the vitality and appeal of Galway City and the surrounding towns and villages.

Garraun and Briarhill are identified as key strategic growth areas within County Galway that will contribute significantly to meeting the aspirations of the NPF and RSES.

Relevant policy objectives include the following:

Placemaking, Regeneration & Urban Living

- 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.
- CGR 5 'Typology Study' Prepare a Density Typology Study as considered appropriate within the lifetime of the Development Plan as resources permit.
- CGR 6 'Density' Promote the provision of higher density development in close proximity to sustainable transport corridors such as train stations.
- 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.
- UL 3 'Housing Mix' To promote a mix of house types and sizes that appeal to all sectors of the community and contribute to a healthy neighbourhood
- UL 5 'Open Space' To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area

Transport

- 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

- GBW 1 'Greenways'/BGP 2 'Development of Strategic Greenway Network' support the development of *inter alia* National Galway to Dublin Cycleway/ Greenway and Oranmore to Bearna Coastal Greenway
- PT 6 'Galway to Athlone Rail Line' To secure in co-operation with Iarnród Éireann improved rail infrastructure and services between Galway to Athlone which includes a dual railway track and additional improvement works to include an additional platform and a passing loop at Garraun, Oranmore to ensure enhanced capacity and frequency of service.
- MAS 3 SEVESO III Sites - Take into account the provisions of the Major Accidents Directive, relating to the control of major accident hazards involving dangerous substances, and the recommendations of the Health and Safety Authority in the assessment of all planning applications located within the consultation distance of such sites [Site is within 1km of an Upper Tier SEVESO Site – Cold Chon Galway Ltd]

Chapter 8 – Tourism and Landscape

- 8.13 refers to Landscape – The site lies within the 'Urban Environs' Landscape Character Type within the Landscape Character Assessment (LCA) as contained within Appendix 4 of the Plan.

Chapter 15 – Development Management Standards

The following are relevant:

- DM Standard 1: Qualitative Assessment- Design Quality, Guidelines and Statements
- DM Standard 2: Multiple Housing Schemes (Urban Areas) – including *inter alia* In Public Open Space planning authority will take a flexible approach in the interests of delivering good quality development and the wider policy objectives for placemaking; Private Open Space – minimum back to back distance of 22m; Overshadowing – distance of 22m between opposing first floor window; Dwelling

Mix - variety of household types and tenures that accord with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas; Table 15.1 Residential Density

- DM Standard 3: Apartment Developments (Urban Areas) including: design of apartment type development should be guided by the Design Standards for New Apartments - Guidelines for Planning Authorities (2018) (or as updated/superseded) in relation to all issues in relation to apartment development. In general apartments are only considered appropriate in town centres/To achieve good urban design in residential developments, (including apartment developments), the 12 Urban Design Principles set out in the Urban Design Manual- A Best Practice Guide 2009 (including any updated/superseding document) should be taken into account in designing schemes.
- DM standard 31 sets out parking standards which require 1.5 spaces for 1-3 bed dwelling units and 2 spaces for 4+ bed dwelling units (Table 15.5). In relation to infill sites and sites adjacent to public transport corridors or civic parking facility, a flexible application of standards will be considered. Car parking for detached and semi-detached housing should generally be within the curtilage of the individual house site. Car parking for apartments and terraced housing where appropriate, should generally be at basement level. Where this is not possible, parking for apartments and terraced housing should be in small scale informal groups overlooked by residential units; Cycle Parking Housing Developments: 1 private secure bicycle space per bed space (note -design should not require bicycle access via living area), minimum 2 spaces 1 visitor bicycle space per two housing units).

Volume 2 – Metropolitan Area Strategic Plan

- GCMA 18 Flood Zones and Appropriate Land Uses
- GCMA 20 Specific Flood Risk Locations

Policy Objectives Oranmore (Oranmore Metropolitan Settlement Plan – OMSP)

- OMSP 1 – Sustainable Residential Development

Section 3: Garraun Urban Framework Plan – Section 5 of same sets out ‘Principles and Strategy’.

Section 6 sets out the Framework including Land Use, Density, Public Transport, Movement and Access, Landscape, Character Areas and Sustainability.

Section 7 sets out the Garraun Framework Plan which includes indicated layouts on sites including the subject site.

Section 8 sets out Policy Objectives and Land Use Zoning – The majority of the subject site is zoned R - Residential (Phase 1) with a small area zoned OS – Open Space/Recreation and Amenity.

5.5. Natural Heritage Designations

- Galway Bay Complex pNHA (Site Code: 000268), c. 10 metres south
- Galway Bay Complex SAC (Site Code: 000268), c. 10 metres south.
- Inner Galway Bay SPA (Site Code: 004031), c. 10 metres south

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a First Party appeal against the decision to refuse permission. The grounds for appeal may be summarised as follows;

Response to Reason for Refusal 1

- Site layout has been guided by the Garraun Urban Framework Plan (GUPP)
- Is in accordance with policy objective 'GUPP 1'
- Small area of land subject to flooding/this has been accounted for and mitigated within the Flood Risk Assessment
- Will create a green way with pedestrian and cycle connections which will extend to Oranmore Train Station/Will also extend to Oranmore train station/Other safe pedestrian cycle connections proposed.
- Car parking provision is in line with DM Standard 31/Table 15.5
- Development has been designed to encourage car-free activity with pedestrian and cycle friendly elements

- Incorporation to the greenway cycle route along the public road in the southern portion of the site
- Proposed open space will ultimately for a large new park central to future residential development
- Current application is the first of a phased application/as part of the next phase, the central landscaped space will be expanded to create a new central park
- Additional open space will also be provided to the east of the site/will connect to Inse Ghlas
- Proposed rear gardens/amenity spaces exceed the standards in the Apartment Guidelines
- Updated Daylight Analysis and Overshadowing Report prepared at FI stage/all space complied save for 2 no. communal amenity spaces which fall marginally short
- Complies with Policy Objectives PM 1 Placemaking; PM 8 Character and Identity and PM 9 'Vitality in Towns and Villages' of the Galway County Development Plan 2022-2028

Response to Reason for Refusal 2

- Refers to Policy GUPP 10
- Refers to documents prepared by C+W O'Brien Architects/Austen Associates
- Key components of the scheme are taken from the key features of the framework masterplan for Garraun including location of the open space/connections within and with wider emerging developments
- Landscaping has been designed to integrate with the GUPP
- Proposed development will link directly to the proposed EcoPark (as proposed in the GUPP) through the cycle and pedestrian path that links through the west boundary of the site
- Will create wildlife corridors
- Boundary treatment to existing house to the southwest corner will be retained/stone wall boundaries along roads will be preserved

- Houses have been orientated to overlook amenities or views along the coast
- Secondary open space along the eastern boundary has been carefully located to connect to the Inse Ghlas development which is nearing completion
- Other informal pocket parks have been provided
- Design has sought to preserve existing features of the site including the existing boundary wall/trees where possible

Response to Reason for Refusal 3

- Further information request did not request the applicant to reconsider the Part V proposal
- 10 no. Part V units are proposed/Details of same are provided
- Letter of Understanding from Galway Co. Co. Housing Section is also provided.

Conclusion

- The 3 no. reasons for refusal are without a robust basis

Encl: Landscape Design Strategy Rev C; Dwg No. 1005 Part V Layout; Drawing No. 2030 Proposed Floor Plans & Section – Duplex Apartments – Type D1-1 & D1-2l; Design Statement

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority was received on 5th December 2022. This is summarised below.

- Proposal as submitted and revised at FI stage places and over-reliance on the private car
- Would not align with the vision outlined in the UFP to create a distinctive, compact, walkable urban neighbourhood
- Proposal would be contrary to policy objective GUPF 10
- Site appears to have been designed in isolation in a piecemeal and incoherent fashion that does not consider the remaining framework lands in their totality.
- Phasing does not represent the core concept of the UFP

- Extensive and dominant road network
- Clear lack of pedestrian priority or shared spaces within the development
- Draft Urban Framework Plan was published in May 2021
- Further consultation/agreement with the Housing Section of Galway County Council should be carried out in relation to Part V

6.3. Observations

6.3.1. 7 no. observations have been received. These are summarised as follows:

Principle

- Will not comply with the Oranmore LAP

Design and Layout/Height/Density

- Design of the units does not blend in with the local area
- Proposed park should be completed in advance of Phase 2
- Development is cut off from the proposed Eco Park
- Walking and cycling paths do not link with the wider community
- Existing stone walls on the boundary are in a state of disrepair/precondition survey should have been carried out
- Lack of information in relation to boundary treatments
- Lack of open space/secondary open space does not appear to be in Phase 1 of this application/should not be considered in this appeal
- Number of 1 beds (36%) considerably over the 25% of 1 bed units needed
- No drawings or documents showing connections to nearby estates

Transport Issues

- The Coast Road should not have greater speeds/but should have fully segregated cycle infrastructure
- Recent decision by APB (Ref 313723) is of relevance; refers to the lack of adequate, safe pedestrian and cycle linkages/excessively car dependant

- Further development at Garraun is premature pending delivery of safe active travel links to Oranmore Village (as a minimum)
- Several safety issues raised in the Stage 1/2 Road Safety Audit
- Proposed entrance junction is in an unsafe location/existing and proposed vegetation hinders visibility
- Proposals for pedestrian and cycle routes do not acknowledge concerns raised in the Road Safety Audit
- Recommendation to widen the entire length of the L7105 in the Road Safety Audit/should have been considered in the applicants plans
- Safe access/egress to dwelling must be maintained
- Additional traffic will endanger public safety

Ecology/Biodiversity/Appropriate Assessment

- Bird survey is inconclusive/commenced Oct 2021/Site was cleared of all but a few trees in Sept 2021/Survey was carried out on 28th Sep 2021 after the site was cleared
- Habits before clearance contained wild bees/bumble bees/Insects/Magpies/Wood pigeons and Grey Crows/Snipe
- Baseline Ecological Assessments are incomplete and erroneous
- Impacts on Galway Bay Complex SAC and Inner Galway Bay SPA
- Impact on WFD status of waters

Site Services/Flooding

- Surface water run-off from swale onto adjacent property
- The area is prone to flooding
- OPW report of 5th Feb 2022 describes recurring flooding in the area/attachments submitted detailing flooding issues
- Further development will result in the flooding of existing homes
- Impact on freshwater supply

- Plans for drainage of surface water to a soak hole are unrealistic/there is no soak hole
- Oranmore Wastewater system has numerous issues/untreated wastewater discharged into Oranmore Bay/Capacity issues/Discharges through the emergency overflow pipe happen frequently /reports are unavailable from Irish Water
- Information received from Irish Water indicates 33 discharges over 256 days with no monitoring for 82 days/data is only up to Sep 13th for 2022/most discharges occur after this date/attached to submission
- Unknown what the issues is/Capacity at Oranmore or at Mutton Island (to where the wastewater is pumped/treated)
- Oranmore has seen huge population growth over the last two decades
- Developments within the plan area are connecting back to the Oranmore Wastewater System
- The Garraun Metropolitan Plan clearly lacks any detailed infrastructure plan
- An Taisce have previously highlighted concerns in relation to wastewater
- Defects in the existing wastewater pipe network/Survey carried out during 2022 highlight these/attached to submission
- Impacts on public health
- Refer to previous applications granted in Oranmore
- Permission should be refused until the deficiencies in the wastewater network are resolved/as it did in APB Ref-306413-20 & 310250-21

Impact on Surrounding Amenity

- Impact on property to the south-west/rubble has been piled up against the 18th century boundary wall
- Internal roads/path/cycleway will lead to security risks
- Noise/vibration/dust impacts

Other Issues

- Granite rock was used as a Mass Rock in mid-17th century Ireland/no mention of the mass rock in the Archaeology report or in other documents
- Land ownership issues/legal documents attached to one no. submission
- Right of access to Orchard/Vegetable Garden/Septic Tank/has been blocked by applicant
- Impact on shellfish industry

7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, including the grounds of appeal, responses to same from the Planning Authority and observations on the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- Design including height, layout and mix (including compliance with the Garraun Urban Framework Plan)
- Traffic and Transportation
- Proposed Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Ecology/Trees
- Flood Risk
- Site Services
- Archaeology/Cultural Heritage
- Other Issues

7.2. **Principle of Development**

7.2.1. The zoning map for the site is contained within Garraun Urban Framework Plan (June 2022) [Volume 2: Metropolitan Area Settlement Plan (MASP) of the Galway

County Development Plan 2022-2028]. The site is zoned 'R-Residential (Phase 1)' with an objective '*To protect, provide and improve residential areas within the lifetime of this plan*'.

- 7.2.2. Section 1.10.1 of Volume 2 of the Development Plan clarifies that Residential (Phase 1) aims to '*to facilitate for the provision of high quality new residential areas within the lifetime of this plan*'. It is further stated '*to facilitate for the provision of high quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities*'.
- 7.2.3. Section 1.10.2 'Land Use Zoning Matrix' notes that Apartments are 'Open for Consideration', with the proviso that applications will be considered subject to Policy Objective GCMA 1, or as appropriate. Residential (Excluding Apartments) are 'Permitted in Principle', subject to the same proviso. Policy GCMA 1 'Residential Development' seeks to support the development of lands designated as Residential (Phase 1) within the lifetime of the County Development Plan, subject to normal planning, access and servicing requirements.
- 7.2.4. I note the provisions of DM Standard 3: Apartment Developments (Urban Areas) of the Volume 1 of the Development Plan, which states that, in general, apartments are only considered appropriate in town centres. The site does not lie within a town centre. However, the wording of the standard implies some flexibility in relation to the location of apartment developments, or developments which have a mix of housing typologies, including apartments, such as the development under consideration here. I note that the Garraun Urban Framework Plan seeks a mix of residential typologies (sections 6.2, 6.6 refer) within the GUFPP area, implying that typologies other than own door dwelling houses are expected within this area. The indicative street type (section 6.6 refers) indicates that residential will be in place over commercial uses (which are generally apartment type units), albeit the indicative street type is shown within the proposed 'local centre' and not on this site. However, I am satisfied that it is not the intention of the Development Plan to restrict apartment development within the GUFPP lands and such a typology is acceptable in principle on this site.

- 7.2.5. Childcare facilities are 'Open for Consideration'. A use that is classified as 'Open for Consideration' is one that the Local Authority may permit where it is satisfied that the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with permitted uses and conforms to the proper planning and sustainable development of the area, including the policies and objectives set out in this plan. I am satisfied that the crèche use is acceptable on this site, and is in compliance with the provisos above.
- 7.2.6. There is small circular area zoned 'Open Space/Recreation & Amenity' on the site. This would appear to be where an element of public open space is provided (Landscaped Open Space No. 2). I am satisfied that this is in compliance with the zoning of this small area.
- 7.2.7. Having regard to the discussion above. I am satisfied that the uses, and typologies, proposed here are acceptable in principle, subject to other considerations below.

Density

- 7.2.8. In note the number of units was increased to from 91 units to 101 units at Further Information Stage, and this equates to a revised net density of 36 no. units/ha (excluding the crèche site).
- 7.2.9. In the applicant's response to the Planning Authority's Further Information request, reference is made to the policies as relates to density in the current Development Plan, namely the density standards for town centre/infill sites (30 units/ha or Site Specific) and for Outer Suburban Greenfield Sites (25-30 units/ha). It is also highlighted that the revised layout now includes additional higher density apartment and duplex units in the north-western portion of the site, which corresponds to the area marked as 'High Density' in the Garraun Urban Framework Plan (GUFFP). It is also set out that the proposal complies with the relevant Section 28 Guidance on density. Of note, it is contended that Oranmore Train Station does not meet the criteria to qualify as an 'Intermediate Urban Location' as defined in the Apartment Guidelines, given the frequency and capacity of services to this station, and therefore the site should be classified as a 'Peripheral and/or Less Accessible Urban Location' which has a density requirement of less than 45 units/ha.
- 7.2.10. I note observer submissions on this appeal which stated that the proposed density is too low having regard to its location relative to the rail station.

- 7.2.11. In relation to Development Plan policy on density, Section 3.6.3 of Volume 1 of the Galway County Development Plan 2022-2028 notes that higher densities are to be provided along sustainable transport corridors such as railway lines. Objective CGR6 seeks to promote the provision of higher density development in close proximity to sustainable transport corridors such as train stations. 'Higher Density' is not defined in the Development Plan.
- 7.2.12. Table 15.1: Residential Density of the Galway County Development Plan 2022-2028 notes that, within the MASP, the following densities are applicable:
- Town Centre/Infill/Brownfield – 30 units/ha or site specific
 - Outer Suburban/Greenfield – 25-30 units/ha (at locations adjacent to open rural countryside)
- 7.2.13. The site does not lie within a town centre, and is not an infill or brownfield site. As such the site can more readily be defined as an 'Outer Suburban/Greenfield' site.
- 7.2.14. Section 1.6 'Density and Typology' of Volume 2 notes that a Density Typology Study will be undertaken during the lifetime of the plan to identify the optimum range of building forms and densities that will deliver the objectives of the NFP and RSES in the settlements, including Garraun. This is also noted in Objective GUFPP 11 'Density Typology Study'. This has not been carried out to date.
- 7.2.15. Section 6.3 of the Garraun Urban Framework Plan (as contained in Volume 2 MASP of the Development Plan) sets out areas of differing density approaches within the Framework Plan area, with 'high density' development proposed for the western portion, and 'medium density' for the remainder of the residentially zoned portions of the site. 'High' and 'Medium' Densities are not defined in the Garraun Urban Framework Plan (hereinafter referred to as the GUFPP). However, they are defined within the Framework Plan for Briarhill, with 'medium density' being defined as 30-35 units/ha and 'Medium/High Density' being defined as +35 units/ha. As such, in the absence of any other definition, it is reasonable to assume that similar definitions could apply to the GUFPP lands. One would consider then that 'high density' would be greater than 'medium/high density'. However, I accept that that there is no definitive density range contained in the Development Plan for sites such as this, other than that set out for 'Outer Suburban/Greenfield Sites, which is a density range of 25-30 units/ha.

7.2.16. In relation to the proposal's compliance, or otherwise, with Development Plan policy on density, I note the Planning Authority have not referred to density in any of the 3 no. reasons for refusal, although the PA expressed concern in relation to the density initially proposed at application stage (29 unit/ha) prior to the proposal being modified at further information stage. As such, it must be implied that the PA were of the view that the revised density of 35.6 units/ha was acceptable on this site. I am also of the view that the proposed density complies with the policies on densities as set out in the Development Plan. The density is above that for 'Outer Suburban Greenfield Sites', but not materially so. In any case, the provisions of SPPR 4 of the Urban Development and Building Height Guidelines (2018) effectively replaces the provisions of the Development Plan in this instance, having regard to the 'greenfield/edge of town' nature of this site (see discussion on same below). I also note that the higher density elements of the proposed development (i.e. the duplex and apartment units) are located within the area of the site earmarked for 'high density' on the indicative layout as set out in the GUPP.

7.2.17. In relation to Section 28 Guidance, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) note that it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns – including higher densities – on lands within existing or planned transport corridors. The subject site can be defined as a 'Public transport corridor', where increased density is supported which are defined with the guidelines as lands within 500m walking distance of a bus stop, or within 1km of a light rail or rail station. The site lies within 550m of Oranmore Train Station (walking distance from the proposed access point of the development). In such locations, the guidelines encourage that increased densities are promoted, and in general, minimum densities of 50 dwellings per hectare should be applied, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. The capacity of public transport should also be taken into consideration when considering appropriate densities. In this instance, I share the view of the applicant that the train service cannot be defined as high capacity service (see discussion on frequency and capacity in Section 7.4 below), and as such taking this into consideration, I am not of the view that a minimum density of 50 units/ha would be appropriate here.

- 7.2.18. With regard to these same guidelines, the site can also be defined as an ‘Outer Suburban Greenfield Site’, which are open lands on the periphery of cities or larger towns² whose development will require the provision of new infrastructure, including but not limited to roads and schools (Section 5.11 of the Guidelines refer). Within sites such as these, the Guidelines stated that the greatest efficiency of land use will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare. The proposed density falls within this density range.
- 7.2.19. I note also the provisions of SPPR 4 of the Urban Development and Building Heights – Guidelines for Planning Authorities’ (2018) which states that, *inter alia*, in relation to greenfield or edge of city/town locations (such as this subject site), planning authorities must secure the minimum densities for such locations set out in the Sustainable Residential Development in Urban Areas (2007).³ The minimum density is 35 units/ha as set out above. As noted in the Building Height Guidelines, such SPPRs take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes (as per Section 28(1)(c) of the Planning and Development Act, 2000 as amended).
- 7.2.20. The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020) also sets out guidance in relation to density. Given the above discussion on the capacity of the train service at Oranmore, and notwithstanding its location relative to Oranmore Station, I concur with the applicant’s view that the site can be defined as a ‘Peripheral and/or Less Accessible Urban Locations’, as defined in the Guidelines, within which residential development of low-medium densities (broadly below 45 units/ha) are appropriate.
- 7.2.21. In conclusion then, I am of the view that the density as proposed is appropriate in this instance, in light of Development Plan policy on density, and in light of relevant Section 28 Guidance.

² The population of Oranmore is 5,819 persons, taking it outside of the Small Towns/Village category as defined within the Guidelines (Source: <https://data.cso.ie/> Census of Population 2022 – Home Census 2022- Profile 1 - Population Distribution and Movement - F1015 – Population)

³ I note the correct reference should in fact be *Sustainable Residential Development in Urban Areas (2009)*”

7.3. Design and Layout/Compliance with the Garraun Urban Framework Plan

- 7.3.1. The Planning Authority's reasons for refusal No.s 1 and 2 essentially refer to general non-conformity with aims and aspirations of the Garraun Urban Framework Plan (GUEP), with Reason No. 1 referring to the car dominated nature of the proposal, with sub-quality public realm and open space, and Reason No. 2 referring to a failure to take account of the wider GUEP area.
- 7.3.2. The first party appellant, in the appeal submission, has stated that the site layout has in fact being guided by the framework plan, and will create pedestrian and cycle connections, with the current application being the first of a phased application, with the completion of the large area of open space and connections with An Inse Ghlas being provided in the next phase of development. It is stated that key components of the scheme are taken from the key features of the framework plan, including the location of open spaces and connections within the scheme and to surrounding developments. The appeal submission includes *inter alia* a Design Statement which seeks to respond to the reasons for refusal, and includes CGI masterplans for the wider Framework Plan Area, as well as a revised Landscape Design Strategy Report that also responds to the reasons for refusal.
- 7.3.3. A central element of the Garraun Urban Framework Plan (GUEP) is Oranmore rail station, and it is envisaged that development the GUEP area will become a key sustainable transport and growth hub, serving Gurraun and the existing and planned populations of the eastern side of Galway City and Oranmore. Indicative bus links to same, serving the wider lands including future development at Ardaun to the north-west (which lies within the Galway City Council administrative area) are included in the GUEP. Lands to the north of the rail station will be developed as a mixed use local centre and the low lying lands to the south of the rail station and the associated car park (and to the west of this site) are planned to be developed as an EcoPark. The majority of the GUEP lands will be developed as residential (either Phase 1 or Phase 2), with an area to the east of the GUEP lands (and to the east of this site) earmarked for a dual Education and Community Use. Of note is that through traffic on the L7105 (a local road to the immediate west of this site which leads to a level crossing) will be phased out with pedestrians, cyclists and public transport only using the level crossing.

- 7.3.4. In relation to this subject site, indicative layouts are set out in the GUPP (the most detailed plan is contained on page 37 of same). There is circular area detailed as open space on the indicative site layout, which corresponds to an existing raised circular area on the subject site, which contains a number of trees. Main elements of the indicative residential layout for the GUPP, that pertain to this site, include this circular area of open space with retained trees and hedgerows, and to the north of the site, a primary access point from the Coast Road, an area of public open space (that has been mostly provided within the existing residential housing estate to the east, An Inse Ghlas), and an indicative pedestrian and cycle rail crossing to the north of the subject lands, with proposed connections to same running through the subject lands, through to the east via An Inse Ghlas.
- 7.3.5. In terms of the general layout proposed under this application (and with reference to the layout provided at FI stage, which increased the number of units from 91 no. units to 101 no. units), I concur with many of the concerns as expressed by the Planning Authority at application stage. Under the current proposal, many of those housing units along the main internal route (Primary Access Road No. 1) have their side boundaries facing onto this road (House Types H4W, H4D, H5 and H4 L for example. This situation is replicated in various instances though the site (House Type H3 to the south-east of the site, and House Types D3, D1 to the western extent of the site). This leads to poor quality of streetscape, in particular along the main access road, with a lack of active frontages along same, contrary to guidance as set out in the Urban Design Manual (Criteria 7: Layout) and is contrary to guidance as set out in DMURS (See Fig 2.14 of same, for example). The incorporation of dual frontage corner units would have improved the overall quality of the proposed development in my view. In relation to House Type H5 to the north-west of the site, I concur with the view of the PA that this is poorly sited, with a poor means of access. Should Phase 2 come forward as set out in the indicative phasing plan, it would not tie in comfortably in to the streetscape, and its position is somewhat at odds with the remainder of the development.
- 7.3.6. In terms of connections, future connections to the east, through An Inse Ghlas, are not evident from this application, with the applicant's indicative layout (again outside of the red line boundary) seeking to link the two open spaces (in a somewhat unsatisfactory manner), but with no apparent connections via the internal

road/cycle/pedestrian network. These are not evident either from an examination of the Design Statement and CGI masterplans submitted as a part the appeal submission (which I note do not necessarily tally with the proposed site layout plan), nor from the revised Landscape Strategy Document, submitted with the appeal submission. The GUPF illustrates an indicative cycle/pedestrian link that runs from the east of the GUPF Lands, linking with and running through An Inse Ghlas, to an indicative cycle/pedestrian rail crossing to the north of the wider site lands. This does not appear to be facilitated within this scheme. The proposed development includes a segregated cycle land running internally north to the north of the Coast Road, and running internally within the scheme in along the primary access road, with shared cycle/pedestrian route to the western boundary of the site (with the cycle path terminating slightly before the western boundary). I have some concerns with this connection to the west as, as expressed below, due to the lack of a dedicated footpath and cycle path and the narrowness of the L7105 (see discussion on same in Section 7.4 below).

- 7.3.7. I would also note that the reasoning behind the proposed phasing of the wider development is not clearly set out. In terms of the phasing, if the lands are to be brought forward in phased manner, it would seem more appropriate to develop the lower half of the site, and the entirety of the larger area of public open space in the first instance with proposed connections to the adjoining housing estate to the east (An Inse Ghlas) clearly defined at this stage, providing reassurance that the proposal is in keeping with the overall ambitions of the GFUP, including that of providing sufficient connections within the GUPF lands.
- 7.3.8. In terms of the dominance of the private car, I note that the car parking provision is in generally line with Development Plan standards (165 no. spaces are provided) and the PA have not sought to reduce the overall quantum of same. As such, it is reasonable then to expect each dwelling to accommodate the allocated car parking spaces. I note that the car parking for the housing units is within the curtilage of same (as per Development Plan requirements), and for the duplex and apartment units, the provision is to the front of same, providing ease of access. It would not be reasonable to expect basement parking for a scheme of this nature. However I note that turning areas have been provided to the front of dwelling units, (i.e. in front of

Unit Types D3 and D1 to the east of the site, and this is unsatisfactory from a residential amenity perspective.

7.3.9. In terms of the quality of the public open spaces, the proposal does seek to deliver a portion of a larger area of open space to the north/north east of this site. This is in line with the indicative layout as set out in the GUPP. I note the GUPP provides for the retention of the existing trees and hedgerows here, although the applicant is proposing to remove the remaining trees from here (which are Ash trees) due to the presence of Ash dieback disease (See Section 7.7 of this report for a discussion of same). Notwithstanding, should this area be delivered as a finished space, it would serve the wider area, as well as this proposed development. It would be quite unsatisfactory, however, if Phase 2 of the proposed development were not to come forward, and a partially completed area of open space remained. I would be of the view that this entire area of open space, at the very least, should come forward as part of Phase 1 of the development. The Planning Authority express concern that the proposed 3 storey housing that surrounds this open space would cut this space off somewhat from the proposed development. I do not share this view, and the 3 story 'crescent' type development surrounding the open space, if completed as per Phases 1 and 2, would work well as an architectural feature of the development. However, I share the view that additional smaller areas of open space should be provided within the development. In relation to same, I note that there are two other distinct areas of open space provided within this proposed development, to the south of the site (370 sq. m) and to the centre of the site (330 sq. m). To the south, the majority of this open space consists of a swale area, and would be very limited as a usable open space. A natural play area is proposed on the remaining portion of open space. There is very little, to no passive surveillance of this green area, which is unsatisfactory, and the location close to the Coast Road would raise safety concerns, in my view.

7.3.10. Overall, I am of the view that the layout as proposed is not in line with overall aspirations of the Garraun Urban Framework Plan, having regard to the lack of connectivity to adjacent sites, the substandard nature of the public open space provided and the nature of the phasing proposed. Furthermore, the proposed layout does not provide for a sufficient quality of streetscape as result of the lack of activity and frontages along the proposed primary access road, in particular. As such, the

proposed development does not adhere to the principles as set out in the 2009 Urban Design Manual (Criteria 2, 3, 7, 8 and 12) and as set out in the Design Manual for Urban Roads and Streets (2013). The proposed development is therefore contrary to Policy Objectives PM 1 Placemaking, UL 5 Open Space', DM Standard 3: Multiple Housing Schemes in Towns and Villages of the Galway County Development Plan 2022-2028 (Volume 1), and Policy Objective GUF 10 'Urban Framework Plan Integration' of the Garraun Urban Framework Plan (Volume 2: MASP of the Galway County Development Plan 2022-2028). In addition, the proposal does not provide sufficient areas of communal open space to serve the apartment and duplex units, and is therefore contrary to the guidance and standards set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).

7.4. Transportation Issues

- 7.4.1. Observations on the appeal have raised a number of transport related issues. The submission from the Galway Cycling Campaign has stated that further development at Gurraun is premature pending delivery of safe active travel links to Oranmore Village, and notes that the Coast Road should have fully segregated cycle infrastructure. A recent decision by ABP is cited (313723) which refers to the lack of adequate, safe pedestrian and cycle linkages and that the proposal is excessively car dependant⁴. Other observations have cited the Road Safety Audit submitted with the application and have stated that the proposed development has not responded to several safety issues raised therein.

Existing and Proposed Public Transport Services

- 7.4.2. The site is a 2 min walk to Oranmore Train Station. This has services from Dublin to Galway as well as Galway to Limerick. The submitted Traffic and Transportation Assessment (TTA) sets out the timetables for these services. In the 7am to 10 am period (Mon to Sat), there are 3 no. trains from Oranmore to Galway (08.01, 08.25 and 09.16) on the Dublin to Galway Service and 4 no. trains on the Galway to Limerick service (08.01, 08.26, 09.16 and 09.57) with the journey taking

⁴ I note that this decision refers to a Galway City Council proposal to construct a social housing development of 24 no. units in Castlegar, Headford Road, Galway.

approximately 8 minutes. Oranmore itself is served by a number of bus services to Galway, Ennis, Cork City, Dublin and Dublin Airport and the closest bus stop is an 11 minute walk from the site. The frequency of the bus service is not detailed in the TTA although information from the Bus Eireann website indicates the most frequent Bus Eireann Route is the 404 route, running from Oranmore to Galway City Centre, and with a service every 30 mins.

- 7.4.3. In relation to proposed transport services, I note that Development Plan Objective PT 6 'Galway to Athlone Rail Line' seeks to improve rail infrastructure and services between Galway to Athlone which includes a dual railway track and additional improvement works to include an additional platform and a passing loop at Garraun, Oranmore to ensure enhanced capacity and frequency of service. This is also referenced in the Garraun Urban Framework Plan (Volume 2 of the Development Plan). This will allow for an increased frequency (and hence enhanced capacity) of the rail service. There is little detail on same within the application documents, however, with no information on the project timeline or completion date.

Impact on the Surrounding Road Network

- 7.4.4. The Traffic and Transportation Assessment considers the potential impacts on the surrounding road network, as a result of additional traffic generated by the proposed development. A baseline traffic survey was carried out in September 2018 for Junction 1 (Priority Junction R338/Old Dublin Road). A supplementary peak hour traffic survey was carried out in January 2022 for Junction 2 (Priority Junction R338/Station Road). Trip generation figures are set out for both this proposed development (Phase 1) and for Phase 2 of the development (which is expected to be an additional 280 units). Impacts on the surrounding junctions are set out for Design Year 2022, Design Year 2024 and for Future Year 2039. Both junctions are seen to operate well within capacity for all scenarios.

Road Safety Issues

- 7.4.5. The TTA sets out that the required visibility splays of 2.4 x 65m are achieved, with visibility splays of 2.4 X 90m currently achievable on both the left and right hand side splay. It is also set out that the required visibility splays of 2.4 X 23m for internal junctions has been achieved. A Stage 1 Safety Audit was submitted at application stage. This highlights a number of safety issues raised by the proposed

development, including that the proposed visibility splays could be impacted by third parties growing high vegetation on their lands, and it is stated that the visibility envelope should be revised (i.e. the proposed entrance revised) so as to ensure that the full visibility envelope is contained within either the applicant's lands or public lands. The proposed plans do not seem to have addressed this issue, although I would be of the view that, should the Board be minded to approve the development, a condition could be imposed requiring a revised access arrangement that addresses this issue.

7.4.6. Further safety issues highlighted in the Stage 1 Safety Audit include the narrow width of the L7105, which raises road safety concerns for cyclists and pedestrians. It is noted that there is a cycle/pedestrian link proposed from the proposed development to the western boundary of the site, linking to this road. The road safety audit recommends that this road be widened over its entire length. It is not proposed to widen this road, either under this application or at a future date. The GUPP states through traffic on the L7105 will be phased out with pedestrians, cyclists and public transport only using the level crossing. There is no timescale set out for this however. There is currently no footpath on the L7105 for its entire length, save for the bridge where it crosses over the N67. I would be of the view that the proposed pedestrian connection would lead to road safety issues, given the lack of a footpath, and the narrow nature of the road. While indicative connections are shown the GUPP, in the absence of concrete proposals to improve cyclist and pedestrian infrastructure on the L7105, the provision of this connection is not desirable in my view. In this regard, I note the revised Road Safety Audit which was submitted at FI stage. This confirms that access to the L7105 will be blocked, although the drawings submitted at FI stage do not appear to reflect this. However, should the Board be minded to approve the application, this link could be omitted by way of condition.

7.4.7. In terms of the proposed cycle lane to the south, along the coast road, I am of the view that this has limited benefit, and if constructed as a standalone piece of infrastructure, would also raise road safety issues, with a lack of suitable start and end connections, an issue highlighted in the Road Safety Audit submitted at application stage, and within the revised Road Safety Audit submitted at Further Information Stage. No resolution to same is set out. I accept that this may form part of more extended cycle network (Galway to Athlone Cycle Project) as highlighted in

the application documents. In relation to same, I am of the view that the delivery of such a project in a piecemeal fashion is not desirable in my view, and would not represent proper planning and sustainable development. I note that the proposed Galway to Athlone Cycle Project Preferred Route runs along the Coast Road, but it would appear that the preferred route is located on the southern side of the Coast Road.⁵ I am of the view that, should the Board be minded to approve the application, the proposed cycle path to the south of the site, along the Coast Road, should be omitted by way of condition, as the delivery of same raises road safety issues and is premature pending the advancement of the proposed Galway to Athlone Cycle Project.

Parking

- 7.4.8. DM Standard 31: Parking Standards notes that *inter alia* for sites adjacent to public transport corridors a flexible application of standards will be considered. Part C of same notes that, in general, residential layouts should not be dominated by car parking along access roads, and that new residential development should take account of DMURS. Part D, Table 15.5 sets out the car parking standards and for dwellings/apartments, 1.5 spaces per dwelling will be required for 1 to 3 bed units, and 2 spaces required for units with 4+ beds. This is equivalent to 166 spaces (having regard to the revised proposal for 101 units as submitted at FI stage). A total of 165 no spaces are provided on the site. I am satisfied that this is an appropriate provision, balancing the location of the site close to the train station (noting also the limitation in capacity of same), with the need for car storage.

7.5. Proposed Residential Amenities/Residential Standards

- 7.5.1. Reason for refusal No. 1 refers to insufficient quality of residential amenity, as well as the poor quality of public and private open space. I have considered the quality of public open space in Section 7.3 above.
- 7.5.2. Observers on the appeal have stated that there is a lack of open space, and the secondary open space referred to by the applicant is not proposed in Phase 1 of this

⁵ With reference to information accessed on [Galway to Athlone Cycleway: Home MGT0525-RPS-00-XX-DR-Z-PR0011-Preferred Route en.pdf](#) – accessed 12th October 2023

development and should not be considered in this appeal. It is also stated that the number of 1 beds is considerably over the 25% needed.

Mix

7.5.3. The proposal provides for the following mix of units, within a range of apartments, duplexes and houses.

Unit Type	1 bed	2 bed	3 bed	4 bed	5 bed	Total
House	-	-	6	29	2	37
%	-	-	6%	29%	2%	
Duplex	-	-	14	-	-	14
%	-	-	14%	-	-	
Apartment	36	14	-	-	-	50
%	36%	14%				
Total unit mix	36	14	20	29	2	101
%	36%	14%	20%	29%	2%	100%

7.5.4. In relation to Development Plan Policy on mix, Objective HS1 states that it is the policy objective of the Planning Authority to facilitate the housing needs in accordance with the Housing Need Demand Assessment, Core Strategy and Settlement Hierarchy. DM Standard 2: Dwelling Mix states that all residential schemes should ensure an appropriate mix of housing typologies and unit sizes to support the provision of a variety of household types and tenures that accord with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

7.5.5. SPPR 1 of the Apartment Guidelines allows up to 50% one-bedroom units, with no minimum requirement for 3 or more bedroom units. It is stated that statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s). While I note that

the Housing Strategy and Housing Demand Assessment (Appendix 2 of the Development Plan) notes that single person households are expected to make up 25% of household types during the plan period (2022-2028), the Development Plan does not specify or require any specific mix of units to be provided, nor does it set a cap on the number of 1 bed units, based on the findings of the HNDA.

7.5.6. The mix therefore is acceptable having regard to the above provisions.

Daylight Provision/Sunlight to Amenity Spaces

7.5.7. In relation to daylight provision to the proposed units, Section 6.6 of the Apartment Guidelines (December 2020) state that Planning Authorities should 'Planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

7.5.8. The applicant submitted a Revised Daylight and Sunlight Assessment Report (July 2022) at Further Information Stage which considers *inter alia* internal daylight standards to the proposed units, as well as the amenity spaces associated with the proposed development. The submitted Daylight and Sunlight Assessment Report applies the standards and recommendations of the 2nd edition of BRE - Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (2011). While I note there is a more recent edition of same, I am satisfied that the use of the 2nd edition is acceptable, given the reference to same in the apartment guidelines.

7.5.9. The report considers all of the units (houses, apartment and duplexes). It is set out within the report that 100% of all habitable rooms exceed the minimum target levels for daylight provision, applying the following targets:

- 2% for Kitchen/Living/Dining; 2% for Kitchens; 1.5% for Living Rooms; 1% of Bedrooms

7.5.10. In relation to same I am satisfied that, overall, the proposed units will have a high standard of daylighting, as to be expected in a scheme of this nature, in which heights are not excessive, with the majority of the built form being 2 and 3 storeys in height, and where the site is surrounded by low density development, levels of internal daylighting to the residential are shown to be relatively high with 100%

compliance with BRE Standards. As such the proposal is in line with Sections 6.5 to 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

- 7.5.11. In terms of the proposed amenity spaces, The BRE Guidelines (2011) recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on March 21st. The report considers 37 no. communal amenity spaces within the site, with 35 of same complying with BRE Guidance. Of the 2 no. areas that did not comply, these achieved 46.4% and 36.4% of their areas respectively. I am of the view that the overall compliance with the criteria is satisfactory.

Public Open Space/Communal Open Space

- 7.5.12. The Development Plan does not set out quantitative standards in relation to public open space. Rather, DM Standard 2: Multiple Housing Schemes (Urban Areas) states that planning authority will take a flexible approach in the interests of delivering good quality development and the wider policy objectives for placemaking. In this instance, a total of 4,700 sq. m. has been provided, which equates to 16.13% of the net site area. The Planning Authority has not raised an issue with the quantum of open space provided, but has raised concerns in relation to the quality and accessibility of same, which I have discussed above.
- 7.5.13. In terms of communal open space to serve the duplex/apartment units, the applicant does not appear to have provided formal communal open space to serve same, but rather has cited the public open space provided as providing for same (Section 6 of the Housing Quality Audit). I am of the view that more formal communal space should be provided for these units, as per Appendix 1 of the Apartment Guidelines. In this regard a total of 278 sq, m of communal open space is required.

Private Amenity Space

- 7.5.14. Section 5 of the applicant's Housing Quality Audit sets out that the private amenity areas are provided to the front and rear of the duplex units, exceeding the required minimum area.
- 7.5.15. I note the Planning Authority cited concern in relation the depth of the gardens provided (in relation to the originally proposed scheme). There is no commentary in

relation to same, as regards the revised proposal, but the quality of private amenity space is referred to in Reason for Refusal No. 1. In this regards, I note the provisions of DM Standard 2 of the Development Plan which sets out that, generally, a minimum back to back distance of 22m which has been achieved. This has not been achieved in all instances. However, the wording of the standard provides some flexibility in relation to same, in cases where adequate privacy has been provided and natural light and sunlight has been achieved. I am satisfied that there will be no undue overlooking between units, and the daylight provision to the units is as per BRE Guidance (as noted above). As such I am satisfied that the flexibility implied in the standard can be applied here.

Dual Aspect

- 7.5.16. 100% of the apartments and duplexes are dual aspect. The dual aspect provision therefore is in excess of the 50% dual aspect units required by the SPPR 4 of the Apartments Guidelines, for an 'intermediate site' such as this one.

Floor Area

- 7.5.17. The apartment/duplex floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines.

7.6. Surrounding Residential Amenity

- 7.6.1. The closest residential dwelling is located to the south-west of the site and shares a boundary with the application site. To the east are existing dwellings within An Inse Ghlas, a residential housing estate. To the north is a dwelling which fronts onto the Local Road.
- 7.6.2. The Planning Authority has not raised any concerns in relation to surrounding residential amenity,
- 7.6.3. Observer submissions have raised concerns in relation to noise, vibration and dust impacts as well as security concerns.

Loss of Daylight

- 7.6.4. The applicant submitted a Revised Daylight and Sunlight Assessment Report (July 2022) at Further Information Stage, which considers *inter alia* effects on daylight to the property to the south-west and to the north-west, and it is set out that all impacts

are within BRE target levels for daylight. The report does not set out existing and proposed VSC targets, but rather sets out the VSC of the windows with the development in place, which are above the minimum of 27% as set in the BRE Guidelines. As such I am satisfied that there will be no loss of daylight to any surrounding residential properties as a result of this proposal, noting in particular the large degree of setback from the proposed dwellings to surrounding adjacent properties.

Overlooking/Loss of Privacy

- 7.6.5. I am satisfied that no overlooking or loss of privacy will result from the development, noting the distance of the proposed development from the nearest residential unit to the south-west.

Noise/Security

- 7.6.6. In terms of noise impacts from at construction stage, I note that this will be temporary in nature, and some level of noise disturbance is necessary to facilitate development that is adjoining existing residential estates. Operation noise impacts will be as expected from a residential development on lands that are zoned for such development.
- 7.6.7. I am not of the view that the proposed development would raise material concerns in relation to security, noting that the relationship of the proposed development to the existing residential properties is one that is relatively standard, and that details of boundary treatments could be agreed with the Planning Authority, by way of condition, should the application be approved.

7.7. Ecology/Trees

- 7.7.1. The Planning Authority have not raised any fundamental objections in relation to ecology, trees or hedgerows.
- 7.7.2. Observer submissions have raised some concerns in relation to ecology and it is stated that the submitted bird survey is inconclusive, and it was commenced in after the site was cleared of all but a few trees in Sept 2021. It is stated that the habitats before clearance contained wild bees, bumble bees, insects, Magpies, Wood Pigeons, Grey Crows and Snipe. It is further stated that the baseline Ecological

Assessments are incomplete and erroneous. Impacts on water quality and on Nature 2000 sites are also raised (I have considered the latter issue in Section 12 of this report).

- 7.7.3. A Revised Ecological Impact Assessment (dated Aug 2022) was submitted at Further Information stage. This is based on a walkover survey carried out on the 28th September 2022, as well as a bat walkover survey carried out on 9th August 2021, with a dusk bat survey carried out on 9th August 2021. Static bat detectors were employed on the site from 9th August 2021 until 24th August 2021. Winter bird surveys were carried out between October 2021 and March 2022, on a monthly basis, over a 6 month period.
- 7.7.4. In terms of protected sites, the proximity of the Galway Bay Complex pNHA (10m from the site) and Creganna Marsh NHA (2.1km from the site) is noted and further assessment of same was considered to be required as they share the same groundwater catchment as the subject site. Other nationally designated sites were ruled out of further assessment.
- 7.7.5. It is noted that there are no watercourses within the proposed development site. The site is located within the Carrowmoneash [Oranmore] sub-catchment. The Clarinbridge groundwater catchment has a WFD status of 'good'. The site is located within an area of 'High' and 'Extreme' groundwater vulnerability.
- 7.7.6. Habitats within the site boundary consisted of Scattered Trees and Parkland mosaic (WD5), Spoil and Bare Ground (ED2), Dry calcareous and neutral grassland GS1, Stonewalls and other stone works BL1, Treeline (WL2) and Buildings and Artificial Surfaces BL3. The EclA notes that the site had recently been cleared, with the areas of the site that were cleared corresponding to Spoil and Bare Ground (ED2) and Scattered Trees and Parkland (WD5), noting that 9 trees had been retained in this area. With reference to Fig 5.1 of the EclA, it is evident that the majority of the site is comprises of Dry calcareous and neutral grassland.
- 7.7.7. In terms of wintering birds, the EclA Wintering Bird survey (Appendix 4 of the EclA and submitted as a standalone document) notes that only one individual Curlew was recorded foraging with the grassland habitat in the western section of the site during the October 2021 visit. The Curlew is listed a Species of Conservation Interest for

the Inner Galway Bay SPA (located 10m to the south). I have considered impacts on Natura 2000 sites in Section 9 of this report.

- 7.7.8. 17 snipe were flushed during the walked surveys, with 3 on the actual site, and the remainder on the area to the north of the site. This is a Red-List species. It is concluded that the loss of the habitat on which the site were flushed from, would not have a significant impact on the wintering snipe, given that the species is widely distributed in Ireland and that the habitat lost is widespread and common in the surrounding area.
- 7.7.9. In relation to bats, the treeline habitat provides moderate suitability for foraging and commuting bats, with a single mature ash tree providing a potential roost for bats, although no evidence of roosting bats was found during the roost inspection survey. Bat activity was recorded on the site during the dusk and static surveys. The EclA concludes that the bats on the site are an Ecological Receptor of Local Importance (Higher Value).
- 7.7.10. In terms of impacts, it is concluded within the EclA that the loss of 15m of stonewall would result in a permanent negative effect, although with mitigation in place, including native hedgerow planting, no significant residual effect on tree line or stonewall habitat would result. In relation to bats and birds, with mitigation in place, including appropriate timing of tree felling/vegetation clearing and the implementation of the landscaping plan, no significant residual impacts are predicted on same.
- 7.7.11. In terms of water quality, potential impacts were identified via groundwater, as a result of the percolation of polluting materials through the limestone bedrock underlying the site. With mitigation measures in place, as set out in Section 2.3 of the EclA, no significant effects are predicted.
- 7.7.12. At operational stage, no significant impacts on flora and fauna are predicted. In relation to water quality it is noted in the EclA that there is adequate capacity to treat all sewage generated by the proposed development.
- 7.7.13. The EclA concludes that there will be no significant residual impacts on biodiversity or on water quality as a result of the proposed development, and that there is no potential for the proposed development to contribute to any cumulative impact on biodiversity.

- 7.7.14. A Tree & Vegetation Survey was also submitted with the application (survey date 15/12/2021). This notes that there are 8 no. individual trees and 1 no. tree group within the site, with all of these trees being of poor quality (Category C), and are primarily Ash trees, with a likelihood of some being impacted by Ash dieback disease in the near future. The 8 no. trees are proposed for removal. The tree group is located within the garden of an adjacent property. It is noted that these are affected by Ash dieback disease. The tree roots of some do not extend into the subject site and will not be impacted by the proposed development, although the branches of some may need to be trimmed to allow machinery access to the site. Tree protection within the RPA underneath paving and parking spots.
- 7.7.15. In relation to the loss of trees and hedgerow on the site, I note that the Garraun Urban Framework Plan earmarks trees and hedgerows located within this vicinity for retention (as per the indicative plan on page 37 of same). It would appear that site clearance has previously taken place, having regard to the contents of the EclA, and noting the observations on the appeal, and as such it may be the case that these trees and hedgerows have largely been cleared, on the subject site at least. I note also the poor quality of the existing trees (Category C) to be removed, with the likelihood of some being impacted by Ash dieback disease. As such, the eventual removal of these trees would appear to be inevitable. I note that native woodland planting is proposed in this area of open space, as part of the overall landscaping proposals. As such I am of the view that the loss of the trees is, on balance, acceptable.
- 7.7.16. In conclusion, and having regard to the considerations above, with the implementation of mitigation measures as described in the EclA, I am of the view the residual impact on ecology, as a result of the proposed development, will not be significant.

7.8. Flood Risk

- 7.8.1. The Planning Authority requested a revised Flood Risk Assessment by way of further information. No additional concerns were raised in relation to flooding following receipt of same.

- 7.8.2. In relation to flooding, observer submissions have stated that the area is prone to flooding and cite an OPW report of 5th Feb 2022 which describes recurring flooding in the area. It is stated that further development will result in the flooding of existing homes. It is also stated that there is no soak hole on the property and that there will be surface water run-off from the proposed swale on the adjacent property.
- 7.8.3. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.
- 7.8.4. A Revised Flood Risk Assessment (July 2022) was submitted at Further Information Stage. Flood mapping data from various sources have been utilised including the SFRA for the Galway County Development Plan 2022-2028, the Oranmore LAP 2012-2022 (now expired), the Irish Coastal Protection Strategy Study, CFRAM, and National Coastal Flood Hazard Mapping is referred to. The SFRA for the Development Plan, the Irish Coastal Protection Strategy Study and the National Coastal Flood Hazard Mapping indicate that an area to the south of the site is subject to coastal flooding. Second Stage CFRAM mapping indicates that the site is not affected by 0.5% AEP and 0.1 AEP present day coastal flooding. OPW and Galway CC mapping also indicate that the site contains minor localised areas at risk of pluvial flooding. No other sources of flooding are considered likely.
- 7.8.5. The FRA notes that, in relation to Coastal Flooding, the OPW and Galway CC mapping is not site specific, and the report applies the most relevant flood level estimation to a site specific topographic survey, in order to produce a site specific coastal flooding map. This indicates that the area of public road/path to the eastern extent of the site is within Flood Zone B, with the remainder of the site not subject to coastal flooding, in the present day scenario. Applying the effects of climate change (Mid-Range Future Scenario – 0.5m increase in sea level), indicates that the south-east section of the site is within the 0.1% AEP + CC. It is noted that the ‘less vulnerable’ elements of the proposed development (roads and car parking) are within this area.

- 7.8.6. In relation to Pluvial Flooding, the FRA notes that the indicative flooding shown on the OPW and Galway CC mapping likely coincide with a localised depression in the ground. Mitigation in relation to same, and in relation to potential increases in surface water run-off from the site, is set out in Section 5.2 of the FRA.
- 7.8.7. Section 5.5.2 sets out minimum design levels and freeboard for the various elements of the proposed development, and for the residential units there is a minimum freeboard of 670mm to Flood Zone B level, and for the crèche there is a minimum freeboard of 2020mm to Flood Zone B level. In relation to surface water, appropriate drainage design and maintenance including the use of SuDS components is recommended.
- 7.8.8. In terms of residual risk, consideration is given to the underestimation of the 0.5% AEP/0.1% AEP, which may result in an inundation of the site. However it is set out that it is highly improbable that the level of freeboard proposed (670mm to the residential units) would be exceeded by a flood event.
- 7.8.9. In relation to information on the OPW's flood information website (Floodinfo.ie), and in response to comments raised by observers, I note that there is two reports of previous flood events relating to the local area, one of which [dated 27/05/2005], relates to Green Island, to the south of the coast road (resulting from a combination of high rainfall and high tides) and one of which relates to Oranmore generally [report dated 06/02/1995], and notes that houses, roads and lands were flooded. The latter report is not specific in relation to the location. There is no reports of this specific site flooding.
- 7.8.10. In relation to the conclusions of the Flood Risk Assessment, I am satisfied that, save for a small element of public road and footpath, the site is not at risk of coastal flooding in the present day scenario. Accounting for climate change, I am satisfied that, in the Mid Range Scenario, the highly vulnerable elements will not be within the extent of the flood zone. Those areas of the site that are currently at risk of pluvial flooding will be development upon and the pluvial flood risk mitigated by the appropriate design levels and the proposed surface water design as set out in the Civil Works Design Report (see discussion of same below). Furthermore, I note the site is zoned for residential development, within the Garraun Urban Framework Plan, which itself has been subject to Strategic Flood Risk Assessment (Appendix 10 of

the Galway County Development Plan 2022-2028). This SFRA raised no fundamental issues with development within the framework lands, although notes that a Site Specific Flood Risk Assessment will be required to address issues of pluvial flooding outside of the identified flood zones. The applicant has addressed this requirement as part of the application.

- 7.8.11. In relation to off-site flood risk, I note that the surface water, and stormwater will drain by gravity to one of the 3 no. soakaway areas, via Oil/Petrol Interceptors and will then infiltrate to the ground, as per the Civil Works Design Report. This has set out that the soakaways have appropriate capacity to store water over a 48 hr storm period in 1 in 100 year rainfall event, accounting for climate change (+20%).
- 7.8.12. Therefore, I am of the view that site modifications as proposed here along with the proposed surface water design, will ensure that there will be no significant risk of pluvial flooding either on the site, and no heightened risk of pluvial flooding on adjacent sites.
- 7.8.13. As such, and having regard to conclusions of the Flood Risk Assessment, and having regard to the other considerations above, I am satisfied that the site, as proposed, will not be subject to pluvial, fluvial flooding, groundwater or tidal flooding, subject to the mitigation measures as set out in the FRA being implemented. I do not consider that the proposal will increase flood risk on this site or on surrounding sites, have regard to considerations above.

7.9. Site Services

- 7.9.1. I note that neither the Planning Authority nor Irish Water has raised any issues in relation to site services or the capacity of the waste water network.
- 7.9.2. An Taisce, and an observer on the appeal, have cited concerns in relation to wastewater capacity, and not emergency overflow discharges into Oranmore Bay. The lack of infrastructure to support the growing population of Oranmore is highlighted as are defects in the existing infrastructure. It is stated that permission

should be refused until the deficiencies in the wastewater network are resolved, referring to previous refusals (APB Ref-306413-20⁶ & 310250-21⁷)

- 7.9.3. The application is accompanied by a Civil Works Design Report (March 2022). This sets out proposals for *inter alia* water supply, surface water drainage and foul drainage to serve the proposed development.
- 7.9.4. In relation to waste water it is proposed to connect the foul sewer to the existing foul sewer located 105m to the east of the site entrance along the coast road. The wastewater will flow by gravity from the development and will discharge to the existing foul sewer. A Confirmation of Feasibility from Irish Water is included within Appendix D of the report. Irish Water, in their submission on the application, have not raised any fundamental objections to the proposed development.
- 7.9.5. Table 7.10 of the Development Plan notes that there is limited capacity in the wastewater network in the settlement of Garraun. It is noted that a local network reinforcement project in Galway city will improve existing capacity constraints at Oranmore main pumping station. A Drainage Area Plan will identify network issues and needs. Provision for medium and long-term growth will be considered as part of Greater Galway Area Drainage Study.
- 7.9.6. While not discussed in the Civil Engineering Report (nor in other documentation submitted with the application) the waste water from the proposed development is directed towards Oranmore Wastewater Pumping Station (WWPS), and then in turn directed to Mutton Island Wastewater Treatment Plant (WWTP). Irish Water has not raised any fundamental concerns with the proposed development, in relation to wastewater, in terms of the capacity of the WWPS, the WWTP or the wastewater network. Information on the EPA website⁸ indicates that the capacity of the WWTP is 170,000 PE. In relation to untreated wastewater emergency discharges from Oranmore WWPS into Oranmore Bay, I note that the evidence submitted by the observer on the appeal indicates that these are occurring at present, in the absence of this proposed development. I am not of the view that the additional wastewater generated by this proposed development, which will generate a population equivalent, PE. of 272 no. people, as per the Civil Works Design Report, or 0.16% of

⁶ SHD application for 342 no units in Rosshill, Galway

⁷ Application for 72 no. houses in Ovens, Co. Cork

⁸ Waste Water Discharge Licence- [090151b28034e6bd.pdf \(epa.ie\)](https://www.epa.ie/licences/090151b28034e6bd.pdf)

the overall capacity of the Mutton Island WWTP, will have a material impact on the volume of wastewater pumping to the Oranmore WWPS, and as such the development, in and of itself, will not result in a material impact on the volume of wastewater released in the emergency overflows from Oranmore WWPS, as highlighted by the observer submissions.

- 7.9.7. As such, I am of the view that the effluent volumes from the proposed development would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within Galway Bay (see also discussion in Section 9 of this report) I note also the proposed local network reinforcement project in Galway City, as highlighted in the Development Plan, which will seek to address current capacity constraints at Oranmore WWPS.
- 7.9.8. In relation to the previous SHD application cited by an observer, I note that SHD application 306413 (342 units at Roshill. Co. Galway) was refused for 3 no. reasons, one of which related to capacity issues at Merlin Park Pump Station. I note that Irish Water had cited capacity constraints in relation to this application, whereas they have not done so here. In relation to the appeal cited by the observer (310250), this relates to an application for 72 units in Ovens, Co. Cork, and while it was refused due to waste water capacity issues, the site specific circumstances of this application and the fact that the capacity issues relate to another area of the country, limits its relevance to this current application, in my view.
- 7.9.9. In relation to proposals for surface water/stormwater, the Civil Works Design Report states that there are 3 no. storm water networks proposed within the site which will cater for all impermeable areas within the development, including roadways and roofs. This surface water, and stormwater will drain by gravity to one of the 3 no. soakaway areas, via Oil/Petrol Interceptors and will then infiltrate to the ground.
- 7.9.10. In relation to water supply, it is proposed to connect to the existing water supply network on the Coast Road.
- 7.9.11. I am generally satisfied that, subject to detailed design of the proposed foul and surface water infrastructure being to the satisfaction of the Planning Authority and Irish Water, the proposals will be adequate to serve the proposed development.

7.10. Archaeology/Cultural Heritage

- 7.10.1. The application is accompanied by a Cultural Heritage Impact Assessment (March 2022) as well as a report entitled 'Report on the Results of Archaeological Testing, which was submitted at Further Information Stage. This Cultural Heritage Impact Assessment notes that there are no recorded monuments within the proposed development area, and the nearest such monument is a megalith (GA095-044) located 50m south-west of the proposed site. This report notes that there are views towards Oranmore Castle (GA095-110) from the proposed development site. I note that this castle is located approximately 700m south of the site.
- 7.10.2. A site walkover survey was carried out in December 2021 and nothing of significance was noted during the walkover. In relation to potential impacts on unrecorded archaeology, it is noted that there is potential to uncover previously unidentified subsurface features, and that unsupervised groundworks within the site may have a significant negative impact on same. No other potential impacts are identified.
- 7.10.3. Mitigation measures are set out in Section 4 of the report and it is recommended that a programme of geophysical surveys be carried out followed by targeted test trenching, in advance of any construction.
- 7.10.4. The Report on the Results of Archaeological Testing notes that after test trenching nothing of significance was exposed, and that the archaeological potential of the site was low, and that no further mitigation is required.
- 7.10.5. While I note that the conclusion of this report, I also note that the NPWS have not expressed agreement with same (by way of an updated submission), and I am of the view that a precautionary approach is required, and that archaeological monitoring should be in place, as per the mitigation measures that were acceptable to the NPWS. If the Board is minded to approve the proposed development, I would recommend that a condition in relation to same be imposed.
- 7.10.6. I note that a Third Party has stated that the boulder on the site may be a 'mass stone' and subsequently is of value of as a cultural heritage feature. I note that this stone is not a designated monument, nor was it identified as a feature of cultural heritage during the walkover survey. As such. I am satisfied that impacts on same will not result in a negative impact on cultural heritage.

- 7.10.7. I note that the NPWS has stated that there are views towards Ornamore Castle from the site and that no assessment on the cultural heritage landscape is included in the report. In relation to same, I note that the views towards the castle from this site are not protected views (having regard to Map 8 'View Points' and Table 6.4 'Schedule of Protected Views' of Appendix 4 of the Development Plan), noting also that the castle is some 700m from the site. The report submitted at Further Information Stage also notes that there is an area of woodland that screens the castle from the subject site, and concludes that there will be a negligible impact on the setting of this building. I note also the appearance of the proposed development will be broadly akin that of the neighbouring residential estate, with heights not exceeding 3 storeys and I am satisfied that that there will be no negative impacts on the cultural heritage landscape.
- 7.10.8. In conclusion then, I am satisfied that, subject to appropriate conditions, there will be no significant negative impact on any potential archaeological remains on the site or on cultural heritage generally.

7.11. Other Issues

Part V

- 7.11.1. The Planning Authority is not satisfied that the applicant has submitted sufficient proposals to discharge the applicants obligations under Section 96 of the Planning and Development Act 2000 (as amended) The proposed development would accordingly be contrary to the provisions of the Galway County Development Plan Policy Objective PV 1 Part V Provision and contrary to proper planning and sustainable development
- 7.11.2. The Planning Authority's Reason for Refusal No. 3 refers to the lack of sufficient proposals to discharge the applicant's Part V proposals, and the proposal was therefore contrary to Policy Objective PV 1 'Part V' Provision of the Development Plan. I note that the original planner's report did not raise an objection in principle to the proposed provision of 9 units (which was 10% of the originally submitted proposal of 91 units). However, the second planner's report notes that that applicant failed to increase the number of Part V units, taking account of the increased number

of units overall (which was increased to 101 units at Further Information stage). This then formed the basis of Reason for Refusal No. 3.

- 7.11.3. The applicant's appeal submission notes that the further information request did not request the applicant to reconsider the Part V proposal. Notwithstanding, it is set out in the appeal submission that 10 no. Part V units are now proposed and details of same are provided with the appeal submission (Drawing No. 10050 Rev C Part V Layout). In addition, a Letter of Understanding from Galway Co. Co. Housing Section is also provided.
- 7.11.4. Having regard to same, I am satisfied that, should the Board be minded to approved the proposed development, an appropriately worded condition can be imposed, ensuring that the applicant's Part V obligations are sufficiently discharged, to the satisfaction of the Planning Authority.

Land Ownership

- 7.11.5. I note that an observer submission has raised issues in relation to the ownership of the site and has submitted a substantial volume of documentation in relation to same. In relation to the issue of land ownership, I note the contents of Section 5.13 of the Development Management Guidelines for Planning Authorities, 2007 which states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land and that these are ultimately matters for resolution in the Courts. The Guidelines advise that only where it is clear that the applicant does not have sufficient legal interest should permission be refused on that basis, and that if some doubt still remains, the Planning Authority may decide to grant permission. It notes that such a grant of permission is subject to the provisions of section 34(13) of the Planning and Development Act 2000, as amended, which states that a person is not entitled solely by reason of a permission to carry out any development. In other words, the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.
- 7.11.6. On the basis of the information before the Board, I consider it appropriate to follow the guidance set out in the Development Management Guidelines for Planning Authorities. Issues in relation to the titles and rights over land are ultimately civil/legal issues, and I do not recommend that the issue of a land ownership should form the basis of a refusal of permission in this instance.

Seveso Sites

7.11.7. I would draw the Board's attention to the fact the site lies within approximately 1km of an Upper Tier SEVESO Site – Cold Chon Galway Ltd, which is located within the Deepark Industrial Estate to the north-west of the site (as listed in Table 7.12 'List of the Seveso Sites in County Galway'). There is no information on the application file in relation to same (i.e. if this facility is still operational, the nature of the site, materials stored etc), and the Planning Authority have not raised it as an issue, and it has not been raised an issue by any parties to the appeal. I note there is also existing residential estates between this site and the Seveso site noted above. Notwithstanding, the site may well fall within the consultation distance for same, having regard to Article 141(b) and column 2 of Table 2 of Schedule 8 of the Planning and Development Regulations, 2001 (as amended).

8.0 Environmental Impact Assessment (EIA) Screening

8.1.1. Class 10(b) of 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 provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- 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.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

8.1.2. It is proposed to construct 101 no. residential units (revised from 91 residential units by way of Further Information), a crèche (285 sq. m) and associated site works. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 3.136ha and is located within an existing built up area but not in a business district. The site area is therefore below the applicable threshold of 10ha. The site is greenfield, located on the edge of the urban area of Ornamore. The introduction of a residential development will not have an adverse

impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage

8.1.3. An Environmental Impact Assessment Screening Report was submitted with the appeal. The screening report concluded that the development is sub-threshold in terms of the number of units proposed, and that the proposed development is not considered likely to have significant effects on the environment. It is concluded within this screening report that an EIA is not required for the development proposals.

8.1.4. As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended)), as to whether a development would/would not have a significant effect on the environment, the introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. Following an Appropriate Assessment, it was concluded that the proposed development would not adversely affect the integrity of Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of the sites' Conservation Objectives, nor would it have likely significant effects on any other European Site (see Section 9 'Appropriate Assessment'). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Galway County Council, upon which its effects would be marginal.

8.1.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that have the benefit of a residential zoning objective under the provisions of the Galway County Development Plan 2022-2028, and the results of the strategic environmental assessment of the Galway County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, having regard to the nature, scale and location of the subject site on serviceable lands, the proposed development would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the environment, arising from the proposed development. The need for Environmental Impact Assessment Report (EIAR) can, therefore, be excluded at preliminary examination.

9.0 Appropriate Assessment:

- 9.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 9.1.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the

management of any European site and therefore is subject to the provisions of Article 6(3)

- 9.1.3. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the revised 'Appropriate Assessment Screening Report' (dated 05/08/2022) and the revised 'Natura Impact Statement' (dated 05/08/2022) (which were revised to account for the increase in the number of units from 91 to 101 units), as well as other relevant information on file and relevant submissions received.
- 9.1.4. I note An Taisce (in their submission at application stage) and observations on the appeal have raised concerns in relation to impacts on the Galway Bay Complex SAC and Inner Galway Bay SPA, which are located between 10 and 15 m to the south of the site, impacts on WFD status of waters as well as overflows from the Oranmore Wastewater Pumping Station, with subsequent impacts on water quality within Oranmore Bay.

The Project and its Characteristics

- 9.1.5. I refer to the Board to the detailed description of development in Section 2.0 of this report. In relation to foul and surface water proposals, I have set out details of same in Section 7.9 of this report and I refer the Board to same. The baseline ecological environment is set out in Section 7.7 of this report and I refer the Board to same.
- 9.1.6. The applicant's revised AA Screening Report [dated 05/08/2022], identifies the potential for likely significant impacts potential impacts on 2 no. European Sites as follows:
- Galway Bay Complex SAC [Site Code 000268] for reasons relating to (i) deterioration of marine/surface water quality resulting from pollution, associated with the construction and operational phases of the development, having regard to the proximity of the site this SAC (11m to the south); (ii) the potential pollution of groundwater, given the limestone bedrock underlying the site (iii) Potential for disturbance of the otter and harbour seal as a result of increased population pressure.

- Inner Galway Bay SPA [Site Code 004031] for reasons relating to (i) disturbance of SCI species during the construction and operational phases of the proposed development (ii) disturbance of SCI species as a result of increased population pressure (iii) deterioration of marine/surface water quality resulting from pollution, associated with the construction and operational phases of the development, having regard to the proximity of the site this SPA (15m to the south); (iv) the potential pollution of groundwater, given the limestone bedrock underlying the site.

9.1.7. Likely significant impacts on all other European Sites are ruled out in the AA Screening Report.

9.1.8. A revised Natura Impact Statement (NIS) [dated 05/08/2022] was submitted with the application on the basis of the conclusions of the revised AA Screening Report. This revised NIS sets out a detailed description of Galway Bay Complex SAC and Inner Galway Bay SPA, including their relevant qualifying interests, conservation objectives, site specific pressures and threats. Mitigation measures are set out which include surface water and wastewater management measures at construction stage, as well as measures to prevent groundwater pollution. Best practice disturbance limitation measures are proposed to mitigate against potential disturbance of otters. With these measures in place, it is concluded within the NIS that the proposed development, individually, or in combination with other plans or projects, will not have any significant adverse effects on any European Sites.

Inspector's AA Screening

9.1.9. As set out within the applicant's AA Screening Report, there is no watercourse that runs through the site and there is no direct surface water hydrological connection to a Natura 2000 site. However, given the proximity of the site to the nearest European Sites, there may be potential for surface water run-off from the site to indirectly reach the Galway Bay Complex SAC (Site Code 000268), located 11m to the south of the site, and Inner Galway Bay SPA (Site Code 004031), located 15m to the south of the site. The site lies above the Clarinbridge groundwater catchment, which has a WFD status of 'good', and lies within the same groundwater catchment as the Galway Bay Complex SAC and Inner Galway Bay SPA. The site is located within an area of 'High' and 'Extreme' groundwater vulnerability.

Identification of relevant Natura 2000 sites (Zone of Impact)

- 9.1.10. The Applicant's Screening Report notes the only sites that are within the 'Zone of Impact' are the Galway Bay Complex SAC and the Galway Bay SPA Inner Galway Bay SPA, for reasons which are set out above. I concur with same and also note that, in addition to same, there is also an indirect hydrological link via the foul water network, with foul water directed to the Oranmore Waste Water Pumping Station (WWPS), eventually discharging to Mutton Island Wastewater Treatment Plant (WWTP), which in turn discharges into the Galway Bay Complex SAC and the Galway Bay SPA
- 9.1.11. I am not of the view there are any other European Sites within the zone of influence of the proposed development, given the lack of obvious source-pathway-connections, with reference to the AA Screening Report, the NIS, and other documentation on file, as well as information as viewed on the EPA Appropriate Assessment Tool⁹. As such likely significant impacts on European Sites, other than the 2 no. European Sites referred to above, can be ruled out at a preliminary stage.
- 9.1.12. I have set out the Qualifying Interests/Species of Conservation Interest and Conservation Objectives of the 2 no. sites in Table 1 below.

⁹ <https://gis.epa.ie/EPAMaps/AAGeoTool>

Table 1.

Site (site code)	Distance from site	Qualifying Interests/Species of Conservation Interest	Conservation Objectives
Galway Bay Complex SAC (000268)	11m to the south	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or</p>	To maintain/restore the favourable conservation condition of the habitats and species listed as qualifying interests for this SAC.

		<p>calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	
<p>Inner Galway Bay SPA (004031)</p>	<p>15m to the south</p>	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p>	<p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p> <p>To maintain or restore the favourable conservation</p>

	<p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p>	<p>condition of the wetland habitat in Inner Galway Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>
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		Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]	
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9.2. Assessment of Potential of Likely Significant Effects

Habitat Loss and Fragmentation

- 9.2.1. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site, although it does lie within 11m of the Galway Bay Complex SAC and within 15m of the Inner Galway Bay SPA.
- 9.2.2. It is noted in the AA Screening Report, the NIS and in the EclA, that the proposed development site does not offer any significant *ex-situ* habitat for the SCI species of the Inner Galway Bay SPA. The submitted Wintering Bird survey (Appendix 4 of the EclA and submitted as a standalone document) notes that only one individual Curlew (listed a Species of Conservation Interest for the Inner Galway Bay SPA) was recorded foraging with the grassland habitat in the western section of the site during the October 2021 survey. The Wintering Bird Survey states that curlews, common gull and black headed gull were also observed flying over the site [common gull and black headed gull are also listed a Species of Conservation Interest for the Inner Galway Bay SPA]. It is concluded within the Wintering Bird Survey (and the EclA) that, given that the curlew represented a sole individual sighting, over the course of the duration of the wintering bird surveys (carried out between October 2021 and March 2022, on a monthly basis), this is evidence that that this species is not in any way dependant on the site, nor are any other species listed as species of conservation interest for the Inner Galway Bay SPA. The Wintering Bird Survey also notes that the baseline Curlew population for the Inner Galway SPA is estimated to be 697 no. birds, and as such the single Curlew recorded feeding on the site represents a very small fraction of the overall population of Curlew within this SPA. In the absence of any scientific evidence contrary to same, I concur with the applicant’s contention that the does not offer any significant *ex-situ* habitat for the SCI species of the Inner Galway Bay SPA.

9.2.3. In relation to those species listed as qualifying interests for the Galway Bay Complex SAC, I note that no species or suitable habitat for the qualifying interest species associated with the Galway Bay Complex SAC were recorded on the site, during the ecological survey carried out in 28th September 2022.

9.2.4. In conclusion therefore, and having regard to the conclusions of the AA Screening Report, the NIS, and the EclA, I accept that the proposed development site does not support significant populations of any fauna species that are qualifying interests or special conservation interests of any European Site, and there is no scientific evidence on file, to refute this assertion. I am satisfied, therefore, that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any significant *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.

Habitat degradation as a result of hydrological impacts

9.2.5. I note the conclusions of the AA Screening Report, in which it is noted that there is potential for deterioration of marine/surface water quality resulting from pollution, associated with the construction and operational phases of the development, in the absence of mitigation. At construction stage. I concur that this could arise as a result of the proximity of the site to the 2 no. Natura 2000 sites above, and while there is no direct surface water linkage to these 2 no. Natura 2000 sites from the proposed development site, contaminated surface water, at construction stage, may find its way to the coastal area, as a result of surface water run-off from the site over the Coast Road. Contaminated surface water from the site, at construction stage, may indirectly find its way to the 2 no. sites via the surface water network. As such, there is potential for contaminated surface water to enter the marine environment, at construction stage, and enter Galway Bay Complex SAC and the Inner Galway Bay SPA. In considering the likelihood of significant effects, I note the proximity of the site to the 2 no. Natura 2000 sites. Also of relevance also is the scale of the project proposed, some 101 no. residential units. Having regard to these factors, I would be of the view that a pollution event, at construction stage, of sufficient magnitude, has the potential to undermine the conservation objectives of the Galway Bay Complex SAC and the Inner Galway Bay SPA. While generally speaking, best practice construction measures are not considered mitigation for the purposes of AA, each case is considered on an individual basis. In this instance, given those factors as set

out above, I am of the view that, in this instance, such measures could be deemed mitigation for the purposes of AA.

- 9.2.6. I also note that the site shares the same groundwater body as the 2 no. Natura 2000 sites above. The site lies within an area of 'High' and 'Extreme' groundwater vulnerability and is underlain by limestone. As such, and as set out in the AA Screening Report, there is potential for groundwater pollution, in the absence of mitigation, from works at construction stage, with subsequent impacts on water quality within the Galway Bay Complex SAC and the Galway Bay SPA.
- 9.2.7. In conclusion then, and in the absence of mitigation measures, and applying the precautionary principle, I conclude that the proposed development may have a significant effects on the overall water quality status of Galway Bay Complex SAC and the Inner Galway Bay SPA, with subsequent significant effects on the marine/surface water dependant Qualifying Interests of Galway Bay Complex SAC and Special Conservation Interests of Galway Bay SPA, with the subsequently possibility of the proposed development undermining the conservation objectives relating to the qualifying interests or special conservation interests of these European sites. Therefore, I am not of the view that the likelihood of significant effects on Galway Bay Complex SAC and the Inner Galway Bay SPA, can be ruled out, and therefore a Stage 2 Appropriate Assessment is required.
- 9.2.8. For other Natura 2000 sites located at distances greater from the site than the above sites, I am of the view having regard to the distance between the proposed development site and the next closest Natura Site, which is a least 2.1km km to Cregganna Marsh SPA [Site Code 004142] (and greater for other sites) and the lack of an apparent ecological pathway to same, there is no likelihood of significant effects on these sites.
- 9.2.9. In relation to surface water impacts at operational stage, I am satisfied that the proposed surface water drainage measures as outlined in the application documentation, including the Civil Works Design Report, will reduce the quantity of surface water discharge from the site, and to improve discharge water quality, which I note will infiltrate to ground from the soakaways proposed on the site, via petrol/hydrocarbon interceptors. The surface water installations have not been introduced to avoid or reduce an effect on any effect on any Natura site, and as such

are not mitigation measures with the context of screening for appropriate assessment, and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for residential developments in an urban area. Their implementation would be necessary for a residential development on any brownfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land, regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission. As such, I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water infiltrating to ground will be sufficient so as not to result in any likely significant effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA, or any other Natura 2000 sites, having regard to the sites' conservation objectives.

Foul Water

- 9.2.10. While not discussed in the AA Screening Report or the NIS, the waste water from the proposed development is directed towards Oranmore Wastewater Pumping Station (WWPS), and then in turn directed to Mutton Island Wastewater Treatment Plant (WWTP), as noted in Section 7.9 of this report. I have considered capacity issues in relation to same in Section 7.9 and, for the reasons and considerations I have set out in Section 7.9, I have concluded that the additional wastewater generated by this proposed development will not have a measurable impact on the overall water quality within Galway Bay (and therefore within Galway Complex SAC and the Inner Galway Bay SPA) and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive).

Habitat Loss and Fragmentation/Habitat Alteration/Disturbance

- 9.2.11. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. Having regard to the entirety of information on file, including that in the AA Screening Report, the NIS and the EclA and noting specifically the winter bird surveys carried out, as detailed in the NIS and EIAR, and as discussed above, and noting the findings of the ecological survey as

detailed in the NIS, I am satisfied the proposed site does not support populations of significance of any fauna species that are qualifying interests or special conservation interests of any European Site. I am satisfied therefore that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.

- 9.2.12. In relation to the potential for Habitat Alteration, having regard groundwater connections as discussed above, there is potential for the proposed development, at construction stage, and in the absence of mitigation, to impact negatively on groundwater as a result of pollutants, and therefore result in indirectly significant impacts on groundwater influenced habitats and species within the Galway Bay Complex SAC and the Inner Galway Bay SPA, as detailed in the AA Screening Report and the NIS.
- 9.2.13. In relation to Habitat disturbance/ex-situ impacts, potential impacts relates to the potential disturbance of the bird species associated with the Inner Galway Bay SPA, and relate to the potential disturbance of harbour seal and otter, which are qualifying interests of Inner Galway Bay SAC. I note there is some inconsistency in the AA Screening Report when considering the potential impacts on the Harbour Seal, with Table 3.1 of same firstly ruling out impacts, noting that the nearest mapped breeding site for same is 0.59km from the proposed development site, then within the same table concluding there is potential for disturbance of same (of both the harbour seal and otter). However, the NIS does set out mitigation measures relating to minimising disturbance of same.
- 9.2.14. In relation to potential for disturbance of bird species, the AA Screening Report rules in potential impacts as result of disturbance, but the NIS effectually rules out disturbance impacts on same, and no specific mitigation measures are set out relating to minimising disturbance impact on same (although the noise reduction measures set out to minimise disturbance on otters and seals could equally be applied to minimise disturbance to bird species).
- 9.2.15. In relation to the likelihood of disturbance impacts, I concur there is potential for such impacts on the otter and bird species associated with the SPA, at construction stage. I note that the nearest site associated with harbour seals is located 500m south of the

site.¹⁰ As such it is not likely that works on this site would impact on same, nor would operational noise and activity impact on same. In relation to otter, supporting documents on the NPWS website note the importance of lying up areas for same where they are secure from disturbance¹¹. While these lying up areas are not mapped or identified, applying the precautionary principle, it cannot be ruled out that there is not such an area in proximity to this site. In relation to disturbance of bird species, supporting documents relating to the Inner Galway Bay SPA, note that the significance of the impact [on bird species] that results from even a short-term displacement should not be underestimated. As such applying the precautionary principle, disturbance of bird species associated with the Inner Galway Bay SPA cannot be ruled out.

- 9.2.16. At operational stage, the activities on the site, will be akin to those in surrounding residential estates, and as such I am not of the view that these activities will result in a disturbance that is out of place, and it is likely that species associated with the Inner Galway Bay SPA and the Galway Bay Complex SAC will have developed a degree of habituation to this type of disturbance. As such I am not of the view that significant impacts, as a result of disturbance, are likely at operational stage.

In-Combination Impacts

- 9.2.17. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Mutton Island WWTP, I consider that any potential for in-combination effects on water quality in Galway Bay (and therefore in Inner Galway Bay SPA and Galway Bay Complex SAC), as a result of foul water discharge, can be excluded.
- 9.2.18. Furthermore, other projects within the Oranmore area, and in the wider Galway area, which can influence conditions in the surface water, groundwater and marine environment, via rivers and other surface water features, and via groundwater bodies, are also subject to AA and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality.

¹⁰ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000268.pdf

¹¹ Ibid

9.2.19. Having regard to the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

AA Screening Conclusion

9.2.20. In terms of the Natura sites with the potential to be impacted, I conclude that only Natura 2000 sites where there is potential for likely significant effects are Galway Bay Complex SAC and the Inner Galway Bay SPA, for the reasons set out above.

Stage 2 – Appropriate Assessment

9.2.21. The submitted NIS sets out the relevant Qualifying Interests (Qis) and associated conservation objectives of Galway Bay Complex SAC and the Inner Galway Bay SPA. The conservation objectives are generally to maintain or restore the favourable conservation condition of each habitat or species of qualifying interest.

9.2.22. The NIS considers how a deterioration in surface water quality could affect each of the various habitats or species within the relevant SPA/SAC.

9.2.23. Mitigation measures are set out in the NIS. These include measures to avoid impacts on water quality during construction work, as well as adherence to construction best practice measures. These include, but are not limited to, the following measures:

Pollution Prevention Measures:

- Temporary fills or stockpiles damped down or covered with sheeting to avoid sediment release with heavy rainfall
- Silt-fencing downgradient of construction areas where drains or drainage pathways are present
- Dewatering of groundwater encountered using silt bags prior to natural percolation to ground/or alternatively tinkered off site if required
- Treating and pumping water from swales via silt bags prior to discharge to ground
- Any discharge to ground will be via silt bags
- Construction of an on-site drainage system

Refuelling, Fuel and Hazardous Materials Storage:

- Designated areas for storage/refuelling/underlain by concrete hard standing
- Use of spill kits
- Off-site refuelling/minimal on-site refuelling
- Bunding of storage area

Measures to avoid the release of cement-based material during construction

- No batching on site
- No washing out of plant used in concreting operations on site

9.2.24. Other measures include management of wastewater, waste management procedures and environmental monitoring.

9.2.25. In relation to measures to avoid disturbance to otters, these include measures as follows:

- Majority of works to be completed during daylight hours/no use of artificial lighting
- Best practice measures in relation to minimising the noise produced by on-site operations
- Vehicles and mechanical plant fitted with exhaust silencers
- Use of sound-reduced compressors
- Use of acoustic enclosures when necessary

9.2.26. While the NIS does not apply these measures specifically to minimise disturbance of bird species, I am satisfied that the application of same will serve to reduce any potential disturbance impacts on birds species associated with the Inner Galway Bay SPA.

9.2.27. In terms of residual impacts, the NIS concludes that the proposed development, with mitigation measures in place, does not pose a risk of adversely affecting the integrity of Galway Bay Complex SAC and the Inner Galway Bay SPA.

9.2.28. Overall, I am satisfied that the detailed mitigation measures as set out within the NIS will serve to protect surrounding surface water and ground water quality during the construction stage, and will also serve to minimise disturbance to otters and bird species associated with the Inner Galway Bay SPA, during construction stage, so

not to adversely affect the integrity of Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of the sites' Conservation Objectives.

AA determination – Conclusion

- 9.2.29. The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 9.2.30. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have likely significant effects on Galway Bay Complex SAC [Site Code 000268] and the Inner Galway Bay SPA [Site Code 004031], having regard to the sites' conservation objectives.
- 9.2.31. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its conservation objectives.
- 9.2.32. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Galway Bay Complex SAC [Site Code 000268] and the Inner Galway Bay SPA [Site Code 004031] in view of the sites' Conservation Objectives.
- 9.2.33. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures, in relation to the Conservation Objectives of Galway Bay Complex SAC [Site Code 000268] and the Inner Galway Bay SPA [Site Code 004031];
 - An assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans;
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of Galway Bay Complex SAC [Site Code 000268] and the Inner Galway Bay SPA [Site Code 004031].

10.0 Recommendation

10.1. Having regard to the above it is recommended that permission is REFUSED for the following reasons and considerations.

11.0 Reasons and Considerations

1. The layout as proposed is not in line with overall aspirations of the Garraun Urban Framework Plan, having regard to the lack of connectivity to adjacent sites, the substandard nature of the public open space provided and the nature of the phasing proposed. Furthermore, the proposed layout does not provide for a sufficient quality of streetscape as result of the lack of activity and frontages along the proposed primary access road, in particular. As such, the proposed development does not adhere to the principles as set out in the 2009 Urban Design Manual (Criteria 2, 3, 7, 8 and 12), and as set out in the Design Manual for Urban Roads and Streets (2013). The proposed development is therefore contrary to Policy Objectives PM 1 Placemaking, UL 5 Open Space', DM Standard 3: Multiple Housing Schemes in Towns and Villages of the Galway County Development Plan 2022-2028 (Volume 1), and Policy Objective GUFFP 10 'Urban Framework Plan Integration' of the Garraun Urban Framework Plan (Volume 2: MASP of the Galway County Development Plan 2022-2028). In addition, the proposal does not provide sufficient areas of communal open space to serve the apartment and duplex units, and is therefore contrary to the guidance and standards set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).

Rónán O'Connor

Senior Planning Inspector

27th October 2023