



An
Bord
Pleanála

Inspector's Report

ABP-315674-23

Development	Construction of 16 no. houses, vehicular access off Galway Road (N84), open space, internal road, pedestrian connectivity through Eallagh estate, landscaping and boundary treatments, connections to services, and associated site works.
Location	Eallagh , Headford , Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2261135
Applicant	Callanan & Walsh Construction Co. Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Callanan & Walsh Construction Co. Limited
Observer	Jennifer McDonald

Date of Site Inspection

16th June 2023

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.57 Ha¹, and is located on the western side of the N84 (Galway Road), on the southern approach to Headford, Co. Galway.
- 1.2. The appeal site fronts onto the N84 (located to the east) and is relatively flat, with topographical levels indicated as c. 19 – 20 metres (OD Malin), save for an area to the south-east where ground levels fall to c. 16 metres (OD Malin).
- 1.3. A housing development, 'Eallagh,' comprising 2 storey dwellings (which the appeal site was indicated as forming part of under PA. Ref. 03/6627²) is situated to the west of the appeal site.
- 1.4. There is a copse of trees in the south-east corner of the appeal site. The internal road and footpath associated with the Eallagh housing estate are constructed up/extending into the appeal site.
- 1.5. The eastern boundary of the appeal site is formed by a low stone wall with a gate. The northern boundary of the appeal site comprises a block wall. The western boundary consists of the rear garden boundary walls of the houses within the Eallagh housing estate. The southern boundary of the appeal site consists of a low stone wall.
- 1.6. A area of undeveloped land is located to the north of the appeal site (PA. Ref. 21/1620 refers to a recent grant of permission for a house thereon), beyond which is a 2.5 storey detached dwelling on an elevated site. The lands to the south of the appeal site are undeveloped and appear to be in agricultural use.
- 1.7. The adjoining area is predominately residential in character. A petrol filling station is situated to the north-east of the appeal site, opposite the entrance to Eallagh housing estate.
- 1.8. A foul sewer and storm drain (indicated on the site survey map) traverse the appeal site from east to west.
- 1.9. The internal road network and open space within Eallagh are within the applicant's control/ownership as indicated by the blue line boundary on the OS map.

¹ The 'developable area' of the site is indicated as 0.552 Ha. when the existing estate road to the west of the site is excluded.

² The appeal site was previously used as a construction compound for the development of Eallagh. Construction access was also permitted though the appeal site onto the N84, and a temporary treatment system was previously accommodated on the appeal site.

2.0 Proposed Development

2.1. The proposed development comprises;

- The construction of 16 no. houses;
 - 14 no. two storey, 3 bedroom houses (i.e. 4 no. semi-detached houses and 10 no. terraced houses).
 - 1 no. single-storey, detached, 2 bedroom house.
 - 1 no. two-storey, detached, 4 bedroom house.

The predominant ridge height within the scheme is c. 9.4 metres. Material finishes to the proposed houses comprises neutral colour render for the external walls and dark blue/grey colour concrete roof tiles.

- Vehicular access from Galway Road (N84)³.
- Open space (902 sqm)⁴.
- Internal road.
- Pedestrian connectivity through Eallagh.
- Landscaping and boundary treatments.
- Connections to services.
- Associated site works

2.2. The planning application was accompanied by the following reports;

- Cover Letter.
- Planning Statement.
- Architectural Design Statement.
- Appropriate Assessment Screening Report.
- Landscape Design Statement.

³ The applicant has proposed an alternative access arrangement in the appeal submission to address potential concerns which the Board may have in relation to accessing onto the N84. This alternative arrangement entails connecting into and through Eallagh and using the existing junction onto the N84 opposite the petrol filling station.

⁴ The area of open space was increased to 1,070 sqm on foot of the revised access arrangement indicated on *Drawing No. 3003 Rev A.*

- Traffic and Transport Assessment and Preliminary Mobility Management Plan.
- Stage 1/2 Road Safety Audit (and 'response to problems raised' document).
- Lighting Preliminary Design Report.
- Development Statistics.
- Computer Generated Images.
- Engineering Services Proposal.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 6th January 2023 for 2 no. reasons which can be summarised as follows;

1. The site is located in an area zoned 'R - Residential Phase 2' in the Galway County Development Plan 2022-2028. It is an Objective of SGT 1 (Residential Development Phasing) '*to support the development of lands designated as Residential (Phase 1) within the lifetime of the Plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of each SGT. Residential (Phase 2) lands are generally not developable for housing within the lifetime of this Plan*'. The applicant has not submitted any evidence to demonstrate exceptional circumstances in accordance with the provisions of policy SGT1. It is also the policy of Galway County Council to encourage the orderly and phased development of residential lands in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities Towns and Villages) Guidelines 2009. This shall include a positive presumption in favour of the sequential development of suitable serviced (Phase 1) lands in zoned towns and villages. The proposed development would be contrary to Policy Objective

SS5⁵ (Small Growth Towns) and Policy Objective SGT1 of the Galway County Development Plan 2022-2028.

2. The creation of an additional entrance within a transitional speed limit zone would lead to a proliferation of entrances, resulting in a diminution in the role of the transition zones, creating an adverse impact on the national road N84. The proposed development would therefore negatively impact traffic safety and would be at variance with DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012) and contrary to policy objective CS6 of the Galway County Development Plan 2022-2028.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the Planning Officer generally reflects the reasons for refusal. The report also notes that the proposal is acceptable in terms of open space provision, separation distances and house design.

3.2.2. Other Technical Reports

None received.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII) – report notes that the proposal is at variance with Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) which relates to development within transitional speed limit zones, and which states that the proliferation of entrances which would lead to a diminution in the role of the transition zones must be avoided. The report notes that the proposed development would adversely affect the operation and safety of the national road network.

⁵ Protect and strengthen the economic diversity of the Small Growth Towns enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands.

3.4. Third Party Observations

The report of the Planning Officer refers to 3 no. observations having been submitted in respect of the planning application and summarises the issues raised as follows;

- Access onto the N84 will result in traffic safety issues and will be used as a 'rat-run', in particular for people dropping children to schools in the area.
- Lack of cycle paths.
- Support expressed for proposed development from a number of residents within Eallagh.

4.0 Planning History

Appeal Site:

PA. Ref. 03/6627 – Permission GRANTED for 94 no. houses, a creche and shop.
(PA. Ref.'s 05/4689, 06/2451 and 06/2696 related to alterations to PA. Ref. 03/6627).

Lands to North:

PA. Ref. 21/1620 – Permission GRANTED for house.

Lands to west (adjoining and accessing through Eallagh):

PA. Ref. 21/2388⁶ – Permission GRANTED for 49 no. houses.

PA. Ref. 19/1001 – Permission GRANTED for 19 no. houses.

5.0 Policy Context

5.1. Ministerial Guidelines

- 5.1.1. 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.

⁶ PA. Ref. 21/2388 was the subject of an appeal (ABP. Ref. 314072-22 refers) however this appeal was deemed invalid.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 (DoECLG)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, (2010).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

5.2. **Development Plan**

5.2.1. The Galway County Development Plan 2022-2028 is the relevant development plan. Headford is identified as a 'Small Growth Town' in the Core Strategy of the Galway County Development Plan 2022-2028. The appeal site is predominantly zoned 'Residential (Phase 2)' in the Galway County Development Plan 2022-2028. An area along the northern and western boundary of the appeal site is zoned 'Existing

Residential'. The part of the appeal site comprising the existing access road to the west is not subject to a land-use zoning.

5.2.2. The appeal site is located within an 'Urban Environs Landscape' (see Map 1, Appendix 4) for the purpose of landscape type. Urban Areas are described as having a low sensitivity to change.

5.2.3. The appeal site is located within the Galway County Transport and Planning Study area (GCTPS).

5.2.4. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

Volume 1

Chapter 2 - Core Strategy, Settlement Strategy and Housing Strategy

- **Objective CS2:** Compact Growth
- **Objective CS6:** Strategic Roads

Chapter 3 – Placemaking, Regeneration and Urban Living

- **Objective PM8:** Character & Identity
- **Objective PM10:** Design Quality

Chapter 6 – Transport and Movement

- **Objective NR1:** Protection of Strategic Roads

Chapter 15 – Development Management Standards

- **DM Standard 2:** Multiple Housing Schemes (Urban Areas)
- **DM Standard 28:** Sight Distances Required for Access onto National, Regional, Local and Private Roads

Volume 2

Small Growth Towns

- **Table 4.4:** Land Use Zones
- **Objective SGT 1:** Residential Development Phasing

- **Objective HSGT 2:** Sustainable Residential Communities
- **Objective HSGT 10 (e):** Preparation of a Revised Traffic Management Plan

5.3. **Natural Heritage Designations**

The appeal site is not located within or close to any European site.

5.4. **EIA Screening**

See Form 1 and 2 (attached). Having regard to the limited nature and scale of development, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

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

- The proposal will form part of the existing Eallagh estate.
- The appeal site is a brownfield site and is located within the inner suburbs/an edge of centre location.
- The appeal site was included within the line boundary of PA. Ref. 03/6627 (no houses were proposed on the appeal site but there was a temporary treatment plant permitted on the appeal site). The appeal site was similarly within the red line boundary of amendment permissions to PA. Ref.03/6627 (i.e. PA. Ref's 05/4689, 06/2451 and 06/2696). Under PA. Ref. 06/2451 and 06/2696 the appeal site accommodated a temporary construction access and a foul sewer pipe crossed the appeal site. Under PA. Ref.'s 19/1001 and 21/2388 a temporary construction access route was similarly permitted across the appeal site to the N84.

- PA. Ref. 21/2388 permitted 1 no. house with a vehicular entrance within the transitional zone.
- The proposal is responsive to the houses within Eallagh, incorporates pedestrian connectivity via Eallagh and onto the town centre, provides supervised public open space and adequate private open space.
- Regarding refusal reason 1;
 - Objective SGT1 of the Galway County Development Plan 2022-2028 does not preclude consideration of the proposal. Flexibility is provided in Objective SGT1.
 - Phase 1 lands in the area have servicing and access deficiencies and would encounter difficulties being developed within the plan period (see Figure 6 and Table 2 of appeal submission which set out 6 no. areas of Phase 1 zoned land and impediments to the development of these lands). Given that the appeal site is readily accessible and serviceable it should be considered for the proposed development.
 - Regarding the requirement under Objective SGT1 that the development of Phase 2 lands will normally only be considered where 50% of the Phase 1 lands are committed to development, certain Phase 1 lands are already committed to development (i.e. area B in Figure 6 of the appeal submission).
 - A housing development represents a better use of zoned serviced land compared to a single dwelling, which is provided for under Objective SGT1.
 - Regarding the requirement of Objective SGT1 in relation to the development of Phase 2 lands, the proposal is consistent with the Core Strategy; represents the sustainable use of land; is serviced; benefits from connectivity via Eallagh; would not result in leap-frogging given that the western side of the N84 between the appeal site and the town centre is developed; complies with roads/access requirements, and would not prejudice the future use of the lands or neighbouring lands.
 - Large sites within Headford which are zoned Residential Phase 2 have permission, specifically PA. Ref. 21/2388 (west of the appeal site) and

PA. Ref. 21/2108 on the north-eastern outskirts. The appeal site is closer to the town centre and is more consistent with the principles of sequential and consolidated development.

- The proposal meets with the exceptional circumstances provision contained in Objective SGT1 as it allows for the completion of Eallagh.
- The PA have refused permission on the basis that the Phase 2 lands are not developable within the lifetime of the Development Plan but yet have identified the appeal site as being suitable for residential development in the context of the Residential Zoned Land Tax (RZLT).
- The proposal will not result in 'leap-fogging' of development as the lands along the west of the N84 between the appeal site and the town centre are developed/or have the benefit of permission. The PA's approach is contradictory in that it has permitted development under PA. Ref. 21/2388 on lands which are equidistance to the town centre when compared to the appeal site.
- The applicant is willing to accept a special development contribution towards the provision of a footpath along the western edge of the Galway Road.
- The proposal is consistent with Objective SS5 of the Galway County Development Plan 2022-2028.
- Should the Board consider that the provisions of Section 37 (2) of the Planning and Development Act, 2000, as amended, apply, the applicant contends that (i) the proposal is of strategic importance; (ii) that there are conflicting objectives in the Development Plan (see Table 3 of appeal submission); (iii) that permission should be granted having regard to the RSES for the area and with reference to relevant policy of Government - see Table 4 of appeal submission (re. NPF), Table 5, 6, 7, and 8 of appeal submission (re. Sustainable Residential Development in Urban Areas, 2009), and Table 9 of appeal submission (re. compliance with RSES).
- Regarding refusal reason 2
 - The guidance contained at Section 2.5 of the DoECLG Spatial Planning and National Road Guidelines (2012) applies to the Development Plan. The

Guidelines advise that *'the plan may provide for a limited level of direct access to facilitate orderly development'*. This has been incorporated into the Development Plan through Policy Objective HSGT10. A statement of compliance with Policy Objective HSGT10 was submitted as part of the planning application (and is submitted in the appeal submission see Table 10) – specifically it is noted that -

- Objective HSGT10 applies to the eastern side of the N84 and not the western side;
 - the appeal site is the only section of land along the western side of the N84 which has not been developed;
 - the appeal site has the benefit of an established access which was used as a construction access for Eallagh;
 - the proposal ties in with existing and permitted development further west and would assist with access for future development of Phase 2 lands to the west; and,
 - the applicant is amenable to paying a special development contribution or entering a licence agreement to deliver a footpath along the N84/Galway Road.
- TII appear to have made a generic objection to the proposal which the PA have followed.
 - A Road Safety Audit (RSA) as required by Section 2.5 of the Guidelines has been submitted with the planning application, neither the PA nor TII have considered this RSA.
 - There is an established access onto the N84 at the appeal site which served as a construction access during the construction of Eallagh, and more recently under PA. Ref. 21/2388. Under the proposal this access would become a permanent access.
 - The proposal would not lead to a proliferation of entrances along this stretch of road and would not lead to a diminution in the role of the transitional zone within the settlement boundary, as contended in the TII's observation to the PA.

- Should the Board have concerns in relation to the proposal to access onto the N84 an alternative access arrangement providing for the omission of the entrance onto the N84 and for access through Eallagh is proposed (see *Drawing No. 3003 Rev A*). An analysis of the junction onto the N84 which serves Eallagh is submitted (see Appendix 3) and concludes that this junction has adequate capacity to cater for the proposal.

6.2. Planning Authority Response

None received.

6.3. Observations

1 no. observation from Jenifer Mc Donald was received in relation to the appeal. Issues raised in the observation are summarised as follows.

- Frustration at the length of time it has taken to develop the lands in the area.
- Provision of safe cycle/pedestrian walkway required in the context of climate change.
- Traffic safety concerns at junction onto N84 which currently serves Eallagh, in particular difficulty turning right at this junction. The increase volume of traffic from the proposal will adversely affect children walking and cycling to and from school.
- The traffic report submitted by the applicant was undertaken on the quietest day (Tuesday). The volume of traffic heading to Mayo on a Friday requires consideration. The pandemic may have affected traffic information used for the traffic report.
- More accommodation for single and older people is required in the area.
- Street lighting is a problem in Eallagh.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the appeal and observation, and 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:

- Refusal Reason 1 (Zoning)
- Refusal Reason 2 (Access)
- Pedestrian/Cycle Infrastructure
- Other Matters
- Appropriate Assessment

7.2. Refusal Reason 1 (Zoning)

7.2.1. The first reason for refusal cited by the Planning Authority is that Objective SGT 1 requires that 'Residential (Phase 2)' lands are generally not developable for housing within the lifetime of the Development Plan unless specific criterion are met, that the applicant has not submitted any evidence to demonstrate how these criterion are met, and that the proposal is contrary to the principle of the sequential approach in terms of the development of land.

7.2.2. In response, the applicant contends that Objective SGT1 does not preclude consideration of the proposal and that it provides flexibility. In relation to the criterion provided under Objective SGT1, the applicant notes that Phase 1 lands in the area have servicing and access deficiencies and would encounter difficulties in being developed within the plan period; that certain Phase 1 lands are already committed to development; that the proposal is consistent with the Core Strategy; represents the sustainable use of land; is serviced; benefits from connectivity via Eallagh; that the proposal would not result in leap-frogging, given that the western side of the N84 between the appeal site and the town centre is developed; that the proposal complies with roads/access requirements, and would not prejudice the future use of the lands or neighbouring lands.

7.2.3. I note that the majority of the appeal site is zoned Residential (Phase 2), and that Residential (Phase 2) zoned lands are intended as a reserve for the longer term growth needs of Small Growth Towns in the Galway County Development Plan 2022-2028. Such lands are noted as generally not developable for housing within the lifetime of the Plan save for specific circumstances, compliance with which requires an evidence

based case to be made. In the context of the proposal the circumstances are set out under sub-section C of Objective SGT1, that being -

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

- *Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development.*
- *Residential developments on Residential (Phase 2) lands will be subject to compliance with the Core Strategy, the principles of proper planning and sustainable development, connectivity, including infrastructure and public footpath and lighting to the town centre, the sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements. Developments will only be permitted where a substantiated evidence-based case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of each settlement.*

7.2.4. In order for Residential Phase 2 lands to be considered, Objective STG1 requires that it is demonstrated that the Residential (Phase 1) cannot or will not be developed for residential purposes within the plan period. The appeal submission sets out a table of existing Residential (Phase 1) lands in Headford and provides reasons in the case of each land parcel (parcels A-F) as to why, in the opinion of the applicant, these lands are not capable of being developed for residential purposes within the life of the Development Plan. Based on the information set out in the appeal submission I note that parcel ref. B and D are the only areas of Residential (Phase 1) lands which have been discounted on the basis of extant permissions. Parcel ref's A, C, E and F are discounted on the basis of site configuration/proximity to protected structures, landlocking/flood risk, multiple ownership, and frontage to a road within the 80 kmph limit, and more generally on the basis that these parcels of Residential (Phase 1) lands have not been developed in intervening period since they were initially zoned for residential development. I am satisfied with the applicant's approach in respect of the

discounting of sites which have permission for residential development (i.e. Parcel Ref's B and D) and similarly consider it reasonable that lands which are affected by flooding (i.e. Parcel Ref. C) would face challenging in being developed, however I am not satisfied that the Residential (Phase 1) zoned lands referred to as Parcel Ref.'s A, E or F could not be developed having regard to the nature of the constraints which the applicant has identified as affecting these lands. In my opinion constraints arising from a narrow site and proximity to protected structures can be addressed through design, and issues relating to access and multiple ownership can be addressed through agreements and alternative access arrangements. Furthermore, the fact the lands have not been developed since 2005 is not in my opinion a sufficient justification for concluding that these lands would not be developable over the life of the current development plan, and in particular I note that this period also coincides with an economic recession which would have slowed the delivery of housing.

- 7.2.5. Objective SGT1 requires that development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development. I consider reference to 'committed to development' as being analogous with sites which have the benefit of planning permission. Based on the information submitted in the appeal the applicant has demonstrated that 50% of the lands zoned Residential (Phase 1) in Headford are committed to development, with Parcel Ref.'s B (c. 1.5 Ha.) and D (c. 2.5 Ha.) equating to c. 53% of Residential (Phase 1) lands.
- 7.2.6. Objective STG1 further requires that residential developments on Residential (Phase 2) lands will be subject to compliance with a number of requirements, including connectivity, and specifically public footpath infrastructure to the town centre. As addressed at paragraph 7.5 (below) the N84 in the vicinity of the appeal site is not served by a public footpath and as such I am not satisfied the appeal site benefits from an appropriate degree of connectivity which would meet the requirements set out in Objective SGT1.
- 7.2.7. In summation, I am not satisfied that a substantiated evidence-based case has been made to warrant the development of Residential (Phase 2) lands ahead of Residential (Phase 1) lands and as such I consider the proposed development would be contrary

to Objective SGT1 of the Galway County Development Plan 2022-2028. I recommend therefore that refusal reason 1 is upheld.

7.3. Refusal Reason 2 (Access)

- 7.3.1. The proposed development includes a vehicular access onto the N84 at a location where the posted speed limit is 60 km (i.e. a transitional zone). TII made an observation to the Planning Authority in respect of the planning application stating that the proposed development would be at variance with Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), which states that the proliferation of entrances which would lead to a diminution in the role of the transition zones must be avoided, and as such the proposed development would adversely affect the operation and safety of the national road network. The second refusal reason generally reflects the TII observation and also notes that the proposal would be contrary to Policy Objective CS6 of the Galway County Development Plan 2022-2028, which requires the protection of the strategic function, capacity and safety of the national road network.
- 7.3.2. In response, the applicant notes that the guidance contained at Section 2.5 of the DoECLG Spatial Planning and National Road Guidelines (2012) applies to Development Plans, that the Guidelines provide that a plan may provide for a limited level of direct access to facilitate orderly development, and that this has been incorporated into the Development Plan through Policy Objective HSGT10. The appellant also notes that Objective HSGT10, as it relates to the N84, only applies to the eastern side of the N84.
- 7.3.3. Subsection (e) of Objective HSGT10 states *'in order to safeguard the capacity, efficiency and safety of the N84 national route, new accesses on this national route between the 50 and 60kmh zone shall be limited, and in this regard the future development of lands to the east of the N84 shall be required to provide for a coordinated access and traffic management approach...'* I note that the requirements of the Guidelines require development plans to incorporate a restrictive approach to access onto national roads within transitional zones and this requirement is reflected in Objective HSGT10. In the first instance Objective HSGT10 requires that new accesses onto the N84 are to be limited. Reference to 'and in this regard' could in my

opinion be read as stipulating further additional requirements for development on the eastern side of the N84, specifically to provide for a coordinated access and traffic approach. In any event I note that the Guidelines do not provide a blanket prohibition in relation to direct accesses onto national roads at transitional zone locations, but rather state that development plans provide for a limited level of direct access where it facilitates orderly development. Objective HSGT10 similarly seeks to limit but not prohibit access to the N84 at transitional zone locations. In my opinion consideration may therefore be given to a proposal for an access onto the N84 at this location.

- 7.3.4. In order to address any concerns which the Board may have in relation to the provision of a direct access onto the N84 within a transitional zone the applicant has proposed an alternative access arrangement in the appeal submission (see *Drawing No. 3003 Rev A*). This alternative access arrangement entails the omission of the proposed access onto the N84 and the use of the internal road network within Eallagh, which is within the applicant's control/ownership, to access the N84 opposite the petrol filling station. I submit to the Board that such a proposal should not be considered as it is materially different from the initial proposal and as such has not been subject to public participation.

7.4. Pedestrian/Cycle Infrastructure

- 7.4.1. There is no public footpath or cycle path provision along the N84 at this location and as such there is no connectivity for pedestrians or cyclists between the appeal site and the centre of Headford. I note that the safety implications of this were raised in the Road Safety Audit. Whilst the proposal provides for pedestrian connectivity through Eallagh this would entail the use of a circuitous route between the appeal site and Headford and does not obviate the need for pedestrian/cycle connectivity along the N84, the most direct route to the centre of Headford. In my opinion, and notwithstanding the option to use the footpath network within Eallagh some pedestrians would still likely use the hard shoulder of the N84 to walk to the centre of Headford as it is the most direct route.
- 7.4.2. The applicant has indicated that they are amenable to paying a special development contribution or entering a licence agreement to deliver a footpath along the N84/Galway Road. Conditions requiring special development contributions may be

imposed under section 48(2)(c) of the Planning and Development Act, 2000, as amended, where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development. I note that this issue was not considered in the report of the Planning Officer and furthermore there are no costings for such a scheme. In my opinion the attachment of a condition requiring a special development contribution is not feasible in this instance given the ambiguity arising from the requirements of such a condition. I similarly consider that the attachment of a condition requiring a licence agreement would be vague, particularly in the absence of any commitment or plans of the Local Authority to provide a footpath at this location and as such would not be appropriate in this instance.

- 7.4.3. As the issue of the non-provision of a public footpath was raised by the appellant in their appeal submission I do not consider it to be a new issue. In summation, given the absence of a footpath and cycle network between the appeal site and the centre of Headford, I consider that the proposed development would endanger public safety by reason of traffic hazard, and as such the proposed development would be contrary to the proper planning and sustainable development of the area.

7.5. Other Matters

- 7.5.1. Material Contravention - The applicant sets out a response to each of the requirements under Section 37 (2) (b) of the Planning and Development Act, 2000, as amended. I note that neither of the reasons in the Notification of Decision to refuse permission issued by the Planning Authority refer to the proposal as being a material contravention of the Development Plan and as such in the event the Board are minded to permit the proposed development I do not consider that the Board is bound by the provision of Section 37 (2) (b) of the Planning and Development Act, 2000, as amended.

- 7.5.2. Water Supply – The Irish Water (now Uisce Eireann) pre-connection enquiry submitted with the planning application notes that the proposed waste⁷ connection for this development connects to the Irish Water network via infrastructure that has not been taken in charge by Irish Water (Third Party Infrastructure), and that this infrastructure connects to the IW network at the existing 200mm uPVC main on the N84. The pre-connection enquiry notes that consent from the third party will be required to make the connection. I note that the adjacent development ‘Eallagh’ is indicated within the control/ownership of the applicant and as such I am satisfied that this issue does not require further examination by the Board.
- 7.5.3. Boundary treatments – The proposal entails a chain link fence along the southern boundary of the site. I note that there is an existing low stone wall at this location and the fence will sit to the front of this wall. Should the Board consider that a grant permission for the proposed development is warranted a more appropriate boundary at this location would be required. A 1.8 metre high block wall, rendered on both sides and capped, would be appropriate in this regard.
- 7.5.4. Institutional Investment - The Section 28 Guidelines, Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021), issued by the Department of Housing, Local Government and Housing, applies to developments comprising 5 or more houses or duplex units. Having regard to the Section 28 Guidelines in respect of ‘Commercial Institutional Investment in Housing’, I consider that the Guidelines would apply to the development, as it comprises/includes 5 or more own-door units and falls within the definition of structure to be used as a dwelling. A condition to restrict the first occupation of these units as outlined by the Guidelines is therefore required. In the event that the Board are minded to grant permission for the proposed development I recommend that ‘Condition RCIIH1’ as per the wording provided in the Guidelines is used as it enables the developer to carry out any enabling or preparatory site works, unlike condition RCIIH2, and as the effect in respect of the residential component is the same.
- 7.5.5. Eallagh – The observation submitted in respect of the appeal expresses frustration at the pace of development within Eallagh and notes that there is an issue in relation to

⁷ Reference to waste connection appears to be a typographical error. It appears that the pre-connection enquiry in fact relates to water supply.

the provision of public lighting within the estate. I note that these issues are outside the scope of the appeal and as such do not warrant further consideration by the Board.

- 7.5.6. Housing Mix – The observation raises concerns in relation to the appropriateness of the housing mix within the proposal, and specifically the need for houses for single people and the elderly. In addition to 3 and 4 bedroom units, the proposed development includes 1 no. single storey 2 bedroom unit. Having regard to the overall number of units proposed within the scheme I am satisfied that the housing mix within the proposal is generally acceptable.

7.6. **Appropriate Assessment**

- 7.6.1. An Appropriate Assessment Screening report was submitted with the planning application. The Screening report identifies Lough Corrib SAC (Site Code: 000297) as being c. 2 km from the appeal site and Lough Corrib SPA (Site Code:004042) as being c. 3.7 km from the appeal site. Due to the distance and lack of connectivity between the appeal site and Lough Corrib SAC and Lough Corrib SPA the Screening report concludes that no significant impacts/effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development, alone or in combination with the other plans and projects in the area. I concur with the conclusions of the Appropriate Assessment Screening report submitted by the applicant. The development site, which is situated in an urban area and is bound by the N84, is not a suitable habitat for regular use by SCI wintering waterbirds of SPA's in the vicinity. The proposed development would not therefore result in any ex-situ effects on wintering water birds.
- 7.6.2. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the Galway County Development Plan 2022 - 2028, to the location of the proposed development on residential zoned lands (Phase 2) in the settlement of Headford, and to Policy Objective SGT1, setting out that Residential (Phase 2) lands are generally not developable within the lifetime of the Development Plan, subject to specified exceptions, the Board is not satisfied that sufficient exceptional grounds have been presented demonstrating that the proposed residential development should be considered on Residential (Phase 2) lands in Headford at this time. The Board considers that the proposed development would, therefore, materially contravene Objective SGT1 of the Galway County Development Plan 2022 - 2028 and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the absence of a footpath or cycle path along the N84 in the vicinity of the appeal site, and therefore the lack of pedestrian/cycle connectivity between the appeal site and the centre of Headford, it is considered that the proposed development would endanger public safety by reason of traffic hazard. The proposed development would be contrary to the proper planning and sustainable development of the area.

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

Ian Campbell
Planning Inspector

5th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315674-23		
Proposed Development Summary	16 no. houses		
Development Address	Eallagh, Headford, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		X	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
			Conclusion
Yes		Class 10, (b), (i) (threshold is 500 dwelling units)	Proposal is significantly below threshold
			Conclusion
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 5th April 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315674-23	
Proposed Development Summary	16 no. houses	
Development Address	Eallagh, Headford, Co. Galway	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> • Nature of the Development • Is the nature of the proposed development exceptional in the context of the existing environment? • Will the development result in the production of any significant waste, emissions or pollutants? 	<p>The proposed development comprises a residential development of 16 no. houses and is located within an urban area.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>	<ul style="list-style-type: none"> • No • No
<ul style="list-style-type: none"> • Size of the Development • Is the size of the proposed development exceptional in the context of the existing environment? • Are there significant cumulative considerations having regard to other existing 	<p>The size of the proposed development would not be described as exceptional in the context of the existing environment.</p> <p>There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.</p>	<ul style="list-style-type: none"> • No • No

and/or permitted projects?		
<ul style="list-style-type: none"> Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.</p>	<ul style="list-style-type: none"> No No
<ul style="list-style-type: none"> Conclusion 		
<ul style="list-style-type: none"> There is no real likelihood of significant effects on the environment. EIA not required. 	<ul style="list-style-type: none"> There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out. 	<ul style="list-style-type: none"> There is a real likelihood of significant effects on the environment. EIAR required.

Inspector: Ian Campbell

Date: 5th April 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)