



An
Bord
Pleanála

Inspector's Report

ABP-316109-23

Development	Construction of a mixed use office, enterprise and residential (32 units) development.
Location	Caherroyn, Athenry, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	2261303.
Applicant(s)	RHOC Athenry Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party versus decision.
Appellant(s)	RHOC Athenry Ltd.
Observer(s)	None.
Date of Site Inspection	19 September 2023.
Inspector	Stephen Rhys Thomas.

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1.0 Site Location and Description

1.1. The subject site is located off the Caheroyn Road in the eastern part of the town of Athenry, north west of the Clarin River. The site is positioned between two housing estates, Caheroyn Avenue to the north and Dunclarin Court to the south. Along Caheroyn Road there are a variety of commercial enterprises and private houses. The site takes an existing entrance from the road and involves the demolition of a single storey dwelling to increase the extent of a new access point. A single storey dwelling is to be removed further down the site and the remains of a further single storey are also to be removed. The site slopes gradually downwards from the road and meets with the banks of the Clarin River to the east. The overall site is overgrown with mature trees and other vegetation.

2.0 Proposed Development

- 2.1. The proposed development comprises a mixed use commercial and 32 residential unit scheme in four blocks and includes the following:
- Demolition of two single storey dwellings and existing partly demolished house,
 - Building 1, a 3 storey duplex building to accommodate two home office/start up units and four 1 bed apartments on the ground floor, and six 2 bedroom apartments on the first and second floor,
 - Building 2, a 3 storey duplex building to accommodate two home office/start up units and six 1 bed roomed apartments on the ground floor, and eight 2 bedroom apartment units on the first and second floor,
 - Building 3, a single storey building to accommodate incubator/start up offices.
 - Building 4, a 3 storey duplex building to accommodate a ground floor Enterprise Centre and eight 2 bed apartments on the first and second floor,
 - A new vehicular and pedestrian access from the Caheroyn Road,
 - Carparking including a number of dedicated electrical charge spaces and ducting to all spaces for future charging points;

- Public & private open spaces, bicycle parking, bin storage, site landscaping, play spaces, ESB Sub Station and public lighting;
- A landscaping and riverside amenity area and associated drainage swales,
- Connection to existing services, revised boundary treatments, footpath connections, signage locations and all associated site development works.

Office Space

- Building 1 102.2 sqm
- Building 2 103.4 sqm
- Building 3 290 sqm
- Building 4 774 sqm

Total office space amounts to 1,269.6 sqm

Residential Component

- 10 One bed apartments, each between 51 and 52 sqm in floor area.
- 22 Two bed apartments, each between 82 and 87 sqm in floor area
- All units have private amenity spaces in excess of 7 sqm.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a notification to refuse permission for six reasons, that can be summarised as follows:

1. Traffic sight lines DM 28
2. Traffic hazard, traffic volumes
3. Surface water deficiencies, WW7 and WW8
4. Excessive residential density, DM 2, UL 1
5. Design – SGV 12, PM 1, PM 6, PM 8 and PM 10, contrary to SRDUA
6. Design - contrary to SRDUA

3.1.2. Each reason in full is reproduced below:

1.The proposed access arrangement would result in an intensification of traffic at a location with insufficient sightlines and would result in a loss of existing on street parking spaces on lands outside the site boundary. DM Standard 28 refers, where a new entrance is proposed, the Planning Authority must consider traffic conditions and available sight lines. Based on the information submitted with the planning application, the Planning Authority is not satisfied that the proposed development would not be contrary to DM Standard 28 of the County Development Plan 2022-2028, whereby turning movements generated by the proposed development onto and from the public road would interfere with the safety and free flow of traffic on the public road and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority is not satisfied based on the Traffic and Transport Assessment, that the proposed development would not would endanger public safety by reason of traffic hazard because the insufficient details of traffic associated with the proposed development alongside a section of the road and at a point where traffic turning movement generated by the development and the remedial works required to provide sightlines from the entrance of the site constitute substantial and significant intervention on a heavily trafficked local route that would interfere with the safety and free flow of traffic on the route. It is considered that, if permitted as proposed, the development would endanger public safety by reason of traffic hazard, obstruction of road users, or otherwise, and would set an undesirable precedence for similar development, and thus be contrary to the proper planning and sustainable development of the area.

3.The proposed development would have a negative impact on the surrounding area given the deficiencies in the drainage of surface water from the site. In the absence of satisfactory details regarding surface water disposal on site and no details of infiltration tests on site, the planning authority considered that the development would contravene Policy Objective WW7 and Policy Objective WW8 of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

4. The Planning Authority are not satisfied based on submissions received that the proposed development would not result in an excessive residential density of development on this site in the context of the provisions of DM Standard 2 and Policy Objective UL1 of the current Galway County Development Plan 2022-2028 and would be out of keeping with the character of neighbouring developments. The proposed development would accordingly and in the absence of sufficient justification also be contrary to the provisions of Development Management Standard 2 and Policy Objective UL1 of the Galway County Development Plan 2022-2028. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

5. The proposed development, in view of its layout, footprint configuration and design, is contrary to the Policy Objective SGV 12 of Section 10.6 of the current Galway County Development Plan 2022- 2028 and contrary to Policy Objectives PM1, PM6, PM8 and PM10 of the current Galway County Development Plan 2022-2028 which is lacking sufficient and appropriately configured communal open space would constitute overdevelopment of the subject site which would detract from the general amenity of the area and also be contrary to the provisions of Section 6.3 and 6.8 of Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) DEHLG (2009) and sections 2, 6 and 7 of Urban Design Manual – A Best Practice Guide DEHLG (2009). The proposed development would, therefore detract from the general amenity of the area, and would accordingly be contrary to the proper planning and sustainable development of the area. The proposed development would in addition, establish an undesirable precedent for similar future developments in the area and would accordingly be contrary to the proper planning and sustainable development of the area.

6. The proposed development, by reason of not adequately reinforcing the existing urban form, contributing to sense of place or perpetuating existing building typologies and massing, thereby assimilating its edge of town setting, is contrary to the current Galway County Development Plan 2022-2028, the provisions of Section 6.3 and 6.8 of Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) DEHLG (2009) and sections 2, 6 and 7 of Urban Design Manual – A Best Practice Guide DEHLG (2009). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

- A detailed planning history that lists large development proposals, both permitted and refused.
- Galway County Development Plan 2022-2028 policies and objectives are listed out, the Athenry LAP is noted as having expired.
- Mitigation measures outlined in the Ecological Impact Assessment are acceptable. Bat survey noted.
- A SFRA has been submitted, no issues arise with respect to flood risk.
- Housing Allocation in the CDP 2022-2028 for Athenry is 777 units, 233 units can be delivered on infill/brownfield lands. 32 units at a density of 34 units per hectare is proposed, this is excessive and is contrary to DM 2. Houses would be better at this location and the excessive density goes against the Sustainable Residential Development in Urban Areas guidelines.
- In urban design terms, the development will not fit into and reinforce surrounding development.
- 15.9% open space is not sufficient for 32 dwellings and commercial development. The scale and design of the proposed development does not meet any of the policy objectives and development management standards of the development plan.
- Road access poor, surface water management not satisfactory, construction phase not stated, water services unknown feasibility. Important drawings that refer to water services layout, visibility and auto track and other drainage drawings could not be found on file.
- The proposed mixed use scheme will achieve the aims of the Council for the area, but the scale and design of the scheme is not satisfactory.

Other aspects of the scheme were acceptable, the recommendation of the Planner to refuse permission based on the more significant elements of the application was issued.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. 11 submissions were received and raised issues aligned with the six reasons for refusal advanced by the planning authority, matters of note include: traffic, parking, residential amenity, overdevelopment, design, environmental impact, biodiversity loss, conflicting development sites (vocational school site) and flooding.

4.0 Planning History

4.1. Appeal site:

PA ref 21/2227 – Permission refused for a discount retail store.

PA ref 13/774 – Extend permission for a car park (80 spaces) and a pedestrian crossing under PA ref 08/1640.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Galway County Development Plan 2022 -2028 is the operative statutory plan for the county. Athenry is identified as an area of Strategic Potential in the RSES but falls outside of the Metropolitan Area Strategic Plan area.
- 5.1.2. Specific Planning Policy for Athenry;

Athenry is classed as a Level 3 Settlement with a Category of Strategic Potential, Table 2.12: Settlement Hierarchy refers. Located within the Oranmore-Athenry Strategic Economic Corridor, figure 2.1 Core Strategy Map refers.

Section 2.4.7 of the County Development Plan 2022- 2028 states: Athenry is identified as an Area of Strategic Potential. Athenry has easy access to the Galway-Dublin railway line and the Galway -Limerick railway line. The town has existing access to broadband infrastructure and associated infrastructure services. Athenry can develop further and accommodate enterprises, e.g. Economic Corridor from Oranmore to Athenry. Economic corridors particularly employment corridors such as the Oranmore – Athenry Strategic corridor must be developed/promoted and serviced to high international standards to attract further Foreign Direct Investment and indigenous industries/ businesses, building on the existing strategic location and infrastructure. This corridor will be promoted sustainably as a centre for major national and international enterprises in a manner that shall be further defined in local planning policies.

- CS 2 Compact Growth - To achieve compact growth through the delivery of new homes in urban areas within the existing built-up footprint of settlements, by developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.
- CS 3 Population Growth - To support and manage the self-sufficient sustainable development of all settlements in a planned manner, with population growth and the development of economic, physical and social infrastructure.
- 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.
- SS 3 Strategic Potential (Level 3) -Support the development of Athenry as a town of Strategic Potential as outlined in the Core Strategy and Settlement Strategy in order to sustain a strong, vibrant urban centre which will act as an important driver for the local economy, reduce travel demand and support a large rural hinterland, while providing a complementary role to the Key Towns and MASP and the smaller towns and villages in the County.

- 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.
- PM 4 Sustainable Movement within Towns -It is a policy objective of the Planning Authority to encourage modal shift in our towns to more sustainable transport alternatives through mixed use development that enables local living and working which is well connected to sustainable transport infrastructure such as walking, cycling, public bus and rail transport.
- PM 6 Health and Wellbeing

Promote the development of healthy and attractive places by ensuring:

- (a) Good urban design principles are integrated into the layout and design of new development;
 - (b) Future development prioritises the need for people to be physically active in their daily lives and promote walking and cycling in the design of streets and public spaces
 - (c) New schools and workplaces are linked to walking and cycling networks
 - (d) The provision of open space considers different types of recreation and amenity uses with connectivity by way of safe, secure walking and cycling routes.
 - (e) Developments are planned for on a multi-functional basis incorporating ecosystem services, climate change measures, Green Infrastructure and key landscape features in their design.
- PM 8 Character and Identity -Ensure the best quality of design is achieved for all new development and that design respects and enhances the specific characteristics unique features of the towns and villages throughout the County.
 - PM 9 Vitality in Towns and Villages (a) To provide an appropriate mix of uses and densities in settlements that are responsive to the needs of people and market demand to support delivery of sustainable, viable and thriving walking neighbourhoods; (b) To encourage a greater usage of backland areas and to promote the redevelopment of sites in the town or village centre where development

will positively contribute to the commercial and residential vitality of the town or village settlement.

- PM 10 Design Quality -To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.
- PM 11 Details of Materials -To ensure that the appearance of buildings, in terms of details and materials (texture, colour, patterns and durability), is of a high standard with enduring quality and has a positive impact on the visual quality of the area.
- CGR 6 Density -Promote the provision of higher density development in close proximity to sustainable transport corridors such as train stations.
- UL 1 Infill Sites -To encourage and promote the development of infill, corner and backland sites in existing towns and villages in accordance with proper planning and sustainable development.
- UL 2 Layout and Design -To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.
- 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.
- AH 12 Placemaking for Towns and villages -Promote the value of placemaking in cooperation with communities in their towns, villages and local areas.

5.1.3. The following are considered relevant in this case:

Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy

Chapter 3 Placemaking Urban Regeneration and Urban Living

Chapter 5 Economic Development, Enterprise and Retail Development

Chapter 7 Infrastructure, Utilities and Environmental Protection

Chapter 8 Tourism and Landscape Section 8.13 – Landscape

Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure Section 10.6

Natural Heritage and Biodiversity Section 10.15 Green and Blue Infrastructure

Chapter 11 Community Development and Social Infrastructure

Chapter 12 Architectural, Archaeological and Cultural Heritage

Chapter 14 Climate Change, Energy and Renewable Resources Section 14.4

Climate Change Adaptation and Mitigation Section 14.6 Flooding

Chapter 15 - Development Management Standards

The **Athenry LAP 2012-2022**,

Chief Executive's Report on the Proposed Deferral of Notices under Section 20(3)(a)(i) and 20(3)(a)(ii) of the Planning & Development Act 2000(as amended), concludes that the lifespan of the Athenry LAP 2012-2018 is extended for a further five years (i.e. up to and including 22nd May 2022). The plan has not been further extended and is now expired.

The Draft Athenry LAP 2023 submission period closed on the 7th July 2023.

According to the Athenry LAP (now expired), the site is subject to two zoning objectives, as follows:

C2 – Commercial Mixed Use – residential is open for consideration,

OS – Open Space / Recreation and Amenity – office and residential not permitted.

5.2. **Natural Heritage Designations**

- 5.2.1. The Monivea Bog SAC is located 6.6 kilometres to the north and the Rahasane Turlough SAC and Rahasane Turlough SPA are located 8.3 kilometres to the south. A NIS was submitted with the application.

5.3. **EIA**

- 5.3.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required, see Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First-Party Appeal was submitted to An Bord Pleanála on the 7th of March 2023 by the Applicant opposing the Planning Authority's decision, the grounds of appeal can be summarised as follows:

- Reason 1 – In accordance with DMURS sightlines are achievable at this urban location.
- Reason 2 – the new junction will operate within capacity, no queuing on site, and no works required beyond the site to facilitate sightlines. Construction phase impacts will be limited and short in duration. Committed developments are noted, however, 22/1098 (demolition of school) received permission after 27 January 2023 a month after the current application was lodged. Full suite of traffic drawings submitted at appendix 4.
- Reason 3 – drainage and flooding. Tank A infiltration tests at this flood zone location varied and so tank A is a sealed unit. Tank B low infiltration rates, but above flood zone and will infiltrate to ground. Full design details for both tanks are included. Surface water from hardstanding within the flood zone is directed to Tank A and then pumped to tank B (holds 48 hour storm period) and infiltration to ground through permeable tank lining. Petrol interceptors are included. Tank B discharges at 2 l/s/ha via a 225mm culvert to an open channel within the flood zone via interactors. SuDS measures are included, passive irrigation of open space. Permeable berms are also proposed along the western bank of the water course and allows lateral infiltration. Full suite of drawings submitted at appendix 4.
- Reason 4 – Residential density will amount to 34 units per hectare on this urban site. The proposal meets national and local guidance on density. DM standard 2 and PO UL 1 are both complied with.
- Reason 5 – Layout and urban design. PO SGV 12 High Quality, Contextually Sensitive Design is irrelevant as it refers to Land Use Zoning Policy Objectives for the Small Growth Villages, volume 2 of the development plan.

In terms of design and layout, PM 1, 6, 8 and 10 are complied with. Nearly 16% of the site is devoted to usable open space and 3,963 sqm of riverside amenity that includes looped walks. National guidelines are also complied with.

- Reason 6 – in terms of design the development contributes to a sense of place and given the set back from the road, three storeys is appropriate.

The appeal is supported by appendices that contain engineering drawings, reduced scale of development drawings at building 02 (omission of second floor of northern portion).

6.2. Planning Authority Response

None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Density
- Design and Layout
- Traffic
- Water Services
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

7.2.1. Both the planning authority and the applicant agree that the Athenry Local Area Plan 2012-2022 is no longer in force and that the County Development Plan is the statutory plan for the town. The County Development Plan states that Athenry is classed as a Level 3 Settlement with a category of Strategic Potential, Table 2.12: Settlement Hierarchy refers. Athenry is located within the Oranmore-Athenry Strategic Economic Corridor, figure 2.1 Core Strategy Map refers. According to the development plan Athenry should sustain a strong, vibrant urban centre which will act as an important driver for the local economy, reduce travel demand and support a large rural hinterland, SS 3 Strategic Potential refers. All of this means that Athenry is recognised as a town that has potential for growth. However, at present there is no local plan to guide that growth because the Athenry LAP 2012 has expired and the Athenry LAP 2023-2029 is not yet complete.

7.2.2. This lack of local planning and specifically land use zoning for the town presents questions around the principle of the proposed development. Without an LAP in place, there are technically no zoning objectives in operation for the town and consequently land is not zoned and each development proposal must be taken on its own merits. The County Development Plan provides a broad policy objective

framework to guide development and logically, if a development proposal is suitably located and accords with the principles of proper planning and sustainable development then it should be considered. The commercial and residential elements of the proposed development can be considered acceptable at this location. In this respect I note the lands were zoned C-2 – Commercial Mixed Use in the now expired LAP, a location where commercial is permitted in principle and residential is open for consideration.

7.2.3. A point of interest arises when considering residential development at this location because the quantum of units proposed would normally require the application of Part V Housing Supply of the Planning and Development Act 2000 (as amended). The planning authority have prepared a housing strategy, and this is based upon land zoned for residential purposes or land that includes where residential development can be considered. The Galway County Housing Strategy and Housing Need Demand Assessment June 2022 was drafted in May 2021 and forms the basis for the current housing strategy for the county, it sets the scale of house building and allows evidence based information to plan for the quantum of land required. The Housing Strategy and Housing Need Demand Assessment makes frequent reference to Athenry and the LAP that was in place during analysis. The assessment notes that a target population growth of up to 1,122 persons for Athenry up to 2016 and 32.36Ha is required to accommodate residential units over the 21012 LAP plan period. Now given the significant growth patterns experienced in Athenry over the last two Census periods, ensuring appropriate, sustainable settlement patterns is required. It follows that lands previously zoned for housing have been considered in the calculations for housing demand in the county at large.

7.2.4. Athenry LAP 2023 is currently in progress. However, I am satisfied that the proposal now before the Board can be considered in its entirety, commercial and residential components. Finally, I am satisfied that if permission is considered, a condition with reference to Part V can be attached, making possible for an agreement in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended.

7.3. **Density**

- 7.3.1. Linked with the matter discussed at section 7.2 above, the planning authority refused permission because the development poses an excessive residential density at this location, reason four refers. Submissions were received by the planning authority and these were considered in the context of the provisions of DM Standard 2 and Policy Objective UL1 of the current Galway County Development Plan 2022-2028. The planning authority concluded that insufficient justification had been given as to why this is a suitable location for higher residential densities. The applicant disagrees and section 6.5 of the grounds of appeal set out in detail why the densities proposed are acceptable, national and local policy objectives are cited.
- 7.3.2. The applicant references NPO 36 of the NPF, more correctly NPO 35, that states a need to 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. The applicant goes on to reference how Athenry has grown and should be considered as a larger town under the Sustainable Residential Development in Urban Areas guidelines (density guidelines), where net densities of less than 30 dwellings per hectare should be discouraged, table 1 of the grounds of appeal refer. The apartment guidelines are also referenced to support the proposed scheme and the intermediate urban location of the site is highlighted. Lastly, the applicant explains that a Planning Statement was submitted with the application, DM Standard 2 has been complied with and the densities proposed comply with Policy Objective UL 1 that seeks to encourage the development of infill/backland sites in existing towns in accordance with proper planning and sustainable development.
- 7.3.3. The majority of the site is set back from the Caheroyn Road and will be accessed by a new street, the site is logically a backland site for the purposes of any planning assessment. Development either side of the main portion of the site comprises very low density housing, in some cases individual houses on large garden plots. The densities proposed would be a departure from the prevailing character of the area in simple housing density terms. The applicant is correct to look at the density guidelines for advice in relation to appropriate residential density and I note that the 2012 LAP was drafted in the context of the guidelines, section 1.4.1 of the LAP refers. I agree that given the locational advantages of this site, its proximity to the town centre (250 metres), railway station (600 metres), public open spaces, amenity

areas and schools (200 -300 metres), higher densities should be considered here. Putting to one side the applicant's assertion that Athenry should be considered under section 5 of the density guidelines, as a city or large town. Section 6 of the guidelines refers to small towns and villages, Athenry comfortably fits into this category. That being so, the lands should be considered an edge of town centre site and as such densities between a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation. I note that table 15.1 of the County Development Plan states that Strategic Potential/Self Sustaining Towns such as Athenry, new residential development at town centre/infill/brownfield sites such as this, a density of 25 or site specific would be expected. In addition, I note that Chapter 2 *Core Strategy, Settlement Strategy and Housing Strategy* sets a standard density at 35 Dwellings Per Hectare. The current County Development Plan goes on to acknowledge that to achieve the aspirations of the NPF a higher density level may be applied at strategic locations with good access to public transport services. Higher density development will only be applied where appropriate and where a good standard of development is proposed. The development comprises 34 units per hectare and this is not an excessive density when the locational characteristics of the site are taken into account. I see no conflict with the development plan in terms of residential density.

7.3.4. Policy Objective UL1 of the Galway County Development Plan seeks to encourage and promote the development of backland sites in existing towns, the proposed density meets this objective by a proposal for a more efficient use of serviced land. However, higher density development that sits side by side with existing low density housing must be considered in accordance with proper planning and sustainable development. It is in relation to the scale of development proposed and its impact on the area, that I consider in the context of refusal reasons five and six in the next sections of my report. In summary, I am satisfied that a residential density of 34 units per hectare is an acceptable and sustainable density at this location of the town, fully in accordance with the policy objectives of the development plan with reference to compact settlements.

7.4. **Design and Layout**

- 7.4.1. The planning authority are not satisfied that the design and layout of the scheme proposed is acceptable at this location. Reasons five and six of the refusal refer to concerns that broadly centre around the layout of the development and the design, scale and massing of buildings therein.
- 7.4.2. The reasons for refusal are set out in their entirety at section 3.1 of my report. An Architectural Design Statement was submitted with the planning application prepared by O'Neill O'Malley Architecture. The applicant goes through in detail, each element of both refusal reasons as they contain a number of contraventions of the development plan, according to the planning authority.
- 7.4.3. Reason 5 – the applicant points out that Policy Objective SGV 12 is irrelevant and should be discounted. Policy Objective SGV 12 *High Quality, Contextually Sensitive Design* is a component of the Land Use Zoning Policy Objectives for the Small Growth Villages table, in section 10.6 of the advice for small growth villages at volume 2 of the development plan. I agree in part that the reference to Policy Objective SGV 12 is an error, however the guiding principles of good urban design and placemaking set out in this section of the statutory plan can just as easily be transferred to a place like Athenry. In any case references made to other policy objectives in refusal reason five are relevant and the applicant counters each one raised by the planning authority. Table 2 of the grounds of appeal set out in detail where the proposed development meets the requirements of policy objectives PM 1, PM 6, PM 8 and PM 10. I have reproduced in full each of these policy objectives at section 5.1 of my report. In short and collectively, these objectives relate to placemaking, health/wellbeing, character and identity and quality of design.
- 7.4.4. I note that the applicant has supplied a number of drawings that include revisions to address the reasons for refusal, I reference these drawings and those originally submitted with the application in my analysis that follows. The Planning Statement that accompanies the application states that the proposed scheme consists of a high quality mixed use enterprise, office and residential development. The Architectural Design Statement sets how the development meets will all relevant policy objectives and national guidance.
- 7.4.5. From my reading of the plans, in terms of layout, the site is accessed from the Caheroyn Road, between existing single storey housing and a small area of

incidental open space aligns the access route. Linear open space encircles the site, forming a circulatory pedestrian route, well overlooked and meeting at a large area of open space alongside the Clarin River. There are four proposed buildings arranged around the central spine street of the site. Building 01 is three storeys in height, it aligns the southern boundary of the site. Similar to building 01, building 02 is three storeys in height, and this building aligns the northern boundary of the site. Building 02 has been amended by drawings that accompany the appeal, with the western half reduced to two storeys. Building 03 is a commercial office unit in a bungalow form hence single storey. Finally, building 04 is three storeys in height and comprises a ground floor commercial office area with upper floors for residential use. The architectural design of each building is similar in format, with pitched roofs, plaster render and stone finishes in places. I describe the overall style as a contemporary and modern interpretation of domestic architecture.

7.4.6. The applicant prepared a Design Manual for Urban Roads and Streets (DMURS) statement. Carparking aligns the access street and the large open space along the river, the degree of car spaces dominates the streetscape and will result in an unrelenting perception of hard space. But can be improved with planted build outs as advised by the DMURS, section 4.4.9 and figure 4.76 refer. The access street terminates at the northern and southern boundary of the site, but a grass margin separates the street edge from the boundary. In order to facilitate development to the north and south of the site, this grass margin should be eliminated to prevent a ransom strip to future development.

7.4.7. The policy objectives referenced by the planning authority (PM 1, PM 6, PM 8 and PM 10) allow for a certain degree of flexibility in terms of meeting what in reality are qualitative standards. The planning authority view the scheme as overdevelopment of the site and consequently fails to meet the standards of the plan. However, my opinion differs, I have already stated that the residential density proposed is acceptable and would not be contrary to development plan policy objectives for growth towns like Athenry. In terms of the design and layout, the applicant has proposed an arrangement of four buildings logically placed and facing a large area of zoned open space. The principles of placemaking (PM 1) have been followed, all public open spaces are passively supervised and safe. In terms of Urban Design (PM 6), the development will plug into the existing street network, it is well connected and

close to amenities. The development will add a character to the area (PM 8) by introducing new public realm, open space and access to the Clarin River. The buildings are well designed in a modern and contemporary style. There is nothing inherently bad in terms of layout and design and so I am satisfied that the proposal is broadly acceptable. I acknowledge that the prevailing character of the area is very low density but to persist with a similar form of development at such a location close to so many amenities would be wasteful and not in the interests of good planning and sustainable development.

7.4.8. Reason 6 – In a similar vein to reason five, the planning authority are not satisfied that the proposed development is the right fit for this location. It is their view that in terms of overall urban form, lack of a sense of place and a discord with the existing format of buildings and massing at this edge of town setting would be contrary to the plan. The applicant disagrees and sets out their rationale for the design as presented.

7.4.9. Firstly, I consider this location to be edge of town centre and not the edge of the town. There are numerous other housing estates in all directions bar south east across the Clarin River. More accurately I consider this to be an infill or backland site, well within the town and next to the town centre and all its amenities. The planning authority's considerations included section 6.3 of the Density Guidelines, that states amongst other things that planning authorities should not consider extensive proposals for new development, including residential development, in these smaller towns and villages in the absence of an adopted local area plan. I have already noted that the LAP for Athenry has expired a new plan is underway. However, I do not consider that Athenry is in any way left unplanned and in this case, I do not consider the subject appeal to be an extensive proposal in terms of scale and site area. In addition, I note that section 6.3 of the Density Guidelines goes to advise in favour of compact towns and higher densities by choosing well integrated sites within and around the town centre in question rather than focusing on rapid growth driven by one very large site. Such is the case for the subject site in this instance. Likewise section 6.8 of the Density Guidelines advises in favour of making the most effective use of a site, optimising sustainability; creating a sense of identity and place, effective connections for pedestrians and cyclists and include a design approach that provides new and safe public spaces. The proposed

development meets these objectives as illustrated in the accompanying Urban Design Manual in terms of connections, distinctiveness and layout.

- 7.4.10. The applicant prepared a detailed Architectural Design Statement that provided a robust design response to this site in the first place. The proposed layout recognises the backland/infill nature of the lands and the constraints and opportunities presented by the proximity of the Clarin River. In addition, the applicant has responded to the planning authority's concerns in their grounds of appeal and submitted a marginally revised proposal that omits units at building 02. All in all, I am satisfied that the proposed layout is acceptable and responds well to this site at the edge of the town centre of Athenry
- 7.4.11. Residential amenity – I note that a number of submissions were received by the planning authority from neighbouring properties with concerns about the loss of residential amenity currently enjoyed. Residential amenity was not raised in any of the reasons for refusal that issued in the planning authority's decision and no observations or third party appeals have been received by the Board in relation to this appeal. However, for the sake of clarity I prefer to address this issue in the context of the initial drawings lodged with the planning authority and those submitted with the grounds of appeal.
- 7.4.12. I can see that a single storey dwelling is located to the north of building 02. The existing single storey dwelling with attic accommodation was built in the rear garden of a cottage along Caheroyn Road. Building 02, at three storeys will be located just over 16 metres to the south of the existing dwelling, from which kitchen and bedroom windows could overlook to the north. A mature hedge separates properties and the existing dwelling to the north is positioned close to the boundary. The applicant has identified that there could be some issues to do with residential amenity and the dwelling to the north and revised drawings have been submitted. The revised drawings show the second floor units 17, 18, 19 and 20 omitted at the north western portion of building 02. The changes comprise no change to units 11, 12, 13 and 14 at ground floor, but new one bed units at 17, 18, 19 and 20. Essentially, the northern portion of building 02 will be two storey with a pitched roof. I can see how this addresses some issues to do with overbearing appearance, part of building 02 is now two storey. In terms of overlooking, the potential for direct overlooking remains and this could simply be addressed by shifting buildings 02 and 01 south westwards

by as little as 5 metres. The access street can be easily realigned and redesigned in accordance with DMURS and the linear public open space to the rear of building 01 omitted and subsumed into the rear terraces of units 1, 2, 3, and 4 and home office units 02 at either end of the block. The loss to overall public open space would be minimal due to the resultant increase in linear open space to the rear of building 02 and acceptable given the general benefit of preserving existing residential amenity. There would be no material changes to water services design and attenuation tanks can remain in their planned locations.

- 7.4.13. The applicant also prepared shadow analysis that shows overshadowing is not a factor of concern. Given the amendments advanced by the applicant with reference to building 02 and my own recommendations, I am satisfied that no adverse loss of light or overshadowing will result to neighbouring property. Lastly, building 04 is located over 38 metres from the rear elevation of the existing dwelling to the north and so given the separation distance involved I anticipate no adverse effects as a result. I am satisfied that the proposed development as amended by the applicant and my own recommendations have addressed issues to do with residential amenity and existing dwellings in the vicinity.

7.5. Traffic

- 7.5.1. The planning authority refused permission for the development on traffic grounds, reasons one and two refer. Loss of on street car parking is cited as undesirable and interference with the free flow of traffic is raised. The applicant points out that access to the site will be from the Caheroyn Road and that the required visibility splay of 49 metres in accordance with DMURS is achieved. The design of this junction will operate within limits with little or no queuing, the Traffic and Transport Assessment demonstrates this. A Construction Stage Traffic Management Plan will deal with the construction phase of development and take into account permitted development in the vicinity as relevant.
- 7.5.2. It is important to understand the context of the site, this is a backland site no more than 200 metres from the town centre and 600 metres from the railway station. There are schools, community facilities, commercial and retail units and sporting facilities all within easy reach of this site. I consider it to be a well located and well connected site in an urban area and where the Design Manual for Urban Roads and Streets

(DMURS) apply. The Caheroyn Road is a typical urban street with footpaths on both sides, street lighting and street trees. Car parking is not delineated along the site frontage, but nor is parking discouraged given the geometry and dimensions of the street at this location. It is entirely appropriate for a new vehicular entrance to be located here. In that context I note that in the past, the planning authority granted permission for an 80 space car park and pedestrian crossing, PA ref 13/774 refers. In addition, given the urban context of the site the increases in traffic volumes estimated by the TTA are not significant and traffic speeds are limited to 50kph. All of these factors mean that this is an urban location, and the Design Manual for Urban Roads and Streets (DMURS) applies. To be clear, DMURS replaces existing national design standards and shall be used throughout all urban areas in Ireland when designing/upgrading roads and streets. The use of DMURS is mandatory for all road authorities (Circular RW 6/2013) and (PL 17/2013) applies to all Roads and Streets in Urban Areas, in this instance no other guidance document is relevant.

- 7.5.3. The planning authority have stated in the first reason for refusal that DM Standard 28 should be invoked and given the lack of information they are concerned that traffic safety is at risk. DM Standard 28 requires road junction visibility requirements shall comply with Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) (DN-GEO-03060) for rural roads and Design Manual for Urban Roads and Streets for urban roads (including any updated/ superseding document). In this instance DMURS is the required standard to achieve and the applicant states that this is the case. I note that section 4.4.4 of DMURS deals with forward visibility and section 4.4.5 of DMURS deals with visibility splays, the two elements are linked. Specifically, table 4.2 sets out reduced Stopping Sight Distances (SSD) standards for an application within cities, towns and villages. Forward visibility is set at 45 metres where the design speed is 50 kph, such as this location. The applicant demonstrates with drawings that sightlines of 49 metres can be achieved without the need to remove signs or any other works outside of the site, drawing number 11517-2004-P02. In addition, the applicant prepared a DMURS Report that explains a consistency of approach with the standards set out in DMURS, its contents are noted. I am satisfied that in this instance DM Standard 28 has been complied with insofar as the principles of DMURS have been followed and reducing forward visibility increases

driver caution and reduces vehicle speeds. I am satisfied that the proposed development will not endanger traffic safety by reason of traffic hazard or any other reason to do with traffic in general.

- 7.5.4. The second reason for refusal builds on the lack of sightlines, the need to carry out remedial work off site along the street and the lack of detail on traffic volumes that would all lead to a traffic hazard. I have already set out the context of the site and the overemphasis by the planning authority on the importance of preserving traffic free flow at this urban location is misplaced. The TTA prepared by Tobin Consulting Engineers for the applicant concludes minimal increases in traffic flows and this is down to a variety of factors including the locational aspect of the site. No remedial works are either required or necessary in the vicinity of the new junction. I note the comments made by the planning authority in which they reference a Road and Transportation Department Report. I have been unable to locate this report on the digital file, but I note its contents as set out in the Planner's Report dated 24 February 2023. I have not seen a critical analysis by the planning authority regarding the contents and findings of the TTA. In any case I am satisfied that the TTA has been carried out and completed in accordance with the NRA 'Traffic and Transport Assessment Guidelines' (May 2014); and the NRA Project Appraisal Guidelines for National Roads Unit 5.3: Travel Demand Projections. The findings and conclusions of the TTA are not unusual for such an urban site and the moderate quantum of development proposed. I see no reason to refuse the development on traffic safety grounds and a suitably worded condition can ensure that works at the new junction are carried out to the technical standards required by the planning authority. With regard to the construction phase of the development, the preparation of a construction traffic management plan should be agreed with the planning authority before development commences.

7.6. **Water Services**

- 7.6.1. The planning authority could not locate specific drawings on the digital file that correspond with watermain, wastewater and surface water layout drawings. In the absence of these water services drawings permission was refused. However, the applicant has submitted these drawings with the grounds of appeal, drawing numbers 11517-2001-P02, 11517-2002-P02 and 11517-2015-P02 all refer. In the first instance I am surprised that this information was not sought by the planning

authority either at planning application validation stage or as a request for further information. Secondly, the grounds of appeal and all its accompanying documentation and drawings were forwarded to the planning authority and comments invited. The planning authority elected not to respond to the Board's invitation and hence their original comments on the Planning Report stand. In that case, I note that with reference to water supply, a standard condition is recommended. In terms of waste water, a public sewer connection is noted without other commentary. Lastly with respect to surface water management of the site and entrance, the lack of on site testing is highlighted and so DM Standard 67 of the plan would be contravened. However, I note that Appendix B – Storm Sewer Design and Calculations are included in the Civil Works Design Report prepared by Tobin Consulting Engineers and these were submitted with the planning application documentation. The reason for refusal cites Policy Objective WW7 and WW8 of the county development plan. The grounds of appeal also include a detailed response to reason 3, appendix 3 refers. I am satisfied that there is sufficient information on file to allow an assessment of water services for this site.

- 7.6.2. The planning authority anticipate a negative impact on the surrounding area given the deficiencies in the drainage of surface water from the site. From the information on file, I can see that two attenuation tanks are proposed, tank A with zero soakaway, located at the eastern end of the site within the flood zone, its contents are pumped westwards to tank B for percolation to ground and via sustainable urban drainage systems. Tank B is larger (400m³ volume), located above the flood zone and to the west of the site and will soakaway to ground and also to swales (SuDS measures) within the large open space. The majority of surface water is firstly directed to tank A and then to tank B for distribution to SuDS measures and percolation to ground. According to the information on file the attenuation tanks have been sized to take account of climate change and to discharge at greenfield rates. The applicant explains that given the site infiltration test results (to be found at Appendix B of the Civil Works Design Report prepared by Tobin Consulting Engineers), the attenuation tanks and infiltration rates have been sized accordingly.
- 7.6.3. I note that a 225mm combined sewer bisects the western end of the site and that wastewater will enter at the northern end, a pre-connection application was submitted to Uisce Éireann a Confirmation of Feasibility from Uisce Éireann is

pending. The appeal site involves the separation of surface water and wastewater, the applicant explains that only wastewater will enter the 225mm combined sewer. Therefore, all surface water will be managed on site and technical details to do with surface water drainage at the entrance can be addressed by an appropriately worded condition.

7.6.4. Linked to surface water management, the applicant prepared a Flood Risk Assessment (FRA), the planning authority noted the findings and agreed with the conclusions contained therein. Flood risk is not raised in the third reason for refusal. The FRA identifies the extent of flood zones on the site, and this limits the extent of development across the site. The FRA also identifies that the final development will increase net floodplain storage and will not obstruct the flow path of any existing watercourses. Fluvial flooding is identified as the principal area of concern for the site and so the proposed development was designed in accordance with the sequential approach, and incorporated measures to mitigate flood risk to the site, and any off-site impacts, and according to the applicant meets the criteria of the Justification Test. Drawing 11517-2014-P02 illustrates flood storage volumes after development and I am satisfied that the proposed works on their own will not increase the potential for flooding off site.

7.6.5. I am satisfied that approach to surface water management of the site is acceptable and based upon on site surveys and best practice. SuDS measures are proposed, and this is to be welcomed and an appropriately worded condition attached. Wastewater will enter the municipal system and this is to be expected, confirmation of feasibility is pending in this regard but this not a sufficient reason to refuse permission. In terms of water services, I am satisfied that the proposed development can be accommodated, and any technical details to do with surface water drainage and the junction of the site onto the public road can be addressed by condition.

7.7. Other Matters

7.7.1. Residential Standards – I note that the planning authority raised no issues with the residential standards employed in the design and layout of the proposed units. I can see that all units meet or exceed the design standards set out in the Apartment Guidelines, appendix 2 of the Architect's Design Statement refer. I am satisfied that

the design, orientation and amenity associated with the proposed units will result in acceptable living accommodation for future occupants.

- 7.7.2. Part V – The applicant submitted a Part V housing development proposal and this is noted by the planning authority. Notwithstanding the current status of the Athenry LAP, I am satisfied that an appropriate condition with reference to Part V of the Planning and Development Act 2000, as amended can be attached if permission is granted.

7.8. **Appropriate Assessment**

Introduction

- 7.8.1. The applicant has prepared an AA Screening Report as part of a Natura Impact Statement (NIS). The screening report concludes that potential impacts on two identified European sites may arise as a result of the proposed development, and so an NIS has been prepared. 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.

Compliance with Article 6(3) of the Habitats Directive

- 7.8.2. 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).
- 7.8.3. The applicant has submitted a Screening Report for Appropriate Assessment as well as an NIS. The Screening Report and NIS have been prepared by Colette Casey (B.Sc (Hons) Consultant Ecologist). The Report provides a description of the

proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report states that the site and proposed works are connected via a hydrological connection given the proximity of the Clarin River. The screening report concludes that there is the potential for surface water runoff from the construction phase to enter the Galway Bay Complex SAC and the Inner Galway Bay SPA via a hydrological connection to the East of the application site. In the absence of mitigation measures this could result in likely changes to the SAC/SPA. Due to the identifiable connector/ receptor pathway between the application site and the Galway Bay SAC and Inner Galway Bay SPA and the presence of invasive species on site significant impacts cannot be ruled out. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Need for Stage 1 AA Screening

- 7.8.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Brief Description of the Development

- 7.8.5. The applicant provides a description of the project in Section 3.1 of the Screening Report. The development is also summarised in Section 2 of my Report. In summary, permission is sought for the demolition of three houses and the construction of a mixed used scheme comprising office space and 32 apartment units on a site of 1.34 hectares. Land uses in the vicinity include residential properties. The site is serviced by public water supply and foul drainage networks. Wastewater will be collected within the development via a network of sewers for ultimate discharge to the public combined sewer that runs to the rear of housing along the Caheroyn Road.

- 7.8.6. New drainage infrastructure will be provided within the proposed development to deal with new runoff from the developed site. Surface water run-off from the completed development will be directed to an engineered surface water system, coupled with multiple attenuation tanks. The surface water system will consist of two systems with hydro-brake restricted flow rate matching the contributing areas and return periods. Collected surface waters will pass through a hydrocarbon interceptor before the final outfall to SuDS measures on site and percolation to ground. The Site is 10.94 kilometres from the Galway Bay Complex SAC and 12.41 kilometres from the Inner Galway Bay SPA. According to the screening report the site is considered to be connected via surface water pathways (Clarín River) to both of these Natura 2000 sites.
- 7.8.7. The habitats on site are a combination of: dry meadows and grassy verges, buildings and artificial surfaces, scrub, riparian woodland, treeline, conifer woodland, stonewall and amenity grassland. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. The site is underlain by carboniferous limestone till. Topsoil on site consists of fine loamy drift with limestone derived from limestone till. Onsite there is also urban man-made soils. The groundwater vulnerability within the site ranges H.

Submissions and Observations

- 7.8.8. The submissions and observations from the Local Authority, Prescribed Bodies, and other observers are summarised in section 3 above. There are no submissions that directly refer to appropriate assessment matters.

Zone of Influence

- 7.8.9. A summary of European Sites within 15 kilometres of the site is presented in Section 3.2.1 (*Site Location in Relation to Natura 2000 Sites*) of the AA Screening Report. The proposed development is not located within or immediately adjacent to any European Site. Table 3.1 lists out 10 sites using Source-Pathway-Receptor Model and figure 3.3 illustrates their locations relative to the site. The report has reviewed connectivity between the sites and the proposed works. The zone of influence adopted for the project is therefore related to hydrological connectivity, given the relatively large distances to sites. Sites not linked are considered to be sufficiently distant from the plan area and / or have no landscape or ecological connectivity with

the Site which supports the conclusion that no significant effects are likely. The report concludes that the proximity of the Clarin River and its flow path into the Galway Bay Complex SAC and Inner Galway Bay SPA approximately 14.8km downstream of the application site. Given that part of the site has been identified as a flood plain of the river, a hydrological connection exists and significant indirect impacts cannot be ruled out in the absence of mitigation measures.

- 7.8.10. Impacts predicted are likely to be a deterioration in water quality associated with the Galway Bay SAC and SPA. No disturbance is predicted on Bird species associated with the SPA due to the significant distance between the application site and the SPA.
- 7.8.11. There are no Annex 1 habitats present within the proposed development site or its immediate environs. There are no records of any species or habitats for which European sites are designated within the development site. Other Natura 2000 sites are not likely to be affected given the nature and scale of the proposed development in addition to their distance from the Site.
- 7.8.12. Table 7.1 of the applicant's screening report identifies the Likely Significant Effects potential impacts in the absence of mitigation associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, and examines whether there are any European sites within the zone of influence. The single issue examined is the potential for linkage through hydrological connections and the impacts that might arise from emissions to water, invasive species are also noted. The applicant's screening assessment concludes that the risk of potential significant effects on two European sites cannot be ruled out, during the construction and operational phases, and the two sites are: The River Galway Bay Complex SAC and Inner Galway Bay SPA.

Screening Assessment

- 7.8.13. In terms of zone of interest there are 10 Natura 2000 sites that are within 15 km of the application site, they are as follows: Monivea Bog SAC Site Code: 002352, Lough Corrib SAC Site Code: 000297, Rahasane Turlough SAC Site Code: 000322, Galway Bay Complex SAC Site Code: 000268, Castletaylor Complex SAC Site Code: 000242, Lough Fingall Complex SAC Site code: 000606, Kiltiernan Turlough

SAC Site Code: 001285, Rahasane Turlough SPA Site Code: 004089, Cregganna Marsh SPA Site Code: 004142 and the Inner Galway Bay SPA Site Code: 004031.

7.8.14. In applying the ‘source-pathway-receptor’ model to all Natura 2000 sites within 15 km of the application site I am satisfied that the potential for impacts on the Monivea Bog SAC Site Code: 002352, Lough Corrib SAC Site Code: 000297, Rahasane Turlough SAC Site Code: 000322, Castletaylor Complex SAC Site Code: 000242 Lough Fingall Complex SAC Site Code: 000606, Kiltiernan Turlough SAC Site Code 001285, Rahasane Turlough SPA Site Code: 004089, and the Cregganna Marsh SPA Site Code: 004142 can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

7.8.15. In applying the ‘source-pathway-receptor’ model, I consider that the following sites could potentially be affected due to connections via surface water drainage:

- Galway Bay Complex SAC Site Code: 000268
- Inner Galway Bay SPA Site Code: 004031.

The Qualifying Interests of these two sites are as follows:

7.8.16. European sites assessed for the purpose of screening.

Site name and code	Distance from the site	Qualifying Interest
Galway Bay Complex SAC Site Code: 000268	10.94 km	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310]

		<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion 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</p> <p>Site Code 004031</p>	12.41 km	<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>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>

		Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]
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7.8.17. The submitted AA Screening Report notes the possibility of a direct hydrological link to these sites and notes the potential run-off of pollutants from the construction work from the site that ultimately drains to the Galway Bay via the Clarin River and is therefore directly connected to the Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031.

Consideration of Impacts:

- There is nothing unique or particularly challenging about the proposed brown field development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to all the European sites listed above.
- During the operational stage surface water from the proposed development could outfall to existing drainage on site and ultimately to the Clarin River and onwards to Galway Bay some distance to the south west.
- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.

- In terms of in combination impacts other projects within the area which can influence conditions in the Clarin River and Galway Bay and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

7.8.18. Surface water from the proposed development will pass through a range of SuDS measures. Surface water will be attenuated in underground attenuation tanks. All surface waters will pass through a hydrocarbon interceptor before discharge to the surface water network (See 'Civil Works Design Report' and drawings by Tobin Consulting Engineers and for Preliminary Construction Demolition Environmental Waste Management Plan prepared by Colette Casey (B.Sc (Hons)) in partnership with James O' Donnell (BA, MRUP, DipAPM)). These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development or mixed use development on any greenfield or 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.

7.8.19. Good construction practices are required, however, I note the close proximity and direct hydrological link to the two Natura 2000 site picked out for closer examination. This results in the possibility, however limited, of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during construction phase from the proposed development site to the SAC and SPA which has the potential to impact their qualifying interests.

AA Screening Conclusion:

7.8.20. Even though there is nothing unique, particularly challenging or innovative about this urban development on a edge of town centre site, either at construction phase or operational phase, it does present the possibility of direct hydrological connections. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding could be likely to have a significant effect

on the Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031, and Stage II AA is required.

Screening Determination

- 7.8.21. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites, Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.
- 7.8.22. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment: the Monivea Bog SAC Site Code: 002352, Lough Corrib SAC Site Code: 000297, Rahasane Turlough SAC Site Code: 000322, Castletaylor Complex SAC Site Code: 000242 Lough Fingall Complex SAC Site Code: 000606, Kiltiernan Turlough SAC Site Code 001285, Rahasane Turlough SPA Site Code: 004089, and the Cregganna Marsh SPA Site Code: 004142.

Natura Impact Statement

- 7.8.23. The application included a NIS which examines and assesses the potential adverse effects of the proposed development on the Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031. It was prepared in line with current best practice guidance and provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed.
- 7.8.24. Having reviewed the documents, submissions and consultations I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031 alone, or in combination with other plans and projects.

Effects on the integrity of Natura 2000 sites

7.8.25. The detailed description of the project is set out in section 2 of the applicant's NIS, section 2 of my report above and basically comprises 32 dwelling units and office/incubator units on 1.34 Hectares. Section 5 of the NIS provides a detailed description of the Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031 The qualifying interests and conservation objectives for these sites are set out in Table 5.1 of the applicant's NIS documentation.

7.8.26. The NIS explains that the elements of the project identified as having potential to affect Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031 are as follows:

- Emissions to Water - Discharge of surface water run-off during construction and operation.

The Site ultimately drains to Galway Bay via the Clarin River, on site SuDS measures and attenuation tank will percolate to ground and therefore present the possibility of being directly connected to the Galway Bay Complex SAC and Inner Galway Bay SPA. This is a reasonable conclusion to reach and I agree that these two sites, located some distance to the south west may share a hydrological link with the subject site. In this context, during the construction of the proposed residential development, surface water run-off from the site during periods of heavy rainfall, and leaks or spills from construction plant and equipment, have the potential to release contaminated surface water. Any contaminants in this surface water may enter the Galway Bay via the Clarin River and this has the potential to cause negative effects on aquatic species such as and habitats associated with the SAC and SPA.

Potential Adverse Impacts

7.8.27. The main aspect of the proposed development that could adversely affect the conservation objectives of European sites include hydrological linkage. Surface water run off associated with the construction stage could potentially enter both the Galway Bay Complex SAC and Inner Galway Bay SPA. There is a direct hydrological link from the site that adjoins the Clarin River on the eastern portion of the site which flows to Galway Bay. Therefore, there is potential for indirect effects on surface water quality during site preparation and earthworks, including potentially contaminating material such as oils, fuels, lubricants, other construction related solutions and cement based products would be used on site during the construction

phase and the accidental emission of such a material would have the potential to undermine water quality within Galway Bay.

7.8.28. Any uncontrolled release of contaminated surface water to the Clarin River would likely be rapidly diluted and distributed prior to reaching Galway Bay.

Notwithstanding this, the ongoing discharge of waters with high concentrations of contaminating substances could over time lead to the deposition of such contaminants, which has the potential to undermine the conservation status of the designated sites. Section 6 of the NIS recommends control mitigation and best practice measures to protect the environment from pollutants and these are clearly set out.

7.8.29. These include site set up and silt fence, earthworks, air quality dust and emission control, refuelling, licensing, water contamination control and drainage measures. Broadly, adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks. All surface waters are to be treated for the removal of contaminants such as floating debris, suspended solids and hydrocarbons prior to eventual discharge to the channel located to the north of the site during the operational phase.

7.8.30. Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of both the Galway Bay Complex SAC and Inner Galway Bay SPA, in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.8.31. The applicant's Screening Report states that planning applications in the vicinity of the proposed works were considered. In general, the projects and plans are subject to their own assessments that will need to ensure that they will not in themselves or in combination with other plans or projects have the potential to adversely impact upon the nearby designated sites.

7.8.32. Potential cumulative effects in relation to other developments include construction related surface-water run-off, where qualifying interests associated with Galway Bay Complex SAC and Inner Galway Bay SPA. could be subject to cumulative impact

through hydrological or water quality impacts such as increased siltation, nutrient release and contaminated run-off arising from other developments. All of these projects have been considered on their own and in relation to the potential for any cumulative or in combination impacts arising from any combination of these projects proceeding in the future.

- 7.8.33. Having regard to the proposed environmental management and controls integrated into the project design and for other projects planned or proposed in the area cumulative and in-combination effects relating to other developments are not considered to be relevant in this case. I am satisfied that the proposed project will not have an effect individually or together with any other plan or project.

Evaluation of Effects

- 7.8.34. I consider that the proposed mitigation measures set out in the NIS, the Civil Works Design Report, Preliminary Construction Demolition Environmental Waste Management Plan, Flood Risk Assessment, Bat Survey, Ecological Impact Assessment Report, Storm Water Management and SuDS Assessment are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed development and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not be likely to have an adverse effect on the Galway Bay Complex SAC and Inner Galway Bay SPA.

Conclusion

- 7.8.35. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031.
- 7.8.36. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its / their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Galway Bay Complex SAC Site Code:

000268 and Inner Galway Bay SPA Site Code: 004031, or any other European site, in view of the site's Conservation Objectives.

7.8.37. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. In this respect I am satisfied that a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of both the Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031 has been possible. A detailed assessment of in-combination effects with other plans and projects including current proposals and future plans has taken place. There is no reasonable scientific doubt as to the absence of adverse effects on the integrity of both the Galway Bay Complex SAC Site Code: 000268 and Inner Galway Bay SPA Site Code: 004031.

8.0 Recommendation

8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the Galway County Development Plan 2022 -2028, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 22nd day of March 2023, except as

may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

a) Building 01 and Building 02 shall be repositioned 5 metres south westwards and the access street realigned in accordance with the Design Manual for Urban Roads and Streets.

b) The area of linear public space to the south and rear of Building 01 shall be omitted and the reduced area shall be amalgamated with the private amenity areas of residential units 1, 2, 3, and 4 and home office units 02 at either end of Building 01.

c) The area of public open space and emergency access to the north and rear of Building 02 shall be increased in width and overall area to take account of the new position of Buildings 01 and 02 indicated at a) above.

d) Surface car parking spaces along the access street and public open space shall be redesigned to include an increased number of landscaped build-outs, to include appropriately scaled street trees and designed in accordance with the Design Manual for Urban Roads and Streets.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. All mitigation and monitoring commitments identified in the Natura Impact Statement and other particulars submitted with the application and as amended in the Further Information submitted on the 16th day of February 2023 shall be

implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

4. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

7. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

(a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.

(b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.

(d) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.

(e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

8. All roads and footpaths shown connecting to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the Planning Authority.

Reason: In the interest of permeability and proper planning and sustainable development.

9. The site shall be landscaped (and earthworks carried out) in accordance with a detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary

treatments and includes measures for the protection of trees within and adjoining the site.

Reason: In order to ensure the satisfactory completion of the development.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

The Management Company shall include and manage the Community Building for the benefit of the residents of the apartments or the wider community as determined by the Planning Authority.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal

of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and

public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

20. Prior to the commencement of any house or duplex unit in the development as permitted, the developer or any person with an interest in the land shall enter into an agreement with the planning authority such agreement must specify the number and location of each house or duplex unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

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

Stephen Rhys Thomas
Senior Planning Inspector

18 December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317160-23		
Proposed Development Summary	Construction of 32 dwelling units and offices 2,587 sqm.		
Development Address	Caherroyn, Athenry, 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	Y	
	No		
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		No	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	10. Infrastructure projects, (b) (i) Construction of more than 500 dwelling units. And (iv) Urban development which would involve an area greater than	Urban development, mixed use comprising 32 dwellings and 2,587 sqm office space, all on a site of 1.34	No EIAR or Preliminary Examination required

		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.	Hectares, edge of town centre. Scale of development is less than 500 dwelling units, on a site 1.34 Hectares outside of the business district area.	
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____

Date: _____