



An
Bord
Pleanála

Inspector's Report ABP-316265-23

Development	70 residential units. A Natura Impact Statement (NIS) has been included with this application.
Location	Oranhill, Oranmore, Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2360031
Applicant(s)	BRTW Oranmore 2 Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant(s)	BRTW Oranmore 2 Limited.
Observer(s)	Eoin Butler.
Date of Site Inspection	24 January 2024.
Inspector	Stephen Rhys Thomas.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	8
3.4. Third Party Observations	9
4.0 Planning History	10
5.0 Policy Context	11
5.1. Development Plan	11
5.2. Natural Heritage Designations	15
5.3. EIA Screening	15
6.0 The Appeal	15
6.1. Grounds of Appeal	15
6.2. Planning Authority Response	17
6.3. Observations	17
7.0 Assessment	18
8.0 Recommendation	50
9.0 Reasons and Considerations	50
10.0 Conditions	51
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The appeal site is located within the south eastern suburbs of Oranmore along the N67. This area is defined by existing low density two storey housing and newly constructed two storey housing and three storey duplex dwellings. The extended Coill Clocha estate is located to the west and forms a boundary with the appeal site. Further to the west is the newly constructed and still under construction site of Cnoc an Chaisleain, this estate includes a variety of house types including duplex apartments. Between Coill Clocha and Cnoc an Chaisleain, a wide street runs southwards from Oranhill to the north to form a connection with Oranhill Drive to the south. A new street from the N67 is located along the site's southern boundary and links with Coill Clocha and Cnoc an Chaisleain, this street is not yet complete. The N67 passes along part of the site's eastern boundary and the northern boundary of the site abuts a large detached house at the end of a small cul-de-sac, and an area of open ground. A shopping centre with ground floor retail units is located 200 metres to the north, schools, playing pitches and Oranmore town centre are all a further 500 metres away to the north west.
- 1.2. The rectangular site is broadly level, with a very slight rise from the N67 upwards to meet housing at Coill Clocha. The site interior comprises disturbed ground, currently in use as an occasional construction compound, it is fenced off. Housing at Coill Clocha backs on to the site at a slightly higher level and a strip of land that comprises a connection to Coill Clocha is currently in grass and well maintained as informal open space. The side gable of a large detached house overlooks the northern portion of the site.

2.0 Proposed Development

- 2.1. It is proposed to construct 70 residential units on a site of 1.9473 H, comprising:
- 40 houses (3 two-bed, 27 three-bed, 10 four-bed units)
 - 30 apartment units (10 one-bed, 15 two-bed units, and 5 three-bed units)
 - On-site Wastewater Pump Station,
 - Car and bicycle parking, and vehicular and pedestrian access

- Public open space, shared communal and private open space, site landscaping, public lighting, bin stores, and site services.

2.2. Site statistics include:

- Residential Density – 36 units per hectare
- Public Open Space – 0.326 H (17% of overall site), drawing 3125 submitted with the appeal refers.
- Car Parking Spaces – 121
- Bicycle Spaces – 217

Housing Mix

One Bed Units	10	14.28%
Two Bed Units	18	25.71%
Three Bed Units	32	45.71%
Four Bed Units	10	14.28%
Total	70	100%

2.3. Documents submitted with the planning application include:

- Planning Report
- Environmental Impact Assessment Screening Report (EIA SR)
- Natura Impact Statement (NIS), Including a Winter Bird Survey Report appended within the NIS
- Ecological Impact Assessment (EcIA), Including a Winter Bird Survey Report appended within the EcIA
- Architectural Design Statement and Building Lifecycle Report
- Engineering Reports including: Civil Works Design Report, Confirmation of Feasibility from Irish Water, included in the appendices of the Civil Works Design Report, Traffic & Transportation Assessment (TTA), DMURS Compliance Statement, Construction Waste Management Plan, Construction Environmental Management Plan and Stages 1-2 Road Safety Audit

- Acoustic Design Statement
- Arboricultural Assessment
- Cultural Heritage Impact Assessment
- Daylight, Sunlight and Overshadowing Study
- Landscape Report
- Public Lighting Details

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification to refuse permission for five reasons, the reasons are reproduced in full as follows:

1. The proposed development by reason of layout, density, bulk and massing would negatively impact the visual amenities of the area and represent an inappropriate form of development. The proposed design poorly relates to its surrounding context and does not sufficiently address the site characteristics adjacent to the N67 or sufficiently create, define or enclose urban space. The site occupies a prominent location on the approach into Oranmore Town and the proposed apartment building has not sought through appropriate design to relate to either its context or the proposed surrounding development. The internal layout of the site is dominated by vehicular access routes as well as poor quality and insufficient landscaping and open space. The application site is part of a much larger planning unit under the control of the applicant, the failure to demonstrate a masterplan approach to the wider site is detrimental to the proper planning and sustainable development of the area. Accordingly, to grant the proposed development would be detrimental to the character of the area and would contravene materially policy objectives PM 1, PM 6, PM 8, PM 10 as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028, it would detract from the visual amenity of the area, as well as setting an undesirable precedent for similar future development, and therefore would be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority has concerns regarding the capacity of the surrounding road network to accommodate the proposed development. The application does not adequately demonstrate that the existing road network (intersection of N67/L 4103 Junction) can accommodate the proposed development, when at present day scenarios including future growth, the junction is already projected to operate at capacity. In addition, there are concerns regarding the suitability of the proposed internal traffic circulation regime, concerning conflicting traffic movements including rigid movements due to restricted vehicle manoeuvrability within the site which may negatively impact on road safety. These matters, in conjunction with the lack of appropriate supporting information demonstrating the mobility management (including pedestrian and cyclist connectivity) of the proposed scheme would have an unacceptable impact on the sustainable movement and transportation of the area contrary to policy objectives ILUTP1, WC1, WC3 and NR1 of the Galway County Development Plan 2022-2028.

3. The proposed development has failed to consider the residential amenity of future occupants by providing an appropriate level of private and public open space, the proposed development is therefore contrary to Galway County Development Plan 2022-2028 Policy Objectives OMSP 10, 11, 12 and UL5.

4. The application proposes new residential development is close proximity to the N67, the potential impact of noise on the future occupants of the residential units has not been appropriately addressed in the submitted application in accordance with Policy objectives NP1, NP2, and NP 5 and contrary to DM standard 29 of the Galway County Development Plan 2022-2028.

5. The site of the proposed development is within c.100 m of the Cregganna Marsh SPA and Inner Galway Bay SPA as well as Galway Bay Complex SAC and within a distance of 15km of 9 other designated European sites for rare and threatened flora and fauna across the European Union (i.e. Natura 200 network of sites), which are protected under the Eu Habitats Directive (92/43/EEC) & EU Birds Directive (79/409/EEC, as amended by Directive 2009/147/EC) and the European Communities (natural habitats) Regulations 1997, as amended by the European Communities (Birds and Natural Habitats) Regulations 2011. The protection of these European Sites is further reinforced in the Galway County Development Plan 2022-2028 under Policy Objectives NHB 1, NHB 2, NHB 3 and DM Standard 50. Based on

the information included with the planning application and the concerns identified by the Planning Authority in relation to the potential gaps in extent of the surveying and analysis work contained therein with particular reference to the Greenland White-fronted geese. The Planning Authority, applying the precautionary principle, consider that significant adverse effects on the integrity and conservation objectives of the Cregganna Marsh SPA (Site Code: 004142) and Rahasane Turlough SPA (004089), cannot be ruled out as a result of the project. The Planning Authority therefore cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of these European sites, Cregganna Marsh SPA (004142) and Rahasane Turlough SPA (004089), in view of the sites' conservation objectives which would contravene materially the policy objectives and development management standards contained within the Galway County Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis for the planning authority's decision is as follows:

- The site is zoned existing residential housing lands. Table 1.10.2 Land Use Zoning matrix for the County Galway Metropolitan Area, indicates that apartment uses are open to consideration and housing development is permitted in principle on R zoned lands. The principle of the development of the site for housing is acceptable.
- The proposed development exceeds recommended density guidelines both nationally and locally adopted standards.
- In terms of layout, a number issues arise including: a masterplan has been omitted, the position and scale of the apartment block is out of context, open space arrangement is poor, layout is roads dominated, some house types provide poor amenity and the overall development represents low quality inappropriate design standards required to comply with policy objectives PM 1, PM6, PM10, OMSP 1 and development management standards 1, 2 and 3.

- Childcare Demand analysis has been omitted.
- Issues arise with respect to the internal road layout, car parking and walking and cycling opportunities.
- SuDS have not been incorporated into the design of the scheme.
- Residential amenity will be impacted upon by road noise.

In accordance with the recommendation of the Planner, permission was refused.

3.2.2. Other Technical Reports

Roads Section – further information required, report dated 14th March 2023.

Environment Section – further information required, report dated 14th March 2023.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) - The proposed new entrance onto the national road has been subject to a Road Safety Audit in accordance with the guidelines in TII Publications. Any recommendations arising should be incorporated as Conditions on the Permission, if granted. The Authority will entertain no future claims in respect of impacts from any road.

Department of Housing, Local Government and Heritage (NPWS) – The lands are within 124 metres of Galway Bay Complex Special Area of Conservation (Site Code: 000268) and 665 metres of Inner Galway Bay Special Protected Area (SPA) (Site Code: 004031). The proposed development site is also located 566 metres north of Cregganna Marsh SPA (Site Code: 004142).

The Department has concerns regarding the bird survey report undertaken, particularly in relation to Greenland White-fronted goose (*Anser albifrons flavirostris*) in Cregganna Marsh, and conclusions drawn from this survey work which influenced the NIS.

The Department has concerns that only one view point was used in monitoring Cregganna Marsh. This view point located on the eastern side of Cregganna Marsh, though suitable for monitoring wetland birds in the eastern marsh lands, would not be suitable for monitoring the Greenland White-fronted geese flock which predominantly roost and forage on the western grasslands of Cregganna Marsh. The

view point on the eastern side was located approximately 1.4 kilometres away from the known feeding grounds of these birds. Due to the distance between the surveyor and the known roost/foraging areas, in addition to visual restriction due to local topography, it is likely to have resulted in the 'nil' records for Greenland White-fronted geese recorded during the survey periods.

The Greenland White-fronted geese flock in Cregganna Marsh are known to move between this site and the nearby Rahasane Turlough SPA (Site Code: 004089). This link between the sites is described in the Cregganna Marsh site synopsis, and was also acknowledged in the submitted NIS, however, no bird surveys were carried out at Rahasane Turlough.

The Department also has concerns that I-WeBS or National Parks and Wildlife Service data regarding birds for Cregganna Marsh or Rahasane Turlough does not appear to have been requested or considered in the writing of the bird report. This suggests an inconsistency as the results from a similar data request were used in the bird report in relation to Inner Galway Bay SPA.

No review of previous survey works carried out on Greenland White-fronted geese in Cregganna Marsh and Rahasane Turlough was undertaken when considering impacts the development may have alone or in combination with other plans or projects.

Site Specific Conservation Objectives have been published for both Cregganna Marsh SPA and Rahasane Turlough SPA, however, the Department acknowledges that the NIS was finalised before the release of these documents.

The Department recommends that Galway County Council should consider if the NIS and bird reports in their current state are satisfactory. Furthermore, before reaching a decision on this application, Galway County Council should be satisfied that the NIS, bird surveys and other ecological assessments are adequate in determining that the proposed project, in combination with other plans or projects, will not have a negative impact on Greenland Whitefronted Goose and the Cregganna Marsh SPA as a whole.

3.4. Third Party Observations

Three submissions were received, and issues include:

- Wastewater capacity in Oranmore has been reached.
- Scheme should include SuDS measures.
- Open space poorly arranged.
- Acoustic survey not representative.
- Back laneways not appropriate.
- Construction nuisance.
- Lack of consistency between documentation on file.
- Not enough services in the area to accommodate more development.
- The pedestrian connection not in the ownership of the applicant.

Submissions included detailed appendices that address issues of wastewater capacity and network constraints.

4.0 Planning History

4.1. Subject site:

PA ref 21/2466 - Extension of Duration for development under PI. Ref: 09/1925 and EOD Refs: 20/1507 and 15/1334. Deemed withdrawn.

PA ref 20/1507 and 15/1334, permission granted to extend 09/1925

PA ref 09/1925 and ABP ref PL07.237219 - Construction of 161 residential units, 2 no. commercial units, hotel, leisure centre, parking and all ancillary works.

4.2. Nearby sites:

PA ref 21/575 – Outline Permission refused the construction of 8 detached 2-storey dwelling houses.

PA ref 21/408 and ABP-312381-22 – Permission for 43 dwelling units.

ABP-304203-19 – Permission for 212 residential units, crèche facility.

5.0 Policy Context

5.1. Development Plan

5.1.1. Galway County Development Plan 202-2028

Oranmore town is located within the Metropolitan area of County Galway and section 2 of Volume 2 of the County Development Plan and specifically the Oranmore Metropolitan Settlement Plan – OMSP refers.

The site is located entirely within lands zoned R – Residential Existing, with the objective to protect and improve residential amenities of existing residential areas, and to provide for house improvements alterations, extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. Residential uses are permitted in principle, apartments are open for consideration and are to be considered subject to Policy Objective GCMA 1, or as appropriate.

GCMA 1 – Residential Development

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

1. Single house developments for family members on family owned lands.
2. Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area.
3. Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands.

The above exceptions will be subject to compliance with the Core Strategy in the County Development Plan, the Policy Objectives in this Metropolitan Plan, the

principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. Developments will only be permitted where a substantiated case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of this metropolitan area.

5.1.2. Relevant policy objectives of the OMSP include:

OMSP 1 Sustainable Residential Development

OMSP 17 Pedestrian and Cycle Network

The flood mapping included as part of the OMSP indicates the majority of the appeal site as being within Flood Zone C and, therefore, suitable for residential development. There is a small portion of land to the east of the site alongside the N67 that is identified as PRFA pluvial indicative/extreme.

5.1.3. Other relevant sections of the development plan include:

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

5.1.4. Relevant Policy and Objectives include:

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 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 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

DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements

DM Standard 2: Multiple Housing Schemes (Urban Areas)

DM Standard 29: Building Lines - A setback of buildings is required in the interests of residential amenity, rural amenity, public safety and to allow for any future road widening or realignment. In general, the following minimum building lines are necessary for the various routes:

b) National Primary and Secondary Routes 35 metres from the existing or proposed realigned carriageway surface edge and former national routes which are now classified as regional routes.

ILUTP 1 Sustainable Transportation - Encourage transition towards sustainable and low carbon transport modes, through the promotion of alternative modes of transport, and 'walkable communities' and Active Travel, together with promotion of compact

urban forms close to public transport corridors to encourage more sustainable patterns of movement.

WC 1 Pedestrian and Cycling Infrastructure - To require the design of pedestrian and cycling infrastructure to be in accordance with the principles, approaches and standards set out in the National Cycle Manual and the Design Manual for Urban Roads and Streets, TII Publications, 'The Treatment of Transition Zones to Towns and Villages on National Roads', and the NTA document Permeability: Best Practice Guide.

WC 3 - Sustainable Transport Movement - To require sustainable transport movement and good permeability to be given priority at the earliest design stage of development proposals.

NR 1 - Protection of Strategic Roads - To protect the strategic transport function of national roads and associated national road junctions, including motorways through the implementation of the 'Spatial Planning and National Roads Guidelines for Planning Authorities' DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

UL5 - Open Space - To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area.

NP 1 Galway County Council Noise Action Plan 2019-2023 - To implement the Galway County Council Noise Action Plan 2019-2023 (and any subsequent Plan) in order to avoid, prevent and reduce the harmful effects, including annoyance, due to environmental noise exposure.

NP 2 Developments within Noise Maps (Noise Action Plan 2019-2023) - To require that where new developments are proposed within the noise limits of the noise maps for the designated sections of roads in the County, appropriate mitigation measures are undertaken so as to prevent harmful effects from environmental noise.

NP 5 Noise Mitigation Measures - Require activities likely to give rise to excessive noise to install noise mitigation measures and monitors. The provision of a noise audit may be required where appropriate.

5.1.5. **Section 28 Ministerial Guidelines**

Having considered the nature of the appeal, the receiving environment, and the documentation on file, and given the recent publication of Section 28 Ministerial Guidelines since the adoption of the development plan, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) are relevant in this instance.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or directly adjacent to any Natura 2000 sites. The Galway Bay Complex SAC is located 197 metres to the west and 129 metres to the east. The Cregganna Marsh SPA is located 550 metres to the south. The applicant has prepared a Natura Impact Statement to accompany the application.

5.3. EIA Screening

- 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, appendix 1 of my report refers.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has appealed the decision of the planning authority to refuse permission, the grounds of appeal can be summarised as follows:
- Reason 1 - To be noted that residential development on lands zoned as existing residential, is permitted in principle. The layout has been designed to protect the residential amenities of neighbouring property. 11 metre back gardens have been provided in the main, with three sites of 9 metres and these houses do not back on to others. The location of the apartment is deliberate as it provides a strong urban node to the area. Density is

considered appropriate for a large town and 35-50 dwellings per hectare is consistent with an outer suburban site. Bulk and massing are appropriately modulated with two storey housing and a three storey apartment block that acts as a landmark. Internal layout and landscaping, the scheme has been designed in accordance with DMURS with homezones and shared surfaces, open space meets standards. The context of the surrounding area has been taken into account and the applicant does not own the balance of lands in the area and so a masterplan is not necessary.

- Reason 2 – a detailed TIA was prepared as part of the planning application and the capacity of the surrounding network and junctions to accommodate development was demonstrated. A new link road currently under construction was included in sensitivity modelling for intersection N67/L4103. Internal traffic movements on the site, will be acceptably accommodated with the DMURS designed layout. A Mobility Management Plan has been included with the grounds of appeal. All other relevant documentation required by local policy objectives were submitted with the application.
- Reason 3 – an appropriate quantum of private and public open space has been provided. It is well designed, functional, safe and secure, with adequate levels of passive surveillance from planned houses. Private amenity space is adequately provided and 11 metre gardens are provided where needed.
- Reason 4 – a supplementary noise report has been prepared, it provides accurate data to inform the Acoustic Design Statement. Given the availability of accurate site survey data, policy NP2 is not relevant in this instance. As a residential development, it is not likely that such development will give rise to excessive noise emissions and policy NP5 requiring noise mitigation is not relevant. In terms of building lines, a Board opinion on a previous SHD preapplication consultation concluded that this is the right location for an apartment block.
- Reason 5 – the application was accompanied by a comprehensive NIS. The wording of the reason for refusal wrongly locates the separation distances between the site and designated sites. The relevant sites were surveyed in March 2023, geese (possibly Greenland White Fronted Geese) were spotted

over a kilometre from the appeal site at the section of Cregganna Marsh SPA, none on the appeal site. A revised NIS and Wintering Bird Survey is included with the grounds of appeal, with updated Site Specific Conservation Objectives included. Updated bat surveys were also carried out, 2022/2023. All relevant policy objectives have been met and no impact to designated sites is anticipated.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. Wastewater capacity issues and impacts to designated sites are all raised, and reiterate similar issues raised during the planning application stage.

7.0 Assessment

7.1.1. 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 planning authority refused permission on these residentially zoned land for five reasons. In broad terms, it is the density, design and layout, roads and traffic, residential amenity and designated sites that form the basis for the planning authority's concerns. The issues can be dealt with under the following headings:

- Density, Design and Layout
- Residential Amenity
- Traffic and Transport
- Appropriate Assessment

7.2. Design, Design and Layout

7.2.1. The planning authority refused permission for the development because they had concerns about the layout, density, bulk and massing of buildings and how that would impact upon the visual amenities of the area. It is the location of the site relative to Oranmore Town, the proximity to the N67 and adjacent development that will be adversely affected and compounded by the position of the apartment building in particular. According to the planning authority, the internal layout is roads dominated, open space is poorly addressed and the lack of a masterplan for the wider area is a fault, refusal reasons one and three refer. The applicant disagrees and explains in the grounds of appeal how the proposed development responds to its surroundings. In summary, the applicant responds to each aspect of the first reasons for refusal and reiterates the design concepts deployed in the original documentation that supported the application. It is stated that the applicant does not own other lands in the area and the need for an area wide masterplan is refuted. With reference to layout, the documentation that accompanied the planning application included a Design Statement, Statement of Consistency with reference to DMURS, a full suite of architectural drawings and computer generated images and other renderings.

- 7.2.2. Firstly, it is important to understand the context of the site and then to interpret how the proposed development attempts to fit into this emerging suburb of Oranmore. This area of Oranmore is undergoing change and new housing development has recently been completed and is now occupied. An adjacent site is currently under construction for housing and there have been recently permitted developments to the south, ABP-312381-22 refers, and a primary health centre to the north, ABP-308788-20 refers. The appeal site is within an area undergoing significant change and the character of the area is defined by new housing developments that include a small number of apartments. The site is well located, with the town centre, schools, and local retail all well within walking distance on well designed and amply provided pedestrian facilities.
- 7.2.3. The planning authority are not satisfied that the proposed design is the right fit for this location and they highlight excessive residential density, layout issues in terms of being roads dominated and poorly set out open space, poor design of buildings in terms of bulk and massing, overall poor urban design and a lack of respect for adjacent development. Taking each of these design issues in turn:
- 7.2.4. **Residential Density** – in their assessment the planning authority refer to table 15.1 of the DM Standards of the county development plan that states the appropriate density for residential developments within the MASP on Outer Suburban/Greenfield sites densities of 25-30 units per hectare are sought. The Residential Density (Sustainable Residential Development in Urban Areas (2009) are also referenced, and the same density outcome is arrived at for a small town with a population under 5,000 persons. The RSES and MASP provisions are also referenced, and it is concluded that the proposed housing density of 36 units/Ha exceeds density parameters set down in the statutory documents for the area. The applicant maintains that Oranmore has grown since the last census figure of 2016 and should be considered as a large town and 35-50 dwellings per hectare is consistent with an outer suburban site.
- 7.2.5. I note that under Circular Letter: NRUP 02/2024 issued by the Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. To ensure consistency planning authorities are

requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for residential densities for Galway in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed. Throughout my assessment, I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, as the 'Compact Settlements Guidelines'.

- 7.2.6. The Compact Settlements Guidelines refer to residential density in terms of settlements and area types. Section 3.3.1 refers to cities and Metropolitan (MASP) areas and the appeal site is located in the Galway MASP and Oranmore is defined as a Metropolitan Settlement. The Compact Settlements Guidelines explain that for the city and suburbs area of Limerick, Galway and Waterford, density ranges are set out in Table 3.2. Density ranges for all other towns and villages in the metropolitan areas of the five cities and outside of the city and suburbs area (including designated Key Towns in the metropolitan area) are set out in Table 3.3. Given that Oranmore is not within Galway City or its suburbs, I make reference to table 3.3 of the Compact Settlements Guidelines.
- 7.2.7. Table 3.3 of the Compact Settlements Guidelines sets out the areas and density ranges for Metropolitan Towns and Villages and for towns greater than 1,500 persons, the suburban/urban extension criteria states the following: suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dwellings per hectare (dph) to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). In terms of accessibility, I consider this site to be an intermediate location, being located between 500 and 1,000 metres

from the town centre, where most bus routes terminate. Given the foregoing, I am satisfied that a density of 36 units per hectare is entirely appropriate at this location.

- 7.2.8. In addition, under the now revoked density guidelines such a density range was supported for larger towns and OMSP 1 of the Oranmore Metropolitan Settlement Plan (OMSP) looks for an appropriate mix of housing types and densities. I note that the current Development Plan suggests that MASP settlements should seek a density of 30 or site specific at Town Centre/Infill/Brownfield sites and 25 –30 (at locations adjacent to open rural countryside) at Outer Suburban/Greenfield sites table 15.1 refers. The development plan states that table 15.1 is to be read in conjunction with and shall be in accordance with the Sustainable Residential in Urban Areas 2009 and Circular 02/2021. The 2009 guidelines seek 35-50 dwellings per hectare even on outer suburban and greenfield sites. Oranmore is not a small town with a population of just under 5,000 in 2016 and arguably more now, and it is identified as a Metropolitan Settlement in Appendix 2 of the development plan. In this instance MASP settlements such as Oranmore are set to grow and density should align with that sought by the guidelines for such a location, 35-50 units per hectare. I do not consider that the proposed density of 36 units per hectare would contravene the development plan, materially or otherwise, when the plan specifically states that ‘All proposals shall be in accordance with the Sustainable Residential in Urban Areas 2009 and Circular 02/2021’. To be clear, Circular 02/2021 states with respect to development at the edge of larger towns:

While the Sustainable Residential Development Guidelines clearly encourage net densities in the 35-50 dwellings per hectare range within cities and larger towns, net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts and net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded in large town locations.

- 7.2.9. The circular goes on to state that the Board is permitted to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context. In in this light, I am satisfied that no contravention of the current development plan would take place if the proposed density of 36 units per hectare were to be permitted, because the development plan allows for discretion when assessing residential density.

- 7.2.10. **Layout** – the planning authority are critical of the overall layout of the scheme and that it results in poor urban design, lacks sense of place, fails to respond to the area and is roads dominated. The applicant responds by referencing DMURS and the concept of homezones and shared areas. The landscape strategy is referred to and the position of the apartment block is cited as a landmark opportunity for the town.
- 7.2.11. The appeal site is rectangular in shape with an access street to the south, from which a vehicular entrance is to be taken. The N67 road runs along part of the eastern boundary of the site and the three storey apartment building is located at this south eastern corner of the site.
- 7.2.12. Working from the west of the site, new housing is proposed to back on to existing dwellings and 11 metre back garden depths are broadly maintained. I am aware that the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The Compact Settlements Guidelines refer to separation distances and pertinently SPPR 1 requires the rejection of any objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. In this respect DM Standard 2: Multiple Housing Schemes (Urban Areas) of the current development plan refers to a general requirement to maintain a minimum back to back distance between dwellings of 22 meters in order to protect privacy, sunlight and avoid undue overlooking. Reductions will be considered in the case of single storey developments and/or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting and sunlight can be achieved. In this instance, I am satisfied that the current plan allows for flexibility in the approach to separation distances and given the prevailing character of the area I am satisfied that the scheme as proposed meets current and newly introduced standards.
- 7.2.13. In terms of the street layout, I can see that the main street provides a winding access to housing and has been designed in accordance with DMURS principles. The street has a number of turns and deflections and some areas are provided as shared surfaces. Car parking is provided at two spaces per dwelling and this accords with the development plan and car parking standards set out in the Compact Settlements Guidelines, the arrangement of car spaces is in line with DMURS and planted build-

outs are provided. The site can be accessed from the south and an additional access point is provided for pedestrians and cyclists on towards Coill Clocha and Cnoc an Chaisleain estates to the north and west. I note that observers to the initial planning application were critical of such a link and questions were raised about consent, loss of green space and impacts upon security. The applicant has supported their grounds of appeal with a solicitor's letter that confirms ownership of lands outlined in red and also labelled A and B, appendix 4 refers. The letter refers to an accompanying map but this has been omitted. However, I am satisfied that the reference to the red line boundary of the site as detailed in all drawings is sufficient to allow me to conclude that the applicant has ownership over all relevant lands. With reference to the security and safety of the pedestrian link at the north of the site, I note that existing houses and planned houses on plots 23 and 24 will provide very good levels of passive supervision over this space. I see no reason to omit this pedestrian cut through and provision of open space as it will greatly benefit future occupants with a shorter walking distance to the amenities of the town. Lastly, I note that the planning authority had queries about the tie in of the proposed pedestrian link with the existing footpath and street, but these matters can be agreed by condition.

- 7.2.14. A traditional large central open space planted with grass is not provided and I note concerns raised by observers at the planning application stage with regard to open space provision and amenities in the wider area. However, I am satisfied that the quantum of public open space is sufficient, at 17% of the overall site. In addition, in terms of usability and safety, all open spaces are well overlooked and provide a variety of uses, from interactive play, occasional sitting and visual open space. A significant buffer separates the site from the N67, but I would prefer more detail on planting and particularly an improved boundary treatment at this location, an appropriately worded condition can manage this. I am satisfied that the design and layout of open spaces follows the principles set out in the current development plan and the policies and objectives set out in the Compact Settlements Guidelines. In addition, I note the provision of open spaces and publicly accessible amenities in the wider area, and the opportunities this presents for the recreational enjoyment of future occupants. I am satisfied that the current development plan Policy Objectives OMSP 10, 11, 12 and UL5 that all refer to recreational space and open space to be

well planned, considered, of a sufficient size and in locations that meet local needs and function of the surrounding area, have all been adequately met by the scheme as proposed.

7.2.15. In terms of private open space, the planning authority state that development plan standards are not met and this refers to separation distances and design. I note that the Compact Settlements Guidelines refer to minimum standards of private open space, SPPR 2 refers. I can see from the drawings and the housing quality assessment prepared by the applicant that none of the private amenity spaces fall below the minimum standards set out in the Compact Settlements Guidelines. In fact, rear gardens are generous and well laid out, with limited opportunities for any undue levels of overlooking.

7.2.16. **Building Design** – The planning authority have not specified any particular issues with the design of the majority of the houses that are proposed. Corner sites are picked out for some criticism in terms of rear garden length and overlooking. It is the apartment building that is highlighted as the main issue in terms of its position, bulk and massing that the planning authority are most concerned about.

7.2.17. In overall terms the architectural design of the proposed houses are contemporary in approach and very similar to those houses already permitted and constructed in the most recent phase of development in the area, Coill Clocha and Cnoc an Chaisleain are a case in point. I see no issue in terms of the design and style of housing proposed. According to the applicant the apartment block has been positioned to act as a nodal point and a landmark which marks the entrance to the site. The apartment block is just over 13 metres in height and provides three floors of accommodation, it has a pitched roof and follows the design cues and building finish provided by the proposed houses. In my view the apartment block is not out of a scale and would not be out of character in the area, there are other apartment buildings of a similar size in the wider area, permitted and already built. The bulk of the apartment block is broken up around a central courtyard and the roofscape is pitched to give a traditional profile of gable wall and roof slope. When the apartment block is viewed against terraced and other houses proposed across the site, it reads as a complimentary addition rather than a standout feature. I see no issue with its location at the southern portion of the site in terms townscape and general urban design principles. That being said, I am not entirely satisfied that the boundary treatment to

the N67 is appropriate and a more secure and enclosing form of boundary is preferred.

- 7.2.18. **Design and Layout Conclusion** – the proposed development results in a residential density of 36 units per hectare and this has resulted in a combination of two storey houses and a single apartment block of three storeys. Private amenity space in the form of rear gardens and balconies are all above minimum standards and 17% of the site is given over to a variety of safe, usable and attractive public open spaces. The house designs are contemporary in approach and the apartment building is of a similar design and located at the entrance to the site. The proposed development forms a logical expansion suburban Oranmore on land that is zoned residential and I see no reason to refuse permission in terms of density, layout and design.

7.3. **Residential Amenity**

- 7.3.1. The planning authority are concerned that the proximity of the apartment building to the N67 has the potential to result in an adverse noise impact for the future occupants of residential units. The planning authority are not satisfied that the applicant has appropriately addressed the issue and this is contrary to policy objectives NP1 Galway County Council Noise Action Plan, NP2 implement mitigation measures, and NP 5 monitoring and DM standard 29 of the Galway County Development Plan.
- 7.3.2. The applicant prepared an updated traffic survey to refute the concerns expressed by the planning authority, and this supports the Acoustic Design Statement prepared by ICAN Acoustics and submitted with the planning application. The updated survey results tally with the initial survey data recorded in the first report. The applicant explains that mitigation measures were set out in the 'Building Envelope Details' section of the Acoustic Design Statement and that the layout of buildings on site provides physical screening of most public open spaces within the site, figure 16 illustrates this. The applicant stands over their original Acoustic Design Statement and the mitigation measures contained therein. This is a suburban site close to a busy national road, EPA noise mapping shows the likelihood of noise impact and the applicant's Acoustic Design Statement and noise survey refines what the existing and projected impact from noise will be. I see that the updated survey results confirm the initial findings, and I am satisfied that the mitigation measures proposed should

all be implemented to ensure the residential amenities expected by future occupants are not unduly impacted upon.

- 7.3.3. I note that the lands are zoned for residential uses and that the N67 road is within the settlement boundary of the Oranmore Metropolitan Settlement Plan. DM standard 29 refers to building lines and with respect to the appeal site and the N67, 35 metres from the road edge is required. In terms of urban roads and streets, building lines will be related to the location of the building in the town or village. I have no information before me that indicates to a downgrading of the N67 and I note the submission from TII that refers to road noise and future claims. I also note that the Roads and Transportation Department of the Council had no particular concerns about the proximity of the apartment block to the road edge in terms of traffic safety. It is therefore apparent that there is no traffic safety or residential amenity reason either to omit, redesign or reposition the apartment block.
- 7.3.4. Private Open Space – the planning authority are concerned that the residential amenity of future residents will be adversely impacted upon because of inappropriate levels of private and public open space, It is the planning authority's view that the proposed development is contrary to Policy Objectives OMSP 10, 11, 12 and UL5.
- 7.3.5. I have already addressed the matter of public open space in section 7.2 of my report under layout and design matters and I am satisfied that the provision of public open space is of a sufficient quantum, well designed, safe and usable. With regard to private amenity space and the residential amenity of future occupants, there are a number of documents that provide advice and guidance on the matter. Firstly, the County Development Plan provides development management standards and the following are relevant: DM Standard 1 refers to Qualitative Assessment-Design Quality, Guidelines and Statements, DM Standard 2: Multiple Housing Schemes (Urban Areas) and DM Standard 3: Apartment Developments (Urban Areas). In addition, the development plan references the Design Standards for New Apartments - Guidelines for Planning Authorities (as amended) and I note the recent publication of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and their primacy over the development plan at this time.

- 7.3.6. In terms of private open space, the development plan is not prescriptive in terms of size and area but does specify that in general, a minimum back to back distance between dwellings of 22 meters shall apply in order to protect privacy, sunlight and avoid undue overlooking, DM 2 refers. Section 5.3.2 of the Compact Settlements Guidelines refers to private open space for houses and SPPR 2 sets out minimum area standards and that in all cases a demonstration to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity. With reference to all of the houses proposed, garden areas are exceeded in all cases, the applicant's Housing Quality Assessment by Unit Number and relevant drawings all refer. In addition, I can see that the rear garden orientation, dimensions and design are all favourable to good and usable private spaces for future residents. Private amenity spaces are referenced in the Design Standards for New Apartments Guidelines and the current development plan acknowledges and supports this. The 30 apartments are provided with either garden terraces or balconies and all are generously above the minimum standards. I am satisfied that all private amenity spaces, both house and apartments, are provided in excess of the minimum standards and are well designed to ensure good residential amenity for future occupants. I see no reason to refuse permission because the residential amenity with respect to private amenity space has not been met.
- 7.3.7. In terms of other aspects of amenity and residential standards, the planning authority raise no specific issues in this regard. From the documentation prepared by the applicant I can see that all apartment units are well above the minimum floorspace required, and none of the single aspect units have a purely north facing orientation. The apartment building is three storeys in height, with a well lit central corridor from which apartment units are accessed, most are dual aspect. I am satisfied that there are no outstanding residential amenity issues to be addressed.

7.4. Traffic and Transport

- 7.4.1. The surrounding road network and its ability to accommodate the proposed development concerns the planning authority. In particular the planning authority are critical of the TIA submitted with the application and that it fails to adequately address the intersection of N67/L 4103 when at present day scenarios including future growth, the junction is already projected to operate at capacity. In addition, there are concerns regarding the suitability of the proposed internal road layout and

its ability to handle all forms of traffic safely. Lastly, the omission of a mobility management plan (including pedestrian and cyclist connectivity) would all be contrary to policy objectives ILUTP1, WC1, WC3 and NR1 of the development plan. All of these issues form the basis for the second reason for refusal. The applicant explains that a detailed TIA was prepared as part of the planning application and the capacity of the surrounding network and junctions to accommodate development was adequately demonstrated. In addition, a new link road currently under construction was included in sensitivity modelling for intersection N67/L4103. Internal traffic movements on the site, are accommodated within a DMURS designed layout. A Mobility Management Plan has been included with the grounds of appeal. Finally, the applicant points out that all other relevant documentation required by local policy objectives were submitted with the application.

7.4.2. The site is located on lands that are zoned for residential development, with roads already in place and new roads under construction. The residential density proposed is not excessive and I would not anticipate that the traffic volumes generated by the site would be significantly greater than that planned for. In any case, the applicant prepared a detailed Traffic Impact Assessment (TIA) as part of the application documentation. The Roads and Transportation Department of the Council were particularly concerned about the protection of strategic roads and Junction 3, the N67/L4103 junction. Flow capacity is highlighted as an issue and when committed developments are added in, the junction will operate at over capacity with considerable queueing.

7.4.3. In response, the applicant has prepared detailed rebuttal of the second reason for refusal prepared by Tobin Consulting Engineers, to be read in conjunction with the original TIA. The applicant asserts that six committed developments were included in the original analysis, and a traffic reassignment exercise was carried out to take account of the new link road onto the N67, junction 4, figure 1 refers. It is stated that with the link road open, a conservative estimate of 15% traffic would divert away from the N67/L4103 junction (Junction 3). I can see that the modelling results suggest that Junction 3 will operate within capacity (am) in design year 2039, but over capacity in the evening peak period. However, with the likelihood that not all traffic would avail of Junction 3 but prefer Junction 4, I am satisfied that the traffic

reassignment exercise and likelihood of rerouting is an appropriate methodology to apply in this scenario.

- 7.4.4. I note the reticence of the planning authority to accept that the site is appropriately designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) and its failure to provide for the safe movement of all vehicles. The applicant explains that the layout was designed with DMURS principles in mind, in that context I note that a Statement of Consistency Report with respect to DMURS was submitted with the application. A Vehicle Swept Path Analysis was completed for the proposed site layout and access points for a Fire Tender and Refuse Vehicle have all been included, drawings 11110-2105 and 11110-2106 refer. I am satisfied that the road layout is logical and complies with the principles of DMURS, a width of 5.5 metres is maintained and there are raised tables at junctions and shared surfaces to restrict speed and control driver behaviour. I also note the Stage 1/2 Road Safety Audit and its recommendations. I am satisfied that the street layout applied to the site is safe, logical and provides an integral part of the overall layout in terms of sense of place, enhanced by good levels of landscaping and streets that do not dominate the site.
- 7.4.5. It is apparent that this area of Oranmore is undergoing change and this has been planned for by the policies and objectives set out in the Oranmore Metropolitan Settlement Plan (OMSP) in terms of land use zoning and the quantum of development expected. Traffic in all its forms, pedestrian, cyclist and motorised, will inevitably increase, however, I am satisfied that the existing infrastructure has been planned to accommodate such growth. I have had regard to the applicant's TIA and grounds of appeal, as well as the concerns set out by the planning authority and any relevant comments highlighted by the TII. The applicant has prepared a Mobility Management Plan, and this should help to inform future residents of the sustainable travel options open to them. I also note that the town centre, public transport and various other amenities (commercial and social) are all within walking distance of this site. Finally, the provision of a safe and strategic pedestrian link from the northern portion of the site will facilitate more sustainable forms of travel and reduce private car use for short journeys.

7.5. Other Matters

- 7.5.1. Rear Laneways – an observer to the planning application has raised concerns about rear laneways to terraced houses. I can see from relevant drawings that these laneways are planned in order to allow access to the rear of terraced housing. Such a proposal is not an uncommon solution to the benefits of secure bicycle and bin storage. Access to the rear is a useful thing and the applicant has designed in a number of laneways that run to the rear of dwellings, however, plots along the western boundary with adjacent housing is an issue for at least one observer to the planning application. For the most part the rear laneways are short in length and direct, however, the laneway that serves plot 31 is heavily doglegged, needlessly large in area and backs on to shared parking associated with Coill Clocha. It would be simpler to access plot 30 from the rear of plot 29 and close off the planned rear laneway and enlarge the rear gardens of plots 31 and 32, drawings to show this arrangement should be submitted prior to the commencement of development.
- 7.5.2. Wastewater Capacity Issues – An observer to the appeal has raised issues about the capacity of the existing wastewater network and effectiveness of wastewater treatment facilities to accommodate further growth of Oranmore. The applicant prepared a Civil Works Design Report that includes a Confirmation of Feasibility (CoF) for 70 units, issued by from Uisce Éireann and dated 9th August 2022, appendix D refers. The CoF highlights no issues in terms of network capacity constraints but requires the construction of a new wastewater pumping station to connect the proposed development to the Irish Water Network, this is included within the development proposal, drawing 11110-2102 refers. I am satisfied the quantum of development can be accommodated on this site and Uisce Éireann confirms this view.

7.6. Appropriate Assessment

Introduction

- 7.6.1. This section of my report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) and Appropriate Assessment Screening prepared by MKO Planning and Environmental

Consultants, dated January 2023 and submitted with the application, in addition to appeal documentation concerning NIS revisions dated April 2023.

- 7.6.2. Field assessment was undertaken by Colin Murphy and Julie O' Sullivan on a number of occasions throughout 2020/2021. A multidisciplinary walkover survey was undertaken by Kevin McElduff (B.Sc.) on the 24th of August 2021. Additional multidisciplinary walkover surveys were undertaken by Colin Murphy (B.Sc., MSc) and Rachel Minogue (BSc) on the 13/10/2022, and by Rachel Minogue (BSc) and Fiona Killeen (BSc) on the 03/11/2022. The bat surveys were undertaken by MKO ecologists Aran von der Geest Moroney (BSc) and Aoife Joyce (BSc., MSc.) on the 13/05/2021, Tim Murphy (BSc.) and Rachel Walsh (BSc) on the 28/05/2021, and Cathal Bergin (BSc.) and Keith Costello (BSc.) on the 14/06/2021. Wintering bird surveys were undertaken by Julie O'Sullivan (B.Sc., MSc) and Colin Murphy (B.Sc., MSc) throughout 2020/2021. Additional wintering bird surveys were carried out by Colin Murphy (B.Sc., MSc) and Rachel Minogue (BSc) on the 13/10/2022 and by Rachel Minogue (BSc) and Fiona Killeen (BSc) on the 03/11/2022, and again on the 32/01/2023, 10/02/2023 and 20/03/2023. The overall report was reviewed by Colin Murphy (B.Sc., MSc).
- 7.6.3. In applying the precautionary principle, the planning authority refused permission for the proposed development given the proximity of designated sites. The Cregganna Marsh SPA and Inner Galway Bay SPA as well as Galway Bay Complex SAC are identified as close to the site and potential gaps in the extent of surveying and analysis work contained in the submitted NIS with reference to the Greenland White-fronted geese is an issue of concern. The NPWS also had concerns regarding the bird survey report undertaken, particularly in relation to Greenland White-fronted goose in Cregganna Marsh, and conclusions drawn from this survey work which influenced the NIS. In answer to these concerns, the applicant has prepared a revised NIS and a Wintering Bird Survey, with updated Site Specific Conservation Objectives included.
- 7.6.4. I have had regard to the submissions of observers in relation to the potential impacts on Natura 2000 sites. 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.

The Project and Its Characteristics

- 7.6.5. The detailed description of the proposed development can be found in section 2.0 above.

Submissions and Observations

- 7.6.6. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in section 3 and 6.3 above. I note that the planning application was referred to a number of statutory consultees, including the National Parks and Wildlife Services (NPWS). With specific reference to appropriate assessment matters, I note that the NPWS made a submission to the initial planning application, that highlighted issues around the bird survey report, Greenland White-fronted goose, absence of data for Rahasane Turlough SPA (Site Code: 004089) and that Site Specific Conservation Objectives have been published for both Cregganna Marsh SPA and Rahasane Turlough SPA. I have had regard to the submission made by the NPWS as it relates to nature conservation and Appropriate Assessment.

The European Sites Likely to be Affected (Stage I Screening)

- 7.6.7. A summary of European Sites that are considered to be within a zone of influence of the site is presented in *European Sites are within the Likely Zone of Impact* section of the applicant's AA Screening Report, Table 4-1 European Designated sites within the likely zone of impact refers. The development site is not within or directly adjacent to any Natura 2000 site. The site is located in an area surrounded by existing low to medium density residential development and open countryside beyond. The site comprises an active site compound for construction purposes. I have had regard to the submitted Appropriate Assessment screening section of the applicant's report that identifies a likely zone of impact of the proposed development that includes the following sites: Galway Bay Complex SAC, Lough Fingall Complex SAC, Lough Corrib SAC, Rahasane Turlough SAC, Castletaylor Complex SAC, Kiltiernan Turlough SAC, Ardrahan Grassland SAC, East Burren Complex SAC, Cregganna Marsh SPA, Inner Galway Bay SPA, Rahasane Turlough SPA and Lough Corrib SPA. These are all listed below with approximate distances to the application site indicated:

Site code	Site name	Distance from the site KM
000268	Galway Bay Complex SAC	1
000606	Lough Fingall Complex SAC	8
000297	Lough Corrib SAC	8
000322	Rahasane Turlough SAC	9
000242	Castletaylor Complex SAC	10
001285	Kiltiernan Turlough SAC	10
002244	Ardrahan Grassland SAC	11
001926	East Burren Complex SAC	15
004142	Cregganna Marsh SPA	0.5
004031	Inner Galway Bay SPA	0.6
004089	Rahasane Turlough SPA	9
004042	Lough Corrib SPA	11

7.6.8. In addition, the AA screening section of the document outlines through figure 4.1, the geographical spread of sites and proximity to the subject site.

7.6.9. Based on the revised documentation submitted by the applicant with the grounds of appeal, I concur with the identification of sources-pathway-receptor chain conclusions of the applicant's screening for AA, in that the only Natura 2000 sites where there is potential for likely significant effects are the Galway Bay Complex SAC, Cregganna Marsh SPA, Inner Galway Bay SPA and the Rahasane Turlough SPA as a result of being in the same groundwater catchment, and within foraging range.

7.6.10. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the

information on file, including observations on the application made by prescribed bodies and other observers, and I have also visited the site.

7.6.11. Significant impacts on the remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site's conservation objectives. As such, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on eight European Sites as follows:

- Lough Fingall Complex SAC
- Lough Corrib SAC
- Rahasane Turlough SAC
- Castletaylor Complex SAC
- Kiltiernan Turlough SAC
- Ardahan Grassland SAC
- East Burren Complex SAC
- Lough Corrib SPA.

7.6.12. The qualifying interests of the four Natura 2000 Sites considered are listed below:

Table of European Sites/Location and Qualifying Interests

Table 1

European Site and COs	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
Cregganna Marsh SPA	Greenland White-fronted Goose	546 metres to the south of	Yes. Requires further assessment due	Yes.

<p>(Site Code 004142)</p> <p>To restore the favourable conservation condition of Greenland white-fronted goose in Cregganna Marsh SPA, which is defined by the list of attributes and targets on pages 6 and 7 of the National Parks and Wildlife Service, Conservation Objectives Series dated 27 January 2023.</p>		<p>the appeal site.</p>	<p>to there being potential to cause disturbance to the Greenland White fronted Goose who are known to roost and feed at Cregganna Marsh during the winter months. Potential for construction related sediment, hydrocarbons and foul effluent to outfall from the appeal site towards the SPA, as ground levels fall south in the direction of Cregganna Marsh.</p>	
<p>Galway Bay Complex SAC 000268</p> <p>To maintain the favourable conservation condition those features set out on pages 10-25 of the National Parks and Wildlife Service, Conservation Objectives</p>	<p>Qualifying Interests:</p> <p>Mudflats and sandflats not covered by seawater at low tide.</p> <p>Coastal lagoons.</p> <p>Large shallow inlets and bays.</p>	<p>97 metres north-east of the appeal site.</p>	<p>Yes. Potential to cause deterioration in water quality during construction and operation arising from surface water, ground water and outfall of sewage and hydrocarbons from the proposed development and</p>	<p>Yes.</p>

<p>Series dated 16 April 2013.</p>	<p>Reefs.</p> <p>Perennial vegetation of stony banks.</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts.</p> <p>Salicornia and other annuals colonising mud and sand.</p> <p>Atlantic salt meadows.</p> <p>Mediterranean salt meadows.</p> <p>Turloughs.</p> <p>Formations on heaths or calcareous grasslands.</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates.</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae.</p> <p>Alkaline fens.</p>		<p>to potentially adversely impact upon habitats/species within Galway Bay.</p>	
--	--	--	---	--

	<p>Limestone pavements.</p> <p>Otter</p> <p>Harbour Seal</p>			
<p>Rahasane Turlough SPA (site code 004089)</p> <p>To restore the favourable conservation condition of whooper swan Greenland White-fronted Goose, Wigeon, Golden Plover, Black-tailed Godwit in Rahasane Turlough SPA, which is defined by the list of attributes and targets, set out on pages 7-17 of the National Parks and Wildlife Service, Conservation Objectives Series dated 27 January 2023.</p>	<p>Qualifying Interests:</p> <p>Whooper Swan.</p> <p>Greenland White-fronted Goose.</p> <p>Wigeon.</p> <p>Golden Plover.</p> <p>Black-tailed Godwit.</p>	<p>9 kilometres south-east of the appeal site.</p>	<p>Yes. Requires further assessment due to there being potential for an indirect impact due to the ornithological connectivity between Rahasane and Creganna Marsh where the Greenland white fronted goose use both of these European sites for feeding and foraging.</p>	<p>Yes.</p>

<p>Inner Galway Bay SPA 004031</p> <p>To maintain the favourable conservation condition of the species listed across, in Inner Galway Bay SPA, which is defined by the list of attributes and targets, set out on pages 6-26 of the National Parks and Wildlife Service, Conservation Objectives Series dated 1 May 2013.</p>	<p>Black-throated Diver</p> <p>Great Northern Diver</p> <p>Cormorant.</p> <p>Grey Heron.</p> <p>Light-bellied Brent Goose.</p> <p>Wigeon.</p> <p>Teal.</p> <p>Red-breasted Merganser.</p> <p>Ringed Plover.</p> <p>Golden Plover.</p> <p>Lapwing.</p> <p>Dunlin.</p> <p>Bar-tailed Godwit.</p> <p>Curlew.</p> <p>Redshank.</p> <p>Turnstone.</p> <p>Black-headed Gull.</p> <p>Common Gull.</p> <p>Sandwich Tern.</p> <p>Common Tern.</p> <p>Wetland and Waterbirds.</p>	<p>830 metres west of the appeal site.</p>	<p>Yes. Potential to cause deterioration in water quality during construction and operation arising from surface water, ground water and outfall of sewage and hydrocarbons from the proposed development and to potentially adversely impact on species within Galway Bay.</p>	<p>Yes.</p>
---	---	--	---	-------------

Identification of Likely Significant Effects

- 7.6.13. The Cregganna Marsh SPA, The Rahasane Turlough SAC the Galway Bay Complex SAC and the Inner Galway Bay SPA are the four European sites being considered as part of this assessment due to the possibility of habitat degradation due to a risk of potential construction impacts in the form of release of hydrocarbons and/or sediment during groundwork excavations and the potential for adverse impacts to arise with the surface water drainage discharging to Galway Bay resulting in potential adverse impacts upon water quality, alone or in combination, with other pressures on transitional water quality. There is also the potential to cause disturbance and displacement of bird species within the adjacent SPA sites.
- 7.6.14. In terms of noise, I note that best practice construction methods would be implemented, and environmental considerations such as noise, dust and vibration would be addressed as part of a Construction Environmental Management Plan (CEMP), which would be required to be submitted to, and for the written agreement of the Planning Authority. I note that a preliminary CEMP was submitted as part of the planning documentation. I consider the inclusion of best practice construction measures to be acceptable. This is a matter that can be addressed by means of an appropriate planning condition.
- 7.6.15. Given the disturbed ground status of the appeal site, which is presently in use as a construction compound, it does not provide for suitable foraging/feeding grounds for the winter birds associated with the SPA sites. However, I note that the Marsh area traditionally used mainly by the Greenland White fronted Goose flock within the Cregganna Marsh SPA is located approximately 546 metres south of the appeal site. There are existing Oranhill dwellings located closer to the area used by the protected species than the current appeal site.
- 7.6.16. The NPWS have raised issues in relation to the survey techniques deployed to determine the forage and distribution patterns. Specifically, the bird survey report undertaken, particularly in relation to Greenland White-fronted goose (*Anser albifrons flavirostris*) in Cregganna Marsh, and conclusions drawn from this survey work which influenced the NIS. Adopting the precautionary principle, the threshold for AA screening is low and therefore, further consideration of this matter will be undertaken.

7.6.17. No water quality objectives have been set out for the Inner Galway Bay SPA.

Catchments.ie have classified the water quality in Galway Bay as good, which would indicate that the Galway Bay Complex SAC and the Inner Galway Bay SPA have not been impacted upon by either wastewater or surface water outfalls from development within the city area to date. I am also satisfied that there is adequate capacity within the foul sewer network to cater for the foul effluent arising from the development. The EclA submitted as part of the planning documentation sets out that there are no habitats/species listed as Qualifying Interests (QI; s) associated with any European site within the appeal site boundary. For these reasons, I am satisfied that it is unlikely that habitat loss or disturbance of habitat or species listed as Qualifying interests would arise in this instance. Therefore, likely direct significant effects on these specific SPA sites and the Galway Bay Complex SAC can be ruled out.

7.6.18. I consider that there is potential for indirect significant effects in the form of outfall of sediment and/or hydrocarbons to the surface water network during the construction period on water quality within Galway Bay/Cregganna Marsh. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken.

7.6.19. The surface water management proposals, proposed for the operational phase are considered adequate to serve the development and would not result in likely significant effects upon the European sites. I am of the opinion that the water supply within Lough Corrib would not be subject to likely significant effects as the design of the water network would provide for a non-reversible valve, thereby eliminating that as a source of contamination. Therefore, I am satisfied that these particular potential impacts do not require further assessment in the context of Appropriate Assessment.

7.6.20. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites within the settlement boundary of Oranmore, which have been granted planning permission and are referenced in Section 4 of this report. However, through the implementation of best practice construction methods and the fact that all of these sites have been subjected to Strategic Environmental Assessment and also have been subjected to an Appropriate Assessment determination under the preparation of the Galway

County Development Plans of 2016 and 2022, the cumulative environmental impact of all of the zoned lands being developed was considered and deemed acceptable.

- 7.6.21. Therefore, taking the precautionary approach, I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential significant effects that may arise in relation to a number of the nearest European sites, namely, the Cregganna Marsh SPA, the Galway Bay Complex SAC, the Inner Galway Bay SPA and the Rahasane Turlough SPA. This conclusion is consistent with that of the applicant's initial and subsequently revised documentation.

Screening Determination

- 7.6.22. 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 likely significant effects on the Cregganna Marsh SPA, the Galway Bay Complex SAC, the Inner Galway Bay SPA and the Rahasane Turlough SPA, and Appropriate Assessment is, therefore, required. The potential for significant effects on other European sites can be excluded.

Stage 2 Appropriate Assessment

Natura Impact Statement

- 7.6.23. The initial and updated Natura Impact Statement (NIS) examines and assesses potential for adverse effects of the proposed development on Cregganna Marsh SPA, The Rahasane Turlough SAC the Galway Bay Complex SAC and the Inner Galway Bay SPA. Section 3.1 of the NIS sets out the potential impacts arising from the construction and operational phases of the development on each of the European sites and includes details of mitigation measures that would be incorporated as part of a Construction Environmental Management Plan (CEMP).
- 7.6.24. The NIS concludes that with the implementation of the pollution control mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase, adverse effects on the site integrity of the European sites alone, or in combination with other plans and projects can be excluded.

Appropriate Assessment of implications of the proposed development on the European Site

- 7.6.25. The following tables (2-5) set out my assessment of the implications of the project on the qualifying interest features of the Cregganna Marsh SPA, The Rahasane Turlough SPA, the Galway Bay Complex SAC and the Inner Galway Bay SPA using the best scientific knowledge in the field as provided in the NIS as updated and revised. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 7.6.26. It should be noted that a number of Qualifying Interests (QI's) within the Galway Bay Complex SAC were removed from further assessment at screening stage as the potential for likely significant effects on these particular QI's has been ruled out due largely to the absence of direct hydrological pathways between the appeal site and these particular QI's. These QI's include Coastal Lagoons, Turloughs, Juniperus communis formations, Calcareous fen, Alkaline fen, Scrubland facies on calcareous substrates, Perennial vegetation of stony banks. Salicornia and other annuals colonising mud and sand, Mediterranean/Atlantic salt meadows, Harbour Seal which is almost entirely a marine species and the Otter as there is no suitable habitat within the appeal site or in its vicinity for this species. Ecological surveys conducted on site indicate that: The appeal site and the areas immediately adjacent to it do not provide significant habitat for the qualifying interest fauna species of the nearby SPAs and SAC.

Table 2

Site 1

Name of European Site, Designation, site code: Cregganna Marsh SPA, 004142			
Summary of Key issues that could give rise to adverse effects.			
<ul style="list-style-type: none">• Species degradation/loss• Disturbance of QI species			
Conservation Objective: To restore the favourable conservation condition of Greenland white-fronted goose in Cregganna Marsh SPA.			
		Summary of Appropriate Assessment	

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Greenland White-fronted Goose	To maintain or restore the favourable conservation condition of Greenland white-fronted goose in Cregganna Marsh SPA,	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water and/or groundwater arising from construction and or operational activities on site and potentially adversely impacting upon the Marsh which acts as a feeding area for this particular protected wintering geese species. Light spillage from the development post construction	Major groundworks and excavations to take place outside of the winter season. Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems. Streetlights will be fitted with hoods to ensure all light is directed within the site boundaries.	No significant in-combination adverse effects	Yes
Overall conclusion: Integrity test					

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Table 3

Site 2:

Name of European Site, Designation, Rahasane Turlough SPA, 004089 Summary of Key issues that could give rise to adverse effects. <ul style="list-style-type: none"> • Loss of foraging ground • Disturbance of QI species Conservation Objectives: To maintain the favourable conservation condition of Greenland White-fronted goose, black-tailed godwit, golden plover, wigeon, whooper swan and wetlands in Rahasane Turlough SPA.					
		Summary of Appropriate Assessment			
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Wetlands and Waterbirds	To maintain or restore the favourable conservation condition of the wetland Habitat of Rahasane Turlough as a resource for the regularly occurring migratory waterbirds that visit the lake.	Indirect disturbance impact and loss of associated with the Cregganna Marsh as the Greenland White fronted Goose spend majority of its time at Rahasane Turlough and occasionally	Major groundworks and excavations to take place outside of the winter season. Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon	No significant in-combination adverse effects	Yes

		use Cregganna Marsh for feeding and foraging purposes. human activity.	interceptors within the surface water systems		
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

Table 4

Site 3:

Name of European Site, Designation, site code: Galway Bay Complex SAC 000268 Summary of Key issues that could give rise to adverse effects. <ul style="list-style-type: none"> • Adverse impact upon Water Quality and water dependant habitats/species • Habitat/species Loss • Disturbance of QI species/habitats Conservation Objectives: To maintain or restore the favourable conservation condition of the protected habitats and species within Galway Bay.					
		Summary of Appropriate Assessment			
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Mudflats and sandflats not covered by water at low tide.	To restore the favourable conservation condition of the protected Mudflats and Sandflats not covered by	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to	No significant in-combination adverse effects	Yes

	seawater at low tide in Galway Bay.	and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	attenuation tank and hydrocarbon interceptors within the surface water systems		
Large shallow inlets and bays		Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems	No significant in-combination adverse effects	Yes
Reefs		Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface	No significant in-combination adverse effects	Yes

		potentially adversely impacting upon protected habitat	water systems		
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

Table 5

Site 4:

Name of European Site, Designation, site code: Inner Galway Bay SPA 004031 Summary of Key issues that could give rise to adverse effects. <ul style="list-style-type: none"> • Water Quality and water dependant habitats • Loss of foraging ground • Disturbance of QI species Conservation Objectives: To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay as a resource for the regularly occurring and visiting migratory winter birds.					
		Summary of Appropriate Assessment			
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Wetlands and Winter birds	To maintain or restore the favourable conservation condition of the wetland Habitat of Galway Bay	Deterioration in water quality arising from sedimentation and release of hydrocarbons	Major groundworks and excavations to take place outside of the winter season. Silt	No significant in-combination adverse effects	Yes

	as a resource for the regularly occurring migratory waterbirds that visit the bay.	to surface water and/or groundwater arising from construction and or operational activities on site and potentially adversely impacting upon the Marsh which acts as a feeding area for this particular protected wintering geese species	fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems		
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

7.6.27. The NPWS raised concerns regarding the bird survey report undertaken, particularly in relation to Greenland White-fronted goose in Cregganna Marsh, and conclusions drawn from this survey work which influenced the NIS. In answer to these concerns, the applicant has prepared a revised NIS and a Wintering Bird Survey, with updated Site Specific Conservation Objectives included. I note that the summary and discussions set out in the updated Wintering Bird Survey Report (section 4 page 44-45) with reference to unconfirmed sightings of Greenland White-fronted goose; the appeal site does not contain favourable habitats for same and the distance from and development that intervenes the site from Cregganna Marsh is unlikely to cause visual disturbance. I am satisfied that the updated findings accord with the underlying assumptions and conclusions reported in the original and subsequently updated NIS.

7.6.28. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites, existing, permitted and those under construction. With the incorporation of best practice construction methods and the fact that many/all of these sites would have been subjected to their own individual Appropriate Assessments, Strategic Environmental Assessment and an Appropriate Assessment determination under the preparation of the Galway County Development Plans of 2016 and 2022, the cumulative environmental impact of development within the appeal site and within the adjacent lands has been considered and deemed acceptable.

7.6.29. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC, and the Inner Galway Bay SPA, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

Appropriate Assessment Conclusion

7.6.30. Having carried out screening for Appropriate Assessment, it was concluded that, in the absence of mitigation measures to prevent construction related pollutants reaching Galway Bay, the proposed development might have a significant effect on four European Sites, Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC and the Inner Galway Bay SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European sites in light of their conservation objectives.

7.6.31. Following an Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC nor the Inner Galway Bay SPA, or any other European site, in view of the site's Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Cregganna Marsh SPA, the Rahasane Turlough SPA, the Galway Bay Complex SAC and the Inner Galway Bay SPA. This is based upon the updated and revised documentation that was required by the NPWS and duly submitted with this appeal.

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 location of the site within the existing built up area of Oranmore on zoned and serviced lands, the provisions of the Galway County Development Plan 2022-2028 and the Oranmore Metropolitan Settlement Plan 2022-2028, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the Core and Settlement Strategies of the Development Plan, that the proposed density of development is appropriate and that the development would not result in the creation of a traffic hazard or seriously injure the amenities of the area. 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 and by the plans and particulars received by An Bord Pleanála, 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) The rear laneway that serves plot 31 shall be closed off and the rear garden area of plot 31 shall be accessed from plots 29 and 30, rear gardens shall be adjusted accordingly.
- (b) A revised boundary treatment that is secure and provides visual screening along the extent of the apartment block at its interface with the public road (N67) shall be prepared.

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 visual and residential amenity.

3. The pedestrian path connecting the site to Coill Clocha and Cnoc an Chaisleain, shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.

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

4. All of the mitigation measure cited in Section 6 of the Natura Impact Statement and Section 7.5.1 of the Preliminary Construction Environmental Management Plan submitted to An Bord Pleanála on the 11th day of April 2023 shall be implemented in full.

Reason: In the interest of the natural heritage of the area and protecting the environment.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

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

Reason: In the interests of amenity and public safety.

8. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior

to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. 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 names.

Reason: In the interest of urban legibility.

9. 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 interests of public health.

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

Reason: In the interest of public health.

11. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces, and measures for the protection of trees and hedgerows within and adjoining the site shall be agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of residential and visual amenity.

12. 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) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
- (f) 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.
- (g) Prior to the occupation of units within the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for information to encourage the use of public transport, cycling, and walking by residents. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park areas shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

15. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable

materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

17. The construction of the development shall be managed in accordance with a Construction and Environmental 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.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during construction.
- e) Details of 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.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.

j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.

l) 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.

m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

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

18. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

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

19. 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.

20. 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.

21. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste 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, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, 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. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

22. 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.

23. Prior to the commencement of any own door apartment unit in the development as permitted, the applicant 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 own-door unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts such own door 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.

24. 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.

25. 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

13 February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316265-23			
Proposed Development Summary	70 residential units.			
Development Address	Oranhill, Oranmore, Co Galway.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	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, comprising 70 dwellings, all on a site of 1.94 Hectares, edge of town. Scale of development is	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.	less than 500 dwelling units, on a site of 1.94 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: _____