



An
Bord
Pleanála

Inspector's Report ABP-317835-23

Development	Construct 39 two-storey houses and 14 three-storey blocks containing 49 apartments and a childcare facility
Location	Droim na Gaoithe, Baile Chláir, Co. na Gaillimhe
Local Authority	Galway County Council
Type of Application	Application for approval made under Section 177AE of the Planning and Development Act 2000, as amended
Prescribed Bodies	Uisce Éireann Transport Infrastructure Ireland Health and Safety Authority
Observers	Riveroaks Residents Association Dr. Brendan Day Gleann Mhuiris Residents Conradh na Gaeilge
Date of Site Inspection	30 th November 2023
Inspector	Colm McLoughlin

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1.0 Introduction

- 1.1.** Under the provisions of Section 177AE of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000'), Galway County Council has made an application to An Bord Pleanála for a Local Authority development comprising the construction of 88 residential units on the southern side of Claregalway (Baile Chláir) in County Galway. In initially assessing the proposed development, the Local Authority has determined that it would be likely to have significant effects on European Sites and, accordingly, an Appropriate Assessment (AA) would be required. Under the provisions set out in section 177AE(2) of the Act of 2000, should a proposed development require an AA it shall not be carried out unless the Board has approved it, with or without modifications.

2.0 Site Location and Description

- 2.1.** The application site comprises a stated area of 2.7ha and is located in the townland of Droim na Gaoithe on the southern side of Baile Chláir, approximately 8km northeast of Galway city. It comprises two fields bounded by mature hedgerows and trees, with stone walls marking the 240m length of roadside boundaries along the R381 regional road and the L7110 local road, known as Lakeview Road. A stonewall supplements the mature hedgerow along the boundary with a vacant bungalow property adjoining the site to the south on the junction of the local and regional roads. Gated-agricultural accesses are available into the site from the regional and local roads. There is approximately a 2m gradual drop from the southwest corner of the site to the northeast corner.
- 2.2.** The surrounding area comprises the Cúirt na hAbhainn residential estate to the north, consisting of two-storey detached and semi-detached houses. There are other residential properties and estates to the west that are set back from the regional road, including Church View, Slí an Bhradáin and Gleann Mhuiris estates. Lakeview Road features cycle and pedestrian paths on the northern side serving numerous houses, a recently-constructed schools campus and a community sports facility, with floodlit playing fields adjoining the application site to the east. A business park is located over 200m to the south of the application site on the edge of Baile Chláir.

3.0 Proposed Development

3.1. The proposed development comprises the following:

- construction of 88 residential units to comprise 39 two-storey houses and 14 two to three-storey blocks accommodating a total of 49 apartments and a childcare facility;
- provision of vehicular accesses off the R381 regional road and Lakeview Road (L7110) and all associated development, including public open space, landscaping, boundary treatments, cycle parking stands, car parking, electricity substation, wastewater pumping station, childcare facility drop-off / collection area along Lakeview Road, environmental services and lighting.

3.2. The following tables set out the key features of the proposed development:

Table 1. Development Standards

Site Area (gross)	2.7ha
Number of units	88
Part V units (% overall units)	88 (100%)
Social / Affordable Units	43 / 45
Non-residential gross floor area (GFA)	128sq.m
Residential GFA	8,585sq.m
Total GFA	8,713sq.m
Residential Density (gross)	33 units per ha
Public Open Space (% gross site area)	0.7ha (27%)
Plot Ratio (gross site area)	0.32:1
Site Coverage (gross site area)	14%

Table 2. Unit Mix

	One-bedroom	Two-bedroom	Three-bedroom	Four-bedroom	Totals
Houses	-	18	19	2	39
Apartments	13	21	15	-	49
% of units	15%	44%	39%	2%	100%

Table 3. Stated Maximum Building Heights

Block	Storeys	Height
Houses	2	8.2m
Apartments	3	10.9m

Table 4. Parking Spaces

Car parking (standard)	142
Car parking (accessible)	6
Car parking (total)	148
Cycle parking (on-street)	260

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning Report;
- Design Statement (Irish and English language versions);
- Conclusions to selected application reports (Irish and English language versions);
- Schedule of Accommodation;
- Schedule of Areas and Standards;
- Traffic and Transportation Assessment;
- DMURS - Statement of Consistency;
- Civil Works Design Report;
- Road Safety Audit Stage 1;
- Childcare Impact Assessment;
- Linguistic Impact Statement;
- Natura Impact Statement (NIS) with appended AA Screening Report;
- Ecological Impact Assessment;
- Environmental Impact Assessment (EIA) Screening Report;
- Construction Environmental Management Plan;
- Archaeological Impact Assessment;
- Flood Risk Assessment dated March 2020;
- Flood Risk Assessment dated August 2023.

3.4. On the 29th day of November 2023, in the interest of justice the Board offered the Local Authority the opportunity to respond to the third-party observations, as set out in section 7.2 of this report. A response was not received from the Local Authority.

4.0 Planning History

4.1. Application Site

4.1.1. I am not aware of any planning applications relating to the application site.

4.2. Surrounding Sites

4.2.1. The following recent relevant planning applications relate to the immediate area surrounding the application site:

- An Bord Pleanála (ABP) reference (ref.) 314432-22 / Galway County Council (GCC) ref. 22/60312 – permission was refused by the Board in December 2023 for the construction of 12 houses on lands located approximately 120m to the south of the application site, as the proposed development would materially contravene the residential (phase 2) land-use zoning objectives for the site;
- GCC ref. 23/61411 – application submitted to the Planning Authority in November 2023 for demolition of the vacant bungalow adjoining to the south of the application site, and the construction of six two-storey houses and a three-storey block containing four ground-floor apartments and four duplex apartments above, with a vehicular access off Lakeview Road and public open space on the southwest corner junction. A decision on this application is due on the 27th day of January 2024;
- ABP ref. 312191-21 – a strategic housing development was granted permission by the Board in April 2022 for the demolition of a cottage and a house, and the construction of 111 residential units in a mix of 73 houses and 38 apartments on a site approximately 180m to the northeast of the application site;
- Galway County Council (GCC) ref. 19/1581 – following the withdrawal of an appeal (ABP ref. 306255-19) permission was granted by the Planning

Authority in January 2020 for an artificial playing surface, floodlighting, ball-catching net and children's play area on the sports grounds adjoining to the east of the application site. Further amendments to the permission were granted by the Planning Authority in November 2020 and July 2021 respectively under GCC refs. 20/1069 and 21/807.

5.0 Policy and Context

5.1. National & Regional Policy

Project Ireland 2040 - National Planning Framework

- 5.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed, urban places) and 13 (development standards).

Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032

- 5.1.2. The 'Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. According to the RSES, the site lies within the Galway metropolitan area, where it is intended to deliver dynamic development through the Galway Metropolitan Area Strategic Plan (MASP) to ensure compact growth. The MASP identifies Baile Chláir as a strategic location for growth and states that the Galway Transport Strategy will be influential in ensuring the sustainable development of this settlement. RPO 3.6.2 aims for half of all new homes in the region to be built within the existing Galway city development envelope, with 40% on infill and/or brownfield sites. RPO 3.6.3 supports the preparation of a Building Heights Study for Galway and in developing this strategy a

residential density of 50 units per hectare will apply for high-density areas, and 35 units per hectare for the remainder of the city development envelope.

5.2. Planning Guidelines

5.2.1. The following section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (hereinafter the ‘New Apartment Guidelines’);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the ‘Building Heights Guidelines’);
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January, 2018;
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

5.2.2. The following planning guidance and strategy documents are also considered relevant:

- National Cycle Manual 2023;
- Places for People – National Policy on Architecture (2022);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (3rd Edition, 2022);
- Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Water Sensitive Urban Design Best Practice Interim Guidance Document (2022);

- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (2003);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

5.3. Local Plans

Galway County Development Plan 2022-2028

- 5.3.1. Baile Chláir is identified in Volume 1 of the County Development Plan as a settlement within the designated MASP area, with policy objective SS1 relating to settlement hierarchy recognising the important role of the MASP as a key driver of social and economic growth in the County and the wider region, and supporting the sustainable growth of strategic settlements, including Baile Chláir. The population targets for Baile Chláir allows for an increase of 975 persons between 2022 and 2028, which is up from a population of 1,248 in 2016. Based on a housing occupancy rate of 1.74 persons per unit, an additional 561 residential units are envisaged for Baile Chláir over the lifetime of the Plan.
- 5.3.2. Chapter 13 of the Development Plan includes policy objectives with respect to the Gaeltacht, an area which the application site is situated within. Of relevance are policy objectives GA 1 referring to the linguistic and cultural heritage of An Ghaeltacht and GA 4 requiring a 15-year language enurement clause to be applied to a minimum of 20% of new housing units in this Gaeltacht area or a higher proportion should census data highlight a greater proportion of daily Irish speakers in the area. Policy objective GA 5 requires a linguistic impact statement to accompany applications for two or more houses in Gaeltacht areas.
- 5.3.3. Volume 2 to the Development Plan includes policy and zoning objectives for Baile Chláir. The Development Plan land-use zoning map for Baile Chláir identifies the subject site as primarily featuring an 'R – residential (phase 1)' zoning with an 'OS – open space / recreation / amenity' zoning for the remainder of the lands in the

northeast corner of the site. These 'OS' zoned lands are partially identified as being within flood zone B with an indicative and extreme pluvial flood zone extending out from this into the 'R' zoned lands. Specific local objective BCMSP 3 referring to 'Community Facilities and Services' is identified in the zoning map in a location along Lakeview Road within the application site. This objective is also identified in two other locations to the south side of Lakeview Road. The aim of this objective is stated to promote the development of community facilities on suitable lands/sites in Baile Chláir with a high level of access to the local community, including educational, community, civic, public, institutional, recreational, cultural and other complementary uses, as appropriate, and to reserve lands for the provision of community facilities for the purpose of a playground. Other policy objectives of the Development Plan of relevance in considering the subject proposals include BCMSP 1 (sustainable residential communities), BCMSP 6 (pedestrian and cycle network), BCMSP 9 (Irish language), BCMSP 10 (language enurement clause) and SH 4 (sustainable housing).

- 5.3.4. Chapter 5 of the Development Plan sets out key urban design policies and objectives for density, building heights, the public realm, urban living, housing tenure, unit types and open space. Section 15.2.3 of the Development Plan sets out standards with respect to multiple-housing unit schemes in towns and villages of County Galway, including development management (DM) standard 2 addressing density parameters, building heights, open space provision, design and layout considerations, transport, phasing, unit mix, ancillary features, taking-in-charge details and other development parameters. Of relevance to this application are the Development Plan DM standards addressing vehicular access (28), parking standards (31), traffic, noise and road safety (33), water supply and wastewater collection (36), existing boundary types (47), environmental assessments (50), archaeological conservation (61), residential energy efficiency (64), sustainable urban drainage systems (SUDS) (67) and flooding (68). The R381 regional road is identified in the Development Plan as a restricted road, although this relates to the area outside of the 50 / 60km/hr speed limit zone, east of the application site.

6.0 Legal Context

- 6.1.** Directive 92/43/EEC addressing the Conservation of Natural Habitats and of Wild Fauna and Flora ('the Habitats Directive') is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European Site, and where the plan or project is not directly connected with or necessary to the nature conservation management of the European Site, the plan or project will be subject to AA to identify any implications for the European Site in view of the site's conservation objectives. European Sites comprise Special Areas of Conservation (SACs) and Special Protected Areas (SPAs). The Habitats Directive is transposed into Irish law by Part XAB of the Act of 2000 and the Planning and Development Regulation 2001, as revised.
- 6.2.** Section 177AE sets out the requirements for AA of developments proposed to be carried out by or on behalf of Local Authorities. As stated above, where AA is required, the Local Authority shall apply to the Board for approval and the proposed development shall not be carried out unless the Board has approved it, with or without modifications. The Act of 2000 requires the Board to determine whether a proposed Local Authority development would or would not adversely affect the integrity of a European Site and in doing so shall consider the NIS, any submissions or observations received, and any other information relating to the likely effects on the environment, the likely consequences for the proper planning and sustainable development of the area and the likely significant effects on a European Site. Assessments in this regard are undertaken in sections 8, 9 and 10 below.

7.0 Submissions

7.1. Prescribed Bodies

- 7.1.1.** The Local Authority state that they notified the Health Service Executive, An Chomhairle Ealaíon, The Heritage Council, An Taisce, Inland Fisheries Ireland, Coras Iompar Éireann, the Irish Aviation Authority, the Commission for Railway Regulation, Uisce Éireann, the Commission for Regulation of Utilities, the National Transport Authority, the Environmental Protection Agency (EPA), Transport Infrastructure Ireland (TII), Fáilte Ireland, Údarás na Gaeltachta, the Health and

Safety Authority (HSA), Shannon Free Airport Development Company Ltd. and Waterways Ireland. I would query the necessity for a number of these prescribed bodies to be consulted in relation to the application based on the legislative provisions, the nature and scale of the proposed development and the site context. Notwithstanding this, the Board received submissions from the following prescribed bodies within the appropriate period:

- Uisce Éireann – wastewater and water supply are feasible without infrastructure upgrades, the developer would be responsible for the design and construction of infrastructure within the site and conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann standards, codes, and practices;
- TII – no specific observations given the site context and nature of the proposals;
- HSA – the site is not within a zone where there is a risk or consequences of a major accident, therefore, the HSA have no specific observations.

7.2. Observations

7.2.1. Observations generally objecting to the proposed development were received from Riveroaks and Gleann Mhuiris residents' groups in Baile Chláir, and a neighbour residing along the opposite side of the R381 regional road to the application site. An observation was also received from Conradh na Gaeilge, a social and cultural organisation promoting use of the Irish language. The submission from Conradh na Gaeilge is in the Irish language with an English translation. The observations can be collectively summarised as follows:

Principles, Scale & Tenure

- excessive housing growth is planned for Baile Chláir in the Development Plan, with a lack of supporting resources to cater for same and a need for a more holistic approach in the development and planning of Baile Chláir providing for reorientation of the village structure to create a central pivot and an opportunity for the settlement to expand in a more positive manner;
- the lands should be used for other purposes, such as burial plots, youth services or green space;

- the number of residential units proposed should be reduced;
- the proposed development would have negative impacts on the visual amenities, appearance and character of the area, including via removal of mature trees and the loss of green fields;
- there has been a lack of owner-occupier developments in Baile Chláir in the last 15 years and there is a need for private housing;
- the housing allocation should be reviewed with respect to Irish speakers and those with additional physical needs;

Traffic & Construction Impacts

- the area already suffers from traffic congestion, including along the R381 and Lakeview Road, with implications for air pollution and local businesses;
- housing should be postponed until a bypass of Baile Chláir has been constructed, along with other support services;
- there are no plans afoot to address traffic congestion, which the proposals would add to and any further development in Baile Chláir should be prohibited;
- flooding impacts and increased traffic along the roads would have implications for traffic and road safety;
- lack of a bus route;

Flooding & Drainage

- the application site and N83 national road are prone to flooding restricting scope to obtain insurance cover;
- the additional hardstanding areas and the raising of floor levels would contribute to flooding;
- soakways may not be a suitable means of surface water disposal and no date has been provided for the percolation tests;
- the wastewater pumping station will be inundated when the water table rises with no protection for water services;

- limited details have been provided with respect to the pumping station, including the vent stack;

Linguistic & Cultural Heritage

- Government policy recognises that conditions need to be placed on developments to ensure that they will benefit the linguistic and cultural heritage of the Gaeltacht;
- EU legislation protects the rights of persons belonging to minority groups, including their sociolinguistic and cultural heritage;
- Baile Chláir is in the Eachréidh language plan area and it is necessary that conditions should be applied to a development of this size;
- the linguistic impact statement provided with the application was prepared by architects and not by persons with a background or qualification in language planning or sociolinguistics;
- a restriction should be placed on the units to prevent them being sold for at least 15 years and not to be let for longer than three months in a year, with the exception of being sold or let to Irish speakers;
- based on the Common European Framework of Reference for Languages (Council of Europe, 2001), a B2 level or higher level of competence in the Irish language is required as an acceptable standard in spoken Irish, in order to fulfil the enurement clause requirement;
- 35% of the proposed units should be reserved for Irish speakers;
- the High Court Judgement ‘Comharchumann v. An Bord Pleanála [2021] IEHC 703’ noted that a condition used by the Board lacked specification regarding the proportion of units to be reserved for Irish speakers and the standard of Irish language required for Irish speakers, as well as there being scope for the condition to be amended or cancelled by the Planning Authority;
- the childcare facility should operate using the Irish language;
- permission should not be granted unless specific and enforceable planning conditions are attached with respect to the Irish language;

Residential Amenities

- proposals are contrary to the Sustainable Residential Development Guidelines 2009 and would result in overlooking of housing along the R381 regional road;
- the application was not accompanied by a shadow study;
- Baile Chláir does not feature sufficient school places, community facilities, support services and infrastructures, including a playground, to serve the proposed development and the wider population;
- there is no guarantee that the proposed playground would actually be provided or would be available to the wider community, as it would be located within the development;
- facilities for older children are not proposed to be provided as part of the playground;
- a noise study to address construction phase impacts has not been provided;
- proposals would result in disturbance during the construction phase.

7.3. Local Authority Response to Observations

7.3.1. The Local Authority did not respond to the observations from third parties.

8.0 Assessment

8.1. Introduction

8.1.1. Prior to making a decision in relation to a Local Authority development, section 177AE (6) of the Act of 2000 requires that the Board consider:

- the likely consequences for the proper planning and sustainable development in the area;
- the likely effects on the environment;
- the likely significant effects of the proposed development upon a European Site.

8.1.2. This planning assessment section of my report addresses the likely consequences of the proposed development on the proper planning and sustainable development of the area. While some overlapping occurs, the likely effects on the environment are primarily considered under section 9 below when addressing EIA Screening. Finally, as stated above, section 10 below considers the likely significant effects of the proposed development on European Sites.

8.1.3. In assessing the proposed development impacts on the proper planning and sustainable development of the area, I consider the substantive issues arising from the application and the submissions received, relate to the following:

- Development Principles;
- Density;
- Linguistic & Cultural Heritage;
- Flood Risk & Drainage Services;
- Urban Design;
- Impacts on Neighbouring Residents;
- Access, Parking & Traffic.

8.2. Development Principles

Land-use Zoning Objectives

8.2.1. NPO 33 of the NPF seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. RPO 3.6.2 of the RSES reinforces the principle of compact urban growth prioritised in the NPF and sets a target of at least half of all new homes in the region to be built within the existing Galway city development envelope, with 40% on infill and/or brownfield sites. The subject lands are approximately 500m from the central core to Baile Chláir, a settlement that is within the MASP defined in the RSES. The subject lands are situated between established community facilities and residential estates within the settlement or development boundaries for Baile Chláir. Accordingly, from a strategic planning perspective I am satisfied that the subject lands are ideally positioned to accommodate a housing development.

- 8.2.2. The Development Plan land-use zoning map identifies the majority of the subject site, including the area intended to accommodate the proposed houses and apartments, as featuring an 'R – residential (phase 1)' zoning. Subject to standard planning considerations, the Development Plan supports the development of these lands for residential use over the lifetime of the Plan. An area stated to measure 0.2ha within the northeast corner of the site, featuring an 'OS –open space / recreation / amenity' zoning in the Development Plan, has been prepared to form part of the public open space serving the development and the wider area, primarily as it is within an identified flood risk zone. Objective GCMA 13 of the Development Plan sets out that the use of 'OS –open space / recreation / amenity' zoned land may include the appropriate management and use of any flood risk in such zones.
- 8.2.3. Third parties refer to the need to reorientate the urban structure for Baile Chláir, in order to create a centre point to the settlement and to provide an opportunity to expand the settlement in a positive manner. They also refer to the potential to use the subject lands for alternative purposes, such as burial plots, youth facilities or green space. The appropriate land-use zoning objectives for the site, as stated above, facilitate use of the subject lands for residential use, albeit with scope for ancillary community services and public open space. Accordingly, I am satisfied that the principle of providing housing and open space on the application site in the manner proposed in the subject application, would accord with the statutory land-use zoning objectives for the site and there is not a need to restrict the development in order to facilitate use of the site for alternative purposes.

Core Strategy

- 8.2.4. The Development Plan sets out population and housing targets for Baile Chláir over the period of the plan (i.e. 2022 to 2028). The third parties assert that an excessive level of housing growth in Baile Chláir is being provided for in the Development Plan and that the number of units proposed in the application should be reduced. The core strategy figures for housing growth are allocated within the Development Plan and this notes scope for a population increase of 975 over this period based on strategic planning guidance, including the provisions of the RSES, providing for an increase amounting to 561 residential units. I am aware of a strategic housing development for 111 residential units that was granted permission by the Board in April 2022 on a site 180m to the northeast of the application site (ABP ref. 312191-

21) and an application that is currently with the Planning Authority for 18 residential units adjoining the application site to the southwest (GCC ref. 23/61411). A review of the planning register since the adoption of the County Development Plan in 2022 does not suggest any other recent large-scale residential permissions in the Baile Chláir area, nor have I been made aware of any such permissions. Accordingly, it is reasonable to conclude that the subject proposals comprising 88 residential units would not result in the core strategy targets being exceeded, and it would not be necessary to reduce the quantum of housing proposed based on the Development Plan core strategy provisions.

Specific Local Objective

- 8.2.5. Within the Development Plan zoning map, a specific policy objective is identified on the application site along Lakeview Road. This specific policy objective is referenced as BCMSP 3 and refers to 'Community Facilities and Services'. As noted above, a similar objective is also applied to the lands to the immediate south of the application site and Lakeview Road. This policy objective aims to promote the development of community facilities on suitable lands/sites in Baile Chláir with a high level of access to the local community, including educational, community, civic, public, institutional, recreational, cultural and other complementary uses, as appropriate, and to reserve lands for the provision of community facilities for the purpose of a playground. The applicant asserts that this policy objective is being complied with via the provision of a playground within the public open space fronting the development onto Lakeview Road. I also note the proposed provision of a childcare facility to the southern side of the development along Lakeview Road.
- 8.2.6. Specific policy objective BCMSP 3 is not overly prescriptive in defining the type of local community facilities that are required on the application site. The proposed public playground facility could reasonably be considered to fall into the category of a recreational facility. Furthermore, I note that the childcare facility could be considered an educational or community facility, despite being proposed to be of a scale to primarily serve the subject proposed development. Accordingly, I am satisfied that the proposed development would accord with the specific policy objective BCMSP 3 assigned to the application site. A third-party submission refers to the potential for the playground not to be completed as part of the proposed development. In order to address this and given the necessity to comply with

specific policy objective BCMSP 3 of the Development Plan, I recommend that a condition should be attached requiring completion of the playground prior to occupation of any of the houses on site.

Housing Tenure

- 8.2.7. In relation to the proposed housing tenure, the proposals feature 49% social housing units and 51% affordable housing units. While the application lands are stated to be in control of the Local Authority and are publicly-owned land, the requirement to enter into an agreement under section 74(4) of Part 9 to the Land Development Agency Act 2021 does not apply, as the Local Authority is proposing to use the lands for a Local Authority social and affordable housing scheme and the application is being made under section 177AE of the Act of 2000. Furthermore, the applicant would not be required to apply for a certificate of exemption under section 97 of the Act of 2000 from the provisions set out in section 96 of the Act of 2000, as it is the Local Authority that is proposing social and affordable housing. Accordingly, conditions with respect to a restriction of the housing for social and affordable tenures or the seeking of an exemption in relation to same would not be necessary.
- 8.2.8. The third parties refer to a need for more private housing in Baile Chláir. Substantive other lands are provided for in the Development Plan to facilitate a range of housing within the development boundaries to Baile Chláir, with a strategic housing development for 111 residential units permitted recently and which I understand could potentially feature private housing, as well as the standard provision of social housing (ABP ref. 312191-21).
- 8.2.9. The third parties also assert that the proposed units should cater for those with additional physical needs. Policy objective SH 4 of the Development Plan aims to promote and support the development of sustainable housing for older people and those with disabilities or learning disabilities, with the concept of independent living promoted. In their Design Statement the applicant states that the houses and apartments would accommodate a wide range of configurations, cognisant of universal design and the need to cater for people with a range of abilities and stages in life. According to the applicant, the internal design of the proposed units complies with current Department of Housing, Local Government and Heritage guidelines, with the two proposed four-bedroom houses (Type A) featuring bathrooms sized for

universal design compliance in line with Part M of the Building Regulations. The floor plans provided with the application for the various unit types, indicate that access for those with physical disabilities has influenced the layouts, including wheelchair turning areas. I also note the very limited alterations in ground levels across the site, thereby facilitating ease of access across the site for all. Proposals indicating that units would not be capable of being used by persons with additional physical needs has been submitted and I am satisfied that the proposed development would support the provisions set out under policy objective SH 4 of the Development Plan.

- 8.2.10. Furthermore, the provisions of the Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities do not apply, as the proposals are for a Local Authority housing development.

8.3. Density

Context

- 8.3.1. Comprising 88 units on a gross site area of 2.7ha, which includes the public open space area in the northeast corner of the site, the proposed development would feature a gross density of 33 units per hectare. Following the approach set out in the Sustainable Settlements Guidelines, with omission of the open space area on site amounting to 0.2ha that is stated as being at low risk of flooding, as referenced in the application Planning Report, the net density of the proposed development would amount to 35 units per hectare. When compared with residential densities in the immediate environment, such densities would appear to be marginally above the density of the estates off the R381 regional road, including Cúirt na hAbhainn, Church View and Slí an Bhradáin estates, as well as the one-off houses along Lakeview Road. In 2022, the Board granted planning permission for 111 houses on a neighbouring site to the northeast of the application site (ABP ref. 312191), which would feature a gross density of 22 units per hectare or a net density of 34 units per hectare.
- 8.3.2. The Local Authority refer to the proposed density of 33 units per hectare as being appropriate for the site based on the provisions of the RSES, the 'OS – open space / recreation / amenity' zoned northeast corner of the site and the need to provide a

playground to serve as a community facility on the application site. The applicant also considers the proposed density to be consistent with the provisions of the Sustainable Residential Development Guidelines 2009 allowing for densities of 20 to 35 units on edge of small town centre sites. The applicant also refers to the draft provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities in attempting to justify the density of the proposals. I note that the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 have now replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009.

National and Regional Policy

- 8.3.3. In terms of the national policy context, the NPF promotes the principle of ‘compact growth’ at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. RPO 3.6.3 of the RSES supports a default standard of 35 units per hectare for areas not considered suitable for high densities.
- 8.3.4. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but should be actively sought out and brought forward by planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities. Specific Planning Policy Requirement (SPPR) 4 of these Guidelines sets out a requirement that in planning the future housing development of greenfield or edge of city/town locations, planning authorities must secure the minimum densities for such locations set out in the Sustainable Residential Development Guidelines.

8.3.5. Based on Central Statistics Office (CSO) data for the latest census, the population of Baile Chláir settlement in 2022 amounted to 1,632. As stated Baile Chláir is within the Galway MASP, therefore, for the purposes of identifying an appropriate residential density under the provisions of the Sustainable Settlements Guidelines, edge of town residential development in Baile Chláir should generally feature net densities in the range 35 to 50 units per hectare.

Local Policy

8.3.6. The Development Plan initially refers to densities of 35 units per hectare as being the standard for multi-house unit developments. Based on the provisions outlined in table 15.1 of the Development Plan, for developments in settlements such as Baile Chláir within the MASP area, densities of 30 units per hectare or a site specific density should be applied in town centre / infill / brownfield locations, or 25 to 30 units per hectare should be applied in outer suburban / greenfield locations adjacent to the open countryside. The Development Plan leads on to state that densities should be in accordance with the provisions of the now defunct Sustainable Residential Development Guidelines 2009.

Location & Density Category

8.3.7. The application site is not centrally located, nor is it on the edge of Baile Chláir, as there are other developed areas within Baile Chláir in more peripheral locations than the application site. Based on the provisions set out within the New Apartment Guidelines 2023, the extent of public transport options, generally confined to inter-urban bus services operating along the N83 passing through the centre of Baile Chláir, would not be considered to feature sufficient capacity or frequency to accommodate densities at the higher end of the appropriate density ranges. Densities of 35 units per hectare would be acceptable in this edge of small town context. The Development Plan sets parameters for densities in settlements such as Baile Chláir with densities in the range of 30 to 35 units per hectare most appropriate. I am satisfied that the site context and characteristics would justify development at the density proposed. Furthermore, the proposed development would not exceed the default density standard set within the RSES.

Conclusion

- 8.3.8. Having regard to national, regional and local planning policy, I am satisfied that the site, which is on the edge of the centre to Baile Chláir and within the MASP area that is partially formed by the hinterland settlements to Galway city, as defined in the RSES, is well placed to accommodate growth at the net density proposed of 35 units per hectare. In conclusion, the density for the proposed development complies with Development Plan policy, as well as Government policy for an edge of small town centre site.

8.4. Linguistic & Cultural Heritage

Planning Policy

- 8.4.1. Baile Chláir is within a Gaeltacht area, therefore, the impact of the proposed development on the Irish language and the cultural heritage of the Gaeltacht needs to be considered. Policy objectives GA 4 and BCMSP 10 of the Development Plan state that a language enurement clause of 15 years will be applied on a proportion of residential units in developments of two or more units in Baile Chláir and that this will apply to a minimum of 20% of new residential units or a higher proportion should the latest census data indicate a greater proportion of Irish language being used on a daily basis in the area. In line with policy objective GA 5, a Linguistic Impact Statement was submitted with the application to attempt to justify a 20% proportion of residential units (22 units) within the proposed development being subject of a language enurement clause for a period of seven years. The applicant asserts that the proposed development would have an imperceptible impact on the use of the Irish language in Baile Chláir, and an appropriate language enurement clause should be attached, as a condition in the even of a grant of planning permission.
- 8.4.2. The Government's '20-Year Strategy for the Irish Language 2010 – 2030' aims to increase on an incremental basis the use and knowledge of Irish as a community language. Within this strategy, the settlement of Baile Chláir is identified as being within the Eachréidh language plan area. The Eachréidh area generally extends eastwards to Lough Corrib, northwards to Corrandulla, eastwards to Loughgeorge and the Carnmore area and southwards to the M6 motorway and the urban environs of Galway city. Policy objective GA 2 supports the development and implementation

of language plans in Gaeltacht Language Planning Areas. A language plan has been prepared for the Eachréidh area for the 2020 to 2027 period. Based on census data, Plean Teanga an Eachréidh (Eachréidh Language Plan) notes that the proportion of daily Irish speakers outside of the education system in 2016 in the Eachréidh area amounted to 2.9% of the total population. This language plan recommends the maintenance of existing protection for the Irish language in other plans for the Eachréidh area.

- 8.4.3. The Development Plan requires consideration of ‘the proportion of persons using Irish Language on a daily basis’, although it does not explain precisely how this is to be calculated, as the census data breaks down daily use of Irish by persons both within and outside the education system. The standard accepted approach would be to base this on the proportion of persons using Irish language on a daily basis outside of the education system, given that Irish is taught throughout the country in primary and post-primary schools, and as the census data does allow for those using Irish in the education system to also outline if they use Irish outside of this system.

Enurement Clause Timespan

- 8.4.4. Conradh na Gaeilge raise a number of issues with respect to the potential impact of the proposed development on the Irish language and the Gaeltacht, requiring a condition addressing the occupancy of a proportion of the proposed units to be specific, including restriction of units from being sold for at least 15 years and not to be let for longer than three months in a year, with the exception of being sold or let to Irish speakers. The applicant refers to a seven-year enurement clause being acceptable, however, I am satisfied that for the proposals to accord with policy objective GA 4, a language enurement clause for a 15-year term would be necessary. I am satisfied that the short-term letting of the proposed residences is not a matter that can be addressed as conditions in the event of a grant of planning permission, given the specific provisions controlling short-term letting under the Residential Tenancies (Amendment) Act 2019 and supplementary regulations made by the Minister for Housing, Planning and Local Government entitled the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019, and given the site location at present within a rent-pressure zone.

Proportion of Units

- 8.4.5. According to Conradh na Gaeilge 35% of the proposed units should be reserved for Irish speakers. The applicant's linguistic impact statement provides a number of tables detailing population parameters for the settlement of Baile Chláir and the Galway Gaeltacht areas over the 2011 and 2016 period, including the number of speakers of Irish within and outside the education system. The applicant does not detail the proportion of Irish speakers in Baile Chláir, although based on a population of 1,248 persons in 2016 in Baile Chláir and 515 persons over the age of three stated as having an ability to speak Irish, this would amount to a 41% proportion of the population in Baile Chláir. However, this figure fails to address the frequency and context in which the Irish language is used by the population and the final table provided by the applicant is not clear with respect to the varying categories of Irish language use in the area, including frequency and context. Since lodgement of the application I note that more recent census data has emerged for the area with the release of Central Statistics Office (CSO) publications for the census of Ireland 2022.
- 8.4.6. Based on an overall population of 8,683 persons in 2022 in the Eachréidh language plan area, the 200 persons either speaking Irish 'daily within and daily outside the education system' or 'daily only outside the education system' would amount to 2.3% of the population. In comparison, 1.7% of the population in the census defined urban settlement boundaries for Baile Chláir, which excludes the application site, either speak Irish 'daily within and daily outside the education system' or 'daily only outside the education system'. A total of 2.7% of the population residing in the small area that the application site is situated within (CSO ref. A067047002) either speak Irish 'daily within and daily outside the education system' or 'daily only outside the education system'. Given this low proportion of Irish speakers in the immediate and wider area, I am satisfied that this would not justify a proportion of the proposed residential units greater than 20% to be used by occupants who have an appropriate competence/fluency in Irish.

Applicable Language Standard

- 8.4.7. Conradh na Gaeilge also highlight a need for the subject planning condition restricting occupancy of the housing, to stipulate the acceptable standard required in spoken Irish. In conditions restricting a proportion of housing in Gaeltacht areas, the

Board has generally required the standard of Irish to be achieved and the method of evaluating this to be agreed in writing with the Planning Authority, while noting that qualification for the Scéim Deontais Tithe would automatically qualify in this regard, which is in reference to a housing grant scheme. In my opinion, this reference to Scéim Deontais Tithe is quite limited and without a more universal means of setting a definitive standard of Irish to be referenced in the subject condition, the approach of allowing the standard and evaluation approach to be agreed with the Planning Authority could potentially allow for a very limited standard of Irish to be used as a benchmark in fulfilment of the condition. To promote, enhance and protect the linguistic and cultural heritage of the Gaeltacht and to promote Irish as the community language an acceptable standard is required in order to ensure that occupants of the new houses are capable of taking an active daily part in a conversation in Irish in this Gaeltacht community.

8.4.8. The Office of the Planning Regulator (OPR) Practice Note PN03 addressing planning conditions does not provide a standard condition in this regard, although they do note that recommendations from the Government's interdepartmental-working group examining planning matters in the Gaeltacht may serve to result in additional conditions being added to the compendium at the rear of Practice Note PN03. The Galway County Development Plan 2022-2028 does not specify the standard of Irish required to fulfil the occupancy clause mentioned in policy objective GA 4 and the Eachréidh language plan is silent on this. In their submission to the Board, based on the Common European Framework of Reference for Languages (CEFR) (Council of Europe, 2001) Conradh na Gaeilge assert that a B2 proficiency or higher competence in the Irish language should be required as an acceptable standard in spoken Irish. According to the CEFR, a level B2 proficiency would be akin to a higher intermediate standard, whereby a person would have a sufficient range of language to be able to give clear descriptions, express viewpoints on most general topics, without much conspicuous searching for words, using some complex sentence forms to do so.

8.4.9. From a review of current and draft County Development Plans for Planning Authorities that feature Gaeltacht areas, I am only aware of Kerry County Council and Waterford City & County Council addressing the standard of Irish necessary in fulfilment of an occupancy clause for housing in a Gaeltacht area. In this regard the

Kerry County Development Plan 2022-2028 states that the standard required should accord with a pass Level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams and that this shall relate to a nominated adult member of the household. In reference to an occupancy condition for housing in the Gaeltacht, Waterford County Development Plan 2022-2028 requires occupants of such housing to be capable of using the Irish Language on a daily basis, clarifying that ‘the standard of fluency in Irish required to demonstrate compliance with the language enurement clause shall be the standard required to pass Level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge (TEG) exams and shall relate to the head of the household. Waterford County Development Plan 2022-2028 also stipulate that the purchaser/resident will have to provide the Planning Authority with proof that they themselves have completed the TEG B2 Examination within a reasonably current timeframe (within the past two years, for example) and give permission for the Planning Authority to confirm this with the examining body.

- 8.4.10. At present I understand that the TEG is the only certification proficiency system for the Irish language and it is administered by the Centre for Irish Language in Maynooth University. TEG levels are generally based on the Common European Framework of Reference for Languages: Learning (Council of Europe, 2001). Similar to the CEFR, a level B2 language proficiency under the TEG would be akin to a higher intermediate standard. I am satisfied that based on the CEFR and the TEG, and the need for the suggested standard to relate to a nominated adult member of the household, this should provide a reasonable standard to ensure that members of new households are capable of taking active daily conversation in Irish in this Gaeltacht community.

Language Planning / Sociolinguistic Expertise

- 8.4.11. Conradh na Gaeilge also raise concerns with respect to the Linguistic Impact Statement provided with the application being prepared by architects and not by persons with a background or qualification in language planning or sociolinguistics. The Development Plan does not specify who should prepare a language / linguistic impact statement, and I acknowledge the High Court Judgement ‘Comharchumann v. An Bord Pleanála [2021] IEHC 703’ referenced by Conradh na Gaeilge, which noted substantive discrepancies within a linguistic impact statement based on expert evidence. Furthermore, I have noted a number of limitations regarding the Linguistic

Impact Statement submitted with the application. Notwithstanding this, I am satisfied that there is sufficient CSO data available publicly that demonstrates the extent of daily Irish being spoken in the locality of the application site based on recent data, and with the attachment of a suitably worded enurement clause condition, this does not suggest that the subject proposals would damage the linguistic or cultural heritage of the subject Gaeltacht area. Furthermore, placing personal details on the public record with respect to the language capabilities or otherwise of persons fulfilling or attempting to fulfil this condition would not be an action I would consider to be appropriate.

Childcare Facility Operation

8.4.12. Conradh na Gaeilge has also requested that the proposed childcare facility should be operated using the Irish language. The applicant failed to detail within their application if the childcare facility would be operated using the Irish language. Policy objective GA 1 of the Development Plan states that the Planning Authority aim to promote, enhance and protect the linguistic and cultural heritage of the Gaeltacht and to promote Irish as the community language. Policy objective GA 3 supports the statutory development agencies aiming to achieve sustainable development in the Galway Gaeltacht, while protecting and promoting the Irish language as the first community language of the Gaeltacht area. As early education is widely acknowledged as the most important period in the development of language, it would appear contrary to policy objectives GA 1 and GA 3 not to operate the subject proposed childcare facility using the Irish language. However, for a condition to be attached requiring operation of the proposed childcare facility in the Irish language, this condition would need to be enforceable and I don't believe it would be possible to enforce such a condition on the potential future operators. Consequently, I do not consider there to be merit in attaching a condition to operate the childcare facility using the Irish language.

Conclusion

8.4.13. I am satisfied that the approach set out above with respect to the residential units, would allow for a precise and enforceable condition to be attached that would allow for permission to be granted and ensure that the residential units are appropriately restricted in terms of occupancy. This would also ensure that the proposed

development would comply with the stated policy objectives of the Development Plan, would support the provisions of the Government's '20-Year Strategy for the Irish Language 2010 – 2030' and the provisions of Plean Teanga an Eachréidh, and would accord with the proper planning and sustainable development of this Gaeltacht area.

8.5. Flood Risk & Drainage Services

Flood Risk

- 8.5.1. Third parties object to the proposed development on the grounds that it would be on a site and along roads that are known to flood, with aerial images attached asserting to prove same. Section 14.6 and the associated policy objectives, FL 1 to FL 18 inclusive, address flooding and flood risk considerations. In certain situations and locations, the Development Plan requires Justification Tests and / or Site-Specific Flood Risk Assessment in accordance with the criteria set out under The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Circular PL02/2014 (as updated/superseded). Management measures to address flood risk are listed as part of DM Standard 68 to the Development Plan.
- 8.5.2. A stage 2 flood risk assessment was carried out for Baile Chláir as part of the preparation of the Development Plan, which identified areas at risk of flooding, including fluvial, coastal, pluvial and groundwater flooding. A flood risk map dated June 2022 is contained in the Strategic Flood Risk Assessment appended to the Development Plan and this indicates an indicative flood zone B, as well as pluvial extreme and indicative flood zones on depressions within the applications lands. The flood zone B on the application site comprises an area within the northeast corner of the site, generally forming the lowest part of the site. From the outset I note that the applicant does not propose any residential units within this indicative flood zone B area.
- 8.5.3. The applicant has submitted two very similar Site Specific Flood Risk Assessments dated March 2020 and August 2023, which identify the various flood events recorded as occurring in the Baile Chláir area, including events associated with fluvial flooding along the Clare River and Abbert River to the north of the site. For clarity, given the opportunity for more up-to-date information to be provided, it is the Site Specific

Flood Risk Assessment dated August 2023 that I refer to in the remainder of my assessment. The applicant notes that the Western Catchment-based Flood Risk Assessment and Management Study (CFRAMS) identifies the site as primarily being within a low risk flood zone (c), with the exception of a low point to the northeast corner of the site. The applicant initially suggests that this flood patch is disconnected from the primary historical flood events associated with the Clare river and more likely a relic of processing as opposed to an indication of fluvial flood risk. Based on the available information, groundwater flooding is considered the primary flood risk to development on the application site, and this primary risk could have further combined impacts when occurring alongside pluvial or surface water flooding.

- 8.5.4. The applicant refers to the Clare River Flood Relief Scheme undertaken by the Office of Public Works (OPW) to address historic flooding associated with turloughs in the Lakeview area immediate to the application site. Despite flood maps for the area and the Clare River Flood Relief Study identifying a risk to the site in the form of groundwater flooding, the applicant notes that as part of the Clare River flood relief scheme a pipeline of approximately 1.65km in length, extending from the business park 200m to the south of the application site and leading to the Clare River 650m to the north of the site, has been constructed to mitigate the impact of groundwater flooding in the subject Lakeview area. The applicant also asserts that other measures have been employed along the Clare River channel to benefit groundwater-flooding effected areas with an outfall to the river and this results in the site being situated in flood zone C.
- 8.5.5. Flood risk mitigation measures intended to be undertaken as part of the proposed development, include the avoidance of buildings in the previously known flood area, the provision of a dedicated surface water drainage system and the undertaking of final finished-floor levels for buildings above the 1% annual exceedance probability (AEP) flood risk level and 300m above the floodwater levels estimated to have occurred on the business park to the south of the site during the most recent 2009 flood event in the area, prior to the OPW flood relief scheme works being undertaken. In addition a 300mm freeboard above the 1% AEP flood level is provided for, although a climate change factor has not been factored into the final finished-floor levels, as the applicant does not consider this to be necessary as the development would be protected under the Clare River flood relief scheme.

8.5.6. The applicant relies heavily on the flood relief scheme in justifying conclusions that the proposed development would not be at risk of flooding and would not present a risk of flooding to other lands. The Development Plan acknowledges that the OPW carried out drainage works in Baile Chláir to alleviate flooding. Information available to the public from the OPW refers to the 'Clare River (Claregalway) Flood Relief Scheme' as having been completed in 2019 protecting 77 properties in the area, which I understand to include housing in Cúirt na hAbhainn estate to the northeast of the application site. Records available do not suggest any recent flooding on the application site, although as referenced in third-party submissions, flooding along the N83 national road through the centre of Baile Chláir can and does occur during heavy rainfall events. During my visit to the site following a period of average winter rainfall levels, the area included within the historical indicative flood zone B on the CFRAMS maps was not flooded and the ground was not waterlogged. The applicant's proposals feature a precautionary mitigation measure in providing finished-floor levels of at least 11.4m, which would be over 300mm above the identified the most recent flood level in the business park on higher ground to the south, prior to the OPW undertaken the flood relief works in this area. The details available would suggest very low risk of flooding from elevated groundwater levels to part of the proposed open space in the northeast corner of the application site and no risk of flooding to the proposed residential units or childcare facility.

Surface Water Drainage

8.5.7. The application was accompanied by a Civil Works Design Report addressing various matters, including stormwater and wastewater drainage. For drainage purposes the site would have to discharge to groundwater and in addressing this it is proposed to divide the site into two separate drainage catchments, each served by a network of stormwater gravity sewers collecting surface water runoff from all impermeable areas and directing them to soakways positioned within open space areas. Immediately prior to discharging to the proposed soakways, surface water runoff would pass through fuel interceptors sized to cater for hydrocarbon pollutants expected from roadways and parking areas within the development. The proposed soakways would feature cellular storage with 95% porosity. According to the applicant, the soakways have been sized to cater for 1 in 100-year storm events and a 20% climate change factor and the overall surface water drainage proposals would

accord with the recommendations set out within the Greater Dublin Strategic Drainage Study.

- 8.5.8. The applicant states that infiltration tests were undertaken to determine the soakway volumes and the drainage network invert levels. A third-party submission notes that soakways may not be a suitable means of surface water disposal and that no date has been provided for the percolation tests. The third-party observers also raise concerns regarding the additional hardstanding areas and the raised finished-floor levels, asserting that they would further contribute to flooding. Appendix B to applicant's Civil Works Design Report comprises a storm sewer design and calculation report providing very limited details of on-site conditions. According to the applicant the surface water drainage system has been suitably sized to replicate the runoff characteristics of the existing site and to cater for storm events and climate change factors. Given the stated volumes and assigned areas intended to be provided for the proposed soakways and the details on the Proposed Soakway Unit Typical Details drawing (no.1171-2021 Revision P01), the depth of soakways would be limited to 1m-2m based on the information available to me. Notwithstanding the limited background information with respect to the stated infiltration tests, the conclusions above (section 8.5.6) do not indicate flooding in the area of the proposed soakway unit or that the operation of the surface water system would be undermined by an inundation of groundwater during storm events to the proposed soakways. Standard conditions with respect to auditing of the surface and storm water management systems can be employed to ensure the installed system operates appropriately and to the applicable standards.

Wastewater Drainage

- 8.5.9. DM standard 36 of the Development Plan requires pre-connection enquiries with Uisce Éireann to be undertaken for new developments, which the applicant appears to have adhered to based on the correspondence from Uisce Éireann submitted with the application. There is an existing 300mm-diameter foul sewer running along the regional road adjoining the site and the majority of the proposed development would drain by gravity to this foul sewer. It is not possible to drain all of the site by gravity, and as a consequence wastewater arising from part of the development amounting to 54 of the proposed residential units and the childcare facility, in total serving a population equivalent of 171 persons, would be pumped to facilitate an outfall to the

existing foul sewer network. This would be undertaken by the provision of a pumping station situated within the open space area on the northeast side of the site with a 17m-long section of rising main connecting to the wastewater network proposed to allow gravity discharge into the regional road foul sewer. The tank within the pumping station has been sized to cater for 24-hour storage and it is expected that two to four tanker visits per annum to the pumping station would only be necessary.

- 8.5.10. A third party refers to the potential for the pumping station to become inundated when the water table rises. The Uisce Éireann 'Code of Practice for Wastewater Infrastructure', requires a flood risk assessment to confirm that pumping stations would not be susceptible to flooding and they require such facilities to be designed for inundation. The applicant's flood risk assessment does not specifically address flood risk associated with the pumping station, however, based on the level of the adjoining roadside (+11.75m), the finished slab would be above the historical 1 in 100-year flood level (+11.08m) and there would be ample scope for the electrical control equipment to be housed above the 1 in 200-year flood level. Furthermore, the CFRAMS mapping shows the pumping station to be outside the area susceptible to flooding at a frequency of greater than a 1 in 30-year recurrence. The wastewater pumping facility would feature equipment above ground level and above the level of the 1 in 100-year flood risk, with only watertight tanks and piping to be positioned below surface level.
- 8.5.11. A third-party refers to the limited details relating to the proposed pumping station serving the proposed development. In this regard, I note that a typical layout and a cross-section for elements of the pumping station have been provided on the Proposed Pump Station Typical Details drawing (no.11171-2022 Revision P01). The layout plans also illustrate the scale of the wastewater storage facility required, including the associated tank, as well as the intended service and maintenance access. Some of the visuals for the development included as part of the Design statement also pick-up on the wastewater pumping station. Detailed elevations for the overground elements have been omitted, including details of any associated ventilation stacks. It is typical for the final specification of such facilities to normally be available at compliance stage given the differing supplier specifications and the limited size of ventilation stacks and other equipment required as part of such

facilities. The boundary treatment plan (drawing no.210503-03-010 Revision A) details the proposed boundary treatments for the pumping station to secure it and screen views of the internal equipment, with a 2.4m-high holly green-coloured metal fence with gates and wire mesh surround, as well as planting (see drawing no.210503-03-003 Revision A). Final details of the wastewater treatment pumping station can be provided as part of a condition of the permission.

- 8.5.12. The Uisce Éireann 'Code of Practice for Wastewater Infrastructure' set out separation distances of 5m to 15m from property boundaries, dependent upon the type of pumping station proposed and section 5.5 of this code sets out that this relates to the distance from the pumping station site boundary to the boundary of the nearest habitable, commercial, industrial or mixed-use property. The proposed pumping station would be 13m from the nearest residential property. In the applicant's Civil Works Design Report they do not refer to the type of pumping station proposed. The buffer zone proposed would be acceptable based on the likelihood that the pumping station proposed would be of small or medium-range. Uisce Éireann has not raised an issue regarding the pumping station or the connection to wastewater networks. The proposed wastewater pumping facility would need to be constructed and operated in accordance with Uisce Éireann 'Code of Practice for Wastewater Infrastructure', which would require odour nuisance to be avoided and which can be achieved by odour-control equipment possibly comprising a vent-column, complete with passive-odour control, as per Uisce Éireann's vent stack standard (see STD-WW-34 in Wastewater Infrastructure Standard Details).

Conclusion

- 8.5.13. I am satisfied that based on the information presented and available, the proposed development would feature suitable drainage services that would be capable of serving the proposed development. Furthermore, based on the information available and presented the proposed development would not be at substantive risk of flooding and would not present a substantive risk of flooding to other lands with various precautionary mitigation measures included as part of the application. In conclusion, the proposed development would comply with the relevant policy objectives and development standard provisions set out in the Development Plan, as well as the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

8.6. Urban Design

- 8.6.1. The design, layout and accommodation standards are considered in this section in the interests of achieving good placemaking. Section 15.2.2 of the Development Plan supports the submission of Design Statements for significant developments addressing various development principles. As part of the application the applicant included a Design Statement listing the key influences in developing the site, including zoning and access, and the primary principles in designing and setting out the proposed development.

Design

- 8.6.2. The form and layout proposed would appear relatively consistent across the site with some fluctuation in building heights from two to three storeys that would aid in creating a sense of place and provide for a reasonable transition in scale moving through the development. In relation to the proposed buildings, I note that they would generally feature units addressing corner locations for passive surveillance purposes, although unit nos.29 (type b) and 63 (block VI – apartment types C1 and C2) in the northeast corner would benefit from windows overlooking the adjoining public open space. Windows at ground floor to these units would face directly onto walls bounding the open space, therefore, a condition should be attached requiring insertion of windows at first-floor level in the eastern elevation of proposed unit no.29 and at first and second-floor level on the northern elevation to proposed block VI. There would be scope for planting to be provided fronting ground-floor windows serving as defensible space where proposed units directly front onto public footpaths. Sufficient separation distances and design measures are employed in the development to safeguard the privacy of neighbouring units within the proposed development.
- 8.6.3. The houses and the maisonette / apartment blocks would feature regular scales and proportions, with a consistent, cohesive architectural language used throughout the scheme. A limited palette of materials is proposed including brick and render finishes to the development, polyvinyl chloride (pvc) window frames and concrete roof tiles. Extensive use of render is proposed, which has substantial scope to deteriorate overtime and would not be appropriate for private schemes incorporating apartments with elevations onto the primary public realm. As social and affordable

housing is proposed the maintenance and upkeep of this material finish will be a matter for the Local Authority to address.

Layout

- 8.6.4. Despite vehicular access being proposed from both the local and regional roads, vehicular access through the development would not be available. Secondary spurs would provide access into the new residential neighbourhood, featuring home zones / shared surfaces serving as streets and parking areas. Carriageway widths would consistently comprise 6m, which would be contrary to guidance within the DMURS, allowing for a maximum of 5.5m for internal access roads and 4.8m for shared surface / homezones. The applicant has not provided any justification for road widths exceeding those contained in the DMURS. Excessively-wide carriageways would not achieve a sustainable balance in transport modes and would encourage informal on-street parking in addition to the formal parking spaces proposed, which would potentially result in cars dominating the appearance of the streets and traffic safety / manoeuvrability concerns. I am satisfied that the internal road widths should be reduced to provide widths compliant with the DMURS and the resultant space can be either absorbed into the open space areas or the curtilage of the immediate residences. The local neighbourhood roads should feature carriageway widths of up to 5.5m and the shared surface areas should feature carriageway widths of 4.8m and a condition to this effect should be attached.
- 8.6.5. The applicant's landscape plan (drawing no.22242_1_100) indicates a pathway leading through the northeast corner of the site to the boundary with the playing fields where it is stated that a possible future pedestrian / cycle connection would be provided to the adjoining lands. The site layout plan does not indicate this path extending to the boundary and the remainder of the drawings do not indicate this path and access being installed, including the connectivity drawing (no.210503-03-014). The policy objectives in the Development Plan addressing walking and cycling, in particular WC 1, WC 3 and WC 5, refers to the need to create sustainable permeable neighbourhoods and provide alternative transport options to private motor vehicles. The Sustainable Settlements Guidelines support the principle of sustainable and efficient movement, including availing of opportunities to improve connections in established communities. I am satisfied that the proposed layout of the landscape plan (drawing no.22242_1_100) providing a pathway through the

northeast open space area and a connection to the site boundary with the playing fields should form part of the final layout for the proposed development, and this should be clarified as a condition in the event of a grant of permission.

- 8.6.6. The housing along the eastern boundary would back onto playing fields that I understand to be primarily used for Gaelic football and hurling training and games. Planning permission under GCC ref. 21/807 provided for increased heights (16m) and widths (30m) to the ball retaining nets behind the goalposts on the adjoining playing field, the closest of which would be approximately 20m from the rear gardens / terraces serving apartment blocks (VI and VII). At present much smaller ball-stopping nets than those permitted are situated on the boundary with the application site and the goalposts are situated approximately 16m from the boundary with the application site. It is intended to provide a 2m-high blockwork or block and plank wall along stretches of this boundary with compensatory planting to be provided for existing hedgerows and tress to be removed along this boundary. I am satisfied that both the permitted and existing situation provide substantive separation distances and ball-retaining measures between the proposed development and the playing fields to ensure limited scope for games and training on the playing field to present a health and safety risk for the future occupants of the proposed development.

Appearance

- 8.6.7. The allocation and distribution of open space and the short stretches of streets would break up the appearance of the new estate allowing for landscaping to be introduced and heavily urbanised regimented vistas to be avoided. The applicant primarily proposes perpendicular on-street, car parking spaces, however, the provision of street planting as well as the aforementioned reduced carriageway widths would ensure that this parking would not dominate the appearance of the area. Policy objective CF 1 of the Development Plan supports the provision of childcare facilities in appropriate locations and seek their provision concurrent with development. The location of the proposed childcare facility along Lakeview Road would provide relatively easy access to this facility for residents of the development and wider area.
- 8.6.8. A third party has objected to the visual impact of the development, including the removal of mature trees and greenery. Policy objective TWHS 1 of the Development Plan seeks to retain important trees, tree clusters and tree boundaries, ancient

woodland, natural boundaries including stonewalls, existing hedgerows particularly species-rich roadside and townland boundary hedgerows, and where possible replace these with a boundary type similar to the existing boundary. The proposals would require the removal of a central section of hedgerow approximately 60m in length running across the site in a north-south alignment. Part of this field boundary appears to have been removed recently from the site based on images on the file. The boundary treatment drawing (no.210503-03-010 Revision A) indicates that the stonewall boundary along the local and regional roads would be maintained as much as possible and reinstated where necessary. The hedgerow / treeline dominated by bramble, blackthorn and hawthorn along the boundary with housing in Cúirt na hAbhainn would be maintained as much as possible with the existing wall on this boundary also to be maintained. As stated, along the eastern boundary with the playing fields a 2m-high pre-cast blockwork or block and plank fence would be installed, which would require the removal of the existing boundary hedges and trees on the application site, including Ash trees. The applicant states that compensatory native hedge / tree planting would be provided in place of the removed hedgerows and trees. While the hedgerows and trees would be of some ecological value, they do not mark townland boundaries, and the applicant has proposed maintaining the vast majority of existing boundaries across the site, and where necessary compensatory planting would be undertaken. Furthermore, additional tree and hedgerow planting, would also be provided throughout the development as part of the applicant's landscaping proposals (see drawing no.22242_1_100). Consequently, I am satisfied that the proposals would not be contrary to the provisions of policy objective TWHS 1 relating to boundaries and planting.

Accommodation Standards

- 8.6.9. The Development Plan requires an appropriate mix of housing typologies and unit sizes to support the provision of a variety of household types and tenures in accordance with the now defunct 2009 Sustainable Residential Development Guidelines. I am satisfied that the proposed mix would comprise a reasonable mix of houses and apartments of varying size and would not comprise an excessive mix of a single type of unit relative to the location, in accordance with Development Plan provisions. The applicant has provided a schedule of accommodation that confirms that the proposed development would accord with the quantitative and qualitative

standards for residential development having regard to the guidance set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities, the New Apartment Guidelines and the provisions of the Development Plan. This is not contested and would appear to be an accurate assertion based on the application drawings and schedule of accommodation.

8.6.10. Between 40sq.m and 257sq.m of private amenity space would be provided in the form of rear gardens for the proposed houses. The proposed private open space standards would comply with the provisions outlined in SPPR 2 of the Sustainable Settlement Guidelines, which require 30sq.m for two-bedroom houses, 40sq.m for three-bedroom houses and 50sq.m for four bedroom or larger houses. As several rear gardens feature limited size, it would be prudent to restrict exempted development rights allowing for extension of the housing into these gardens. The apartments would be provided with surface-level amenity space accessible to each of the units and measuring between 11sq.m and 83sq.m. These spaces are generally screened from view from the public realm with the exception of the private terrace area serving unit no.82 at the Lakeview Road entrance to the development. This would be enclosed by a 1.1m-high steel-rail fence, which would not provide any screening of the space, or secure the space. Accordingly, I am satisfied that an alternative boundary treatment of at least 1.8m in height with natural stone finish facing onto the public realm, similar to boundary treatment type 4 on the applicant's Boundary Treatment Plan & Details drawing (no.210503-03-010 Revision A), should be provided to enclose the private amenity space serving unit no.82. With the attachment of this condition, I am satisfied that the proposed units would be provided with an appropriate quantity and quality of private amenity space.

8.6.11. The development proposes modest building heights and densities relative to the site context within Baile Chláir with extensive glazing and dual aspect for each unit, which I am satisfied would generally not result in a situation that would be detrimental to the provision of internal lighting to living accommodation. Notwithstanding the absence of details with respect to daylight and sunlight assessment to confirm same, it would be most unlikely for the proposed units not to receive sufficient sunlight and daylight, and as such I am satisfied that refusal of permission or amendment of the proposals for reasons relating to access to sunlight

and daylight would not be necessary. This approach accords with the provisions set out in section 5.3.7 of the Sustainable Settlements Guidelines.

8.7. Impacts on Neighbouring Residents

- 8.7.1. The objections received from third parties raise concerns in relation to overlooking and a loss of privacy for neighbouring residents, including houses to the west on the opposite side of the R381 regional road. The applicant does not consider the proposed development to have substantive impacts on the amenities enjoyed by residents of neighbouring houses. The Development Plan refers to the now defunct Sustainable Residential Development Guidelines 2009 as an effective guide for new housing developments in urban areas, while DM Standard 2 requires consideration of the impacts of multiple-unit housing proposals on residential amenity, daylight, loss of privacy and overlooking. Objective BCMSP 1 of the Development Plan relating to 'sustainable residential communities' promotes housing developments that, inter alia, protect existing residential amenities.

Context

- 8.7.2. The nearest residential buildings comprise the two-storey houses at no.9 and nos.28 to 42 inclusive in Cúirt na hAbhainn estate to the north of the site, which are constructed on similar ground levels to the application site. There is also a vacant bungalow to the south of the site, which is the subject of a current planning application to the Planning Authority for a residential development (GCC ref. 23/61411). There are other houses on the opposite sides of the R381 regional road and Lakeview Road (L7110), and in the surrounding area.
- 8.7.3. The applicant's site section drawings (nos.4600 BF 210503-03-008 & 009 revision A) illustrate the relationship between the proposed and existing houses along Cúirt na hAbhainn, including the difference in roof ridge heights. Proposed house nos.01 and 22 to 29 inclusive along the northern site boundary would have similar roof-ridge heights to the respective closest existing housing within Cúirt na hAbhainn. The rear elevations of the proposed houses facing the northern boundary would be located between approximately 11m and 12m from the rear gardens of houses in Cúirt na hAbhainn and between approximately 22m and 23m from the directly-facing primary rear elevations of these houses. The houses to the front of the site would be

situated inside an internal access road with adjoining landscaped buffer, separating the houses from the R381 regional road by over 22m, and by at least 40m from the nearest elevations of existing houses fronting the western side of this regional road. The rear elevation of the vacant bungalow on lands adjoining to the south of the site would be over 30m from the nearest proposed houses (nos.14 and 39).

Outlook and Overbearing Impacts

- 8.7.4. The proposed development would be visible from the private gardens and internal areas of the immediately adjacent houses to the north, west and south and to an extent it would partially change the outlook from these properties. The proposed development would have similar building heights to those prevailing in the area with the two-storey buildings provided along the frontage and the northern boundary, following the building heights within Cúirt na hAbhainn. Three-dimensional images of the proposed development are provided with the Design Statement submitted with the application to aid in visualising the completed proposed development.
- 8.7.5. The restrained heights of the development coupled with the setback distances achieved from neighbouring properties, is such that where visible from neighbouring properties the proposed development would not be excessively overbearing. I consider that the extent of visual change arising for neighbouring residents would be in character with the evolving urban landscape, as would be anticipated by the zoning objectives for the site, and the existing scale of development in the area, including other housing estates in the immediate area of similar scale.

Overlooking

- 8.7.6. The Sustainable Settlement Guidelines refer to the maintenance of a minimum separation distance of 16m between opposing first-floor windows in housing, duplex and apartment developments, with scope for reduced separation distances in specific circumstances. A traditional 22m separation distance would be achieved between the elevations of proposed houses directly-facing neighbouring houses. The proposed separation distances between existing and proposed residences would comply with the provisions outlined in SPPR 1 of the Sustainable Settlement Guidelines. I note that the side elevation to house no.01 would be approximately 1.5m from the side boundary with no.9 Cúirt na hAbhainn, however, this proposed house (type B) would not feature habitable room windows in the side elevation

overlooking no.9. In addition to the separation distances, the regional and local roads bounding the site would also serve as physical and visual buffers separating the proposed and existing houses, further ensuring that the proposed development would not have any substantive impacts for occupants of neighbouring houses, including via overlooking or loss of privacy.

Lighting

- 8.7.7. Concerns were expressed by a neighbouring resident regarding the absence of a shadow study accompanying the application. The Sustainable Settlements Guidelines clarify that Planning Authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. I do not consider the immediate and site topography, the separation distances between existing and proposed buildings and the proposed buildings heights would lead to circumstances that could result in substantive impacts on lighting to neighbouring housing.
- 8.7.8. The Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (3rd Edition, 2022), as referred to in the New Apartment Guidelines and the Sustainable Settlements Guidelines indicates that any loss of sunlight as a result of a new development should allow at least 50% of an amenity area to receive a minimum of two hours sunlight on the 21st day of March, and if this is not achieved the change in sunlight to an amenity area should be no greater than 0.8 times its previous value. Notwithstanding the absence of shadow studies, I note the context of the proposed development, as described above, and the provisions of the Sustainable Settlements Guidelines. From experience in assessing proposals of a similar nature, I am satisfied that a development of the scale proposed in this application would not have impacts that could substantively impact on lighting to neighbouring properties.

Support Facilities & Services

- 8.7.9. Neighbouring residents' associations and a resident refer to a lack of local amenities, services and facilities to cater for and serve the proposed development, including schools, community facilities, policing services and recreational facilities. The Development Plan acknowledges that new community infrastructures have not developed in Baile Chláir in parallel with housing and other developments, and as

such, the current and future requirements of the local community over the Plan period are to be provided at locations that are easily accessible. The Development Plan lists the education facilities available in Baile Chláir. I note the recently constructed primary and post-primary schools campus and associated facilities to the immediate southeast of the application site.

8.7.10. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for services to remain viable. There are lands zoned elsewhere within Baile Chláir for town centre and community facilities, while the subject lands are zoned for residential (phase 1) use and are, therefore, suitable for housing.

8.7.11. As noted above, the proposed development would feature a childcare facility, generally intended to serve the needs of the future population of the proposed development. The applicant's Childcare Impact Assessment asserts that the proposed childcare facility may not be required, as there could potentially be an overprovision of childcare spaces if the childcare facility granted permission under ABP ref. 312191-21 was constructed and if staffing issues in existing facilities was resolved. Notwithstanding this, based on the provisions of the Childcare Facilities Guidelines there is an existing necessity for a childcare facility to be provided as part of the proposed development.

8.7.12. A playground is also proposed fronting the childcare facility and Lakeview Road to comply with specific local objective BCMSP 3 of the Development Plan. The third parties assert that this playground would not be available to the wider community, however, I note that the boundary treatment details (drawing no.210503-010 revision A) indicate that the stonewall along the boundary with Lakeview Road would remain in place and that the development would not be gated and access would be available for the public to this playground. Concerns are expressed by third parties that the playground facilities would not cater for older children. The application indicates that the playground area measuring 934sq.m would be split by a paved pedestrian path with adjoining seating, with a separate wobbler and toddlers area, and an area for children aged from four to 18 years old. Details with respect to the equipment to be provided are indicated in the landscape masterplan drawing (no.22242_1_100)

submitted with the application, including indicative play equipment, materials and planting. Despite referring to an area being suitable for children up to the age of 18, the details provided do not indicate equipment or areas within the playground that I would consider to be suitable or aimed towards serving older children. A condition can be attached in the event of a grant of planning permission for the proposed development to ensure that the playground serves children of all ages, including older children.

Construction Phase Impacts

8.7.13. Third parties have also referred to disturbance, noise and traffic impacts that would arise for neighbouring residents during the construction phase of the project. Based on various standards and limits, the Construction Environmental Management Plan (CEMP) submitted with the application set out the intended measures for the construction phase to address traffic, construction waste, dust, vibration and noise emissions, as well as measures to prevent pollution. Construction traffic management measures are outlined, including the avoidance of deliveries during peak traffic times, such as neighbouring school opening and closing times. A noise impact assessment, as referenced by an observer to have been omitted from the application, would not be typical for a development of this scale and nature, and the applicant has set out specific measures within their CEMP to restrict and limit noise levels to various standards during the construction phase of the project. The efficacy of such measures are widely acknowledged in ensuring noise emissions during construction phase activities on residential developments are kept within reasonable limits. The construction phase impacts of the project would only be of a temporary nature and would also be subject of a finalised project CEMP requiring compliance with various standards. I am satisfied that the proposed development should not be refused permission consequent to disturbance or other impacts during the construction phase of the project.

Conclusions

8.7.14. Having regard to the assessments and conclusions set out above, I am satisfied that the proposed development should not be refused permission for reasons relating to the amenities of neighbouring residents.

8.8. Access, Parking & Traffic

Access

- 8.8.1. DM standard 28 requires adequate provision of visibility at vehicular entrances and exit points. The applicant provided various drawings and documents to support the proposed access arrangements for the site. In compliance with DM standard 33, a Road Safety Audit has also been provided indicating a number of minor matters to be complied with in relation to access and visibility. Sight-line visibility in line with DMURS requirements has been illustrated on the proposed road layout drawings (nos.11171-2007 and 9 Revision D01) with road markings also detailed. There is a marked intermediary strip 2m to 3m in width separating the two traffic lanes running along the regional road (R381) fronting the site to the west. The applicant has not proposed any substantive works to this regional road to facilitate an access. A right-turning lane would clearly be required along the regional road access to avoid traverse this intermediary strip and provision of same would be within the remit of the Local Authority to undertake. A condition to this effect should be attached should the Board decide to grant planning permission. Suitable access would be available for standard, refuse and emergency vehicles based on the drawings provided. Other aspects relating to internal access within the development are discussed in section 8.6 above.

Parking

- 8.8.2. Car parking is proposed throughout the development, primarily in the form of 115 on-street spaces and 33 off-street spaces. DM standard 31 of the Development Plan includes table 15.5 requiring 1.5 car parking spaces for every one, two or three bedroom residential unit, and two spaces for a four-bedroom or larger residential unit. For childcare facilities, one space for each staff member and one space for every four children is required in table 15.5 of the Development Plan. SPPR 3 of the Sustainable Settlements Guidelines sets out specific policy with respect to car parking. I am satisfied that given the limited provision of inter-urban public bus services available from the centre of Baile Chláir, the application site would readily fall into the category of a peripheral location, where two car parking spaces per dwelling is allowed for. Of the total spaces proposed 11 are intended to serve the childcare facility and the remaining 137 would serve the residential units.

- 8.8.3. The quantity of parking proposed accords with the Development Plan and SPPR 3 of the Sustainable Settlements Guidelines provisions and the location of the spaces would generally be reasonably accessible to the residential units. A set-down area is also proposed along the local road to serve the childcare facility. While the childcare facility has only been sized to cater for the proposed development, it may potentially serve the wider community, and as such, the set-down area would appear reasonable, subject to adequate pedestrian and cycle paths being maintained along this site frontage in line with the Cycle Design Manual 2023.
- 8.8.4. Table 15.6 of the Development Plan requires one private secure bicycle space per bed space to serve residential development and one space per car parking space for childcare facilities. According to the Development Plan, the design of housing development should not require bicycle access via living areas. SPPR 4 of the Sustainable Settlements Guidelines generally require one cycle parking storage space per bedroom in residential developments, as well as visitor parking spaces. Of the 88 units proposed, 62 units would have direct external access to secure private amenity spaces that would be capable of storing cycles of varying typologies. For the remaining 26 units secure, sheltered and accessible spaces would be required based on the provisions of the Development Plan and the Sustainable Settlements Guidelines. The applicant has provided 260 bicycle parking spaces distributed in 15 locations throughout the development. While I welcome the provision of cycle parking in promoting cycling as a sustainable form of transport, the extent of parking relative to the scale and nature of the proposed development would appear excessive and would likely result in many of these cycle parking facilities being substantially underused and not being of real functional or aesthetic benefit to the community that they were intended to serve. I acknowledge the necessity to provide cycle parking spaces for the 26 units without external access, as well as the childcare facility, therefore, in line with Development Plan provisions and SPPR 4 of the Sustainable Settlements Guidelines, as a condition in the event of a permission, the applicant should omit the cycle parking proposed along the internal access road running parallel with the western boundary of the site and only provide for permanent secure cycle parking facilities in the remainder of the site capable of serving the 26 units without external access and the childcare facility.

Traffic

- 8.8.5. The third-party objections assert that the proposed development should not be permitted given existing traffic congestion experienced in the area, including along the main roads serving Baile Chláir. The applicant submitted a Traffic and Transport Assessment following traffic surveys undertaken at the junction of the R381 regional road and Lakeview Road during Covid restrictions in May 2021. The applicant's assessment illustrates the traffic capacities and flows surveyed and sets out forecasts for potential traffic growth scenarios based on estimated traffic flow increases, including the operation of the primary and post-primary school campus, although I note this presently operational. The assessment suggested the total number of additional vehicular trips associated with the proposed residential element of the development during the morning peak hour (8:15 to 09:15) would comprise a maximum of 22 outward trips, with 17 returning trips during the evening peak hour (15:30 to 16:30). The applicant's modelling assumes a 50:50 split in traffic exiting and entering the site from the regional and local road junctions.
- 8.8.6. As a result of the applicant's assessment and modelling a limited increase in peak hour traffic using the existing signalised regional road / local road junction in 2024 (the opening-year) is expected relative to background traffic levels. The modelled scenarios reveal this junction would continue to operate within thresholds, both with and without the development in place and with minimal effect on the operation of the signalised junction in the opening year. The applicant notes that this signalised junction would operate over capacity in the 2029 and 2039 morning peak hour scenario both with and without the proposed development in place, although the increased traffic arising from the proposed development would have minimal effect on the operation of the signalised junction based on the background traffic volumes, high-growth rate criteria and the fact that full pedestrian phases have been factored into each of the junction operational cycles, which in reality would not be the case.
- 8.8.7. I note that the applicant's modelling failed to specifically account for the 111 units permitted under a strategic housing development in April 2022 (ABP ref. 312191-21) and it is not clear if the model accounts for the lower baseline traffic arising from the survey being undertaken during Covid restrictions. While some shortfalls exist in the traffic information provided, with increased traffic scenarios accounted for the modelling undertaken by the applicant does allow for a reasonable interpretation of

the likely traffic impacts arising from the overall proposed development. The majority of the application site is located on zoned residential lands with reasonable access to an array of services. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently and temporarily, and various measures and design features have been set out within the application to support the use of public transport, cycling and walking, as alternatives to the use of private vehicles. All road networks feature limited capacity in terms of the accommodation of private cars and increased population in locations such as the application site area, which have easy access to a range of services and are served by public transport, should be developed in the interest of providing for sustainable communities. The observers refer to the need for a bypass of Baile Chláir to be completed and I note that policy objective BCMSP 8 of the Development Plan supports the delivery of same, although I am not aware of its present status or indeed its intended alignment. Notwithstanding this, there would not appear to be any requirement to curtail the proposed development based on the bypass project.

- 8.8.8. I am satisfied that the applicant has provided a model of the likely traffic arising based on a logical approach and generally in line with planning guidance. The information available and presented would suggest that the increase in traffic associated with the proposed development would have limited impact on traffic in the area in future years. In conclusion, subject to conditions, the proposed development would not result in traffic hazard or significant additional traffic congestion in the area, and it would feature appropriate vehicular access.

9.0 Environmental Impact Assessment Screening

Introduction

- 9.1.1. This section of my report considers the likely effects of the proposed development on the environment. An Environmental Impact Assessment (EIA) Screening document was submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001, as amended, provides that mandatory EIA is required for the following classes of development:

- construction of more than 500 dwelling units;
- urban development that would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).

Project Thresholds

- 9.1.2. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site, comprising agricultural land, has an overall stated area of 2.7ha and is located on the edge of an existing built-up area, but not in a business district given the predominance of residential, recreation, agricultural and community uses surrounding the site. The site area is well below the applicable 10ha threshold.

Project Characteristics, Location and Potential Impacts

- 9.1.3. The provision of residential development on site would not have an adverse impact in environmental terms on surrounding land uses. Matters with respect to flooding and potential flood risks have been considered in section 8.5 above, which concludes that the development would not be at substantive risk of flooding largely as a result of the Clare river flood relief scheme works. It is noted that the site is not designated for the protection of the landscape or of specific natural heritage merit. The site is not within an Architectural Conservation Area and the closest buildings or structures included in the Record of Protected Structures (RPS) include Claregalway Bridge (RPS ref. 108) and Claregalway Castle (RPS ref. 110), located over 700m to the north of the site. The closest recorded national monument or structure (NMS) comprises a field boundary feature (NMS ref. GA083-031) located approximately 300m to the southwest of the application site. The applicant's Archaeological Assessment noted a road traversing the site during the early 19th-century and other evidence indicating moderate to high potential for the survival of buried archaeological remains at this site. It is recommended by the applicant that further assessment via geophysical surveying followed by test trenching be undertaken as part of the project. This can be addressed as a condition in the event of a permission for the proposed development. Cultural heritage matters have been considered in section 8.4 above and I am satisfied that this highlights that the

linguistic and cultural heritage of the area would not be likely to be significantly effected by the proposed development.

- 9.1.4. Following various ecological surveys, Annex I habitats were not recorded within the application site and only limited use of the application site by flora and fauna was identified within the applicant's Ecological Impact Assessment dated May 2023. I am satisfied that the information available and provided with the application reveals that the proposed development would not have any likely significant effects on the biodiversity of the application site or the immediate area to the site. Section 10 below addresses whether or not the subject proposals would adversely affect the integrity of European sites.
- 9.1.5. The proposed development would not give rise to waste, pollution or nuisances that differ from those arising from other housing in the immediate area. It would not give rise to a risk of major accidents or risks to human health, and it is outside of any public consultation zones for Seveso-licensed establishments, as referenced in the submission from the HSA. The proposed development would use the public water and drainage services of Uisce Éireann, upon which its effects would be marginal. The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any ecological site.
- 9.1.6. I note that the applicant has submitted various reports in relation to the proposed development and the likely significant effects on the environment. Should the construction of the proposed development occur in tandem with other development, such as the neighbouring permitted residential development (ABP ref. 312191-21), any impacts would be of a temporary nature and short-term given:
- the limited nature of works,
 - the expected duration of the works,
 - the location of the lands to be developed (zoned lands),
 - the location and distance to the other existing and/or approved projects.
 - the likelihood of temporal overlap of construction works between projects.
 - the implementation of standard and best practice construction and operation measures, including those listed in the CEMP provided with the application.

9.1.7. It is considered unlikely that significant cumulative impacts with other existing and/or approved projects would arise. Having regard to the nature and scale of the proposed development, the environmental impacts are not complex or intense. Furthermore, the implementation of standard best practice methodologies during the construction and operation phase of the proposed development will effectively reduce the potential impacts and mitigate against any likely significant effects on the environment. The additional works that may be required in order to comply with the conditions recommended below should the Board be minded to give approval have been factored into the assessment of likely effects on the environment.

Conclusion

9.1.8. Having regard to the matters considered in sections 8 and 10 of my report, the EIA Screening document submitted with the application and the submissions on the file, and when considering, the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered unlikely that there would be significant effects on the environment arising from the proposed development.

10.0 Appropriate Assessment

10.1. Stage 1 – Screening

10.1.1. This section of my report considers the likely significant effects of the proposed development upon a European Site. As part of the particulars supporting the application, the applicant has submitted a NIS dated August 2023 with an AA Screening Report appended to this.

10.1.2. The documentation is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. The documentation was prepared by MKO Planning and Environmental Consultants. The NIS concluded that alone or in combination with other plans or projects, the proposed development would not adversely affect any European Site.

Site Description

- 10.1.3. A description of the site is provided in section 2 and throughout the assessments above. Following various ecological surveys, Annex I habitats were not recorded within the application site and only limited use of the application site by flora and fauna was identified within the applicant's Ecological Impact Assessment dated May 2023. Invasive species in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) were not recorded on site.
- 10.1.4. The site does not feature any substantive surface water bodies. The Clare river is the closest surface water body to the application site, which is located approximately 650m to the northeast of the site flowing westwards into Lough Corrib. The most recent Water Framework Directive (WFD) status (2016-2021) identifies the Clare river as having 'moderate' status and that this waterbody upstream of Claregalway bridge is at risk of not meeting WFD objectives for 2027, while the risk to the downstream watercourse is subject to review. The application site is located over the Clare - Corrib groundwater body (IE_WE_G_0020) and the most recent status (2016-2021) described by the EPA for this groundwater body categorised it as 'good' and that it was not 'at risk' of meeting WFD objectives for 2027.

Proposed Development

- 10.1.5. The proposed development is described in section 3 above and throughout the assessments, where necessary. The proposed development would connect to local piped environmental services for water supply and drainage.

10.2. European Sites

- 10.2.1. The nearest European sites are listed in table 5 below.

Table 5. European Sites

Site Code	Site Name	Distance	Direction
000297	Lough Corrib SAC	0.6km	east
004042	Lough Corrib SPA	5.1km	west
000268	Galway Bay Complex SAC	6.4km	south

004031	Inner Galway Bay SPA	6.9km	south
004142	Cregganna Marsh SPA	9km	south

10.3. Is the Project necessary to the Management of European sites?

10.3.1. The project is not necessary to the management of a European site.

10.4. Direct, Indirect or Secondary Impacts

10.4.1. The potential direct, indirect and secondary impacts of the proposed development that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- impacts on water quality, for example via release of suspended solids, accidental spills or the release of contaminants from made ground during construction;
- loss or disturbance of habitat/species, for example, use of the application site by European Site qualifying interest species.

10.5. Relevant European Sites

10.5.1. In determining the zone of influence for the proposed development, I have had regard to the nature and scale of the project, the distance from the development site to European sites and any potential pathways that may exist from the development site to a European Site, the application documentation and submissions, and my visit to the area. Table 3.11 of the applicant's appended AA screening report identifies the potential links to European Sites from the application site. The distances and directions from the site to European Sites are listed in table 5 above. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the species identified as using the site during ecological surveys, the distance from the development site to European Sites, the lack of an obvious pathway to European Sites from the development site and local drainage patterns and catchments.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
Lough Corrib SAC / 000297	<p>To restore the favourable conservation condition of:</p> <ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>); • oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoëto-Nanojuncetea</i>; • Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.; • Active raised bogs; • Freshwater Pearl Mussel; • Slender Naiad; • Lesser Horseshoe Bat; • Sea Lamprey. <p>To maintain the favourable conservation condition of:</p> <ul style="list-style-type: none"> • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (important orchid sites); • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>); • Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>; • Petrifying springs with tufa formation (<i>Cratoneurion</i>); • Alkaline fens; • Limestone pavements; • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; • Bog woodland; • White-clawed Crayfish; • Brook Lamprey; • Atlantic Salmon; • Otter; • Slender Green Feather-moss (Shining Sickle-moss). 	<p>Yes</p> <p>A weak hydrological connection exists through the very low risk of groundwater flooding in part of the open space area proposed in the northeast corner of the application site, which could lead to runoff to the SAC and its known drainage catchment discharging to the Clare river to the east of the application site.</p>	<p>Yes</p>

	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000297.pdf		
Lough Corrib SPA / 004042	<p>To maintain the favourable conservation condition of:</p> <ul style="list-style-type: none"> • Common Scoter; • Golden Plover • Wetlands. <p>To restore the favourable conservation condition of:</p> <ul style="list-style-type: none"> • Gadwall; • Shoveler; • Pochard; • Tufted Duck; • Hen Harrier; • Coot; • Black-headed Gull; • Common Gull; • Common Tern; • Arctic Tern; • Greenland White-fronted Goose. <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004042.pdf</p>	<p>Yes</p> <p>A weak hydrological connection exists through the very low risk of groundwater flooding in part of the open space area proposed in the northeast corner of the application site, which could lead to runoff to the SPA and its known drainage catchment discharging to the Clare river to the east of the application site, which drains into Lough Corrib.</p>	Yes

10.6. Potential Effects

- 10.6.1. The site is currently dominated by agricultural grasslands (habitat category GA1). The applicant undertook various bat surveys in July and August 2022 in order to determine the extent of suitable roosting, commuting and foraging habitat for such species. The site was considered to feature moderate roosting habitat for bats within ivy-clad Ash trees and moderate commuting or foraging habitat along field boundaries. Lesser Horseshoe bats were not recorded as using the site, and the applicant refers to National Parks and Wildlife Services data referring to the absence of records of this species within 5km of the application site. The site is of limited ecological significance based on information presented and available. The applicant notes that otter are known to use stretches of the Clare river closest to the application site.
- 10.6.2. The proposed development potentially has a weak hydrological connection to the Lough Corrib SAC and Lough Corrib SPA, and from a precautionary perspective this

raises the potential for indirect effects on these sites and their qualifying interests during the construction and operation phase. The potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, including sediments, to the ground that are hydrologically connected from the site to the European Sites. This in turn could have adverse impacts on the qualifying interests of the respective European Sites. During the operational phase the proposed development would connect to piped local environmental services, which Uisce Éireann has stated to be capable of catering for the proposed development and standard surface water management measures would be employed, including fuel interceptors. The low flood risk area with a weak hydrological connection to the Clare River would comprise landscaped open space and paths, therefore, the operation of this area would not be likely to significantly impact on the conservation objectives of European sites.

10.7. In-combination Impacts

- 10.7.1. This project is taking place within the context of other developments in the Baile Chláir area, which can impact in a cumulative manner with the proposed development through drainage and increased volumes to the Claregalway WWTP. Uisce Éireann Annual Environmental Report 2022 identifies capacity to serve a population equipment of 6,000 in the Claregalway WWTP and a substantive population equivalent capacity of approximately 3,700 in this WWTP.
- 10.7.2. The strategic housing development permitted on zoned residential lands to the northeast for 111 residential units was the subject of a separate application to the Board (ABP ref. 312191-21), including screening for AA. The adjoining proposed development (GCC ref. 23/61411) on residential-zoned lands is also the subject of a separate application to Galway County Council. The expansion of Baile Chláir is catered for through land-use planning by the Planning Authority, including the Galway County Development Plan 2022-2028, which has been subject to AA by the Local Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European Sites. I am satisfied that likely significant in-combination impacts would not arise.

10.8. Stage 1 – Screening Conclusion

- 10.8.1. The proposed development was considered in light of the requirements of Section 177U of the Act of 2000. Having carried out stage 1 AA screening for the project, it has been concluded that the project individually could have a significant effect on European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA), in view of the sites' Conservation Objectives, and an Appropriate Assessment is therefore required. The applicant has submitted a NIS addressing the potential for significant effects on these two sites.
- 10.8.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, given the absence of a pathway between other European sites and the application site, the separation distances to European sites. The nature and location of the development is such that the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network. In reaching this conclusion, with the exception of European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA), I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on European Sites.
- 10.8.3. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

10.9. Stage 2 - Appropriate Assessment

- 10.9.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interests of European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA) using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

10.10. Test of Effects & Mitigation Measures

10.10.1. As the site of the proposed development is at a remove from the aforementioned European sites, no direct effects would occur. In terms of indirect effects the key element is the potential impact on water quality during construction phases. The mitigation measures that are proposed in the NIS and CEMP to address the potential adverse effects of the construction phase of the proposed development include:

- site set-up, including confirmation of site services, avoidance of stockpiling within historical flood areas and enclosing of these areas with silt fences, and reuse of soils and bedrock within the site;
- pollution prevention, including monitoring of surface waters and weather conditions, covering of any stockpiled material, an emergency response plan and silt bags;
- refuelling, fuel and hazardous material storage, including bunding, spill kits and measures to avoid release of hydrocarbons;
- controlled use of cement-based materials
- disposal of wastewater via fully-permitted waste collectors;
- construction waste management.

10.10.2. In addition to the mitigation measures outlined above, the CEMP sets out that an ecologist would be engaged to monitor the construction phase of the project. The mitigation measures in the NIS and the CEMP would ensure that there are no likely effects on the Clare River from runoff to groundwater, thereby avoiding negative effects on the European Sites in Clare River catchment. I am satisfied that with the implementation of the specific measures outlined in the CEMP and NIS for the management of the development, the excavation methods and the storage of fuels and chemicals, the proposed construction activity would not have likely significant effects on water quality downstream during the construction phase. Residual effects are not anticipated post mitigation.

10.10.3. I am therefore satisfied that the development would not cause changes to the key indicators of conservation value, hence there is no potential for any adverse

impacts to occur on either the habitat or the species associated with Lough Corrib SAC and Lough Corrib SPA.

10.11. In-combination Effects

10.11.1. Having regard to the foregoing, I consider that in-combination effects are not likely to arise for European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA).

10.12. Appropriate Assessment – Conclusion

10.12.1. The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA), or any other European site, in view of the site's Conservation Objectives.

11.0 Recommendation

11.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

11.2. 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.

12.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- the EU Habitats Directive (92/43/EEC);

- the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended);
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development the likely significant effects of the proposed development on European sites;
- the conservation objectives and qualifying interests for European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA);
- the policies and objectives of the Galway County Development Plan 2022-2028 and the results of the Strategic Environmental Assessment and Appropriate Assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC);
- the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024;
- the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2023;
- the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- the nature and extent of the proposed works,
- the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- the submissions received in relation to the proposed development, and,

- the report and recommendation of the person appointed by the Board to make a report and recommendation on this matter.

Likely Effects on the Environment

It is considered that, subject to compliance with the conditions set out below, including requiring compliance with the submitted details and with the mitigation measures, the proposed development would not be likely to have significant effects on the environment.

Likely Consequences for the Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Likely significant effects of the proposed development upon a European Site

Appropriate Assessment – Stage 1

The Board agreed with and adopted the screening for appropriate assessment and conclusions contained in the Planning Inspector's report, concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, other than for European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA).

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and the associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Planning Inspector's assessment and carried out an appropriate assessment of the implications of the proposed development for European Site No. 000297 (Lough Corrib SAC) and European Site No. 004042 (Lough Corrib SPA), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures that are included as part of the current proposal, and
- (iii) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the Planning Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The proposed development shall be amended as follows:
 - (a) provision of window(s) overlooking the public open space at first-floor level in the eastern elevation of proposed unit no.29 and the

- provision of windows overlooking the public open space at first and second-floor level on the northern elevation to proposed block VI;
- (b) reduced carriageways widths to a maximum of 5.5m for the local neighbourhood roads / internal estate access roads and reduced shared surface / homezone carriageway widths to a maximum of 4.8m throughout the proposed development, with omitted areas absorbed into open spaces and unit curtilages;
 - (c) provision of a pathway through the proposed northeast corner public open space, extending to the boundary and providing potential future pedestrian and cycle access to lands to the northeast (as per the details on the Landscape Plan drawing no.22242_1_100);
 - (d) provision of play facilities within the proposed public playground to cater for all ages, including older children aged 12 years plus;
 - (e) provision of an alternative boundary treatment enclosing the private amenity space serving proposed unit no.82, measuring a minimum height of 1.8m from ground level with natural stone finish facing onto the public realm, similar to boundary treatment type 4 on the applicant's Boundary Treatment Plan & Details drawing no.210503-03-010 Revision A;
 - (f) provision of a right-turning traffic lane for vehicles at the proposed vehicular entrance to the development from the regional road (R381) fronting the site;
 - (g) omission of the cycle parking facilities along the proposed internal access road running parallel with the western boundary of the site and reduction of the cycle parking facilities throughout the remainder of the site to provide maximum capacity to serve the 26 proposed residential units without external access to and the proposed childcare facility;
 - (h) maintained pedestrian and cycle paths along Lakeview Road (L7110 local road) fronting the site, including along the proposed childcare facility set-down area, in line with the provisions of the Cycle Design

Manual issued by the National Transport Authority in September 2023;

- (i) finalised details of the proposed wastewater treatment pumping station, including layout, sections and elevations.

Revised drawings and details showing compliance with these requirements shall be placed on the file and retained as part of the public record.

Reason: In the interests of visual and residential amenities of the area, the amenities of future occupants of the proposed development, road safety, promoting sustainable modes of transport, the adequate servicing of the proposed development and to ensure the development accords with the provisions of the Galway County Development Plan 2022-2028, the Design Manual for Urban Roads and Streets and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

- 3. The development shall be carried out on a phased basis, in accordance with details to be placed on the file and retained as part of the public record, with the proposed public playground to be completed prior to the occupation of any of the proposed residential units on site.

Reason: To ensure the timely provision of services and to comply with the provisions of the Galway County Development Plan 2022 - 2028, for the benefit of the occupants of the proposed residential units and the general public.

- 4. A minimum of 20% of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht for a period of 15 years. Prior to commencement of development, the Local Authority shall restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish.

The appropriate competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause will have to provide to the Planning Authority proof that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing / occupying the respective residential unit.

Reason: To ensure that development in the area in which the site is located is appropriately restricted.

5. Mitigation measures outlined in the plans and particulars, including the Ecological Impact Assessment, the Construction Environmental Management Plan and the Natura Impact Statement submitted with the application, shall be carried out in full, except where otherwise required by conditions attached to this permission. Prior to the commencement of the development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the Local Authority, placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed houses.

7. Proposals for a development name and numbering scheme and associated signage shall be agreed prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. A justification for the development name and numbering scheme shall be prepared and placed on file and retained as part of the public record.

Reason: In the interest of urban legibility.

8. The road works along the R381 regional road and Lakeview Road (L7110 local road), including the vehicular accesses serving the proposed development, and the layout of the proposed development, shall be in accordance with the design standards outlined in the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.

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

9. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets guidance and Transport Infrastructure Ireland standards. Details of the independent audit team(s) shall be prepared, placed on the file and retained as part of the public record and all measures recommended by the Auditor(s) shall be implemented unless there are exceptional circumstances allowing for deviation. The Stage 2 Audit reports shall be prepared, placed on the file and retained as part of the public record prior to the commencement of development.

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

10. Prior to commencement of development, the Local Authority, or any agent acting on their behalf, shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

11. a) Prior to commencement of development a Stage 2 - Detailed Design Stage Storm Water Audit, shall be prepared, placed on the file and retained as part of the public record.
- b) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be prepared, placed on the file and retained as part of the public record.
- c) Prior to the occupation of proposed development, a maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be prepared, placed on the file, retained as part of the public record and thereafter implemented;

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

12. Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public open space and front street areas, details of which shall be prepared prior to commencement of development and placed on file and retained as part of the public record. The design of the lighting scheme shall take into account the existing public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit. Any bat-sensitive lighting for the

proposed development shall accord with the updated guidance contained in 'Bats and Artificial Lighting in the UK Guidance Note GN 08 23'.

Reason: In the interests of amenity, public safety and bat species.

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

Reason: In the interests of visual and residential amenity.

- 14.** (a) A plan containing details for the management of waste, 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, shall be prepared prior to the commencement of the development and placed on file and retained as part of the public record. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each residential unit plot.

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

- 15.** The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be contoured, soiled, seeded, and landscaped in accordance with the landscape plan (drawing no.22242_1_100).

This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16. The Local Authority, or any agent acting on its behalf, shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an Archaeological Impact Assessment Report for the written agreement of the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works, topsoil stripping, site clearance and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.

Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record archaeological excavation and/or monitoring may be required. Any further archaeological mitigation requirements specified by the National Monuments Service, shall be complied with by the Local Authority, or any agent acting on its behalf.

No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and agreed in writing with the National Monuments Service. The National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work.

All resulting and associated archaeological costs shall be borne by the Local Authority, or any agent acting on its behalf. All reports prepared shall be placed on file and retained as part of the public record.

Reason: In order to ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

17. Prior to the commencement of development, the Local Authority or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. All records, including for waste and all resources, pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be placed on file and retained as part of the public record. This Plan shall provide details of the construction practice for the development, including:

- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
- b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- c) Details of on-site car parking facilities for site workers during the course of construction;
- d) 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;
- e) Measures to obviate queuing of construction traffic on the adjoining road network;

- f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- g) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- h) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels;
- i) Details of appropriate mitigation measures for noise and dust, and 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) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local sewers or watercourses;
- m) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be placed on file and retained as part of the public record;

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

- 19.** The development hereby permitted shall be carried out and completed at least to the construction standards set out in the “Recommendations for

Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government in November 1998.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

- 20.** Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances.

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

Colm McLoughlin
Senior Planning Inspector

15th January 2024