



An
Bord
Pleanála

Inspector's Report ABP-318116-23

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| Development | 72 residential units. |
| Location | Main Road, Prospect, Athenry, Co. Galway. |
| Planning Authority | Galway County Council. |
| Planning Authority Reg. Ref. | 2360759. |
| Applicant(s) | Bellerin 3A Limited. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party versus decision. |
| Appellant(s) | Bellerin 3A Limited. |
| Observer(s) | None. |
| Date of Site Inspection | 2 July 2024. |
| Inspector | Stephen Rhys Thomas. |

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is located on the south western edge of Athenry. The Athenry to Limerick railway line forms a boundary with the eastern side of the site and a former public road now closed aligns the western side. The northern boundary of this triangular shaped site aligns with the Prospect Road and includes a dwelling and the mature trees contained within its gardens. The appeal site also extends along the Prospect Road to the junction with the L3103 at a narrow bridge crossing over the railway (Prospect / Raheen Rail Bridge Junction).
- 1.2. The site is currently in pasture and has a gently rolling terrain. The boundary to the west along the former public road comprises a drystone wall interspersed with mature trees and a single storey cottage. The boundary to the railway line is a mature hedgerow. The southern boundary of the site is marked by an overgrown area with the remnants of a former field boundary.

2.0 Proposed Development

- 2.1. The proposed development for 72 residential units on a site of 2.66 Hectares can be summarised as follows:
 - 30 houses (8 two storey two bed residential dwellings, 19 two storey three bed residential dwellings, 2 three bed courtyard houses, 1 four bed courtyard house;
 - 42 apartments units (including 22 two beds and 20 one bed apartment units) set out in 9 two-storey blocks;
 - New vehicular and pedestrian access from Prospect Road,
 - Provision of a new footpath on the existing Prospect Road,
 - Demolition of a two-storey residential dwelling (221 sq. m.),
 - Storm water attenuation measures,
 - Information board and buffer area around recorded monument (GA084-111) and provision of communal open space,
 - Site landscaping and boundary treatment,

- Car and bicycle parking, bin stores, pedestrian, cycle & vehicular links throughout the development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a notification to refuse permission for the following three reasons:

1. The site is located in an area not currently zoned for development, on the outer south-western edge of Athenry town. It is the policy of Galway County Council to encourage the orderly and phased development of residential lands in accordance with the principles of the sequential approach as set out in the Sustainable Residential Development in Urban Areas (Cities Towns and Villages) Guidelines 2009. This shall include a positive presumption in favour of the sequential development of suitable serviced lands in zoned towns and villages. The development as proposed does not contribute to the compact growth of Athenry and is non-sequential in its siting at this location having regard to more suitably zoned and physically connected lands within the urban environs of Athenry. It is considered that the proposed development would be contrary to Policy Objectives CS 2, CS3, CGR 1 and PM1 of the Galway County Development Plan 2022-2028, would set an undesirable precedent for similar such development and would thus be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not provide satisfactory or otherwise sufficiently developed proposals for connectivity to the wider urban pedestrian and cycle network and, if granted, would pose an increased risk to the safety of pedestrians and other road users, and in addition, lead to unsustainable mobility patterns due to the impact the discontinuities in the pedestrian and cycle network will have on individual mobility choice. The proposed development would accordingly be prejudicial to public safety and contravene sustainable transport policy objectives ILUTP1 and WC3 of the current Galway County Development Plan.

3. The proposed development would represent an inappropriate form of development at this location where the proposed density and configuration does not relate to

either its context or the surrounding development in a manner consistent with sustainable urban placemaking and the siting of same results in poor quality layout with insufficient definition of character areas and definition and enclosure of a hierarchy of sufficiently sized central and usable public and communal spaces. Accordingly, to grant the proposed development would be detrimental to the character of the area and would be contrary to Sections 2.2, 2.7, 4.16 and 6.8 of Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DEHLG 2009). It would furthermore detract from the visual and residential amenity of the area, would be contrary to objectives PM 1, PM 6, PM 8 and PM 10, UL2 and UL5, as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028, as well as setting an undesirable precedent for similar future development, and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Site location, site history and the relevant planning policies of the Galway County Development Plan 2022-2028 and the policies and objectives of the Draft Athenry Local Area Plan are set out.
- The lands are not currently zoned and will not be zoned residential purposes in the short term in the draft LAP. The subject site is not considered sequentially preferable at present and to develop the lands for residential purposes would be contrary to the policy objectives contained in the development plan.
- The site can be serviced by water services, no flood risk
- Concerns regarding aspects of the general design of the overall scheme in terms of integration, amenity space is lacking, supporting documentation not detailed enough, the residential density of 30 dwellings per hectare is not appropriate at this location.

- Pedestrian and cyclist connectivity is of major concern for this edge of centre site, footpaths in the area are limited and the railway bridge limits access for all.

Recommendation to refuse permission for the reasons outlined above.

3.2.2. Other Technical Reports

According to the planning report, the following internal reports were received:

- Roads Section GCC – refuse permission.

3.2.3. Conditions

Permission refused, no conditions to consider in this assessment.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – further information required, the existing TTA be extended to assess impacts on the capacity of Junction 17 of the M6.

Irish Rail – no objections.

Uisce Éireann – connection to water and wastewater services are feasible without upgrades.

Department of Housing, Local Government and Heritage, Development Applications Unit – Nature Conservation, no objections. Archaeology, no objections.

3.4. Third Party Observations

- 3.4.1. Two submissions were received, and the issues can be listed as follows: impact on residential amenity, increased traffic movements, inadequate footpath provision and connectivity with the town centre, visual impact on the local area and the heritage town of Athenry, poor layout and design, impact on the operation of the approved Fire Station, and local environmental impact.

4.0 Planning History

4.1. Site:

PA ref 20/1352 – Permission refused for the construction of 60 houses, provision of pumping station and attenuation area; retention of recorded monument and other landscaping.

PA ref 06/2069 – permission for 59 houses, this permission was amended and extended numerous times.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The **Galway County Development Plan 2022-2028** is the operative plan for the area.

The following parts of the statutory plan are relevant:

Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy

Chapter 3 Placemaking Urban Regeneration and Urban Living

Chapter 7 Infrastructure, Utilities and Environmental Protection

Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure

Section 10.6 Natural Heritage and Biodiversity

Chapter 12 Architectural, Archaeological and Cultural Heritage

Chapter 14 Climate Change, Energy and Renewable Resources

Chapter 15 - Development Management Standards

- 5.1.2. Policies and objectives referred to in the reason for refusal:

CS 2 and CGR 1 - CS 2 Compact Growth

CS 3 - Population Growth

PM 1 – Placemaking

PM 6 - Health and Wellbeing

PM 8 - Character and Identity

PM 10 - Design Quality

UL 2 - Layout and Design

UL 5 - Open Space

ILUTP 1 - Sustainable Transportation

WC 3 - Sustainable Transport Movement

5.1.3. Development Management Standards referred to in the reason for refusal:

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

DM Standard 2 Multiple Housing Schemes (Urban Areas)

5.2. Athenry Local Area Plan 2024-2030

5.2.1. The LAP came into effect on the 20th February 2024. The outcome of a Ministerial Direction does not affect the appeal site.

5.2.2. With reference to the appeal site, the lands are subject to zoning objective R Residential (Phase 1) - To protect, provide and improve residential amenity areas within the lifetime of this plan. In addition, facilitate the provision of high-quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures to meet household needs and promote balanced communities.

5.2.3. Relevant Objectives include:

ASP 5 Residential Development Phasing Support the development of lands designated as Residential (Phase 1) within the lifetime of the plan, subject to normal planning, access, and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of Athenry.

ASP 8 Sequential Development Endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach as set out in the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines 2009 (or as updated). This shall include a positive presumption in favour of the sequential development of suitably serviced Residential Phase 1 lands emanating outwards from the town core and/or sequential extensions to the existing residential fabric of suitably serviced Residential Phase 1 lands within the LAP boundary, subject to the principles of

proper planning and sustainable development and the current County Development Plan.

ASP 32 High Quality, Contextually Sensitive Design

ASP 34 Spatial Definition and Animation

ASP 35 Green Network and the Landscape

ASP 53 Pedestrian and Cycle Network

Facilitate the improvement of the pedestrian and cycling environment and network so that it is safe and accessible to all, through the provision of the necessary infrastructure. New development shall promote and prioritise walking and cycling, shall be permeable, adequately linked and connected to neighbouring areas, the town centre, recreational, educational, residential and employment destinations and shall adhere to the principles contained within the national policy document Smarter Travel – A Sustainable Transport Future 2009-2020 and the Design Manual for Urban Roads and Streets (2013), as updated in 2019.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or directly adjacent to any Natura 2000 sites. The closest designated site is located to the south Rahasane Turlough SPA/SAC at 8 kilometres. The Galway Bay Complex SAC and Inner Galway Bay SPA are located 11 kilometres to the west.

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First-Party Appeal was submitted to An Bord Pleanála on the 26th day of September 2023 by the Applicant opposing the Planning Authority's decision, the grounds of appeal relate to each reason for refusal and can be summarised as follows:

- Reason 1 – the site is not zoned for development assumption is based upon the Draft LAP. A draft plan was submitted to support the zoning for this site, echoed by the NWRA call to examine the quantum of zoned land in the region.

The site is zoned for residential uses and is much closer to the town centre than other similarly zoned sites, figure 5 shows sequential development. The site has a long planning history of permitted development, and the location of the site was not considered to be peripheral or non-sequential. Under previous plans the lands have been zoned residential. Statistics demonstrate that there is a need for housing in Athenry.

Policy objectives CS2, CS3, CGR1 and PM1 will be met by the proposed development. CS2 will deliver compact growth and deliver more homes in the footprint of Athenry. CS3 is met by a modest increase in growth. CGR1 is met by an efficient use of lands and NPF aims for compact growth. The design and layout of the scheme meets all the criteria of PM1.

- Reason 2 – the single access point is located to the north of the site, near the town centre and designed in accordance with DMURS. The prospect road will be aligned with a new footpath and onwards to the existing footpath at the junction of the L3103, figure 6 shows existing and proposed linkages. The Draft LAP proposes to deliver further pedestrian connections throughout the town. Proposals for new pedestrian facilities along the R348 support these aims and will meet the development plan policy objectives ILUTP 1 and WC 3.
- Reason 3 – the proposed density amounts to 30.1 units per hectare and consistent with the 2009 density guidelines and aligns with DM guideline LU1

of the Athenry LAP. The design and layout accords with the 2009 guidelines with respect to section 2.2, 4.16, 6.8.

The following objectives of the plan are met:

PM1 – the development will provide a high quality residential environment, together with pedestrian paths to encourage active travel.

PM 6 – good urban design principles have been applied in the design of open space, and movement.

PM 8 – the character of the development is enhanced by the incorporation of the archaeological remains on site into the open space and overall landscape design.

PM10 – the overall development and homes are of an excellent architectural quality.

UL2 – the 12 criteria of the Urban Design Manual have been applied to the design of the proposed scheme.

UL5 – open space amounts to 29% of the overall site and is well designed.

DM1 – the planning statement that accompanied the application meets DM1.

DM2 – the planning statement that accompanied the application meets DM2.

- 6.1.2. In summary, the proposed development would add to the visual character and residential amenity of the area and would not set an undesirable precedent given that the development is of a high quality layout and architectural design.

6.2. Planning Authority Response

- 6.2.1. None.

6.3. Observations

- 6.3.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning and the Athenry Local Area Plan
- Traffic and Transport
- Layout, Design and Density
- Other Matters

7.2. Zoning and the Athenry Local Area Plan

- 7.2.1. The planning authority's first reason for refusal refers to the fact that the site is not zoned for development and that this would be contrary to Policy Objectives CS 2, CS3, CGR 1 and PM1 of the Galway County Development Plan 2022- 2028. The applicant explains that the site is not peripheral and has a long standing planning history of permitted development. Finally, according to the applicant all other relevant policies of the development plan are met with regard to compact growth and placemaking.
- 7.2.2. With reference to land use zoning, I note that the Athenry Local Area Plan 2024-2024 identifies the lands as subject to residential zoning objectives. Specifically, the recently adopted LAP identifies these lands as subject to zoning objective R Residential (Phase 1) – To protect, provide and improve residential amenity areas within the lifetime of this plan. I appreciate the hesitancy of the planning authority to permit development on lands with an uncertain zoning status at the time of their decision. However, I am completely satisfied the lands were and are zoned for residential development and that housing is entirely appropriate at this location. With reference to meeting the LAP objectives for high-quality new residential developments with a mix of house types, at appropriate densities with layout and design well linked to the town centre and community facilities. All of these matters are considered, where relevant in the following sections of my report.

7.3. Traffic and Transport

- 7.3.1. The planning authority refused permission on the basis that there is no pedestrian or cyclist infrastructure in the area and this would contravene policy objectives ILUTP1 and WC3 of the current Galway County Development Plan. In addition, though not translated into the second reason for refusal, is that the TII have some concerns that sufficient modelling was not included in the Traffic Impact Assessment in order to assess impacts on the capacity of Junction 17 of the M6. In terms of the substantive reason for refusal that revolves around the lack of pedestrian and cyclist facilities, the applicant disagrees and states that the proposed 2 metre wide footpath along Prospect Road will meet up with existing footpaths and meet the mobility and sustainable transport objectives of the plan.
- 7.3.2. I have visited the site and can confirm that there are no public footpaths on either side of the Prospect Road (L3123), in either an easterly or westerly direction. A heavily barriered footpath is available on the far side of the road at the Prospect / Raheen Rail Bridge Junction. The Prospect Road would be the most direct route to the town centre and all the facilities and services along the way. I observed that another pedestrian and cyclist route is possible and currently available, associated with the new road infrastructure of the R348 to the south of the site. This route has excellent pedestrian and cyclist facilities and provides access to the new secondary school of Clarin College (700 metres) and the Athenry Shopping Centre (1.2 kilometres) and town centre beyond.
- 7.3.3. The applicant proposes to provide a footpath across the frontage of their site along Prospect Road. In addition, the applicant proposes to provide a footpath on the opposite side of the Prospect Road all the way to the Raheen Rail Bridge Junction. Two pedestrian crossing points are proposed at either end of the proposed footpath works, drawing 11585-2016 refers. The applicant's Traffic and Transport Assessment (TTA) states that the existing Prospect Road is to be realigned to accommodate a new 2.0m wide pedestrian footpath which will provide pedestrian linkage from the development access junction into the existing footpath network into Athenry town, Figure 7-1 shows existing walking and cycling linkages. The applicant has not considered any alternative pedestrian and cyclist access to the town centre and seeks to provide a footpath, where one is not present at this time.

- 7.3.4. The planning authority are concerned about the lack of pedestrian facilities along Prospect Road and at the junction at the railway bridge. In addition, they doubt that the applicant can achieve the footpath works proposed because there is no documentary evidence of consent from all landowners along the route. I also add that the existing footpaths that are proposed to be linked into are less than ideal at present.
- 7.3.5. I am not satisfied that the applicant's proposals for Prospect Road can be fully realised in the short term. In any case, the footpaths that are planned to be connected with are less than ideal and the planning authority recognise this, in terms of access for all and safe cyclist routes. The issue of the Prospect Road/Raheen Road railway bridge junction is larger than the current appeal and I can see that a more coordinated approach across a number of agencies is required to address proper footpath and cyclist facilities in this area of Athenry. However, another pedestrian and cyclist route already exists and during my site visit I observed many current users. The applicant makes small reference to the R348 and the upgrades that are planned for it in the draft LAP. However, both pedestrian and for the most part, segregated cycling facilities already exist along the R348 and provide direct access to a new secondary school, Athenry Shopping Centre and the town centre a short distance beyond. Neither the planning authority nor the applicant have strongly considered this alternate route.
- 7.3.6. I can see from the layout drawings submitted that it would be technically feasible and safe to provide a pedestrian and cyclist route from the southern tip of the site to the R348, less than 100 metres away. The applicant's land ownership and site boundaries extend into this former public road, drawing (PP)001 refers. However, the site boundary and land ownership do not extend along this former public road. I am not certain that the applicant has any rights over this roadway, whether it is a public road or if the incline up to the R348 can be achieved within the technical requirements of best practice access for all guidelines. I am hesitant to recommend permission be granted based on this alternate arrangement if I cannot be certain that it can be achieved. Therefore, the appeal site remains disconnected from the town centre and other local services because footpath/cyclist facilities cannot be delivered or joined up. Such a scenario would not accord with previous national guidance or current national guidance regarding sustainable and efficient movement set out in

the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. Specifically, section 4.4(i)(b) of the guidelines states new developments should connect to the wider urban street and transport networks and improve connections between communities, to public transport, local services and local amenities such as shops, parks and schools, where possible. I think that connection is possible in this instance, though it has not been adequately illustrated or demonstrated by the applicant. In this instance, I am not satisfied that the Prospect Road proposals are adequate given the existing infrastructure and I am uncertain that the R348 connection can be achieved without having consent or detailed drawings available to me. For that reason, I agree with the planning authority that permission should be refused because of the lack of a safe pedestrian/cyclist route to local services and the town centre.

- 7.3.7. The planning authority have not raised any other concerns with regard to the traffic and transport arrangements for this site. However, I note that observers have raised concerns about the overall increase in traffic, general safety and the operations of a new fire station opposite. In response, the site is zoned for residential development at appropriate residential densities in the recently published LAP. I am satisfied that the local road network can safely accommodate the marginal increase in traffic flows and the applicant's TTA illustrates this. I note the concerns raised by TII and the impact of development on the national road network and specifically Junction 17 of the M6, revisions to the TTA are requested. In this regard, I note that junction 17 is located over a kilometre to the south of the site and provides vehicular access to the town of Athenry and the hinterland beyond. Junction 17 provides important access to Athenry and plugs into the existing and expanding regional road network in and around the town. I am certain that junction 17 was designed to accommodate existing and planned growth for the area and will continue to provide safe and efficient access. This does not in my mind warrant a refusal of permission, but in the interests of completeness the traffic impact section of the TTA could be updated to take account and quantify any impact to traffic on the operational effectiveness of junction 17, if that proves to be the case.
- 7.3.8. In summary, I am not satisfied that achievable proposals have been advanced by the applicant that address the inadequate pedestrian and cyclist facilities in the area.

There is insufficient documentation on file to create any kind of certainty that a feasible remedy can be found in order to allow permission to be granted.

7.4. Layout, Design and Density

- 7.4.1. The third reason for refusal issued by the planning authority relates to the density, and configuration of the proposed housing scheme. The planning authority were not satisfied that the proposal met a variety of policy objectives, and this was due to the lack of integration of the scheme with the surroundings, poor open space and character area configuration. All of these factors would lead to a diminution of residential and visual amenity. The planning authority maintained that the development as proposed would be contrary to policy objectives PM1, PM6, PM8 and PM10, UL2 and UL5, as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028. The applicant disagrees and states that a residential density of 30.1 dwellings per hectare is appropriate at this location. In addition, the Landscape and Visual Impacts assessment illustrates how the development would consolidate development at this location. In terms of amenity, 29% of the site is devoted to public open space and this is to take into account the archaeological potential of portions of the site. The applicant points out that the development is not contrary to the development plan policy objectives, because each policy objective and development management standard is met, table 4 of the grounds of appeal refers. In that context, various reports were prepared that include a landscape design statement, planning statement and DMURS report amongst others. Observers to the planning application are critical of the development in general but are not party to this appeal, however, I have taken onto account their views.
- 7.4.2. I note that the planning authority's reason for refusal states that the proposed development would be contrary to policy objectives PM1, PM6, PM8 and PM10, UL2 and UL5, as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028. Each of these policy objectives and development management standards are broad and seek to provide the necessary information required to accompany housing scheme proposals, I will, however, take each policy objective and development management standard in turn and address as follows:

- 7.4.3. PM 1 Placemaking – To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise. The applicant has prepared a planning statement to address the policy background to the development from a national and local perspective.
- 7.4.4. PM 6 Health and Wellbeing - Promote the development of healthy and attractive places by ensuring: (a) Good urban design principles are integrated into the layout and design of new development; (b) Future development prioritises the need for people to be physically active in their daily lives and promote walking and cycling in the design of streets and public spaces (c) New schools and workplaces are linked to walking and cycling networks (d) The provision of open space considers different types of recreation and amenity uses with connectivity by way of safe, secure walking and cycling routes. (e) Developments are planned for on a multi-functional basis incorporating ecosystem services, climate change measures, Green Infrastructure and key landscape features in their design. The applicant has proposed to connect the development back to the town centre by a new footpath, section 7.4 of my report refers. Ostensibly, though the principle of improving pedestrian facilities is welcomed, I am not certain that in this instance, they can be fully realised.
- 7.4.5. PM 8 Character and Identity - Ensure the best quality of design is achieved for all new development and that design respects and enhances the specific characteristics unique features of the towns and villages throughout the County. The applicant prepared a Landscape and Visual Impact, DMURS report, Planning Statement, photomontage and a large number of drawings to illustrate their design rationale. I am satisfied that a sufficient level of detail has been prepared and submitted by the applicant. The overall layout and design of buildings is contemporary in style, DMURS compliant and provides greater than the minimum amount of public open space, safe and passively overlooked.
- 7.4.6. PM 10 Design Quality – To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm. The applicant

has prepared Planning Report and landscape plan to describe how the development meets this objective.

- 7.4.7. UL 2 Layout and Design – To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county. The applicant has prepared a Planning Report and DMURS report to describe how good placemaking will be achieved. A Sunlight, Daylight & Shadow Assessment has been prepared to show how the development relates to adjacent development in terms of residential amenities.
- 7.4.8. UL 5 Open Space – To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area. The applicant explains that in excess of the 15% minimum open space and that the site has been subject to a landscape plan.
- 7.4.9. DM Standard 1 was met by the production of a complete suite of architectural drawings and a Landscape and Visual Impact Assessment that addresses placemaking.
- 7.4.10. DM Standard 2, the applicants documentation addresses all relevant matters set out in DM 2 with reference to layout, design and typology.
- 7.4.11. The applicant has prepared a variety of detailed material to illustrate the appropriateness of their proposal and how it meets national and local policy. The notable absence of an Architects Design Statement that clearly shows how the development evolved and aligns with current best practice is regrettable. Had the applicant prepared such a study, I am certain that the overarching design rationale for this development would have been better explained and defended. In addition, explicit compliance with relevant development plan policy objectives and section 28 guidelines is missing. For example, I would have expected at least the production of a Housing Quality Assessment to enable assessment of the proposed development from a residential amenity perspective, though I note that each house type is provided with figured dimensions on each plan. However, I note that the planning authority are also critical of the level of detail and complain that visual impact viewpoints are not sufficient and that dual aspect design has not been satisfactorily incorporated to units that address the public realm/internal roadways.

- 7.4.12. The site is triangular in shape and narrow in places, and this has dictated the development layout. There are archaeological constraints and this sets down the principal areas of public open space. Houses and apartments, are aligned along a central street from which small courtyards define each neighbourhood space. A large area of open space aligns the railway line and this is well overlooked as are all other smaller spaces. The route of the former public road along the western side of the site is overlooked by all units and a circulatory footpath appears safe and passive surveillance will be provided by apartment unit living spaces. Dwellings will address Prospect Road to the north and this is acceptable, given the provision of new public realm at this location. The housing layout is not especially innovative, but each dwelling has a good sized garden space, apartments have adequately sized terraces/balconies and most overlook public open space. Open spaces are logically situated throughout the site. I am satisfied that the urban design approach to the layout of this site is acceptable and recommend no significant changes or alterations.
- 7.4.13. With reference to design standards regarding houses and apartments, I am aware that the applicant has not prepared a suitably summarised and accessible document that highlights compliance with relevant standards. All of the relevant information is on file and I do not consider it expedient in this instance to critically examine the matter of residential amenity and future occupants in my assessment as it could be considered as a new issue. The Board may consider these issues worthy of attention, however, I think to refuse permission on such a basis, simply because the applicant did not assemble their material better would be unreasonable and without basis in this instance. Lastly, I refer the Board to the second reason for refusal that relates only to the overall layout and design of the proposed development rather than the detail of any house or apartment unit design contained therein.
- 7.4.14. Overall, I am satisfied that all relevant policy objectives of the statutory plan have been accorded with and that the design of the development meets the objectives set out in the newly adopted Athenry LAP, ASP 32 High Quality, Contextually Sensitive Design, ASP 34 Spatial Definition and Animation and ASP 35 Green Network and the Landscape all refer. The proposed development is not unlike other new development in the vicinity, I reference Loretto Gate to the east as a very similar type and form of development, mostly complete and occupied.

- 7.4.15. With reference to layout and how this relates to residential density and the core strategy, I note that the LAP anticipates a significant population growth level in Athenry. Specifically, Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy of the county development plan provides for an increase in the population of 1,350 over the plan period of 2022 – 2028. This additional population will be accommodated with an additional 544 dwelling units and the proposal for 72 houses falls well below this ceiling.
- 7.4.16. Density - With reference to residential density, table 15.1 of the DM Standards of the county development plan states the appropriate density for residential developments within a town with strategic potential such as Athenry on greenfield sites is 15 – 25 (at locations adjacent to open rural countryside). Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy table 2.11 Core Strategy Table sets out 25 Dwellings Per Hectare and so too does table 1 of the newly published LAP. The Residential Density (Sustainable Residential Development in Urban Areas (2009) are also referenced in the county development plan, and the same density outcome is arrived at.
- 7.4.17. I note that under Circular Letter: NRUP 02/2024 issued by the Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. To ensure consistency planning authorities are requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for residential densities in Galway in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed. Throughout my assessment, I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, as the 'Compact Settlements Guidelines'. Even though the Athenry LAP was recently adopted and the process of ministerial direction is now complete, it does not reference the Compact Settlements Guidelines.

- 7.4.18. The Compact Settlements Guidelines refer to residential density in terms of settlements and area types. I note that Section 3.3.3 Key Towns and Large Towns (5,000+ population) of the Compact Settlements Guidelines, under footnote 10 states that this category also refers to towns that are outside of the designated metropolitan area of a city and includes Key Towns with a population below 5,000 and a density range of 30 to 50 dwellings per hectare is advised.
- 7.4.19. According to the current county development plan, Athenry lies outside the Galway Metropolitan Area Strategic Plan (MASP) and is designated Strategic Potential, but it is not designated as a Key Town. The Board should note the important differentiation that the development plan makes between Strategic Potential and Key Town. In summary, Table 2.11 of the core strategy ranks Athenry (population 4,445 persons) below the Key Towns of Ballinasloe (population 6,662 persons) and Tuam (population 8,767 persons) in terms of settlement typology. Consequently, I consider that Athenry fits into the category of a Small and Medium Sized Towns (1,500 – 5,000 population), and despite the preparation and adoption of a Local Area Plan, section 3.3.4 refers. In this category, the range of 25 to 40 dwellings per hectare (net) shall generally be applied at the edge of small to medium sized towns. There is almost alignment between the Compact Settlements Guidelines and the Core Strategy of the development plan with reference to 25 dwellings per hectare. However, there is a misalignment between table 15.1 of the county development plan where 15 – 25 dwellings per hectare are sought at locations adjacent to open rural countryside in towns with strategic potential such as Athenry and table 3.6 of the Compact Settlements Guidelines that seeks 25 – 40 dwellings per hectare. The development plan sets conflicting and low residential densities at this location, for a town with Strategic Potential. I am minded to have regard to the Compact Settlements Guidelines in the first instance with reference to residential density.
- 7.4.20. The Compact Settlements Guidelines explain that one of the key priorities for compact growth in smaller to medium sized towns is to deliver sequential and sustainable urban extension to settlements. The appeal site is one such site and as an urban extension on greenfield lands at the edge of the built-up area, zoned for residential development, densities in the range 25 - 40 dwellings per hectare (net) shall generally be applied. The proposed density range in this appeal is 30 residential units per hectare (gross) and even with the omission of the area of public

road included within the site boundary, the resultant reduction in density would be small. However, when the constraints of the archaeological remains on the site are taken into account, net residential density would marginally rise above 30. Given the foregoing, I am satisfied that a density in the region of 30 dwellings per hectare is appropriate at this peripheral but nonetheless residentially zoned and serviced location.

7.4.21. I consider that the proposed development is a good use of zoned and serviced land and would be in accordance with the Compact Settlements Guidelines and would support the aim of Residential Phase 1 lands set out in the LAP that seeks the provision of high-quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. I do not consider residential density to be a new issue in the context of refusal reason 3, because the planning authority reference density and DM Standard 2: Multiple Housing Schemes (Urban Areas) and this specifically refers to Density and Typology in the context of the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas. The previous density guidelines are now superseded and until the development plan is reviewed with respect to the guidelines, the Board should consider the Compact Settlements Guidelines and what this means for the appeal site. I consider that permission should not be refused for the development as proposed because the residential density of 30 units per hectare is considered unacceptable by the planning authority, as I have demonstrated that such a density would align with the density requirements for such a site, i.e. 25 - 40 dwellings per hectare (net).

7.4.22. Layout, Design and Density Conclusion – Given the foregoing, I am satisfied that the overall layout, density and configuration of the proposed housing scheme meets all relevant policy objectives of the Local Area Plan, development plan and national guidelines and would satisfactorily integrate with its surroundings. The layout and design of the housing scheme is acceptable without modification, the provision of open space is safe and well overlooked and the proposed residential density is in accordance with recently publicised guidelines not addressed by local planning policy. A refusal of permission on the grounds of an inappropriate form of development is not warranted in this instance.

7.5. Other Matters

- 7.5.1. Water Services – I note that correspondence on file from Uisce Éireann confirms that the site can be serviced without upgrades. In terms of surface water management, I note no information on file that states the applicant's proposals are not acceptable. In addition, the applicant has submitted a Civil Works Design Report and a Flood Risk Assessment that concludes as the site is situated in Flood Zone C there is at low risk of inundation from fluvial and groundwater sources and no risk from flooding in the surrounding area.
- 7.5.2. Archaeology - The applicant prepared a detailed Archaeological Impact Assessment dated June 2023. The report includes a desk based survey as well as the results of test excavations carried out in 2021. Excavation at Recorded Monument GA084-111 (Cross) revealed a cross base and other finds have dictated the layout and configuration of public open space. The layout of the scheme leaves a buffer zone around what remains, and that monitoring should take place. I note the comments raised by the NPWS and the attachment of a suitably worded condition. I am satisfied that the Archaeological Impact Assessment submitted by the applicant responds to the issues raised by the NPWS. Any outstanding matters can be addressed by a suitably worded condition that requires further pre-construction test trenching as appropriate.
- 7.5.3. Irish Rail – the site is located alongside an active railway line, Irish Rail have made an observation to the planning application that contains various technical requirements should permission be granted.

8.0 AA Screening

8.1. Introduction

- 8.1.1. I have considered the housing scheme in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The nearest designated site is located to the south, Rahasane Turlough SPA/SAC at 8 kilometres. The Galway Bay Complex SAC and Inner Galway Bay SPA are located 11 kilometres to the west.
- 8.1.3. The proposed development comprises 72 dwelling units. No nature conservation concerns were raised in the planning appeal or planning application. The NPWS

have stated that they note the submission of an Appropriate Assessment Screening Report, Ecological Impact Assessment (EclA) and a Bat Report are noted and that all Mitigation Measures as outlined in Chapter 7 of the supplied Ecological Impact Assessment (EclA) and Table 5-1 to 5-3 of the supplied Bat Report be a condition of planning.

8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The residential nature of the development,
- The distance from the nearest designated site and lack of meaningful connections,
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
- Taking into account the screening determination reached by the planning authority that concluded a Stage 2 Full Appropriate Assessment is not required.

8.1.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. The proposed development does not provide satisfactory or sufficiently detailed proposals for connectivity to the wider urban pedestrian and cycle network, this poses an increased risk to the safety of pedestrians and other road users, and in addition, lead to unsustainable travel and mobility patterns. As such, the proposed development would not accord with policy objective ASP 53 Pedestrian and Cycle Network of the Athenry Local Area Plan 2024-2030, or policy objectives ILUTP1 and WC3 of the Galway County Development Plan 2022-2028, and would not meet the requirements of section 4.4(i)(b) together with section 1(ii) Appendix D of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities that states new developments should connect to the wider urban street and transport networks and improve connections between communities, to public transport, local services and local amenities such as shops, parks and schools, where possible.

Having regard to the uncertainty regarding the provision of and connection to existing pedestrian and cyclist networks in the area, the proposed development would endanger public safety by reason of a traffic hazard, including hazard to pedestrians and cyclists. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

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

Stephen Rhys Thomas
Senior Planning Inspector

16 July 2024

Appendix 1
EIA Pre-Screening
[EIAR not submitted]

| | | | |
|---|---|---|--|
| An Bord Pleanála Case Reference | ABP-318116-23 | | |
| Proposed Development Summary | 72 houses. | | |
| Development Address | Main Road, Prospect, Athenry, Co. Galway. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | ✓ |
| | | No | No further action required |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | ✓ | | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| No | ✓ | 10. Infrastructure projects, (b) (i) Construction of more than 500 dwelling units. | Scale of development is considerably less than 500 dwelling units, on a site of 2.66 Hectares. |
| Yes | | | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

| | | |
|------------|-----|---|
| No | N/A | Preliminary Examination required |
| Yes | N/A | Screening Determination required |

Inspector: _____ **Date:** _____