



An
Bord
Pleanála

Inspector's Report ABP-318199-23

Development	Construction of 91 dwellings, two commercial units and associated site works.
Location	Parklands, Caherroyne, Athenry, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2360822
Applicant(s)	Coffey Construction (I) Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party versus decision.
Appellant(s)	Coffey Construction (I) Ltd.
Observer(s)	<ol style="list-style-type: none">1. Cara Gleeson2. Bridge Court Residents3. Louise McNamara and family4. Aileen Nolan

Date of Site Inspection

2 July 2024.

Inspector

Stephen Rhys Thomas.

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Screening for Appropriate Assessment - Screening Determination

1.0 Site Location and Description

- 1.1. The appeal site is located 900 metres north of Athenry town centre in county Galway. The site is situated to the rear of Parklands, Caisléan Óir, Bridge Court and Árd Esker housing estates, as well as housing along Park Road (R347). The site will be accessed by an extension to the existing Parklands estate road, no other access points are proposed.
- 1.2. The site is irregular in shape and backs on to detached and semidetached houses on all but the eastern boundary, this boundary more or less aligns with a low field wall. Parts of the site nearest existing housing along the southern portion comprises a former construction compound, now overgrown. The balance of the site is agricultural, though also overgrown. The character of the area is suburban with a large tract of agricultural land to the east of the site. At the northern edge of the site with Árd Esker, the ground levels are significantly lower than the existing estate.

2.0 Proposed Development

- 2.1. The proposed development for 91 residential units (9,703 gross floor area) on a site of 4.6 Hectares can be summarised as follows:

- 10 one bed house (11%)
- 24 two bed house (26.5%)
- 45 three bed house (49.5%)
- 12 four bed house (13%)

Residential density of 23.4 dwellings per hectare.

- 2 commercial units (café / work hub (73 sqm) and crèche (172 sqm)
- The site is accessed via the existing Parklands estate,
- A redesigned amenity area and new homezone in the existing Parklands estate as part of the new road access
- 181 car parking spaces
- Temporary construction traffic access via the existing laneway to New Line between the Caiselan Oir and Bridge Court estates

- All associated site and external works including infrastructural connections via the Caislean Oir estate and the existing on site mains.

3.0 Planning Authority Decision

3.1. Decision

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

1. The proposed development by reason of layout, configuration and lack of functional street connections with existing contiguous development would negatively impact the residential and visual amenities of existing and future occupants of the area and represent an inappropriate form of development where it fails to 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 insufficiently defined, enclosed and overlooked communal open space. The application site is part of a much larger planning unit under the control of the applicant, the failure to demonstrate a masterplan approach to the wider site is detrimental to the proper planning and sustainable development of the area. Accordingly, to grant the proposed development would be detrimental to the character of the area and would contravene materially policy objectives PM 1, PM 6, PM 8, PM 10 as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028, it would detract from the visual amenity of the area, as well as setting an undesirable precedent for similar future development, and therefore would be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority has concerns regarding the capacity of the surrounding road network to accommodate the proposed development, in particular the Parklands estate road and the R347. The application does not adequately demonstrate that the existing road network in the vicinity of the site can accommodate the proposed development in the absence of an area-based assessment including the cumulative impact of committed developments in conjunction with the proposed development. In addition, there are concerns

regarding the suitability of the proposed internal traffic circulation regime, concerning conflicting traffic movements including rigid movements due to restricted vehicle manoeuvrability within the site which may negatively impact on road safety. These matters, in conjunction with the lack of appropriate supporting information demonstrating the mobility management (including pedestrian and cyclist connectivity) of the proposed scheme would have an unacceptable impact on the sustainable movement and transportation of the area contrary to policy objectives ILUTP1, WC1, WC3 and NR1 of the Galway County Development Plan 2022-2028.

3. In the absence of the submission of a Road Safety Audit Stage 1/2 and satisfactory details to demonstrate a statement of compliance in accordance with DTTaS publication – “Design Manual for Urban Roads & Streets for the proposed development it is considered that, if permitted as proposed, the development would materially contravene Policy Objectives NNR 3 and NNR 6 and DM Standard 33 of the Galway County Development Plan 2022-2028 and would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.

4. The Planning Authority note the scale of the proposed development within the urban setting of Athenry where the potential exists for hydrological connectivity to European Sites via the Clarin River. In the absence of an Appropriate Assessment Screening Report, Ecological Impact Assessment and Bat Survey, the Planning Authority consider that adverse impacts on the conservation objectives of said European Sites cannot be excluded. Therefore, if permitted as proposed, with the absence of the aforementioned assessment and sufficient evidence of suitable connection to public foul sewer infrastructure, the Planning Authority cannot be satisfied that the proposal will not adversely affect the integrity of European sites in view of their conservation objectives and in this regard the development has the potential to adversely affect the qualifying interests and conservation objectives of a protected European site and would materially contravene Policy Objective NHB 1 and DM Standard 50 of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

5. In the absence of satisfactory details submitted with the application relating to the proposed public wastewater connection and water supply to serve the proposed development, including an up-to-date letter from Uisce Eireann confirming feasibility of connection to public infrastructure network, it is considered that the development if

permitted as proposed would pose a serious risk to the public health of future occupants, would be contrary to development management standard DM Standard 36 and Policy Objective WS 4 of the Galway County Development Plan 2022-2028, would be contrary to the proper planning and sustainable development of the area.

6. Having regard to the scale, extent and location of the subject development site and in the absence of an Archaeological Impact Assessment, including an Archaeological Geophysical Survey and Archaeological Test Excavation being carried out to fully assess the impact of the proposed development on the archaeology in the area, it is considered that the development would contravene Policy Objectives ARC 1 and SM Standard 61 of the Galway County Development Plan 2022-2028 in relation to the protection of archaeology and therefore would be contrary to the proper planning and sustainable development of the area.

7. In the absence of satisfactory detail on surface water disposal proposals for the development and the potential for surface water pooling to the southern portion of the site, if permitted as proposed the development would materially contravene policy objectives WW8 and WW11 of the Galway County Development Plan 2022-2028.

8. The site is located in an area not currently zoned for development. 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 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, CS 7, 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.

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 Draft Athenry Local Area Plan are set out. EIAR not required. AA, the need for appropriate assessment, cannot be screened out.
- The site has no land use zoning and no local area plan is in place for Athenry. To consider the proposed development with such a significant land take requirement and overall scale prior to the preparation of a Framework Plan is considered premature, piecemeal and unsustainable.
- The proposed density of 23 units per hectare is in accordance with DM Standard 2 of the County Development Plan 2022-2028 which states an acceptable density at Edge of Centre/ Greenfield of 15 – 25.
- Flood risk not addressed. Concerns raised about connection to water services, an up-to-date letter of feasibility from Uisce Eireann is not on file.
- Information with respect to traffic and transport issues is lacking.
- Concerns regarding the proposed layout. Omit units 7-18, access to units 1, 2, 25, 77, 88, 90, & 91 is constricted and these units should be omitted, rear garden depths are poor, open space provision acceptable, visual integration not explained and sunlight/daylight/overshadowing impacts not identified, in overall terms the proposed layout is not satisfactory and does not provide the linkages that would promote sustainable transport movements.
- The arrangement and design of the commercial units/crèche is not acceptable.

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 – detailed concerns raised.

3.2.3. Conditions - No assessment required, permission was refused by the planning authority.

3.3. Prescribed Bodies

Uisce Éireann – feasibility confirmed, correspondence dated 2019 and submitted by the applicant.

Department of Housing, Local Government and Heritage, Development

Applications Unit – Nature Conservation, must be certain that construction and operational period of development will not impact designated sites. Appropriate Assessment Screening Report and a Bat Report be carried out in order to assess the potential impacts of the development on protected habitats and species.

Archaeology – no objections, condition recommended.

3.4. Third Party Observations

3.4.1. 27 submissions were received, and the issues can be listed as follows: legal interest and access, residential amenity, privacy, land not zoned, boundary treatments and stability, construction phase of development, traffic, surface water and flooding, trees and wildlife, potential for antisocial behaviour and rear laneways, impact upon town centre commercial units and damage to private property.

4.0 Planning History

4.1. Site:

PA ref: 21/714 – refusal of 12 semi-detached houses, as an extension to the existing development at Parklands and access via Park Road.

PA ref: 05/3635 and ABP 07.217113 – refusal of 58 dwelling houses, temporary treatment plant with sand filter.

4.2 Nearby Sites:

PA ref: 21/2140 – grant of Extension of Duration for a 48 unit residential development with associated crèche facility. Access to the proposed development

will be via existing right of way along access road from adjoining residential site (Garrai Glas) (Gross floor area 6548.5sqm)

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 of relevance and referred to in the reasons for refusal:

CS 2 Compact Growth

CS 3 - Population Growth

CS 7 Active Land Management

CGR 1 Compact Growth - To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.

PM 1 Placemaking

PM 6 Health and Wellbeing

PM 8 Character and Identity

PM 10 Design Quality

ARC1 Legislative Context (archaeology)

WS 4 Requirement to Liaise with Irish Water – Water Supply

NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

ILUTP 1 Sustainable Transportation

WC 1 Pedestrian and Cycling Infrastructure

WC 3 Sustainable Transport Movement

NR 1 Protection of Strategic Roads

NNR 3 Design Manual for Urban Roads and Streets

NNR 6 Transport and Traffic Assessments and Road Safety Audits

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)

DM Standard 33 Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment

DM Standard 36 Public Water Supply and Wastewater Collection

DM Standard 50 Environmental Assessments

DM Standard 61 Archaeological Conservation and Preservation (Urban & Rural Areas)

5.2. Athenry Local Area Plan 2024-2030

5.2.1. The Athenry Local Area Plan (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 2) – To protect, provide and improve residential amenity areas. The description of this zoning states:

To 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. Phase 2 residential is generally not developable during the lifetime of this plan, subject to the provisions below.

*Single House developments for family members on family-owned lands:

*Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area;

*Where it is apparent that R-Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some residential (Phase 2 lands).

5.2.3. Relevant Objectives include:

ASP 6 Urban Framework Plan in Residential Phase 2 lands (Caheroyn).

a) It is a policy objective of Galway County Council to prepare an Urban Framework Plan on Residential Phase 2 lands within 18 months of the adoption of the local area plan. These lands are identified on Map 2.

b) Any proposals relating to development on lands zoned Residential Phase 2 at Caheroyn, Athenry (identified on Map 2) which are subject to compliance with Policy Objective ASP 5, shall consider as part of the Urban Framework Plan access arrangement to these lands in a coordinated manner, where active travel measures are the focus point for any future development.

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

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 sites are located to the north east, Monivea Bog SAC at 6.4 kilometres, and to the south west Rahasane Turlough SPA/SAC at 8.4 kilometres. The Galway Bay Complex SAC and Inner Galway Bay SPA are located 11 kilometres to the west. Note appendix 2.

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 10th day of October 2023 by the Applicant opposing the Local Authority's decision, the grounds of appeal relate to each reason for refusal and can be summarised as follows:
- Reason 1 – the applicant has submitted amended documentation to demonstrate that the proposed development meets all relevant development plan objectives and policies with respect to integration, connectivity and

complimentary to the existing environment. Layout drawings omit and replaces units, unit numbers 13, 18, 01, 02, 77, 84 and 89 either replaced or omitted, drawing P-039 refers. Amended proposal amounts to 89 dwellings in total.

- Reason 2 – an updated traffic report has been prepared and states that:

The initial Traffic Impact Assessment (TIA) already assessed the existing and future traffic movements for the site and surrounds,

The existing Parklands junction with the R347 can accommodate growth up to 2041,

The development will have no material impact on the capacity of the local road network,

The internal layout promotes sustainable forms of transport and links with pedestrian routes,

An MMP was included with the TIA and can be introduced to ensure sustainable forms of transport,

The TIA is in accordance with the development plan.
- Reason 3 – The development can be designed to fully comply with DMURS and extended to include Parklands and the R347. The existing entrance road through Parklands will not be changed and so no RSA is required. If necessary an RSA in conjunction with a the Quality Audit procedure can be conditioned.
- Reason 4 – An AA Screening Report has been prepared and no adverse impacts to any designated sites will occur. An AA and NIS is not required.
- Reason 5 – Uisce Éireann correspondence demonstrates that the site can be serviced with water services.
- Reason 6 – An Archaeological Assessment Report, visible features not present on site, however, a condition could be attached to require more detailed assessment with geophysical and test excavations as required.
- Reason 7 – the development will not rely on the municipal surface water system because SuDS measures have been incorporated into the design.

Pooling at the southern end of the site will be managed through the deposition of sandy/gravelly soil during the construction phase. In any case the site is not prone to any pluvial, fluvial or groundwater flooding.

In terms of design, the sewer network has been designed with a 1 in 5 year return period storm event plus a future climate change allowance of 20%.

Design checks mean that no on-site flooding will result and soakaway systems have been designed for a 1 in 100 year storm event. Further modelling, shows that there is no flood risk to the site or adjoining properties.

- Reason 8 – the site is zoned for residential uses. The site is well connected, well located close to amenities and public transport (train station). The core strategy of the development plan favours development in Athenry and the site is better located than other Residential Phase 1 zoned land. The development has been designed to fit in with surrounding estates and follows all relevant development plan standards.

6.1.2. The grounds of appeal are accompanied by:

- Public Lighting Proposal Report
- Traffic Report
- AA Screening Report
- Civil Engineering Report
- Construction Management Plan
- Archaeological Assessment Report
- Planning Report
- Photomontage Images
- Shadow Studies
- Computer Generated Images
- Extended Masterplan, showing development to the immediate east and further access points.
- Alternate Layout detailing unit omission, vehicular and pedestrian access points.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. Four observations (including a signed petition) have been received and reiterate issues already raised during the planning application process, new matters can be summarised as follows:

- Use of a laneway for temporary construction access will result in a nuisance to residents of Bridge Court and no rights of way have been demonstrated.
- The revised Traffic Report underestimates the short term period of construction nuisance due to traffic.
- No assessment has been made of damage to property boundaries, or what will happen the temporary construction access after development is complete.

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
- Layout, Design and Density
- Traffic and Transport
- Public Health
- Archaeology
- Surface Water Management
- Other Matters

7.2. Zoning and the Athenry Local Area Plan

7.2.1. The principle of residential development at this particular location in Athenry has been called into question by the planning authority. The planning authority's eighth reason for refusal refers to the fact that the site is not zoned for development and that this would be contrary to Policy Objectives CS2, CS3, CS7, CGR1 and PM1 of the Galway County Development Plan 2022- 2028. The applicant explains that a portion of the site was granted permission for 57 houses and those have now been built, an access road to the appeal lands formed part of that permission. In addition, previous refusals of permission to develop the site have been remedied by the construction of better pedestrian facilities over the railway into the town and a masterplan of the wider area forms part of the grounds of the appeal. Broadly, the applicant points out that the site is well connected, close to all amenities, meets the core strategy objectives of the County Development Plan, is better located than other phase 1 lands, the design and configuration of the development complements the area and is a sequential expansion of the town.

7.2.2. With reference to sequential development, the applicant refers to their submission made on the draft LAP, this detailed document sets out all the reasons why their

lands should be considered for Residential Phase 1 zoning and why other sites around the town are less well placed in locational terms. It is clear that the planning authority did not accept the rationale behind their submission on the draft LAP and the lands are now zoned Phase 2, moreover LAP Policy Objective ASP 6 requires the preparation of an Urban Framework Plan. Finally, according to the applicant all other relevant policies of the development plan are met with regard to compact growth and placemaking.

- 7.2.3. With reference to land use zoning, I note that the previous LAP and the current LAP identify the lands as subject to residential zoning objectives. However, the recently adopted LAP identifies the appeal lands as subject to zoning objective R Residential (Phase 2), the objective of which is:

To protect, provide and improve residential amenity areas.

To 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. Phase 2 residential is generally not developable during the lifetime of this plan, subject to the provisions below.

**Single House developments for family members on family-owned lands:*

**Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area;*

**Where it is apparent that R-Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some residential (Phase 2 lands).*

In addition, the mapped Policy Objective ASP 6 requires the preparation of an Urban Framework Plan and measures for a coordinated approach to access and unlock the potential for future development.

- 7.2.4. In the first instance, I note the LAP wording regarding Phase 1 and Phase 2 zoning objectives in which reference is made to protect, provide and improve residential amenity areas. The description of this zoning objective goes on to explain requirements concerning the delivery of residential units. I have presumed that in this instance the LAP is not just restraining itself to residential amenity areas, such as green spaces or public open spaces, but the broader concept of lands suitable for

residential development that includes amenity areas. In any case, I am of the view that the lands are zoned for residential purposes, however, the delivery of residential development on the appeal lands is held up during the lifetime of the current LAP pending the development of phase 1 lands elsewhere in the town. The applicant recognises this fact, and made a very detailed submission on the draft LAP to bring their lands forward in the phased growth of Athenry, this was rejected by the planning authority. In the grounds of appeal, the applicant again outlines why this site is better placed than others and should and can be developed now. I note that Phase 2 zoning allows for some assessment of whether Phase 1 lands cannot or will not be developed within the plan period, allowing residential development to be considered in a phased manner on some residential Phase 2 lands. I have taken the applicant's detailed grounds of appeal on the matter of the development of phase 2 lands ahead of phase 1 lands into account.

7.2.5. The applicant has advanced numerous reasons why this site should be developed in the short term. Many of the arguments advanced are compelling and I agree that the site is located close to the town centre and other amenities and the site is a logical extension of existing residential development that almost envelopes the entirety of the site. However, the planning authority have already taken all these matters into account and the lands are now zoned Phase 2. In addition, the LAP has been critically examined by the Office of the Planning Regulator and for the most part the LAP was approved, a ministerial direction with reference to the LAP does not relate to the lands concerned. The Phase 2 zoning objective asks for some assessment of other lands that are zoned Phase 1 and why these cannot or will not be developed and the applicant does not offer any credible arguments in this regard. Finally, the applicant's lands are subject to a location specific policy objective (ASP 6) and this looks for the preparation of a masterplan and provision of coordinated access arrangements. Though the applicant has provided an extended site masterplan of their lands, drawing P-040 refers, this does not in my opinion meet the brief of ASP 6 to prepare an Urban Framework Plan for a large area of lands at Caheroyn, Map 2 Archaeological, Built and Natural Heritage / Plans and Specific Policy Objectives refers.

7.2.6. In summary, the lands are zoned for residential uses, but development cannot take place until phase 1 lands have been developed or if there are very good reasons to

leapfrog other lands identified as being better placed. The applicant has not advanced a thorough examination of why their lands should be developed first and has not prepared a masterplan that would comply with the requirements of ASP 6. In that context, I do not recommend that permission is granted in this instance.

7.3. Layout, Design and Density

- 7.3.1. The first reason for refusal issued by the planning authority relates to the layout and configuration of the proposed housing scheme and how this would impact the amenities of existing and future residents. In addition, the planning authority were critical of the lack of functional street connections and the lack of a masterplan for the balance of the applicant's lands in the area. The planning authority state that such a development in its current form would materially contravene several policy objectives and development management standards of the development plan. Specifically, the planning authority maintained that policy objectives PM 1, PM 6, PM 8, PM 10 as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028 would be materially contravened. The applicant disagrees and has submitted amended documentation to demonstrate that the proposed development meets all relevant development plan objectives and policies with respect to integration, connectivity and is complimentary to the existing environment.
- 7.3.2. To begin, I note that the planning authority's reason for refusal states that the proposed development materially contravenes policy objectives PM 1, PM 6, PM 8, PM 10 as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028. Each of these policy objectives and development management standards are broad and are not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act. Each policy objective and development management standard is set out as follows:
- 7.3.3. 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.

- 7.3.4. 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.
- 7.3.5. 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.
- 7.3.6. 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.
- 7.3.7. DM Standard 1 and DM Standard 2 reinforce all of the matters listed above.
- 7.3.8. In addition to the documentation submitted with the application, the applicant has prepared a variety of material to accompany the grounds of appeal with respect to layout and design, as follows: Traffic Report, Photomontage Images, Shadow Studies, Computer Generated Images, an Extended Masterplan, showing development to the immediate east and further access points and an alternate layout detailing unit omission, vehicular and pedestrian access points. There are very minor differences between the proposed and amended layout advanced by the applicant, drawings P-002 and P-039 both refer.
- 7.3.9. When the initial layout and amended layout are compared, there are very few differences in the overall urban design approach in terms of layout. The applicant has elected to prepare a layout that replicates the existing pattern of development in the vicinity. There is nothing particularly unusual about the layout, it provides a hierarchy of public open spaces and these are generally well overlooked by proposed housing. The site will be served by a single vehicular access and this is a

poor response to meeting the importance of permeability. Future connections are highlighted and the potential for pedestrian access is hinted at, but no definite plans have been put forward. All houses have sufficient private amenity space. The layout is very low density and there are no issues at all with regard to overshadowing, or loss of daylight, either for existing or proposed housing. I don't anticipate any loss of privacy or adverse impact from overbearing appearance, because the proposed dwellings are located so far from existing housing that such impacts would simply not be perceptible. The only exception to all of these observations relate to plot 61 and its close proximity to numbers 37 and 38 Árd Esker.

7.3.10. To summarise, the proposed development, both initial and amended, in terms of layout is altogether benign and this is a reflection of its low residential density and standard dwelling typology. I would not expect any adverse impacts to residential or visual amenity to result from a development that mirrors its surroundings and delivers a gross residential density of 20 dwellings per hectare. I agree with the planning authority's conclusions that the proposed development fails to meet all of the policy objectives that they have listed in the reason for refusal. I do not agree that such policy objectives have been materially contravened, they have simply not been met in full by the applicant, either in the initial proposal or that subsequently amended in the grounds of appeal. To be clear, the applicant has broadly followed the policy objectives of the development plan, but has failed to deliver a quality housing scheme that takes account of good urban design principles or the policies and objectives of the LAP. Finally, all of these matters to do with layout and design are a consequence of a low residential density and as the two issues of design and density are inextricably linked, I examine that matter next.

7.3.11. 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 91 dwellings falls well below this ceiling.

7.3.12. 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.

7.3.13. 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, now operative, and the process of ministerial direction is now complete, it does not reference the new guidelines.

7.3.14. 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.

7.3.15. 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 of the guidelines refer. 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.

- 7.3.16. 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 despite being zoned phase 2, it is an urban extension on greenfield lands at the edge of the built-up area, it is zoned for phased residential development, and densities in the range of 25 - 40 dwellings per hectare (net) should be considered. The proposed density range in this appeal is 20 residential units per hectare (gross) and with the omission of the area of public road and open space of Parklands included within the site boundary, the resultant increase in density would be in the order of 24 units per hectare. Given the foregoing, I am not entirely satisfied that a density in the region of 24 dwellings per hectare is appropriate at this edge of town location, close to amenities and other services. For clarity, the site is zoned phase 2 and not phase 1, therefore, the matter of density is arguably a theoretical one but relevant in this instance. The site is out of sequence with the planned and phased growth of Athenry as set out in the LAP and in reality, the entire area should be the subject of an area

wide masterplan as sought by policy object ASP 6, where residential density should be a principal concern to address.

7.3.17. I consider that the proposed development is not an efficient use of zoned and serviced land and would not be in accordance with the Compact Settlements Guidelines and would work against the aim of Residential Phase 2 lands set out in the LAP that seeks the development of phase 1 lands first. I do not consider residential density to be a new issue in the context of refusal reason 1, because the planning authority reference 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 together with the issue of Phase 2 lands, permission should be refused for the development as proposed because the residential density of 24 units per hectare (net) would not align with the density requirements for such a site, i.e. 25 - 40 dwellings per hectare (net).

7.3.18. Layout, Design and Density Conclusion – Given the forgoing, I am not 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 despite integrating with its surroundings. The layout and design of the housing scheme is not an efficient use of serviced land and the proposed residential density is lower than optimal. As I have already outlined in section 7.2 of my report, these lands are not zoned for development during the lifetime of the current LAP, and this is not sequential development of the town as set out in MAP 1A of the Athenry LAP.

7.4. Traffic and Transport

7.4.1. The second and third reasons for refusal issued by the planning authority both relate to traffic and transport and so I have combined these matters under this section of my report. With reference to reason 2, the planning authority have concerns about the carrying capacity of surrounding roads and in particular the reliance on the Parklands estate road for vehicular access and the junction with the R347. The lack

of a comprehensive study by the applicant of the wider area in terms of access and traffic is an issue and how larger vehicles access and traverser the site is also highlighted. Lastly in relation to reason 2, the issue of mobility management and sustainable transport has not been addressed and all of these matters are contrary to policy objectives ILUTP1, WC1, WC3 and NR1 of the current plan. With reference to reason 3, the planning authority have concerns that a Road Safety Audit Stage 1/2 or DMURS statement were not submitted, and this would materially contravene Policy Objectives NNR 3 and NNR 6 and DM Standard 33 of the current plan. I note that observers to the appeal raise issues about traffic, however, their concerns revolve around the use of a side lane for construction purposes, and I address that matter separately.

- 7.4.2. In response, the applicant has updated their traffic report and concludes that the existing Parklands junction with the R347 can accommodate growth up to 2041, the local road network will be unaffected and there are other transport routes and links to the town. A Mobility Management Plan was already prepared. With reference to DMURS, the estate roads already comply, and this can be extended to Parklands and the junction with the R347. An RSA is not required but can be supplied during the Quality Audit procedure.
- 7.4.3. The appeal site is located on lands that back onto existing housing and underutilised farmland, the single and only proposed vehicular access will be taken from the Parklands Estate. No other vehicular access points are proposed, but some are indicated as possible along with pedestrian access points too. To begin, I note that the applicant submitted a Traffic Impact Assessment (TIA) with the initial planning application documentation. The TIA is dated May 2023 and is set out in accordance with all relevant guidelines and policy background, section 2.0 of the TIA refers. The existing traffic situation is examined, the planning history of the site specifically with regard to access and the proximity of the site to public transport and other amenities are all outlined. Trip generation is examined with reference to 91 dwellings and the commercial element, very limited traffic growth is projected by the modelling used. The capacity of the R347 and Parklands is assessed, and no issues are identified, the grounds of appeal reiterate this point.
- 7.4.4. I am satisfied that the applicant has adequately assessed the carrying capacity of the surrounding road network. I am not surprised to learn that the proposed development

would not significantly impact the surrounding network and this results from the limited quantum of development proposed and the nature of the receiving environment. I anticipate that traffic levels would increase with any form of residential development and the availability of more sustainable modes of transport can be addressed by an MMP. However, I do have concerns that a single access point is proposed and that the possibility of other linkages and connections have not been thoroughly thought through. I can see from the large number of submissions during the planning application stage that the issue of vehicular access and traffic was a significant concern. In addition, I note that the recently adopted LAP sets out in policy objective ASP 6 an intention to prepare an Urban Framework Plan on Residential Phase 2 lands (Caheroyn). If any development is to be considered at all in the context of ASP 5, access arrangements to these lands in a co-ordinated manner is a requirement together with active travel measures as the focus point. I have already discussed how the lands upon which the development is proposed are not seen as being developed within the lifespan of the current plan and the same scenario relates to how the appeal site and other lands are to be accessed in the future. I can see that an ad-hoc approach to developing these lands would work against the concept of good planning and that is why the lands have been set aside and the preparation of an urban framework is the logical next step.

- 7.4.5. With regard to the other matters raised in reasons 2 and 3 with respect to internal circulation, MMP, DMURS and a road safety audit, I am satisfied that these matters can be addressed. Firstly, the internal layout has been designed broadly in accordance with DMURS, though I have reservations about the excessive width of roads at 6.0 metres, that I consider could be reduced. The applicant refers to swept path drawings, these have not been submitted but could have been sought by the planning authority. In any case, given the low density approach to the layout I anticipate that all relevant vehicles (fire tenders, bin lorries etc) can be accommodated and drawings to that effect could be required by condition. The applicant has suggested that an MMP can be submitted if permission is granted, I agree and note that the basis for an MMP was explored in the TIA. In terms of an RSA, typically these types of report are sought by condition and limited adjustments to a layout can result, I do not see why this shouldn't be the case in this instance. I

am satisfied that all of these matters outlined in this section of my report can be addressed by condition if permission is granted.

- 7.4.6. On the broader issue of vehicular access to the appeal site, I am guided by ASP 5 and ASP 6 of the Athenry LAP. I see no exceptional circumstances to justify granting permission in this instance, the lands are not zoned for residential development during the lifespan of the current LAP and no credible evidence has been advanced by the applicant regarding other better placed lands subject to phase 1 zoning. I am satisfied that permission should be refused on the basis of the zoning objective and the sequential growth of the town, rather than the specifics of traffic and transport impacts or deficiencies.

7.5. Public Health

- 7.5.1. The planning authority are concerned that the lack of up to date correspondence from Uisce Éireann means that the proposed development could pose a public health issue and permission was refused on that basis, reason 5 refers. The applicant states that Uisce Éireann correspondence demonstrates that the site can be serviced with water services.
- 7.5.2. The grounds of appeal contain a civil engineering report prepared by Coyle Kennedy Consulting Engineers that contains a Confirmation of Feasibility (CoF) correspondence from Uisce Éireann dated 12 September 2023. The CoF refers to the proposed development of 93 dwellings and confirms that a water connection can be accommodated subject to some local water network upgrades. With reference to wastewater, the CoF states that connection can be made without network upgrades but that some third party agreements are required for connections proposed via third party infrastructure. The applicant has also submitted a correspondence from Coffey Construction confirming that third party infrastructure is up to standard and can accommodate additional flows.
- 7.5.3. I can see from the information on file, that there is no impediment in principle to the development of these lands from a water services perspective. The correspondence from Uisce Éireann confirms that the lands can be serviced, however, third party consent would be required and that is a matter between the developer and the owners of the lands concerned. I see no reason to refuse permission with regard to water services.

7.6. Archaeology

- 7.6.1. The sixth reason for refusal relates to the perceived adverse impact upon archaeology because an Archaeological Impact Assessment was not submitted and this would be contrary to Policy Objectives ARC 1 and SDM Standard 61 of the current plan. The applicant has prepared an Archaeological Assessment prepared by Through Time Ltd, dated October 2023. The desk based report includes a walk over survey and concludes that in line with NPWS recommendations, an Archaeological Geophysical Survey and Archaeological Test Excavations are carried out in advance of development.
- 7.6.2. I have visited the site, and I observed no obvious above ground indications of extant archaeological remains. I agree with the recommendations of the NPWS and the findings contained in the applicant's Archaeological Assessment submitted with the grounds of appeal. I note that the Department of Housing, Local Government and Heritage, Development Applications Unit (NPWS) recommend the attachment of a condition on account of the large scale of the site and the potential for archaeological finds, an Archaeological Impact Assessment is required. I am satisfied that the Archaeological Assessment submitted by the applicant responds in some part to the issues raised by the NPWS. Any outstanding matters can be addressed by a suitably worded condition that requires a pre-construction Archaeological Geophysical Survey and Archaeological Test Excavations as appropriate.

7.7. Surface Water Management

- 7.7.1. The seventh reason for refusal refers to the lack of detail concerning surface water management proposals and the potential for ponding at the southern portion of the site. In that context the planning authority maintain that the development would materially contravene policy objectives WW8 and WW11 of the current plan. The applicant points out that SuDS measures will mean that the development will not rely on the municipal surface water system. In addition, the site is not prone to flooding and ponding will be managed on site through the use of sandy gravelly soil during the construction phase. In terms of climate change, the sewer network has been designed with a 1 in 5 year return period storm event plus a future climate change allowance of 20%. Design checks mean that no on-site flooding will result and

soakaway systems have been designed for a 1 in 100 year storm event. Further modelling, shows that there is no flood risk to the site or adjoining properties.

- 7.7.2. The planning authority state that such a development in its current form would materially contravene two policy objectives a of the development plan. Specifically, the planning authority maintain that policy objectives WW8 and WW11 contained in the Galway County Development Plan 2022-2028 would be materially contravened. WW 8 refers to Storm Water Infrastructure and the use of sustainable drainage and reduce the risk of flooding in urban environments. WW 11 refers to the Protection of Irish Water Collection Systems and prohibit the discharge of additional surface water to combined sewers. Givern the information on file, neither of these circumstances pertain in this instance and I see no instance of a contravention of the plan, material or otherwise.
- 7.7.3. The information available to me on file and prepared by the applicant concludes that the site has been the subject of survey and testing, SuDS measures and on site soakaways means that the lands will be able to manage all surface water generated on site. The lands are located in flood zone C, but there is no history of flooding on site or in the vicinity. The site is large and the density of development is low, with large areas of open space and I anticipate that surface water management proposals for the site will be adequate. I am satisfied that the applicant has met policy objectives WW8 and WW11 of the current plan and a refusal of permission with respect to surface water management is not warranted in this instance.
- 7.7.4. The fourth reason for refusal refers to designated sites and the possibility of hydrological connections to designated sites. The applicant rules out such connections in their AA Screening Report. I examine appropriate assessment matters under section eight of my report, with reference to refusal reason 7 and surface water management, no further examination in that context is warranted.

7.8. Other Matters

- 7.8.1. Construction Phase – Observers, residents of Bridge Court, have concerns about the construction phase of the development and specifically the selection of laneway as a temporary construction access to the site. Observers point out that the applicant has no legal control over the laneway, it is not in their ownership and they have no consent to use it. In terms of the legal interest, I am satisfied that the applicants have

provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter, and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act. In terms of the duration of development if permitted, the management of traffic and concerns for adjacent residents and their property can be addressed by a CEMP.

- 7.8.2. Boundary walls - The structural integrity of boundary walls was raised as an issue of concern during the planning application stage and by observers to the appeal. Whether this is the case or not, a suitably worded condition can ensure that detailed drawings with reference to boundary treatments be prepared for approval and that ensures structural integrity of existing walls is not compromised, prior to the commencement of development.

8.0 Appropriate Assessment

- 8.1.1. The planning authority's fourth reason for refusal states that the proposed development materially contravenes policy objectives Policy Objective NHB 1 and DM Standard 50 contained in the Galway County Development Plan 2022-2028. Each of these policy objectives and development management standards are broad and are not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. NHB 1 refers to a general desire to protect Natural Heritage and Biodiversity of Designated Sites, Habitats and Species and DM Standard 50 refers to the preparation of environmental assessments. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act. Within the grounds of appeal, the applicant has submitted an AA Screening Report.
- 8.1.2. Designated sites are located to the north east, Monivea Bog SAC at 6.4 kilometres, and to the south west Rahasane Turlough SPA/SAC at 8.4 kilometres. The Galway Bay Complex SAC and Inner Galway Bay SPA are located 11 kilometres to the west. The proposed development comprises the construction of 91 dwelling units and two commercial units.

- 8.1.3. I note the content and conclusions reached in the applicant's AA Screening Report that states given the distance to the nearest designated site, the absence of any need for specific measures, the lack of any hydrological pathways, there is no likelihood of significant effects to the QIs or COs of the Galway Bay Complex SAC and Inner Galway Bay SPA. Finally, I have had regard to the NPWS submission there they state that consideration should be given to the appropriate management of the development in relation to sensitive habitats and species, during and after the construction phase of the development and associated works.
- 8.1.4. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 8.1.5. This conclusion is based on:
- Objective information presented in the AA Screening Report prepared by the applicant.
 - The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
 - Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
 - The nature of works, on serviced land within an urban area.
 - The location and distance from the nearest European site and the lack of hydrological connections.
- 8.1.6. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion. Detailed assessment at Appendix 2 of my report refers.
- 8.1.7. The Board should note that the applicant has not addressed the matter of Bats, a protected species, and a matter identified by the NPWS in their submission. The Board may wish to refuse permission based on a lack of scientific information to ascertain whether the site supports any or no Bat species. However, given my

presumption against residential development at this site and at this time, a note to the applicant may suffice.

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 is situated on lands that are zoned Residential Phase 2 - To protect, provide and improve residential amenity areas in the Athenry Local Area Plan 2024-2030, these lands are generally not developable during the lifetime of this plan and it has not been adequately demonstrated by the applicant that Residential (Phase 1) lands cannot or will not be developed within the plan period. Having regard to the peripheral location of the site within the development limits of Athenry and to the undeveloped nature of similarly zoned, adjoining lands to the east of the site, it is considered that in the absence of an agreed overall layout plan for these and adjacent lands, as sought by policy objective ASP 6 of the Athenry Local Area Plan 2024-2030 which would determine the need for and co-ordinate the provision of an appropriate range of house types, residential density, access roads, pedestrian routes, public open spaces and community facilities the proposed development would represent a piecemeal approach to the sustainable development of the area and would, thereby, conflict with the stated policies of the planning authority.

Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

08 August 2024

Appendix 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318199-23		
Proposed Development Summary	91 dwellings and two commercial units.		
Development Address	Parklands, Caherroyn, Athenry, Co. Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		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. And, (iv) Urban development which would involve an area greater than 2 hectares in the case of a	Scale of development is considerably less than 500 dwelling units, on a site of 4.6 Hectares, outside the
			Conclusion
			No EIAR or Preliminary Examination required

		business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)	business district of the town.	
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: _____

Appendix 2

Screening for Appropriate Assessment

Screening Determination

Template 2: Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the housing scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended. Designated sites are located to the north east, Monivea Bog SAC at 6.4 kilometres, and to the south west Rahasane Turlough SPA/SAC at 8.4 kilometres. The Galway Bay Complex SAC and Inner Galway Bay SPA are located 11 kilometres to the west. The proposed development comprises the construction of 91 dwelling units and two commercial units.

Step 2: Potential impact mechanisms from the project.

The development involves none of the following direct impacts:

- Habitat loss or deterioration
- Species disturbance or mortality

The development involves no indirect impacts, because of the distance to the nearest designated site, the absence of any need for specific measures, the lack of any hydrological pathways that would significantly affect the QIs or COs of sites listed at step 1 above.

Step 3: European Sites at risk

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the qualifying

interests (QI) of the European sites, is the operational related habitat and species disturbance and fragmentation as a result of the potential for hydrological connections.

The Galway Bay Complex SAC and Inner Galway Bay SPA are located 11 kilometres to the west and are the only proximate designated sites that could feasibly have any connection with the appeal lands. The site synopsis for each site is published on the NPWS website.

Step 4: Likely significant effects on the European site(s) 'alone'

The Qualifying Interests (QI) of the Galway Bay Complex SAC 000268 are the following:

Mudflats and sandflats not covered by seawater at low tide.

Coastal lagoons.

Large shallow inlets and bays.

Reefs.

Perennial vegetation of stony banks.

Vegetated sea cliffs of the Atlantic and Baltic coasts.

Salicornia and other annuals colonising mud and sand.

Atlantic salt meadows.

Mediterranean salt meadows.

Turloughs.

Formations on heaths or calcareous grasslands.

Semi-natural dry grasslands and scrubland facies on calcareous substrates.

Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*.

Alkaline fens.

Limestone pavements.

Otter

Harbour Seal

The Qualifying Interests (QI) of the Inner Galway Bay SPA 004031 are the following:

Black-throated Diver

Great Northern Diver

Cormorant.

Grey Heron.

Light-bellied Brent Goose.

Wigeon.

Teal.

Red-breasted Merganser.

Ringed Plover.

Golden Plover.

Lapwing.

Dunlin.

Bar-tailed Godwit.

Curlew.

Redshank.

Turnstone.

Black-headed Gull.

Common Gull.

Sandwich Tern.

Common Tern.

Wetland and Waterbirds

The Conservation Objective of this designated site is to restore the favourable conservation condition of the Qis listed above. The appeal site does not form part of the SAC and there are no feasible linkages or pathways.

The planning authority refused permission because of the scale of the site and the lack of any assessment of the potential for a hydrological connection to European Sites via the Clarin River. The absence of an Ecological Impact Assessment and Bat Survey are also highlighted. The Department of Housing, Local Government and Heritage, Development Applications Unit (NPWS) with respect to Nature Conservation, highlight that certainty must exist that construction and operational period of development will not impact designated sites. In that regard an Appropriate Assessment Screening Report and a Bat Report should be carried out in order to assess the potential impacts of the development on protected habitats and species.

The applicant has now submitted an AA Screening Report, prepared by Moore Group and dated September 2023. The report notes no surface water features on site, but that the site lies within the hydrological catchment of the Clarin River that flows onwards to Galway bay. However, there is no potential for direct hydrological connections to off site surface water bodies. Lastly, no reference is made to the existence of bats on site.

Based on the information presented by the applicant, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Galway Bay Complex SAC and Inner Galway Bay SPA. Further AA screening in-combination with other plans and projects is required. **Proceed to Step 5.**

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

There are no relevant plans or projects that exist in the vicinity and there are no residual impacts that could impact in combination, and no in-combination issues arise.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information. I conclude that 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. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the AA Screening Report prepared by the applicant.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- The nature of works, on serviced land within an urban area.
- The location and distance from the nearest European site and the lack of hydrological connections.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.