



An
Bord
Pleanála

Inspector's Report

ABP-319498-24

Development

Amendments to the approved layout and provision of 6 residential units already permitted in application Ref 17/1618; ABP-309753-21 The proposed amendments to the development include construction of 11 dwellings.

Location

An Spidéal Thiar, An Spidéal, Co. Galway.

Planning Authority

Galway County Council.

Planning Authority Reg. Ref.

2460046.

Applicant(s)

Baile Éamoinn Teoranta.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party.

Appellant(s)

Baile Éamoinn Teoranta.

Observer(s)

None.

Date of Site Inspection

12 December 2024.

Inspector

Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The proposed development on an overall site of 2.729 hectares lies immediately east of 'An Ceardlann', a craft village development, on the east side of An Spidéal in County Galway. An Spidéal lies approximately 18km west of Galway City.
- 1.2. The site undulates and generally slopes downwards from the north to the south. The site is bound to the south by the R336 Regional Road which adjoins the coast. To the east of the site lies a local road and to the west is 'An Ceardlann'. To the north of the site are situated detached dwellings and agricultural land. The southern portion of the site sits slightly below the level of the regional road and overall the site comprises significantly overgrown land to the north with rock outcropping and large areas of early stage construction activity. A drainage ditch runs through the north eastern portion of the site. There are some earthworks across the site together with large amounts of imported stone material arranged in various heaps. There are two established entrances, one onto each of the adjoining roads. A good footpath and public lighting are established along the section of the R336 to the front of the site and the application lands sit within the village's 50kph speed limit zone.

2.0 Proposed Development

- 2.1. The applicant seeks permission to alter/amend a permitted development (ABP-309753-21) with an increase from 6 residential units to 11 units on a site of 2.729 Hectares, the detail is as follows:
 - 8 two storey, 2-bed units;
 - 3 bungalow style, two bed units
- 2.2. Layout changes include:
 - Two public open spaces totalling 530 sqm.
 - Changes to the pedestrian and vehicular access onto the Baile Eamoinn Road permitted under reference 17/1618; ABP-309753-21.
 - Changes to the pedestrian and vehicular access onto the Spiddal Link Road permitted under reference 21/2211, in order to comply with the road network redesign approved by Galway County Council under reference 21/2211.

- Amendments to car and bicycle parking, site services and site landscaping.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to refuse permission for two reasons, as follows:

1. Based on the details received the Planning Authority is not satisfied that the proposed development would not materially contravene the land use zoning policy objective of the site which is zoned as Residential Phase 2 in the Galway County Development Plan 2022-2028 and Policy Objective SGV 1 Residential Development Phasing, in respect to residential development phasing, and is therefore considered unacceptable. Furthermore, the proposed density significantly exceeds that as set out in the Core Strategy and DM Standard 2 (Table 15.1 Residential Density) of the Galway County Development Plan 2022-2028. Notwithstanding the granted permission on site under Pl. Ref. 171618 (ABP-309753-21) consisting of 6 no. approved residential units, the proposed amendments herewith for a total of 11 no. residential units, is considered contrary to Policy Objective CS 1 Implementation, Policy Objective SGV 1 Residential Development Phasing, and Policy Objective SS6 Small Growth Villages (Level 6) of the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

2. Based on the information submitted and the plans and particulars received, and having regard to the horizontal and vertical alignment off the existing local public road, L-5397 within the vicinity of proposed development, and considering the proposed revised site entrance(s) as demonstrated off a reserve corridor, whereby it is deemed unsatisfactory owing to the restricted intervisibility this proposal will create in relation to vehicles exiting/entering the subject site, whilst in close proximity to the existing public road L-5397. Furthermore, taking into account the restricted intervisibility of the vertical alignment coupled with the potential creation of two new adjacent junctions, it is considered the proposed entrance(s) will create additional traffic turning movements that will generate overlapping horizontal and vertical visibility splays. Accordingly, the potential exists for conflicting turning movements to

occur thus increasing road safety hazards particularly for vulnerable road users contrary to DM Standard 28 and DM Standard 33(a) of the Galway County Development Plan 2022-2028. It is therefore considered that the proposed development would interfere with the safety and free flow of traffic and endanger public safety by reason of traffic hazard, obstruction of road users or otherwise 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

- Roads - the proposed development would interfere with the safety and free flow of traffic and endanger public safety by reason of traffic hazard, obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.
- Water Services - Written correspondence from Irish Water confirming the feasibility/availability has not been received. Surface water proposals acceptable subject to conditions.
- Landscaping proposal compliant with DM Standard 11.
- Residential Units – the provision of 11 units at 38.46 units per hectare significantly exceeds that as set out in the Core Strategy for An Spidéal which is a Small Growth Town and is considered contrary to Table 15.1 Residential Density DM Standard 2 (11 no. units per ha). Contrary to Policy Objective SSGV 2

Contrary to Policy Objective SGV 1, in terms of development of phase 2 lands is not generally acceptable.

Private open space noted, Irish language requirement noted.

3.2.2. Other Technical Reports

- Roads & Transportation Dept – refuse permission.
- Environment Section – no objections.

3.2.3. Conditions

- Permission refused. I note conditions recommended by the other technical departments of the Council.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – no observations.

Údarás na Gaeltachta – no objections.

3.4. Third Party Observations

- 3.4.1. Three submissions, issues include: protection of Irish language/culture and parking.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **21/2211** – permission for a two-storey Primary Care Centre comprising 28 therapy/consultants rooms, section of the An Spidéal Indictive Relief Road abutting the proposed Primary Care Centre, widening and improvement works to the LS397 (Baile Eamoinn), pedestrian and vehicular access ways, parking, services, landscaping and all associated site works.
- 4.1.2. **17/1618** and **ABP-309753-21** – Permission for hotel, two self-catering cottages, business and food innovation centre, and six houses.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The **Galway County Development Plan 2022 -2028** is the operative statutory plan for the county. An Spidéal is designated a Small Growth Village in the Strategic Potential Corridor of the RSES but falls outside of the Metropolitan Area Strategic Plan area. An Spidéal is located within the wider Galway County Transport and Planning Study (GCTPS), An Gaeltacht Area and Zone 4 - Landscape Sensitivity Category 2-4 with landscape sensitivity rating of Special.

Core Strategy - As a small growth village An Spidéal has a housing allocation of 32 units (9 deliverers on brownfield/infill sites and 22 on green field sites) at a density of 11 dwellings per hectare, Table 2.11 Core Strategy Table refers. A residential density of 11 dwellings per hectare or Site Specific relates to Village Centre/Infill/Brownfield sites and 10 dwellings per hectare at Edge of Centre/Greenfield sites, Table 15.1: Residential Density refers.

2.4.10 Small Growth Villages - The villages listed in this category have an important function in supporting the development of local areas. The residential development will be proportioned to the growth of the villages. The growth strategy will focus on the localised sustainable growth that meets the needs of the local population and wider rural hinterland. Volume 2 of this plan provides a Written Statement and associated Land Use Zoning Maps.

Policy Objectives Overarching Core Strategy

CS 1 Implementation - To secure the implementation of the Core Strategy and the Settlement Hierarchy in so far as practicable, by directing sustainable growth towards the designated settlement.

Policy Objectives Settlement Hierarchy

SS6 Small Growth Villages (Level 6) - Protect the consolidation of Small Growth Villages in order to improve local employment, services, rural housing and sustainable transport options.

Chapter 15 - Development Management Standards

DM Standard **28**: Sight Distances Required for Access onto National, Regional, Local and Private Roads

DM Standard **33**: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment - a) Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA)

5.1.2. **Galway County Development Plan 2022 -2028 Volume 2**

Table 10.1: Population Allocation 2022-2028 – residential units allocated to An Spidéal amounts to 22.

Land Use Zoning Policy Objectives for the Small Growth Villages

SGV 1 Residential Development Phasing

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

- a) Single house developments for local family members on family owned land, subject to a 7-year occupancy clause.
- b) on-residential developments that are appropriate to the site context, residential amenities, the existing pattern of development in the area and the policy objectives in the Plan.
- c) Where it is apparent that Residential (Phase 1) lands cannot or will not be developed for residential purposes within the plan period, residential development may be considered in limited cases in a phased manner on suitable Residential (Phase 2) lands, in exceptional circumstances:

Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development. Residential developments on Residential (Phase 2) lands will be subject to compliance with the Core Strategy, the principles of proper planning and sustainable development, connectivity, including infrastructure and public footpath and lighting to the village centre, the sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements. Developments will only be permitted where a substantiated evidence based case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of each settlement.

SSGV 2 Sustainable Residential Development

Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of An Spidéal. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the plan areas.

SSGV 10 Transport Infrastructure

Facilitate the provision and maintenance of essential transportation infrastructure. This shall include the reservation of lands within An Spidéal settlement plan areas to facilitate public roads, footpaths, cycleways, bus stops and landscaping, together with any necessary associated works, as appropriate. Any indicative roads be subject to needs assessment and detailed corridor and route selection processes taking into account, inter alia, environmental constraints and opportunities.

5.1.3. The following chapters and sections of the plan are relevant in this case:

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 8 Tourism and Landscape Section 8.13 – Landscape

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

Natural Heritage and Biodiversity Section 10.15 Green and Blue Infrastructure

Chapter 14 Climate Change, Energy and Renewable Resources Section 14.4

Climate Change Adaptation and Mitigation Section 14.6 Flooding

5.2. Natural Heritage Designations

5.2.1. Designated sites close by are listed as follows:

- The Connemara Bog Complex SAC is located 1.5 kilometres to the north
- Connemara Bog Complex SPA is located 3.5 kilometres to the north

Other sites located at a distance from the site, include:

- Black Head Poulsallagh Complex SAC is located 9.8 kilometres
- Galway Bay Complex SAC is located 11.4 kilometres
- Galway Bay Complex SAC is located 13 kilometres
- Ross Lake and Woods SAC is located 14.3 kilometres
- Inner Galway Bay Complex SPA is located 11.3 kilometres
- Lough Corrib SPA is located 14.7 kilometres

5.2.2. An AA Screening Report was submitted with the application, for further detail and analysis note section 8.0 and appendix 3 of my report.

5.3. **Environmental Impact Assessment (EIA) Screening**

5.3.1. It is proposed to construct an 11 unit housing scheme on an overall site of 2.73 Hectares, located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 hectares and far less than 500 residential units. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed in section 8.0 of my report below and there is no direct meaningful hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing or commercial development in the area. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Éireann (Irish Water) and Galway County Council, upon which its effects would be marginal.

5.3.2. Having regard to: -

- The nature and scale of the proposed development, which is significantly under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site on lands that are zoned “R - Residential (Phase 2) -” in the Galway County Development Plan 2022-2028, and the results of the strategic environmental assessment of the County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).

5.3.3. I have concluded that, by reason of the nature and scale of the housing development and the urban location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case, for further detail and analysis note that appendices 1 and 2 of my report refer.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First-Party Appeal was submitted to An Bord Pleanála on the 9th of April 2024 by the Applicant opposing the Planning Authority’s decision, the grounds of appeal can be summarised as follows:

Reason 1 -

- The appellant points out that there is already a valid permission on the site for 6 houses, compliant with the compact growth of An Spidéal.
- Policy Objective SGV 1 and table 3.3 – states that R2 zoned land can be developed if it meets certain criteria about site appropriate, availability of amenities and matches the character of existing development.

- The proposal is to increase from 6 four bedroom houses to 11 two bed houses and this meets the changing demographics in the area as well as development plan policies on design quality, comfort and sustainability.
- The houses will better address the new link road and accord with the urban design principles contained in the development plan.
- R1 zoned lands have been brought forward into the current plan and not been developed, the exception is 22/6083, and a new R1 zoned parcel west of the Owenboliska River.
- The five additional units fall well below the cap of 33 for An Spidéal and even with recently approved 15 units, still falls below. There is also a reduction in bedrooms from 24 to 22.
- Even with the newly operational wastewater treatment plant (2023) , no proposals for the R1 zoned lands have come forward. And some of these sites will require infrastructural extensions to link to the plant.
- The proposed density will amount to 38 units per hectare. As a centrally located site, it accords with the density range in the development plan, the 2009 guidelines and new density guidelines. The proposed development would address the issues raised by ribbon development highlighted in the previous inspectors report
- Appellant highlights inconsistencies between 35 dph across the county and core strategy and NPF. Design manual for quality housing is quoted and 35 dph is appropriate.
- Policy objectives CS1 and SSGV2 are quoted and the proposal has all of these ingredients for good design.
- Board should note precedence, that the previous permission ABP permitted 18 dph itself a contravention to the previously advised 8/9 dph for the area.
- Finally planning authority reference 22/60813 was permitted with a density of 34 dph.

Reason 2

- DM Standard 28 and 33(a) addressed by technical report. The proposal is fully compliant with DMURS and has been subject to a Stage 1 and 2 RSA.
- The junction onto the Baille Eammon Road has already been permitted under 309793 and the road junction onto the new relief roads has been permitted by 21/2211
- PA decision was not based upon an internal technical report, despite ongoing discussions between the applicant and the local authority Roads Division, appendix 2 refers.

6.2. Planning Authority Response

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The planning authority refused permission on zoned land for two reasons to do with residential phasing/density and traffic hazard. Having examined the application details and all other documentation on file, including all of the report/s of the local authority, 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 can be grouped as per the reasons for refusal and are as follows:

- Phasing and Density
- Traffic
- Other Matters

7.2. Phasing and Density

- 7.2.1. The planning authority refused permission on the basis that to permit additional dwelling units on lands zoned Residential Phase 2 would materially contravene land use zoning policy objective SGV 1 (Residential Development Phasing) of the development plan. In addition, the resultant residential density from an increase in units would exceed that as set out in the Core Strategy and DM Standard 2 (Table 15.1 Residential Density) of the plan. Consequently, the proposed development would be contrary to Policy Objective CS 1 Implementation and Policy Objective SS6 Small Growth Villages (Level 6) that all support the core strategy.
- 7.2.2. The applicant disagrees and states that permission already exists for six houses and that the development of R2 zoned lands can progress as long as good reasons are provided. In this context, the applicant points out that other lands have not been developed in the village. In addition, the applicant points out that the proposed development is a better response in terms of design and meeting housing demand. As for density, the applicant points to new density guidelines and that if permitted there would still be significant headroom for future development as allowed for in the core strategy.

- 7.2.3. The Galway County Development Plan 2022 -2028 is the statutory plan to consider regarding the appeal now before the Board. The site is located on lands that are zoned R-Residential (Phase 2), to protect, provide and improve residential areas. Being Phase 2 lands means that such sites are held in reserve to enable the longer-term growth of the area. The plan states that such lands are generally not developable within the plan's lifetime, but there are exceptions to the rule. The exception sought by the applicant in this instance, is where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands in compliance with the Core Strategy, policy and objectives for the Small Growth Villages and meet with normal planning, access and servicing requirements. The planning authority are not satisfied that the exceptions to the rule have been met and refused permission on the basis that the development would materially contravene land use zoning objective SGV 1.
- 7.2.4. Firstly, the underlying land use zoning of the site is for residential uses, in principle I am satisfied that residential units on these lands is acceptable from a land use perspective, that is to say residential development on residentially zoned land. Permission is already in place for six houses at this location and their construction could still proceed. However, a new development plan has come into effect and the zoning objective of this and other sites changed so that development is limited during the lifetime of the plan unless certain criteria can be met, Objective SGV 1 of Land Use Zoning Policy Objectives for the Small Growth Villages refers. The Core Strategy of the Development Plan sets out in table 2.11 Core Strategy Table, that the housing allocation for An Spidéal is 32 units (9 delivered on brownfield/infill sites and 22 on green field sites) at a density of 11 dwellings per hectare. I can see that the potential of An Spidéal to grow is set out in the development plan. The zoning map of the current plan indicates what areas of An Spidéal should be developed, for what purpose and in what order. The appeal site is seen as last in line of the lands that should be developed for residential uses unless a compelling case can be put forward to activate the site in the lifetime of the current plan, objective SGV 1 refers. It is this objective that the planning authority maintain will be materially contravened if the development is permitted. However, the applicant disagrees and has put forward a rationale why the site should be developed from 6 to 11 houses, and I am

satisfied that such a rationale should be assessed, without progressing to the issue of material contravention. On that particular note, I find that there can be no material contravention of the Development Plan with respect to land use zoning, because the underlying zoning is residential. Furthermore, I am not satisfied that there is a contravention of the plan at all because objective SGV 1 permits residential development to proceed albeit if the various criteria are met. In my view the Board can consider the appeal before it without turning to section 37(2)(b) of the 2000 Act and instead consider the appeal in the context of objective SGV 1 of the statutory plan. Taking the three criteria listed a) to c) of objective SGV 1 in turn:

7.2.5. a) Single house development – this clearly does not apply to the appeal site.

7.2.6. b) On-residential developments that are appropriate to the site context, residential amenities, the existing pattern of development in the area and the policy objectives in the Plan – This is a wide ranging criteria but can be narrowed down. The applicant points out that permission already exists for six houses at this location. The applicant argues that the proposed development is of a higher quality design and meets all the parameters of the development plan with respect to placemaking, layout and fitting in with the character of the area. At a high level I agree, the proposed development is of an improved design quality and responds well to the provision of new roads in the area. In fact, the applicant points out that the construction of the proposed development will also facilitate a portion of the new link road to be constructed, and this is noted. The scale of development is not out of character with permitted and existing development and would not be out of place in this infill site, within the village. Residential amenities would not be impacted upon, more than 20 metres separates the gable wall of single storey house B1 from the nearest dwelling to the north. Large rear gardens will be provided, and areas of public open space are proposed. Two storey houses will front onto the footpath of the Spiddal Link Road permitted under permission reference 21/2211 and two vehicular entrances leading to a central parking area will be provided. I am satisfied that the proposed layout provides a better design response with reference to the permitted link road and primary care/hotel development to the west, criteria b) is broadly met.

7.2.7. c) Phase 1 land development and exceptional circumstances – In this instance the development plan states that:

Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development. Residential developments on Residential (Phase 2) lands will be subject to compliance with the Core Strategy, the principles of proper planning and sustainable development, connectivity, including infrastructure and public footpath and lighting to the village centre, the sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements. Developments will only be permitted where a substantiated evidence based case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of each settlement.

- 7.2.8. There are a number of facets to part c) of the criteria for allowing Phase 2 lands to progress for development ahead of Phase 1 lands. Firstly, there is a calculation to be made with respect to finding out if 50% of the lands in Residential (Phase 1) are committed to development. Secondly, whether the core strategy can be complied with. Thirdly, if general good planning principles can be complied with in terms of design, layout, servicing and accessibility. Lastly, it has to be demonstrated that the development will not prejudice the future use of the lands for the longer-term growth needs of An Spidéal.
- 7.2.9. The applicant has prepared a map and table (figure 3.1 and table 3.1) to illustrate the position and planning history of lands brought forward into the current land use zoning for An Spidéal. The applicant states that R1 zoned lands have been brought forward into the current plan and not been developed, with the exception of permission reference 22/60813, and a new R1 zoned parcel west of the Owenboliska River. I also note that the applicant points to R1 zoned lands that cannot be serviced by water services, despite the commencement of the construction of a new wastewater treatment plant for the village. I cannot help but notice that those lands that are earmarked for Phase 1 residential lands are scattered to the north and west of the village, far from the village centre and its services, the applicant's views on this are noted. It is reasonable to expect the completion of a housing development already started at Baile Árd, permission reference 22/60813 is noted. However, the balance of other Phase 1 lands seem to be less well located than the appellant's lands and this is difficult to make sense of.

Despite such concerns, I see that no quantifiable evidence based assessment has been made of An Spidéal in its entirety to provide a truly robust analysis, by either the applicant or planning authority. It is evident that the planning authority and Council planned the future growth of An Spidéal and this is articulated by the zoning objectives for the village and the overarching core strategy for the county. I note that the Office of the Planning Regulator did not find fault with the development plan with reference to An Spidéal and its zoning. Finally, I note that the planning authority have not provided a response to the appeal, and this is unfortunate, as a robust counter argument would have been more useful than the initial planning report that did not thoroughly examine the issue of policy objective SGV 1.

7.2.10. The applicant has pointed out that five additional units at a low residential density falls well below the cap of 33 for An Spidéal and even with a recently approved 15 unit development. I note this point, there will still be capacity headroom in the core strategy for An Spidéal, and this development will not significantly affect targets set out in the development plan. In this regard, I am satisfied that permission for five additional (11 in total) residential units at this serviced and zoned site will not prejudice the future use of the lands for the longer-term growth needs of this small growth village. The applicant sets out that the proposed development amounts to 38 units per hectare and this is related to the immediate site and not the overall lands contained within the red line boundary.

7.2.11. The planning authority have cited density as an issue of concern. In this respect I note the village settlement advice provided by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 that states development be tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services infrastructure), this is such a case. The new guidelines are relevant in this instance, I note that under Circular Letter: NRUP 02/2024 issued by the Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. To ensure consistency planning authorities are requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies

and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for residential densities for Galway in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed. In this instance, the core strategy residential density for small growth villages like An Spidéal of 11 dwellings per hectare, is probably acceptable. As a small growth village An Spidéal has a housing allocation of 32 units (9 delivered on brownfield/infill sites and 22 on green field sites) at a density of 11 dwellings per hectare, Table 2.11 Core Strategy Table refers. A residential density of 11 dwellings per hectare or Site Specific relates to Village Centre/Infill/Brownfield sites and 10 dwellings per hectare at Edge of Centre/Greenfield sites, Table 15.1: Residential Density refers. The corollary of all of this is that residential densities will be low for all small growth villages and that phase 1 lands are limited in supply. On a point of detail, I note that housing allocation figures for An Spidéal do not always add up in the core strategy tables found in volume I and II of the development plan. The figures I have used are drawn from the development plan in their original form and without correction. In any case, the issue of residential density should be guided by the new density guidelines and I am satisfied that in this instance residential density is not a matter of serious concern.

- 7.2.12. With reference to matters such as the principles of proper planning and sustainable development, connectivity, infrastructure, public footpaths, lighting, the sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements, I find that there is little to deter the further consideration of this development in that context alone. For detailed assessment of traffic and transport and the second reason for refusal note section 7.3 of my report. However, with respect to the overall design concept advanced by the applicant, I find there is little to object to in terms of design and layout, and the proposed development would accord with many of the placemaking objectives of the development plan. I am satisfied that the layout, design of residential units and open spaces are all acceptable. The lands are well positioned relative the village centre and are close to all amenities existing or proposed, and provide a sequential extension to the village centre. The applicant shows

connectivity to the village by the provision of public footpaths, though it is not entirely clear how the proposed relief road will be negotiated in order to safely access the path on the other side from the new houses. In terms of water services, I note that a pre-connection enquiry was lodged with Uisce Éireann for the increase in foul water discharge from 6 to 11 dwellings, but no response is on the appeal file. In any case, the increase from 6 to 11 units would be marginal in the context of the capacity of the new Uisce Éireann WWTP (Planning Ref: 18/766) that has been designed to serve a population equivalent (PE) of a 1,000.

- 7.2.13. Given the forgoing, however, I am not satisfied that the grounds of appeal have set out clearly enough all of the information necessary to respond to the rigorous requirements of objective SGV 1 and permission should not be granted. Despite the planning history, locational advantages and overall design/layout of the scheme, I am not satisfied that the applicant has clearly and definitively quantified that other lands (zoned R1) have not been developed and for what reason. Objective SGV 1, sets up a very high bar to clear and the applicant has not achieved this standard on this occasion. I am not satisfied that the exceptional grounds presented by the applicant are sufficiently robust to demonstrate that Residential (Phase 1) lands cannot or will not be developed within the Plan period, that still has more than three to run.

7.3. Traffic

- 7.3.1. The second reason for refusal relates to the suitability of a vehicular access on to the local public road, L-5397 and the new relief road, given that this will result in the provision of two access points so close together the potential for traffic movement conflicts presents a hazard. Hence the development is contrary to DM Standard 28 and DM Standard 33(a) of the Galway County Development Plan 2022-2028.
- 7.3.2. The applicant points out that DM Standard 28 and 33(a) are addressed by a technical report, the proposal is fully compliant with DMURS and has been subject to a Stage 1 and 2 RSA. The applicant explains that the junction onto the Baille Eammon Road has already been permitted under pa ref 309793 and the road junction onto the new relief roads has been permitted by pa ref 21/2211. Criticism is levelled at the planning authority for not basing a decision on a detailed technical

report despite ongoing discussions between the applicant and the local authority Roads Division, appendix 2 of the grounds of appeal refer.

- 7.3.3. Firstly, I note the email correspondence between the applicant and the Transportation and Roads Division of the Council. Whilst a full and detailed Roads Section report prepared by the Council would have been useful, I find that the second reason for refusal is very detailed and explains the road safety concerns of the planning authority. To be pragmatic, I appreciate the applicant's own words when they say 'it is what it is', email dated 6th April 2024 refers. No further action is necessary in this regard the time for detailed internal reports has passed.
- 7.3.4. From a planning history perspective, permission was previously granted for the overall lands, and this included six dwellings with an entrance from the L-5397, drawing 2306-PA010A contained in ABP-309753-21 refers. The area and particularly the layout of roads in the vicinity is planned to undergo change. Specifically, I note permission for a primary care centre and plans for a relief road under objective SSGV 10. I note too, all of the technical information that the applicant has prepared to show how two vehicular entrances to the proposed development can work safely and how they would accord with the design principles of DMURS. It would not be unreasonable to expect some level of in-depth analysis of the material prepared by the applicant from a technical perspective on the part of the planning authority. From a high-level point of view the technical data demanded by DM Standard 28 and DM Standard 33(a) has been prepared by the applicant. Even without such material it would be reasonable to expect that the already permitted vehicle entrance onto the L-5397 would be acceptable to use even with the increase in residential units. In this regard the applicant explains that a visibility splay of 49 metres is provided, and a raised table will be located at the junction of the country road with the relief road. It is further explained that the necessity for a full Traffic and Transport Assessment is not required given the scale of development and nor is a Road Safety Impact Assessment needed.
- 7.3.5. Some level of improved pedestrian facilities such as a signal controlled crossing at the junction across the new relief road would be desirable in the interests of added traffic safety and convenience but this is outside the scope of this appeal. Specifically, I note that drawing B845-3-OCSC-XX-XX-DR-C-1200 58 P02, details

footpath linkages to the village and proposed development to the west, a pedestrian crossing would be essential to ensure a safe crossing point over the new relief road.

- 7.3.6. In summary, permission already exists for vehicular access for 6 dwellings on to the L-5397. Furthermore, additional improvements and detailed design proposals formed part of the permitted primary care centre and part of the new relief road. It is likely that matters could be addressed by condition and if necessary, the proposed vehicular entrance on to the new relief road be omitted altogether, by agreement with the planning authority. I do not consider that a refusal of permission is warranted in this respect when traffic and pedestrian safety could be satisfactorily addressed by condition.

7.4. Other Matters

- 7.4.1. Duration of any permission - The permission to which amendments are sought was granted by the Board on the 21st June 2022. Should the Board be minded to grant permission, the expiry and control of any such permission should accord with the conditions set out in ABP-309753-21.

8.0 Appropriate Assessment (AA) Screening

- 8.1. With reference to appendix 3 of my report, 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. No nature conservation concerns were raised in the planning appeal.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;

- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

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 outline planning permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the Galway County Development Plan 2022-2028, to the location of the proposed development on residential zoned lands (Phase 2) in the settlement of An Spidéal, as set out in the Volume II of the statutory plan, and to Policy Objective SGV 1 setting out that Residential (Phase 2) lands are generally not developable within the lifetime of this Development Plan, subject to specified exceptions, the Board is not satisfied that sufficient exceptional grounds have been presented demonstrating that the proposed residential development should be considered on Residential (Phase 2) lands in An Spidéal at this time. The Board considers that the proposed development would, therefore, be contrary to the Land Use Zoning Objective R – Residential (Phase 2) of the An Spidéal Small Growth Village which forms part of Volume II of the Galway County Development Plan 2022-2028 and 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

31 January 2025

11.0 Appendix

11.1. Appendix 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319498-24		
Proposed Development Summary	The development will consist of amendments to the approved layout and provision of 6 residential units already permitted in application Ref 17/1618; ABP-309753-21 The proposed amendments to the development include construction of 11 dwellings.		
Development Address	An Spidéal Thiar, An Spidéal, 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		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓		Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	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 business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

11.2. Appendix 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319498-24
Proposed Development Summary	The development will consist of amendments to the approved layout and provision of 6 residential units already permitted in application Ref 17/1618; ABP-309753-21 The proposed amendments to the development include construction of 11 dwellings.
Development Address	An Spidéal Thiar, An Spidéal, Co. Galway.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The size, design, cumulation with existing/proposed development is not significant. The use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health are considered to be minimal.
Location of development	The land use would integrate satisfactorily with the area, that is

(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	characterised by very low density residential development. There is an abundance of natural resources, and the absorption capacity of the natural environment in the vicinity is high. European sites are not located nearby and this matter is assessed in detail under section 8.0 of the main report. There are no densely populated areas, landscapes, sites of historic, cultural or archaeological significance in the vicinity.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no significant effects identified in relation to environmental parameters, in terms of magnitude and spatial extent and the nature of impacts. There are no transboundary issues. The development is not of an intensity or complexity, that would result in significant, cumulative effects or limit opportunities for mitigation.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes, EIA is not required

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No, Schedule 7A Information is not required
There is a real likelihood of significant effects on the environment.	EIAR required.	No, an EIAR is not required.

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

11.3. Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the proposal for 11 dwellings in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located at An Spidéal Thiar, An Spidéal, Co. Galway, the closest designated site is located 1.5 kilometres to the north.

The proposed development comprises amendments to the approved layout and provision of 6 residential units already permitted in application Ref 17/1618; ABP-309753-21 The proposed amendments to the development include construction of 11 dwellings, on an overall brownfield site of 2.729 Hectares, section 1.1 of my report refers.

No nature conservation concerns were raised in the planning appeal and no issues raised by prescribed bodies consulted.

Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The potential for significant effects that may arise from the Proposed Development was considered through the use of key indicators:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density.
- Changes in water quality and resource.

There is potential for significant effects from the proposed development at construction and operational stage in respect of the following:

Construction Phase

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

Operational Phase

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plants.
- Increased lighting in the vicinity emitted from the Proposed Development; and
- Increased human presence in the vicinity as a result of the Proposed Development

Having regard to the nature of the site and its distance and lack of a meaningful connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

Step 3: European Sites at risk

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance.

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk (i.e. within 15km) there are eight Natura sites within 15km as follows:

Designated sites close by are listed as follows:

- The Connemara Bog Complex SAC is located 1.5 kilometres to the north
- Connemara Bog Complex SPA is located 3.5 kilometres to the north

Other sites located within 15 kilometres of the site, include:

- Black Head Poulsallagh Complex SAC is located 9.8 kilometres
- Galway Bay Complex SAC is located 11.4 kilometres
- Galway Bay Complex SAC is located 13 kilometres
- Ross Lake and Woods SAC is located 14.3 kilometres
- Inner Galway Bay Complex SPA is located 11.3 kilometres
- Lough Corrib SPA is located 14.7 kilometres

Table 3-1: Identification of Designated sites within the Likely Zone of Impact of the Applicant's AA Screening Report refers.

In relation to the foregoing European Sites, all sites have been considered and in each case there is no pathway for significant effect on any European Designated Sites was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects and the site is not within the Likely Zone of Impact and have not considered further in the applicant's Screening assessment. There is no route by which the sites could be affected, separation distances are large, and they are not in the zone of potential influence.

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

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the table below considers whether there is a likely significant effect 'alone' at construction and operational stage in respect of the following:

- Habitat loss or alteration (Effect A)
- Habitat/species fragmentation (Effect B)
- Disturbance and/or displacement of species (Effect C)
- Changes in water quality and resource (Effect D)
- Changes in population density (Effect E)

<u>European Site and qualifying feature</u>	<u>Conservation objective (summary) [provide link/ refer back to AA Screening Report]</u>	<u>Could the conservation objectives be undermined (Y/N)?</u>				
		<u>Effect A</u>	<u>Effect B</u>	<u>Effect C</u>	<u>Effect D</u>	<u>Effect E</u>
No Sites Identified as at risk	Table 3-1: Identification of Designated sites within the Likely Zone of Impact of the Applicant's AA Screening Report refers.	N/a	N/a	N/a	N/a	N/a

Habitat Loss or Alteration (Effect A) – This is not applicable and in any case, the proposed development is not located within or immediately adjacent to any European sites. Therefore, there is no potential for direct habitat loss or alteration to occur as a result of the construction or operation of the proposed development.

Habitat Fragmentation (Effect B) - As the Proposed Development does not have the potential to directly cause habitat loss or alteration, it likewise will not result in direct habitat fragmentation.

Changes in Water Quality and Resource (Effect C)

This is not applicable and in any case,

- **Surface Water** - The site will be served by the public surface water sewer system. The potential for surface water generated at the site of the proposed development to reach any designated site and cause likely significant effects, during the Construction and/or Operational Phases, is deemed to be negligible due to:
 - Lack of any meaningfully connected surface water bodies in the immediate vicinity of the proposed development site, the separation distances involved and the built-up nature of the intervening lands between the site and designated sites.

In addition, the proposed development incorporates standard surface water management measures to treat and attenuate surface water runoff to further reduce the already negligible potential for surface water impacts. No potential for impacts to water quality and resource exists for European sites from surface water runoff or drainage from the Proposed Development.

- **Foul Water** - The proposed development will be served by separate foul water and surface water sewers during its Operational Phase. The potential for foul waters generated at the proposed development to reach these European sites and cause significant effects, during the Construction and Operational Phases, is deemed to be negligible.

Disturbance and/or Displacement of Species (Effect D) - This is not applicable and in any case, the likely significant effects associated with disturbance or displacement of SCI species are likely to occur.

Changes to Population Density (Effect E) - For the reasons outlined above, the proposed development does not have the capacity to cause any significant changes in the population density of any species within any European Site.

The construction phase will be temporary and controlled by standard construction practices as set out in a Construction Environmental Management Plan (CEMP). That would include the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment above I would accept that the potential for significant effects to any designated site are extremely limited during the construction phase.

For the operational stage, the surface water drainage network has been designed in accordance with standard surface water drainage methods. Ongoing regular operational monitoring and maintenance of standard surface water drainage methods will be incorporated into the overall management strategy to ensure that there are no impacts on water quality and quantity. Consistent with my assessment above I would accept that the potential for significant surface water effects to any designated site during the operational phase is negligible considering the inclusion of suitable standard surface water drainage methods and a petrol interceptor.

It is my view that these are best practice standard construction management and surface water management methods which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The methods are incorporated into the elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

I therefore conclude that the proposed development would have no likely significant effect 'alone' on any designated site.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of any European site. Further AA screening in combination with other plans and projects is required.

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

I acknowledge that other developments have a potential cumulative impact on the surface water drainage network. However, as there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area. 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

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. No nature conservation concerns were raised in the planning appeal.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;

- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

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