



An  
Bord  
Pleanála

## Inspector's Addendum 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.

### Type of Appeal

First Party versus decision.

### Planning Authority

Galway County Council.

### Planning Authority Reg. Ref

2460046.

### Appellant(s)

Baile Éamonn Teoranta.

### Planning Authority Decision

Refuse Permission.

### Inspector

Stephen Rhys Thomas.

## 1.0 Preliminary

This report has been prepared pursuant to a Board Direction (reference number BD-018947-25) dated 18<sup>th</sup> February 2025, that sought further information from the planning authority, as follows:

1. Having regard to provision of the Galway County Development Plan 2022-2028, you are hereby required to submit the following information:

(a) A schedule setting out the current planning status of each of the four parcels of land currently zoned 'Residential (Phase 1)' in An Spidéal Small Growth Village (i.e. the number of residential units either permitted, under construction or completed)

(b) A schedule setting out the current planning status of each of the three identified 'Residential Infill' sites in An Spidéal Small Growth Village

(c) A schedule setting out the availability of services at each of the four parcels of land currently zoned 'Residential (Phase 1)' and each of the three identified 'Residential Infill' sites in An Spidéal Small Growth Village

(d) Any other information that the you consider relevant regarding the likelihood of development on lands currently zoned 'Residential (Phase 1)' and the identified 'Residential Infill' sites in An Spidéal Small Growth Village, during the currency of the Galway County Development Plan 2022-2028, which would be material to a consideration of a proposal to develop five additional houses (i.e. 11 houses on a site which currently has the benefit of planning permission for six houses) on lands zoned 'Residential (Phase 2)'

2. Please submit details regarding the current planning status of the proposed 'Indicative Relief Road' as illustrated on the Galway County Development Plan 2022-2028, An Spidéal Small Growth Village, Land Use Zoning Map, and as referenced by Policy Objective SSGV 10. Please also submit an indicative timeframe for the delivery of this Transport Infrastructure Objective along with any other information that the planning authority might have regarding the design, capacity and anticipated traffic volumes for this new roadway.

The Board decided to defer this case for further consideration and to request an Addendum report from the Inspector to consider matters to do with Residential (Phase 2) lands and Policy Objective SSGV 10 in the Galway County

Development Plan 2022-2028. The Board decided that the file be referred back to the Inspector to prepare an Addendum report and take into account the information received.

## **2.0 Planning Policy**

### **Galway County Development Plan 2022-2028**

Table 2.11 Core Strategy Table

An Spidéal Housing Allocation 2022-2028 - 32 units

Residential Units to be Delivered on Infill/ Brownfield Sites - 9

Residential Units to be Delivered on Greenfield Sites – 22

Volume 2 Small Growth Villages, Table 10.1: Population Allocation 2022-2028 -  
An Spidéal – Residential units 22

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

#### Policy Objective 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.

Table 10.1: Population Allocation 2022-2028 - An Spidéal – Residential units 22

### **3.0 Responses**

#### **3.1 Planning Authority**

The Planning Authority submitted the information requested by the Board and can be summarised as follows:

- A table that illustrates land parcels, area (if zoned R1), planning reference number, planning decision, number of units and whether the development has been commenced. The table states, 1.77 Hectares of R1 zoned land are in receipt of a planning permission for 16 units and development has commenced on the construction of these residential units. In addition, permission has recently been granted on town centre

zoned lands for 9 houses, and this may affect the core strategy allocation figures for Spidéal.

- With reference to Policy Objective SSGV 10, the Roads Department of the council states that the intent of the objective is to reserve land and secure the incremental completion of the relief road.

### **3.2 Applicant**

The applicant was invited to submit an observation concerning the contents of the planning authority's submission, summarised as follows:

- No other dwellings have been permitted on R1 zoned land. No construction has commenced though a commencement notice regarding 2260813 is noted.
- There is still a headroom of seven units for Spidéal, as set out in the core strategy, table 1 of the applicant's response refers.
- All sites except one have access to the water services network, the applicant already has permission to extend the network throughout the site and to the subject lands, PA ref 171618 refers.
- The lack of available housing in the Gaeltacht area should be noted. The two remaining R1 sites show very little signs of being brought forward to planning.
- The proposed development will bring forward an additional five houses (six are already permitted) and it is noted that the core strategy has allowance for seven.
- Regarding SSGV10 and the route of the relief road, efforts have been ongoing to progress matters. Given the lack of funding, it is unlikely that lands in the ownership of Údarás na Gaeltachta or Galway County Council will see the construction of the relief road. However, the applicant points to documentation already on file and an intent to progress matters as already agreed, on the route and alignment through their lands.

The submission is accompanied by drawings that illustrate permitted development on the overall site.

### **4.0 Assessment**

The initial Inspector's Report noted that permission could be granted for the development and no material contravention of the development plan would occur if the criteria set out by objective SGV 1 were met, section 7.2 of that report refers. I concluded that for the most part SGV 1 could be met, but that part c) required some more information on the development status of R1 zoned land. In addition, I concluded that the core strategy of the development would not be breached, and the information submitted by the planning authority and applicant confirm that view.

Policy Objective SGV 1 - In detail, I highlighted reservations that objective SGV 1 part c) could not be met in full, and this was founded on a lack of quantifiable information about R1 zoned lands yet to be developed. This information gap has been resolved, and I point to the documents submitted by the planning authority and supplemented by the applicant. Specifically, I highlight the planning authority's figures that there is a total of 1.77 Hectares of land zoned R1 and that 0.62 Hectares are committed to development whilst 1.15 Hectares are yet to be committed. By my reckoning this leaves 1.15 Hectares yet to be progressed to planning stage and this amounts to 65% of R1 zoned lands in Spidéal. SGV 1 part c) states:

*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.*

The key part to consider is as follows:

*Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development.*

In this instance, 65% (1.15 Hectares) of the R1 zoned lands are not committed to development and 35% (0.62 Hectares) are committed to development. It is clear that 15% of lands zoned R1 are yet to be developed and this means that development on lands zoned R2 will not normally be considered until that 50% threshold is passed. The development plan does not state what 'normally only be considered' means in practice, but it would be widely understood to mean that it would be the norm that development is not considered under that particular criteria unless there are compelling reasons to the contrary.

I have already outlined in detail in the initial Inspector's Report that most of the other criteria set out in SGV 1 have been met, where relevant. I consider the proposed development to be acceptable in terms of other planning policies, residential amenity, sustainable development and on urban design grounds. Permission already exists for housing at this location and the modest increase and reconfiguration of units is entirely in line with current national guidance. My initial concerns were that numerical data was absent from the file and this is no longer the case. I can see that the 50% margin set by the development plan is not met, though the development of R1 zoned land is underway, albeit with the submission of a commencement notice, and those lands still available show no signs of advancing to planning stage. Though there may be compelling reasons to consider this development despite the fact that the SGV 1 threshold of 50% is not met, the margin of 15% is significant. Despite, my favourable initial examination of the proposed development, Policy Objective SGV 1 is still not met in this case.

Material Contravention - I have already highlighted that the planning history, locational advantages and overall design/layout of the proposed amendment scheme are all broadly acceptable. I am now satisfied that the planning authority and applicant have clearly and definitively quantified the development status of lands zoned R1. Objective SGV 1 of the county development plan, sets up a very high bar to clear and the information now on file definitively shows that the 50% threshold has not been passed.

The Board should note that the planning authority refused permission on the basis that they were 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. This means that it is not open to the Board to determine this appeal under section 37(2)(a) of the 2000 Act and decide to grant a permission even if the proposed development contravenes materially the development plan. It is my view that the proposed development in not meeting all of the criteria set out in Policy Objective SGV 1, would materially contravene the development plan in this respect. The alternative for the Board to consider granting permission could be open under section 37(2)(b) of the 2000 Act, however, the proposed development would fail to meet any of the criteria set out there, as follows: the proposed development is of not of a strategic or national importance, there are no conflicting objectives in the development plan, the current development plan was drafted in the context of the regional spatial and economic strategy and in accordance with all relevant guidelines, and there have been no similar permissions granted, in the area since the making of the development plan. The proposed development would if granted, contravene a numerical limit as set out in SGV 1 and therefore would contravene the development plan in this single respect. The planning authority thought so and refused permission on this basis. It is my view that sections 37(2)(a) and 37(2)(b) of the 2000 Act cannot be invoked in this instance and permission should be refused.

Traffic and Transport - With reference to policy objective SSGV10 and the route of the relief road. I note the information provided by the planning authority that concerns the background to this objective, how it informs the layout and phasing of adjacent development and the ultimate implementation and completion of the road. I also note that the current development plan shows an indicative route for the relief road and the applicant has shown that this forms part of existing permissions yet to be implemented. In addition, I have already highlighted in my assessment of traffic and transport at section 7.3 of my initial report, how the route and alignment of the relief road forms part of existing permissions.

It is apparent that there is no overall consent in place for the relief road and that the only plan in place is the indicative route for the road shown in the Galway County Development Plan - An Spidéal Small Growth Village Land Use Zoning Map. This indicative route provides the basis for future planning decisions and



in this instance, the applicant's scheme coincides with the route and assists with the initial phases of a new relief road. I am satisfied that policy objective SSGV10 has been met and the proposed development will assist the initial phases of a relief road for Spidéal.

## **5.0 Conditions**

In the event that the Board may be minded to grant permission, in addition to standard and technical conditions to do with residential developments and the conditions attached as set out in ABP-309753-21, the following conditions could be considered:

Traffic and Transport – 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. I recommend that the proposed vehicular entrance on to the new relief road be omitted altogether, by agreement with the planning authority. 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 useful to ensure a safe crossing point over the new relief road and this matter should be agreed with the planning authority, section 7.3 of the Inspector's Report refers.

Irish Language condition – I note that condition 15 of the permission sought to be amended, ABP-309753-21, requires a minimum of 80% of new houses to be reserved for Irish Language speakers. Policy Objective GA 4 Language Enurement Clause, states:

a) A Language Enurement Clause will be applied on a portion of residential units in developments of two or more units in District D Cois Fharraige. The proportion of homes to which a language enurement clause will be a minimum of 80% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census whichever is greater. A Language Enurement of 15 years duration will apply to approved developments in this category.

b) A Language Enurement Clause will be applied on a portion of residential units in developments of two or more units in the remaining Gaeltacht Districts

excluding District D Cois Fharraige. The proportion of homes to which a language enurement clause will be a minimum of 20% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census whichever is greater. A Language Enurement of 15 years duration.

An Spidéal is located within District D: Cois Fharraige (section 13.5.4 of the county development plan refers) and hence should permission be granted, a suitably worded condition should be considered.

## **6.0 Conclusion**

Given all of the forgoing, I am concerned that the proposed development would materially contravene the development plan with respect to Policy 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 proposed scheme achieves all of the relevant criteria set out in Policy Objective SGV 1, specifically with reference to part c) and the requirement 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. Objective SGV 1, sets up a very high bar to clear and 65% of lands zoned R1 remain to be developed within the lifetime of the current plan. 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, when a significant gap between what has been committed to development and what has not remains.

## **7.0 Recommendation**

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

## **8.0 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

11 June 2025