



An
Bord
Pleanála

Inspector's Report ABP-319510-24

Development

Planning permission for a) four storey extension over existing basement to provide twenty eight additional bedrooms and three living units comprising an additional seven bedrooms b) infill existing ground floor archway to provide additional family meeting areas, ancillary office and circulation spaces c) relocate existing car park spaces from the courtyard to the basement and repurpose the courtyard as a secure landscaped amenity space for the nursing home to include incidental structures for gardening and hobby activities d) relocate the existing main entrance to the building from the archway to the west elevation and construction of a new glazed entrance lobby e) modify the existing surface car park to the west of the building to accommodate disabled accessible car parking space f) all necessary and associated site works.

Location

Brampton care, Castle Road, Oranmore, County Galway.

Planning Authority Ref.

23/133

Applicant(s)

Tasbeem Ltd.

Type of Application

Permission.

PA Decision

Refuse Permission.

Type of Appeal

First Party

Appellant Tasbeem Ltd

Observer(s)

Mr Eoin Butler

Date of Site Inspection

05/02/25

Inspector

Fergal Ó Bric

1.0 Site Location and Description.

1.1 The appeal site is located within Oranmore town centre, just to the west of the Main Street with vehicular access from Castle Road, located to the south of the appeal site. The appeal site also fronts onto the Coast Road, located to the west of the appeal site. The appeal site comprises an established, permitted and operational four storey Brampton care home facility. The building is located on a site area of 0.51 hectares on a prominent corner site at the junction of the Castle and Coast roads within the Metropolitan settlement of Oranmore.

1.2 The appeal site centrally located within Oranmore town centre just behind (west) of the Main Street. There is a mixed use commercial and residential three storey over basement car park building located south-east of the appeal site that fronts onto Castle Road, a graveyard to the north of the appeal site, St Nicholas's church to the south (on the opposite side) of Castle Road and an Aldi supermarket to the west (on the opposite side) of the Coast Road. Site levels within the appeal site fall gradually from west to east, from 7.11 metres OD in the north-west of the site to 5.51 metres OD in the south-east of the site. Immediately west of the building within the appeal site is a surface car park area which serves visiting members of the public to the care facility and immediately south of the building is a courtyard area and additional surface car parking area and some amenity space/hobby areas for residents. There is basement car parking beneath the adjoining building to the south-east which is available for staff members within the Brampton care facility. The care facility is served by an internal access road, footpaths and streetlighting. There is a low walled boundary (approximately 1.2 metres in height) located along the western site boundary (facing onto Coast Road) and a two-metre wall along the northern boundary adjoining the graveyard.

2.0 Proposed development.

Planning permission is sought for extensions and alterations to the existing permitted care facility comprising the following:

- A four-storey extension over existing basement to provide twenty-eight additional bedrooms and three living units comprising an additional seven bedrooms,

- To infill existing ground floor archway to provide additional family meeting areas, ancillary office and circulation spaces,
- To relocate existing car park spaces from the courtyard to the basement and re-purpose the courtyard area as a secure landscaped amenity space for the nursing home to include incidental structures for gardening and hobby activities,
- To relocate the existing main entrance to the building from the archway to the west elevation and construction of a new glazed entrance lobby
- To modify the existing surface car park to the west of the building to accommodate disabled accessible car parking space,
- and all necessary and associated site works.

2.1-The applicants submitted the following information as part of their further information response; A Stage 1 of 2 Road Safety Audit where a number of recommendations were set out in relation to sightlines, signage, road markings and kerbing, desire lines for pedestrians. Details of compliance with the car parking standards as set out within the current Galway County Development Plan 2022-2028. Details of lands within the applicant's ownership and correspondence from an adjoining third party landowner including details of a right of way agreement with the said landowner. A letter of feasibility from Uisce Eireann (UE) regarding availability of water services and an Appropriate Assessment Screening Report.

3.0 Planning Authority's Decision:

The Planning Authority refused planning permission for the extensions and alterations to the care facility for the following reason:

1-Having regard to the following:

- (a) the absence of sufficient legal interest demonstrated in accordance with Article 22 (2) (b) (ii) of the Planning and Development Regulations 2001 (as amended) in respect of the proposed development.
- (b) The roadside alterations required to adjoining lands outside of the planning unit of the proposed development site to provide for adequate sightlines in both

directions from the proposed access to the site as identified in the submitted Road Safety Audit, and

(c) the absence of satisfactory documentary evidence of unobstructed access to the basement car park to provide for required car parking standards set out within the Galway County Development Plan 2022-2028,

it is considered that the works proposed outside of the application site cannot be implemented under the current planning application, as per Section 34(4) (a) of the Planning and Development Act 2000 (as amended), as such development works are outside of the control of the applicant. Accordingly, to grant the proposed development where there is limited visibility at the proposed site entrance and a significant shortfall in parking provision would be contrary to DM Standards 28, 31 and 54 of the County Development Plan 2022-2028, would interfere with the safety and free flow of traffic on the public road, would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise, and, therefore, would be contrary to the proper planning and sustainable development of the area.

4.0 Planning History

The following is the relevant planning history pertaining to the appeal site.

Planning Authority reference 04/5254, in 2004 planning permission was granted for the development of a four-storey 113-bedroom hotel on the site, a ground floor retail unit, basement car parking services yard and associated site works.

Planning Authority reference 16/550, in 2016, planning permission was granted and upheld by the Board under board reference PL 07 247405 in 2017 for a change of use from a hotel to a 92 bedroom nursing home with four floors over basement, internal and external alterations, signage, rooflights at fourth floor level, change of use of part of ground floor to doctors surgery, staff, storage and toilet facilities, pharmacy unit and dispensary, modifications to surface car park and landscaping to provide additional 32 spaces, landscaping and associated site works.

Planning Authority reference 17/1671, in 2017, planning permission was granted for internal and external alterations and extensions including a new canopy over the entrance door, internal winter garden area, two storey sunroom extension at

second and third floor levels onto the southern courtyard and all associated site works.

Planning Authority reference 18/1312, in 2018, planning permission was granted for internal and external alterations and extensions including an increase in the floor area of the third-floor bedrooms on the west by incorporating outside balconies, altering the roof profile and adding new windows and all associated site works.

Planning Authority reference 1811700, in 2018, planning permission was granted for internal and external alterations and extensions including a new access ramp to the basement car park and the addition of a veranda onto the western elevation, laundry, staff and storage facilities within the basement, additional bedrooms and nursing home facilities and first floor layout alterations and all associated site works.

Planning Authority reference 19/836, in 2019, planning permission was granted for internal and external alterations and extensions including a single storey extension to the west side of the building comprising a café, seating and offices, single storey extension to the south comprising treatment rooms and all associated site works.

Planning Authority reference 20/1238, in 2020, planning permission was granted for internal and external alterations and extensions including façade alterations on the southern elevation and will comprise the replacement of a curtain walling system with a new rendered wall and windows and all associated site works.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022.

One of the overarching aims of the plan is to: Promote the creation of an attractive county to live, work, visit and enable businesses to flourish in an environment that offers a range of housing options, robust and diverse range of employment opportunities, access to quality infrastructure and community facilities with a high-quality sustainable environment for all.

The site has the benefit of a C1-town centre land use zoning objective as per the current Oranmore Settlement land use zoning map. The zoning objective seeks: 'To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for 'living over the shop' scheme residential accommodation, or other ancillary residential accommodation'.

A description of what is envisaged on Town centre zoned lands is 'To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreation and civic uses'.

Chapter 11: Community development and Social Infrastructure

Section 11.11 Planning for Ageing:

PA 3 Accommodation for Older Persons

Support the provision of residential care, assisted living, group/community housing and other forms of accommodation for older persons having regard to location and requirements and in collaboration with relevant stakeholders.

Chapter 15; Development Management standards

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

The Sight Distances required for Access onto National Regional and Local Roads are set out below:

Design Speed and Sight Distances	Sight Distance required for the following Design Speed on the Major Road in kph

Design Speed	100	85	70	60	42	30
Y Distance on Major Road	215	160	120	90	50	35

DM standard 31: Parking Standards

Parking Standards

Nursing Homes	1 Space Per two bedrooms
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DM Standard 54; Nursing home/care facilities

Volume 2:

Galway Metropolitan Area Strategic Plan

Oranmore (including the current appeal site) is located within the designated Galway Metropolitan Area and of the Galway City Transport and Planning Strategy (GCTPS).

GCMA2: Town Centre Development

GCMA3: Commercial/mixed use development

GCMA5: Town centre uses

OMSP9: Retirement Home/Nursing home/sheltered housing

5.2 Natural Heritage Designations

The closest designated European Sites are the Galway Bay Complex SAC (site code 00268) is located approximately 130 metres east of the appeal site. and the Inner Galway SPA (site code 004031) which is located approximately 150 metres

east of the appeal site. The Cregganna Marsh SAC (site code 004142) located approximately 1.33 kilometres south of the appeal site.

The site is located approximately 130 metres east of the Galway Bay Complex pNHA (site code 000068).

6.0 The Appeal

6.1 First Party Appeal.

The appeal is made by the applicants Tasbeem Lid. The appeal is centred on the planning decision issued by the Planning Authority and the reason for refusal. The main issues raised within the appeal submission relate to the following matters:

- A revised Site Layout Plan has been submitted as part of the first party appeal submission whereby the entrance to the basement car park is included with the red line application site boundary.
- The entrance to the basement car park is also included within the blue line boundary demonstrating the applicant has sufficient control over these lands through an established right of way. Correspondence from the adjoining third party landowner (south-east of the appeal site) was submitted providing consent to facilitate and maintain sightlines at the basement car park entrance.
- Sight distance triangles are also demonstrated within the revised Site Layout Plan.
- A right of way over the ramp to the basement car park is shaded in yellow in accordance with Article 22 (b) (ii) of the Planning and Development Regulations 2001 (as amended)
- The access to the basement car park is by means of a fob/access code and is actively used by staff working within the care home facility. Members of the public do not have access to the basement car park area.
- A Stage 1 of 2 Road Safety Audit (RSA) was conducted by the applicants' Consulting Engineers which highlighted a number of alterations that are

required at the surface and basement car park entrances in order to achieve the necessary sightlines and optimise traffic and pedestrian safety.

- Some of these alterations are on lands within the ownership of Brampton care home facility and others within the control of a third party. Correspondence has been submitted from the third party who have stated that they will carry out the necessary alterations in order to improve sightlines at a cost to be borne by the owners of the Brampton care home facility.
- A total of eighty-three car parking spaces will be available to serve the development, 18 surface spaces to the west of the main building and 65 spaces within the basement car park to serve staff within the care home facility. The development, if extended, would provide for 164 bedrooms, which generates a car parking requirement of 82 spaces as per Table 15.5 of the current Galway County Development Plan 2022-2028. Therefore, the car parking provision meets the requirements of the Development Plan.
- The documentation submitted as part of the appeal confirms that a right of way exists over the basement car park ramp from Castle Street. All alteration works proposed at the basement and surface car park entrances are now located within the red line application site boundary. The letter of consent from the third party allows for the safe and unobstructed use of the parking spaces within the basement car park.
- Signage will be erected as recommended within the RSA to direct visitors to the appropriate surface car parking area. Staff will be familiar with the route to the basement car park, and familiar with its access and layout.
- Ultimately, the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the courts.
- We have demonstrated sufficient legal interest and good relations with the adjoining third party owners of the access ramp to the basement car park.

- We request the Board to overturn the Planning Authority's decision and grant planning permission for the development.

6.2 Planning. Authority Response

None received.

6.3 Observations

One received from a local resident who raised the following issues

- The proposed Uisce Eireann (UE) solution to make additional wastewater storage available at the Merlin Park wastewater pumping station is no longer on track for completion by the end of Q3 in 2025.
- The approval of the proposals to extend a care home facility which requires a connection to the Oranmore wastewater pumping station would be premature until UE can effectively deal with its current capacity issue or provides a timeline where it can accept new connections to the Oranmore Wastewater network.

7.0 EIA Screening – *(See Appendix 1 below)*. Having regard to the relatively minor nature of the alterations and extensions to the established and permitted care home facility and its location removed from any sensitive locations or features on zoned serviced lands within a brownfield site, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Galway Bay Complex SAC or the Inner Galway Bay SPA in view of the conservation objectives associated with these sites and are, therefore, excluded from further consideration. Appropriate Assessment is not required.

9.0 WFD Screening- The subject site is located approximately 130 metres west of Galway Bay.

The proposed development would comprise extensions and alterations to an existing and permitted care home facility on a brownfield town centre site on zoned serviced lands. The detailed development description is set out within Section 2.0 of my report above.

No water deterioration concerns were raised in the planning appeal.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the alterations and extensions to the established and permitted care home facility,
- The location removed from the nearest waterbody and the absence of hydrological connections to the waterbody,

Conclusion

I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

2.0 Assessment

2.1. Introduction

2.1.1. The key issues in this appeal are those raised in the grounds of appeal which comprise responses to the issues raised within the refusal reason as set out within the Planning Authority decision., and I am satisfied that no other substantive issues arise. The Planning authority did not raise any objections specifically to the design and layout of the extensions and alterations proposed at the established and permitted care home facility. Therefore, this will not form part of my assessment below. The issues at stake can be dealt with under the following headings:

- Principle of development.
- Access and land ownership
- Other Matters

2.2. Principle of Development

2.2.1. The appeal site comprises an existing care facility located on lands zoned C1-town centre within the current Galway County Development Plan and within the confines and an established and permitted care home facility, centrally located just west of the Main Street within the settlement of Oranmore. The appeal site in a prominent one, located at the junction of the Castle and Coast Roads, I consider that it is appropriate to provide an extended residential care facility of considerable architectural merit at this prominent town centre location. I am satisfied that the extension and alteration proposals would accord with the social infrastructure policies and objectives as set out within the current Plan, specifically PA3 where the objective is to provide a range of accommodation types for older persons, which would include accommodation within a residential care setting, as proposed.

2.2.2. The alterations and extensions would assist in the development of an expanded care home facility within a town centre setting and would result in the creation of increased employment. No change of use is proposed, therefore, the uses proposed will remain as permitted under planning reference 16/550 which relate to a residential care home and ancillary healthcare uses. Therefore, on balance I am satisfied that the internal and external alterations proposed are acceptable in principle, subject to the issues in relation to control over the lands where works are to be carried out, the provision of suitable access and parking arrangements on lands within the ownership of the applicants and where they can demonstrate that works would be conducted on third party lands where they have consent to carry out

the necessary works.. These are matters that will be addressed later within this assessment.

- 2.2.3. In conclusion, I consider that the extensions and alterations are of a relatively modest nature within the confines of an established and permitted residential care facility and provides for an integrated proposal within the centrally located site within the Metropolitan settlement of Oranmore, where development of this type is both envisaged and encouraged.

2.3. Access and land ownership

- 2.3.1 The reason for refusal as set out within the Planning Authority decision specifically references three matters relating to having sufficient legal interest to carry out alteration works at the basement car park entrance point: roadside alterations being located outside of the planning unit and access to the basement car park area.

- 2.3.2 The first of these matters relates to the applicants having insufficient legal interest, as per Article 22 (2) (b) (ii) of the current Planning and Development Regulations. The applicants have submitted a revised Site Layout Plan (drawing number PP03-Rev B) whereby the red line application site boundary has been extended in an easterly direction to incorporate the entranceway to the basement car park. The entranceway to the basement car park is also included within a blue line boundary. A right of way (shaded in yellow) is also included within drawing number PP03-Rev B and comprises the access ramp to the basement car park.

- 2.3.3 The applicants submitted a Road Safety Audit (RSA) Stage 1 report as part of their planning documentation containing a number of recommendations, including works in the vicinity of the basement and surface car park entrance points. These entrance alteration works are also detailed within the revised Site layout Plan PP03 Rev B, submitted as part of their appeal submission.

- 2.3.4 A letter of consent from the adjoining landowner (to the south-east) to carry out works in order to facilitate the achievement of sightlines has been submitted. A number of these works will be carried out by the third-party landowner and the costs will be borne by the applicants. These works include the lowering of a guardrail of

the stairs to access the basement car park, to apply road markings and a stop sign at the basement car park entrance onto Castle Road and to alter the height of the stone wall to the east of the basement ramp exit. I am satisfied that the alterations works being proposed are within the red line application site boundary and that the applicant has demonstrated sufficient control over these lands to carry out the full extent of these works, markings and signage. These works are to be carried on foot of the recommendations as set out within their RSA Stage 1 report and as detailed within the revised Site layout Plan PP03 Rev B, submitted as part of their appeal submission.

2.3.5 The second of the matters raised in the refusal reason relates to works being conducted outside of the planning unit. The applicants have extended the red line application site boundary as per Site Layout drawing PP03-Rev B submitted as part of their planning appeal documentation. I am satisfied that the full extent of the roadside alterations would now be included within the red line application site boundary. The revised Site layout Plan (Drawing PP03 Rev B) demonstrates that sightlines of 35 metres are available in a south-easterly and north-westerly direction for vehicles exiting the basement car park. This is in accordance with DM Standard 28 of the current Galway County Development Plan 2022-28 which stipulates that where a design speed of 30 kilometres per hour applies, sight/stopping distances of 35 metres are required. The applicants have demonstrated the achievement of the required sightlines in accordance with the Development Plan standards.

2.3.6 I consider that the alterations proposed will improve visibility for staff exiting the basement car park by removing/altering existing sightline obstructions, would improve sightlines, especially with the alteration of the stair's guardrail to the west of the basement ramp access and the wall boundary to the east of the ramped access. The additional road markings and stop signage are all part of a package of recommendations as set out within the RSA Stage 1 report. which will improve safety for pedestrians and drivers alike along Castle Road.

2.3.7 A letter of consent from the adjoining land owner (Marvich Ltd) dated the 9th April 2024 was submitted as part of the planning documentation whereby they state that they will carry out the works at the entrance to the basement car park, as

recommended within the RSA. The applicants have included the entrance improvement works within their red line application site boundary and have demonstrated that pedestrian and vehicular safety would be improved at the surface car park and basement car park entrance points. The applicants have stated that they have incorporated the recommendations as set out within the Stage 1 of 2 Road Safety Audit (RSA) within their land ownership. These alterations include the realignment of kerbing at the entrance to the care home facility from the Castle Road, the introduction of road markings and lining at the entrance to the surface and basement car parks, and pedestrian way finding signage to delineate between pedestrian and vehicular path movements. The applicants will also carry out the works in accordance with the recommendations as set out within the Stage 1 of 2 RSA and will in turn improve sightlines when entering/exiting the basement car park.

2.3.8 The third issue raised within the refusal reason relates to the absence of satisfactory documentary evidence relating to access to the basement car park and to providing for compliance with the car parking standards as set out within the Galway County Development Plan 2022-28. The applicants have submitted correspondence from the Chief Executive of the Brompton Care home facility stating that the basement car park is actively used by staff of the care home facility and that access is managed by means of a fob/access code. The applicants have also submitted correspondence showing payment to the adjoining land owners to carry out the works at the access to the basement car park as detailed with drawing PP03-Rev B. Correspondence has also been submitted confirming that payment was received by the third party land owners and that the access code would be shared between the parties to enable access for the employees of the care home facility.

2.3.9 The applicants have stated they have 83 car parking spaces available to them, 18 of these within the surface car park to the west of the building would be available to visitors to the site and the remaining 65 within the basement area for employees within the care home facility. Table 15.5 of the current Galway County Development Plan sets out that 1 car parking space is required for every two-bedroom spaces within a nursing home facility. This would generate a car parking requirement of 82 spaces in this instance, to serve the 164-bedroom care home facility. Therefore, I am

satisfied that the applicants have demonstrated compliance with the relevant car parking standards.

2.3.10 In conclusion, based on the information submitted as part of their appeal documentation, including the revised site Layout plan PP03 Rev B, and the correspondence from the applicants and the adjoining land owners, I am satisfied that the applicants have demonstrated that the works, signage and road markings as recommended within the RSA report would be carried out within the red line application site boundary and, therefore, on lands within the control of the applicants. I am also satisfied that the applicants have demonstrated that they can access the adjoining basement car park to serve the car parking needs of their employees, and that adequate staff and visitor car parking is available to serve the care home facility, in accordance with Development Plan standards. Sightlines from the existing basement car park, permitted by Galway County Council will be improved and represent a benefit for staff of the care home facility and for other users of the basement car park. Therefore, I am satisfied that the proposal will not be contrary to DM standards 28, 31 and 54 within the current Development plan in relation to sightlines, car parking standards and appropriate locations for the development of care home facilities. and that the PA's refusal reason as referenced in Section 3 of this report above, should be set aside for the reasons set out within Section 2.3 above.

2.4. Other Matters

- 2.4.1. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the alterations to the residential care facility as proposed.
- 2.4.2. I note that the observer has raised the issue of wastewater capacity within the Uisce Eireann (UE) network. I have referred to the UE wastewater capacity register

[Capacity Registers | Connections | Uisce Éireann \(formerly Irish Water\)](#). This sets out that the settlement of Oranmore is served by the Mutton Island wastewater treatment Plant and that there is spare capacity available within the network. I note that this information is dated June 2022. The applicants submitted an Appropriate Assessment Screening Report (AASR) which stated that ‘no connectivity between the brownfield (appeal) site and the European sites was noted...and that an assessment of the likely direct and in-direct significant effects was undertaken for the construction and operational phases and an assessment of the potential in-combination effects with other existing and permitted development within 250 metres was provided’. The AASR concludes that ‘no significant effects are predicted on European sites and no Appropriate Assessment is required’. Based on the information available on the UE website, the fully serviced and urban nature of the appeal site and the absence of hydrological or ecological connectivity between the appeal site and any European sites, that adequate water services are available to serve the proposed development.

3.0 Recommendation

I recommend that planning permission for the alterations to the commercial building be granted.

4.0 Reasons and Considerations:

Having regard to the location of the site within a serviced urban area to the compliance with the social policies and objectives of the Galway County Development Plan 2022-2028, specifically PA3 in relation to providing accommodation for older persons and includes residential care facilities. It is considered that subject to compliance with the conditions set out below, the development would integrate appropriately with the existing residential care facility on site, would be located on lands within the applicant’s control and would accord with best practice road safety and car parking standards as set out within the current Development Plan. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

- 1 The development shall be constructed in accordance with the plans and particulars lodged with the application on the 4th day of April 2023 and on the 22nd day of February 2024 and as submitted to the Board on the 15th day of March 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 Details of the materials, colours, and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 3 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

- 4 Details of external signage shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason; In the interest of architectural heritage.

- 5 All of the recommendations as set out within the Stage 1 of 2 Road Safety Audit submitted to the Planning Authority on the 22nd day of February

2024 shall be implemented in full prior to the occupation of the proposed care facility extensions.

Reason: In the interest of pedestrian and traffic safety

- 6 Prior to the commencement of development the applicants shall submit details of certification by a Consultant Engineer that the alterations at the entrances to the surface car park and the basement car park as set out within the Site Layout Plan, drawing number PP03 Rev B and in accordance with best practice standards, including those set out within the Design Manual for Urban Roads and Streets 2019 have been implemented in full prior to the occupation of the proposed care facility extension.

Reason: In the interest of pedestrian and traffic safety.

- 7 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 8 The construction of the development shall be managed in accordance with the Construction and Environmental Management Plan to be submitted and

agreed in writing with the Planning Authority prior to the commencement of development. The Management plan shall include measures to address issues in relation to waste management, surface water management, management of dust, noise vibration, traffic and deliveries management and hours of construction and any other matters that are deemed appropriate for inclusion in the Plan.

Reason: In the interests of sustainable waste management and residential amenity.

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.

Fergal Ó Bric

Planning Inspectorate

28th day of May 2025.

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319510-24		
Proposed Development Summary	Permission for extensions and alterations to an existing residential care facility. and all associated site works.		
Development Address	Castle Road, Oranmore, 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	x
		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	Tick/or leave blank		
No	Tick or leave blank	The construction of extensions and alterations to a commercial building of this scale does not fall within a class of development as per the P & D Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		

No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the extensions and alterations to a permitted and established care home facility.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____

Appendix 2: AA Screening Determination
Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	See Section 2 within the Planning Report for the full development description. Alterations and extensions to an existing residential care facility and all ancillary site works.
Brief description of development characteristics and potential impact mechanisms	<p>The proposals would comprise of a four-storey 28-bedroom extension to a residential care facility as well as the provision of three independent living units with seven bedrooms comprising a total additional floor area of 1,516.5 square metres on a total site area of 0.51 hectares. The subject site is a fully serviced brownfield site and is located approximately 130 metres east of the Galway Bay Complex SAC and approximately 150 metres east of the Inner Galway Bay SPA. Given the urban location of the site and that there is no habitat on site which would be suitable for feeding or roosting to any of the wintering birds identified as Qualifying interest species associated with the Galway Bay SPA site, the location, removed from Galway Bay by the intervening built up urban environment and, therefore, it is unlikely that the development would result in habitat loss, fragmentation or disturbance or any effects on the Qualifying Interest habitats or species associated with these two European sites. It is not predicted that by virtue of the relatively modest scale of the development proposals, the separation distance from the nearest boundary of the Natura 2000 sites and that subject to the inclusion of standard best practice construction methods, which would be included as part of a</p>

	Construction and Environmental Management Plan (CEMP) that can be conditioned to be agreed with the Planning Authority (PA) prior to the commencement of development, that the development would not have a significant effect upon the conservation objectives or qualifying interests associated with these two European sites. .
Screening report	Yes
Natura Impact Statement	No
Relevant submissions	N/A.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Galway Bay Complex (site 000268)	Galway Bay Complex SAC National Parks & Wildlife Service 2013	130 metres west of the appeal site	The subject site is a brownfield site within an established and permitted care home facility. The site is located within the town centre of Oranmore where there is the	yes

			existing urban built-up footprint and mature trees separating the subject site from Galway Bay. There are no apparent direct or indirect ecological or hydrological pathways between the appeal site and Galway Bay.	
Inner Galway bay SPA (site code 004031)	Inner Galway Bay SPA National Parks & Wildlife Service 2013	150 metres west of the appeal site	The subject site is a brownfield site within an established and permitted care home facility. The site is located within the town centre of Oranmore and where there is the existing urban built footprint and mature trees separating the subject site from Galway Bay. There are no apparent direct or indirect ecological or hydrological	yes

			pathways been the appeal site and Galway Bay.	
Cregganna Marsh SPA (site code 004142).	CO004142.pdf 2023	1.33 kilometres south of the appeal site	The subject site is a brownfield site within an established and permitted care home facility. The site is located within the town centre of Oranmore and where there is existing urban built footprint and mature trees separating the subject site from Cregganna Marsh. There are no apparent direct or indirect ecological or hydrological pathways between the appeal site and Cregganna Marsh.	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites:

- (a) No direct impacts are anticipated to arise from the development on site given its location outside of any boundary associated within the Galway Bay European sites. Given the brownfield status of the subject site, no vegetative clearance is proposed, nor are there any demolition works proposed. There are no hydrological nor ecological pathways connecting

the subject site to Galway Bay, due to the intervening urban built environment and the existence of mature trees to the west of the appeal site on the opposite side of the Coast Road which restricts visibility/flight paths to Galway Bay. In terms of indirect impacts, the applicants state that there will be the standard construction emissions from construction activity on site in terms of noise, dust and vibration, lighting, storage of construction materials and additional construction traffic. However, these are stated to be typical of an urban construction site and will be temporary in nature.

- (b) Standard best practice construction measures will be used in order to minimise any significant impact arising from the construction methods proposed. These matters would be managed as part of a CEMP, to be conditioned and agreed in writing with the PA prior to the commencement of development.
- (c) The site-specific conservation objective associated with the Galway Bay Complex SAC site is 'To maintain the favourable conservation condition of habitats and species identified as qualifying interest species within The Galway Bay Complex SAC. The site-specific conservation objectives associated with the Inner Galway Bay SPA site is 'To maintain or restore the favourable conservation condition of habitats and species identified as qualifying interest species within the Inner Galway Bay SPA. In terms of in-combination effects, the applicants have identified a number of developments permitted within a 250-metre radius of the appeal site in Oranmore town centre. The developments permitted were in the main of a minor scale and included proposals for alterations to facades, domestic extensions, commercial signage, a car park extension, canopies, changes of use within existing commercial units and a car wash/valet facility. The significant effects identified are indirect ones that would arise during construction of the proposed extensions. These effects would only arise if best practice construction measures in terms of surface water management, noise, dust, vibration and traffic management measures were not implemented in accordance with an agreed CEMP.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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	Impacts	Effects
<p>Site 1: Galway Bay Complex SAC (site code 00268).</p> <p><u>Qualifying Interests:</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Coastal lagoons</p> <p>Large shallow inlets and bays</p> <p>Reefs</p> <p>Perennial vegetation of stony banks</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Otter</p> <p>Harbour Seal</p> <p>Mediterranean salt meadows</p> <p>Turloughs</p> <p>Juniperus communis formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</p> <p>Calcareous fens</p> <p>Alkaline fens</p>	<p>Direct:</p> <p>No direct construction impacts are likely given the location of subject site removed from the Galway Bay SAC boundary, and the intervening built urban environment that exists between the appeal site and Galway Bay and the existence of mature trees separating the two.</p> <p>Indirect:</p> <p>There is potential for indirect impacts to arise during the construction phase in terms of increased noise, dust vibration, contaminated surface water outfall, increased traffic, and storage of construction materials. However, these impacts will be temporary in nature and it is not envisaged that any significant impacts upon the Galway Bay Natura 2000 sites will arise. The site is fully serviced in terms of water supply, wastewater and surface water discharge and, therefore, it is not anticipated that during the operational phase the development will significantly increase over existing levels of urban activity within the settlement of Oranmore.</p>	<p>It is not anticipated that disturbance or displacement of species within the SAC will arise as a result of the works. Neither is it anticipated that any habitat loss, modification nor fragmentation will arise as a result of the works, given the urban location of the subject site, the absence of suitable habitat on site to serve the Qi's associated with the SAC and the relatively modest scale and their temporary nature of the proposed works.</p>

	Likelihood of significant effects from proposed development (alone): No	
	<p>If No, is there a likelihood of significant effects occurring in combination with other plans or projects? The future development of Oranmore is clearly set out within the current Galway Development Plan 2022-28, which in itself was subject to Appropriate Assessment as part of its preparation, the site was also screened for AA by the Planning Authority under planning reference 16/550 and deemed acceptable, a decision that was subsequently upheld by the Board. In this instance, I am satisfied that the proposals on their own would not lead to adverse effects on European sites nor in combination with other proposed/permitted development, nor adversely impact on the qualifying interests nor on the conservation objectives associated with the Galway Bay Complex SAC by reason of deterioration of water quality. Overall, I am satisfied that cumulative impacts are not anticipated. Within Section 6 the AA screening report submitted by the applicants, it states the following 'It can be excluded on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site. An appropriate assessment is not, therefore, required'. I also consider that with the implementation of the best practice construction measures that would be included within a Construction Environmental and Management Plan (CEMP), to be conditioned, 'that it can be objectively concluded that the proposed development, individually, or in combination with other plans or projects, will not adversely affect the integrity of any European site'.</p> <p>I note that that Galway County Council accepted the conclusion as set out within the applicants' AA screening report. I am satisfied that subject to the applicants submitting a detailed CEMP to the PA prior to the commencement of development, the proposed development</p>	

	(alone or in combination with other plans or projects) would not have an adverse effect on the Galway Bay Complex SAC, in terms of its qualifying interests and conservation objectives. Based on the information available, I would concur with the opinion of the Planning Authority, that the development, either alone, or in combination with other permitted or proposed development, would be unlikely to significantly affect the qualifying interests nor conservation objectives of the Galway Bay Complex SAC.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. The subject site is not located within or adjacent to the Galway Bay SAC and, therefore, no risk of habitat loss or fragmentation or adverse impact upon species identified as qualifying interest features within the Galway Bay Complex SAC will arise as a result of the development works. Neither is there any habitat of interest located within the appeal site that would be suitable to serve for any of the protected species as protected by the SAC designation in terms of foraging.	
	Impacts	Effects
Site 2: Inner Galway Bay SPA (site code 004031). Qualifying Interest features: Great Northern Diver Cormorant Grey Heron Brent Goose Wigeon Teal Shoveler Red-breasted Merganser	Direct: No direct construction impacts are likely given the location of subject site removed from the Galway Bay SPA boundary, and the intervening built urban environment that exists between the appeal site and Galway Bay and the existence of mature trees separating the two. Indirect:	It is not anticipated that disturbance or displacement of species within SPA will arise as a result of the works. It is noted that there is no suitable habitat within the confines of the appeal site that would be suitable for foraging/roosting by winter birds associated with the Galway Bay SPA site. Given the urban location of the subject site, the absence of suitable habitat on site to serve

Ringed Plover Golden Plover Lapwing Dunlin Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Common Gull Sandwich Tern Common Tern Wetlands	<p>There is potential for indirect impacts to arise during the construction phase in terms of increased noise, dust vibration, contaminated surface water run-off, increased traffic, and storage of construction materials. However, these impacts will be temporary in nature and it is not envisaged that any significant impacts upon the Galway Bay Natura sites will arise. The site is In terms of operational impacts, the appeal site is fully serviced in terms of water supply, wastewater and surface water discharge and, therefore, it is not anticipated that during the operational phase the development will significantly increase over existing levels of urban activity within the settlement of Oranmore.</p>	<p>the Qi's associated with the SPA and the relatively modest scale and their temporary nature, it is not considered that significant effects on the SPA will arise.</p>
	Likelihood of significant effects from proposed development (alone): No	
	<p>If No, is there a likelihood of significant effects occurring in combination with other plans or projects? The future development of Oranmore is clearly set out within the current Galway Development Plan 2022-28, which in itself was subject to Appropriate Assessment as part of its preparation process, screening under planning reference 16/550 and was deemed acceptable and subsequently upheld by the Board. In this instance, I am satisfied that the proposals on their own would not lead to adverse effects on European sites nor in</p>	

	<p>combination with other proposed/permitted development, nor adversely impact on the qualifying interests nor on the conservation objectives associated with the Inner Galway Bay SPA. Overall, I am satisfied that cumulative impacts are not anticipated. Within Section 6 the AA screening report submitted by the applicants, it states the following 'It can be excluded on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site. An appropriate assessment is not, therefore, required'. I also consider that with the implementation of the best practice construction measures that would be included within a Construction Environmental and Management Plan (CEMP) 'that it can be objectively concluded that the proposed development, individually, or in combination with other plans or projects, will not adversely affect the integrity of any European site'.</p> <p>I note that that Galway County Council accepted the conclusion as set out within the applicants' AA screening report. I am satisfied that subject to the applicants submitting a detailed CEMP to the PA prior to the commencement of development, the proposed development (alone or in combination with other plans or projects) will not have an adverse effect on the Inner Galway Bay SPA, in terms of its qualifying interests and conservation objectives. Based on the information available, I would concur with the opinion of the Planning Authority, that the development, either alone, or in combination with other permitted or proposed development, would be unlikely to significantly affect the qualifying interests nor conservation objectives of the designated sites.</p>
	<p>A number of the QI's associated with the Galway Bay SPA site have site specific conservation objectives to 'restore the conservation status' of the particular winter bird species. However, given the location of the proposed development removed from the SPA boundary, the relatively modest scale of the works proposed, the location of the site within an existing built up environment where protected birds are likely to avoid and given that the appeal site is fully</p>

served, it is not envisaged that the development would compromise or make it more difficult to achieve the site specific conservation objective to 'restore the conservation status' of the particular protected winterbirds associated with the Inner Galway Bay SPA site in this instance.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on the Galway Bay Complex SAC nor the Inner Galway Bay SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Galway Bay Complex SAC or the Inner Galway Bay SPA in view of the conservation objectives of these sites and, therefore, can be excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Having regard to the relatively minor scale and nature of the alterations and extensions to the established and permitted residential care home facility,
- The location removed from the nearest Natura 2000 sites and the absence of hydrological or ecological connections to the waterbody,

- A full and detailed assessment of all aspects of the proposed project including the Conservation Objectives of the aforementioned designated sites.
- An assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA.