



An  
Bord  
Pleanála

## Inspector's Report ABP-320253-24

<b>Development</b>	Permission for revisions to previously approved development including the provision of an additional 7 dwelling units, to vary/omit conditions numbers 1, 2 and 17(b), provision of bin storage collection points, connection to services and all associated site works.
<b>Location</b>	Eallagh, Headford , Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2460556
<b>Applicant</b>	Callanan & Walsh Construction Co. Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Callanan & Walsh Construction Co. Limited
<b>Observer</b>	Jennifer McDonald

**Date of Site Inspection**

5<sup>th</sup> day of February 2025

**Inspector**

Fergal Ó Bric

## **1.0 Site Location and Description**

- 1.1 The appeal site has a stated site area of 1.913 hectares and is located on the southern side of the R346 (Cross Road), a road that links Headford with the village of Cross in south County Mayo, on the western approach to Headford, Co. Galway.
- 1.2 The appeal site is located between the N84 (located to the east) and the R346 to the north, with a gradual fall in ground levels from north to south within the appeal site boundary from north-west to south-east, north-east to southeast, and southwest to south-east.
- 1.3 A housing development, 'Eallagh,' comprising 2 storey dwellings (which the appeal site was indicated as forming part of under PA. Ref. 03/6627<sup>1</sup>) is located to the east of the appeal site. The local primary school and secondary school (Presentation College) are located further north of the appeal site and the local rugby club, and their pitches are located west of the appeal site.
- 1.4 A number of the internal access roads and footpaths within with the Eallagh residential development are constructed up to the eastern appeal site boundary. Access to the appeal site is proposed from a continuation of an internal access road within the southern section of the Eallagh residential development.
- 1.5 The western, northern and southern boundaries of the appeal site are formed by a low stone wall boundary. The eastern boundary adjoins gable ends and the rear garden boundary walls of the houses within the Eallagh residential development.
- 1.6 An area of undeveloped land is located to the north and west of the appeal site and are zoned for community facilities and are immediately south of the Presentation College grounds. An area of land to the south of the appeal site is zoned residential, but remains undeveloped and appear to be used for agricultural purposes.
- 1.7 The character of the area is residential to the east and north-east, educational to the north and community/sporting facilities to the west.
- 1.8 The internal road network and open space within Eallagh are within the applicant's control/ownership as indicated by the blue line boundary on the site location map submitted as part of the planning documentation.

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## 2.0 Proposed Development

2.1 The proposed development would comprise revisions to a permitted housing development, permitted under planning reference 21/2388; Planning permission is sought for:

- The construction of 7 no. additional houses,
  - 6 no. two storey, 3 & 4 bedroom semi-detached houses,
  - 1 no. single-storey, detached single storey, 2 bedroom house,
- Variation/omission of condition numbers 1,2 and 17(b) of planning reference number 21/2388.
- Provision for bin storage collection points.
- Connection to services permitted under planning reference number 21/2388.
- All associated site works.

The maximum ridge height of the two storey dwellings is c. 9.4 metres. The single storey dwelling would have a maximum ridge height of 5.4 metres. Material finishes to the proposed houses comprises neutral colour render for the external walls and dark blue/grey colour concrete roof tiles.

- Vehicular access is proposed from the adjoining Eallagh residential development to the east, which is accessed from the Galway Road (N84).
- Open space (3,124 square metres)-16.5% of site area
- Internal access roads.
- Vehicular and pedestrian access/connectivity through Eallagh,
- Landscaping and boundary treatments.
- Connections to services.
- Associated site works.

2.2 The planning application was accompanied by the following reports;

- Cover Letter/Planning Statement
- Landscape Design Statement.

- Stage 1/2 Road Safety Audit
- Lighting Preliminary Design Report.
- Computer Generated Images.
- Engineering Services Report
- Soakaway design report

2.3 The Planning Authority carried out an Appropriate Assessment (AA) screening exercise and concluded 'Having regard to the nature and scale of the development proposed, the disposal of waste and surface waters to the appropriate public sewer network and the absence of any hydrological or ecological conduits between the two and the distance between the site and nearby natura 200 sites, the Planning Authority are satisfied that significant impacts on habitats within Natura 200 sites can be ruled out. No further assessment is required in relation to habitats.'

2.4 The Planning Authority carried out a preliminary Environmental Impact Assessment (EIA) screening exercise and concluded 'Having regard to the nature and scale of the proposed development, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required'.

### 3.0 **Planning Authority Decision**

#### 3.1 **Decision**

The Planning Authority issued a Notification of Decision to refuse planning permission on the 9<sup>th</sup> day of July 2024 for one reason as follows;

1. Based on the information submitted to the Planning Authority and the absence of adequate turning areas for large vehicles at the end of cul-de-sacs, it is considered that the proposed development has the potential to conflict with other road users. Therefore, if permitted as proposed, the development would interfere with the safety and free flow of traffic and would endanger public safety by reason of a 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 report of the Planning Officer generally reflects the reason for refusal. The report refers back to the assessment of a similar type proposal under planning reference numbers 21/2388 and 23/60909 where public and private open space provision, separation distances and house design were not raised as issues of concern to the Planning Authority and that the proposals were considered to accord with the Development Management Standards as set out within Section 15.2 of the County Development Plan relating to residential development.

### **3.2.2 Other Technical Reports**

Roads Section: State that their position remains the same as per planning reference number 23/60909 and in the absence of any amendment to the proposal from the previous refusal of planning permission on site, and that adequate turning ares for large vehicles is provided for at the end of the cul-de-sacs.

## **3.3 Prescribed Bodies**

None received.

## **3.4 Third Party Observations**

The report of the Planning Officer refers to one observation having been received in respect of the current proposals and summarises the issues raised as follows:

- Any new development should provide for safe cycleways and walkways.
- The lands are zoned phase 2 residential and therefore, should not be developed.
- The lands have been subject to flooding.
- The proposals would generate significant noise levels and adversely impact upon neighbouring residents and students attending the adjoining schools.

- She does not oppose the principle of residential development on the lands. However, it should be housing to meet community needs and that can be safely accessed.

#### 4.0 Planning History

##### **Appeal Site:**

PA ref 23/60909-Permission refused for revisions to previously approved development including the provision of an additional 7 dwelling units, vary/omit conditions numbers 1, 2 and 17(b), provision of bin storage collection points, connection to services and all associated site works. The single refusal reason was based on the absence of adequate turning areas for large vehicles and that the proposals would interfere with the safety and free flow of traffic by reason of a traffic hazard and obstruction of road users.

PA. Ref. 21/2388<sup>2</sup> – Permission GRANTED for 49 no. houses on the 17<sup>th</sup> day of June 2022.

##### **Lands to east**

PA. Ref. 03/6627 – Permission GRANTED for 94 no. houses, a creche and shop.

(PA. Ref.'s 05/4689, 06/2451 and 06/2696 related to alterations to PA. Ref. 03/6627). This is the Eallagh residential development which is at an advanced stage of construction immediately east of the appeal site. The vast majority of the houses are occupied.

##### **Lands to south-east.**

PA. Ref. 22/61135 Board reference 315674-23-Permission refused by the PA and upheld by the Board for development of sixteen dwelling units. Refusal reasons based on being contrary to the residential phase 2 zoning objective and the absence of pedestrian connectivity to the town centre.

PA. Ref. 19/1001-Permission GRANTED for 19 no. houses.

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## 5.0 Policy Context

### 5.1 Galway County Development Plan 2022-28

5.1.1 The Galway County Development Plan 2022-2028 is the relevant development plan. Headford is identified as a 'Small Growth Town' in the Core Strategy of the Galway County Development Plan 2022-2028. The appeal site is zoned 'Residential (Phase 2)' in the Galway County Development Plan 2022-2028.

5.2.2. The appeal site is located within an 'Urban Environs Landscape' (see Map 1, Appendix 4) for the purpose of landscape type. Urban Areas are described as having a low sensitivity to change.

5.2.3. The appeal site is located within the Galway County Transport and Planning Study area (GCTPS).

5.2.4. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

#### Volume 1

#### Chapter 2 - Core Strategy, Settlement Strategy and Housing Strategy

- Objective CS2: Compact Growth
- Objective CS6: Strategic Roads

#### Chapter 3 – Placemaking, Regeneration and Urban Living

- Objective PM8: Character & Identity
- Objective PM10: Design Quality

#### Chapter 6 – Transport and Movement

- Objective NR1: Protection of Strategic Roads

#### Chapter 15 – Development Management Standards

- DM Standard 2: Multiple Housing Schemes (Urban Areas)
- DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads



## Volume 2

### Small Growth Towns

- Table 4.4: Land Use Zones
- Objective SGT 1: Residential Development Phasing
- Objective HSGT 2: Sustainable Residential Communities
- Objective HSGT 10 (e): Preparation of a Revised Traffic Management Plan

## 5.2 Ministerial Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 (DoECLG)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, (2010).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

## 5.3 Natural Heritage Designations

The nearest Natura 2000 site to the appeal site is the Lough Corrib Special Area of Conservation (site code 000297) which is located approximately 1.61 kilometres north-

west of the appeals site and the Lough Corrib SPA (site code:004042) which is located approximately 3.7 kilometres west of the appeal site boundary.

The nearest Natural heritage site is the Lough Hacket pNHA (site code 001294) which is located approximately 4.25 kilometres north-east of the nearest part of the appeal site boundary.

#### **5.4 EIA Screening**

See Forms 1 and 2 included as Appendix 1 and 2. Having regard to the limited nature and scale of development, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **6.0 The Appeal**

##### **6.1 Grounds of Appeal**

This is a first-party appeal against the decision of the Planning Authority to refuse planning permission. The grounds for appeal may be summarised as follows;

- Section 3.3 within the Design Manual for Urban Roads and Streets (DMURS) encourages the principles of 'Permeability and Legibility'.
- Within the 'street layouts section' within Section 3.3 of DMURs it sets out that more sustainable forms of development will result in 'a shift away from dendric street layouts to highly connected networks which maximise permeability, particularly for pedestrians and cyclists' and to limit the use of cul-de-sacs and maximise the number of walkable/cyclable routes between destinations'.
- The residential development permitted under planning reference number 21/2388 illustrated 'possible future connections' to adjoining zoned lands to the east (through the Eallagh residential development), to the north and west to maximise 'permeability 'and legibility'.

- The revised layout proposals which provide for the additional seven units in lieu of the cul-de-sac turning areas is wholly consistent with the street layout design principles as set out within DMURS.
- Turning facilities within the residential development are adequately provided for within the current design.
- The provision of additional turning areas would be contrary to the provisions of DMURS.
- A 2015 Board decision in Craughwell, reference number PL07.244967 pertains to an overturn of a refusal of planning permission by the PA. In overturning the PA decision, the Board did not consider that the provision of a turning area was required or desirable.
- Similarly, the provision of additional turning areas in lieu of the seven dwellings is not required or desirable in this instance.
- Section 5.2 of the Compact Settlement Guidelines 2024, sets out the 'need for change' and that 'the continued application of suburban housing standards originally conceived during the 20<sup>th</sup> century is hampering innovation in the housing sector in Ireland'.
- Section 3.3.5 of the Compact Settlement Guidelines sets out the following for rural towns and villages with a population of <1,500 population 'Planning Authorities should look to promote and support housing that would offer an alternative, including serviced sites, to persons who might otherwise construct rural one off housing in the surrounding countryside in rural town and villages'.
- The Guidelines set out that one of the key priorities for compact growth on rural towns and villages is to 'realise opportunities for infill and backland development'.
- DM Standard 2 within the current Galway County Development Plan, under the heading of 'Traffic Safety and management' sets out that 'creative approaches to the design of multifunctional streets and roads which reduce the speed and perceived dominance of vehicles is encouraged such as the arrangement of on-street parking, street trees, narrowing of carriageways at pedestrian crossings. Street and road design should not impede the ease of

pedestrian/cyclist movements to key destinations within or beyond the development.

- The proposed layout, which incorporates the seven houses in lieu of additional turning areas for large vehicles will assist in reducing the perceived 'dominance of vehicles' within the residential development and would be consistent with the provisions of DM Standard 2.
- The Planning Authority's decision to refuse planning permission was rooted in the Roads and Transportation Section report prepared under planning reference 23/60909. This refusal was based on the standards set out within the 'Recommendations for Site development Works for Housing Areas' and Part B of the Building Regulations, 2017.
- The Road Safety Audit undertaken on that development (planning reference 23/60909) raised the issue as Problem no. 4. The layout was subsequently amended to provide a turning area and this facilitated the conditional planning approval.
- It would appear that the reason for refusal set out by the PA is grounded in the provisions of the 1998 publication entitles 'Recommendations for Site Development Works for Housing Areas (RSDWHA). Section 2.1 'Layout Design' and 2.6 'Cul-de-sac ends'. These standards are over twenty six years old and have been superseded by the provisions within DMURS, including Section 3.3 of DMURS entitled 'Permeability and legibility'.
- The Roads Authority have adopted a very strict interpretation of the 'turning bay' standards in the 1998 RSDWHA publication. Figure 2.2 (within Section 2.6) of this publication illustrates suitable turning bays for the end of cul-de-sacs. Types (i) (ii) and (iii) should enable most large refuse vehicles or fire tenders to turn by means of a three point turn. In this regard, it would appear that this publication would allow for the inclusion of three point turning movements between a main estate road and a cul-de-sac road.
- The RSDWHA publication allows for flexibility in its interpretation and included within its 'foreword' where it states 'This publication does not contain all of the possible solutions to site development design issues and designers should be

encouraged to propose imaginative alternatives, subject to approval ' and that 'layouts which seek to ensure very low traffic speeds and greater priority for pedestrians and cyclists within housing area should be encouraged. In particular circumstances, this consideration might well justify the adoption of standards other than those contained in the RSDWHA document.

- The adoption of the provisions of DMURS is more applicable to the assessment of the current proposals. The Department of Transport Circular RW 6/2013 states that DMURS is mandatory when providing new or modifying existing urban roads and streets within the 60 kilometre per hour urban speed limit zone.
- Part B, Volume 2 of the 2017 Building Regulations relates to fire safety requirements for dwelling houses. Section 5.4 sets out that 'for effective fire fighting operations, fire brigade appliances should be able to get within 45 metres of the principal entrance to the dwelling house. Drawing number 3030 as submitted by the applicants demonstrates that this requirement is achieved in all instances and that there is adequate provision for a fire tender to reverse in or out of each of the short cul-de-sacs , if required.
- The proposed layout is consistent with the provisions of Part B of the Building Regulations, 2017.
- The applicants are proposing communal bin collection points located at the edge of the main communal open space area to service the bin collections associated with the additional seven dwelling units. Walsh waste, a local refuse collection contractor has submitted correspondence that they would 'transfer waste bins from the front of dwellings and communal bin collection points by 10am' on the days of the waste collection. The bin collection areas would not form part of the taking in charge area and would be the responsibility of the 'Estate Management Company'.
- The applicants also state that the refuse trucks could reverse in or out of each of the short cul-de-sacs if required to enable bins to be left each of the seven dwelling units, in keeping with the remainder of the permitted residential development.

- Problem number 4 within the original Road Safety Audit (RSA) submitted as part of the 21/2388 planning application prepared by ORS Consultant Engineers recommended the inclusion of appropriate turning facilities at the western cul-de-sac in lieu of dwelling unit number 32 and turning heads in lieu of units numbers 11-14 and numbers 37 and 38. The applicants are of the opinion that these additional turning heads are unnecessary and contrary to the provisions of DNURS.
- An independent Stage 1 of 2 RSA has been submitted to accompany the current proposals prepared by Bruton Consulting Engineers. This RSA, dated May 2023, did not raise any issues in relation to the turning movements of vehicles within the proposed residential layout and did not recommend the provision of additional turning areas.
- The development has not commenced, as the applicants are awaiting a decision regarding the additional seven residential units.
- An Autotrack analysis for trucks and fire tenders has been submitted by the applicants.
- Drawing number 3043 demonstrates that refuse trucks can easily negotiate the main internal access road and the designated bin collection points within the development.
- Drawing number 3044 demonstrates that fire tenders can easily reverse down each of the short cul-de-sacs if required and that these could also be achieved by the refuse trucks.
- The subject site is zoned residential phase 2 under the provisions of the current Galway County Development Plan 2022-28.
- Policy Objective SGT1 provides that in exceptional circumstances, the consideration of development within residential phase 2 lands is acceptable.
- These exceptional circumstances set out within policy objective SGT1 and include that any proposals should be in 'compliance with the Core Strategy, the principles of proper planning and sustainable development, connectivity, including roads infrastructure, footpaths and street lighting to the town centre, the adoption of the sequential approach and subject to meeting normal

planning, environmental, access and servicing requirements. Development will only be permitted where a substantiated evidence based case has been made to the PA and the development of the lands would not prejudice the future use of the lands for the longer term growth needs of each settlement’.

- The proposal would not result in a breach of the Core Strategy which provides for the development of 121 units on greenfield sites and 52 units on infill sites over the life of the current Development Plan. Issues regarding connections to the town centre, pedestrian and vehicular access and streetlighting were all established under the permitted development on the site under planning reference 21/2388. The sequential justification for the development was accepted by the PA under the 21/2388 permission. The development was considered to comply with all relevant planning, environmental, access and servicing requirements, this was established under 21/2388
- Given the modest nature of the additional development, seven residential units located within the footprint of the previously permitted residential development, it would not compromise the future use of the lands or the longer term growth needs of the settlement.
- Policy objective SGT2, relating to residential infill development is applicable as it states that ‘within existing towns small scale limited infill housing development ‘will be considered on appropriate sites’.
- The proposed seven houses are located within ‘infill’ site within the permitted housing development. The units would be in keeping with the character of the permitted development in terms of building line, scale, proportions, layout, height and external finishes.
- This particular matter was not raised by the Planning Authority as an area of concern within planning reference 23/60909.
- The additional seven dwelling houses would not result in a breach of the Core Strategy housing allocation as set out within the Development Plan.

## **6.2 Planning Authority Response**

None received.

### 6.3 Observations

One observation from a resident residing within the neighbouring 'Ealaigh' residential development was received in relation to the appeal. Issues raised in the observation are summarised as follows.

- Seeking the implementation of good principles of urban design through well connected streets and neighbourhoods between residential areas, neighbourhood centres, schools and places of work to encourage people to walk and cycle more frequently.
- Permission was refused by the Planning Authority and upheld by the Board on lands south-east of the appeal site as the lands were zoned residential phase 2.
- Provision of safe cycle/pedestrian walkway required in the context of climate change.
- The construction noise that would be created on site would adversely impact upon the neighbouring school population and the Corrib rugby facility.
- The Galway Transport and Planning Strategy (GCTPS) 2022-28 identifies the Headford travel corridor as being a 'moderate demand corridor' and the identification of 'traffic free pedestrian and cyclist routes'.
- The observer is not opposed to the principle of residential development on the lands; However, it should be housing that meets community needs and provides for safe cycle/pedestrian ways.
- Provision of safe cycle/pedestrian walkway required in the context of climate change.
- The traffic report submitted by the applicant is based on results obtained from surveys conducted during the covid 19 pandemic. The pandemic would have affected traffic information used within the traffic report.
- More accommodation for single and older people is required in the area.
- Street lighting has been and remains a problem in the Eallaigh residential development



- The subject site lands have flooded in the past.

## 7.0 **Assessment**

7.1 Having examined the application details and all other documentation on file, including the appeal and observation, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are in relation to traffic safety, the freeflow of traffic within the development and access for large vehicles (bin lorries and fire tenders) within the revised development. A number of other issues in relation to the land use zoning, compliance with current County Development Plan residential policy and Appropriate Assessment will also be addressed.

- Traffic, Access and Safety
- Residential Zoning
- Other Matters
- Appropriate Assessment

## 7.2 **Refusal Reason- Traffic, Access and Road safety**

7.2.1 The residential development permitted on the site under planning reference 21/2388 provided for a development comprising 49 residential units including a vehicular access via the internal access road serving the Eallagh residential development, located immediately east of the appeal site, which in turn accesses onto the N84 at a location within the 60 kilometre per hour speed control zone.

7.2.2 The proposals provide for pedestrian connectivity through Eallagh this would overcome the use of a circuitous route between the appeal site and Headford town centre and obviates the need for pedestrian/cycle connectivity along a section of the N84, where there is presently no footpath and raised as an issue within 315674-23. In my opinion, pedestrians will likely use the shortest available route to walk to the town centre and use the existing footpaths within Eallagh and exit onto the N84 to the north-east of the Eallagh residential development from where there is footpath connectivity directly to the town centre. This would accord with Section 3.3 of DMURS in terms of permeability and connectivity.

- 7.2.3 Within the current proposals, the access would remain the same as previously permitted under 21/2388. This is via an internal access road serving the southern section of the adjoining Eallagh residential development, which is currently blocked off (with a solid timber fencing, approximately three metres in height) where it meets the south-eastern boundary of the appeal site. The current proposals would provide for an additional seven residential units, in addition to the forty-nine permitted residential units. The seven additional units are proposed to be peppered throughout the permitted residential development, with two pairs of semi-detached two-storey dwellings within the north-western part of the residential development, a pair of two storey semi-detached dwellings in the south-eastern quadrant of the development and a single storey dwelling in the south-western quadrant of the development. The public open space is centrally located within the development with many of the units having a direct aspect onto the public open space, and the remainder being in close proximity to the open space. The communal public open space would comprise a stated area of 3.124sq m and equates to 16.5% of the total site area.
- 7.2.4 The refusal reason as set out by the Planning Authority within its decision specifically references the absence of adequate turning areas for large vehicles at the end of cul-de-sacs and the potential to conflict with other road users. The PA consider that the revised development would interfere with the safety and freeflow of traffic, endanger public safety by reason of a traffic hazard and obstruction of road users. I will address each of these matters in turn. The first part of the refusal reason relates to the absence of turning areas for large vehicles. The relevant guidance for in relation to the design of street networks is set out within the Design Manual for Urban Roads and Streets, 2013 (as amended in 2019) guidance document. Section 3.3 of this document specifically addresses 'Street layouts'. DMURS recommends moving from the traditional dendric layouts to more highly connected street networks to maximise permeability for both pedestrians and cyclists. The development of cul-de-sacs is discouraged, and street linkages are to be encouraged to maximise the use of walkable/cyclable routes between destinations.
- 7.2.5 The site layout with the development permitted under 21/2388 identified connections and linkages into the adjoining zoned lands (three in number) to the south-east of the appeal site, where the access into the Eallagh residential development is proposed (and was previously permitted) and possible future connections to the west and north

of the appeal site to the adjoining residential and community zoned lands. The revised street layout approach (as set out within the current appeal proposals) optimises opportunities for permeability and connectivity and negates the need for cul-de-sac turning areas. I would concur with the applicants that the provision of the seven residential units in lieu of cul-de-sac turning areas is consistent with the street design principles as provided for within Section 3.3 of DMURS.

- 7.2.6 The Planning Authority have not provided any policy basis or best practice guidance in order to support their reason for refusal. From the Roads Section report, referenced within the Planners Report, they refer back to previous planning applications within the site, namely 23/60909, where a refusal of planning permission was recommended. The Roads Section report under that planning permission referenced Part B of the 2017 Building Regulations and the provisions of the 1998 publication entitled 'Recommendations for Site Development Works for Housing Areas (RSDWHA)'. The 1998 document within its 'Foreward' allowed for flexibility within its interpretation, and acknowledged the publication 'does not contain all of the possible solutions to design problems and that designers should be encouraged to propose imaginative alternatives. DMURS is a more recent and, therefore, relevant guidance document and the Department of Transport Circular in 2013, reference RX6/2013 sets out that 'DMURS is mandatory when providing new or modifying existing urban roads and streets'.
- 7.2.7 Part B, Volume 2 of the Building Regulations 2017 relates to 'safety requirements for dwelling houses' and relates to fire tender access. These Regulations set out that fire appliances should be in a position to access within 45 metres of the principal entrance to a dwelling house. The applicants have submitted drawings (Figures 5-7 inclusive) as part of their appeal submission demonstrating compliance with these fire appliance access standards as set out within the Building Regulations.
- 7.2.8 With regard to bin collection, the applicants are proposing to introduce two communal bin collection areas on the perimeter of the main communal public open space area. They are located on the corners of the public open space and in proximity to the proposed seven additional residential units. The applicants set out that the communal bin collection points are a workable and accessible design solution for refuse collection for residential units located along cul-de-sacs. The bin collection areas would remain under the management of the 'Estate Management

Company'. However, the applicants set out that if this design solution is not considered acceptable, the refuse trucks could reverse in or out of each of the short cul-de-sacs and collect the bins from each individual residential unit.

7.2.9 The Road Safety Audit (RSA), submitted as part of the planning documentation with 21/2388 identified a 'turning head' at the western cul-de-sac as problem number 4, which is adjacent to the proposed single storey residential unit. The RSA recommended that 'the design team should ensure that appropriate turning facilities are provided within the cul-de-sac to facilitate turning movement and access to parallel parking spaces in accordance with DMURS'. The applicants are of the opinion that this turning area is unnecessary and would conflict with the principles of DMURS. Similarly, turning heads in proximity to the other six proposed additional two storey dwellings are also considered unnecessary. This approach is supported by the RSA 1 of 2, prepared by Bruton Consultant Engineers (dated May 2023), submitted as part of this planning documentation which did not identify any issues with the turning arrangements with the current proposals, including the provision of the seven additional residential units. An auto-track sweep path analysis for a fire appliance and refuse trucks has also been submitted by the applicants as part of their appeal submission. These sweep path analyses demonstrate that these large vehicles can easily negotiate and reverse down the internal cul-de-sacs.

7.2.10 Therefore, on balance, I consider that the applicants have demonstrated that large vehicles can be accommodated within the revised layout as proposed, and that the communal bin collection points are also unnecessary as refuse trucks can navigate the cul-de-sacs by reversing down them, to collect refuse at the individual residences. I am satisfied that the freeflow or road safety of other users would not be unduly compromised, given the maximum speed limit of 30 kilometres per hour that applies to all residential developments. I am satisfied that the applicants have demonstrated that their revised layout complies with the principles of permeability and legibility as set out with Section 3.3 of DMURS. Therefore, I consider that the refusal reason as set out within the Planning Authority decision should be set aside in this instance.

### **7.3 Residential Phase 2 zoning objective**

- 7.3.1 The appeal site is zoned residential phase 2 within the volume 2 of the current Galway County Development Plan, which relates to the settlement plan for the small growth town of Headford. Section 3.3.5 of the 'Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities' 2024 with regard to Rural towns and villages that 'Planning Authorities should look to promote and support housing that would offer an alternative, including serviced sites to persons who might otherwise construct rural one off housing in the surrounding countryside in rural towns and villages'
- 7.3.2 Policy Objective SGT 1 within the current Galway County Development Plan requires that 'Residential (Phase 2)' lands are generally not developable for housing within the lifetime of the Development Plan unless specific criterion are met, that the applicant has not submitted any evidence to demonstrate how these criterion are met, and that the proposal is contrary to the principle of the sequential approach in terms of the development of land. The applicant contends that Objective SGT1 does not preclude consideration of the proposal and that it provides flexibility. In relation to the criterion provided under Objective SGT1, the applicant notes that Phase 1 lands in the area have servicing and access deficiencies and would encounter difficulties in being developed within the plan period; that certain Phase 1 lands are already committed to development; that the proposal is consistent with the Core Strategy; represents the sustainable use of land; is serviced; benefits from connectivity via Eallagh; that the proposal would not result in leap-frogging, given that the western side of the N84 between the appeal site and the town centre is developed; that the proposal complies with roads/access requirements, and would not prejudice the future use of the lands or neighbouring lands.
- 7.3.3 I note that the appeal site is zoned Residential (Phase 2), and that Residential (Phase 2) zoned lands are intended as a reserve for the longer term growth needs of Small Growth Towns in the Galway County Development Plan 2022-2028. Such lands are noted as generally not developable for housing within the lifetime of the Plan save for specific circumstances, compliance with which requires an evidence-based case to be made. In the context of the proposal the circumstances are set out under sub-section C of Objective SGT1, that being –

- *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 town 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.*

7.3.4 In order for Residential Phase 2 lands to be considered, Objective STG1 requires that it is demonstrated that the Residential (Phase 1) cannot or will not be developed for residential purposes within the plan period. I refer to Board reference 315674-23 and the appeal submission included a table of existing Residential (Phase 1) lands in Headford and provided reasons in the case of each land parcel (parcels A-F) as to why, in the opinion of the applicant, these lands are not capable of being developed for residential purposes within the life of the Development Plan. Based on the information set out in that appeal submission, the Planning Inspector noted that parcel ref. B and D are the only areas of Residential (Phase 1) lands which were discounted on the basis of extant permissions. Parcel ref's A, C, E and F were discounted on the basis of site configuration/proximity to protected structures, landlocking/flood risk, multiple ownership, and frontage to a road within the 80 kmph limit, and more generally on the basis that these parcels of Residential (Phase 1) lands have not been developed in intervening period since they were initially zoned for residential development.

7.3.5 The Planning Inspector stated that he was 'satisfied with the applicant's approach in respect of the discounting of sites which have permission for residential development

(i.e. Parcel Ref's B and D) and similarly consider it reasonable that lands which are affected by flooding (i.e. Parcel Ref. C) would face challenging in being developed, however I am not satisfied that the Residential (Phase 1) zoned lands referred to as Parcel Ref.'s A, E or F could not be developed having regard to the nature of the constraints which the applicant has identified as affecting these lands. In my opinion constraints arising from a narrow site and proximity to protected structures can be addressed through design, and issues relating to access and multiple ownership can be addressed through agreements and alternative access arrangements. Furthermore, the fact the lands have not been developed since 2005 is not in my opinion a sufficient justification for concluding that these lands would not be developable over the life of the current development plan, and in particular, I note that this period also coincides with an economic recession which would have slowed the delivery of housing.

- 7.3.6 Policy Objective SGT1 requires 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. I consider that the reference to 'committed to development' as being analogous with sites which have the benefit of planning permission. Based on the information submitted within the appeal submission, under 315674-23, and accepted by the Planning Inspector that the applicant had demonstrated that a minimum of 50% of the lands zoned Residential (Phase 1) in Headford are committed to development, with Parcel Ref.'s B (c. 1.5 Ha.) and D (c. 2.5 Ha.) equating to c. 53% of Residential (Phase 1) lands within the settlement being 'committed to development.
- 7.3.7 Objective STG1 further requires that residential developments on Residential (Phase 2) lands will be subject to compliance with a number of requirements, including connectivity, and specifically public footpath infrastructure to the town centre. I note that the appeal site presently has the benefit of an extant planning permission relating to the development of forty nine residential units. The current proposals, as addressed at paragraph 7.5 (below) the N84 in the vicinity of the appeal site is not served by a public footpath and as such I am not satisfied the appeal site benefits from an appropriate degree of connectivity which would meet the requirements set out in Objective SGT1.
- 7.3.8 In conclusion, and on balance, I am satisfied that a substantiated evidence-based case has been made to warrant the development of Residential (Phase 2) lands ahead of

Residential (Phase 1) lands and as such I consider the proposed development would be contrary to Objective SGT1 of the Galway County Development Plan 2022-2028. I recommend, therefore, that refusal reason 1 be set aside by the Board.

#### **7.4 Other Matters**

- 7.5.1 Material Contravention - The applicants set out a response in relation to the material contravention issue. They are satisfied that the current proposals would not materially contravene the current Galway County Development Plan (GCDP), notwithstanding the residential phase 2 zoning objective that pertains to the site. The applicants state that there is an extant permission pertaining to the site for the development of forty nine residential units and permitted by GCC under planning reference 21/2388 on the residential phase 2 lands. Therefore, the Planning Authority were satisfied that the proposals for forty nine units did not constitute a material contravention of the zoning objective.
- 7.5.2 Based on the information set out within the planning documentation as submitted by the same applicants in relation to Board reference 315674-23 further south-east of the appeal site, I note that parcel ref. B and D are the only areas of Residential (Phase 1) lands which have been discounted on the basis of extant permissions. I refer to Section 7.3 of my report above.
- 7.5.3 This permitted residential development within the current appeal site under planning reference 21/2388 has suitable access arrangements through the established Eallagh residential development to the east and service connections for water and wastewater supply. From the correspondence received from Uisce Eireann (UE) I am satisfied that the additional seven dwellings can similarly be accessed and serviced. Section 7.3 above outlines the planning history associated with the phase 1 zoned lands within the settlement of Headford. In excess of 0% of the phase 1 zoned lands are committed and construction has commenced on Phase 1 lands on the northern side of the R346.
- 7.5.4 Given the current proposals are for revisions to an extant permission whereby an additional seven residential units would be provided, which are on lands that are zoned and serviced, that permeability and connectivity to the town centre is possible through the Eallagh residential development, the access roads of which are in the control of the current applicants, and, therefore, on balance I consider that the modest revisions to a permitted residential development would not represent a material contravention



of the zoning objective in this instance. The density proposed is in accordance with the density parameters set out within the current Galway County Development Plan. to each of the requirements under Section 37 (2) (b) of the Planning and Development Act, 2000, as amended. I note that the reason in the Notification of Decision to refuse permission issued by the Planning Authority does not reference that the current proposals would represent a material contravention of the Development Plan and as such in the event the Board are minded to permit the proposed development I do not consider that the Board is bound by the provision of Section 37 (2) (b) of the Planning and Development Act, 2000, as amended.

7.5.5 Water Supply – The Uisce Eireann) pre-connection enquiry submitted with the planning application notes that the proposed waste<sup>3</sup> connection for this development connects to the Irish Water network via infrastructure that has not been taken in charge by Irish Water (Third Party Infrastructure), and that this infrastructure connects to the IW network at the existing 200mm uPVC main on the N84. The pre-connection enquiry notes that consent from the third party will be required to make the connection. I note that the adjacent development ‘Eallagh’ is indicated within the control/ownership of the applicant and as such The current proposals relate to the development of an additional seven residential units in addition to the forty nine units already permitted by GCC in 2022, where the Local Authority were satisfied with the applicants servicing proposals. I am satisfied that this issue does not require further examination by the Board.

7.5.6 Flooding and Surface water management-The observer has raised the issue of the subject lands being prone to flooding. I refer to the Headford flood risk management map prepared in 2022 as part of the Small Growth Town settlement Plan, included within volume 2 of the current Galway Development Plan. This includes details of areas prone to flooding within the settlement boundary. A small portion of the subject lands are identified within this mapping as being within the PFRA pluvial indicative area, ho. These areas largely coincide with the internal access roads and part of the public open space within the residential development. The subject lands nor any of the adjoining lands are not identified as being within a flood zone within the Headford Settlement Plan mapping. I have also referenced the OPW website floodinfo.ie and

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<sup>3</sup> Reference to waste connection appears to be a typographical error. It appears that the pre-connection enquiry in fact relates to water supply.

there is no record of flooding having occurred within the appeal site boundary nor in its vicinity. There are records of flooding along the banks of Black River watercourse, further east of the town centre.

7.5.9 Housing Mix – The observation raises concerns in relation to the appropriateness of the housing mix within the proposal, and specifically the need for houses for single people and the elderly. In addition to the two-storey 3 and 4 bedroom units, the revisions to the proposed development include 1 no. single storey 2 bedroom unit adjacent to six similar type units already permitted under 21/2388. Having regard to the overall number of units proposed within the scheme, I am satisfied that the housing mix within the proposal is generally acceptable and would accord with the provisions of UL3 within the current Galway Development Plan, where a mix of house types and sizes that appeal to all sectors of the community and contribute to a healthy neighbourhood within residential developments is encouraged.

7.5.10 Permission to vary/omit condition numbers 1,2, and 17(b) of planning reference 21/2388-Condition number 1 required that the residential development be carried out and completed in accordance with the plans and particulars as submitted to the Planning Authority. The addition of seven additional residential units, would mean that compliance with this condition is not possible. Condition two required the removal of four residential units to provide for a development of forty nine residential units and that a revised numbering scheme, numbers 1-49 be amended to reflect the reduced residential numbers. The seven additional residential units would prevent compliance with this condition. Condition 17(b) required certification from a Consulting Engineer that the dwellings have been set out as per condition number 1. Again, this would not be possible, as seven additional units are proposed under the current proposals. Therefore, the omission and/or variation of these conditions is considered acceptable, as the seven additional units are considered acceptable.

## 7.6 **Appropriate Assessment**

7.6.1 An Appropriate Assessment Screening report was submitted with the permitted residential development, permitted by GCC under planning reference 21/2388. That Screening report identified Lough Corrib SAC (Site Code: 000297) as being c. 2 km from the appeal site and Lough Corrib SPA (Site Code:004042) as being c. 3.7 km

from the appeal site. Due to the distance and lack of connectivity between the appeal site and Lough Corrib SAC and Lough Corrib SPA, the screening report concluded that no significant impacts/effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development, alone or in combination with the other plans and projects in the area. I concur with the conclusions of that Appropriate Assessment Screening report submitted by the applicant. The subject site, which is situated in an urban area and is bound by the N84 to the east and the R346 to the north, is not a suitable habitat for regular use by SCI wintering waterbirds of SPA's in the vicinity. The proposed development would not, therefore, result in any ex-situ effects on wintering water birds.

7.6.2 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 1,6 kilometres south-east of the Lough Corrib SAC (Site Code: 000297) and approximately 3.7 kilometres south-east of the Lough Corrib SPA (Site Code:004042) The development description was set out within Section 2 of the report above. The observer has not referenced the potential for adverse impacts to arise upon Natura 2000 sites. The PA also conducted an AA screening exercise and its conclusion was referenced in Section 2.3 of this report above.

7.6.3 The applicants' AA screening report, submitted as part of their planning documentation, under planning reference 21/2388 set out that the nearest European sites to the appeal site are the Lough Corrib SAC and the Lough Corrib SPA. The Consultant Ecologist stated that the appeal site is not hydrologically connected to the west or south of the site. There are no drainage ditches within the appeal site nor along its perimeter. The nearest watercourse is the River Black, located approximately seven hundred metres east of the appeal site on the opposite side of the N84 and of the settlement. It is unclear if the subject site is hydrologically connected to this watercourse.

7.6.4 The Lough Corrib SPA is located approximately 3.7 kilometres hydrologically removed and north-west east of the appeal site. I am satisfied that once the development would be constructed and maintained in accordance with best practice

construction standards and given that the site is connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objective of this particular European site would arise. The Lough Corrib SAC is located approximately 1.6 kilometres hydrologically removed and north-west of the appeal site. I am satisfied that once the facility is constructed in accordance with best practice construction standards and given that the site is connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objective of this particular European site would arise.

7.6.5 I am satisfied that with the implementation of the standard control construction measures including those of 'Sustainable Urban drainage systems' and the use of hydrocarbon interceptors, will not result in the revisions to the permitted residential development adversely impacting upon water quality. It is unclear if the appeal site is hydrologically connected to the Black River, located approximately 0.7 kilometres east of the appeal site. This river is hydrologically connected to the Lough Corrib SAC, albeit approximately five kilometres downstream of the watercourse. I consider that even in the unlikely event that the standard control measures should fail, this indirect hydrological link represents a weak ecological connection, given the separation distance to the Lough Corrib SAC/SPA. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Lough Corrib unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'It is concluded that having regard to the scale and nature of the development proposed, the disposal of waste and surface waters to the appropriate public sewer network and the absence of any hydrological or ecological conduits between the two and the distance between the site and nearby Natura 2000 sites, the Planning Authority are satisfied that significant impacts on habitats within Natura 2000 sites can be ruled out. No further assessment is required in relation to habitats'.

either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites’.

7.6.7 I note the PA nor observer did not raise any AA issues and the absence of any surface water or groundwater or ecological hydrological connectivity to any European site and the hydrological separation distance. Therefore, I am satisfied that no adverse impacts upon the Lough Corrib SAC or any other European sites, either alone or in combination with other plans and projects will arise.

7.6.8 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 these or other European Sites. The reason for this conclusion is as follows:

- The modest scale of the revisions to the permitted development,
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

7.6.9 I conclude, that on the basis of objective information, that the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## 8.0 Recommendation

I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the location of the appeal site as part of a permitted residential development, the classification of Headford as a Small Growth town within Chapter

two of the current Galway County Development Plan 2022-2028, and with the CGR1 policy objective in relation to Compact Growth and the development management standards in the Plan, it is considered that, subject to compliance with conditions set out below, the revisions to the permitted development, namely the additional seven dwelling units and associated site works that the design and layout are appropriate and to the particular characteristics of the appeal site would integrate appropriately with the established and permitted built environment of the area, that no adverse impact upon European sites would arise nor would the proposals interfere with the safety and free flow of traffic nor endanger public safety in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

sustainable development of the area.

## 10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 15th day of May 2024, and those submitted to the Board on the 24<sup>th</sup> day of July 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 The developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

- 3 (a) A landscape masterplan prepared by a suitably qualified professional shall be submitted for the written agreement of the planning authority within three months of this grant of planning permission. The landscaping scheme shall be

implemented in full within the first planting season following substantial completion of external construction works.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

- 4 The entrance and access driveway serving the proposed development, shall comply with the detailed standards of the planning authority for such road works. Precise details of the proposed access and access road gradient shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

- 5 The construction of the development shall be managed in accordance with a Construction Environmental and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

- 6 a) 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.

b) Connection shall be to the water mains

**Reason:** In the interest of public health.

- 8 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

- 9 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

- 10 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.

- 11 The communal bin collection areas as included within the plans and particulars as submitted to the Planning Authority on the 15<sup>th</sup> day of May 2024 shall not be permitted, Bin collection shall be conducted from each of the individual residential units.

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



- 12 Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.

**Reason:** In the interests of public safety and residential amenity.

- 13 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

- 14 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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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Fergal Ó Bric  
Planning Inspectorate

16<sup>th</sup> day of April 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	320253-24		
<b>Proposed Development Summary</b>	Permission for amendments to previously permitted residential development permitted under planning reference number 21/2388 providing for an additional seven dwelling houses and all associated site works.		
<b>Development Address</b>	Eallagh, Headford, Co. Galway		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	Schedule 5, Part 2 of the P & D Regulations 2001 (as amended) is for the construction of more than 500 dwelling units.	
<b>No</b>	Tick or leave blank		x
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank		

<b>No</b>	Tick/or leave blank		X
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	Proposals relate to the provision of an additional seven residential units and associated site works. The threshold as set out in Schedule 5, Part 2 of the P & D Regulations 2001 (as amended) is for the construction of more than 500 dwelling units.	X

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

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2-Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320253-24
<b>Proposed Development Summary</b>	Permission for amendments to previously permitted residential development providing for an additional seven dwelling units, and all associated site development works
<b>Development Address</b>	Eallagh, Haedford, Co. Galway.
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b>	The proposed development comprises revisions to a previously permitted residential development. The revisions would comprise the provision of an additional seven dwelling units and is located within an urban area.

	It is considered that the proposed development will not give rise to the production of significant waste, emissions or pollutants.
<b>Location of development</b> (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).	Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The scale of the proposed development would not be described as exceptional in the context of the existing environment.

		There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes, EIA 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
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date:

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)