



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320677-24

#### Development

Construction of 64 no. units (dwellings and duplex units); 99 no. car parking spaces; 132 no. resident bicycle parking spaces and 40 no. visitor cycle parking spaces; new vehicular and pedestrian entrance from Lakeview, new pedestrian link at the site of a future supermarket and a new pedestrian entrance at Church View; 0.57 hectares public open space and 0.065 hectares of communal open space; ESB substation and pumping station; undergrounding of existing overhead cables; surface water drainage pipe connecting to the River Clare; and new SuDS foul water drainage and all associated works incl. landscaping and boundary treatments necessary to facilitate the development. A Natura Impact Statement accompanies this application.

**Location** Droim na Gaoithe, Baile Chláir, Co. Galway

**Planning Authority** Galway County Council

**Planning Authority Reg. Ref.** 2460693

**Applicant** Valcris Ltd.

**Type of Application** Permission

**Planning Authority Decision** Refuse Permission

**Type of Appeal** First Party

**Appellant** Valcris Ltd.

**Observers**

- 1) Cassie Ní Chatáin (Conradh na Gaeilge)
- 2) Ann Maher
- 3) Helena McCartan
- 4) Helen O' Neill
- 5) Marian & Malachy Duggan
- 6) Sean Flanagan
- 7) Brian Dolly
- 8) John Flanagan
- 9) Christine Forde
- 10) Brendan Noonan
- 11) Sinead Burke
- 12) Marian Noonan

**Date of Site Inspection** 3<sup>rd</sup> December 2024

**Inspector**

Ian Campbell

## **1.0 Site Location and Description**

- 1.1. The appeal site, which has a stated area of 2.66 ha, is located east of the N83 in the townland of Droim na Gaoithe in Baile Chláir/Claregalway, Co. Galway.
- 1.2. The appeal site, which is relatively level and broadly rectangular in shape, comprises 2 no. fields located between Lakeview housing estate (to the south-west) and Church View (to the north-east), adjacent the centre of Claregalway. An area of the site, corresponding with a proposed surface water pipe, projects northwards from the main body of the site to a discharge point on the River Clare. The appeal site is bound by hedgerow.
- 1.3. A recently constructed supermarket is located to the west of the appeal site. The lands to the east comprise fields. The adjoining lands to the east of the appeal site appear to be in agricultural use.
- 1.4. Lands to the north of the appeal site, adjacent to the location of the proposed surface water pipe, are indicated as being within the applicant's ownership/control, as depicted by the blue line boundary.
- 1.5. The predominate building typology in the area (within Lakeview and Church View) is single storey dwellings.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises;
  - Construction of 64 no. residential units in 7 no. blocks as follows –
    - 12 no. three-bedroom, two-storey houses.
    - 52 no. duplex apartments (26 no. two-bedroom units and 26 no. three-bedroom units).
  - 99 no. car parking spaces (i.e. 80 no. resident spaces, 5 no. accessible spaces and 14 no. visitor spaces).
  - 132 no. secure resident bicycle parking spaces and 40 no. visitor cycle parking spaces.
  - New vehicular and pedestrian entrance from Lakeview.

- New pedestrian link to the north-west at the site of the supermarket.
- New pedestrian entrance to the north-east at Church View.
- 0.57 hectares public open space and 0.065 hectares of communal open space.
- ESB substation situated to the north-east, and pumping station situated to the south-west of the site.
- Undergrounding of existing overhead cables.
- Provision of surface water drainage pipe connecting to the River Clare.
- SuDS.
- Foul water drainage.
- Associated works including landscaping and boundary treatments necessary to facilitate the development.

2.2. The planning application/appeal was accompanied by the following reports;

- Planning Report
- Flood Risk Assessment (FRA)
- Traffic and Transport Assessment (TTA)
- Engineering Services Report
- Outdoor Lighting Report
- Architectural Design Statement
- Arboricultural Impact Assessment
- Archaeological Assessment
- Building Lifecycle Report
- Mobility Management Plan
- Linguistic Impact Statement
- Childcare Assessment
- Preliminary Construction Environmental Management Plan (pCEMP)
- Verified Views and CGI's

- Appropriate Assessment Screening Report and Natura Impact Statement (NIS) (revised version submitted with the appeal)

The following reports were submitted with the appeal:

- Geophysical Survey
- Revised Ecological Impact Assessment (EclA)
- Revised Appropriate Assessment Screening Report and Natura Impact Statement (NIS), inc. aquatic survey and bat survey
- Revised Engineering Services Report

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 31<sup>st</sup> of July 2024 for 8 no. reasons, as follows;

1. Having regard to the absence of a demonstrated sufficient legal interest in respect of the provision of unobstructed access to the subject site and roadside alterations required to adjoining lands, the works proposed cannot be implemented under the current planning application and the proposed development would be contrary to DM Standards 30 and 33 of the County Development Plan 2022-2028, would interfere with the safety and free flow of traffic on the public road and would endanger public safety by reason of traffic hazard or obstruction of road users.
2. The subject site is situated onto the N83 on a heavily trafficked route where the 50kph speed limit applies. The proposed development is at variance with Policy Objectives NR1 Protection of Strategic Roads and DM Standards 28, 20 and 33 of the Galway County Development Plan 2022-2028 and national official policy in relation to control of development on/affecting national roads, as outlined in the DoECG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The proposed

development would interfere with the safety and endanger public safety by reason of traffic hazard or obstruction of road users.

3. In the absence of a completed review of the wider area by the OPW, the Planning Authority consider that that proposed development is premature. The Planning Authority are not satisfied that the subject site is not at risk of flooding nor can successfully manage surface waters arising from the development by way of the proposals identified. In the absence of assurance that the proposed engineering solutions outlined in the SSFRA will mitigate flood risk to the subject site and adjoining lands, and in conjunction with the application of the precautionary principle, as set out under the Planning System and Flood Risk Management Guidelines 2009, the Planning Authority is not satisfied that the development if permitted as proposed, would not materially contravene Policy Objective FL 2, Policy Objective FL 3 and Policy Objective FL 8 and DM Standard 67 of the Galway County Development Plan 2022-2028 and would be contrary to Ministerial Guidelines.
4. Noting the project characteristics, site topography, direct hydrological link to Lough Corrib SAC, and with particular concern in relation to drainage and surface water it is considered that the development has the potential to adversely affect the qualifying interests and conservation objectives of Lough Corrib SAC, and would materially contravene Policy Objective NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species, Policy Objective NHB 2 European Sites and Appropriate Assessment, and Policy Objective WR 1 Water Resources, and DM Standard 50 Environmental Assessments of the Galway County Development Plan 2022-2028. The Planning Authority consider that significant risk arises to the current waterbody status applicable to the Clare-Corrib catchment.

5. Having regard to the potential of the site to contain supporting habitat for Lesser Horseshoe Bat, which is a Qualifying Interest of Lough Corrib SAC, and in the absence of an Ecological Impact Assessment and Bat Survey Report, the Planning Authority is not satisfied that the proposed development will not adversely affect the qualifying interest of Lough Corrib SAC and result in a loss of habitat and/or negatively impact bat populations and associated activity in the locality, would materially contravene Policy Objective NHB1 - Natural Heritage and Biodiversity of Designated Sites, Habitats and Species, NHB 2 - European Sites and Appropriate Assessment, NHB 9 - Protection of Bats and Bats Habitats and DM standard 50 DM Standard: Environmental Assessments of the Galway County Development Plan 2022-2028.
6. The Planning Authority has serious concerns regarding the lack of desirable connectivity and permeability measures with adjacent lands, in order to encourage safe walking and cycling linkages both within the site and the continuous safe connectivity to the wider environs and village centre to the west and north-west. In the absence of permeability links between surrounding communities in conjunction with the unsatisfactory proposed circuitous permeability connection link to Baile Chláir village centre, the development is considered contrary to Policy Objective BCMSP 6, WC1, WC 3 and WC 5 of the Galway County Development Plan 2022-2028.
7. The scale, bulk and proximity of duplex building Block D2 to existing single storey residential units along Church View Road renders the proposed development out of keeping with the local character and identity of surrounding development. The proposed development would be contrary to Policy Objective PM10 and DM Standard 29 of the Galway County Development Plan 2022-2028.
8. In the absence of an Archaeological Geophysical Survey and targeted Archaeological Test Excavations, it is considered that the development



would materially contravene Policy Objectives ARC 5 and ARC 10 of the Galway County Development Plan 2022-2028.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the Planning Officer generally reflects the reasons for refusal. The report also notes –

- Regarding NIS;
  - no consideration of in-combination impacts with recently permitted developments in the area;
  - no indication of the location of silt-traps, which represents a lacunae in the NIS;
  - no ecological impact assessment or bat survey undertaken;
  - lack of in-stream surveys.
- According to OPW flood maps, the centre of Baile Chláir, including the subject site and surrounding lands are currently ‘under review’, and having regard to;
  - the varying flood mechanisms interacting in Baile Chláir (groundwater, pluvial and fluvial);
  - the location of the subject site within an area which has experienced significant and recurring flooding;
  - the absence of sufficient consideration of the approved development under 22/60522;
  - the significant additional hardstand areas associated with the proposed access road and housing;
  - the reliance in the SSFRA to engineer a solution to overcome flood risk with significant alterations to ground levels;
  - the weak justification testing contained within the SSFRA;

- concerns regarding the ability of proposed SuDS measures to work adequately given the underlying soil and subsoil conditions and high water table,

the Planning Authority express serious concerns regarding the impact of the proposed development at this location, and consider the proposal is premature pending the completion of the current review by the OPW.

- The proposal complies with the Core Strategy for Baile Chláir in terms of housing allocation, and with the applicable land-use zoning.
- The density of the proposed development is acceptable.
- It is proposed to discharge all on-site generated surface into the River Clare, with provision made for a future connection to any new public surface water sewer serving Baile Chláir. Having regard to the flood risk associated with the site and the complicated surface water management in conjunction with the failure of infiltration tests which raises concerns regarding successful operation of SuDS, the Planning Authority consider a risk to the status of the Clare-Corrib waterbody from siltation to groundwaters, and note the absence of any consideration of the potential for impacts relating to the EU Water Framework Directive and the Clare-Corrib catchment.
- A stepping down of the Block D2 to 2 storey would be more easily assimilated into the north-western corner location and reduce the risk of overshadowing and overlooking of existing property.
- No cycle lanes have been indicated within the development.
- Rear dividing boundaries between individual residential units/private amenity areas, and the entire boundary treatment to the rear of blocks D1 and D2 to the north-western boundary are finished in timber fencing which is not considered adequate in durability or visual amenity.
- The proposed external and internal traffic circulation regime and the potential for conflicting traffic movements, including rigid movements due to restricted and reversing vehicle manoeuvrability within and adjoining the site, may negatively impact on road and pedestrian safety.

- Notwithstanding the letter of consent submitted, in the absence of sufficient legal interest demonstrated over lands outside the application unit (required on a site location map to be highlighted in yellow for wayleave) and the requirement for works to upgrade the road network in the vicinity of the site to provide sufficient access arrangements (required on a site location map to be highlighted in blue) the Planning Authority are not satisfied that the applicant can provide adequate and unobstructed access to the subject site to facilitate the proposed development.
- In the absence of documentary evidence of the applicant liaising with Lidl, the Planning Authority cannot be confident that a pedestrian access route can be provided along the north-western site boundary, which is considered necessary to provide permeability between the subject site and the village centre.

#### Other Technical Reports.

- 3.2.2. Roads Section – report notes concerns regarding condition of the road within Lakeview and the absence of legal details of same, capacity of the junction onto N83 and absence of cycle lanes within proposal.

### 3.3. **Prescribed Bodies/Government Departments**

Transport Infrastructure Ireland (TII) – submission notes that proposal it is at variance with DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), specifically Section 2.7 which concerns development at National Road interchanges or junctions. The submission notes that the proposal would create an adverse impact on the national road and associated junction.

Údarás na Gaeltachta – submission recommends that all signs/business names are in Irish, and that a language condition is attached.

DoHLGH – regarding archaeology, the submission recommends that an Archaeological Impact Assessment, to include programmes of Archaeological Geophysical Survey and Archaeological Test Excavation, be requested as Further Information.

Regarding nature conservation, the submission notes;

- No in-stream surveys were carried out as part of the survey to determine suitability for presence of [1092] White-clawed Crayfish (*Austropotamobius pallipes*), [1095] Sea Lamprey (*Petromyzon marinus*), [1096] Brook Lamprey (*Lampetra planeri*), [1106] Salmon (*Salmo salar*) which may be present within the aquatic environment at the outfall location of the proposed surface water pipe. Therefore, the effects on water quality sensitive species have not been adequately addressed. There can be no lacunae in the Appropriate Assessment process.
- Clarity should be sought regarding the survey for Otter during the site visit on 16<sup>th</sup> April 2024, and further survey recommended if survey did not cover 150 metres. The proposed mitigation measure should be updated to include a pre-construction survey for Otter within 150 metres of the works.
- The Department's primary concern is in relation to potential effects on water quality, and water quality sensitive Qualifying Interests (QI) of Lough Corrib SAC, whether during construction or operation of the project. The NIS provided is limited in terms of scientific data and analysis. No surveys have been carried out in relation to water quality sensitive QI species to inform an adequate assessment of potential impacts from the development.
- This NIS proposes "local silt traps established throughout site" as a mitigation measure. More detail is required in general regarding the generic mitigation measures proposed. The Department highlights that the European Commission guidelines on Appropriate Assessment provides that mitigation measures should be described in full, including a description of their technical-scientific feasibility and the degree of effectiveness expected.
- Bat Surveys were not carried out and have not been considered anywhere in the documentation provided. The Lesser Horse-shoe bat is a QI for Lough Corrib SAC. A bat survey by a suitably qualified bat specialist should be submitted detailing the extent of usage of the site by bats and hence the likely significant impact of the project on the species. Any roosts in the trees should be clearly identified and detailed mitigation or compensatory measures suggested in the event that bat roosts occur in trees targeted for felling. The impact of lighting on bats should also be considered.

- The site is bordered by well-developed hedgerows/treelines. There is some basic information on the habitats present but no quantification of habitat loss. Likely significant effects on biodiversity and ecological corridors cannot be determined.
- Prevention of introduction of invasive species has not been considered, particularly in relation to any proposed works within Lough Corrib SAC.
- In combination effects from the construction of the adjacent supermarket or the development permitted under PA. Ref. 2460083 has not been considered in the NIS.
- Biodiversity and habitats creation or enhancement along site boundaries including the proposed Greenway Link to the west of the application site, referred to in the landscape management plan has not been addressed anywhere else in the reports.
- In the Planners report: "8.0 Appropriate Assessment Screening and Natura Impact Statement", it states "An Appropriate Assessment Screening Report and Natura Impact Statement (NIS) has been prepared by Altemar Environmental and is submitted under separate cover. This report confirms that a Stage 2 Appropriate Assessment or NIS is not required as it is not considered that the proposed development will have any significant negative impacts on any Special Areas of Conservation or relevant European Sites". This is incoherent and should be clarified.

### **3.4. Third Party Observations**

The report of the Planning Officer summarises issues raised in observations submitted in respect of the planning application as follows;

- Impact of proposal on traffic and pedestrian movements within the existing and proposed residential developments and on the wider public roads and footpaths from the junction of N83 and Lakeview, inadequacy of traffic assessment.
- Impact on residential amenity of Lakeview and Church View.
- Concerns regarding density, height and scale of block to the north-western edge of the site.

- Flood risk.
- Adequacy of consent for access.
- Inadequacy of road infrastructure within Lakeview.
- Refusal reasons of 22/130 have not been overcome.
- Absence of facilities, by-pass, public transport and traffic calming scheme.
- Adequacy of the SSFRA and NIS.
- Safety measures needed during construction phase for existing residents.
- Limitations of the Childcare Demand Analysis.
- Impact on the Gaeltacht and requirement to apply conditions relating to the reservation of units for Irish speakers, with a recommendation to increase the percentage from 20% (as per the GCDP) to 35% for this Gaeltacht area.

## 4.0 Planning History

### Appeal Site

**PA. Ref. 22/130** – Permission REFUSED for 64 houses. Refusal reasons concerned flooding; access/sightlines/connectivity to Baile Chláir; potential impact on Lough Corrib SAC and SPA; compliance with Part V; absence of legal interest to facilitate access through Lakeview; surface water disposal; absence of information re. foul and water infrastructure; and substandard layout.

### Lands to west

**PA. Ref. 22/60522 & ABP. Ref. 315980-23** – Permission GRANTED for supermarket with access to Galway Road.

### Lands to south

**PA. Ref. 24/60083** – Permission GRANTED for 74 no. houses and apartments.

## 5.0 Policy Context

### 5.1. National Policy

#### 5.1.1. National Planning Framework 'Project Ireland 2040'

Relevant Policy Objectives include:

- **National Policy Objective 3a:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **National Policy Objective 4:** Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- **National Policy Objective 13:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

## 5.2 Ministerial Guidelines

5.2.1 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).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).
- 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).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

### 5.3. Development Plan

5.3.1. The relevant Development Plan is the Galway County Development Plan 2022-2028.

5.3.2. The appeal site is located within a Gaeltacht area (District F); the Galway County Transportation and Planning Study Area (GCTPS); and the Metropolitan Area Strategic Plan (MASP) area.

5.3.3. A area abutting the eastern boundary of the appeal site is located within Flood Zone B.

5.3.4. 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

- **Policy Objective SS1:** MASP (Level 1)

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

- **Policy Objective PM1:** Placemaking
- **Policy Objective PM8:** Character & Identity

##### **Chapter** – 6 Transport & Movement

- **Policy Objective NR1:** Protection of Strategic Roads
- **Policy Objective NR3:** Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA)



- **Policy Objective WC1:** Pedestrian and Cycle Infrastructure
- **Policy Objective WC3:** Sustainable Transport Movement

#### Chapter – 7 Infrastructure, Utilities and Environmental Protection

- **Policy Objective WW7:** Sustainable Drainage Systems
- **Policy Objective WW8:** Storm Water Infrastructure
- **Policy Objective WW11:** Surface Water Drainage

#### Chapter 13 – The Galway Gaeltacht & Islands

- **Policy Objective GA 4:** Language Enurement Clause
- **Policy Objective GA 5:** Linguistic Impacts Statements

#### Chapter 14 – Climate Change, Energy & Renewable Resource

- **Policy Objective FL2:** Flood Risk Management and Assessment
- **Policy Objective FL3:** Principles of the Flood Risk Management Guidelines
- **Policy Objective FL6:** Surface Water Drainage and Sustainable Drainage Systems (SuDs)

#### Chapter 15 – Development Management Standards

- **DM Standard 1:** Qualitative Assessment-Design Quality, Guidelines and Statements
- **DM Standard 2:** Multiple Housing Schemes (Urban Areas)
- **DM Standard 3:** Apartment Developments (Urban Areas)
- **DM Standard 30:** Development on private roads
- **DM Standard 33:** Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment
- **DM Standard 67:** Sustainable drainage Systems (SuDS)
- **DM Standard 68:** Flooding

5.3.5. The appeal site is located within an ‘Urban Environs Landscape’ (see Map 1, Landscape Character Assessment, Appendix 4 of Galway County Development Plan

2022 - 2028) for the purpose of landscape type, which is described as having a 'low' sensitivity to change.

#### 5.4. **Volume 2**

##### **Metropolitan Area Strategic Plan 2022 – 2028**

5.4.1. Section 1.0, Volume 2 of the Galway County Development Plan 2022 – 2028 provides the following objectives which are relevant;

- **GCMA1** – Residential Development
- **GCMA18** - Flood Zones and Appropriate Land Uses (Refer to Flood maps for Baile Chláir, Bearnna and Oranmore and the Urban Framework Plans for Briarhill and Garraun)

5.4.2. The land-uses for Baile Chláir are set out in the Metropolitan Area Strategic Plan (MASP) Section 2.1, Volume 2 of the Galway County Development Plan 2022 – 2028. The main body of the appeal site is zoned Residential (Phase 1). The area of the appeal site accommodating the surface water pipe is zoned Residential (Phase 2) and also comprises lands which are not subject to a specific land-use zoning. The provisions of the Metropolitan Area Strategic Plan 2022 – 2028 relevant to this assessment are as follows:

- **BCMSP 1** – Sustainable Residential Communities
- **BCMSP 6** – Pedestrian and Cycle Network
- **BCMSP7** - Transportation and Urban Renewal Framework Strategy
- **BCMSP 8** – Baile Chláir Bypass
- **BCMSP 10** – Language Enurement Clause

Flood mapping in the Metropolitan Area Strategic Plan (MASP) Section 2.1, Volume 2 indicates 'PFRA Pluvial Extreme' within the appeal site.

#### 5.5. **Natural Heritage Designations**

- Lough Corrib SAC (Site Code: 000297) - part of appeal site accommodating surface water pipe and outfall to the River Clare is within Lough Corrib SAC.
- Lough Corrib SPA (Site Code: 004042) – c. 5 km west of appeal site.

## 5.6. EIA Screening

See Form 1 and 2 (attached). 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.

I consider that any issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

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

#### Preliminary points:

- The current proposal overcomes the refusal reasons of PA. Ref. 22/130.
- The Planning Authority have recently permitted a similar residential development in the area (see PA. Ref. 24/60083 for 74 no. houses and apartments).
- Under PA. Ref. 22/60522 & ABP. Ref. 315980 (supermarket to the west) permission was refused for similar reasons, however the decision was overturned on appeal. In considering the proposal, the Inspector noted that the site is not at risk of flooding and that the proposal will not generate a flood risk beyond its boundaries.
- Under PA. Ref. 22/60522 & ABP. Ref. 315980 provision was made for potential future connection to the appeal site.

#### Re. Refusal Reason no. 1

- (a) A letter of consent from Claregalway Development Company Limited has been submitted with the appeal (see Appendix D). This letter of consent permits

access to the site from Lakeview. Additionally, a letter of consent has been submitted from Galway County Council in relation to the proposed surface water pipe across Church View.

- (b) the appeal submission notes;
  - DM Standard 30 concerns developments on private roads and refers to sightline requirements under DM Standard 28. Lakeview joins the N83 where the sightline requirement of 70 metres is met.
  - Regarding consent to use a private road, the applicant has submitted a letter of consent allowing the applicant to use the estate road to provide access to the development site.
  - Lakeview has sufficient capacity, condition and alignment to facilitate access for the proposal, as has been demonstrated in the submitted Road Safety Audit.
  - The red line boundary of the site has been extended at appeal stage and now extends 8 metres into Lakeview to facilitate a footpath extension.
  - The applicant and Claregalway Development Company Ltd are in agreement in relation to the carrying out of any required works, with the applicant bearing the costs. The applicant is also amenable to a condition providing for same.
  - DM Standard 33 relates to DMURS compliance; the provision of pedestrian/cycle facilities; the submission of road safety audits, road safety impact assessments and transport and traffic assessments for significant developments; and noise assessment for developments within 300 metres of roadways with specific traffic volumes. Tobin Consulting Engineer's report submitted with the appeal (see Appendix F) notes that the proposed development would not interfere with the safety and free flow of traffic on the road as the proposed connection to the existing Lakeview estate is along a straight section of road and provides sufficient stopping distances in accordance with the standards required as set out in the Development Plan. A Road Safety Audit is also included in Appendix D of the Traffic and Transportation Assessment

and highlights how the road layout has been designed in accordance with DMURS. A Road Safety Impact Assessment was deemed unnecessary as this would usually be required for major schemes on national roads which result in a substantial modification to the existing road network. As the proposed development does not adjoin a national road and does not propose any modification to such, it is considered that the omission of this document is justified.

- With regards to DM Standard 33b, the refusal is clearly traffic-based. It is noted however that structure between the subject site and the N83 remove the impact of noise pollution arising from the N83 on the development.

#### Re. Refusal Reason no. 2

- Part of refusal reason no. 2 refers to DM Standard 20. This appears to be a typographical error.
- The proposal is not situated on the N83, nor is a new access onto it proposed. Access onto the N83 is through Lakeview estate. Access through Lakeview complies with DM Standard 28.
- Regarding DM Standard 30 and 33, legal documentation submitted demonstrates the right of applicant to use Lakeview to provide access to the proposal.
- When considering the Lidl development on the adjacent site under ABP. Ref. 315980, the Inspector stated that DMURS was the applicable policy, not Objective NR1, that the key element is the protection of national roads between settlements, not within settlements where the 50 kmph and 60 kmph limit applies, and that the volumes of traffic projected from the supermarket were minimal and to be expected if the site were developed for the purpose it was zoned for.
- Access through Lakeview complies with DMURS and based on analysis it is predicted that the proposal will not adversely affect the existing junction onto the N83.

- The site is zoned and a refusal of permission would set a precedent for all housing development in Claregalway as the N83 traverses the town and all development will at some point connect to the N83.

#### Re. Refusal Reason no. 3

- A site-specific flood risk assessment (SSFRA) has been submitted with the application which includes finalised versions of flood maps for Claregalway, obtained directly from the OPW. Correspondence from the OPW has also been submitted indicating that these maps are final pending publishing.
- The SSFRA and the Engineering Services Report provide sufficient details on the measures to mitigate flood risk on the site. Rainwater from hardstanding areas within the development will be managed via road gullies and inlet kerbs. Alterations to ground levels of 200 mm are proposed to the greenspace area between the developed area of the site and Lakeview to ensure that predicted fluvial flooding within the site is contained. Swale, permeable paving, rain gardens and tree pits are also proposed to mitigate flood risk. A petrol interceptor is also proposed to address pollutants.

#### Re. Refusal Reason no. 4

- A revised NIS and an aquatic survey has been submitted. The NIS concludes that following the implementation of mitigation measures the construction and operation of the proposed development would not have a significant impact on Lough Corrib SAC or Lough Corrib SPA.
- The proposed reedbed would act as a buffer to the SAC<sup>1</sup>.
- The aquatic survey yielded little in terms of aquatic biodiversity. One salmonid parr (0+ year class) was observed. No evidence of freshwater pearl mussel, white-clawed crayfish, suitable brook/sea lamprey habitat, or otter was observed. The overall habitat availability and quality for these Qualifying Interests of Lough Corrib SAC in the vicinity of the subject lands of the proposed development is sub-optimal.

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<sup>1</sup> The initial proposal submitted to the Planning Authority entailed a 225 mm dia. pipe conveying surface water from the site to the River Clare. The applicant proposed an amendment to this element of the development at appeal stage, specifically the provision of a horizontal reedbed adjacent to the River Clare from which surface water would be directed to an existing drainage ditch before discharging to the River Clare.

#### Re. Refusal Reason no. 5

- A bat survey and Ecological Impact Assessment was undertaken and confirms that the proposed development will have no adverse impact on bats. The report states that a single tree on site formed a bat roost for a single soprano pipistrelle. Mature hedgerows are located bordering the site and these are important to the local bat population as foraging corridors. Foraging along treelines and hedgerows to the rear of the site would be expected to continue once mitigation in relation to lighting is put in place. No bat roosts or potential bat roosts will be lost due to the proposed development and the species expected to occur onsite should persist. The reedbed will increase insect populations proximate to the river. The residual impact is considered to be minor adverse/not significant in the short term, and low beneficial positive in the long term due to the placing of the open space to the rear of the site (where foraging was noted) and the provision of the reedbed proximate to the river. The tree containing the bat roost will be retained along with other existing trees on this boundary.

#### Re. Refusal Reason no. 6

- The proposal is highly permeable and connectivity to the centre of Claregalway is not circuitous. The layout of the proposal demonstrates connectivity (pedestrian and cycle) to other sites and to the surrounding area. A pedestrian connection is provided through the adjacent Lidl site. Pedestrian and cycle links are provided to the north onto Church View, and south-west through Lakeview. The revised proposal submitted to the Board also provides for additional connectivity (the Site Layout Plan submitted with the appeal includes pedestrian/cycle pathways which have been increased in width to 4 metres).

#### Re. Refusal Reason no. 7

- The first and second floors of Block D2 provide a separation distance of 20.5 metres from the side elevation of the closest (single storey) dwelling, in excess of the guidance set out in the Sustainable Residential Development and Compact Settlement Guidelines (i.e. at least 16 metres).
- Objective PM10 requires buildings to be of exceptional architectural quality and respectful of their setting. Block D2 is of high architectural merit and considers

the context of the site, ensuring the protection of existing residential amenity. The units also comply with the Apartment Guidelines.

- Block D2 follows the existing building line in compliance with DM Standard 29, allows for passive surveillance and integrates with the street.
- A revised layout has been provided should the Board share the concerns of the Planning Authority.

#### Re. Refusal Reason no. 8

- An Archaeological Geophysical Survey has been undertaken of the site. The survey did not note any significant archaeological features, save for details which could relate to the removal of the former road through the site and field division. The proposal therefore accords with Objective ARC5 and ARC10.
- The site is located outside the zone of archaeological potential, which is situated to the north-west of the site.

#### Alternative Design

An alternative design proposal has been submitted to the Board should it have concerns in relation to the proposal as submitted to Galway County Council. The revised proposal comprises 61 no. units, reduced from 64 no. and a revised Block D2 (with access from the north-east elevation to provide street interaction). The red line boundary of the site has been altered in the revised proposal, extending 8 metres into Lakeview to facilitate a footpath extension. A horizontal reed bed which discharges to an existing drainage ditch and then into the River Clare is proposed adjacent to the River Clare and the red line boundary has been extended to include same. The breakdown of unit typology of the revised proposal is as follows;

- 15 no. dwellings (2. No. 2 bedroom units and 13 no. 3 bedroom units).
- 46 no. apartment/duplex units (2 no. 1 bedroom units, 22 no. 2 bedroom units and 22 no, 3 bedroom units).

The appeal submission is accompanied by;

- Appendix C (outlining the policy context for the proposal and noting how the proposal accords with relevant policy).



- Appendix D (letter of consent from Claregalway Development Company Limited and associated map stating that an agreement/right-of-way is in place in relation to providing access through Lakeview).
- Appendix E (amended site services report from consulting engineers re. flooding). Report notes;
  - The entire site is located within Flood Zone C.
  - There is no pluvial flooding on the area of the site which is to be developed. Pluvial flooding will be mitigated by surface water sewers and SuDS measures. The proposed development will alleviate the existing pluvial flooding issue and omit the risk of flooding to Lakeview.
  - No recorded major incidents of flooding on the site in over a decade due to the successful completion of the Claregalway Flood Relief Scheme.
  - Flood maps have been obtained from the OPW ahead of time. These maps are not draft or preliminary and the OPW have confirmed that the maps are valid and finalised. The maps take account of the recently completed Claregalway Flood Relief Scheme.
  - The requirement to address flooding on the Lidl site is not justified as the applicant has no control over this site.
  - All rainwater directly on the hardstanding road areas will be effectively managed via road gullies every 200m<sup>2</sup>, in accordance with section 14.1 of the Greater Dublin Regional Code of Practice for Drainage Works document. 800mm wide lateral inlet kerbs have been provided as a secondary measure to ensure that any residual surface water is accounted for, in the event road gullies should be temporarily blocked. Rainwater landing directly on roofs will be treated and attenuated within the front/rear rain gardens and discharged into the surface water sewer at a set, controlled flow rate. Alterations to ground levels of 200 mm have only been proposed locally to the greenspace area located in-between the developed section of the site and the existing Lakeview Estate. The alterations are not significant and will ensure that the predicted fluvial flooding within the subject site is contained.

- Surface water management strategy proposed for this development is compliant with GDSDS code of practice and Ciria SuDS manual (C753). All hardstanding areas, including the internal access road and roof areas, as well as the access road within the predicted floodplain, will utilize tree pits on either side of the road and rain gardens at the front and rear of the proposed residential dwellings. Tree pits and rain gardens are independently designed for a 1:100-year storm event with a 20% allowance for climate change. Each SuDS measure will be equipped with a flow control device to ensure that the combined outflow from all rain gardens, tree pits, and permeable paving areas equal the site's overall - Bar rate. The predicted fluvial flooding, should it occur sometime in the future would therefore be of significantly less impact to the development in question and any nearby neighbouring developments in comparison to current, existing scenario.
  - To ensure all SuDS measures operate correctly, the SuDS maintenance plan, outlined in section 4.6 of the Engineering Services Report, will need to be implemented and followed by the designated management body of the proposed development.
  - All drainage works required to establish a surface water connection to the River Clare have been revised and are now outside the Lough Corrib SAC boundary, refer to amended *Drg. No. 22194-LDE-07-00-DR-SC-1C04* for further details. A third treatment step in the form of a horizontal flow reed bed has been added to enhance the water quality and prevent silt from entering River Clare. Chapter 4.6 has now been added to the Engineering Services Report, containing proposed surface water management and mitigation measures at construction phase, to ensure risk of contamination is reduced to an acceptable level. For further information on third treatment step (i.e. reed bed) and surface water management and risk mitigation, refer to amended *Drg. No. 22194-LDE-07-00-DR-SC-1C04* and Engineering Services Report, submitted as part of this appeal response.
- Appendix F (memo re. refusal reasons 1B, 2 and 6). Report notes;

- Re. Refusal Reason No. 1(b) -
  - proposed works are being carried out on lands within the control of the applicant. The development provides a new vehicular and pedestrian connection via the existing estate road and footpath infrastructure within Lakeview. The proposed redline boundary for the site has been updated to incorporate these works and the applicant and relevant landowner are in agreement regarding the carrying out of any such infrastructure works, at the cost of the applicant.
  - Speed limit within the development is to be 30kph for which the required sight distance of 35m is achievable both on entry and exit to the site.
  - No works are proposed for the existing N83/Lakeview Estate junction and the existing layout and visibility splays are to be maintained.
  - A Stage 1 Road Safety Audit, Traffic and Transport Assessment and road layout design in accordance with the Design Manual for Urban Roads and Streets has been completed for the development
  - A Road Safety Impact Assessment was not applicable for the proposed development as this is only required for Major Schemes on national roads which result in a substantial modification to the existing national road network.
- Re. Refusal Reason No. 2 -
  - A new access onto the N83 is not proposed. Based on the location of the site, newly proposed accesses onto the national road within this area can be considered by the Planning Authority in accordance with normal road safety, traffic management and urban design criteria for built up areas in accordance DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

- The proposed road layout has been designed in accordance with DMURS and associated TII publications, the Galway County Council Development Plan 2022-2028 and DM Standard 33. A Stage 1 Road Safety Audit (RSA) was carried out on the proposed development design and its recommendations incorporated into the final design.
  - In accordance with DM Standard 33, a Traffic and Transport Assessment and capacity analysis of the existing Lakeview junction was conducted for the base year 2023, opening year 2026 and 2041 fifteen years after opening using the traffic analysis software PICADY. The PICADY analysis results indicate that for the 2026 Opening Year scenario the proposed junction is forecast to operate within capacity for all traffic streams in both the morning and evening peak periods. This is also the case for the design year 2041, as the priority junction is forecast to operate well within capacity for all streams in both the morning and evening peak periods.
- Re. Refusal Reason No. 6 -
- The proposed road layout design, including footpaths and cycle infrastructure has been designed in accordance with DMURS. A Stage 1 Road Safety Audit was completed for the site.
  - There are three pedestrian and cyclist connection points provided, at the southern boundary, along the northwestern boundary (potential) and adjacent cul-de-sac local road (Church View).
  - As an extra provision, it is proposed to increase the footpath width to 4m at pedestrian and cyclist connection points at Church View along the northern boundary, and at the proposed connection to the developable lands along the western boundary. Providing additional footpath widths at these locations will future enhance the pedestrian and cyclist connectivity and permeability to the surrounding Claregalway village.

- Appendix G (Geophysical report). Report notes features which could relate to the removal of the former road through the site and field division.

## 6.2. Planning Authority Response

None received.

## 6.3. Observations

12 no. observations were received. The issues raised in each observation are summarised as follows.

### Marian Noonan

- Impact on amenity of Lakeview, specifically privacy impacts, noise impacts, and impacts arising from traffic within the estate.
- Concerns re. noise and odour from foul pumping chamber.
- Road safety concerns.
- Health concerns arising from stress related to the loss of the cul-de-sac.
- Depreciation of property value arising from proposed development.
- Development permitted in vicinity under PA. Ref. 24/60083 did not propose access through existing estate, and not via a major junction.
- Lakeview is not appropriate as a access to serve the proposal. The access arrangement is circuitous.
- Access is onto the N83, despite the applicant's assertion to the contrary. The TTA did not address cumulative impacts. Refusing permission would not set a precedent for refusing development onto the N83.

### Sinead Burke

- Roads within the estate require repair and there is no detail in relation to who will be responsible for the maintenance of same. The road within Lakeview was designed to accommodate 17 no. houses.
- The estate is used for school drop-offs and the proposal will result in traffic safety issues.

- The proposal is out of character with the area.
- Inaccuracies in documentation submitted.
- Bus routes referred to in the mobility management plan do not relate to the area.
- Concerns re. flood risk.
- The letter of consent does not refer to alteration works.
- No consent exists for connection through the Lidl site.
- It is unclear whether adequate visibility can be achieved onto the N83/traffic safety issues at junction.
- No cycle provision.
- Traffic analysis does not take account of recent development in the area.

#### Brendan Noonan

- The adequacy of Lakeview in terms of width, condition, footpaths, etc. has not been addressed in the Road Safety Audit, as suggested by the applicant. The use of Lakeview by people attending the church has not been taken account of.
- It is not credible that the proposal will not adversely affect traffic in the area.
- The junction with the N83 is hazardous and complex.
- Lakeview is a private estate and the road within the estate is not in a suitable condition to support the proposal.

#### Christine Forde

- Queries the ability of Claregalway Development Co. Ltd. to grant a right of way to the applicant.
- The road within Lakeview is not fit to cater for the proposed development.
- It is unclear who would be responsible for the upkeep of the road within Lakeview.
- The proposal to access through Lakeview will result in adverse impacts, including on health and safety, noise/dust, construction traffic, parking during the construction phase, and accessibility for residents. On completion of the

development, impacts will arise from additional refuse trucks and noise. Concerns in relation to emergency vehicle access.

- Concerns regarding flooding.
- Traffic concerns at the junction onto N83.

#### John Flanagan

- Traffic concerns at the junction onto N83.
- No details submitted regarding works within Lakeview or Church View Road.
- The road within Lakeview is not adequate to cater for the proposed development.
- It is unclear who would be responsible for carrying out works to and maintaining the road within Lakeview.
- The proposal to extend a footpath into Lakeview is ambiguous and does not address the existence of the driveway of No. 13 Lakeview. The proposal at this location would also omit a turning area, resulting in safety implications.
- The traffic survey results are queried, including the date upon which it is based.
- It is unclear how a conclusion has been reached that flooding on the site is minimal.
- There is no evidence that a connection through the Lidl site is feasible.
- Concerns regarding Block D2 in terms of overlooking. The revised proposal for this block does not address potential overlooking.
- Works required to Church View Road are unclear.
- The southern boundary (treatment) of the site has been misrepresented in images submitted with the application, and is based on Google Street View imagery from 15 years ago. The boundary comprises hedgerow and should be maintained.
- Lakeview estate acts as an overspill car park for the nearby church, which has not been acknowledged in the application.
- The proposal will result in damage to underground services within Lakeview.

### Brian Dolly

- Traffic safety concerns/congestion at the junction onto N83.
- The road within Lakeview is not adequate to cater for the proposed development.
- The Lidl will exacerbate traffic in the area.
- It is unclear who would be responsible for carrying out works to and maintaining the road within Lakeview.
- The site is prone to flooding.

### Sean Flanagan

- Impacts on Lakeview from construction and operation traffic from the proposal have not been addressed in the application.
- There is no bus service between the village and Galway.
- It is unclear who would be responsible for carrying out works to and maintaining the road within Lakeview.
- Vehicles regularly undertake reverse manoeuvres within Lakeview as turning space is inadequate.
- The southern boundary (treatment) of the site has been misrepresented in images submitted with the application.
- The footpath extension into Lakeview encroaches on the frontage/access of No. 9 and 13 Lakeview
- Traffic safety concerns/congestion at the junction onto N83.
- Flood risk on site.
- Support for refusal reason 4, 5, 7 and 8.
- The access proposal through Lidl is ambiguous.
- The proposal would endanger the safety of children walking to local schools in the vicinity.



### Marian Duggan

- Traffic congestion concerns as a result of the proposal.
- Traffic safety concerns/congestion at the junction onto N83.
- The height of the proposal, at 3 storeys, is out of character with the area.
- Lakeview is unsuitable to serve as access to the proposal.
- Concerns regarding flood risk.
- Church View Road is unsuitable for future access.

### Helen O' Neill

- Access to No. 13 appears to be obstructed by the extension of the footpath into Lakeview.
- The access road within Lakeview is not fit for purpose.
- Impact of the proposal on the amenity of residents within Lakeview, including from noise/dust, parking issues, hazards residents will encounter when accessing their home, overlooking, removal of existing landscape features/trees etc. and changes to the character of the area.
- Potential impacts on wildlife.
- Potential impact of the proposal on the sewage system in Lakeview.
- Concern re. proximity of pumping station to residence within Lakeview.
- Query whether there is a storage tank for the remainder of the development given that the one to the south of the site states that it is to serve 14 no. units.
- Limited information provided regarding ground investigations.
- Uisce Éireann are of the view that access is at Church View Road.
- Disposal of storm water is not addressed.
- Traffic safety concerns at the junction onto N83.
- The proposal will give rise to safety issues for pedestrians.
- Traffic assessment does not address traffic in the area associated with the church, funeral home and recently permitted developments.

- The data and assumptions in the traffic analysis are not robust.
- Pedestrian access through the Lidl site has not been agreed.
- Foxes are present on the site.
- Query as to whether ownership of southern part of site has been transferred.
- Queries if bat mitigation measures are adequate/enforcement of same.
- Queries whether minimal risk of flooding sufficient.
- Absence of information on the application form re. existing use of site and site suitability.
- Flooding concerns.

#### Helen Mc Cartan

- Concerns regarding traffic safety/congestion arising from the proposal.
- Traffic safety concerns/congestion at the junction onto N83.
- The periods of peak traffic in the traffic analysis undertaken by the applicant does not align with that recommended by TII.
- Concern regarding impacts from construction traffic on residents in Lakeview, including mitigation measures to address same.
- Proposal is out of character with the area/the proposal will adversely affect the amenity of residents in Lakeview.

#### Ann Maher

- Concerns regarding traffic safety/congestion arising from the proposal.
- Traffic safety concerns/congestion at the junction onto N83.
- The area is prone to flooding.
- The estate road within Lakeview is not suitable for heavy traffic during construction of the proposal, or thereafter to serve the proposal. The increase in traffic using Lakeview would compromise residents accessing and exiting their driveways.

### Cassie Ní Chatháin (Conradh na Gaeilge)

- Notes the role/requirements of Development Plans in protecting the Irish language, and that planning in Gaeltacht areas is addressed in Section 28 Guidelines, Development Plans – Guidelines for Planning Authorities (July 2022).
- Refers to non-compensable reasons for refusal of permission in relation to impact on the Irish language.
- Notes the role of Language Plans.
- An independent language impact assessment, carried out by a suitably qualified individual, should be required for each proposed unit.
- The Irish language is in a very vulnerable position locally/under serious threat, with the number of Irish speakers in An tÉachréidh LPA decreasing between 2016 and 2022 according to Census data and large developments like that proposed would have an impact on the sociolinguistics composition of the area.
- The applicant proposes to reserve 20% of the units in this development for Irish speakers. Conradh na Gaeilge recommends that Irish be the spoken language in over 90% of homes in large developments in Gaeltacht areas in categories A and B, and in 35% of homes in category C.
- Regarding language competence for the purpose of language impact assessment, a language requirement of B2 or higher in spoken Irish on the Common European Framework of Reference for Languages (Council of Europe, 2001) is suggested.
- A restriction is required on the resale of units to anyone but an Irish speaker for 15 years, along with a restriction preventing a home from being let on a long-term basis (longer than 3 months in any single year) to anyone but an Irish speaker.
- It is not recommended that language conditions be imposed on people in relation to units situated in their native constituency.
- All signage should be in Irish.

## 7.0 Assessment

7.1. Scope of Appeal – the applicant has submitted a revised proposal to the Board. Revisions include changes to the red line boundary, at the southern part of the site to reflect the extension of footpaths into Lakeview and at the northern part of the site to reflect a proposed horizontal reed bed adjacent to the River Clare. The revised proposal also includes the omission of Block D2 to the north-west of the site and its replacement with a block of semi-detached houses, reducing the overall number of residential units from 64 no. to 61 no.

7.1.1. I submit to the Board that it is not appropriate to determine the proposal as revised as to do so could be prejudicial to third parties given the absence of public participation. The proposal which I intend to consider in this appeal is that as submitted to the Planning Authority on the 7<sup>th</sup> of June 2024.

7.1.2. A revised NIS has been submitted with the appeal. Revised public notices have been submitted in respect of same. The revised NIS reflects the proposed reedbed, in addition to the inclusion of an aquatic survey and a bat survey.

7.1.3. Having examined the application details and all other documentation on file, including the appeal, observations 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 as follows:

- Refusal Reason 1 (consent & extent of development)
- Refusal Reason 2 (Impact on N83)
- Refusal Reason 3 (Flood Risk)
- Refusal Reason 4 (Appropriate Assessment)
- Refusal Reason 5 (Bats/Appropriate Assessment)
- Refusal Reason 6 (Permeability/Connectivity)
- Refusal Reason 7 (Block D2)
- Refusal Reason 8 (Archaeology)

- Issues Arising
- Appropriate Assessment (Refusal Reason 2)

## 7.2. Refusal Reason 1 (consent and extent of development)

- 7.2.1. Access to the proposed development is via Lakeview, a private housing estate which has not been taken in charge by Galway County Council. A letter of consent from the landowner of the internal access road within Lakeview accompanies the planning application. This letter of consent relates to access being provided through Lakeview. A second letter of consent also accompanied the appeal. The internal access road within Lakeview was not indicated as a right-of-way or wayleave on the site location map submitted with the initial planning application.
- 7.2.2. Reason refusal no. 1 of the Planning Authority's Notification to Refuse Permission notes that the applicant has not demonstrated sufficient legal interest in accordance with Article 22 (2) (b) (ii)<sup>2</sup> of the Planning and Development Regulations, 2001, as amended. Article 22 (2) (b) (ii) requires that adjacent lands under the control of the applicant are demarcated in blue on the site location map. The position of the Planning Authority is that as the lands within Lakeview are not indicated within the blue line boundary of the site necessary road improvement works to the road within Lakeview cannot be implemented under the application, and the proposal would contrary to DM Standards 30 and 33 of the Galway County Development Plan 2022 – 2028.
- 7.2.3. From reviewing the documentation submitted with the appeal I note that the appellant has submitted a Land Registry map indicating the internal access road within Lakeview, from the junction with the N83 up to the connection into the proposed

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<sup>2</sup> A Planning application referred to in sub-articles (1) and (1A) shall be accompanied by –

(b) 6 copies of a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale (which shall be identified thereon) of not less than 1:1000 in built up areas and 1:2500 in all other areas, or such other scale as may be agreed with the planning authority prior to the submission of the application, in any particular case and marked so as to identify clearly:

(ii) any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue.

development, as a right-of-way/wayleave. A revised Site Location Map (*Drawing No. 22081-CWO-ZZ-ZZ-DR-A-0001*) indicates this area in yellow. I am satisfied that the applicant has demonstrated that access can be provided via Lakeview to serve the proposed development.

- 7.2.4. The road surface of Lakeview is in poor condition and would require works to facilitate access to the proposal, including the facilitation of pedestrian and cyclists. Footpaths are only provided on one side of the road at locations within Lakeview (i.e. in the vicinity of the Church) and are narrow in other areas. There is no footpath provision where Lakeview meets the appeal site, an issue which is identified in the Road Safety Audit submitted with the application (see para. 2.6). The letter of consent submitted with the planning application only refers to consent to use the road within Lakeview to access the site and the application is devoid of details in relation to the nature and extent of works required to upgrade the road within Lakeview to accommodate the proposal. The appeal submission refers to the applicant being amenable to covering the costs of such works. As the road in Lakeview is not indicated within the blue line boundary of the site planning conditions cannot be attached requiring the carrying out of necessary upgrade works and the concerns of the Planning Authority are warranted in my opinion.
- 7.2.5. The second element of refusal reason 1, which is linked to the first part, is that as the alterations to provide safe access are situated outside the planning unit/site, they cannot therefore be implemented and that as such the proposal would be contrary to DM Standards 30 and 33 of the Galway County Development Plan 2022 – 2028. DM Standard 30 relates to development on private roads and requires (a) that sightlines at the junction of the private road and local road comply with the sightline requirements in DM Standard 28; that requisite consents are in place to facilitate the use of the existing infrastructure and that any works required for upgrading/repairing infrastructure to serve the proposed development is indicated; and thirdly that the capacity, width, surface condition and alignment of the private road is adequate. DM Standard 33 provides that new road layouts comply with DMURS and make provision for sustainable modal split, and that significant developments, or those that the Planning Authority consider would pose a safety risk or traffic impact are accompanied by road safety audits, road safety impact assessments and transport and traffic

assessments. In my opinion DM Standard 33 is not particularly relevant to the circumstances of the case as it relates to the access road within Lakeview. DM Standard 30 concerns private roads and is more relevant, particularly the requirement that any works required for upgrading/repairing infrastructure to serve the proposed development are indicated and that the capacity, width, surface condition and alignment of any private road is adequate. Given the absence of the internal road in Lakeview being within the blue line boundary of the site, the necessary improvement works fall outside the scope of the application. In my opinion refusal reason no. 1 should be upheld.

### **7.3. Refusal Reason 2 (Impact on N83)**

7.3.1. The second reason for refusal relates to the impact of the proposed development on the N83. The Planning Authority note that the N83 is heavily trafficked and contend that the proposed development is at variance with national policy in relation to the control of development on/affecting national roads, as set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), and with Policy Objective NR1 and DM Standards 20, 28 and 33 of the Galway County Development Plan 2028. I note that TII have also raised concerns in relation to the impact of the proposal on the N83 and the junction with the N83 in their observation to the Planning Authority. Concerns in relation to access and traffic impact are also raised in a number of the observations which have been submitted in respect of the appeal.

7.3.2. Junction Capacity - the applicant has submitted a Traffic and Transport Assessment (TTA) which included detailed traffic modelling for 3 no. junctions in the area. The traffic analysis takes account of recently permitted developments in the area, including the retail development on the adjacent site and was carried out without any allowance for mobility management measures or possible future upgrades to the network. The analysis notes that peak traffic levels through the junctions occurred between the hours of 08:15 - 09:15 in the AM period and between 14:45 - 15:45 in the PM period.

In respect of Junction 1 (signalised junction N83 Tuam Road/R381 Oranmore Road, i.e. south of the appeal site) the analysis indicates that;

- Junction 1 is operating within capacity during the morning and peak for the design year 2026.
- The PM 'with and without development' scenarios indicate that the junction is above capacity during the assessed peak hour time for the design year 2026.
- The analysis for the design year 2041 indicates that the AM 'with and without development' scenarios exceed capacity during the assessed peak hours.

The TTA notes that the analysis methodology includes for a pedestrian phase for each traffic light stage sequence, but that in practice the pedestrian phase is an "on demand" phase triggered by a push button, therefore reducing the number of pedestrian phases for the overall hourly cycle of the traffic lights which in turn gives more green time to the vehicular traffic phases and consequently an increase in the PRC (Practical Reserve Capacity).

In respect of Junction 2 (priority junction Supervalu/N83 Tuam Road/Lakeview, i.e. the junction which will serve the proposed development) the analysis indicates that;

- the junction is currently operating within capacity for all traffic streams in both the morning and evening peak periods, and this will continue to be the case for the 2026 Opening Year scenario, with slight increases projected in the RFC and queue lengths for both the morning and evening peak periods.
- For the design year 2041, the junction is forecast to operate well within capacity for all streams in both the morning and evening peak periods for the 'No Development scenario'. The inclusion of the potential development traffic will result in an increase in both delays and queueing for all traffic Streams, but the Junction is projected to continue to operate well within capacity.

In respect of Junction 3 (priority junction N83 Tuam Road/Church View (i.e. the junction further north) the analysis indicates that;



- the junction is currently operating within capacity for all traffic Streams in both the morning and evening peak periods. This will continue to be the case for the 2026 Opening Year scenario with slight increases projected in the RFC and queue lengths for both the morning and evening peak periods.
- For the design year 2041, the junction is forecast to operate well within capacity for all streams in both the morning and evening peak periods for the 'No Development' scenario. The inclusion of the potential development traffic will result in an increase in both delays and queueing for all traffic Streams, but the Junction is projected to continue to operate well within capacity.

Having regard to the results of the junction analysis contained in the TTA, and in particular in relation to that fact that Junction 2 (which will serve the proposal) will operate within capacity for all streams in both AM and PM peak periods, I am satisfied that the proposed development would not result in significant additional traffic congestion in the area. I further note that it is an objective of the Galway County Development Plan 2022 -2028 to construct a by-pass of Claregalway (see Objective BCMPS 8, Section. 2.1, Vol. 2 Galway County Development Plan 2022 - 2028). This has not been taken account of in the TTA, which is appropriate, and would likely result in significant improvements in the levels of peak hour traffic congestion within Claregalway.

7.3.3. National policy - in relation to national roads is set out at paragraph 2.5 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) . The Guidelines state that 'in respect of lands adjoining National Roads within 50 kmh speed limits, access to national roads will be considered by planning authorities in accordance with normal road safety, traffic management and urban design criteria for built up areas'. Paragraph 2.7 notes that Planning Authorities must exercise particular care in their assessment of development proposals at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. The Planning Authority consider that the proposal is contrary to Policy Objective NR1 of the Galway County Development Plan 2022 – 2028. This policy objective states 'protect the strategic transport function of national roads and associated national road junctions, including motorways through the implementation

of the 'Spatial Planning and National Roads Guidelines for Planning Authorities' DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations'. The appeal site is located within a settlement and I note that Circular PL17/2013 states that the Design Manual for Urban Roads and Street (DMURS) is mandatory for all Local Authorities with effect from the date of the Circular for all urban roads and streets within the 60kmph urban speed limit zone. I am therefore satisfied that Policy Objective NR1 is not applicable in this instance, with DMURS being the applicable policy.

- 7.3.4. Reference to DM Standard 20, which relates to shopfronts, appears to be a typographical error.
- 7.3.5. DM Standard 28 concerns sight line requirements. I note that the Planning Authority have not specified what element of the proposal fails to comply with relevant sightline requirements. There are no obvious obstructions to visibility evident at the junction onto the N83.
- 7.3.6. DM Standard 33 provides that new road layouts comply with DMURS and make provision for sustainable modal split, and that significant developments, or those that the Planning Authority consider would pose a safety risk or traffic impact are accompanied by road safety audits, road safety impact assessments and transport and traffic assessments. I note that the application is accompanied by a road safety audit and a TTA. The Planning Authority have not specified what particular aspect of DM Standard 33 the proposal development would not comply with.
- 7.3.7. In summation, having regard to the results of the junction analysis contained in the TTA I am satisfied that the proposed development would not result in significant additional traffic congestion in the area, and that the proposed development does not conflict with national policy in relation to national roads at this location. I note that the appeal site is centrally located within the settlement of Claregalway, is zoned for residential development and furthermore does not entail a direct access onto the N83. In my view, a refusal of permission on the grounds of impacts on the N83 or traffic generation/traffic safety would not be warranted in this instance.

#### **7.4. Refusal Reason 3 (Flood Risk)**

- 7.4.1. The third refusal reason concerns flood risk. The Planning Authority consider that in the absence of a completed review of the wider area by the OPW that the proposed development is premature. Furthermore, the Planning Authority are not satisfied that the subject site is not at risk of flooding, or that surface water arising from the development can be successfully managed in the manner proposed, and that in the absence of assurance that the proposed engineering solutions outlined in the SSFRA will mitigate flood risk the Planning Authority is not satisfied that the development would not materially contravene Policy Objective FL 2 (i.e. compliance with requirements of Flood Risk Guidelines/requirement for site specific flood risk assessment), Policy Objective FL 3 (i.e. implementation of principles of Flood Risk Guidelines), Policy Objective FL 8 (i.e. requirement for site specific flood risk assessment) and DM Standard 67<sup>3</sup> (i.e. incorporation of SuDS into developments) of the Galway County Development Plan 2022-2028, and consider the proposal contrary to Ministerial Guidelines.
- 7.4.2. In response, the applicant refers to the site-specific flood risk assessment (SSFRA) which has been submitted, which the applicant contends is based on finalised versions of flood maps for Claregalway which the applicant states were obtained directly from the OPW. The applicant contends that the measures outlined in the SSFRA and the Engineering Services Report mitigate flood risk on the site.
- 7.4.3. I note that flood mapping in the Metropolitan Area Strategic Plan (MASP) Section 2.1, Volume 2 of the Galway County Development Plan 2022 – 2028 indicates ‘PFRA Pluvial Extreme’ within the appeal site. I have reviewed the OPW flood mapping on floodinfo.ie and note that at the time of writing my report the area is currently ‘under review’. The applicant states that flood maps have been obtained directly from the OPW and has attached correspondence from the OPW (dated 26<sup>th</sup> August 2024). The SSFRA submitted by the applicant is based on data extracted from the OPW flood maps. Correspondence received from the OPW refers to an attached map and notes that the map is the ‘latest map for the area’ and that ‘the information will be on floodinfo

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<sup>3</sup> Reference to DM Standard 67 appears to be a typographical error. I note that DM Standard 68 relates to flooding and not DM Standard 67.

in the coming month'. I note that the correspondence from the OPW does not state that the map is the finalised version, and importantly I note that the area remains indicated as 'under review' on floodinfo seven months after the date of this correspondence. In my opinion, as the flood maps for the area have not been finalised and published on the OPW website and the area remains indicated as being under review, the information obtained directly from the OPW by the applicant should not be considered by the Board or used as a basis for a SSFRA.

7.4.4. The applicant has submitted a site specific flood risk assessment (SSFRA) with the planning application. The SSFRA notes;

- The northern area of the site is deemed to be in a Flood Zone C.
- Based on fluvial flood probability maps obtained directly from OPW, incorporating the now completed Claregalway Flood Relief scheme, the site is partially vulnerable to fluvial flood for 0.1% or 1 in 1000 & 1% or 1 in 100 AEP fluvial flood events, and therefore falls under Flood Zone B, with 10 no. units on the southern part of the site located within Flood Zone B.
- 8 no. past flood events have occurred in the vicinity, 2 no. of which affected the site, in 2005 and 2009 (photographs of the extent of flooding provided).
- Preliminary flood risk assessment was carried out by OPW in 2012 which indicated pluvial flooding towards the south of the site, making the southern, non-residential area susceptible to pluvial flooding.
- A preliminary flood risk assessment was carried out by OPW in 2012 which indicated that the site is not predicted to incur groundwater flooding, however the site has experienced ground water flooding in 2005 and 2009.
- A rising water table on the site is noted.
- There is a low risk of pluvial and groundwater flooding and medium risk of fluvial flooding.

- Pluvial flooding can occur if the proposed surface water drainage sewer is designed incorrectly or incurs blockages during a storm event.
- A potential risk of groundwater flooding has been identified, influenced by rising of the water table, primarily influenced by fluctuations in the water level of the River Clare, particularly during winter months. Given that the proposed development does not include a basement, the likelihood of groundwater within the residential area of the site is deemed highly improbable.
- Since the completion of the Claregalway Flood Relief Scheme in 2019 the site has remained free from groundwater and fluvial flooding incidents.
- Fluvial flooding can occur due to the run-off from a heavy rain fall event.
- The comprehensive design of the entire site will incorporate measures to withstand a 1 in 100-year flood event, effectively mitigating any potential risk of pluvial flooding.

7.4.5. Flood alleviation measures are set out in the SSFRA, specifically, permeable paving to reduce, delay, and attenuate surface water at its source, bio-retention tree pits along the main road within the development to treat stormwater, bio-retention rain gardens to the front of houses/apartments, a hydro-brake device to control the flow of water and a petrol interceptor. All SuDS measures will be designed to withstand a 1% AEP (1 in 100-year storm event).

7.4.6. In relation to pluvial flooding, the SSFRA notes that the approach to managing surface water is by the implementation of SuDS and the design of surface water sewers. By engineering the surface water drainage infrastructure to withstand a 1 in 100-year storm event, the likelihood of pluvial flooding is deemed highly unlikely and within acceptable thresholds.

7.4.7. In relation to groundwater and fluvial flooding, the SSFRA notes that since flood alleviation measures undertaken by the Local Authority and OPW in 2010 (i.e. the construction of a surface water pipe from the River Clare) the site has not been subject to groundwater or fluvial flooding. The SSFRA notes that the risk of groundwater and

fluvial flooding for the proposed residential section of the site is non-existent for 0.1%, 1%, or 10% AEP flood events.

- 7.4.8. In order to safeguard against flooding for the 10 residential units situated within the flood plain it is proposed to elevate the Finished Floor Level (FFL) above the anticipated flood level, achieved through the incorporation of freeboard and an additional allowance of 20% to accommodate potential climate change impact. In accordance with the worst-case scenario predicted flood event (i.e. 0.1% AEP) the 10 residential units would yield a total flood water displacement of 257.7m<sup>3</sup>. It is proposed to lower the existing topography for the proposed green open space by 200mm. This flood water storage will yield 453.9m<sup>3</sup> additional storage capacity for the predicted flood waters. The SSFRA notes that to address the potential risk of floodwater transfer into Lakeview the internal roadway and footpaths will maintain existing topographical levels and ramp up locally, with a 0.5 meter difference in road levels between the two developments. The maximum predicted flood depth for the worst-case scenario (i.e., 0.1% AEP) is 0.25 meters at the boundary line thereby assuring that transfer of floodwater from the proposed development into the existing Lakeview Estate will not occur.
- 7.4.9. As the development is 'highly vulnerable' (in relation to the 10 no. units located within Flood Zone B) the 'Justification Test', as set out in the Flood Risk Guidelines, has been applied by the applicant. In respect of point 1 the applicant notes that the subject lands have been zoned for development. Regarding points 2 (i) to (iv) of the Justification Test, the following is noted in the applicant's SSFRA;
- (i) The proposed development will reduce possibility of on-site flooding by implementation of various SuDS measures. The development will not increase but rather reduce the flood risk elsewhere by use of the proposed deepening of land.
  - (ii) Ground floor finished floor level of the 10 No. residential units within the Flood Zone B will be raised by 960mm, including for flood depth, freeboard and 20% climate change. Local deepenings in the southern green open

space will reduce the overall flood extent as additional flood water storage volume of 453.9m<sup>3</sup> has been achieved.

- (iii) The proposed development will be adequately managed to ensure flooding due to residual risks is minimized as much as possible.
- (iv) The proposed development is compatible with the wider planning objectives, including the land use zoning for the site.

7.4.10. The SSFRA notes that remaining residual risk from pluvial flooding arises from the drainage system as a result of blockages which it is proposed to address by regular maintenance of the surface water system.

7.4.11. The applicant has based the SSFRA and its conclusions on the information obtained from the OPW which in my opinion remains preliminary, until publicly available on floodinfo.ie. I also note the particular characteristics of the site, as referenced in the Engineering Services Report submitted with the application, specifically the rising water table and poor infiltration rates<sup>4</sup>, and previous occurrences of flooding on the site and I am not satisfied that the flood alleviation measures proposed would adequately address flood risk on the site. Additionally, in light of the uncertainties in relation the flood mapping for the area and the characteristics of the site, I have concerns in relation to the provision of flood attenuation within the area of open space noting its proximity to Lakeview and the proximity of this area to the primary access serving the proposed development. Having regard to the forgoing I am not satisfied that the proposed development would not be at risk of flooding, that the measures to manage flood risk are adequate, or that the proposed development would not result in flooding of adjacent lands, and in accordance with paragraph 5.16 of the Flood Risk Guidelines a precautionary approach should be adopted in my view and permission refused on the basis of flood risk.

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<sup>4</sup> The Engineering Services Report (page 11) refers to all 12 no. locations within the failing infiltration testing based on BRE Digest 365 and therefore not being appropriate for soakaways. The report also refers to a rise in the water table being observed in trial pits.

## **7.5. Refusal Reason 4 (Appropriate Assessment)**

7.5.1. See paragraph 7.11 below.

## **7.6. Refusal Reason 5 (Bats/Appropriate Assessment)**

7.6.1. Refusal reason no. 5 notes the potential of the site to contain supporting habitat for Lesser Horseshoe Bat, a Qualifying Interest of Lough Corrib SAC, and states that in the absence of an Ecological Impact Assessment and Bat Survey Report, the Planning Authority is not satisfied that the proposed development will not result in a loss of habitat and/or negatively impact bat populations. The Planning Authority contend that the proposal would materially contravene Policy Objective NHB1 - Natural Heritage and Biodiversity of Designated Sites, Habitats and Species, NHB 2 - European Sites and Appropriate Assessment, NHB 9 - Protection of Bats and Bats Habitats and DM standard 50 DM Standard: Environmental Assessments of the Galway County Development Plan 2022-2028.

7.6.2. The applicant submitted an Ecological Impact Assessment (EclA) with the appeal submission. Appendix 1 of the EclA includes a bat fauna impact assessment. A bat survey of the site was undertaken on 21<sup>st</sup> August 2024. The site is noted as being of relatively low importance to the local bat population. The assessment states that a single tree on the site accommodates a bat roost for a single soprano pipistrelle. Mature hedgerows and treelines border the site and are considered important to the local bat population as foraging corridors. Foraging along treelines and hedgerows to the rear of the site would be expected to continue once mitigation in relation to lighting is put in place. The assessment notes that no bat roosts or potential bat roosts will be lost due to the proposed development and that bat activity on the site will continue. The presence of a reed bed adjacent to the River Clare is noted as having a positive impact for bats by increasing insect populations which bats would feed on. The assessment concludes that the residual impact will be minor adverse/not significant in the short term and low beneficial positive in the long term due to the placing of the open space to the rear of the site (where foraging was noted) and the placing of reedbed proximate to the river. The tree which contained a bat roost will be retained, along with other existing trees, on this boundary. Mitigations measures are set out in the assessment (pages 65-66) and include directing light during construction away



from the perimeter of the site and compliance with bat lighting guidelines. The assessment also notes that should the ash tree on the site which accommodates the roost be removed that an application of a derogation licence will be sought.

- 7.6.3. I have reviewed the assessment submitted as part of the EclA in respect of bats. Refusal reason no. 5 included specific reference to the Lesser horseshoe bat. The presence of Lesser horseshoe bat was not identified within the site on the date of the survey. The foraging range for Lesser horseshoe bat is 2.5 km.<sup>5</sup> The site is outside the foraging range for Lesser horseshoe bat associated with Lough Corrib SAC, which is indicated on MAP 11: Lough Corrib SAC Conservation Objectives Lesser Horseshoe Bat (see Conservation Objective Series, Version 1, 28<sup>th</sup> April 2017). I am satisfied that the proposed development would not result in significant impacts on bats, including the Lesser horseshoe bat, and would not materially contravene Policy Objective NHB1 - Natural Heritage and Biodiversity of Designated Sites, Habitats and Species (which requires the protection of habitats and European sites), NHB 2 - European Sites and Appropriate Assessment (which requires the implementation of the Habitats Directive), NHB 9 - Protection of Bats and Bats Habitats (regarding the protection of bats) and DM standard 50 DM Standard: Environmental Assessment (which requires where necessary Appropriate Assessment, Ecological Assessment and Environmental Impact Assessment) of the Galway County Development Plan 2022-2028.

## **7.7. Refusal Reason 6 (Permeability/Connectivity)**

- 7.7.1. The Planning Authority state in refusal reason no. 6 that it has serious concerns regarding the lack of connectivity and permeability with adjacent lands, in order to encourage safe walking and cycling linkages both within the site and to the village. The Planning Authority consider the connection to the village centre to be circuitous

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<sup>5</sup>[www.npws.ie/sites/default/files/publications/pdf/Lesser\\_horseshoe\\_bat\\_supporting\\_document\\_Jan\\_2018\\_V1.pdf](http://www.npws.ie/sites/default/files/publications/pdf/Lesser_horseshoe_bat_supporting_document_Jan_2018_V1.pdf)

and the proposal to be contrary to Policy Objective BCMSP 6, WC1, WC 3 and WC 5 of the Galway County Development Plan 2022-2028.

- 7.7.2. The proposal accommodates a network of footpaths within the site. Whilst no dedicated cycle paths are proposed I consider that the layout of the scheme satisfactorily accommodates cyclists.
- 7.7.3. I note that the proposal is dependent on surrounding lands in terms of pedestrian and cycle infrastructure. In terms of connectivity to the wider area, the proposal provides for a pedestrian connection to the north onto Church View and to the south into Lakeview, with both routes connecting to the N83 and the centre of Claregalway. The proposal also indicates a connection through the Lidl site to the west.
- 7.7.4. Pedestrian and cycle infrastructure is absent on Church View. Furthermore, the carriage width of Church View is narrow and street lighting is limited. In my opinion the use of Church View by pedestrians and cyclists would be problematic from a safety perspective and its use would represent a hazard to residents from the proposal who may seek to use it and a route to and from the centre of Claregalway.
- 7.7.5. In relation to the connection to the south through Lakeview, I note that footpaths are only provided on one side of the road at locations within Lakeview (i.e. in the vicinity of the Church) and there is no footpath provision where Lakeview connects to the appeal site. Additionally, as addressed at paragraph 7.2.4. the internal road in Lakeview is not indicated within the blue line boundary of the appeal site, and notwithstanding the absence of proposals to address this issue such works fall outside the site and could not be conditioned in the event of a grant of permission.
- 7.7.6. The proposed layout indicated a pedestrian connection along the western boundary of the site through the Lidl site. I note that the site layout submitted under PA. Ref. 22/60522 (the Lidl application) depicts a 'pedestrian link to future development'. While this would facilitate a connection from the site through the Lidl car park onto the N83 I note that agreement with Lidl would be required to formalise this connection. I have some concerns in relation to this route, which would be the most direct route to the centre of the village and would likely be the most desirable route of the three routes

proposed. Firstly, the use of this route would direct pedestrians and cyclists through the car park of a supermarket, giving rise to potential pedestrian vehicular conflicts. Secondly, the route within the appeal site runs along the side of the southernmost unit within Block D1, including its private amenity space, with potential impacts for residential amenity and a propensity for anti-social behavior.

- 7.7.7. Having regard to the existing substandard provision/absence of pedestrian and cycle infrastructure in the area, specifically within Lakeview and on Church View, and the potential traffic safety and residential amenity issues from the use of the route through the Lidl site, the proposed development fails to provide for appropriate connectivity and permeability with adjacent lands and the village. Refusal reason no. 6 should be upheld in my opinion.

#### **7.8. Refusal Reason 7 (Block D2)**

- 7.8.1. Refusal Reason no. 7 relates to Block D2, which the Planning Authority considers is incongruous with the character of the area, with particular reference to its scale, bulk and proximity to existing single storey dwellings along Church View. The Planning Authority consider that Block D2 would be contrary to Objective PM10 and DM Standard 29 of the Galway County Development Plan 2022 – 2028.
- 7.8.2. In response, the applicant's appeal submission notes that the first and second floors of Block D2 provide a separation distance in excess of the guidance set out in the Sustainable Residential Development and Compact Settlement Guidelines (i.e. at least 16 metres), that Block D2 is of high architectural merit, considers the context of the site and follows the existing building line, integrating with the Church View.
- 7.8.3. Block D2 is located to the north-west of the scheme and comprises a 3 storey duplex block (8 no. units) with a ridge height of 14 metres. Regarding the proximity of Block D2 to the dwellings along Church View I note that the closest dwelling on Church View will be c. 20 metres from the north-westernmost unit within Block D2, with the closest dwelling on the northern side of Church View in excess 30 metres from Block D2. Having regard to the separation distances concerned, I do not anticipate significant impacts on the properties on Church View in terms of overlooking or overbearance. Noting the orientation of Block D2 relative to the adjacent bungalow to the north-west

significant overshadowing is not likely. The prevailing building typology on Church View are modest sized single storey dwellings, and given the undeveloped nature of the appeal site any development of the site is likely to result in a noticeable transition in terms of the scale of buildings. That being said the appeal site is centrally located within Claregalway and is zoned for residential development and in my opinion the impact of the proposal on the character of the area would not be unacceptable in this context.

- 7.8.4. In summation, I do not consider that Block D2 (as proposed in the initial planning application) would result in any significant impacts on the residential amenity of the existing dwellings along Church View and I am satisfied that the scale and design of Block D2 is acceptable and would not be incongruous with the character of Church View.

#### **7.9. Refusal Reason 8 (Archaeology)**

- 7.9.1. Refusal reason no. 8 relates to the absence of an archaeological geophysical survey and targeted archaeological test excavations, which the Planning Authority consider are necessary in order to enable an assessment of impact of the proposed development on archaeology in the area. Refusal reason no. 8 states that the proposed development would materially contravene Objective ARC5 and ARC10 of the Galway County Development Plan 2022 – 2028, which requires that applications within areas of archaeological potential take account of the archaeological heritage of the area and the need for archaeological mitigation, and to protect the Zones of Archaeological Potential, respectively.
- 7.9.2. The applicant has undertaken an Archaeological Geophysical Survey of the site. The survey did not note any significant archaeological features, save for sub-surface details which could relate to the removal of the former road through the site and field division. The applicant contends that the proposal therefore accords with Objective ARC5 and ARC10, and further notes that the site is located outside the zone of archaeological potential, which is situated to the north-west of the site. On the basis of the Archaeological Geophysical Survey submitted with the appeal I am satisfied that the proposed development complies with Objective ARC5 and ARC10 of the Galway County Development Plan 2022 – 2028.

## 7.10. Issues Arising

- 7.10.1. Surface Water (New Issue) – there is no available surface water network into which the proposed development can currently discharge and the proposal entails discharging surface water via a 225 mm pipe to the River Clare. The proposed surface water pipe will traverse zoned land (Residential Phase 2) to the north of the appeal site and would have implications for the future development of these lands, in particular the layout of any scheme arising from way-leaves etc. which would be required in order to facilitate access to the pipe. More fundamentally however, I consider that the proposed development constitutes a significant expansion of the settlement of Caregalway, and I am not satisfied that the drainage proposal represents a sustainable approach to servicing the proposed development, and would if permitted create a precedent for other developments discharging to watercourses. This is a **new issue** and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.
- 7.10.2. Pumping station – concerns are raised in observations in relation to its potential impact on the amenity of Lakeview arising from odour. I note that the pumping station is required to serve 14 no. units within the scheme. Proposals of this nature are not atypical in residential developments. I am satisfied that the proposed pumping station would not result in significant impacts on the amenity of the area in terms of odour.
- 7.10.3. Linguistic Impact - The site is located within a designated Gaeltacht area under the Galway County Development Plan 2022-2028. Policy Objective GA5 of the Galway County Development Plan 2022-2028 requires the submission of a Linguistic Impact Statement for housing proposal consisting of two or more houses in the Gealtacht area. A Linguistic Impact Statement (LIS) has been submitted to the Board. The report notes the following;
- It is considered that the proposed development, through providing additional housing in Claregalway, will support the growth of the use of the Irish language.

- While the population of the Claregalway ED has increased at a greater rate than the Galway County Gaeltacht Areas, an assessment of the population of Irish speakers aged three years and over has revealed a decrease of 14.4% compared to the Carnmore ED which has shown a significant increase in Irish speakers at 29.8% when compared to the 2016 Census results.
- Claregalway ED has seen a drop in daily Irish speakers of 28%.
- 20% of the dwellings will be reserved for Irish speakers and the proposal will support the continued use and growth of the Irish language in Claregalway.
- The proposal will have a positive impact on Irish language use.

I note that the Galway County Development Plan does not specify the qualifications required by persons undertaking Linguistic Impact Statements for Gaeltacht areas. I note that this issue arose in the Rathcairn judgment [2020-522JR], where at paragraph 108, Mr. Justice O' Hanlon concludes that the author of a linguistic impact statement drew conclusions which he was not qualified to. I submit to the Board that caution should be exercised when using linguistic impact statements to assess proposals within Gaeltacht areas, in particular where the author of the report has no referenced competence in sociolinguistics or language planning. In my opinion the LIS submitted, and the conclusions reached therein, are not sufficiently robust for the Board to rely on in determining the impact of the proposed development on the Irish language within Bearnna.

Policy Objective GA4 (b, which applies to District F) and Policy Objective BCMSP 10 of the Galway County Development Plan 2022 – 2028 require that a language enurement clause will be a minimum of 20% or the proportion of persons using Irish language on a daily basis, in accordance with the latest census, whichever is greater. The applicant proposes to set aside 20% of the houses within the proposal for Irish speakers so as to accord with Policy Objective GA5 and Policy Objective BCMSP 10. I note that the settlement of Claregalway comprises Carnmore ED and Claregalway ED, with populations of 2,388 and 2,719 respectively, based on the 2022 census. The number of people aged 3+ who speak Irish daily are 32 and 47 for Claregalway ED and Carnmore ED and on this basis I consider the applicant's proposal to set aside

20% of the units for Irish speaks to comply with the requirements of Policy Objective GA4 (b, which applies to District F) and Policy Objective BCMSP 10 of the Galway County Development Plan 2022 – 2028.

7.10.4. Institutional Investment - The Section 28 Guidelines, Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021), issued by the Department of Housing, Local Government and Housing, applies to developments comprising 5 or more houses or duplex units. Having regard to the Section 28 Guidelines in respect of 'Commercial Institutional Investment in Housing', I consider that the development, comprising/including 5 or more own-door units and falling within the definition of structure to be used as a dwelling to which these guidelines applies, should include a condition to restrict the first occupation of these units as outlined by the Guidelines. In the event that the Board are minded to grant permission for the proposed development I recommend that 'Condition RCIIH1' as per the wording provided in the Guidelines is used as it enables the developer to carry out any enabling or preparatory site works, unlike condition RCIIH2, and as the effect in respect of the residential component is the same.

#### 7.11. Appropriate Assessment

##### 7.11.1. Stage 1 Screening

7.11.2. Compliance. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act 2000, as amended, are considered fully in this section.

7.11.3. Background. The applicant submitted an revised Appropriate Assessment Screening report and revised Natura Impact Statement (NIS) for the proposed development<sup>6</sup> with

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<sup>6</sup> The Appropriate Assessment Screening report and NIS submitted relates to the revised proposal submitted to the Board, i.e. including the provision of a horizontal reed bed adjacent to the River Clare which will form the final stage in the treatment of surface water prior to discharge to an existing drainage ditch, which in turn discharges to the River Clare. As addressed at para. 7.1.1 I do not consider it appropriate to assess the revised proposal, which includes the reed bed. My assessment is of the

the appeal. 5 no. European sites were examined in the Stage 1 Appropriate Assessment Screening report. Following this screening exercise, 2 no. European sites were identified on the basis of there being potential for polluted run-off reaching Lough Corrib SAC and Lough Corrib SPA during both the construction and operation phase of the proposed development.

7.11.4. The applicant's Stage 1 Appropriate Assessment Screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Having reviewed the document, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.11.5. Supplementary Reports/Studies.

An Ecological Impact Assessment was submitted with the application. The EclA assesses the impact of the proposed development on biodiversity and sets out measures to avoid/minimise such effects. The report provides a description of the baseline ecological environment based on surveys of the site (carried out on the 16<sup>th</sup> April 2024 and 21<sup>st</sup> August 2024). Habitats on the site are noted as comprising WL1 – *Hedgerows*, GA1 – *Agricultural Grassland*, WSI – *Scrub*, and FW4 – *Drainage ditches*. The report notes that no protected terrestrial mammals or flora were recorded on the site. A bat survey of the site was undertaken on 21<sup>st</sup> August 2024 as part of the EclA. A single tree on the site accommodates a bat roost for a single soprano pipistrelle. Mature hedgerows and treelines border the site and are noted as being important to the local bat population as foraging corridors. Reference is made to the presence of birds on the site however no bird surveys were noted as being undertaken, and wintering bird surveys were not carried out. An aquatic survey of the site was undertaken on 21<sup>st</sup> August 2024 as part of the EclA. A bank inspection, presence/absence survey of aquatic fauna, and an assessment of habitat suitability

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proposed development as submitted to the Planning Authority, which entailed a pipe discharging surface water directly to the River Clare.



within the watercourse adjacent to the proposed site for species listed as Qualifying Interests of Lough Corrib SAC was carried out. One salmonid parr (0+ year class) was observed. No evidence of freshwater pearl mussel, white-clawed crayfish, suitable brook/sea lamprey habitat, or otter were observed. The overall habitat availability and quality for these Qualifying Interests of Lough Corrib SAC in the vicinity of the appeal site was deemed sub-optimal. The EclA concludes that subject to mitigation, the proposed development will result in long term minor adverse not significant residual impacts on ecology in the area.

A Preliminary Construction and Environmental Management Plan (pCEMP) was submitted with the application. The pCEMP addresses environmental protection and waste management. The pCEMP sets out environmental control measures for air quality; noise and vibration; fuels and oils management; spill control; soil and groundwater; surface water; and ecology.

A Flood Risk Assessment was submitted with the application. The southern part of the site is noted as being within Flood Zone B, based on maps obtained from the OPW. Mitigation measures are proposed to address flood risk on the site, including SuDS measures, elevated FFL of 10 no. units above the anticipated flood level and the deepening of the green open space by 200mm to provide flood water storage.

7.11.6. Likely Significant Effects. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European Site(s). The proposed development is examined in relation to any possible interaction with European Sites designated as SACs and SPAs to assess whether it may give rise to significant effects on any European site.

7.11.7. The Proposed Development. The development comprises permission for;

- Construction of 64 no. residential units.
- Car parking.
- Public open space.
- ESB substation and pumping station.

- Undergrounding of existing overhead cables.
- 225 mm diameter surface water drainage pipe connecting to the River Clare<sup>7</sup>;
- SuDS measures.
- Site development works.

The proposed development is expected to take 12 no. months<sup>8</sup> to complete.

7.11.8. Potential Effects of the Proposed Development. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the implications for likely significant effects on European sites:

- The uncontrolled release of pollutants, generated by the proposal during the construction stage, to ground water and surface water (e.g. run-off, silt, fuel, oils, concrete etc.) and subsequent impacts on water quality sensitive habitats of Lough Corrib SAC (Site Code 000297) and Lough Corrib SPA (Site Code 004042), including from the construction of the surface water pipe.
- Potential for the release of contaminated surface water, generated by the proposal at operational stage, and subsequent impacts on water quality sensitive habitats of Lough Corrib SAC (Site Code 000297) and Lough Corrib SPA (Site Code 004042).
- Potential release of foul effluent generated by the proposal on water quality sensitive habitats of Lough Corrib SAC (Site Code 000297) and Lough Corrib SPA (Site Code 004042).
- Potential disturbance/displacement of otter (i.e. ex-situ effects).
- Potential disturbance/displacement of Lesser horseshoe bat (i.e. ex-situ effects).
- Should any bird species, which are Special Conservation Interests (SCI) of Lough Corrib SPA (Site Code 004042) or another European site, use the site

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<sup>7</sup> A 225 mm diameter surface water pipe is proposed to serve the development. Surface water collected from the site will flow by gravity to a manhole, from there it will flow into a petrol interceptor and then to a pumping station. Dual pumps are proposed in case one fails. The pipe discharges directly to the River Clare.

<sup>8</sup> See TTA page 44.

for resting, foraging, breeding etc., then the proposed development would have the potential to result in habitat fragmentation and disturbance to bird species (i.e. ex-situ impacts).

7.11.9. Submissions and Observations. An observation from the DoHLGH (see para. 3.3) relates to nature conservation. These comments were based on the initial Appropriate Assessment Screening report and NIS which was submitted with the planning application. An observation made in respect of the appeal notes support for refusal reasons no. 4 and 5 which relate to potential impacts on Lough Corrib SAC (Site Code 000297).

7.11.10. European Sites and Connectivity. A summary of European sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination. I am satisfied that other European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site or given the absence of any direct hydrological or other pathway to the appeal site.

**Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.**

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Lough Corrib SAC (Site Code 000297)	<ul style="list-style-type: none"> <li>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</li> <li>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</li> </ul>	At the closest point, the site of the proposed residential development is c. 280 metres south-east of Lough	Noting the location of the proposed surface water pipe within the SAC a likelihood of significant effects exists.	Y

	<ul style="list-style-type: none"> <li>• Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> <li>• Active raised bogs [7110]</li> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> <li>• Depressions on peat substrates of the Rhynchosporion [7150]</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Bog woodland [91D0]</li> <li>• Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</li> <li>• Austropotamobius pallipes (White-clawed Crayfish) [1092]</li> <li>• Petromyzon marinus (Sea Lamprey) [1095]</li> <li>• Lampetra planeri (Brook Lamprey) [1096]</li> <li>• Salmo salar (Salmon) [1106]</li> <li>• Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Najas flexilis (Slender Naiad) [1833]</li> <li>• Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</li> </ul>	Corrib SAC. The proposed surface water pipe discharged into and is located <b>within</b> Lough Corrib SAC.	Additionally, noting the indirect connectivity formed by the proposed surface water pipe between the main body of the site where residential development is proposed and the SAC a likelihood of significant effects exists.	
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Lough Corrib SPA (Site Code 004042)	<ul style="list-style-type: none"> <li>• Gadwall (<i>Anas strepera</i>) [A051]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Pochard (<i>Aythya ferina</i>) [A059]</li> <li>• Tufted Duck (<i>Aythya fuligula</i>) [A061]</li> <li>• Common Scoter (<i>Melanitta nigra</i>) [A065]</li> <li>• Hen Harrier (<i>Circus cyaneus</i>) [A082]</li> <li>• Coot (<i>Fulica atra</i>) [A125]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> <li>• Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>	c. 5 km west of appeal site.	The proposed surface water pipe discharges to the River Clare which in turn discharges to Lough Corrib waterbody/Lough Corrib SPA. Noting the indirect connectivity formed by the proposed surface water pipe between the main body of the site where residential development is proposed and the SPA a likelihood of significant effects exists.	Y
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7.11.11. Following an examination of sites within the zone of influence, and upon an examination of the connectivity between the appeal site and these sites (see Table 7.1 above), Lough Corrib SAC (Site Code: 000237) and Lough Corrib SPA (Site Code: 0004042) have been screened in having regard to the location of the proposed surface water pipe within Lough Corrib SAC and the indirect connectivity provided by the proposed surface water pipe connecting the main body of the site where residential development is proposed and the SAC, and also having regard to the potential indirect connectivity provided by the proposed surface water pipe connecting the main body of the site where residential development is proposed and Lough Corrib SPA via the River Clare, into which the surface water pipe discharges.

7.11.12. Conservation Objectives of European Sites ‘Screened-In’. There is no Conservation Management Plan for Lough Corrib SAC. The Conservation Objectives for **Lough Corrib SAC** can be found at <https://www.npws.ie/protected-sites/sac/000297>. There is no Conservation Management Plan for Lough Corrib SPA. The Conservation

Objectives for **Lough Corrib SPA** can be found at <https://www.npws.ie/protected-sites/spa/004042>.

7.11.13. Identification of Likely Effects. In light of the above Conservation Objectives, the main elements of the proposal which may give rise to impacts on the European sites listed above are as follows;

Construction Phase Impacts on Lough Corrib SAC - during the construction phase, there is potential for surface water run-off from site works to temporarily discharge into the SAC via the surface water and ground water. Construction works associated with the surface water drainage proposal (pipe) will occur within Lough Corrib SAC. There is the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, such as silt from site clearance and other construction activities and also from the release of hydrocarbons. There is potential for ex-situ effects (disturbance/displacement) on otter should they be present on/adjacent to the site, resulting from noise during the construction phase of the development. Potential also exists for ex-situ effects (disturbance/displacement) resulting from noise and light during the construction phase on Lesser horseshoe bats, should they use the site for feeding, foraging etc.

Operational Phase Impacts on Lough Corrib SAC - during the operational phase the applicant proposes to discharge effluent to the public sewer. Sustainable Urban Drainage (SuDs) measures are incorporated into the proposed development. Given the unavailability of capacity in the local stormwater network in the area stormwater from the site will discharge to the River Clare after first passing through a petrol interceptor. There is the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, such as silt and hydrocarbons, which may enter the proposed surface water system and then enter the SAC. In this regard, there is potential for the water quality pertinent to this European Site to be negatively affected. There is potential for ex-situ effects (disturbance/displacement) on otter resulting from noise during the operational phase of the development. Potential also exists for ex-situ effects (disturbance/displacement) resulting from noise and light during the operational phase on Lesser horseshoe bats, should they use the site for feeding, foraging etc.

In the absence of mitigation, the proposed development has the potential to result in negative impacts on Lough Corrib SAC. I consider that such impacts could be significant in terms of the stated conservation objectives of Lough Corrib SAC.

Construction Phase Impacts on Lough Corrib SPA - during the construction phase, there is potential for surface water run-off from site works to temporarily discharge to groundwater and surface water and flow into the River Clare which in turn connects to Lough Corrib SPA. The proposal will entail construction works associated with the surface water drainage proposal on the banks of the River Clare. There is the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, such as silt from site clearance and other construction activities and also from the release of hydrocarbons. The grassland habitat within the site may represent suitable supporting habitat for bird species associated with Lough Corrib SPA and the potential for ex-situ effects (disturbance/displacement) therefore exists.

Operational Phase Impacts on Lough Corrib SPA - during the operational phase the applicant proposes to discharge effluent to the public sewer. Sustainable Urban Drainage (SuDs) measures are incorporated into the proposed development. Given the unavailability of capacity in the local stormwater network in the area stormwater from the site will discharge to the River Clare after first passing through a petrol interceptor. There is the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, such as silt and hydrocarbons, which may enter the proposed surface water system, entering the River Clare which in turn connects to Lough Corrib SPA. In this regard, there is potential for the water quality pertinent to this European Site to be negatively affected. The grassland habitat within the site may represent suitable supporting habitat for bird species associated with Lough Corrib SPA and the potential for ex-situ effects (disturbance/displacement) therefore exists.

In the absence of mitigation, the proposed development has the potential to result in negative impacts on Lough Corrib SPA. I consider that such impacts could be significant in terms of the stated conservation objectives of Lough Corrib SPA.

In-combination Impacts. Recent planning applications where permission has been granted and plans have been examined in the applicant's Appropriate Assessment Screening<sup>9</sup>.

A summary of the outcomes of the screening process is provided in the screening matrix Table 7.2.

Table 7.2 - Summary Screening Matrix				
European Site	Distance to proposed development/ Source, pathway receptor	Possible effect alone	In combination effects	Screening conclusions:
Lough Corrib SAC (Site Code (000297))	At the closest point, the site of the proposed residential development is c. 280 metres south-east of Lough Corrib SAC. The proposed surface water pipe is located <b>within</b> Lough Corrib SAC.	During the construction phase there is potential for surface water runoff from site works to temporarily discharge to ground and surface water and reach the SAC. Construction works associated with the surface water drainage proposal/pipe will occur within Lough Corrib SAC. At operational stage contaminated surface water could enter the SAC via the proposed surface water pipe which discharges to the River Clare/Lough Corrib SAC. There is the potential for the water quality pertinent to this European Site to be negatively affected by contaminants, from site clearance and other construction activities and also	No effect	Screened <b>in</b> for AA

<sup>9</sup> The AA Screening report does not include reference to PA. Ref. 22/60522 & ABP. Ref. 315980-24, the adjacent supermarket development to the west, or the development of 74 no. residential units permitted under PA. Ref. 24/60083 to the south.



		<p>from the release of hydrocarbons.</p> <p>There is potential for ex-situ effects (disturbance/displacement) on otter from noise during construction and operational phase of the development, and potential for ex-situ effects (disturbance/displacement) on Lesser horseshoe bat resulting from noise and light during construction and operational phase of the development.</p>		
Lough Corrib SPA (Site Code: 004042)	c. 5 km west of appeal site.	<p>During the construction phase there is potential for surface water runoff from site works to temporarily discharge to ground and surface water and reach the SPA via the River Clare. There is the potential for the water quality pertinent to this European Site to be negatively affected by contaminants, from silt and other construction activities and also from the release of hydrocarbons.</p> <p>At operational stage contaminated surface water could enter the SPA via the proposed surface water pipe which discharges to the River Clare which connects to Lough Corrib SPA. There is the potential for the water quality</p>	No effect.	Screened in for AA.

		<p>pertinent to this European Site to be negatively affected by contaminants, including hydrocarbons.</p> <p>The grassland habitat within the site may represent suitable supporting habitat for bird species associated with Lough Corrib SPA, with the potential for ex-situ effects (disturbance/displacement) during construction and operational phases of the proposed development.</p>		
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7.11.14. Mitigation Measures. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.11.15. Screening Determination. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination **could have a significant effect** on Lough Corrib SAC and Lough Corrib SPA in view of the Conservation Objectives of the site, and Appropriate Assessment is therefore required.

#### 7.11.16. **Stage 2 – Appropriate Assessment**

7.11.17. Article 6(3). The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and

Development Act, 2000, as amended, are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement and associated documents.
- Appropriate assessment of implications of the proposed development on the integrity each European site.

7.11.18 Compliance with Article 6(3) of the EU Habitats Directive. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.11.19 Screening The Need for Appropriate Assessment. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development, individually or in-combination with other plans or projects, will not have a significant effect on the following European Site:

- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)

The possibility of significant effects on other European sites has been excluded on the basis of objective information and noting that there is no possible ecological connection or pathway between the appeal site and other Natura 2000 sites surrounding the proposed development. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.11.20. The Natura Impact Statement. A NIS, prepared by Altamar Marine and Environmental Consultants, examines and assesses potential adverse effects of the proposed development on Lough Corrib SAC and Lough Corrib SPA. The NIS identifies the main potential impact from the proposed development on Lough Corrib SAC and Lough Corrib SPA as being the potential for polluted run-off (e.g. silt, dust, hydrocarbons, concrete etc.) to enter Lough Corrib SAC during the construction of the surface water drainage element of the proposal and during the operational phase of the proposal, and for pollution to enter River Clare during both construction and operational phases of the proposal and in turn reach Lough Corrib SPA, affecting aquatic dependent QI and SCI. The NIS also identifies potential for disturbance to otter, a QI of Lough Corrib SAC (ex-situ effects), notwithstanding that no holts were identified within the site. The NIS notes that this section of the River Clare has undergone flood alleviation works which has resulted in the removal of many natural features of biodiversity value. Unlike the Appropriate Assessment Screening report, the NIS does not include any examination of recent planning applications where permission has been granted in the vicinity of the appeal site, or of plans.

7.11.21. The NIS refers to mitigation measures which will be adhered to. Measures for the construction and operational phase of the proposed development and are set out in Table 7 of the NIS and include;

Construction Phase

- Appointment of project ecologist.
- Phasing of the construction, starting with the construction of the reed bed system.
- Establishment of local silt traps throughout site.
- Preparation/submission of a works methodology which will be approved by a project ecologist, containing the following:
  - All works in SAC will have a project ecologist on site.
  - A site inspection will be carried out prior to works commencing within 100m of the SAC. This will include an assessment for otter holts to 100m upstream and downstream of the proposed works. If an otter holt is present NPWS will be contacted and suitable mitigation put in place to the satisfaction of NPWS.

- A precast head wall will be used.
  - No concrete works will take place east of the R381 without the presence of a project ecologist on site.
  - The final headwall installation and connection to the river is to be made once all drainage works and landscaping works along the pipe route have been completed. This includes the reinstatement of grassland habitat.
  - The connection will not become live until all enabling work, site roads, soil movements and petrochemical interception are in place. The connection is to be made live solely at the approval of the project ecologist having inspected the proposed development site and drainage connections.
- Stockpiling of loose materials will be kept to a minimum of 20m from drains.
  - Stockpiles and runoff areas following clearance will have suitable barriers to prevent runoff of fines into the drainage system and watercourses.
  - Fuel, oil and chemical storage will be sited within a bunded area. The bund will be at least 50m away from drains, ditches, excavations and other locations where it may cause pollution. Fuel and oils will be stored a minimum of 70cm above ground when not in a vehicle.
  - Bunds will be kept clean and spills within the bund area will be cleaned immediately.
  - Any water-filled excavations that require pumping will not directly discharge to the public network. Prior to discharge of water from excavations adequate filtration will be provided to ensure no deterioration of water quality.
  - Petrochemical interception and bunds in refuelling area.
  - Maintenance of any drainage structures will not result in the release of contaminated water to the surface water network.
  - On-site cleaning of vehicles prior to leaving the site.
  - The Site Manager will be responsible for the pollution prevention and will ensure that at least daily checks are carried out to ensure compliance. A record of these checks will be maintained.

- The site compound will include a dedicated bund for the storage of dangerous substances including fuels, oils etc. Refuelling of vehicles/machinery will only be carried out within the bunded area.
- A project ecologist will be appointed and be consulted in relation to all on-site drainage during construction works.
- Concrete trucks, cement mixers or drums/bins are only permitted to wash out in designated wash out area greater than 50m from sensitive receptors including drains.
- Spill containment equipment shall be available for use in the event of an emergency.
- Road sweeping will be in place. A wheel wash will be in place if deemed necessary by the project ecologist.

#### Air & Dust

- Trucks leaving the site with excavated material will be covered to avoid dust emissions along the haulage routes.
- Speed limits on site (15kmh) to reduce dust generation and mobilisation.
- Regular inspections of the site and boundary will be carried out to monitor dust, records and notes on these inspections will be logged.
- Record all dust and air quality complaints, identify causes), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.
- Make the complaints log available to the local authority when asked.
- Record any exceptional incidents that cause dust and/or air emissions, either on or off-site, and the action taken to resolve the situation in the log book.
- Undertake daily on-site and off-site inspection, where receptors are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This will include regular dust soiling checks of surfaces within 100 m of site boundary, integrity of the silt control measures, with cleaning and / or repair to be provided if necessary.
- Plan site layout so that machinery and dust causing activities are located away from receptors.
- Fully enclose operations where there is a high potential for dust production.

- Avoid site run-off of water or mud.
- Keep site fencing, barriers and scaffolding clean using wet methods.
- Remove materials that have a potential to produce dust.
- Cover, seed or fence stockpiles to prevent wind whipping.
- Seeping of hard surfaces and restrict un-surfaced roads to essential traffic.
- Any road that has the potential to give rise to fugitive dust will be regularly watered.
- Only use cutting, grinding or sawing equipment fitted with dust suppression techniques.
- Ensure an adequate water supply on the site for effective dust suppression.
- Use enclosed chutes and conveyors and covered skips.
- Minimise drop heights from loading shovels etc.
- Ensure equipment is readily available on site to clean any dry spillages and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.
- Avoid burning of waste materials.
- Re-vegetate earthworks.
- Use Hessian, mulches or trackifiers where it is not possible to re-vegetate or cover with topsoil.
- Only remove the cover in small areas during , and not all at once.
- Use a bowser during dry and windy periods to suppress dust.
- The contractor will be required to consult with an ecologist prior to the beginning of works to identify any additional measures that may be appropriate and/or required.
- Materials, plant and equipment shall be stored in the proposed site compound location.
- All oils, fuels and other hazardous liquid materials shall be clearly labelled and stored in an upright position in an enclosed bunded area within the proposed development site compound. The capacity of the bunded area shall conform with EPA Guidelines - hold 110% of the contents or 110% of the largest container whichever is greater.
- Fuel may be stored in the designated bunded area or in fuel bowzers located in the proposed compound location. Fuel bowzers shall be double skinned and

equipped with certificates of conformity or integrity tested, in good condition and have no signs of leaks or spillages.

- Smaller quantities of fuel may be carried/stored in clearly labelled metal Jeri cans. The Jeri cans shall be in good condition and have secure lockable lids. The Jeri cans shall be stored in a drip tray when not in use.
- Plant and equipment will be kept in good working order, and checked for leaks.
- Drip trays will be turned upside down if not in use to prevent the collection of rainwater.
- No plant used shall cause a public nuisance due to fumes, noise, and leakage or by causing an obstruction.
- Channels will be prepared on site, in the vicinity of future access roads. Within these channels silt fences/barriers will be placed and will consist of woven/terram style material of suitable density to remove the majority of silt from runoff.
- Mitigation measures including silt fences will be in place (in consultation with the project ecologist) to capture silt from runoff and prevent it from entering the drainage ditch during the culvert works.
- Appropriate storage and settlement facilities will be provided on site. This could include the provision of silt and petrochemical interception for water pumped on site (if required).
- Fuel, oils and chemicals will be stored on an impervious base with a bund.
- Lighting of the site during construction will only take place during working hours.

#### Operational Mitigation

- Post construction of the reedbed and when the outfall is in place, a turbidity monitor will be put in place on the outflow to provide real time results to the project ecologist.
- The project ecologist will inspect the interceptors on site post construction.
- Interceptors are to be serviced annually to ensure oil levels are maintained at low levels. A service agreement will be in place.

7.11.22 The NIS concludes that with the implementation of the mitigation measures, the construction and operation of the proposed development would not be deemed to



have a significant impact on Lough Corrib SAC or Lough Corrib SPA, and that no significant adverse effects are likely on Natura 2000 sites, alone or in combination with other plans or projects. The NIS notes that in the scenario where the previously submitted application (with 64 units) is considered and includes the proposed mitigation, including the reed bed system, that the residual impact would be similar to the impacts outlined in the NIS.

7.11.23 Having reviewed the documents, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)

The applicant's NIS was prepared in line with current best practice guidance and provides an assessment of the potential impacts on Lough Corrib SAC and Lough Corrib SPA.

7.11.24 Appropriate Assessment of implications of the proposed development. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.11.25 The following sites are subject to Appropriate Assessment:

- Lough Corrib SAC (Site Code: 000297)
- Lough Corrib SPA (Site Code: 004042)

A description of the sites and their Conservation and Special Conservation Interests are set out in Table 7.1 of this report. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

7.11.26 The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites include;

- The potential for the water quality pertinent to Lough Corrib SAC and Lough Corrib SPA to be negatively affected during the construction phase of the proposed development, including from works associated with the proposed surface water drainage outfall to the River Clare, from contaminants arising from site clearance and construction activities, including silt and hydrocarbons.
- The potential for the water quality pertinent to Lough Corrib SAC and Lough Corrib SPA to be negatively affected by contaminants including silt and hydrocarbons, during the operational phase of the proposed development.
- The potential for ex-situ effects (disturbance/displacement) on otter from noise during construction and operational phase of the development.
- The potential for ex-situ effects (disturbance/displacement) on Lesser horseshoe bat from noise and light during construction and operational phase of the development.
- The potential for ex-situ effects (disturbance/displacement) of bird species associated with Lough Corrib SPA, should they use the grassland habitat adjacent to the site for foraging, during construction and operational phase of the development.

#### 7.11.27. Assessment of proposed Mitigation Measures.

The NIS outlines a number of mitigation measures. For the most part the mitigation measures are intended to avoid the release of contaminated run-off from the site to the River Clare/Lough Corrib SAC and Corrib SPA. There are a number of concerns in respect of the mitigation measures proposed and absence of specific mitigation measures, which represents a lacuna in the NIS –

- the NIS refers to the use of silt traps throughout the site however no details of the silt traps, monitoring procedures for their efficacy, measures to address their failure, or a map indicating the location of silt traps have been provided.
- the NIS does not provide any mitigation measures to address the potential for the introduction of invasive species from outside the site into the River Clare/Lough Corrib SAC.
- the Engineering Services Report refers to specific measures which are not reflected in the NIS, specifically the provision of ‘a berm running parallel to the stream to prevent sediment/contaminants entering the stream’.

In addition to the issues outlined in respect of the proposed mitigation measures I also note particular concerns in relation to the NIS in general, specifically;

- The NIS states that, in the scenario where the previously submitted application (i.e. 64 units) is considered and includes the proposed mitigation, including the reed bed system, the residual impact would be similar to the impacts outlined in the NIS. In other words, the conclusion of the NIS, whether it be in the context of the proposal as initially submitted to the Planning Authority or the revised proposal submitted to the Board, is based on the provision of a reed bed system to prevent silt and petrochemicals entering Lough Corrib SAC. The reed bed system did not form part of the initial proposal submitted to the Planning Authority, being proposed at appeal stage, and is located outside the red line boundary of the initial application. For the reasons set out in paragraph 7.1.1 it is not appropriate to consider the revised proposal, which provides for the reed bed, and therefore a key part of the proposal intended to mitigate impacts on Lough Corrib SAC and Lough Corrib SPA is absent. I am not therefore satisfied that the potential for deterioration of habitats and species identified within Lough Corrib SAC and Lough Corrib SPA is not likely.
- The absence of a wintering bird survey of the site to establish whether the site is used by SCI of Lough Corrib SPA, or any other SPA for foraging, feeding etc, or any commentary in the NIS in relation to the suitability of the site for birds.
- The NIS notes that no evidence of otters were not identified during the aquatic survey undertaken on the 21<sup>st</sup> of August 2024. Based on the information submitted the aquatic survey appears to have been limited to the River Clare and did not include the drainage ditch, which otters may use. The observation from the DoHLGH notes that otter surveys should include areas within 150 metres of a holt. The extent of the otter survey undertaken is unclear in this regard. With the exception of a survey for otter within 100 metres of areas of proposed works prior to works being carried out, the NIS does not provide any specific mitigation measures to address potential disturbance to otters who may use the River Clare, or drainage channel adjacent to the site.
- The Appropriate Assessment Screening report does not include reference to PA. Ref. 22/60522 & ABP. Ref. 315980-24, the adjacent supermarket development to the west, or the development of 74 no. residential units

permitted under PA. Ref. 24/60083 to the south in the context in-combination effects with other projects. Furthermore, the NIS does not include any specific consideration of other projects in the context of in-combination effects.

- No construction methodology for the proposed surface water pipe has been provided. Additionally, the Engineering Services report refers to a 'method statement' which is to be prepared in respect of works near the river banks and which will be agreed with the Planning Authority (see page 22), and the Engineering Services report (page 23) also refers to a 'construction drainage control system' so that all silt laden water is directed to temporary settlement storage tanks prior to discharge being agreed. This information is not contained in the application or NIS and the absence of same represents a lacuna. Furthermore, no details have been provided in relation to temporary settlement storage tanks.

7.11.28.Integrity test. Following the appropriate assessment and the consideration of mitigation measures, I am not able to ascertain with confidence that the project would not adversely affect the integrity of Lough Corrib SAC or Lough Corrib SPA in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.11.29.Appropriate Assessment Conclusion. The proposed development has been considered in light of the assessment requirements of Sections [177U and 177V] of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Lough Corrib SAC and Lough Corrib SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects could adversely affect the integrity of Lough Corrib SAC and Lough Corrib SPA, in view of the Conservation Objectives of these sites. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Lough Corrib SAC and Lough Corrib SPA.

- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals and future plans.

I consider that there remains a reasonable scientific doubt as to the absence of adverse effects on the integrity of on Lough Corrib SAC and Lough Corrib SPA and as such I recommend that permission is refused on this basis.

## **8.0 Recommendation**

- 8.1. Having regard to the above it is recommended that permission should be refused for the reasons set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the susceptibility of the site to fluvial flooding, as indicated in the flood risk assessment submitted with the application, the identification of pluvial within the site in the Galway County Development Plan 2022 – 2028, and previous incidences of groundwater flooding within the site on Floodinfo.ie, and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the flood alleviation measures proposed would adequately address flood risk on the site, in particular due to the ground conditions identified in the application documentation. Furthermore, OPW flood mapping for the area, including the site are currently under review. The Board is therefore, not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be prejudicial to public health, public safety, and contrary to the proper planning and sustainable development of the area.
2. Access to the proposed development is via Lakeview, a private housing estate, and the applicant has consent in relation to the use of the internal access road within Lakeview to provide access to the proposed development. The road surface within Lakeview is in poor condition and would require works to facilitate access to the proposal. Additionally, pedestrian and cycle infrastructure within Lakeview is also substandard, with footpaths limited to one side of the internal access road at the entrance to estate, and no footpath provision where the

proposed development connects into Lakeview. As the internal access road and footpaths which require upgrade works are not located within the blue line boundary of the application site, the proposal fails to demonstrate that safe access and pedestrian/cycle connectivity can be provided to the proposed development. Furthermore, having regard to the existing substandard provision/absence of pedestrian and cycle infrastructure in the area, specifically within Lakeview and on Church View, and the potential traffic safety issues from the use of the route through the Lidl site, the proposed development fails to provide for appropriate connectivity and permeability with adjacent lands and the village. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the planning application/appeal documentation and the revised Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Lough Corrib SAC (Site Code: 000297) or Lough Corrib SPA (Site Code: 004042), in view of the sites' conservation objectives.
4. There is no available surface water network into which the proposed development can discharge and the proposal entails discharging surface water via a 225 mm pipe to the River Clare. It is considered that the proposed development constitutes a significant expansion of the settlement of Caregalway, and the Board is not satisfied that the drainage proposal represents a sustainable approach to servicing the proposed development, and would if permitted, create a precedent for other developments discharging to watercourses. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ian Campbell  
Senior Planning Inspector

12<sup>th</sup> March 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP-320677-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Construction of 64 units, surface water drainage pipe connecting to the River Clare and all associated site works.		
<b>Development Address</b>	Droim na Gaoithe, Baile Chláir, 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>	X	Class 10, (b), (i) (threshold is 500 dwelling units) Class 10, (b), (iv) (threshold is 10 Ha.)	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q4



4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
<b>Yes</b>	X	Class 10, (b), (i) (threshold is 500 dwelling units) – proposal is for 64 no. dwelling units.  Class 10, (b), (iv) (threshold is 10 Ha.) – site area is 2.66 ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector: Ian Campbell**

**Date: 12<sup>th</sup> March 2025**

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320677-24
<b>Proposed Development Summary</b>	Construction of 64 units, surface water drainage pipe connecting to the River Clare and all associated site works.
<b>Development Address</b>	Droim na Gaoithe, Baile Chláir, 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>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the construction of 64 no. duplex and dwelling units and a surface water drainage pipe connecting to the River Clare. The site is located within an urban area.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>

**Location of development**

(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).

The development is located in an urban area on a greenfield site. The main body of the site is c. 0.3 km from a European site. A surface water pipe which is proposed to take surface water from the development discharges to River Clare which is within Lough Corrib SAC.

Following an Appropriate Assessment, it has been ascertained that the proposed development could adversely affect the integrity of Lough Corrib SAC and Lough Corrib SPA, in view of the Conservation Objectives of these sites, however, the impact of the proposed development would be limited to specific species and habitat within a defined area and would not result in impacts of a magnitude which would be significant at a wider geographic scale.

The area is not of historic or cultural significance. A geophysical survey of the site was undertaken which did not note any significant archaeological features.

		<p>The site is at risk of flooding. Potential environmental impacts arising as a consequence of flooding on the site would be limited to the general confines of the site.</p> <p>Given the scale and nature of development there will be no significant environmental effects arising.</p>
<p><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).</p>		<p>During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p> <p>The pCEMP contains measures to address accidental discharge of pollutants to ground and surface waters.</p>
<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.	<b>Yes</b>

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.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

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

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

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)