



An
Bord
Pleanála

Inspector's Report

ABP-320712-24

Development	Construction of 60 residential units and creche, together with all associated site works. A Natura Impact Statement (NIS) accompanies this application.
Location	Lands adjacent to Bun na Coille Estate, Kylebroghland Townland, Moycullen, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2460729
Applicant(s)	Solemia Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	Solemia Ltd
Observer(s)	Cassie Ni Chatain, Una and Noel Gillespie Michelle Sherlock

John Jennings

Date of Site Inspection

31st January 2025.

Inspector

Darragh Ryan

1.0 Site Location and Description

- 1.1. The existing site is located in the townland of Coill Bhruachalin adjacent to the existing Bun na Coille estate. The site is located to the southwest of the village of Mhaigh Cuillinn and is within the residential phase 1A zoning for the site. The 2.68 acre site is sandwiched between the Bun na Coille estate to the west and An Garrai Gabhainn estate to the east.
- 1.2. The primary access to the site is via the Bun an Coille estate and Coill Ard estate before it joins the L1320. The site which immediately abuts the Bun na Coille estate has been partially stripped of topsoil, with mounds of rubble, stockpiles of sand and stone, and other building materials scattered throughout the site. There are also several container units throughout the site.
- 1.3. The site slopes from west to east with views off the site looking east towards Ballycuirke Lough. There are mature boundaries to the south of the site. The stated site area is 2.68 acres.

2.0 Proposed Development

- 2.1. The applicant is seeking permission for the development for the provision of a total of 60no. residential units along with provision of a crèche. Particulars of the development comprise as follows:
- (a) The provision of a total of 60no. residential dwellings which will consist of 7no. 2 bed units, 33no. 3 bed units and 20no. 4 bed units.
 - (b) Provision of a single storey creche with associated parking, bicycle and bin storage.
 - (c) Reconfiguration of internal estate road serving dwelling nos. 1-16 within Bun Na Coille Estate as granted under permission 06/5813 along with reconfiguration of existing open space at this part of the site.
 - (d) Provision of associated car parking at surface level via a combination of in-curtilage and shared parking for dwellings and via on-street parking for the creche.
 - (e) Provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site.

(f) Creation of a new access road as an extension from the existing Bun na Coille Estate with associated works to include for a connections to the existing road and footpath network.

(g) The provision of associated retaining walls along the eastern and northern boundaries to include for associated fencing.

(h) Provision of internal access roads and footpaths and associated works.

(i) Provision of residential public open space areas to include formal play areas along with all hard and soft landscape works with public lighting, planting and boundary treatments to include boundary walls, railings & fencing.

(j) Internal site works and attenuation systems which will include for provision of a headwall and hydrocarbon and silt interceptor prior to discharge.

(k) All ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water and ESB networks.

A Natura Impact Statement (NIS) has been prepared and accompanies this application. Gross floor space of proposed works: 7,421.80 sqm.

The applicant has submitted the following documentation in support of their application.

- Preliminary Ecological Appraisal Report
- Natura Impact Statement
- Schools & Childcare Assessment
- Traffic and Transportation Assessment
- Preliminary Construction Environmental Management Plan
- Flood Risk Assessment
- Linguistic Impact Statement

3.0 Planning Authority Decision

3.1. The planning authority issued a Decision to refuse permission for four reasons:

1. Based on the details received the Planning Authority considers that the proposed density significantly exceeds that as set out in the Core Strategy and DM Standard 2 (Table 15.1 Residential Density) of the Galway County Development Plan 2022-2028. Having regard to the established built form and character of the surrounding residential area, the absence of sustainable connections to the core of Maigh Cuilinn, the lack of sufficient permeability to the village of Maigh Cuilinn, and in consideration of the third-party submissions received, it is considered that the proposed development would constitute as a substandard form of development and fails to deliver a sustainable urban extension integrated into the centre of Maigh Cuilinn at the density proposed. The proposed development is considered contrary to Policy Objectives UL 2, PM 1 and PM 5, and accordingly, to grant the development as proposed, would be contrary to the principles of the proper planning and sustainable development of the area.
2. The Planning Authority has serious concerns regarding the proposed development access arrangement, through the unfinished Coill Ard and Bun Na Coille housing estates, within the applicant's blue-line landholding boundaries. In the absence of a satisfactory phasing plan for surface course treatments, it is considered that such proposed access as the primary, sole access vehicular and pedestrian route, to the proposed development is not satisfactory. Serious concerns are identified regarding the safety aspects of the primary permeable route owing to the unfinished natures of these aspects. Therefore, it is considered that the development as proposed, would interfere with the safety and free flow of traffic on the internal access roads and would endanger public safety by reason of traffic hazard, or obstruction of road users, or otherwise, and therefore would be contrary to the proper planning and sustainable development of the area.
3. The Planning Authority has serious concerns regarding the lack of desirable connectivity and permeability measures with adjacent lands and the urban

core of Mhaigh Cuilinn, in order to encourage safe walking and cycling linkages. In the absence of permeability links between surrounding communities in conjunction with the unsatisfactory proposed circuitous permeability connection link to Mhaigh Cuilinn village, the development is considered contrary to Policy Objective GCTPS 4 of the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

4. Notwithstanding the submitted surface water drainage strategy, there is no supporting evidence that the proposed storm network that outfalls to third-party network including relevant consents being sought, can cumulatively accommodate the proposed hydraulic loadings and thus evidence of sufficient network capacity to serve this development including consideration to the impact downstream was not fully demonstrated in the details received and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. There is a single Planning Report on file. The issues raised can be addressed as follows:

- 3.2.2. Density

Mhaigh Cuilinn falls within the category of Small and Medium Sized Towns (1,500 – 5,000 population) and therefore falls under Section 3.3.4 of the Sustainable and Compact Settlement Guidelines for Planning Authorities. The density of 27.48/ha is in excess of the density of as set out in Table 2.11 Core Strategy Table of the County Development Plan. The permitted density is 16 units per hectare.

- 3.2.3. Core Strategy

Following a review of permissions for residential development within the plan area since the adoption of the Galway County Development Plan, as per 19th June 2024, there have been no units granted planning permission to date. The subject application for 60 units, therefore, at this time, is not considered an exceedance of the Core Strategy figure for housing units alone.

3.2.4. Design Placemaking Layout

The proposed layout presented under the application herewith appears almost identical to that submitted under Pl. Ref. 24/60270. The layout as presented does not provide any improved connectivity to Mhaigh Cuilinn, lacking integrated connectivity to the urban core of Mhaigh Cuilinn; the circuitous link of 1.3km remains contrary to Policy Objective PM 5 Sustainable Transport.

3.2.5. Transportation and Roads

There are serious concerns in relation to the lack of desirable connectivity measures with adjacent lands in order to encourage safe walking and cycling linkages whilst in the absence of instilling core sustainable permeability links between surrounding communities and the unsatisfactory proposed circuitous permeability connection links to Mhaigh Cuilinn village remains. Furthermore, the discontinuities in the pedestrian and cycle network between the application site and the village would be required to be further examined to demonstrate the accessibility of sustainable transport modes for future occupiers of the site and the overall reduction on the reliance of private vehicles for shorter local trips. In addition, as highlighted in submissions received, the condition of the existing internal road network is a source of major concern for residents of the adjoining estates.

3.2.6. Surface Water

There is no supporting evidence that the proposed storm network that outfalls to third-party network including relevant consents being sought, can cumulatively accommodate the proposed hydraulic loadings and thus evidence of sufficient network capacity to serve this development including consideration to the impact downstream was not fully demonstrated in the details received.

3.2.7. School Capacity Assessment

No School capacity assessment has been provided and therefore it is not clear if there is capacity within the local school system to accommodate the additional numbers as expected with the development.

Based on the above considerations a decision to refuse permission was recommended.

3.2.8. Other Technical Reports

- Environment Section

The C&D plan states that 'if any of the excavated soil is found to be clean/inert, the site manager will investigate whether nearby construction sites may require clean fill material, to both minimize the costs of transport and to reuse as much material as possible.' This is not allowed without an approved Article 27 in place.

It also seems that fill / soil and stone will be required in a part of the site to raise the level. If fill / soil and stone is imported in, it must be from an authorised quarry or under an approved Article 27 by product notification.

- Transportation and Roads Department – no report received but it is stated that there was verbal discussion.

3.3. Prescribed Bodies

- Uisce Eireann

A connection of feasibility has been issued to the applicant advising that (water/wastewater) connections are available.

- Udaras na Gaeltachta

Recommendations set out with regard to Irish Language

3.4. Third Party Observations

There are 7 observations on file. The issues raised are also addressed under Section 6.3 below. The issues raised can be summarised as follows:

- Road network not capable of accommodating the development
- Increased traffic in the area
- The proposal is an overdevelopment of the site and the density is not appropriate
- The proposal will result in a devaluation of property in the area
- Concerns with regard to biodiversity and loss of wetland area

- There is construction traffic concerns and amenity concerns during the construction process
- Opposition to pedestrian connection into adjoining estate.
- There is ongoing enforcement issues in the existing unfinished estate completed by the same developer
- Impact on the Gaeltacht and requirement to apply conditions relating to the reservation of units for Irish speakers.

Serious concerns are expressed regarding access and road safety and outstanding issues regarding incomplete/unsatisfactory site development works with the wider Bun na Coille Estate and Coill Ard Estate.

4.0 Planning History

- 24/60270 - permission refused to Solemia Limited for the provision of a total of 60no. residential units along with provision of a crèche. Permission was refused for the following reasons:
 1. Density of the development significantly exceeds that as set out in the core strategy.
 2. Adopting the precautionary principle the proposed development may have a significant impact on the Lough Corrib SAC.
 3. The sole vehicular access through the Bun na Coille and Coill Ard estate would give rise to traffic and pedestrian safety concerns. The development as presented would interfere with the safety and free flow of traffic on the internal access road and would endanger public safety.
 4. In the absence of permeability links between surrounding communities in conjunction with the unsatisfactory proposed circuitous permeability connection link to Mhaigh Cuilinn village, the development is considered contrary to Policy Objective GCTPS 4 of the Galway County Development Plan 2022-2028
 5. The existing internal access road layout of Bun Na Coille, that directly adjoins the proposed development to the south has been removed within the details

received, whereby such measures contravene the parent planning permission under Pl. Ref. No. 06/5813. Notwithstanding same, the Planning Authority has serious traffic concerns insofar as the removal of this direct access and priority route to the proposed development creates an unnecessary circuitous traffic movement through a quieter home zone part of the unfinished Bun Na Coille estate. Contrary to DM standard33.

6. The Planning Authority have serious concerns regarding the capacity of the surrounding road network to accommodate the proposed development.
7. In relation to the proposed surface water drainage strategy, there is no supporting evidence derived from network hydraulic calculations provided, including storm simulation analysis that the proposed storm network that outfalls to third-party network including relevant consents being sought, can cumulatively accommodate the proposed hydraulic loadings.
8. In the absence of any details submitted on file from Irish Water relating to consent to connect to the public water and public wastewater infrastructure to serve the proposed development, it is considered that the development if permitted as proposed would pose a serious risk to the public health of persons occupying the proposed development. Proposal contrary to Policy Objective WS4 and DM Standard 36.

Overlapping with site to north:

- 12/1112 - extension of duration granted to McInerney Homes Ltd (in receivership) for full permission for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4 bed detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semi-detached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services, previous planning reference no. 06/5813 (Gross floor area 15,507 sqm) (expired 24/10/2017).
- 08/22 - permission granted to Marie Gibbons to retain boundary wall as constructed.

- 06/3131 – permission refused to McInerney Homes Ltd., to construct 70 residential units comprising of 25 5-bed detached dwellings, 22 4-bed semi-detached dwellings, 18 3-bed semi-detached dwellings, 3 2-bed corner terrace dwellings and 2 2-bed bungalows. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services (Gross floor area 8493.2 sqm).

Immediately south/west of the subject site

- 21/1851 - extension of duration for full permission granted to Solemia Unlimited Company for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4-bed detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semi-detached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services, previous planning reference no. 06/5813 & 12/1112 (Gross floor area 15,507 sqm).
- 21/2071 – permission granted to Solemia Unlimited Company for the development which will consist of change of house type on previously approved residential scheme (planning ref: 06/5813) on 67 sites (numbers 34 to 67 inclusive and 81 to 113 inclusive). They will change from 18 number 3 storey 4-bed semidetached, 34 number 2 storey 3-bed semi-detached, 13 number 2 storey 3-bed terraced and 2 number 2 storey 4-bed detached to 20 number 2 storey 4-bed semi-detached, 30 number 2 storey 3-bed semidetached, 7 number 2 storey 3-bed terraced, 8 number 2 storey 2-bed terraced and 2 number 2 storey 4-bed detached. Works will further involve minor localized modifications to the site layout along with all associated site works & services. Gross floor space of proposed works: 7637.1 sqm. (19 Conditions). (overlapping slightly).
- 17/1510 - extension of duration for full permission granted to Solemia Unlimited Company for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4-bed

detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semi-detached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services, previous planning reference no. 06/5813 & 12/1112 (Gross floor area 15,507 sqm).

- 06/5813 - outline planning permission granted to McInerney Homes Ltd to construct a creche measuring 450 sqm and for full permission for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4-bed detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semi-detached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services (Gross floor area 15,507 sqm). (overlapping slightly).

5.0 Policy Context

5.1. National Policy

- 5.1.1. National Planning Framework 2040 The following National Policy Objectives are considered relevant in the assessment of the current proposals:

National Policy Objective 32 To target the delivery of 550,000 additional households to 2040.

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”.

National Policy Objective 35 Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes or site-based regeneration and increased buildings.

5.1.2. Section 28 Ministerial Guidelines - The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2022
- Design Manual for Urban Roads and Streets' (DMURS 2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (DoEH&LG 2009)
- 'Quality Housing for Sustainable Communities' Best Practice Guidelines (DoEHLG 2007)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009)

5.2. Galway County Development Plan 2022 to 2028

The Development Plan was adopted by the elected members on the 9th May and came into effect on the 20th day of June.

Volume 1: Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy

The Galway County Development Plan 2022-2028 is the strategy for the proper planning and sustainable development of the functional area of Galway County. The GCDP identifies Moycullen as a Small Growth Town located within Tier 5 of the Settlement Hierarchy of the county ('Other Villages population <1,500) as identified in Sections 2.6.1 and 2.6.6 of the Galway County Development Plan. Small Growth Towns are described as small towns with local service and employment potential, with a need to promote regeneration and revitalization of towns and support local enterprise and employment opportunities to ensure their viability as service centres for surrounding rural areas.

These towns have an important function in supporting the development of local areas. The residential development will be proportioned to the growth of the towns, with the growth strategy focusing on the localised sustainable growth that meets the needs of the local population and wider hinterland. Economic and employment

related development that would strengthen the local employment base and reduce the dependence on commuting will be supported where, appropriate.

The following are considered relevant in this case:

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

The Core Strategy Table (Table 2.11) allocates 167 units to Moycullen, with 117 units allocated to greenfield

sites and 50 units on the basis of a density of 16 units per hectare. The Core Strategy Policy Objectives as they relate to the proposed develop are:

- CS 1 - Implementation
- CS 2 - Compact Growth
- CS 3 - Population Growth
- CS 6 - Strategic Roads
- SS 5 - Small Growth Towns (Level 5) - Protect and strengthen the economic diversity of the Small
- Growth Towns enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands.
- HS 1 - Housing Requirements
- PV1 - Part V Provision

Chapter 3 Placemaking, Regeneration and Urban Living

- PM 1 - Placemaking
- Galway County Council – Planning Report
- PM 4 - Sustainable Movement within Towns
 - PM 5 - Sustainable Transport
 - PM 6 - Health and Wellbeing
 - PM 7 - Inclusivity
 - PM 8 - Character and Identity

- PM 9 - Vitality in Towns & Villages
- PM 10 - Design Quality
- PM 11 - Design of Materials
- PM 13 - Public Realm Opportunities
- CGR 1 - Compact Growth
- CGR 6 - Density
- CGR 8 - Town & Village Centre
- CGR 9 - Delivering Improved Public Realm
- CGR 13 - Town Centre First

Section 3.7 Urban Living

Section 3.7.2 Layout and Design

This section of the GCDP sets out that neighbourhoods must be attractive, safe and vibrant for people to live there. Future development proposals will be required to ensure that:

- The principles of good placemaking are adhered to as set out in this chapter;
- While residentially zoned areas are intended primarily for housing development, a range of other uses, particularly those that have the potential to foster the development of new residential communities may be considered e.g. crèches, schools, nursing homes or homes for older persons, open space, recreation and amenity uses;
- Development proposals must comply with the standards set out within the Development Management Standards set out in Chapter 15;
- Proposed developments must have regard to the relevant policy objectives set out within the plan

Volume 2 of Galway County Development Plan: Small Growth Towns

Residential Phase 1

To protect, provide and improve residential amenity areas within the lifetime of this plan. To facilitate for the provision of high quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and

tenures in order to meet household needs and to promote balanced communities.

SGT 12 High Quality, Contextually Sensitive Design

Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area. New development proposals will be required to complement the existing character of the area in terms of scale, height, massing, building line, urban grain and definition and through high quality design proposals for buildings/structures/shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details.

SGT 13 Social and Specialist Housing

Require that a minimum of 20% of all new eligible residential sites are set aside for the development of new social and specialist housing units, unless addressed through suitable alternative arrangements by agreement with the Planning Authority, in accordance with County Galway Housing Strategy and Part V of the Planning and Development Act 2000 (as amended) and any subsequent amendments to the Part V provision to reflect Government policy.

HSGT 2 Sustainable Residential Communities

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

Specific Planning Policy:

- The site is located in the GCTPS.
- The site is zoned Residential Phase 1 and Community Facilities.

- The site is located in the Gaeltacht.
- The site is located with an Urban Landscape Sensitivity

5.3. Natural Heritage Designations

- SAC:Lough Corrib SAC (approximately 1.17 km from the subject site)
- SAC:Ross Lake and Woods SAC (approximately 3.54 km from the subject site)
- SAC:Connemara Bog Complex SAC (approximately 3.84 km from the subject site)
- SPA:Lough Corrib SPA (approximately 2.91 km from the subject site)

5.4 EIA Screening

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).

It is proposed to construct 60 residential units. The number of dwellings proposed is well below the threshold of 500 dwellings units noted above. The site has an overall area of 26.8 acres and is located on residential zoned land adjacent to the built-up area of Mhaigh Cuilinn. The site is not located in a business district and currently constitutes a stripped site used for stockpiling and storage of materials. The site area is, therefore, well below the applicable threshold of 10 hectares for a built-up area and 20 hectares in the case of a site contiguous to the built-up area.

As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended)), as to whether a development would/would not have a significant effect on the environment. The introduction of a residential

development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not located within an area of landscape sensitivity or of natural or cultural heritage. The potential for potential effects on any European Site will be assessed under Section 8.0 below.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that have the benefit of a residential zoning objective under the provisions of the Galway County Development Plan 2022 to 2028, and the results of the strategic environmental assessment of the Galway County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the designated settlement boundary of Mhaigh Cuilinn urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location.
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, having regard to the nature, scale and location of the subject site within the confines of the settlement boundary on serviceable lands, the proposed development would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the environment, arising from the proposed

development. The need for Environmental Impact Assessment Report (EIAR) can, therefore, be excluded at preliminary examination

6.0 The Appeal

6.1. This is a first party appeal against the decision Galway County Council to refuse permission for the development. The applicant has addressed each of the reasons for refusal in turn. The Grounds of Appeal can be summarised as follows:

6.1.1. Refusal Reason 1

- It is set out that the Density requirements under the Section 28 guidelines and also that of the (Galway County Development Plan) GCDP are conflicting on their policy objectives in relation density, namely policy objectives UL2, PM1, and PM5 are not offended by the proposal.
- Section 34 of the Act states that where there is a residential element with an application the planning authority must have regard to the SPPR's. Section 34 (2) (ba) of the Planning and Development Act states that where SPPRS differ from the provisions of the development plan of the Planning Authority then those requirements shall, to the extent that they so differ apply instead of the provisions of the County Development Plan.
- Under Section 3.3.4 of the Compact Settlement Guidelines Moycullen is classified as a "Small and Medium Sized Town" (1500 – 5000 population). Table 3.6 within Section 3.3.4 states that a density of 25-40dph is applied. The proposed density as set out at 27.4 units per ha is therefore appropriate.
- Table 15.1 of the CDP is not consistent with the Compact Settlement Guidelines. The tables sets a density of 16 or site specific. DM standard 2 of the CDP states that in order to achieve the aspirations of the NPF a higher density may be applied at strategic locations with good access to public transport services. Higher density development will only be applied where appropriate and where a good standard of development is proposed. The applicant considers that Table 15.1 is not prescriptive at "16 or specific".

- The applicant contests that the development is not line with Objectives UL 2, PM 1 and PM 5 as per the refusal reason and state none of these objectives are offended by the proposal.
- It is set out that the local context that the proposed development mirrors the two surrounding developments with a density of 27.4 units, this is harmony with the density of the two estates of 28 units p/ha and 25 units p/ha.
- Regarding connectivity, the appeal sets out impediments to permeability as existing developments as constructed do not provide the permeability due to neighbouring residential schemes not incorporating designs that would allow permeability in the application site. The existing access road in the neighbouring scheme to the north (Sli an Truthain) does not have an access road that is of adequate width to accommodate through traffic. Means of accessing to the site for vehicles, pedestrians and cyclists is only available via the Bun na Coille estate.
- Residents of the new estate will have the same level of connectivity as residents at Bun na Coille estate. Other residential development to the north east of Moycullen have similar walking distances to the town centre and do not avail of permeability through neighbouring lands.
- A density of 16 units p/ha would be an inefficient use of zoned lands.
- The applicant sets out a number of precedent developments where higher densities have been accepted for the Moycullen area.

6.1.2. Refusal Reason 2

- The applicant refers to the existing Bun Na Coille and Coill Ard Estates, residents of the existing and proposed scheme will have the same means of access and level of connectivity with the Town Centre as the proposed development. There is no material difference between residents of existing or proposed estates to justify a change in assessment. The access road was permitted under parent permission 06/5813.
- The applicant highlights level of work carried out in July 2024 to complete the Bun na Coille Estate and the internal road network. The estate road is now complete to base wearing course tarmac level and it is standard practice for

the final wearing course to be installed only when all phases of construction are complete. The road safety audit, TTA and DMURS statement are all satisfied with the means of access to the site.

6.1.3. Refusal Reason 3

- Given the site constraints there are no other means of access to the site other than through the Bun na Coille estate. The site is in the established footprint of Mhaigh Cuilinn, other developments have been granted permission further from the town, e.g Doire Fea to the northeast of the town. The proposal is compliant with DMURS. It is common practice for a single means of access to serve a residential estate where no other means of access is available. The refusal reason misinterprets policy objective GCTPS4 as the policy says “support for” rather than “require” or “shall.”
- The site is zoned residential, there is no requirement for the site to be accessed via any other route. The access and development as proposed are plan-led and refusal reason 3 is contrary to the zoning objectives.

6.1.4. Refusal Reason 4

- The existing storm outfall from Bun na Coille Estate and the wider hinterland discharges in to the existing storm outlet/ditch at point that is within the applicants ownership.
- A technical analysis provided by consultants demonstrates that the storm outfall can cumulatively accommodate the proposed hydraulic loadings. The proposed development will reduce the run-off rate back to greenfield rates. This will have a positive impact on drainage in the area.
- There is no downstream third party consent to discharge under Article 22 of the Planning and Development Regulations. Examples and precedent cases of similar surface water management proposals have been provided.

6.2. Planning Authority Response

- None

6.3. Observations

There are four third party observations on file. The issues raised can be summarised as follows:

- There is only one estate entry/exit for road traffic for the entire development. The current entry/exit point is not fit for purpose for the number of houses currently in the estate and existing traffic volumes.
- The existing estate is currently not finished , the estate has not been completed it still has temporary boundary fencing and road surfacing is not completed.
- There are significant concerns in relation to road safety of residents in relation to road traffic design
- Concerns that the current water and drainage systems are not fit for purpose.
- The road that this new proposed development would link up with was intended as a temporary access road and was never designed as the main access route within the Bun na Coille estate.
- There is no direct access for walking or cycling to the village from this proposed development. The proposal is heavily reliant on car usage.
- The proposal will require all construction traffic to use existing estate roads which is a significant cause for concern for safety and amenity.
- The proposed density significantly exceeds that as set out in the core strategy of the Galway County Development Plan.
- Issues with regard to the existing sewerage system on site.
- Issues have been raised with regard to unfinished works within adjacent estate.
- There is an alternative access to the site but the applicant does not pursue this due to cost saving measures.
- Conradh na Gaeilge recommend conditions with regard to the Irish Language Act

6.4. Further Responses

- None

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The planning authority refused permission on these residentially zoned lands for five reasons. In broad terms, it is the density, site access, connectivity and permeability, and surface water that form the basis for the planning authority's concerns. The issues can be dealt with under the following headings:

- Density,
- Site Access
- Connectivity and permeability
- Surface Water
- Other Issues
- Appropriate Assessment

7.2. Proposal

The proposed development consists of construction of 60 dwelling houses and a creche on Residential Zoned land in the village boundary of Mhaigh Cullin. The Creche is to be located on lands zoned "community facilities" between the proposed site and recently constructed Bun na Coille estate. The development continues the pattern of adjoining Bun na Coille estate immediately to the west of the site. The site is accessed via a single road and thoroughfare through the Coill Ard estate and Bun na Coille estate accessed off the L1320. The site has an area of 2.684 ha with a proposed density of 27.48p/ha. 134 parking spaces are proposed with 239 bicycle spaces to be provided in the curtilage of the development.

In total there are 7 two bed units, 33 three bed units and 20 four bed units. Full consideration has been given to the provision of communal open spaces and landscaping treatments within the development. The landscaping master plan for the

site has incorporated a number of different landscaped areas, such as courtyards, play areas and walkways. The provision of the creche at a central location will achieve interaction with both the existing and proposed estates.

The site layout generally allows for overlooking of open space and roads/footpaths. In terms of connectivity all connectivity vehicular, pedestrian and cycle is through the adjacent Bun na Coille and Coill Ard estates to the west of the site. The applicant has shown potential future pedestrian/cycle connections and has left wayleaves for same into adjacent Sli An Tsruthain to the north and An Garrai Gabhainn to the east.

In principle, notwithstanding the primary issues as set out in the appeal, the layout as proposed follows the established building form of adjacent Bun Na Coille Estate and is considered to be in line with principles outlined in the Development Management Standards of the County Development Plan 2022 to 2028 and Compact Settlement Guidelines. As a standalone development the Planning Authority did not raise any issues with the development layout, outside of issues of connectivity to adjoining estates and the town of Mhaigh Cuilinn.

7.3. Density

The planning authority considered that the proposed density of 27.48 units per ha significantly exceeds that as set out in the Core Strategy and DM Standard 2 (Table 15.1 Residential Density) of the Galway County Development Plan 2022-2028. In the absence of sufficient connections to the village of Mhaigh Cuilinn, it was considered the proposal would fail to deliver a sustainable urban extension integrated into the centre of Mhaigh Cuilinn at the density proposed. In their assessment the planning authority refer to table 2.11 of the Core Strategy and table 15.1 of the county development plan that states the appropriate density for residential developments within Small Growth towns is 16 units per ha. The planning authority concluded that owing to the distance of the site from the town core of 1.3km, the density proposed is significantly above what is recommended in the core strategy and compact settlement guidelines.

- 7.3.1. With regard to the Table 15.1 of the County Development Plan, I note the stated density for small growth towns states “16 or site specific.” The development plan states that table 15.1 is to be read in conjunction with and shall be in accordance

with the Sustainable Residential in Urban Areas 2009 and Circular 02/2021. I note that under Circular Letter: NRUP 02/2024 issued by the Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. To ensure consistency planning authorities are requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for residential densities for Galway in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed.

- 7.3.2. The Compact Settlements Guidelines refer to residential density in terms of settlements and area types. Section 3.3.4 refers to Small and Medium Sized Towns (1,500 – 5000 population), the appeal site falls within this category. Table 3.6 “Areas and Density Ranges” for Small to Medium Sized Towns, explain that for small and medium sized towns density ranges from 25 dph to 40 dph (net) shall generally be applied at the edge of small to medium sized towns.
- 7.3.3. In terms of accessibility as set out under Table 3.8 I note that lands above 1000m from an existing or proposed high frequency bus service are considered to be in a peripheral location. Due to the lack of accessibility by foot/bicycle through third party lands I note at 1.3km from the town core, the site is considered to be in a peripheral location. I note that the applicant has referenced potential future pedestrian connections which are currently constrained due to hard boundaries in adjacent estates. This shall be dealt with under Section 7.5 of the assessment.
- 7.3.4. The site is located on lands zoned residential and is sandwiched to the east, west and north by residential development. I note that the housing estate of Bun na Coille to the west has a residential density of 25 units per ha, An Garrai Gabhain to the east has a density of 28 units per ha and An Doirin to the north has density of 36 units per ha. In my view I consider the proposed density of 27 units per ha accords with the recommended approach for small and medium sized towns as set out in the Compact settlement guidelines. The site is located between two existing residential

estates on zoned land. In my view the distance from the town centre although very important does not reduce the requirement to efficiently use zoned land. A density of 27 units is not excessive given the site context.

I note the reference of access and permeability by the planning authority and observers on file, this issue shall be assessed in detail in subsequent sections.

Having regard to the location of the site on zoned lands, sandwiched between two other residential developments and at peripheral location as defined by the Compact Settlement Guidelines, I consider the proposed density of 27 units per ha is appropriate for this location.

7.4. Site Access

- 7.4.1. The planning authority has raised concerns regarding the single vehicle access to the site, which traverses two housing estates. Specifically, it is considered that the proposed development access arrangement, through the unfinished Coill Ard and Bun Na Coille housing estates, may present significant road safety issues. The unfinished nature of the road surface raises health and safety concerns. As part of the application process, the applicant has submitted a Transport and Traffic Assessment along with a Road Safety Audit. Observers on file have expressed concerns that the proposed additional housing will result in traffic disruptions for local residents. Reference is also made to the fact that there was a secondary access proposed off the Spidal Road (L1320) under the 06/5813 application, to cater for the additional traffic associated with the level of housing proposed.

I consider that three key aspects require assessment under this appeal in relation to site access:

- The unfinished nature of the existing estate;
- Road safety;
- Traffic volume.

For clarity, each aspect will be addressed in turn.

7.4.2. Unfinished Aspects of the Estate – Surface Wearing Course

Both Bun Na Coille and Coill Ard estates fall within the applicant's blue line boundary. The planning authority has highlighted that the unfinished estate roads,

particularly the absence of a surface wearing course, pose potential traffic safety concerns for existing residents. This matter forms the basis for Refusal Reason 2.

- 7.4.3. In response, the applicant states that substantial works were undertaken in July 2024, which were not considered by the planning authority in their assessment. The applicant asserts that the road surfacing has been completed up to the base wearing course tarmac level, with the final surface wearing course to be laid upon completion of the proposed 60 units. Furthermore, it is noted that the roads leading to the site are under the control of the applicant and that completion works can be regulated by way of condition.
- 7.4.4. On the day of my site inspection, I observed the level of works completed in adjacent sites and noted that the base wearing course had been laid. I found that all works completed to date were to a high standard, with street lighting, landscaping, and public utilities in place. Paving was completed up to the doors of individual residences, and the associated open space and landscaping were also finished. The existing surface wearing course was in good condition, and I did not consider driving conditions on the estate roads to be hazardous. In my view, the developer has delivered a high standard of work in the existing estates, with only the final wearing course outstanding.
- 7.4.5. The applicant has submitted an outline Construction and Environmental Management Plan, which sets out a phased approach to the development:
- Phase 1:** Construction of all dwellings, open space areas, the crèche, and ancillary site works.
- Phase 2:** Reconfiguration of the internal estate road as granted under permission 065813. This will allow existing residents to continue using the current road layout during construction. The local street serving 15 dwellings will become a cul-de-sac only upon completion of construction works.
- It is anticipated that construction works will be completed within 24 months from commencement.
- 7.4.6. Section 5 of the submitted plan details construction-related traffic management measures. Key provisions include:

- Construction traffic will access the site via the L1320 road, with sufficient space provided within the site for vehicles to turn, ensuring no queuing on the adjacent road network.
- Drivers will be informed of site working hours, and suppliers will not be permitted to wait at the entrance for the site gates to open.
- While there will be a temporary increase in HGV traffic due to waste removal and material deliveries, these activities will be short-term and staggered to minimise disruption.
- On-site parking will be provided for construction staff, with no parking permitted outside the site boundary.
- Regular visual surveys of the road network approaching the site will be conducted.
- Road sweeping operations, employing a suction sweeper or similar method, will be undertaken to remove any project-related debris from the road network.
- A hard standing area will be established within the site boundary to minimise the transfer of spoil onto the public road, and a wheel wash system will be set up if required.

7.4.7. I do consider the existing Coill Ard and Bun na Coille estates to be finished to a sufficient standard to allow the additional development. I consider that the existing surface as laid is sufficient over a temporary period to allow the construction of 60 houses and a creche. I do think it is appropriate that the applicant be required to provide a wheel washing facility on site for all vehicles existing the site. A condition pertaining to road finishes for all lands within the blue line boundary is also appropriate where the Board minded to grant permission. Having regard to the level of detail provided within the Construction and Environmental Management Plan, I am satisfied that the applicant has given due consideration to local site conditions. The measures proposed by the developer will ensure that construction activities can proceed without undue adverse impact on residential amenity.

7.4.8. Road Safety

Observers on file have raised concerns in relation to the singular access to the site and the potential for traffic safety issues as a result of the additional traffic generated

by the development. I note the planning authority raised concerns regarding the safe walking and cycling linkages and sustainable permeability links between surrounding communities

7.4.9. The main access point to the proposed development for pedestrians, cyclists and vehicles is located to the north-east of the site linking onto the Bun na Coille estate road. Vehicle access to the site will be gained along this existing residential development. The final road configuration includes a redesign of existing roads to the previous phase of Bun Na Coille (to the west of the entrance) abutting the scheme. These changes accommodate the dual aims of maintaining the road network previously granted under parent planning permission Pl. Ref. No. 06/5813, and addresses various road safety concerns, including having two 'through roads' in close proximity.

7.4.10. Additional screening in the form of vegetation is proposed to mitigate shine-through to and from Phase 1 from and into the proposed scheme. The L1320 Road provides a linkage to Moycullen Village to the East. The proposed site access will be situated within a 30km/h default urban speed zone and will tie into and extend the existing footpath infrastructure at the existing access road. Street lighting is provided along all approaches to the site.

7.4.11. Junction intervisibility along the Bun na Coille access road has been provided in accordance with the Design Manual for Urban Roads and Streets (DMURS), as illustrated in drawing- Proposed Road Layout, which accompanies the planning application. The internal visibility splays of 23 x 14 metres are required at the exit/entrance to the proposed development, with the proposed speed limit of 30km/h in accordance with DMURS 2019 Guidelines.

7.4.12. A Stage 1/2 Road Safety Audit has been carried out on the proposed design for the site and the recommendations have been incorporated to the site layout. A copy of the completed RSA is included is included in Appendix D of the Traffic and Transport Assessment. The RSA identified 10 potential road safety issues relating to internal road infrastructure. These concerns included issues relating to horizontal alignments of roads, kerb facings, pedestrian crossings, driveway entrances, uncontrolled crossings and turning heads. Each identified issue was analysed in terms of design criteria, and recommendations were made for potential design

improvements, adjustments, or enhancements to mitigate risks and improve the overall safety of the scheme. I note the applicant has provided a written statement to undertake improvements and provided a revised site layout indicating proposed changes. As a standalone scheme no road safety issues were identified that would warrant a refusal of permission.. From a road traffic perspective and existing road surface perspective, I do not consider there to be a significant road safety issue relating to the proposed development.

7.4.13. Traffic Volume

Concerns were raised by the observers on file regarding the potential traffic impact on the local road network. It is stated that the use of a single vehicular access route through two estates is unsuitable and would lead to a significant traffic disruption for residents. The applicant has submitted a Traffic and Transport Assessment (TTA) prepared by Tobin Consultants. Having reviewed the TTA in full and considered the methodology used by the agent to gather information, I consider the TTA as prepared was carried out in accordance with best practice as prescribed by the Traffic and Transportation Assessment Guidelines 2014 as provided by Transport Infrastructure Ireland.

7.4.14. The TTA provides a detailed analysis of the study area, which includes the priority junction An Furan/ N59, Signalised Junction L1320/ N59/ L1313, Priority Junction L1313/An Furan, Priority Junction L1320/ Coill Ard, the proposed development area, and surrounding roads. The proposed development is to be accessed from the existing Coill Ard and Bun na Coille residential developments. The proposed site access is situated within a 30km/h default urban speed zone. The L1320 Road has a carriageway width of approximately 6m with footpaths located on the eastern approach to the development site

7.4.15. The background traffic data was collected by traffic count on the 5th of September 2023. The surveys distinguished between light good vehicles and heavy good vehicles, with results attached in Appendix A of the TTA report. The results of this survey indicated that the peak traffic levels through all junctions occurred between the hours of 08:00-09:00 in the AM period and between 17:00-18:00 in the PM period. A traffic volume growth rate was then extrapolated to a 2023 base year,

applying Transport Infrastructure Ireland (TII) medium-range growth factors. These growth factors account for increased traffic due to local development, car ownership, and economic activity.

7.4.16. To accurately assess the proposed development's traffic impact, three scenarios were analyzed:

- Base Year (2023): Reflects the current performance of the local road network. Mhaigh Cuilinn by-pass has been recently opened. The Traffic Modelling Report projects a reduction in traffic volume on the N59 of 58% heading east and 71% heading west. The report applies a conservative 50% reduction on both streams to ensure a robust analysis.
- Year of Opening (2026): Projects the road network's performance when the development becomes operational.
- Design Year (2031): Considers capacity performance (+5 years) post development
- Design Year (2041): Considers long-term performance 15 years after the school opens.

7.4.17. The development's traffic generation potential was estimated using the TRICS software database, which models traffic based on surveys from comparable developments across Ireland and the UK. During the morning peak (08:00–09:00), an estimated total of 25 arrivals and 33 departures will occur, while in the afternoon peak (15:00–16:00), approximately 24 arrivals and 14 departures are projected. The above is broken down between creche use and dwellings.

7.4.18. It is envisaged the proposed distribution matches the existing traffic distribution at each of the junctions a breakdown of trip distribution per peak hour are identified and shown for each of the junctions. The applicant has set out key parameters with which the traffic assessment takes account of for its analysis. For each of the junctions within the assessment it is concluded, the potential development traffic will result in an increase in both delays and queueing for all traffic streams, but the Junctions are projected to continue to operate well within capacity. I note for the junction between L13230 and Coill Ard estate it is envisaged that for the design year 2041 the junction will have a Ratio flow of capacity (RFC) of 0.26 which well below the 1.0 that

indicates the junction would be at capacity. The morning peak period queue Length of (PCU) is 0.4. (1 PCU is 1 car length)

- 7.4.19. The TTA also sets out pedestrian connectivity and bus connections to the site however these will be viewed in the context of mobility management and permeability which will be assessed in Section 7.5 of this report.
- 7.4.20. The traffic assessment and supporting data provided by the applicant suggest that the anticipated level of traffic disruption caused by the development will be minimal for an urban site. The primary junction of concern between the Coill Ard estate and L1320 indicates that there is sufficient capacity at the junction to accommodate the proposed development over the long term. The resulting traffic analysis shows that the existing priority junctions are forecast to operate within capacity for the AM and PM peak hour scenarios for the Development opening year. From the assessment of the junctions for the Design Year of 2041, it was found that all junctions on the “No Development” and “With Development” scenario are forecast to operate within capacity. The analysis carried out does not include for a reduction in trips due to Mobility Management measures for the site.
- 7.4.21. Thus, based on the information supplied, the proposed development's traffic impact can be deemed manageable and compliant with Galway County Development Plan DM Standard 33 (a) with regard to Traffic Impact Assessment and Policy Objective NNR 6 Policy Objectives for Non National Roads. I am satisfied that the TTA has been carried out in accordance with best practice and the proposal as presented will not have a significant negative impact on traffic volumes in the local area to warrant a reason for refusal in this instance.
- 7.4.22. In conclusion, I do not consider the access route through existing Bun na Coille and Ard Coille estates, traffic impact or traffic safety to be a significant issue with which to warrant a refusal reason in this instance.

7.5. Pedestrian Connectivity and Permeability

- 7.5.1. The third reason for refusal issued by the Planning Authority cites the lack of desirable pedestrian and cycle connectivity with adjacent lands and the town core of Mhaigh Cuilinn. This is stated to be contrary to Policy Objective GCTPS 4 of the

Galway County Development Plan 2022-2028, which prioritises enhanced walking and cycling networks.

- 7.5.2. The applicant contends that existing site constraints and the failure of adjacent developments to anticipate future connectivity have limited immediate opportunities for linkages into adjoining estates. However, the proposed site layout includes provision for potential future pedestrian and cycle connections to both Sli An Tsruthain and An Garrai Gabhainn. As these estates are outside the applicant's control, the applicant is unable to implement these connections at this stage. It is also noted that there is a level difference between the subject site and Sli An Tsruthain, further complicating direct integration. The applicant argues that the proposed development complies with the Design Manual for Urban Roads and Streets (DMURS) for walking and cycling infrastructure and that the distance from the site to the village core is not so excessive as to justify a refusal. A DMURS statement and a Mobility Management Plan (MMP) have been submitted as part of the application.
- 7.5.3. The Compact Settlement Guidelines and the Galway County Development Plan emphasise the importance of pedestrian and cycle connectivity in achieving sustainable urban growth. However, neither policy document specifies a required maximum walking or cycling distance to village or town centres. In considering the location of the site, it is noted that it is within the village boundary but in a peripheral position. It does not meet the proximity or accessibility criteria outlined for High-Capacity Accessible or Intermediate Locations. For reference, Intermediate Locations are defined as lands within 500–1,000m of an existing or planned high-frequency urban bus service. The proposed development would require a 1.3km walk or cycle to reach the village core. While this is a considerable distance, it remains within a reasonable threshold for pedestrian and cycling accessibility, consistent with the site's peripheral designation as set out within the Compact Settlement Guidelines.
- 7.5.4. Both Sli An Tsruthain and An Garrai Gabhainn are under third-party ownership. The applicant has incorporated wayleaves within the site layout, ensuring that future pedestrian and cycle linkages can be facilitated should opportunities arise. While the absence of immediate connectivity is regrettable, the potential for future connections remains viable, particularly in the context of potential future taking-in-charge of

adjacent estates by Galway County Council. Consultation with landowners and the local authority may, in time, enable these linkages to be established.

7.5.5. The applicant has submitted a Mobility Management Plan (MMP), which the Planning Authority has reviewed. The authority has raised concerns regarding the lack of detailed modelling of the anticipated modal split for future residents. Additionally, concerns have been noted about discontinuities in the pedestrian and cycle network between the development and the village core.

7.5.6. The proposed development includes 239 cycle parking spaces, meeting the requirements of the Galway County Development Plan. A continuous footpath is indicated from the site to the village of Moycullen, with an estimated walking time of 18 minutes and a cycling time of approximately five minutes.

Public transport options from the village core include:

- Bus Éireann Route 419, stopping at the Moycullen Coach House (18-minute walk from the site), providing frequent services between Galway, Oughterard, and Clifden. Services run daily from early morning until late evening.
- City Link Route 923, also stopping at the Moycullen Coach House, offering a regular Galway–Clifden service.

In addition, planned cycling infrastructure improvements—including the Clifden Greenway Route via Moycullen and the proposed Inter-Urban Route—will further enhance cycling connectivity in the region.

While the MMP could provide greater emphasis on encouraging a modal shift away from car dependency, it does sufficiently demonstrate the availability of alternative transport options. Given the presence of high-frequency bus services from Moycullen to Galway City, the development offers realistic and sustainable travel choices for prospective residents.

7.5.7. Policy Objective GCTPS 4 seeks to promote walking and cycling as the primary mode for shorter local journeys. While the proposed development does not benefit from direct pedestrian and cycle connections into the village core, the applicant has demonstrated a commitment to facilitating future linkages where feasible. Constraints resulting from previous development decisions have rendered immediate connectivity impossible, which is beyond the control of the applicant. The site is located on zoned lands and maintains a single point of connectivity to the town.

While not an optimal arrangement, it is not considered to be of such significance as to warrant a reason for refusal. Neither the Galway County Development Plan nor the Compact Settlement Guidelines specify minimum or maximum walking/cycling distances to village or town cores. Furthermore the adjacent Bun na Coille estate also experiences very similar walking times to the town centre of Mhaigh Cuilinn as the proposed estate. Given the site's zoning and the presence of existing footpath and proposed cycle infrastructure, I consider pedestrian/cycle connectivity is considered sufficient in this instance.

- 7.5.8. Taking all factors into account—including the site's location on zoned lands within the village boundary, landlocked between two existing estates, the proposed wayleaves for future connectivity, and the availability of sustainable transport alternatives—the 1.3km distance to the village core is not so significant as to undermine the principles of sustainable development. The development complies with DMURS standards, aligns with the Galway County Development Plan's zoning objectives, and is consistent with the Compact Settlement Guidelines in terms of density.

Accordingly, refusal on the grounds of pedestrian connectivity is not considered justified in this case.

7.6. Surface Water

- 7.6.1. The fourth reason for refusal outlines that the applicant has not demonstrated sufficient evidence that the proposed storm network, which outfalls to a third-party network, can cumulatively accommodate the proposed hydraulic loadings. Additionally, the evidence provided does not fully consider the impact downstream. However, the applicant asserts that the point of discharge is not located on third-party land but remains fully within their control. Furthermore, the applicant states that hydraulic loadings indicate that the storm outfall can accommodate the entire site's discharge.
- 7.6.2. As per the response submitted by the applicant's engineer, the following details are noted:
- The outfall is within the applicant's lands.
 - The receiving culvert consists of a 900mm diameter concrete storm pipe, 74m in length, with a gradient of 1:79.

- This culvert discharges into an open channel approximately 78m long, running east towards the L1309 Clifden Road.
- The open channel subsequently outfalls into another concrete culvert that crosses the L1309 Clifden Road.
- The final discharge occurs behind houses east of Clifden Road, where it drains into a sinkhole.

7.6.3. A flood risk assessment submitted with the application confirms that the receiving culvert has sufficient capacity to accommodate discharge from the site under both pre-development and post-development conditions. Notably, post-development runoff rates are expected to decrease as the current brownfield condition will be attenuated to a greenfield rate. Additionally, a petrol interceptor will be installed upstream of the outfall, which will enhance water quality.

7.6.4. Section 7.5.9 and Policy WW7 of the Galway County Development Plan 2022-2026 mandate that all new developments must minimise surface water discharge through the implementation of Sustainable Drainage Systems (SuDS). The applicant has incorporated several SuDS measures on-site before surface water reaches the culvert located to the east of the site. These measures include:

- Permeable paving in front of all residential units
- Rain gardens
- Tree planting
- Attenuation units on-site of open space

Furthermore, a significant portion of the site—23% of the total area—has been designated as green open space. The implementation of these SuDS measures is expected to reduce the flow rate at the outfall from 1.11m³/s to 0.74m³/s.

7.6.5. Given the information provided, it is evident that the applicant has adequately demonstrated the site's capacity to manage surface and stormwater. The applicant has indicated that the location of discharge of surface water is within lands in the applicants ownership. The measures outlined comply with Section 7.5.9 and Policy WW7 of the Galway County Development Plan. Therefore, I do not consider that the refusal of the application on the grounds of inadequate surface water management is warranted in this instance

7.7. Other Issues

7.7.1. Irish Language

A third party observation on file from Conradh na Gaeilge makes a number of suggestions with regard to the provision of specific conditions with regard to Irish Language on site. I note the applicant has provided a linguistic impact statement as part the application and proposes 12 no residential units will be reserved for Irish speaking members of the community. In order to comply with the Policy Objective MSGT 11 of the Galway County Development Plan the linguistic impact statement recommends the allocation of 20% residential developments for native Irish Speakers. The application of the enurement clause of 20% is in line with the above Policy Objective of the Galway County Development Plan. The non statutory Mhaigh Cuillinn language plan that has been approved by the Department of the Gaeltacht recommends an enurement clause of 35% is adopted for residential development in Mhaigh Cuillinn. Having regard to the above I consider that adequate regard has been given to the Language enurement clause as set out in the County Development Plan and the provision of 12 houses for native Irish Speakers and an associated conditions is acceptable in this instance. I am satisfied the proposal aligns with Policy Objective MSGT 11 of the Galway County Development Plan 2022 to 2028.

7.7.2. School Capacity Assessment

7.7.3. The planning authority report identify that the applicant has not submitted a school capacity assessment, its concluded that it is unclear if the proposal will put an undue burden on local educational services. I note the submission a Schools & Childcare Assessment dated 2024 by the applicant with the application. The analysis on existing creche demand and spaces within the catchment area of 3km demonstrates that at present there are 11 creche spaces available for take up. On this basis the proposed childcare facility does not need to cater for any existing surplus demand outside of the site area itself and Bun Na Coille.

On analysis of the proposed scheme against the relevant childcare guidelines, the demographics of the area and the projected population have demonstrated that the proposal will be adequately sized by providing space to accommodate 33 children and therefore be consistent with the relevant guidelines in terms of provision. Also the creche as proposed is adequately sized to cater both for the proposed

development and existing residential units within Bun Na Coille and the wider area if so required.

Regarding Primary and post primary School Provision, the analysis by Department of Education and Skills (DES) of existing schools in the Moycullen area has determined that no additional schools are to be delivered under the school building programme; this indicates the DES is satisfied there is adequate capacity in the Moycullen area going forward to cater for the proposed development in terms of both primary and post primary school provision. It is therefore concluded that the existing school provision in the area is sufficient to cater for the needs of the current and future population of the area and the proposed development will be adequately catered for both in terms of schools, childcare and social infrastructure provision.

8.0 Appropriate Assessment Screening

8.1. Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) 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

- 8.1.1. The applicant has submitted an Appropriate Assessment Screening and Natura Impact Statement (NIS) prepared by Enviroguide Consulting and submitted with the application, dated June 2024. The applicant's Stage 1 AA 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. All surveying and reporting have been carried out by qualified ecologists and environmental consultants.
- 8.1.2. An initial preliminary walkover was undertaken at the Site on 6th July 2023 and the results were incorporated into a Preliminary Ecological Appraisal Report (Enviroguide, 2024). This has been submitted with the application. The Ecological Report concludes:

As a result of the poor quality habitats at the site and the human disturbance in the wider area, the site is deemed to be of negligible ecological value in its current state,

however, a range of precautionary measures based on the Site prior to the removal of vegetation have been recommended in order to ensure that the construction and operation of the proposed development will not impact upon local flora and fauna that may pass through the site.

The applicant has also submitted proposed surface water measures through SUDS. These measures include:

- Water butts;
- Rain gardens;
- Tree pits;
- Soakaways / Attenuation Units,
- Permeable Paving

The implementation of these SuDS measures is expected to reduce the flow rate at the outfall from 1.11m³/s to 0.74m³/s.

8.1.3. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in section 3 and 6.3 above. I note that the planning application was referred to a number of statutory consultees, including the National Parks and Wildlife Services (NPWS). With specific reference to appropriate assessment matters, I note that the NPWS did not respond to the request for observation.

8.1.4. The Project and Its Characteristics

The detailed description of the proposed development can be found in section 2.0 above.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Four European sites are

located within 6km of the potential development site. Two additional sites located downstream 18km

- Lough Corrib SAC [000297] (approximately 1.17 km from the subject site)
- Lough Corrib SPA [004042] SPA:Lough Corrib SPA (approximately 2.91 km from the subject site)
- Galway Bay Complex SAC [000268] – (approximately 18km south of the site)
- Inner Galway Bay SPA [004031] – (approximately 18km south of the site)
- SAC:Ross Lake and Woods SAC (approximately 3.54 km from the subject site)
- SAC:Connemara Bog Complex SAC (approximately 3.84 km from the subject site)

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Lough Corrib SAC and SPA and Galway Bay Complex SAC and Inner Galway Bay SPA. Connemara Bog Complex SAC and Ross Lake Woods SAC have no pathway to the site. This assertion is made based on surface water and ground water flows from the site.

European Site	Qualifying Interests (summary)	Distance	Connections
Lough Corrib SPA [000402]	Gadwall (<i>Anas strepera</i>) [A051] Shoveler (<i>Anas clypeata</i>) [A056] Pochard (<i>Aythya farina</i>) [A059] Tufted Duck (<i>Aythya fuligula</i>) [A061] Common Scoter (<i>Melanitta nigra</i>) [A065] Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis</i>)	1.17km	No direct connections – weak hydrological pathway.

	<p>apricaria) [A140] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetlands [A999]</p>		
<p>Lough Corrib SAC [000279]</p>	<p>Habitats:</p> <p>Oligotrophic Waters containing very few minerals [3130] Oligotrophic to Mesotrophic Standing Waters [3140] Hard Water Lakes [3260] Floating River Vegetation [6210] Orchid-rich Calcareous Grassland* [6410] Molinia Meadows [7110] Raised Bog (Active)* [7120] Degraded Raised Bog [7150] Rhynchosporion Vegetation [7210] Cladium Fens* [7220] Petrifying Springs* [7230] Alkaline Fens [8240] Limestone Pavement* [91A0] Old Oak Woodlands [91D0] Bog Woodland*</p> <p>Species:</p> <p>Freshwater Pearl Mussel (Margaritifera margaritifera)</p>	<p>2.91km</p>	<p>No direct connections – weak hydrological pathway. In the event that uncontrolled surface water runoff from the Site enters Ballycuirke_010 river waterbody, directly upstream of Ballyquirke Lough which is encompassed within the bounds of Lough Corrib SAC (000297).Potential changes in Water</p>

	<p>[1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>Version date: 07.03.2022 2 of 5</p> <p>000297_Rev22.Docx [1095]</p> <p>Sea Lamprey (<i>Petromyzon marinus</i>) [1096] Brook Lamprey (<i>Lampetra planeri</i>) [1106]</p> <p>Atlantic Salmon (<i>Salmo salar</i>) [1303] Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) [1355] Otter (<i>Lutra lutra</i>) [1833]</p> <p>Slender Naiad (<i>Najas flexilis</i>) [6216] Slender Green Feather-moss (<i>Hamatocaulis vernicosus</i>)</p>		quality resource – site specific measures required for management of surface water during construction phase
Galway Bay Complex SAC	<p>Habitats</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons* [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony Banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p>	18km south of siite	Weak Hydrological Pathway ruled out due to distance.

	<p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs* [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Species:</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p> <p>Harbour Seal (<i>Phoca vitulina</i>) [1365]</p>		
Inner Galway Bay SPA [004031]	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p>	18km	Weak Hydrological Pathway ruled out due to distance.

	Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]		
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8.1.5. Likely impacts of the project (alone or in combination)

Due to the limited nature of the development proposal on a 2.68ha site on zoned land within the settlement of Mhaigh Cuilinn and the relevant scale of construction

impacts I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

In terms of noise, I note that best practice construction methods would be implemented, and environmental considerations such as noise, dust and vibration would be addressed as part of a Construction Environmental Management Plan (CEMP), which would be required to be submitted to, and for the written agreement of the Planning Authority. I note that a preliminary CEMP was submitted as part of the planning documentation. I consider the inclusion of best practice construction measures to be acceptable. This is a matter that can be addressed by means of an appropriate planning condition. Given the disturbed ground status of the appeal site, which is presently in use as a construction compound, it does not provide for suitable foraging/feeding grounds for the winter birds associated with the SPA sites.

I consider that there is potential for indirect significant effects in the form of outfall of sediment and/or hydrocarbons to the surface water network during the construction period on water quality with Lough Corrib SAC [000279]. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken. The applicant has set out mitigation measures under Section 4.4 of the NIS, these mitigation measures are site specific construction techniques and have also been set out as part of a construction and environmental management plan. In my view the development is not likely to have significant negative impacts on any European site however the measures taken by the applicant are set out to be site specific. The main mitigation measures are focused on surface water management during the construction and operational phase.

During site clearance, construction of the proposed houses and creche, internal road and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. There is a hydrological pathway to Lough Corrib SAC surface water runoff from the Site enters Ballycuirke_010 river waterbody, directly upstream of Ballyquirke Lough which is encompassed within the bounds of Lough Corrib SAC (000297).

8.1.6. **In combination effects**

In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites within the settlement boundary of Mhaigh Cuilinn, which have been granted planning permission and are referenced in Section 4 of this report. However, through the implementation of best practice construction methods and the fact that all of these sites have been subjected to Strategic Environmental Assessment and also have been subjected to an Appropriate Assessment determination under the preparation of the Galway County Development Plans of 2016 and 2022, the cumulative environmental impact of all of the zoned lands being developed was considered and deemed acceptable.

8.1.7. **Overall Conclusion**

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects could be likely to give rise to significant effects on European Sites within Lough Corrib SAC [000279], in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is required. I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential significant effects that may arise in relation to Lough Corrib SAC. The potential for significant effects on other European Sites can be excluded. This conclusion is consistent with that of the applicant's Appropriate Assessment Screening.

8.2. **Stage 2 Appropriate Assessment**

Natura Impact Statement

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 for the construction of 60 houses and a creche individually or in combination with other plans or projects will have a significant effect on the Lough Corrib SAC [000279].

The applicant's Natura Impact Statement (NIS) was prepared in line with current best practice guidance and examines and assesses potential for adverse effects of the proposed development on Lough Corrib SAC. Section 4.3 of the NIS sets out the potential impacts arising from the construction and operational phases of the development on each of the European sites and Section 4.4 sets out avoidance and mitigation measures that would be incorporated as part of a Construction Environmental Management Plan (CEMP). The NIS concludes that with the implementation of the pollution control mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase, adverse effects on the site integrity of the European site alone, or in combination with other plans and projects can be excluded.

8.2.1. Appropriate Assessment of implications of the proposed development on the European Site

The following table set out my assessment of the implications of the project on the qualifying interest features of the Lough Corrib SAC using the best scientific knowledge in the field as provided in the NIS. 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.

It should be noted that a number of Qualifying Interests (QI's) within the Galway Bay Complex SAC, Inner Galway Bay SPA and Lough Corrib SPA were removed from further assessment at screening stage as the potential for likely significant effects on these particular QI's has been ruled out due largely to distance and the absence of direct hydrological pathways between the appeal site and these particular QI's. These QI's include Coastal Lagoons, Turloughs, Juniperus communis formations, Calcareous fen, Alkaline fen, Scrubland facies on calcareous substrates, Perennial vegetation of stony banks. Salicornia and other annuals colonising mud and sand, Mediterranean/Atlantic salt meadows, Harbour Seal which is almost entirely a marine species and the Otter as there is no suitable habitat within the appeal site or in its vicinity for this species. Ecological surveys conducted on site indicate that: The appeal site and the areas immediately adjacent to it do not provide significant habitat for the qualifying interest fauna species of the nearby SPAs and SAC.

Name of European Site, Designation, site code: Lough Corrib SAC, 000297

Summary of Key issues that could give rise to adverse effects.

- Species degradation/loss
- Disturbance of QI species Conservation Objective:

To restore the favourable conservation condition of these habitats in Lough Corrib SAC.

Qualifying Interest feature	Conservation Objectives Targets & attributes	Potential Adverse effects	Mitigation measures	In combination effects	Can adverse effects on integrity be excluded ?
Oligotrophic iseolid lake habitat (3110) with Hard water lake habitat (3140) (Calcareous fens with Cladium mariscus)	To restore the favourable conservation condition of these habitats in Lough Corrib SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptor	No significant in combination adverse effects	Yes

		and operational activities on site and potentially adversely impacting upon protected habitat/species	s within the surface water systems		
Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]	To restore the favourable conservation condition of these habitats in Lough Corrib SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems	No significant in combination adverse effects	Yes

		upon protected habitat/speci es			
Austropotamobi us pallipes (White-clawed Crayfish) [1092]	To restore the favourable conservatio n condition of these habitats in Lough Corrib SAC.	Deterioration in water quality arising from sedimentatio n and release of hydrocarbon s to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/speci es	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuatio n tank and hydrocarb on interceptor s within the surface water systems	No significant in combinatio n adverse effects	Yes
Salmo salar (Salmon) [1106]	To restore the	Deterioration in water	Silt fencing adjacent to	No significant	Yes

	favourable conservation condition of these habitats in Lough Corrib SAC.	quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon interceptors within the surface water systems	in combination adverse effects	
Lutra Lutra (Otter) (1355)	To maintain the favourable conservation condition of these	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps	No significant in combination adverse effects	Yes

	Species in Lough Corrib SAC.	water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	to attenuation tank and hydrocarbon interceptor s within the surface water systems		
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8.2.2. In combination effects

In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites, existing, permitted and those under construction. With the incorporation of best practice construction methods and the fact that many/all of these sites would have been subjected to their own individual Appropriate Assessments, Strategic Environmental Assessment and an Appropriate Assessment determination under the preparation of the Galway County Development Plans of 2016 and 2022, the cumulative environmental impact of development within the appeal site and within the adjacent lands has been considered and deemed acceptable.

8.2.3. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Lough Corrib SAC [000279], in view of the Conservation Objectives of

this site. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

8.2.4. Appropriate Assessment Conclusion

Having carried out screening for Appropriate Assessment, it was concluded that, in the absence of mitigation measures to prevent construction related pollutants reaching Lough Corrib SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European sites in light of their conservation objectives.

Following an Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of Lough Corrib SAC [000279], or any other European site, in view of the site's Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with plans and projects.

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 the aforementioned designated site.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Corrib SAC.

9.0 Recommendation

Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the location of the site within the existing built up area of Mhaigh Cuilinn on zoned and serviced lands, the provisions of the Galway County Development Plan 2022-2028 and the Compact Settlement Guidelines, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the density guidelines as set out in the Compact Settlement Guidelines and that the development would not result in the creation of a traffic hazard or seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
Reason: In the interest of clarity.

2. The proposed way leaves for potential future pedestrian/cycle connections shall be constructed in full as per the Site Layout Drawing provided with the application.
Reason: In the interest of amenity and the proper planning and sustainable development of the area.

3. All of the mitigation measure cited in Section 4.4 of the Natura Impact Statement and Section 3.2, 3.11 and Section 7.4 of the Outline Construction Environmental Management Plan submitted to An Bord Pleanála on the 2nd day of September 2024 shall be implemented in full.
Reason: In the interest of the natural heritage of the area and protecting the environment.
4. (i) During the enabling works/construction stage of the proposed development, the appointed contractor shall adhere to the Construction Environmental Management Plan (CEMP) and Traffic Management Procedures as received by the Planning Authority. An appointed Construction Environmental Manager, or other suitability qualified person, shall oversee the implementation of the Final CEMP.
(ii) Following construction, certification shall be provided by the appointed Construction Environmental Manager, or other suitably qualified person, confirming that the construction measures have been carried out in full. This certification may be made available to the Planning Authority upon request.
Reason: In the interest of ensuring the proper planning and sustainable development of the area.
5. a) All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning works. A wheel washing facility shall be operational at site entrance/exit.
(b) All vehicles/machinery associated with construction works for the development here permitted shall be contained within the site and adequate provision shall be made for same. In the event that vehicles/machinery associated with construction works, park on the public road or grass verge thereto, then the Planning Authority or the Roads Authority shall be empowered to cease all works on site and works shall not recommence without the prior written agreement of the Planning Authority.
Reason: In the interest of proper planning and development
6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

9. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

10. a) A minimum of 25 % of the residential units (1 unit) hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.

(b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary

evidence from the developer regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

(d) The appropriate competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing / occupying the respective residential unit.

(e) This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed housing unit(s) is/are used to meet the [state relevant development plan policy or applicant's stated housing needs] and that development in this area is appropriately restricted [to meeting essential local need] [to preserve and protect the language and culture of the Gaeltacht] in the interest of the proper planning and sustainable development of the area.

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interests of public health.

12. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

13. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces, and measures for the protection of trees and hedgerows within and adjoining the site shall be agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of residential and visual amenity.

14. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

(b) All roads within the blue line boundary of the site will be finished to the required Taking in Charge Standard of Galway County Council.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

(a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.

(b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.

(d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.

(f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

18. The development works shall be adequately supervised by a Consulting Engineer who shall, on completion of the works and prior to the occupation of any of the associated dwellings, issue a certificate as to the adequacy of the standard of the works which shall be submitted for the written agreement of the Planning Authority. Details of the consulting engineer's full professional indemnity insurance shall be forwarded to the Planning Authority for confirmed written approval prior to any works commencing on site. (ii) Prior to the pouring of foundations, the approved Consulting Engineer shall certify that the individual units have been set out in accordance with Condition No. 1 above. REASON: To ensure an adequate standard of development.

19. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

Reason: In the interest of amenities, public health and safety.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

21. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

22. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

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

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

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

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

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

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

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.

Darragh Ryan
Planning Inspector

17th of February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320712 - 24		
Proposed Development Summary	Construction of 60 dwellings and a creche		
Development Address	Lands adjacent to Bun na Coille Estate, Kylebroghland Townland, Moycullen, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
No	X	10. Infrastructure projects, (b) (i) Construction of more than 500 dwelling units. And (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Urban development, comprising 60 dwellings, and a creche all on a site of 2.68

			Hectares, edge of town. Scale of development is less than 500 dwelling units, on a site of 1.94 Hectares outside of the business district area.
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 320712-24
Proposed Development Summary	Construction of 60 dwellings and a creche
Development Address	Lands adjacent to Bun na Coille Estate, Kylebroghland Townland, Moycullen, Co. Galway
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</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 residential development has been designed to logically address the topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality. Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>
Location of development	The nearest European sites are listed in Section 5.2 of this report and other designated sites are referenced in the application AA

<p>(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).</p>	<p>Screening Report and Natura Impact Statement. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those linked to the Lough Corrib SAC.</p> <p>The site is not within an area of archaeological potential.</p> <p>Adjoining Protected Structures are removed from the site.</p>
<p>Types and characteristics of potential impacts</p> <p>(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>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Waste Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.</p> <p>The development will implement SUDS measures to control</p>

		surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	No
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)