



An
Bord
Pleanála

Inspector's Report

ABP-320747-24

Development

Construction of 171 residential units, childcare facility, provision of cycling/ pedestrian facilities along the R338 to Oranmore railway station and all associated site works. Includes an NIS.

Location

Cartron and Garraun South,
Oranmore, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2460733

Applicant

Marshall Yards Development
Company Ltd.

Type of Application

Large-Scale Residential Development

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Observers

1. An Taisce
2. John and Ann Callinan
3. Eoin Butler
4. Shane McSweeney & others

Website

www.cartronlrd.ie

Date of Site Inspection

9th November 2024

Inspector

Paul O'Brien

Contents

1.0 Site Location and Description	4
2.0 Proposed Development.....	4
3.0 Planning Authority Pre-Application Opinion	5
4.0 Planning Authority Decision	8
5.0 Planning History	14
6.0 Policy Context.....	14
7.0 The Appeal	19
8.0 Assessment.....	25
9.0 Appropriate Assessment.....	43
10.0 Environmental Impact Assessment	46
11.0 Recommendation.....	49
12.0 Recommended Draft Order	50
13.0 Reasons.....	54
Appendix 1: Screening for Appropriate Assessment	56
Appendix 2: Stage 2 – Appropriate Assessment.....	64
Appendix 3: Form 1 - EIA Pre-Screening.....	71
Appendix 4: EIA Screening Determination Form.....	73

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 5.5 hectares, comprises an almost rectangular shaped site located to the north of the R338 – Coast Road and south of the Dublin to Galway railway line to the north west of Oranmore, County Galway. The R338 curves north west to the western side of the site and connects Oranmore to Galway city centre to the west. Part of the site includes a section of the R338 running east of the development lands, measuring approximately 825m in length.
- 1.2. The subject lands are under grass and are in agricultural use. The site rises from the south east corner at +4.2m towards the north west corner at +13.5m, and there are variations in the levels throughout the site area. Low voltage powerlines cross the site. To the east is a detached house and farmyard including a number of sheds/ stores. Access to this house is via a laneway from the R338 which meanders northwards and goes under the railway line and continues to the north west to serve a number of detached houses/ agricultural fields. To the south of the site and R338 is the coastline, forming Galway Bay and is less than 5m from the site at its closest point. To the west of the site is a detached house. The site boundary to the west also forms the boundary between Galway County and City Council administrative areas.
- 1.3. Oranmore railway station is located approximately 410m to the north east or 710m walking distance.

2.0 Proposed Development

- 2.1 The proposal, as per the submitted public notices, comprises the demolition of an existing shed and associated structure and the construction of 171 residential units in the form of houses, duplex apartments and maisonette units, a creche, private, public, and communal open space, and all associated site works. A Natura Impact Statement is provided in support of the application.
- 2.2 The following tables set out some key elements of the proposed development on these lands:

Site Area	
Gross Area	4.53 hectares
Net Developable Area	4.39 hectares
No. of Units	171 (Percentage of total)
Duplex Apartments	4 (2.3%)

Maisonettes	16 (9.3%)
Houses	151 (88.3%)
Building Height	1 to 3 storeys
Density:	39 units per hectare
Open Space Provision	0.63 hectares (14.3%)
Car Parking –	268
Childcare Provision	48 spaces

- 2.3 Vehicular access is via the laneway to the south east of the site, and which connects onto the R338 – Coast Road. Pedestrian access is provided in a number of locations onto this road. The proposed development includes the undergrounding of overhead low voltage lines and all associated site works.

3.0 Planning Authority Pre-Application Opinion

- 3.1 A Section 247 pre-application consultation took place on the 18th of October 2023 and a Stage 2 – LRD Opinion Meeting took place on the 31st of January 2024, between representatives of the applicant and the Planning Authority, Galway County Council. A range of issues were considered during these meetings, and full details are provided with the Planning Authority report.
- 3.2 The Planning Authority issued an opinion on the 27th of February 2024 ‘which stated that it was of the opinion that the documentation submitted with the consultation request under Section 32B of the Planning and Development Act, 2000 (as amended) constituted a reasonable basis on which to make an application for permission for the proposed LRD.’ A number of matters were raised that required specified information, were identified as follows, in summary:
- Planning and Strategic Issues
 - Traffic and Transportation
 - Placemaking, Architecture & Urban Design
 - Environmental Considerations – EIA, AA, Ecology and Waste Management.
 - Flood Risk and Climate Change Management
 - Surface Water Drainage
 - Water Services

- Carbon Balance and Energy Usage & Efficiency
- Social Infrastructure Provision
- Part V
- Landscape
- Architectural, Cultural and Archaeological Heritage
- Phasing
- Utility Services
- Miscellaneous – boundary details and consultations details.

3.3 The applicant has responded to each of these issues in their 'Response to Galway Council LRD Opinion' report, with support from other members of their team. The following provides a summary of their response, I note that response headings differ from the items raised in the Galway County Council opinion:

1. Planning and Strategic Issues: High quality connections to be provided to Oranmore station and village, good quality of open space on site, regard had to the Garraun Framework Plan, architectural/ landscaping details provided and full details on transport links provided.
2. Traffic and Transportation: Full details provided on linkages and development of multi-modal transport/ interconnectivity in the overall development design including details on linkages to the station.
3. Core Strategy Analysis: Statement provided demonstrating compliance with the Galway County Council core strategy.
4. Traffic concerns about the site entrance: Details of a redesigned entrance are provided.
5. Provision of an alternative entrance: Details of a redesigned entrance are provided.
6. Compliance with DMURS: Internal roads to be 5.5m wide with 2m wide footpaths either side. Homes zone roads to be 4.8m wide with 1.2m wide strip/ pedestrian refuge alongside. Details provided to demonstrate compliance with DMURS.

7. Road Safety Audits, Traffic and Transport Assessment and Mobility Management Plan: Details of these are provided.
8. Compliance with DM Standard 31 – Car & bicycle parking: Full details are provided.
9. Set-down area for the creche: Revised plans provided indicating this.
10. Compliance with the Garraun Urban Framework Plan: Details provided demonstrating how this will be complied with. Supported by details in the Architectural Design Statement.
11. Request to revise the site layout: Explanation for the layout is provided, informed by the shape of the site and attempts to get maximum use of the site.
12. Character Areas: Explanation provided.
13. Creche design: Revised details provided and designed to be a landmark building on the site.
14. Streetscape: Revised details are provided to improve the streetscape.
15. Public open space: Full details are provided in the response and address issues of type of open space, overlooking, boundary treatment and pollinator zones.
16. Design of corner units: Revisions made, and further details provided in the Architectural Design Statement.
17. Location of three-storey units: A justification for their location is provided and further details are set out in the Architectural Design Statement.
18. Boundary treatment: Full details of all boundary treatments are provided.
19. Interaction with the railway line to the north of the site: Full details are provided.
20. Noise from the railway line: A noise assessment was undertaken details provided.
21. Material details: Fully provided.
22. Design details: Full information provided.
23. Environmental Screening: EIA Screening, AA/ NIS, CEMP and EcIA undertaken and full details provided.
24. Flood risk assessment: Revised SFRA provided.
25. Surface Water Drainage: Full details provided in the Infrastructure Report.

26. Foul Drainage: There is no requirement for a pumping station to serve this development.
27. Building Lifecycle Report: A report has been included with the application.
28. Estimated Development Yields Report: A Social Infrastructure Report has been provided and addressed the raised issues.
29. Ownership details: Full details have been provided including Part V requirement details.
30. Landscaping: A Landscape & Green Infrastructure Report & Landscape drawing set out detailed information on the hard and soft materials proposed throughout the site.
31. Hedgerow/ Tree Survey: Full details provided.
32. Lighting plan: Full details provided.
33. Bat & Bird Boxes and compliance with the Pollinator Plan: Full details provided.
34. Green Network: Detailed in the Landscape & Green Infrastructure Report.
35. Archaeology: An archaeological impact assessment has been provided.
36. Phasing: A phasing plan has been provided.
37. Utility Services Plan: Full details have been provided.
38. Red line boundary consistency: Stated to be consistent.
39. Details of consultation with prescribed bodies: Full details are provided in the relevant documentation included with the application.

4.0 Planning Authority Decision

4.1 Decision

The Planning Authority decided to refuse permission for five reasons, summarised as follows:

1. Concern about the potential impact on the Galway Bay Complex SAC and the Inner Galway Bay SPA due to deficiencies and lacunae in the submitted NIS.
2. Concern about the site access and potential for traffic hazard/ obstruction of road users.

3. Further road/ traffic concerns that do not demonstrate compliance with the Galway County Development Plan 2022 – 2028 and would be contrary to the proper planning and sustainable development of the area.
4. Concern about the proposed site layout, lack of satisfactory urban design/ placemaking, lack of connected green spaces/ corridors and would lead to a substandard form of development.
5. Development does not have full regard to the Garraun Urban Framework Plan set out in the Galway County Development Plan 2022 – 2028.

4.2 Planning Authority Reports

4.2.1 Planning Reports

The Planning Report reflects the decision to refuse permission for the proposed development. Concern was expressed by internal departments/ external bodies and these issues of concern informed the assessment by the Planning Authority and lead to the decision to refuse permission for the submitted development for the reasons outlined.

4.2.2 Other Technical Reports

- Roads and Transportation Section: Raise a number of concerns about the proposed development including the site access onto a busy road, lack of details on the design/ layout of roads/ footpaths and cycle provision and capacity of the road network to accommodate the additional traffic from this site.

4.2.3 Prescribed Bodies

- Department of Housing, Local Government and Heritage:
 - Nature Conservation: Raises a number of concerns including the lack of assessment of the entire site including the extent of the R338 which forms part of the development site, details on wastewater treatment, insufficient assessment of impact on Curlews, concern about hedgerow removal, need for an Ecological Clerk of Works on site and the Planning Authority to ensure that they comply with Article 6 of the Habitats Directive.
 - Archaeology: Notes and agrees with the submitted Archaeological Impact Assessment and no further mitigation is required.

- Uisce Éireann: No objection to the proposed development subject to conditions in relation to water supply and foul drainage.
- Transport Infrastructure Ireland (TII): No objection raised and rely on the Local Authority to assess the development and abide by national guidance.
- An Taisce: Notes the location of the site, the Garraun Masterplan and the presence of the railway line/ station and which would allow for a sustainable development on this site. Refers to a number of relevant guidelines and sections of the Galway Development Plan 2022 – 2028. Raise a number of concerns about the proposed development, summarised as follows:
 - Development is mature pending a review of the development plan and the Garraun Masterplan and forming a view as to whether it is materially consistent with relevant guidelines.
 - Oranmore station has the potential to be developed as a high-capacity transport node. Future upgrades include additional track capacity, increased train frequency and an increase in car parking on site. No bus routes serve this station, though under the Bus Connects Network Review a route will serve the Coast Road. Demand exists for a bus route between Oranmore Station and the employment centres of Parkmore/ Ballybrit. Improvements could be made to enable an easy connection between the station and the subject lands.
 - The density is considered to be too low with 39 dwellings per hectare (dph) at the lower range of the 35 – 50 dph for suburban/ edge of metropolitan town locations and far below the 100 dph for accessible suburban locations. The proposed density/ number of units provides for a missed opportunity for an appropriate density in a location that could provide an alternative to car use.
 - There is no capacity in the Oranmore pump station to accept additional wastewater. Waste is pumped from here to Merlin Park and any issue with Merlin Park adversely affects the operations of the Oranmore system. The EPA has raised concerns with Uisce Éireann about the operation of the Oranmore pump station. Other developments in the area may impact on the operation of the pump station.

- Misinformation has been provided by Uisce Éireann referring to works in Merlin Park that had not commenced on the date of the An Taisce submission.
- The AA Screening Report and the Ecological Impact Assessment (EclA) fails to identify the shortfall in capacity of the Oranmore wastewater treatment plant and discharges may occur into Oranmore Bay.
- The development would be inconsistent with the Climate Action Plan 2024 due to the number of car parking spaces proposed to serve this development.
- Potential for a negative impact on the Water Framework Directive status of the waters of the Carrowmoneash River and Oranmore Bay and on the designation of the Galway Bay Inner Live Bivalve Mollusc classified production area.

4.2.4 Third Party Observations

Three separate submissions were received from individual members of the public and which I have grouped under appropriate headings:

Principle of development:

- No objection to the principle of housing on these lands.
- Concern about the lack of services in the area to serve this development such as community and commercial facilities.
- There are no shops within 1.5 km of the subject site.
- The site area makes up 8% of the Garraun Masterplan Lands but the 171 units would make up 25% of the 724 proposed to be developed on the masterplan lands.

Design Issues:

- Concern about the provision of a greenway as set out in the Garraun Urban Framework Plan.
- Poor connections to and from the site to the proposed greenway.
- The proposed development is located in an area with high quality housing design and the proposed development does not demonstrate such a high quality of

housing design. This may set a poor precedent for similar development in the future.

- Three storey units would be out of character in this area which contains a number of single storey units.

Traffic and Transport:

- There is a lack of bicycle infrastructure to serve this development, and the proposed development may become car reliant.
- The pedestrian refuge zones do not demonstrate compliance with any standards in DMURS.
- The layout indicates a scheme that is based on car use rather than sustainable forms of transport.
- Concern about traffic movements and the proposed junction/ corner radii.
- There is a lack of traffic calming measures in the proposed scheme and straight roads may encourage speeding within the development area.
- There is a lack of proposed pedestrian crossings.
- Sightline issues due to the provision of a large tree near a junction.
- Access to the public road/ R338 is via a minor laneway and no pedestrian infrastructure upgrades are proposed in the vicinity of this junction.
- Welcome for the upgraded facilities along the R338 to the railway station but similar upgrades should be provided to the west to Roscam which offers additional bus services and other facilities.
- Transport connections in the area are poor with an infrequent train service and no bus route along the coast road.
- Traffic assessments should be undertaken for the period 7 am to 8 am in addition to 8 am to 9 am.
- Increase in traffic in the Oranmore area due to the lack of services on site.

Impact on Water Quality:

- Concern about the impact on the loading on wastewater treatment plants.
- Oranmore wastewater pumping station has no capacity for additional connections.
- Significant number of unmonitored discharges from the treatment system and raised as a concern by the EPA.

- There is a need for upgrade/ capacity increase works to enable new connections. Reference is made to new storage tanks in Merlin Park.

Flood Risk/ Surface Water Drainage:

- Concern about recent flooding in the area from Storm Debi in 2023 and results of the OPW report have not been delivered to date.
- Insufficient detail as to how the junction with the R338 can cope with surface water.
- Concern about surface water drainage on site.
- Uncertainty as to the extent that climate change has been factored into the development design.
- Premature development pending the completion of the Oranmore to Kinvarra flood assessment.
- The Site-Specific Flood Risk Assessment (SSFRA) is based on 162 residential units and not the proposed 171.

Environmental Considerations:

- Potential for the loss of 40 mature trees to facilitate this development.
- Concern that only one survey for bats was undertaken, in early April with low temperatures.
- Potential impact of the walkway along the R338 on invasive species.
- Impact on the SAC due to the release of untreated wastewater.

Impact on Residential Amenity:

- Open space at 14% of the site area, is overstated as large areas do not provide for suitable amenity. There is a general shortfall in the provision of open space to serve the future occupants of this development.
- Concern about overlooking of adjoining properties, units are within 6.2m of the shared boundary.
- Concern about potential impact from communal open space on adjoining property – potential security risk.
- Shortfall in private amenity space for the residents of the proposed development.
- Concern about the layout and location of communal open space.
- Lack of consultation regarding the proposed boundary treatment serving this site.

Childcare:

- A number of the listed childcare facilities do not accept children under 12 months of age and the proposed development will only meet the proposed demand for this age group and not provide for excess space for demand outside of the site area.
- Car parking provision for the childcare facility is below Galway County Development Plan standards. Car parking may be reduced if a site is served by high frequency public transport and other facilities, but that is not the case here.
- Concern about the proposed set down area to serve the creche.

5.0 Planning History

PA Ref. 09/1594 refers to a November 2009 decision to grant permission for a dwelling house, domestic garage and treatment system (gross floor space 478.5sqm house 60sqm garage) on an area of land on the north eastern part of the subject site.

PA Ref. 2461261 refers to a current application, lodged with Galway County Council on the 26th of September 2024 for development consisting of:

- approximately 820m section of a parallel railway track (passing loop) to facilitate passing trains and 1 no. rail buffer;
- A railway platform of 185.5m in length and a minimum of 4m in width, with associated infrastructure including, access ramp, stairs, lift, passenger shelters, ticket vending machines, ticket validator poles, information display and wayfinding;
- A pedestrian and cyclist underpass of 10m in length and 6m wide to connect the existing and proposed platforms.

6.0 Policy Context

6.1 National Policy

6.1.1 Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘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 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2 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 Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Design Manual for Urban Roads and Streets (DMURS) 2019
- Permeability Best Practice Guide – National Transport Authority.
- The Climate Action Plan 2024
- National Biodiversity Action Plan 2023,

6.2 Regional Policy

6.2.1 Regional Spatial and Economic Strategy for the Northern & Western Regional Assembly

The Regional Spatial and Economic Strategy (RSES) for the Northern & Western Regional Assembly provides for the development of eight counties (the Ulster and Connacht counties) including the Galway County area and supports the implementation of the National Development Plan (NDP).

Oranmore is listed as one of the ‘strategic locations’ within the Galway Metropolitan area that ‘have been identified that present the opportunity and capacity to deliver the necessary quantum of housing to facilitate targeted growth, subject to the adequate provision of services.’ The population of Galway is predicted to grown by:

- 27,500 by 2026 and 14,500 to 2031 in the Metropolitan Area Strategic Plan (MASP)
- 23,000 by 2026 and 12,000 to 2031 in the city and suburbs area.
- Table 5: Galway City – Land Bank Capacity indicates that Oranmore has 33 hectares of available land for housing. Additional lands would be needed to be brought forward. The RSES states that ‘The East Galway Main Drainage Scheme shall be a key enabler for the larger area of Oranmore and Ardaun to the north, which shall enable the strategic potential offered by the rail terminus (sic) at Garraun.’ 27 hectares of employment lands are also available in Oranmore.
- ‘Provision of a primary network of cycle routes comprising of two greenways connecting into the county settlements – the Oranmore to the City Centre and onwards to Bearna Greenway and City Centre to Oughterard Greenway.’
- RPO 3.6.9 states ‘The Assembly supports the provision of a dual railway track between Galway and Athlone (M/L).’
- RPO 3.6.13 states ‘The Assembly supports the delivery of a strategic Greenway Network for the GTS to include National Dublin to Galway Cycleway, Oranmore to Bearna Coastal Greenway and the Galway to Clifden Greenway (S/M).’

6.2.2 Local/ County Policy

6.2.3 Galway County Development Plan

- The Galway County Development Plan 2022 - 2028 is the current statutory plan for County Galway, including Oranmore/ the subject site. The ‘Core Strategy, Settlement Strategy and Housing Strategy’ is provided in Chapter 2, and this sets out population projections over the lifetime of the plan.
- Chapter 3 covers ‘Placemaking, Regeneration and Urban Living’. Under section 3.5 ‘What is Placemaking?’ it states, ‘For example, in the case of Garraun, the UFP is centred around Oranmore Train Station which is a sustainable public transportation corridor while the Briarhill UFP has developed with pedestrian and cycle connections to Parkmore as the primary means of travel to that employment site.’ The following policy objectives are noted:

PM 4 'Sustainable Movement within Towns' - 'It is a policy objective of the Planning Authority to encourage modal shift in our towns to more sustainable transport alternatives through mixed use development that enables local living and working which is well connected to sustainable transport infrastructure such as walking, cycling, public bus and rail transport.'

PM 5 'Sustainable Transport' – 'Promote sustainable transport options as an alternative to the private car for people to access local services which will facilitate the transition to a low carbon climate resilient society.'

PM10 'Design Quality' – 'To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.'

CGR 1 'Compact Growth' – 'To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.'

CGR 6 'Density' – 'Promote the provision of higher density development in close proximity to sustainable transport corridors such as train stations.'

UL 2 'Layout and Design' – 'To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.'

UL 3 'Housing Mix' – 'To promote a mix of house types and sizes that appeal to all sectors of the community and contribute to a healthy neighbourhood.'

UL 5 'Open Space' – 'To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area.'

- Chapter 6 covers 'Transport and Movement'. The following policy objectives are noted:

PT 5 'Park and Ride' – 'To work with the National Transport Authority (NTA), Iarnród Éireann, Transport Infrastructure Ireland (TII), Galway City Council and any other stakeholders in identifying suitable locations for and the development of Park and Ride facilities in the County.'

PT 6 'Galway to Athlone Rail Line' – 'To secure in co-operation with Iarnród Éireann improved rail infrastructure and services between Galway to Athlone which includes a dual railway track and additional improvement works to include an additional platform and a passing loop at Garraun, Oranmore to ensure enhanced capacity and frequency of service.'

- Chapter 7 refers to 'Infrastructure, Utilities and Environmental Protection'. Public wastewater schemes are available in Oranmore but there is a limited capacity and 'A local network reinforcement project in Galway city will improve existing capacity constraints at Oranmore main pumping station. Drainage Area Plan will identify network issues and needs. Provision for medium and long-term growth will be considered as part of Greater Galway Area Drainage Study.'
- Chapter 15 provides 'Development Management Standards.'

6.2.4 Garraun Urban Framework Plan

The subject site is included within the area of this Urban Framework Plan (UFP) and full details are provided in Volume 2 of the Galway County Development Plan. The lands are located to the west of Oranmore and also include the railway station and lands to the south of the N67/ R446 road. The UFP area has the potential to provide for 1000 units with the core area in the vicinity of the station. A medium density is indicated for the subject lands, though it should be noted that no quantity is provided for the densities. Section 7.0 of the UFP provides an indicative plan for these lands. The lands are zoned R-Residential (Phase 1) and the site is located within Indicative Flood Zone C.

Note: The Galway County Council Planning Report has provided an extensive list of relevant policies and objectives from the RSES, Galway County Development Plan and the Garraun UFP.

6.3 Natural Heritage Designations

The Galway Bay Complex SAC (Site Code 000268), the Galway Bay Complex pNHA (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031) are located immediately to the south of the subject site.

7.0 The Appeal

7.1 The first party appeal addresses each of the reasons for refusal as issued by the Planning Authority and I have summarised their response under these items:

Item 1: Ecology and Environment:

- Outlines the process undertaken to prepare the planning application and how ecologists were engaged from the outset, especially considering the proximity of the development to designated European sites. Information was provided at pre-planning stage.
- Acknowledge that the NIS omitted part of the road network that is within the redline site boundary. A revised NIS has been provided and the applicant considers that the Planning Authority could have sought this information by way of a further information request.
- Submitted environmental reports have been updated in response to the submission made by statutory undertakers. A Biodiversity Management Plan has been submitted in support of the appeal.
- Reject the first reason for refusal in that it refers to the development as contravening Objective NHB1 to NHB3 of the Galway County Development Plan 2022 – 2028. The lands are zoned for residential development and are compliant with the development plan.
- Note that no report was received from the Environment Section.
- Outline that an Environmental Impact Assessment Report (EIAR), Appropriate Assessment (AA) Screening, Natura Impact Statement (EIS), Ecological Impact Assessment (EcIA) Screening Report, Outline Construction Management Plan and a Biodiversity Management Plan have been submitted with this application/ in support of the appeal.

Item 2 and 3: Traffic and Roads:

- The site is zoned for residential development, and it is to be expected that there will be additional traffic on the local road network.
- The background of the proposed road access is provided by the appellant.
- The proposed access is considered to be appropriate for this location and there is no contravention of stated development plan policy, and a full response has been provided by the appellants engineering team.

Item 4 and 5: Layout and Design:

- The background to the proposed site layout is provided and how this will integrate with its setting. Issues raised at an early stage in the planning process included

restrictions on surface water drainage runoff to the sea and this influenced part of the design process, and particularly the edge along the R338 to the south of the site.

- Character areas were proposed in the submitted layout, but the design has been revised to incorporate three-character areas and the Design Statement has been updated to reflect this.
- A number of other changes to the development have been proposed including:
 - Replacement of duplex units on the western boundary with terraced units.
 - Provision of three storey units on key corner locations through the development.
 - Revision to the boundary wall to the north of Open Space Area 1.
 - Revisions have been made to the proposed creche unit so as to provide for a distinct building on this key location at the entrance to the site.

Other Issues:

- The development has been revised to address other issues raised in the Planning Authority report as follows:
 - Surface water – revised details.
 - Flood risk - revised details.
 - Foul drainage - revised details.
 - Public lighting - revised details including on location and type of lights proposed throughout the development lands.

The first party appeal requests that the decision of Galway County Council be overturned, and that permission be granted for the proposed development.

7.2 Observations on the proposed development:

Four observations were received including one from An Taisce, and the following comments, summarised under appropriate headings, are noted:

Principle of development:

- A significant amount of information was submitted in support of the appeal, and which would be deemed to be a significant further information response if submitted to the Planning Authority. Only those who made a submission on the original application can comment on this information.

- Need for the R338 road speed to be reduced, and for higher density housing to be provided in the area of Oranmore station to ensure that modal shift occurs.
- Development is premature pending the upgrading of public transport and demonstration that car use is reduced.

Design:

- The increase in character areas from two to three does not address a number of concerns raised in relation to green space, the location of the open spaces and the scheme is dominated by cars.
- There is a shortfall in the provision of private amenity space to serve the needs of future residents of this development.

Environmental Concerns

- The proposed development will have a negative impact on the Galway Bay Complex SAC and Inner Galway Bay SPA with particular reference to Curlew spotted in the area.

Foul and Surface Water Drainage:

- Concern about the capacity of Oranmore Wastewater Pumping Station to be able to cope with the additional loading from this development.
- EPA reports, following FOI request, indicate that there is untreated wastewater discharges made into Galway Bay from the Oranmore plant. The EPA has forced Uisce Éireann to record these uncontrolled releases.
- Uisce Éireann have reported that no further connections can be made in Oranmore, until upgrade works including a new storage tank are completed in Merlin Park. This was due to be completed in 2025, though the permission granted in August 2024 is currently under appeal. Concern was raised about how untreated overflows in Oranmore were to be addressed.
- The proposed development is considered to be premature pending the upgrading of the Merlin Park pumping station and the provision of adequate capacity in the public system to serve this development.

- Due to the presence of defective pipes/ manholes, infiltration by seawater and groundwater of the foul drainage system is occurring on a regular basis.
- Concern raised about inconsistency in the information provided by Uisce Éireann in relation to foul drainage.
- Lack of certainty over who would construct the 700m of wastewater pipeline required to connect this development to the public system.
- Concern in relation to the proposed surface water drainage network to serve this development. New footpath along the R338 would give rise to increased surface water runoff and previous issues raised have not been addressed in the appeal.

Density and Scale of Development:

- The revisions to the development have resulted in a density of 38.7 dwellings per hectare. The site is zoned for medium density use and would set a precedent for density across the Garraun Urban Framework Plan (UFP) lands. There is a need for Galway County Council to set out the appropriate density for the UFP lands.

Impact on residential amenity:

- The proposed development would give rise to overlooking of existing residential properties.
- Location of communal open space would adversely affect existing residential amenity with a potential for safety/ security risk to adjoining properties.
- The communal open space provided is inadequate to serve this development.
- Concern about the proposed boundary treatment adjacent to existing properties and which is considered to be inadequate.

Facilities for the area:

- There is a lack of services/ facilities in the area and the development will generate additional traffic as residents will be forced to drive to existing services.
- Poor passive surveillance of the proposed public open space areas.
- The creche does not serve the wider area where there is demand for such services.

Traffic and Transport:

- The proposed development would conflict with the proposal for a greenway along the R338 and the applicant has not addressed this issue in their appeal.
- The internal road network may give rise to road safety concerns such as conflicting traffic movements, with particular reference to car/ pedestrians and cyclists, and truck movements of different types.
- Concern about the proposed home zones.
- Junction with the R338 is not suitable.
- The development is dominated by car use and does not promote sustainable transport.

The observations have been supported with foul drainage discharge information, plans, photographs and other supporting documentation.

7.3 Planning Authority Response

Galway County Council reported the following:

- Background to the development of Oranmore and the focus on development around Oranmore station. The Garraun UFP provides the plan for the development of these lands. Considers the submitted proposal to fall 'significantly short of the vision and principles set out under the Framework Plan'.
- Need for a full assessment of the impact of the development on designated sites – Refusal reason no.1.
- Location of the site within an 80 kph zone and the need to ensure that all aspects of the road layout are safe for all road users – Refusal reason no. 2 and no.3.
- Need to promote sustainable forms of transport, concern about the site layout and linkages to surrounding lands, the development fails to provide this – Refusal reason no.4.
- Development would be contrary to GUF10 of the Garraun Urban Framework Plan in terms of provision of amenity spaces, promotion of walking/ cycling, and this is demonstrated through the car dominated nature of the development – Refusal reason no.5.

Concludes by stating that the development if permitted would be contrary to the principles of the NPF and priorities set out in the National Development Plan.

8.0 Assessment

8.1 The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Proposed Density
- Impact on the Character of the Area
- Impact on Residential Amenity
- Water Infrastructure and Flood Risk
- Traffic, Transport and Car Parking
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

8.2 Principle of Development

8.2.1 Concern was raised by third parties about the density and layout of development proposed here, these issues are addressed separately in this report. The Planning Authority reported that the site was within the Garraun Urban Framework Plan (UFP) area, which forms part of the Galway County Development Plan 2022 - 2028 and was zoned for residential development. A review of planning applications in the Oranmore area found that there is capacity for 553 housing units in accordance with the Core Strategy for greenfield sites; no residential units have been permitted on such lands to date.

8.2.2 I note the report of the Planning Authority and the status of these lands which are zoned for residential development within the Garraun UFP. Oranmore station is located to the centre of this UFP and provides access to Galway to Dublin Limerick train services. There is approximately a train an hour on weekdays from 8.01 am to the last train at 22.56 to Galway, though there are some gaps in this frequency and eastbound services run to either Dublin, or Limerick/ Ennis but all stop at Athenry; first train is at 5.25 and last is at 22.32 to Athlone only. Bus services to/ from Galway city centre is available from the centre of Oranmore, approximately 1.8km to the south

east. Proposals are in place for the upgrading of the train service with additional track/ platform applied for at Oranmore and significant upgrading of the station in Galway underway at the present time. As part of the Galway Bus Connects project, the bus service will improve through revised/ additional routings and an increase in bus frequency, with a corresponding increase in bus service capacity. I am satisfied that the provision of residential development on these lands is acceptable; the layout, density, nature of development, provision of services and interaction with the existing area will be considered further in my report.

8.2.3 I am therefore satisfied that the nature of the development is acceptable in terms of the Galway County Development Plan 2022 – 2028 for the provision of residential units on these suitably zoned lands.

8.2.4 I note that a significant amount of information was submitted in support of the appeal. The applicant has submitted revised public notices that indicate that such information was provided in support of their first party appeal.

8.3 Density

8.3.1 The proposed development of 171 residential units on 4.39 hectares provides for a net density of 39 units per hectare. The Galway County Development Plan, through Section 6.2 of the Garraun Urban Framework Plan (UFP), indicates a medium density on these lands, though no quantity is specified in the UFP as to what this density is. Table 2.11 – Core Strategy Table indicates a density of 35 units per hectare for Garraun. Policy Objective CGR 6 of the Galway County Development Plan states ‘Promote the provision of higher density development in close proximity to sustainable transport corridors such as train stations.’ The Planning Authority report also refers to the Compact Settlement Guidelines and a density range of 35 to 50 dwellings per hectare for edge of town locations for Metropolitan Towns.

8.3.2 In support of the appeal, the applicant has revised the layout and now proposes 170 units, density remains at just under 39 units per hectare. I am satisfied that the proposed density is acceptable here. Considering the size of the overall plan area, there will have to be variations in density throughout it. The subject site is considered suitable for this density considering its proximity to the railway station. The density is in accordance with the Development Plan and the issue of Material Contravention does not arise.

8.4 Impact on the Character of the Area

- 8.4.1 The Planning Authority refused the development due to concerns about the layout of the site and failure to have regard to the Garraun Urban Framework Plan (UFP) in terms of connectivity, landscape and placemaking considerations. Similar issues were raised in the third party objections/ observations. Some revisions have been made to the layout in support of the appeal, but these do not significantly revise the layout.
- 8.4.2 Access to the site is to the west of an existing local road and this is generally in accordance with the Garraun UFP. The UFP also indicates an east to west secondary street and strong frontage along the southern section of the site facing onto the R338 coastal road. On the UFP the secondary street connects to the R338 towards the western part of the site but there is no indication that it provides for a vehicular link at this point.
- 8.4.3 The submitted plan, and the revised plan in support of the appeal, indicate that the east to west street actually consists of three separate streets, with the access road connecting to the public road also separate. The submitted layout is design in the form of cells/ blocks and housing is provided within these. In an attempt to provide for traffic calming the east to west street is divided into smaller sections but the use of staggered junctions does not allow for a continuous street through the site. The provision of two storey houses and the staggered nature of the streets, does not provide for the type of street indicated in the UFP. Similarly, the layout of the development along the R338 does not provide for a strong frontage. The provision of mostly two storey houses facing onto a street/ shared street, with landscaping providing a buffer between these units and the existing public road, does not suggest the type of layout indicated in Section 7.0 of the UFP.
- 8.4.4 Considering the very low density of housing in the immediate area of this site, the proposed development will not have an adverse impact on these units. I am not satisfied that the layout has adequate regard to the UFP which suggests a more urbanised/ higher density form of development than is the case with the proposed scheme which is of a more suburban housing development. The UFP promotes the development of an urbanised development focused on a railway station and proposed adjoining local centre to the north. The proposed development is designed as a standalone scheme with little indication as to how it will integrate with adjoining areas. Permitting the submitted layout would set an undesirable precedent for similar development in the area, especially considering that this is the first of these sites to be submitted for development.

8.4.5 The UFP indicates a green spine running north south located to the eastern half of the site. No such provision is made in the submitted layout. An area of open space is provided towards the centre of the site and also to the south along the R338 and to the east which forms a buffer with the existing local road and the farm to the east.

8.4.6 I therefore recommend that permission be refused due to the proposed layout and character of development not demonstrating that it complies with the indicative layout of Section 7.0 of the Garraun UFP.

8.5 Impact on Residential Amenity:

8.5.1 Impact on third party residential amenity: The Planning Authority raised no issues of concern in relation to impact from the development on existing residential amenity. Concern was raised by third parties about overlooking and the proximity of communal space to existing housing.

8.5.2 Adequate separation distances are proposed between the proposed and existing residential units on adjoining lands. There are houses to the east and a single unit to the west but indicative separation distances of at least 30 m are provided between the existing and proposed housing units, therefore no issues of excessive overlooking arise. Similarly, no issues arise in terms of overshadowing leading to a loss of daylight of existing houses. Concern was expressed about the proximity of communal open space to existing houses, I am satisfied that this aspect of the layout is acceptable. Suitable boundary treatment and landscaping will address any concerns regarding the use of communal open space.

8.5.3 I am satisfied that the proposed development will not adversely impact on existing residential amenity.

8.5.4 **Proposed residential amenity:** Concern was expressed by third parties that the proposed development would not provide for adequate amenity space to serve future residents. The Planning Authority reported that adequate quantity of public open space was provided, though pocket parks and green corridors are notably absent. A better of variety of house types would be desirable, no communal open space has been provided for the apartment units, ground floor units have a floor to ceiling height of 2.45 m, this should be 2.7 m, insufficient detail is provided on landscaping and there is also concern about the layout/ provision of private amenity space to serve the duplex units.

- 8.5.5 The proposed development, revised in the appeal response, will provide for a mix of house types, in addition to also providing for maisonette units on this site. The maisonettes are similar to apartments but have their own door access. These are one bedroom units and open space is in accordance with SPPR2 of the Compact Settlement Guidelines. The proposed houses are two/ three-storey units and provide for a mix of two-, three-, and four-bedroom units in the form of semi-detached, and terraced units. All housing and maisonette units are provided with adequate floor areas. The 16 maisonette units are provided with adequate storage space to serve their needs. The revisions to the layout/ development made in support of the appeal include the omission of the 4 apartment units and their replacement with two and three bedroom houses.
- 8.5.6 The omission of the apartment units addresses the concerns of the Planning Authority in relation to amenity space provision. I note the concerns regarding ground level floor to ceiling heights, however these maisonette units are unusual in their design and are designed to be own door units and do not share a common area. I am satisfied that the proposed floor to ceiling heights is acceptable for all residential units in this scheme.
- 8.5.7 The proposed houses are provided with adequate private amenity space in the form of rear gardens; the amenity areas are designed to comply with the requirements of SPPR 2 of the Compact Settlement Guidelines.
- 8.5.7 I am satisfied that the proposed development, as modified in support of the appeal, is acceptable and demonstrates a high quality of residential amenity for future occupants of this development.
- 8.5.8 **Public Open Space:** Reasons no. 4 and 5 of the decision to refuse permission, issued by the Planning Authority, referred to 'absence of connected green spaces/ corridors within the scheme' and failure to take account of the Garraun Urban Framework Plan with reference to 'sustainable connectivity, landscape and placemaking considerations'.
- 8.5.9 As already reported, the green spine indicated to be located on these lands has not been included in the site design and the open space provision does not provide for connected green spaces throughout the site. Whilst adequate public open space is provided in terms of quantity, the quality of the open space is lacking. Open Space 1., which is located towards the centre of the site, provides for an accessible space with a

reasonable size of site area. I note the Planning Authority concerns regarding the lack of footpaths around this area of amenity space and at a minimum there should be a footpath along the southern side. I would have concern about the useability of Open Space 2 due to the narrow width of this amenity space. This area may function as a buffer along the R338 rather than as an amenity space. Open space 3 suffers a loss of quality through its location at the entrance to the site and through the number of pathways crossing it. Similarly Open Space 4 does not provide much amenity use.

8.5.10 This section of the Garraun UFP was designed to incorporate a secondary street and a north to south green spine. The layout suggests that where units are to be provided, they would be of a high density, but considering the overall density of the area, there would be an opportunity to provide for good quality/ connected green/ amenity spaces. I would agree with the decision of the Planning Authority that the development fails to provide for good quality urban design, in accordance with the UFP and consequently the proposed open space is not of a sufficiently high quality.

8.5.11 **Childcare and Community Space Provision:** The proposed development includes the provision of a childcare facility with a stated area of 232.9 sq m/ room for 48 children. The applicant has provided a 'Childcare Demand Report' in support of the application. This provides the Planning Policy Context, and an Assessment of likely demand for childcare as a result of this development.

8.5.12 In the interest of clarity, I have summarised the requirements for childcare provision for this development.

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 bed	2023 Apartment Guidelines – without 1 bed and only 50% of 2 beds (2 Bed Apartments only)
Number of proposed Units	171 (170)	155 (154)	153 (154 – No two bedroom apartments proposed in revisions in support of the appeal)
1 Facility with capacity for 20	46 (45)	41 (41)	41 (41)

children for every 75 units			
--------------------------------	--	--	--

- 8.5.13 The applicant proposes a facility that can accommodate 48 children, and I am satisfied that the proposed facility will be adequate to accommodate the needs of the residents of this development.
- 8.5.14 The applicant has provided a 'School Assessment' dated June 2024, in support of their application, and this identifies the location of primary and post primary schools in the area. The applicant reports that there is available capacity for primary school children, but secondary schools are operating at capacity. The applicant's report concludes that there is a requirement for a post-primary school in the short term. I note that the Garraun UFP includes provision for a dual use education site towards the eastern/ Oranmore village side of the UFP lands.
- 8.5.15 **Conclusion on Residential Amenity:** Whilst the proposed residential units are of a good standard, I have a concern about the quality of the proposed public open space, and which fails to demonstrate compliance with the Garraun UFP. Open space provision may be adequate in terms of quantity but the quality of this is not acceptable for a development of this nature and would set a poor precedent for similar development in the area.

8.6 Traffic, Transport and Car Parking

- 8.6.1 The Planning Authority, under refusal reasons 2 and 3, considered the access point onto the public road/ R338 to be a traffic hazard and also considered that the local road network did not have the capacity to accommodate the additional traffic generated by this development. Much of reason no. 3 refers to concern about the internal road layout and its impact on the road network. The reason for refusal also referred to the lack of compatible linkages with the proposed Greenway Network specifically the Galway to Athlone Corridor. Third parties raised similar issues of concern and also referred to concerns about the lack of promotion of sustainable forms of transport to/ from and within the site area.
- 8.6.2 **Parking:** I am satisfied that adequate car parking is provided to serve the residents of this development. Table 3.1 of the applicants 'Traffic & Transport Assessment Report' provides the car parking requirement for this development and states that 269 car

parking spaces are provided. This is restated in the 'Infrastructure Report' provided in support of the appeal.

- 8.6.3 Section 2.7 of the 'Traffic & Transport Assessment Report' states that a total of 616 private bicycle parking spaces are to be provided, but these are located within the curtilage of the proposed houses. 166 spaces are proposed in front garden secure storage units and 86 spaces for visitors are also to be provided. It is not certain that of the 616 parking spaces if any specific structures for parking will be provided but I am satisfied that adequate provision is made here.
- 8.6.4 Site Access: A single access to/ from the site is proposed and which utilises an existing local road to connect into the public road network on the R338 – Coast Road. From the site visit, it was evident that this local road is inadequate as it serves two houses to the south of the railway line and approximately 12 to the north west of the railway line. A number of mobile homes along this road may be occupied on a full time basis and therefore increases the number of traffic movements. This road is only three metres wide in parts and any new connection to it would require significant works to the existing structure. The new junction is approximately 30 m to the north of the R338 and the proposed development would widen the road to 6 m along this section. I note the NRB Consulting Engineers report included as Appendix B to the applicants Infrastructure Report, specifically their comments on the capacity of the R338, the design of the vehicular access etc. and details on the Road Safety Audit. The Planning Authority refused permission due to the inadequate access to the site from the R338 and potential for traffic hazard.
- 8.6.7 The applicant has referred to site zoning for residential development as a justification for their proposed site access layout. Whilst the lands are zoned for residential development, the development of such lands is subject to the provision of suitable and acceptable services which includes a need for safe/ appropriate site access. As I have already reported, the applicant has failed to demonstrate compliance with the indicative layout of the UFP which included an east to west street through the site with access indicated further to the north, approximately 75 m from the regional road. By locating the access close to the R338, there is a very short section of road that can accommodate vehicles coming from the development and accessing the regional road. The UFP allows for a greater volume of queuing traffic and reduces potential conflict between traffic entering and existing this local road.

- 8.6.8 The applicant has provided a justification, in the NRB report, for not providing a right turning lane on the R338 on the basis of compliance with DMURS and the capacity of this road for additional traffic movements. This report also states that the 'subject scheme is expected to generate a total of approximately 100 car trips 2-way during each of the weekday AM and PM Peak Hours'. I find this figure to be low considering the number of car parking spaces proposed to serve this development. Traffic movements from the development on the R338 will be both east and west with residents going to Oranmore for work and educational purposes as well as accessing the train station as well as going west towards Galway City. Residents living in units to the west of the site would have a walk of over 1.1 km to reach the station. The availability of free parking at the station would encourage additional vehicular movements. The full completion of this development would be likely to result in significant traffic movements at the proposed entrance to the site and the R338 junction.
- 8.6.9 At present the local road terminates in a cul-de-sac to the north of the railway line. The UFP indicates that this road will provide for access to the lands to the north of the railway line but only for pedestrian/ cycle traffic. Footpaths along the local road are proposed just to the north of the access to the development site. The development of the Garraun UFP over time will result in a significant increase in cycle and pedestrian traffic along this local road and I am not convinced that adequate provision has been made here for such users.
- 8.6.10 I am not satisfied that the appeal has addressed issues arising from the proposed access with the R338. Very little upgrade is proposed here, which is unusual for a development of 170 residential units in addition to the expected increase in movements associated with the use of the local road as indicated in the UFP. In the absence of an upgraded junction including a right turn lane and considering the short section of the local road to the development site, it is recommended that permission be refused for this development due to traffic hazard.
- 8.6.11 Layout: The Planning Authority refused permission under Reason no. 3 due to the internal road network not demonstrating compliance with DMURs and may give rise to traffic conflicts. The applicant has addressed these issues in their 'Traffic & Transport Assessment Report' and through the appended NRB report.

- 8.6.12 I am not satisfied that the submitted details, particularly in the NRB report, have addressed this reason for refusal. No significant revisions have been made to the site layout. I have already commented on the layout of the east to west street through the site; the use of staggered junctions to address road speed may give rise to increased collisions.
- 8.6.13 The area between the access from the local road to section south of Unit 012 is overly complicated with traffic having to turn right from the development, pass a creche parking and set down area to the right and turn left onto the local road and vis versa when entering the site. This section is very likely to give rise to pedestrian/ traffic conflicts especially in the morning peaks when children are dropped off at the creche. If the creche is primarily to be used by residents of this development, the location of this at the entrance to the site is problematic and the associated set down area by its location would give rise to additional traffic movements in this area. The creche appears to have been proposed for this location to provide for a landmark building here, however the proximity to the junction of the local road results in a significant potential for traffic congestion and also traffic hazard.
- 8.6.14 The use of shared sections pedestrian/ vehicular streets to the south of the site is not appropriate especially in the case of the through road to the front of Units 108 to 115. The section to the west of Unit 137 is extensive and may give rise to pedestrian/ vehicle safety conflicts.
- 8.6.15 Considering the location of the site and expected journey directions, the layout promotes the use of the car over more sustainable forms of travel. Permeability is not optimum through the site and a journey for example to the station from the units to the west of the site would be unnecessarily extended due to the site layout. The applicant has indicated a shared pedestrian/ cycle route to the south of the site but other than at the access to the site, there are no other connections to this except by crossing over the open space/ grass areas to the south of the site. This pedestrian/ cycle route would appear to provide for part of the Coastal Greenway as indicated on the UFP, but I do not consider that this should be developed in isolation of the rest of the development.
- 8.6.17 Whilst the site is within walking distance of the railway station, existing public transport provision along the Coast Road is limited at present. Under the Bus Connects proposals for Galway a bus route will be provided along the Coast Road. The

proposed development does not make any provision for this even though this site would be an obvious location for a bus stop in the future.

8.6.18 Conclusion on Traffic, Transport and Car Parking: I note the submitted details provided in support of the appeal, but I agree in full with the reasons for refusal as issued by the Planning Authority. The site layout is overly car orientated, there is insufficient permeability proposed to/ from/ within the site, insufficient connections are proposed to the greenway along the Coast Road/ R338 and I have a serious concern about traffic/ pedestrian safety at the entrance onto the regional road and within the site layout itself.

8.7 Water Infrastructure and Flood Risk

8.7.1 Water supply and foul drainage: The applicant has provided a detailed 'Infrastructure Report' in support of their application. Uisce Éireann reported no objection to the proposed water supply system. There was no requirement for infrastructure upgrades in order to make the connection to the public water supply system.

8.7.2 Concern was expressed by third parties about the impact of the development on the existing waste water treatment plant, and its available capacity. Uisce Éireann have reported that upgrade works to infrastructure would be required in order to connect to the public foul drainage system. Uisce Éireann have sought details on the proposed connection point, limit the use of pump stations and provide for emergency 24-hour storage in the pumping station sump. Uisce Éireann reported that works were underway at the Merlin Park pumping station, which should be complete by Q3 of 2025, and the proposed development should only connect to the public system after this time.

8.7.3 The Planning Authority refer to a submission from An Taisce which raised concern about the foul drainage system for the wider area. The Planning Authority report that the wastewater treatment plant at Mutton Island is operating under capacity and does not release waste into Galway Bay. Whilst the Planning Authority refer to the Uisce Éireann Confirmation of Feasibility and the requirement for no connection in advance of completion of works at the Merlin Park Pumping Station, there are concerns about the proposed foul drainage system.

8.7.4 Surface Water Drainage: The applicant has provided full details of their proposed surface water drainage system, which is designed to be comply with the policies of the Greater Dublin Strategic Drainage Study (GDSDS). As there is no public surface

water drainage system in the immediate area, it is proposed that surface water runoff will be dealt with by infiltration within the site area and full details are provided in the supporting documentation. Concern was expressed by the Galway County Council Roads and Transport Section about the proposed surface water drainage system and the Planning Authority reported that 'there are outstanding concerns with respect to satisfactory surface water disposal on site'. This was not listed as a reason for refusal by the Planning Authority.

8.7.5 Flood Risk: The applicant has submitted a 'Site Specific Flood Risk Assessment', SFRA, in support of this development. This is in accordance with 'The Planning System and Flood Risk Management Guidelines, 2009' and its technical appendices. The Garraun UFP indicates that the main part of the development site is located within Flood Zone C. A small section where the local road joins the R338 is located within a PFRA Pluvial Indicative and PFRA Pluvial Extreme lands. Part of the site, which forms the cycle/ pedestrian route and wastewater connection to the east of the site along the Coast Road is in Flood Zone A and B. The Planning Authority report that the submitted SFRA does not consider the works along the Coast Road and no justification test is provided even though highly vulnerable uses are proposed within Flood Zone A and B. In support of the appeal, a revised SFRA was submitted and I note both the original and revised reports.

8.7.6 A number of potential flooding sources were considered in the applicant's assessment as follows:

- Fluvial Flooding: There are no nearby rivers/ streams and the risk from fluvial flooding is reported as low.
- Coastal Flooding: (Note: The updated SFRA provides additional detail here.) The is approximately 75m to the north of Galway Bay and the site rises from the south east to north west by 9.7m. CFRAM coastal mapping reports no coastal flooding here with risk also considered to be very low.

The applicant reports that National Indicative Coastal Flood Hazard/CFRAM Mapping has been prepared for this area and provides both mid-range (taking account of the potential effects of climate change with an increase in rainfall of 20% and sea level rise of 500mm) and high end future scenarios (takes in the potential effects of climate change with an increase in rainfall of 30% and sea level rise of 1000mm). Predicted coastal flooding will not impact any Highly Vulnerable

Development for either scenario. With reference to access to the site, the applicant reports that flooding here would be shallow and would not prevent emergency vehicle access. In addition, a future second connection is proposed along the local road to the N67; this would allow for access to the site without having to use the R338.

- Pluvial Flooding: There are no storm water drainage systems in the area of the site and the site is reported to be in Flood Zone C with a low probability of pluvial flooding.
- Groundwater Flooding: Trial pits were dug in 8 locations on site and no groundwater was struck. The risk of flooding from groundwater is considered to be low.
- Artificial Drainage Systems Flood Risk: None were located in the area and risk would not arise.

8.7.7 The residential element of this development is identified as located within Flood Zone C and there is a very low potential of flooding here, with no requirement for a justification test. As part of the rising foul main is located within Flood Zone A, the applicant considered it appropriate to undertake a justification test and this is undertaken as a revision to the SFRA under Section 4.4 of the applicants report in accordance with 5.15 of the Flood Risk Guidelines. I have summarised their test results as follows:

- Site zoned/ designated for development: Is zoned for residential development as part of the Garraun Urban Framework Plan (UFP).
- Subject to flood risk assessment – will not increase flood risk elsewhere: A SuDS design is included, and which prevents runoff during storm events. This system is likely to have a net positive impact on the local drainage network.
- Measures to reduce flood risk: Site is raised to ensure that highly vulnerable development is outside of the flood zone and a SuDS system will be provided on site. Part of the foul drainage rising main is located within Flood Zone A but this is not considered to be highly vulnerable to flooding.
- Measures proposed to ensure insignificant impact on existing flood protection systems: No impact on such systems and no impact on emergency service access during 0.1% coastal flood event.

- Development demonstrates compatibility with wider planning objectives:
Development is in accordance with the Garraun UFP and relevant Section 28 guidance.

8.7.8 The proposed development demonstrates that it satisfies the requirements of the Justification tests, both Plan Making and Development Management tests. The SFRA concludes that there is no history of flooding here, the area of highly vulnerable development is located within Flood Zone C, finished floor levels of houses will be on average 560mm above existing ground level (this was indicated as 650mm in the original SFRA), no compensatory flood storage is required and there are no EPA listed watercourses in the vicinity of the site. SuDS measures are recommended in order to manage surface water and ensure that it is discharged via infiltration to the ground.

8.7.9 I note the submitted report as revised in support of the appeal. Full consideration has been given to potential flooding of the entire development site including along the Coast Road. The revisions to the SFRA would address concerns raised by the Planning Authority. There remains ambiguity about the raising of ground levels to address any concerns in relation to Highly Vulnerable Development. It is not fully clear which areas of the site are to be raised to ensure that development is protected. I note the comments made in relation to access to the site at times of coastal flooding. Section 6.4 of the UFP clearly states, ‘..the underpass bridge to Cartron will become a pedestrian and cyclist access, creating an attractive connection to the Coast Road.’ It may be possible to enable emergency vehicles to use this route at times of flooding, so I am satisfied that the use of this route for pedestrians and cyclists does not prevent its use during times of coastal flooding.

8.7.10 **Conclusion on Water Infrastructure and Flood Risk:** The details provided in support of the appeal do not fully address issues of concern in relation to foul drainage and surface water drainage.

8.7.11 From the submitted information and the available information, I am satisfied that the risk of flooding on site is low and that the proposed development will not adversely affect adjoining lands. The proposed Highly Vulnerable Development is located within Flood Zone C and although elements of the development are located within flood zone A and B, they are not susceptible to impacts from coastal flooding.

8.8 Other Matters

- 8.8.1 Ecological Impact Assessment (EclA): An Ecological Impact Assessment has been undertaken and submitted in support of this application. This was updated in support of the appeal and my comments refer to the EclA dated September 2024. The Planning Authority had raised issues of concern in relation to aspects of the EclA with particular reference to bats/ the bat survey, timing of surveys, conflicts between mitigation measures in the EclA and the NIS, impact on Curlew, and further consideration of Cotoneaster which is an invasive species. Some of these concerns were raised by the Department of Housing, Local Government and Heritage.
- 8.8.2 A description of the development is provided in Chapter 2 and the methodology of the EclA is provided in Chapter 3 of the applicant's report. Details of field surveys are provided in Table 1 of the applicant's report and ranged from October 2023 to August 2024; a significant number of additional site surveys were undertaken in the preparation of the revised EclA in comparison to the originally submitted report. The Ecological Baseline Conditions are provided in Chapter 4 and reports that there are two European sites to be at risk of potential significant impacts as a result of the proposal namely Galway Bay Complex SAC (Site Code 000268) and the Inner Galway Bay SPA (Site Code 004031) located approximately 5 km to the south of the site. Further details on these sites are provided through the submitted Appropriate Assessment/ Natura Impact Statement and as there are no adverse effects arising, no further consideration to these is given in this EclA. Table 5 provides details of Designated Sites considered using the Source-Pathway-Receptor (S-P-R) Method and no pathways were identified for two sites.
- 8.8.3 Much of the site consists of improved agricultural grasslands (GA1), but also shrub (WS1), Treelines (WL2), Stone Wall (BL1) and Building & Artificial Surfaces (BL3). The only invasive species identified was Butterfly Bush and should be treated prior to commencement of development. Details of Flora are provided in Section 4.4.1, and I note that three sycamore trees were present on site, and these are listed as Medium Impact Invasive Species, in this case they are seen as a positive presence on site.
- 8.8.4 Details of Bats are provided in Section 4.4.2 of the applicant's report. A shed on site was deemed to be of High roosting potential for bats. Details on surveyed bats report that no roosting bats were observed emerging at the site and bat activity consisted of commuting/ foraging. Observed bats were of the three most common types in Ireland – common pipistrelle, soprano pipistrelle and Leisler's bat.

- 8.8.5 Section 4.4.3 provides full details on birds on site. Table 12 of the applicant's report lists all amber and red listed species within 2km grid square and Table 13 lists bird species recorded during the Breeding Bird Survey on the 22nd of April 2024. I note that a Kestrel was observed on site in January and February 2024, a Meadow Pipit in March 2024, and a Redwing in November 2023 and January 2024; these species are red listed species. The subject lands are not considered to be of significance for ex-situ habitat for wintering birds, though such birds do use Oranmore Bay itself and lies within the zone of influence for disturbance/ displacement as a result of construction works on site. An increase in cyclists is not considered to give rise to disturbance/ displacement of wintering birds having regard to existing road vehicle traffic and disturbance associated with the railway line.
- 8.8.6 Section 4.4.4 provides details on mammals other than bats. No evidence of native or non-native mammals was found during the site surveys in October 2023 and April 2024. No amphibians were located during site surveys and the absence of suitable habitat would suggest that their presence was unlikely. Common Lizard may be found here, though none were identified and there are no records of notable fish species within a 10 km grid square. Section 4.4.7 provides a list of other flora and fauna listed on Annex IV of the Habitats Directive that were considered but are unlikely to occur. Table 16 provides an 'Evaluation of Designated Sites, Habitats, Flora and Fauna Recorded within the Site and the Surrounding Area' and which also identifies Key Ecological Receptors (KERs).
- 8.8.7 Chapter 5 provides full details on the Ecological Impact Assessment and Table 17 of the applicant's report provides details of embedded design features in the proposed development. Section 5.2 provides details on impacts during the construction phase and considers treelines, hedgerows, the spread of invasive species and impact on fauna. I note that section 5.2.1.3 – Spread of Invasive Species, has been expanded in the revised report to include Cotoneaster bushes in addition to Butterfly Bush. The revised report has also been expanded to include details on mitigation measures where relevant. Section 5.2.2.4 refers to Otter and although they utilise Oranmore Bay, no holts were identified within 150 m of the subject site. Full details are provided though of measures to be taken to prevent impacts on otters. Section 5.3 provides details for the operational phase, Section 5.4 considers the 'Do Nothing Impact' – site would continue in agricultural use though invasive species may increase in number,

and Section 5.5 considers the 'Potential for In-Combination Effects' - no concerns arise in this regard.

- 8.8.8 Section 6 provides full details on 'Avoidance, Mitigation, Compensation and Enhancement Measures' and is supported by Table 19. 10 mitigation measures are identified for the Construction Phase, 1 for the Operational Phase and 6 Enhancements also for the Operational Phase. Details on 'Monitoring' are provided in Section 7 and under Section 8 are Residual Impacts with no significant negative residual impacts identified. Table 22 provides a 'Summary of Potential Impacts on KER(s), Mitigation Proposed and Residual Impacts'. The report concludes that subject to implementation of recommended mitigation measures and use of all best practice measures outlined in the CEMP, there will be no significant negative impact to any KER habitat, any species group or biodiversity as a result of the proposal at construction or operational phases.
- 8.8.9 Conclusion on EclA: The applicant has revised the EclA in support of their first party appeal and the various issues raised in the Planning Authority/ Department of Housing, Local Government and Heritage reports have been adequately addressed by the applicant in their response.
- 8.9.1 Archaeology:** The applicant has provided an Archaeological Assessment and an Archaeological Testing Report in support of this development, and these have found that there are no archaeological remains on site. The subject site is reported to have low to moderate archaeological potential and it is recommended that archaeological testing be undertaken in advance of site development works. The Planning Authority reported no concern in relation to archaeology and also referred to a report from the Department of Housing, Local Government and Heritage which noted the applicant's report and recommends that no further archaeological mitigation is required here.
- 8.9.2 I note the submitted reports, and I agree that the development can take place without adversely impacting on archaeology subject to appropriate condition.

9.0 Appropriate Assessment (AA)

9.1 Background:

Note 1: The Planning Authority raised concern about gaps in supplied information and some contradictions in provided details. These resulted in Reason 1 of the decision to refuse permission. The applicant has provided an updated AA and NIS in support of their appeal/ in order to address reason no 1. I am assessing the information submitted in response to the appeal, including the revised AA Screening and Natura Impact Statement both dated September 2024. All reference to AA Screening/ Natura Impact Statement is to that dated September 2024 unless otherwise stated.

Note 2: The revised AA does not provide a name for the ecologist/ environment consultant identified as HR. This does not impact on the submitted information.

9.2 I have considered the proposed Large Scale Residential Development, of 170 residential units in the form of 154 houses and 16 Maisonette/ apartment units, in addition to a childcare unit, car parking, open space, utility provision all associated site works, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by the applicant and the objective information presented in this report informs this screening determination.

9.3 An Appropriate Assessment (AA) Screening exercise has been completed - see Appendix 1 of this report. In accordance with Section 177U(4) of the Planning and Development Act 2000 as amended, and on the basis of objective information, it has been determined that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268) cannot be excluded. It is therefore determined that Appropriate Assessment – Stage 2 is required on the basis of the effects of the project 'alone'.

This determination is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts;
- The potential for habitat degradation as a result of hydrological impacts, presence of invasive species and impacts due to artificial lighting during the construction/ operational phases of the development

- The application of the precautionary approach;
- Proximity to European Sites and the potential for pathways to same; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

- 9.4 A Stage Two Appropriate Assessment was required, and the applicant prepared/ submitted a Natura Impact Statement (NIS) in support of the development. Full details of my assessment are provided in Appendix 2 attached to this report.

9.5 **Appropriate Assessment Screening Conclusion:**

I have had full consideration of the information, assessment and conclusions contained within the Appropriate Assessment. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the AA Screening report, that it cannot be ruled out that the development would not adversely affect the integrity of the Inner Galway Bay SPA (Site Code 004031) and the Galway Bay Complex SAC (Site Code 000268). Stage 2 Appropriate Assessment is required.

Stage 2 - Appropriate Assessment:

- 9.6 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.
- 9.7 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268) subject to the implantation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites, as well as a report from the Department of Housing, Local Government and Heritage. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report dated September 2024, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).

9.8 Overall Conclusion- Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information,

I have had full consideration of the information, assessment and conclusions contained within the NIS dated September 2024. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other

plans or projects would not be likely to adversely affect the integrity of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).

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 Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268)
- 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 the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268)

Full details of the Appropriate Assessment are provided in Appendix 2 attached to this report.

10.0 Environmental Impact Assessment (EIA)

10.1 The application addresses the issue of EIA within an Environmental Impact Assessment Screening Report that contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

10.2 This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for the following classes of development:

- Class 10(b)(i) construction of more than 500 dwelling units,
- Class 10(b)(iv) 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.
- Class 10 (dd): All private roads which would exceed 2000 metres in length.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

- Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

10.2 **Submitted EIAR Screening Assessment:** The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, including Schedule 7 details, and which has been prepared by Enviroguide with the report dated May 2024, and I have had regard to same. This is an updated report made in support of the first party appeal against the decision of Galway County Council to refuse permission for this development. Table 5-1 provides a 'Summary of Assessment Findings' and reports that under relevant headings/ considerations that there are 'No significant effects identified as a result of the Proposed Development'.

10.3 The report concludes that 'Based on the assessment carried out in the appropriate sections of this Screening Report, it can be concluded that the Proposed Development will not have significant effects on the environment during both the construction and operational phases.

Having regard to the nature and scale of the Proposed Development on an urban site served by public infrastructure, and the absence of any significant environmental sensitivities in the area, it is concluded that, by reason of the nature, scale and location of the subject site, the Proposed Development would not be likely to have significant effects on the environment and a mandatory Environmental Impact Assessment Report (EIAR) is not required for the Proposed Development.'

10.4 The Planning Authority and the Department of Housing, Local Government and Heritage had reported concerns about insufficient information contained within the EIAR Screening Report including on Ecology/ Biodiversity, Flood Risk, Traffic Safety and wastewater/ surface water disposal. The revised EIAR Screening Report has provided additional information on each of these points, and I am satisfied that the applicant has addressed the issues of concern that were expressed.

10.5 **EIA Screening Assessment:** Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning

and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

- 10.6 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”
- 10.7 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 10.8 The applicant submitted an EIA Screening Statement, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for EIA. I note the reports of Galway County Council and the Department of Housing, Local Government and Heritage.
- 10.9 The proposed development does not meet the threshold for a mandatory EIA as per Schedule 5 of the regs. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of

potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.

10.10 I have completed an EIA screening assessment as set out in Appendix 3 and 4 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.

10.11 In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.0 Recommendation

11.1 Having regard to the above assessment, I recommend that permission be refused for the Large-Scale Residential Development (LRD) on lands to the north of the R338/ Coast Road and south of the Dublin to Galway Railway line in Cartron, to the west of the village of Oranmore, Co. Galway, for the reasons and considerations as follows.

11.2 The subject site is located within lands that form part of the Garraun Urban Framework Plan (UFP) that forms part of Oranmore, and which is included in Volume 2 of the Galway County Development Plan 2022 – 2028. The UFP provides an indicative layout in Section 7.0 which indicate an east to west street and a green spine on the subject lands. An indicative street frontage suggests a development that would be of a greater urban density/ intensity than that proposed which is suburban in character. The UFP also indicates a greater level of connectivity than that proposed.

- 11.3 Access to the site from the public road is over a short stretch of minor road and which connects to the site at a point adjacent to a proposed creche and an associated set down zone in addition to a car parking area. I would be concerned that the road layout is overly complex in this section of the site and may give rise to traffic congestion and road safety issues. The access from the R338 is also of concern and I am not satisfied that the applicant has provided for an adequate junction here. In the event that lands to the east are developed, access will be from this junction as the UFP clearly indicates that the access to/ from the lands to the north of the railway line will be for pedestrians/ cyclists only.
- 11.4 Having regard to the above assessment, I recommend that permission be REFUSED for the development, for the reasons and considerations set out below.

12.0 Recommended Draft Order

- 12.1 Application for permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with Galway County Council on the 17th of June 2024 and appealed to An Bord Pleanála on the 4th of September 2024, with revised public notices received on the 6th of December 2024.
- 12.2 Proposed Development:
An LRD consisting of 170 residential units in the form of 154 houses and 16 Maisonette/ apartment units, in addition to a childcare unit, car parking, open space, utility provision all associated site works.
- 12.3 Appeal:
First Party appeal by Marshall Yards Development Company Limited against the decision of Galway County Council to refuse permission for this development.
- 12.4 Decision:
Refuse permission for the above proposed development based on the reasons and considerations set out below.
- 12.5 Matters Considered:
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- (i) the provisions and policies of the Galway County Development Plan 2022 - 2028,
- (ii) The zoning objective R – ‘Residential Phase 1’ with an objective ‘To protect, provide and improve residential areas within the lifetime of this plan’ of the Galway County Development Plan 2022 – 2028.
- (iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, December 2023,
- (vi) The Climate Action Plan 2024 and National Biodiversity Action Plan 2023,
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) Submissions received, and
- (x) the Inspectors Report.

it is considered that, subject to the reasons set out below, the proposed development would not demonstrate compliance with the Garraun Urban Framework Plan as provided in Volume 2 of the Galway County Development Plan 2022 – 2028 and the submitted proposal may give rise to traffic congestion/ road safety hazard. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

12.6 Appropriate Assessment (AA) – Stage 1:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate

Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).

12.7 Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268) in view of the Conservation Objectives of these sites. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of

the European Sites in view of the conservation objectives of these sites. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

12.8 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development, which is substantially below the thresholds in respect of Paragraphs 10 (b) (i) and (iv) of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 as amended,

(b) the existing use of the site and the pattern of development in the vicinity,

(c) the availability of public water and foul services to serve the proposed development,

(d) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001, as amended and the content of the applicant's EIA Screening Report, and,

(e) the measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and the submission of an Environmental Impact Assessment Report would not therefore be required.

12.9 Conclusions on Proper Planning and Sustainable Development:

The Board considered that, the proposed development would not demonstrate compliance with the Garraun Urban Framework Plan as provided in Volume 2 of the Galway County Development Plan 2022 – 2028, with specific reference to the non-provision of an east to west street and green spine running north – south through the

site. In addition, the proposed development may give rise to traffic congestion/ road safety hazard.

The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Reasons:

1. The proposed development does not provide for a suitable high quality of urban design and fails to demonstrate that it has regard to the Garraun Urban Framework Plan forming part of Oranmore and provided for within Volume 2 of the Galway County Development Plan 2022 – 2028. The submitted layout plan does not provide for an east to west street, there is no north to south green spine and there is a lack of connectivity which conflicts with this Urban Framework Plan. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The vehicular access to the site from the R338/ Coast Road is over a short section of minor road, which is seriously substandard in terms of width and alignment. In addition, the access to this road is adjacent to the proposed creche and associated set down area. The section of road from the junction with the R338/ Coast Road, including the area adjacent to the creche and which leads to the residential development will be heavily trafficked and will be prone to congestion at peak times. The traffic generated by the proposed development would therefore endanger public safety by reason of traffic hazard and obstruction of road users.

3. Vehicular traffic accessing this development will be from the R338/ Coast Road, within an area that an 80 kph speed limit applies. The applicant has not proposed any significant junction improvements here and in particular no right turn lane is provided for traffic coming from the east of the site. It is to be expected that there will be a significant volume of traffic from the east considering the location of Oranmore, its shops, schools and railway station. Vehicles accessing the site will cross over the potential route of a greenway, therefore giving rise to potential traffic conflict. Having regard to the scale of the proposed development and the traffic to be generated by it, it is considered that the additional traffic associated with this residential scheme would

endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

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.

Paul O'Brien
Inspectorate
21st January 2025

Appendix 1: Screening for Appropriate Assessment

Description of the Project:

- 14.1 I have considered the proposed Large Scale Residential Development, of 170 residential units in the form of 154 houses and 16 Maisonette/ apartment units, in addition to a childcare unit, car parking, open space, utility provision all associated site works, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by Enviroguide on behalf of the applicant and the objective information presented in that report informs this screening determination.
- 14.2 The subject site is approx. 5.5 ha in size and is located on lands to the north of the R338/ Coast Road and south of the Dublin to Galway Railway line in Cartron, to the west of the village of Oranmore, Co. Galway. The subject lands currently consist of agricultural fields bordered by stone walls, hedgerow, and treelines. Part of the site's redline boundary extends from the development area eastwards along the Coast Road. The surrounding lands comprise of mostly similar agricultural fields with Galway Bay located to the south of the site, south of the R338/ Coast Road.

Note 1: The Planning Authority raised concern about gaps in supplied information and some contradictions in provided details. These resulted in Reason 1 of the decision to refuse permission. The applicant has provided an updated AA and NIS in support of their appeal/ in order to address reason no 1. I am assessing the information submitted in response to the appeal, including the revised AA Screening and Natura Impact Statement both dated September 2024. Revised public notices were provided clearly indicating this. All reference to AA Screening and Natura Impact Statement from this point on, refers to the September 2024 documents.

Note 2: The revised AA does not provide a name for the ecologist/ environment consultant identified as HR. This does not impact on the submitted information and is considered as a minor omission.

Submissions and Observations:

- 14.3 The Department of Housing, Local Government and Heritage reported a number of issues of concern in their submission to the Planning Authority including the following:

- NIS did not assess the impact of the pedestrian/ cycleway to the east of the site on the designated sites. There cannot be lacunae in the appropriate assessment process and the site is within the zone of influence for wintering birds which may be impacted by this aspect of the development.
- Site is to be served by Mutton Island Wastewater Treatment Plant and although the applicant has stated that this plant is operating under capacity, Uisce Éireann have provided no correspondence in relation to this.
- Reference is made in the NIS to cotoneaster, which is an invasive species, but no further information is provided in relation to management of this species.
- Insufficient consideration given to the impact on Curlew which are found in the area.
- It is stated in the NIS that 'High disturbance works should be undertaken between April and September to avoid most sensitive time for wintering birds.' High disturbance has not been defined and would be a lacunae in the AA process.
- A mitigation measure is stated to 'Minimise working time outside of the designated area within the Proposed Development Site'; the designated area is not defined by the applicant.
- Noise levels to be monitored by an ornithologist, it is recommended that this be done by an Ecological Clerk of Works.
- Concern expressed about the extent of hedgerow to be removed in addition to 230m of treeline to be removed. 40m to be retained. The Department do not consider that 40m offsets the loss proposed and the applicant should ensure that the development does not result in a net loss of biodiversity.

14.4 Galway County Council noted the above issues in their planning report and refused permission on the basis of lacunae in the submitted NIS and also the assessment of the entire development site was incomplete, therefore they could not be satisfied that the development would not have an adverse effect on the designated sites.

Potential Impact Mechanisms from the Project

14.5 The subject lands are not under any wildlife or conservation designation. The following sites are identified within the zone of influence, as detailed in Table 4 of the applicant's AA Screening Report:

- Inner Galway Bay SPA (Site Code 004031) – 5m to the south of the development site – Direct pathways through hydrological, hydrogeological and air/ land pathways. Also, an indirect pathway through potential ex-situ habitat removal.
- Galway Bay Complex SAC (Site Code 000268) – 5m to the south of the development site – Direct pathways through hydrological, hydrogeological and air/ land pathways.
- Creganna Marsh SPA (Site Code 004142) – 2.05km to the south east of the development site – There are no hydrological or hydrogeological pathways between the development site, and this designated European site, and no further consideration is required.

14.6 The following impacts could occur because of this development:

- Potential for impact to water quality and resource – Effect 1
- Potential for Habitat Loss, Alteration, or Degradation – Effect 2
- Potential for Habitat or species fragmentation – Effect 3.
- Potential for Disturbance and/ or displacement of species – Effect 4.

Likely significant effects on European Sites –

14.7 The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in the applicant's report:

Table 1 – European Sites at risk of impacts from the proposed development			
Effect Mechanism	Impact Pathway/ Zone of Influence	European Site	Qualifying Interest features at risk
Effect 1: Potential for impact to water quality and resource	The proposed development lies approx. 5m to the north of the European Site.	Inner Galway Bay SPA (Site Code 004031)	Black-throated Diver [A002]
Effect 2: Potential for Habitat Loss, Alteration, or Degradation			Great Northern Diver [A003] Cormorant [A017]

Effect 3: Potential for Habitat or species fragmentation			Grey Heron [A028]
Effect 4: Potential for Disturbance and/ or displacement of species			Light-bellied Brent Goose [A046] Wigeon [A050] Teal [A052] Red-breasted Merganser [A069] Ringed Plover [A137] Golden Plover [A140] Lapwing [A142] Dunlin [A149] Bar-tailed Godwit [A157] Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed Gull [A179] Common Gull [A182] Sandwich Tern [A191]

			Common Tern [A193] Wetland and Waterbirds [A999]
Effect 1: Potential for impact to water quality and resource	The proposed development lies approx. 5m to the north of the European Site.	Galway Bay Complex SAC (Site Code 000268)	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330]
Effect 2: Potential for Habitat Loss, Alteration, or Degradation			
Effect 3: Potential for Habitat or species fragmentation			
Effect 4: Potential for Disturbance and/ or displacement of species			

			<p>Mediterranean salt meadows [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Otter [1355]</p> <p>Harbour Seal [1365]</p>
--	--	--	---

All other European sites can be excluded from further assessment due to distance, nature of development and lack of ecological connection between the designated site and the subject lands.

Likely significant effects on the European sites ‘alone’ –

14.8 This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

14.9 The following table provides the relevant information:

Table 2 – Could the project undermine the Conservation Objectives ‘alone’					
European Site and qualifying feature	Conservation Objective	Could the Conservation Objectives be undermined (Y/N)?			
		Effect 1	Effect 2	Effect 3	Effect 4
Inner Galway Bay SPA (Site Code 004031)	To maintain the favourable conservation condition of all these Conservation Objectives.	Y	Y	N	Y
Reason:	<p>Effect 1: Runoff from the site could lead to water deterioration.</p> <p>Effect 2: Presence of invasive species which may be disturbed at construction phase and may spread into the SPA leading to habitat loss/ alteration.</p> <p>Effect 4: Visual impact and noise may impact on SCI species, during the construction phase.</p>				
Galway Bay Complex SAC (Site Code 000268)	Restore the favourable conservation condition of Coastal Lagoons, Atlantic Sea Meadows, Mediterranean Salt Meadows, Juniperus communis formations on	Y	Y	N	Y

	health/ calcareous grasslands and Otters. To maintain the favourable conservation condition of all other listed Conservation Objectives.				
Reason:	<p>Effect 1: Runoff from the site could lead to water deterioration.</p> <p>Effect 2: Presence of invasive species which may be disturbed at construction phase and may spread into the SAC leading to habitat loss/ alteration.</p> <p>Effect 4: Potential for disturbance to otters during the construction and operation stages, through building works and lighting of the site.</p>				

I conclude that the proposed development would have a likely significant effect 'alone' on QIs associated with the Galway Bay Complex SAC and Inner Galway Bay SPA due to potential impact on water quality/ resource, habitat loss/ alteration/ degradation, and disturbance and/ or displacement of species. An Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and other projects is not required at this time.

Appendix 2: Stage 2 – Appropriate Assessment

15.1 The applicant has provided a Natura Impact Statement (NIS), prepared by Enviroguide, in accordance with the requirements of the Stage 2 Appropriate Assessment process. A detailed list of supporting documentation is provided in the NIS.

15.2 I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the Inner Galway Bay SPA and Galway Bay Complex SAC, where it has been established that there is a possibility for significant effects on the European sites, in the absence of mitigation as a result of hydrological impacts, habitat degradation/ loss and disturbance of species. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

Note: As I have already reported, the applicant has provided an updated NIS in support of their appeal, and I have assessed the NIS dated September 2024. There are significant updates to this document, and I note Table 1, details of field surveys, indicates that additional focused site surveys were undertaken in the preparation of the NIS. I again note the concerns expressed by the Department of Housing, Local Government and Heritage and the Planning Authority in relation to the original AA Screening and subsequent NIS.

15.3 Section 5 of the NIS provides an ‘Assessment of the Potential Impact of the Proposed Development on the QIs And SCIs of the Relevant European Sites.’ The following are the QIs that may be affected, with details provided in summary and also a summary of the applicant’s suggested mitigation measures:

Galway Bay Complex SAC			
Qualifying Feature	Pathway	Effect	Mitigation Measure
Mudflats and Sandflats	Land/ Hydrological	<ul style="list-style-type: none">No surface water will leave the site during the construction/ operation phases, but additional measures will be employed to ensure this.Potential for invasive species to spread from the site to the QI habitat.	<p>Construction Phase:</p> <ul style="list-style-type: none">Standard measures as per CEMP.Surface water protection.Removal of invasive species and suitable biosecurity protocols. <p>Operational Phase:</p>

			<ul style="list-style-type: none"> • SuDS measures • Invasive species management
Atlantic Sea Meadows	Land/ Hydrological	<ul style="list-style-type: none"> • No surface water will leave the site during the construction/ operation phases, but additional measures will be employed to ensure this. • Potential for invasive species to spread from the site to the QI habitat. 	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Standard measures as per CEMP. • Surface water protection. • Removal of invasive species and suitable biosecurity protocols. <p>Operational Phase:</p> <ul style="list-style-type: none"> • SuDS measures • Invasive species management
Otter	Air/ Land/ Hydrological	<ul style="list-style-type: none"> • Potential for disturbance to breeding otters – TII guidance is for no development works within 150m of breeding holts and 20m of non-breeding holts. Relevant site is within 28m of the designated lands. • Impact from lighting. • No surface water will leave the site during the construction/ operation phases, but additional measures will be employed to ensure this and prevent impacts to otter foraging lands which are within 5m of the development site. 	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Pre-construction otter survey. • Suitable site lighting. • Standard CEMP measures. • Surface water protection. <p>Operational Phase:</p> <ul style="list-style-type: none"> • Suitable lighting to allow for uninterrupted foraging. • SuDS measures
Inner Galway Bay SPA			
Listed Bird Species	Air/ Land	Noise and visual stimuli during construction and operational phases. Potential for ex-situ habitat loss. Refers to 12 curlew identified during site survey.	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Screening measures to remove visual stimuli and reduce noise levels. • Suitable site lighting. • Vegetation removal to be undertaken by hand tools only except during the period September to October. • Trees to be mulched off-site. <p>Operational Phase:</p>

			<ul style="list-style-type: none"> • Tree and shrub screening along the southern boundary in accordance with Landscape Plan.
Wetlands and Waterbirds	Land/ Hydrological	<ul style="list-style-type: none"> • No surface water will leave the site during the construction/ operation phases, but additional measures will be employed to ensure this. • Potential for invasive species to spread from the site to the QI habitat. 	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Standard measures as per CEMP. • Surface water protection. • Removal of invasive species and suitable biosecurity protocols. <p>Operational Phase:</p> <ul style="list-style-type: none"> • SuDS measures • Invasive species management

There is no potential for significant effects on the Conservation Objective attributes and targets of the other qualifying features within the SAC and the SPA.

15.4 Section 4.4.2 of the NIS provides details on the 'Potential for In-combination Effects' and developments within 2km of the site were considered. The applicant reports that most applications were small scale and would not give rise to significant effects. PA Ref. 171268 refers to a July 2018 decision to grant permission for a residential development of 76 residential units and all associated site works, approximately 1.6km to the east of the subject site. An AA Screening was provided in support of this application. No pathways were identified in the assessment and there was no potential for a deterioration of water quality. Having regard to the 1.6km separation distance and the findings of that AA Screening, no in-combination effects are expected.

15.5 Section 4.5 of the NIS provides full details of Avoidance and Mitigation Measures, including Embedded Measures, CEMP details, and SuDS Measures. The following are detailed further in the NIS:

Construction Phase:

Mitigation 1: Management of Surface Water – Measures to ensure that surface water is not contaminated during the construction phase.

Mitigation 2: Reduction in Noise/ Visual Disturbance – Use/ operate equipment in a manner that reduces noise levels. Screening to be provided that reduces potential for visual impact and noise levels.

Mitigation 3: Biosecurity – Measures to be taken in relation to soils, equipment and clothing to ensure that invasive species are not introduced to/ from the site.

Mitigation 4: Invasive species Removal – Butterfly Bush: Measures to be undertaken in accordance with TII (2020) guidance, includes both chemical and physical control measures as well as appropriate management.

Cotoneaster: Processes to be undertaken include both chemical and physical control measures as well as appropriate management.

Operational Phase:

Mitigation 5: Invasive Species Management - Monitor landscaped areas to ensure that invasive species are not inadvertently introduced.

Mitigation 6: Artificial Lighting – Should be directed away from the shoreline and light spill to be minimised.

Enhancement 1: Buffer Strip – 15-30m wide landscaped buffer to be provided along the southern boundary of the site. This will provide for an offset of habitat loss on site as well as providing a screening effect between the site and existing houses/ Oranmore Bay.

15.6 Table 4.6 of the NIS provides details on monitoring during the construction and operational phases of the development with specific reference to potential noise/ visual disturbance to waterbirds and the monitoring of invasive species.

15.7 Section 5 provides the NIS Conclusion. Potential direct and indirect adverse effects from the development on the Inner Galway Bay SPA and Galway Bay Complex SAC were considered. Where significant effects are identified, suitable mitigation measures and avoidance measures have been identified to overcome such issues. The 'NIS has concluded that, once the avoidance and mitigation measures are implemented as proposed, the Proposed Development will not have an adverse effect on the integrity of the above European site(s), individually or in combination with other plans and projects.'

15.8 NIS Assessment:

15.9 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);

Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

- 15.10 The Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268) are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.
- 15.11 **Aspects of the Development that could adversely affect the designated sites:** The main aspects of the development that could impact the conservation objectives of the European sites are through habitat loss by deterioration of water quality by runoff from the site, through habitat loss/ alteration or degradation by invasive species and potential for visual and noise impacts on SCI Species. The subject site is within 5m of a designated site and therefore considerations of distance and dilution effect on any pollutants entering the surface water drainage system cannot be ruled out.
- 15.12 **Mitigation:** A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction and operational phases of the development as provided in the applicant's report. A range of measures including the introduction of a suitable SuDS plan will address potential surface water runoff issues. Careful control/ treatment of invasive species will be required during the construction phase and into the operational phase. The proximity of the site to designated sites rightly requires a degree of caution to be deployed throughout the construction and operational phases.
- 15.13 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268). Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction and operational phases of the development.

15.14 In Combination Effects: No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

15.15 Appropriate Assessment Conclusion:

15.16 The proposed residential development at Cartron, to the north of the Coast Road, Oranmore, Co. Galway has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

15.17 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

15.18 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268) subject to the implantation in full of appropriate mitigation measures.

15.19 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).

15.20 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I have had full regard to the submitted report from the Department of Housing, Local Government and Heritage, and that of the

Planning Authority. The applicant has revised their AA Screening and NIS in support of their first party appeal. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268).

Appendix 3: Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320747-24			
Proposed Development Summary	LRD of 170 residential units in the form of 154 houses and 16 Maisonette/ apartment units, in addition to a childcare unit, car parking, open space, utility provision all associated site works. The application is accompanied with an NIS.			
Development Address	Lands of 5.5 hectares in area to the north of the R338/ Coast Road and south of the Dublin to Galway Railway line in Cartron, to the west of the village of Oranmore, Co. Galway.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	✓		
	No	No further action required		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes				
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) – 500 dwelling units	Sub-threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	✓	Screening Determination required

Inspector: _____ Date: _____

Appendix 4: EIA Screening Determination Form:

A. CASE DETAILS		
An Bord Pleanála Case Reference	320747-24	
Development Summary	LRD – Construction of 170 residential units in the form of houses and apartments, a childcare facility, car parking, open space, road works, provision of shared cycle track/ footpath along a section of the R338/ Coast Road and all associated site works.	
	Yes / No / N/A	Comment
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority reported that more information was required to conclude that significant effects of the development on the environment could be screened out. The applicant has addressed this through an updated EIAR Screening dated August 2024.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	NIS has been submitted.
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the	No	

EPA? If YES has the EPA commented on the need for an EIAR?		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Ecological Impact Assessment and Outline Construction Environmental Management Plan (CEMP) have been submitted.

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	<p>The development provides for houses and apartments on lands zoned for residential development and is located to the west of Oranmore but within 300 m of Oranmore railway station. The adjoining area is primarily in agricultural use at present.</p> <p>These zoned lands are also within the Garraun Urban Framework Plan (UFP) designated area and this proposed</p>	Yes

	development is one of the first to come forward for planning.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The development will see a change from formerly agricultural fields to residential use.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a	No.

	Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. Significant operational	No.

	impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No significant risk identified subject to the implementation of appropriate mitigation measures. The operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	No.
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their	No.

	impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The section of the site proposed for housing development is not at	No.

	risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	
1.10 Will the project affect the social environment (population, employment)	The development of this site as proposed will result in a change of use and an increased population at this location. This is in accordance with the Galway County Development Plan 2022 – 2028 Core Strategy and the Garraun UFP.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	The adjoining area is in agricultural use but is located within the Garraun UFP which is proposed for development of this nature. Cumulative impacts are considered in this application.	Yes
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	The Galway Bay Complex SAC (Site Code 000268), the Galway Bay Complex pNHA (Site Code	No.

<p>a) European site (SAC/ SPA/ pSAC/ pSPA)</p> <p>b) NHA/ pNHA</p> <p>c) Designated Nature Reserve</p> <p>d) Designated refuge for flora or fauna</p> <p>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>000268) and the Inner Galway Bay SPA (Site Code 004031) are located approximately 75 m to the south of the subject site.</p> <p>No adverse impact is foreseen.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The submitted EcIA and revised NIS did not raise any issues of concern.</p>	<p>No.</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>There are no known archaeological sites on or adjoining these lands.</p>	<p>No.</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which</p>	<p>There are no such features that arise in this location.</p>	<p>No.</p>

could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<p>None on site.</p> <p>A site-specific flood risk assessment was prepared, and no issues of concern were identified.</p> <p>The area of the site where the proposed residential units are to be provides area located within Flood Zone C.</p>	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	No.
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	<p>Access to the site is via an existing local road that connects to the R338/ Coast Road.</p> <p>This is not a national road but could be impacted by increase traffic arising from the development of this site.</p>	Yes
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc)	There are no such facilities on or adjoining this site.	No.

which could be significantly affected by the project?		
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	There are no known permitted developments of scale in the immediate area. Any construction traffic would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to: -</p> <p>a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p>		

- c) The existing use on the site and pattern of development in surrounding area,
- d) The availability of mains water and wastewater services,
- e) The location of the development outside of any sensitive site,
- f) 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),
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP),

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector _____

Date _____

ADP/ DOP _____

Date _____