An Bord Pleanála

Inspector's Report

ABP-321129-24

Development	Construction of a dwelling and associated site works.
Location	Kilcornan, Clarinbridge, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2461011
Applicant(s)	Barry & Orla Waters
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Joe-Ann & Cian Burke Ted Curran and Margaret Curra Noel Sheridan Shane Gallery
Date of Site Inspection	27th January 2025
Inspector	Ian Boyle

Contents

1.0 Site Location and Description

1.1. The appeal site comprises a vacant site on the western side of Redington Woods (housing estate) at the edge of Clarinbridge village, County Galway. It is roughly 0.1ha in size.

1.2. The village of Clarinbridge is on the N67 (Galway to Kinvara Road), approximately 500m to the south of the site. The site is also roughly 5km south of Oranmore and 14km from Galway City.

1.3. The site is currently overgrown with vegetation, understorey and some mature tree stands. There is a dense band of shrubs and bushes along its rear boundary which backs onto the N67. The property is roughly the same size as other residential plots in the area. There is a footpath leading from the site, through the existing housing estate, and along the N67 towards the village centre. The speed limit along this stretch of road reduces to 50km/hr.

1.4. The wider surrounding vicinity is characterised by a mix of mainly detached houses, commercial business and agricultural lands. The closest dwelling is No. 16 Redington Woods (H91 F6TF) which is directly east of the site.

1.5. The property is within walking distance of Clarinbridge village where there are various services and amenities, including bus stops for services travelling to Ennis, Gort, Doolin and other regional centres.

2.0 Proposed Development

2.1. The proposed development is for the construction of a two-storey dwelling and associated site works.

2.2. The application was submitted on 8th August 2024.

2.3. Note: There is a concurrent application on an adjoining site directly to the north the proposal is also for the construction of a dwelling and associated site works. The application is currently on appeal and before the Board for consideration.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission on 1st October 2024, subject to 11 no. conditions. The conditions were mainly standard and included:

- Condition 4: Connection Agreement required from Uisce Éireann (Irish Water) ('UÉ').
- Condition 9: Construction and Demolition Waste Management Plan.
- Condition 10: Development to be connected to the existing wastewater treatment system serving Redington Woods (housing development).

3.2. Planning Authority Reports

3.2.1. Planning Report

- The Planning Authority is required to achieve compact growth through the delivery of new homes in urban areas (c. 30%) within the existing built-up footprint of settlements, by efficiently developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.
- Policy Objective SS7 (Development of Rural Settlements and Rural Nodes (Level 7)), as informed by the provisions of Policy Objective UL 2 and DM Standard 2, requires the Planning Authority to assess the delivery of new residential development in compliance with good placemaking standards.
- Good placemaking incudes considering the existing pattern of development, potential impacts on residential amenity, the provision of private open space for existing and proposed properties, connectivity, service capacity, retention of existing natural features and compliance with the Core Strategy and Settlement Hierarchy and proper planning and sustainable development.
- The design and scale of the proposed house ins similar to the existing houses granted planning permission under Reg. Ref. 18/453 (adjoining area). It would not have a negative impact on the visual amenities of the area.

- Proposed connection to an existing communal treatment plant – a letter of consent has been submitted.
- There is letter from Uisce Éireann confirming a connection for water is feasible without infrastructure upgrades.
- The site is within the settlement footprint of Clarinbridge village, and the proposed development is acceptable in principle and design.
- No Appropriate Assessment (AA) issues arise
- No Environmental Impact Assessment (EIA) issues arise.
- The site is not in an identified flood risk area.
- The proposal is in accordance with Galway County Development Plan 2022-2028.
- Recommends permission be granted.

3.3. Prescribed Bodies

An Taisce: Raises the following concerns:

- Previous application on the site was refused permission on grounds relating to proximity of three vehicular entrances, felling of existing trees, impact on bats, and contravention of condition 1 of Permission Reg. Ref. 18/453.
- Application Form has several errors with site wrongly described as an ‘infill site’, the question for previous valid planning applications on this site ticked ‘No’. There have been at least two previous valid planning applications on the site (16489, 2260781), site was marked as a turlough on OSI mapping (flooding), source of water supply ticked as ‘public mains’. According to Uisce Éireann, the site is served by a Group Water Scheme.
- No copy of a tree survey to support the Tree Constraint Maps.
- No useful spot levels or contours included in the site layout plan.
- No section or elevation which shows the house in relation to the existing and/or proposed trees/planting.

- The proposed house design is very similar to that of the existing adjacent properties.
- It is proposed to the communal wastewater treatment plant to which other houses in the estate are connected. No data has been presented on the performance or capacity of the existing WWTP to justify this.
- There has been substantial loss of woodland as a result of consecutive development on this 40-acre site. Far from adding to further habitat loss, the owners should be replanting native woodland.

Transport Infrastructure Ireland: No objection.

3.4. Third Party Observations

The Planner's Report notes the contents of the third party submissions received and states that they have been read and noted. I note that a total of six submissions were received by the Planning Authority.

4.0 Planning History

Subject Site

Reg. Ref. 22/60781: The Planning Authority **refused** permission in September 2022 for the construction of two dwellings with associated site services. The reasons for refusal were in relation to:

- the proposed site entrances and access arrangements deemed unsatisfactory due to the concentration of 3 no. vehicular entrances in proximity to each other (No. 1).
- Impact on lands which have a high amenity and landscape value (Class 3 'Special' designated landscape) (No. 2).
- Impact on bats (No. 3).
- Condition No. 1 of Permission Reg. Ref. No. 18/453 regulates the development of the overall lands (No. 4).

Concurrent Application (site to the north)

ABP Ref. 321130 (Reg. Ref. 2461008)

There is a concurrent application on an adjoining site directly to the south for the construction of a dwelling and associated site works. The Planning Authority **granted** permission on 1st October 2024.

The application is currently on appeal and before the Board for consideration.

Surrounding Area

Reg. Ref. 10/1281: The Planning Authority **granted** permission in April 2011 for the demolition of an existing hotel and construction of 15 no. detached dwellings and associated services.

Reg. Ref. 16/489: The Planning Authority **granted** an extension of duration in June 2016 of Permission for Reg. Ref. 10/1281 (see above).

Reg. Ref. 18/453: The Planning Authority **granted** permission in October 2018 for amendments to a previously development permitted under Reg. Refs. 10/1281 and 08/2917 (and extended under Reg. Ref. 16/489).

ABP Ref. 314869 (Reg. Ref. 22/60766): The Planning Authority **refused** permission in September 2022 for the construction of a house, new onsite wastewater treatment/percolation and associated services. The application was appealed and **granted permission** by the Board on 2nd April 2024. The Board Order states the following:

> *'The Board agreed with the Inspector and considered that the proposed development did not contravene policy objectives LCM1, LCM3, FL2, NHB 1, NHB 9 or DM Standard 8 or DM Standard 68 of the current Galway County Development Plan 2022-2028 and that the design and layout of the proposed development is consistent with that of the established pattern of development within the adjoining Redington Woods development…*
>
> *Having regard to the pattern of development in the area, the location of the site within the designated rural settlement of Clarinbridge as set out within the current Galway County Development Plan 2022-2028, and to the policies and objectives and the development standards in the Plan, it is considered that, subject to compliance with conditions set out below, the proposed*

development would not adversely impact the landscape character within Clarinbridge or the coastal area, that the design and layout are appropriate to the setting and consistent with the established built character of the area, that the proposals would not increase the risk of flooding, subject to surface water mitigation measures being implemented, that no adverse impact upon European sites nor bird species would arise nor would the proposals interfere with the safety and free flow of traffic nor endanger public safety in the vicinity.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.'

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

Background

The Galway County Development Plan 2022-2028 was adopted by the Elected Members of Galway County Council on the 9th May 2022 and came into effect on the 20th of June 2022. The following chapters and sections are considered particularly relevant in the assessment of this appeal case are outlined below.

Chapter 2: Core Strategy, Settlement Strategy and Housing Strategy

Clarinbridge is within Tier 7a of the Settlement Strategy which refers to 'Rural Settlements'.

Clarinbridge is also located with the Galway County Transport and Planning Strategy (GCTPS) Area (Map 2.1)

- Policy Objective CS 2 Compact Growth is to achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.
- SS7 Development of Rural Settlements and Rural Nodes (Level 7) states that in the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental

capacity) and compliance with the Core Strategy and Settlement Hierarchy, good design, community gain and proper planning and sustainable development.

Chapter 3: Placemaking, Regeneration and Urban Living

- Section 3.2 Strategic Aims includes to reinforce the vitality and future of urban and rural settlements and recognise the role that they play in a wider social and economic context.
- CGR 1 Compact Growth is 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.
- UL 2 Layout and Design is to comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.

Chapter 7 Infrastructure, Utilities and Environmental Protection

- Policy Objective WW 8 Storm Water Infrastructure seeks to support the improvement of storm water infrastructure and to increase the use of sustainable drainage and reduce the risk of flooding in urban environments

Chapter 8 Tourism and Landscape

- Policy Objective LCM 1 Preservation of Landscape Character is to preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

Chapter 12 Architectural, Archaeological and Cultural Heritage

- Policy Objective NHB1: Natural Heritage and Biodiversity of Designated sites, habitats and species
- Policy Objective NHB 3: Protection of European Sites
- Policy Objective NHB 5: Ecological Connectivity and corridors

- Policy Objective NHB 9: Protection of Bats and Bat habitats.

Chapter 15: Development Management Standards

- DM Standard 8: Site Selection and Design

Other Relevant Chapters:

- Chapter 6: Transport and Movement
- Chapter 11: Community Development and Social Infrastructure
- Chapter 12: Architectural, Archaeological and Cultural Heritage

5.2. Natural Heritage Designations

The subject site is not directly affected by a European Site.

The closest designated Sites include:

- Galway Bay Complex SAC (Site Code: 000268), which is roughly 460m to the southwest at its nearest point.
- Inner Galway Bay SPA (Site Code: 004031), which is roughly 530m to the southwest at its nearest point.

5.3. EIA Screening

5.3.1. Having regard to the nature the proposed development, which consists of a single residential dwelling, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development.

5.3.2. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.3.3. See Appendix A for further details.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal are as follows:

Planning History

- The proposal for two houses at this location is a resubmission of a previously refused application, split into separate applications each for a single house.
- The same reasons for refusal apply to the subject application(s) which would result in a tight development, obstruct road users, impact on the landscape, impact bats and that the proposal would contravene Condition 1 of Permission Reg. Ref. 18/453.

Residential Amenity and Sensitive Landscape

- Proposal would be excessive and represents overdevelopment. The site is not an 'infill site'.
- Application does not address noise, dust and traffic impacts caused during construction.
- Redington Woods is a protected landscape (Class 3), and the proposed development would contravene policy objectives contained in the County Development Plan.
- Construction times should not be permitted late in the evening or at weekends.

Services

- The application would require a connection to the existing Redington WWTP which was installed to serve the 28 houses forming part of this housing estate.
- The Applicant is not a member of the Management Company for the estate and has not sought permission to connect to the wastewater treatment plant.
- Condition 4 of the Council's NoD to grant permission states that no development shall commence until such time the development has obtained a Connection Agreement from Irish Water (Uisce Éireann).

- Irish Water has advised the Applicant to contact the trustees of the private scheme on the feasibility of connecting to the watermain network supplying the property.
- The Confirmation of Feasibility letter from Uisce Éireann has expired.
- The existing WWTP is at capacity.

Biodiversity

- There are red squirrels (protected species) inhabiting the trees throughout the estate. The application does not address how they this has been considered.

Traffic and Access

- No traffic management plan has been prepared.
- The proposed site entrances and access arrangements would lead to a significant traffic hazard.

Validity of Application

- The application is invalid as the site notice is incorrectly dated and erected after the application was made.

Other Issues

- Estate snagging works still exist and have not been resolved (footpaths, kerbs, drainage, etc.).
- The sites are adjoining a national road.
- The Planner's Report is inadequate and has not taken into account the developed nature of the estate or have regard to the families living here in proximity to the proposed site(s).

6.2. Applicant Response

The Board received a response from the Applicant on 20th November 2025. The main issues raised are as follows:

Refusal Reasons

- The application has addressed the previously (refused) application (Reg. Ref. 22/60781) (note: see Section 3.3 of Applicant Response).

Water Supply

- There is legal correspondence to confirm wayleave rights exist for a water supply.
- UÉ have issued a new CoF letter (dated 5th November 2024), confirming a water connection is feasibility (see Appendix 2 of Response).
- The Applicant has no objection to Condition 4.

Wastewater Treatment

- The application proposes to connect to the communal WWTP serving Redington Woods (housing estate). This approach is described in the wastewater connection report (see Appendix 2 of Response).
- The Board permitted a similar proposal under ABP Ref. 314869.
- There is sufficient capacity within the existing wastewater system to accommodate the proposed houses (subject application and ABP Ref. 321130).

National Road

- There is no new access proposed onto the N67.
- A submission has been received from TII which requests the Planning Authority have regard to official national policy for proposals impacting national roads.
- The existing site entrance is inside the 50km/hr zone; thus, the proposed development is not in breach of national guidelines.

Site Notice

- The site notice is compliant with the Planning Regulations and there are no validation issues.

Construction Phase

- Construction impacts can be addressed by a standard limiting working times.

Overdevelopment

- The proposed development is in keeping with the existing character and pattern of development in the area.
- The appeal site waws never designated as public open space to serve the Redington Woods estate.
- Applicant references a recently permitted single dwelling by the Board on a nearby site (ABP Ref. 314869 refers).

Infill Site / Landscape Area (Class 3)

- The site has credible infill characteristics. However, whether it is, or not, is not a material consideration.
- The most recent local area plan for the area (Clarinbridge Local Area Plan 2007-2013) was the last 'statement of intent' by the Planning Authority. It defined the spatial urban extent of the village and shows the subject site zoned 'residential'.
- The site is within the urban envelope of Clarinbridge. Therefore, the Category 3 landscape designation is irrelevant. The Board also reviewed this in the case of ABP Ref. 314869, where it was found that the dwelling proposed would not be particularly visible or prominent in the local landscape.

Existing Snagging Works

- The appeal site is outside the Redington Estate planning unit and so any unresolved snagging works are irrelevant to the subject application.
- [Applicant's Response includes a snag list of remedial works for the housing estate as Appendix 4. This confirms 'no issues' in relation to footpaths, kerbs, stormwater and amenity areas.

Red Squirrels

- The issue of red squirrels in the area has been addressed by the report / letter prepared by a qualified ecologist.

6.3. **Further Responses**

6.4. The Applicant's Response was circulated to the parties in accordance with section 131 of the Planning and Development Act, 2000 (as amended). Two further responses were received (from appellants).

6.5. The main argument raised by the responses is that it would not be appropriate to grant permission to connect to a WWTP which will not be transferred to Redington Woods Management Company; or for the expansion of the existing housing estate to take place where the common areas have not been transferred from the developer to the management company.

7.0 Assessment

Background

The proposed development is for construction of a detached dwelling, a new site access and ancillary works.

There is a concurrent application for a house on an adjoining site by the same Applicant. This application is also on appeal and before the Board for consideration (ABP Ref. 321130 refers).

Planning Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local, regional, and national policies and guidance, I consider that the main issues in this appeal are as follows:

- Previous Application (Reasons for Refusal)
- Access to Services
- Biodiversity (Red Squirrel)
- Other

7.1. Previous Application (Reasons for Refusal)

7.1.1. The proposed development for the construction of a two-storey dwelling and associated site works on a site roughly 0.1ha in size. The site is vacant and on the western side of an existing housing estate, called Redington Woods, at the edge of Clarinbridge village, County Galway.

7.1.2. The site is currently overgrown with vegetation, understorey and some mature tree stands. There is a dense band of shrubs and bushes along its rear boundary which backs onto the N67. The proposed house would be similar in size, scale and design as to the existing houses in Redington Woods permitted under Reg. Ref. 18/453.

7.1.3. The appellants state that the current proposal is a 'repeat application' which fails to address the reasons for refusal issued by the Planning Authority under Decision Reg. Ref. 22/60781. This section of my report addresses the issue of vehicular access, impact on trees and the receiving landscape, and bats.

7.1.4. The reasons for refusal can be summarised as follows:

- Reason 1: the proposed site entrances and access arrangements deemed unsatisfactory due to the concentration of three vehicular entrances in proximity to each other.
- Reason 2: Impact on lands which have a high amenity and landscape value (Class 3 'Special' designated landscape).
- Reason 3: Impact on bats.
- Reason 4: Condition No. 1 of Permission Reg. Ref. No. 18/453 regulates the development of the overall lands (No. 4).

Vehicular Access

7.1.5. The Applicant has sought to address the above through a revised design and by providing additional assessments as part of the application. In relation to the proposed vehicular access arrangement (Reason 1), I note that 16 Redington Woods, which is east of the site, previously had an unauthorised access along its western site boundary. This is evident from reviewing aerial photography. The entrance has since been removed and a previous, potential conflict between existing and proposed vehicular entrances in this location has now been addressed.

7.1.6. I have reviewed the proposed means of access for the proposed development and do not consider that it would be overly tight or restrictive for vehicles entering or leaving the property. I consider that the means of access for both the subject and concurrent applications would be safe, free from traffic conflict, and adhere to a typical arrangement for a residential estate. I note that the Planning Authority raised no concerns in relation to the proposed vehicular entrance or in relation to traffic flows. Given the relatively small scale of the development, there would be no requirement for a traffic management plan, in my opinion.

Landscape and Visual

7.1.7. In terms of Reason 2, the application is accompanied by a Tree Constraints drawing (Drwg. No. 001) and a Tree Protection Plan (Drwg. No. 002). The information shows that there are 'Category A Trees' (Trees of High Quality/Value with a minimum of 40 years Life Expectancy) at the rear of the site. These are to be retained as part of the proposed development. I note that there are further 'Category U Trees' on the site, which are in such a condition whereby any existing value would be lost within 10 years or are recommended for removal in accordance with sound arboricultural practice. The Category U Trees are proposed to be removed.

7.1.8. The proposed landscape strategy also seeks to plant several native Oak, Beech and Elm to replace those trees felled. This would provide better amenity and biodiversity benefits to the wider area and help support certain species by providing enhanced foraging and resting opportunities over time. I am satisfied that the proposed development has been sensitively designed having regard to its sylvan setting.

7.1.9. The site is identified under Section 8.13 of the County Development Plan as having a high amenity and landscape value (Class 3 Special: High Sensitivity to Change) (Map 8.2 refers). It is also identified as a 'Coastal Landscape' under Map 8.1 which denotes lands close to the Galway Bay area. The proposed dwelling would not be particularly visible, or conspicuous, within the local landscape. It would not be at all visible from any point within Galway Bay, which is roughly 500m to the west, at its nearest point.

7.1.10. It is my view that the development would not result in a significant alteration of character, or change of appearance, in terms of the character of the area or its receiving landscape or context. It would achieve compact growth through the

delivery of a new home in this urban area (Policy Objective CS 2 of the CDP) and represent an efficient use of land (Policy Objective CGR 1). I also consider that the proposed development would be a logical extension of the existing housing estate and that it would be readily absorbed into the prevailing urban fabric of the area – without any significant negative impact on the receiving landscape (Policy Objective LCM 1).

Bats

7.1.11. In terms of Reason 3, I note that the application is accompanied by a Bat Survey and Report which addresses the issue of bat activity and habitat and the potential for the development to negatively impact upon same. I have referred to the report as part of my assessment and note that it states that low to moderate levels of bat activity were recorded during the ecologist survey work. This would be expected due to the type and available vegetation on the site. No passes of Lesser Horseshoe bats were recorded during the surveys. The survey work completed by the ecologist is comprehensive, in my opinion, having undertaken two static surveys – in Summer 2023 and Summer 2024, respectively, which are the optimum times of year for bat surveys to be undertaken – as well as a transect survey in Summer 2024.

7.1.12. The ecologist site inspection also found that the surrounding area is subject to light disturbance for commuting bat species caused by bright streetlights within the existing housing estate and that this would negatively affect local bat species in the area. In addition, given that the proposed development would retain trees and dense vegetation along the western boundary, the site would remain suitable for bat commuting and foraging, provided that suitable outdoor lighting is installed for the development. I note that there are a series of mitigation measures outlined as part of the Bat Report, and I recommend that they should be conditioned as part of any decision to grant permission. I consider the proposal to be in accordance with Policy Objective NHB 9 of the County Development Plan.

7.1.13. In terms of Reason 4, I note that the subjection application is not bound by the conditions pertaining to Permission Reg. Ref. 18/453 and that the issue of a material contravention does not arise for this reason.

7.1.14. In summary, I am satisfied that the proposed development has addressed the previous reasons for refusals cited by the Planning Authority in their Decision to refuse permission for Reg. Ref. 22/60781.

7.2. Access to Services

Water Supply

7.2.1. I note that Uisce Éireann have issued a revised Confirmation of Feasibility (dated 5th November 2024), which replaces and updates the copy submitted as part of the original application. This is included as Appendix 2 of the Applicant's Response and states that a water connection feasible without upgrade by UÉ.

7.2.2. Furthermore, the Applicant states that they have no objection to the inclusion of Condition 4 of the Council's Decision to Grant Permission. This requires the procurement of a future Connection Agreement from UÉ and necessitates a formal contract to be arranged between the property owner and UÉ for connecting to the public water supply and wastewater network.

7.2.3. I am satisfied that the issue in relation to water supply has been addressed

Wastewater Treatment

7.2.4. The Applicant proposes to connect into the existing communal wastewater treatment plan (WWTP) serving the area, including Redington Woods. I note that the WWTP is adjacent the site. The Proposed Site Layout Plan shows the location of the proposed sewer connection point and an existing foul sewer manhole near the front of the site.

7.2.5. I note the concerns raised by the third parties in this regard, and particularly where it is stated that the Applicant is not a member of the Redington Woods Management Company (RWMC) for the estate, has not paid any management fees to this effect, and has not sought permission from RWMC to connect to the WWTP. It is asserted that the proposed development would not be able to access the WWTP.

7.2.6. Conversely, the Applicant states that the proposed dwelling would be able to access the WWTP and that sufficient legal interest to achieve this is clearly set out in legal correspondence prepared by their solicitor (Catherine Murphy & Co. Solicitors) (letter dated 18th July 2024).

7.2.7. I further note there is detailed report on the file addressing this issue, which is entitled 'Proposal for Wastewater Connection to Communal Treatment Plant'. The report is prepared by Ignatius T. Greaney & Associates and included as Appendix 3 of the Applicant's Response. The report confirms there is adequate capacity in the system to serve a minimum of 40 houses and that only 29 houses are either already connected or permitted. The report also confirms that the treatment system is monitored under licence (copy attached as Appendix D of the Applicant's Response).

7.2.8. Having reviewed the details before me, I do not consider that the information presented raises sufficient doubt as regards the legitimacy of the Applicant's legal interest to make the application, or that a means of connecting to the existing WWTP cannot be achieved, lawfully, or otherwise. I am also satisfied that there is adequate capacity available within the existing communal treatment system to cater for the additional loading generated by the proposed development (which is a single dwelling only).

7.2.9. Any future additional loading may require a review of the current licence and subsequent approval from the EPA, as appropriate. In this regard, the Applicant should understand that the granting of planning permission does not relieve them of their responsibility to comply with the requirements for a wastewater discharge licence. Therefore, in the event permission is granted, there may be other legal considerations that apply, which the applicant, or future landowner, may need to address outside of the planning system.

7.2.10. In summary, I consider the wastewater treatment details submitted as part of the original application, and elaborated upon as part of the Applicant's Response, are in accordance with the best practice in terms of public health and ensuring adequate facilities.

7.3. **Biodiversity (Red Squirrel)**

7.3.1. The Applicant has included a report as part of their response to address the issue of red squirrel activity in the area surrounding the appeal site. The report has been prepared by a consultant ecologist and is Appendix 5 of the appeal response. [I note also that an Appropriate Assessment Screening Report were included as part of the original planning application.]

7.3.2. The ecologist report notes that Red Squirrel is protected under the Wildlife Act (1976) (as amended). It is recorded on the National Biodiversity Data Centre (NBDC) on six occasions between 2001 and 2012 at the eastern end of Redington Woods – where there is a much larger expanse of woodland compared to the subject property. This indicates the woodland to the east of the estate has more suitable habitat for Red Squirrel due to the food and shelter opportunities available.

7.3.3. The proposal would remove some vegetation from the site. However, this is already predominantly a residential area with the rear boundary (west) of the property backing onto a busy national route (N67). I note that the tree survey undertaken indicates several trees on the site are dead, or dying, and that some have ash dieback, thus, killing the leaves and crown, or outer edges, of infected trees. I observed this to be the case during my site inspection also.

7.3.4. The ecologist report confirms that the vegetation proposed to be removed is of low ecological value and would not provide a good food source for Red Squirrel. Therefore, it is predicted that there would be no impact on local populations of this species. Moreover, the proposal to plant a hedgerow comprising fruit bearing species, such as hawthorn, dog rose, and alder trees is welcome and could form part of the landscape plan for the site. The requirement for a final landscaping strategy can be done under condition.

7.4. **Other**

National Road

7.4.1. An issue raised by third parties is regarding the N67 (National Route). The road adjoins the appeal site along its rear western boundary. The concern raised is vague, however, and I am not clear how this is a cause of concern.

7.4.2. In any case, I note that there is a submission on the file from Transport Infrastructure Ireland (TII) which raises no objection to the application. The submission requests that the Planning Authority have regard to official national policy for proposals impacting on national roads.

7.4.3. I note that the existing site entrance leading into Redington Woods is from a section of road that falls within a 50km/hr zone indicating a built-up area. I do not consider that the proposed development is in breach of any guidelines in terms of potentially

impacting on a national road, including that of the 'Spatial Planning and National Roads Guidelines for Planning Authorities (2012)'.

Validity of Application

7.4.4. I note the third party concerns regarding the timing of placing the site notice onsite and the claim it was in situ only after the application was lodged with the Planning Authority. In response, the Applicant states that the legal obligations relating to the site notice were fully compliant with the Planning Regulations and the site notice conformed with timing requirements.

7.4.5. In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice, I note that the matter was considered acceptable by the Planning Authority. I also do not consider that the appellants have been discommoded in any way, or that third party rights have been impinged upon in some manner. There is nothing on file by way of evidence or proof to suggest the site notice requirements have not been adhered to.

7.4.6. It is my opinion that this issue is not sufficient reason to refuse the application.

Construction Phase

7.4.7. I consider that amenity impacts arising due to the construction phase can be adequately addressed by a standard condition limiting the hours of construction to certain times and the appointed contractor adhering to responsible construction work practices. The condition would adequately safeguard the residential amenities of property in the vicinity, including that of the residents in Redington Woods, in my opinion.

7.4.8. The Board could also choose to attach a condition requiring the preparation of Construction Management Plan if they felt this would be appropriate.

8.0 AA Screening

8.1. The Applicant has completed an Appropriate Assessment Screening Report (AA Screening), prepared by Enviroplan Consulting Ltd (dated August 2024). The report has been completed by an experienced and qualified ecologist and informs the Appropriate Assessment Screening required to be carried out by the competent authority.

8.2. The Screening concludes that on the basis of the objective information no significant effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development, either alone or in combination with the other plans and projects in the area.

8.3. I note that the appeal site is not directly affected by a European Site.

8.4. The closest designated Sites are:

- Galway Bay Complex SAC (Site Code: 000268), which is roughly 460m to the southwest of the site at its nearest point.
- Inner Galway Bay SPA (Site Code: 004031), which is roughly 530m to the southwest of the site at its nearest point.

8.5. Having regard to the nature and modest scale of the proposed development, which is for the construction of a single dwelling and associated site works, the separation distances from the nearest European sites, and that the proposal would connect into and would be adequately served by the existing communal WWTP – itself managed and monitored under a discharge licence in accordance with EPA requirements – it is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The requirement for a Stage 2 Appropriate Assessment is not therefore required in this instance.

8.6. I note also that the Planning Authority completed an AA Screening Exercise (see Page 5 of the Planner's Report). In completing the screening exercise, the Planning Authority concluded that a Stage 2 Appropriate Assessment would not be required.

9.0 Recommendation

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

10.0 **Reasons and Considerations**

10.1. Having regard to the existing pattern of development in the area, the location and setting of the site within the designated rural settlement of Clarinbridge, as set out within the Galway County Development Plan 2022-2028, and to its policies and objectives and development standards, and in particular Policy Objectives CS 2, CGR 1, LCM 1 and DM Standard 8, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely impact the landscape character of the area, is appropriate in terms of design, scale and layout and consistent with the established built character of the vicinity, would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 8th August 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason**: In the interest of clarity.
2.	Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. **Reason:** In the interest of visual amenity.
3.	The mitigation measures contained in the Bat Survey and Report received by the planning authority as part of the application shall be implemented in full. **Reason**: In the interest of biodiversity and protecting bats.

4.	Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. **Reason**: In the interest of public health and to ensure adequate water/wastewater facilities.
5.	a) The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping plan shall include hedgerow(s) comprising fruit bearing species, such as hawthorn, dog rose, and alder trees. b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. c) A tree survey of the site shall be carried out by an arborist or landscape architect and submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained. d) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled. **Reason**: In the interest of residential and visual amenity, protection of biodiversity, and to facilitate the identification and subsequent protection of trees to be retained on the site.

6.	a) The development shall connect to the communal wastewater treatment plant as per the details submitted as part of the original application to the Planning Authority. The applicant shall ensure that the communal effluent treatment and disposal system is maintained in accordance with current EPA best practice standards. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. b) Within three months of the occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that connection to the communal proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with best practice EPA standards. **Reason**: In the interest of public health.
7.	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit final details for the disposal of surface water from the site for the written agreement of the planning authority. **Reason**: To prevent flooding and in the interests of sustainable drainage.
8.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. Any existing overground cables shall be relocated underground as part of the site development works. **Reason**: In the interests of visual and residential amenity.
9.	Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400

	hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. **Reason:** In order to safeguard the residential amenities of property in the vicinity.
10.	The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developers or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. **Reason**: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Ian Boyle
Senior Planning Inspector

29th January 2025

Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321129-24
Proposed Development Summary	The proposed development is for the construction of a two-storey dwelling and associated site works.
Development Address	The appeal site comprises a vacant site on the western side of Redington Woods (housing estate) at the edge of Clarinbridge village, County Galway. It is roughly 0.1ha in size.

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	

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?

Yes	✓		Proceed to Q3.
No			

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?

Yes			
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	10. Infrastructure Projects (b)(i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Preliminary examination required (Form 2)

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

Inspector: Ian Boyle **Date: 29th January 2025**

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321129-24
Proposed Development Summary	The proposed development is for the construction of a two-storey dwelling and associated site works.
Development Address	The appeal site comprises a vacant site on the western side of Redington Woods (housing estate) at the edge of Clarinbridge village, County Galway. It is roughly 0.1ha in size.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The nature of the proposed development is not exceptional in the context of the existing environment. The site is at the western side of Redington Woods (housing estate) at the edge of Clarinbridge village, County Galway During the construction phase the proposed development would generate demolition waste. However, given the relatively modest size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context. No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which for residential use.

Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The application site is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site. The site is not considered to be environmental sensitive. The closest designated Sites include: • Galway Bay Complex SAC (Site Code: 000268), which is roughly 460m to the southwest at its nearest point. • Inner Galway Bay SPA (Site Code: 004031), which is roughly 530m to the southwest at its nearest point. It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. There is no potential for significant ecological impacts as a result of the proposed development. The site is situated within a centrally-located urban area. I do not consider that there is potential for the proposed development to negatively affect other significant environmental sensitivities in the area. The ecologist report confirms that the vegetation proposed to be removed is of low ecological value and would not provide a good food source for Red Squirrel. Therefore, it is predicted that there would be no impact on local populations of this species. Moreover, the proposal to plant a hedgerow comprising fruit bearing species, such as hawthorn,

	dog rose, and alder trees is welcome and could form part of the landscape plan for the site. Given that the proposed development would retain trees and dense vegetation along the western boundary, the site would remain suitable for bat commuting and foraging, provided that suitable outdoor lighting is installed for the development. There are a series of mitigation measures outlined as part of the Bat Report. I consider the proposal to be in accordance with Policy Objective NHB 9 of the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site is in an urban location within an existing residential area. The proposal is for a single dwelling. It would be similar in size, scale and design as to the existing houses in Redington Woods (permitted under Reg. Ref. 18/453). It is not exceptional in the context of its receiving environment. I do not consider there is potential for significant impacts.

Conclusion		
Likelihood of Significant Effects	**Conclusion in respect of EIA**	**Yes or No**
There is no real likelihood of significant effects on the environment. EIA not required. ✓	EIA is not required.	No. EIA is not required.
There is significant and realistic doubt regarding the likelihood of		

significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector: Ian Boyle **Date:** 29th January 2025

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)