



An
Bord
Pleanála

Inspector's Report

ABP-321704-25

Development	Construction of 28 houses and all associated site works. A Natura Impact Statement (NIS) is submitted with the appeal.
Location	Cúl na Coirre, Headford, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	2461383.
Applicant(s)	Hopeshire Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party.
Appellant	Hopeshire Limited.
Observer(s)	None.
Date of Site Inspection	27 th February 2025.
Inspector	Ciarán Daly

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision.....	4
3.1. Decision.....	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies.....	5
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	7
5.1. National Planning Framework	7
5.2. Regional Strategy	8
5.3. Development Plan.....	8
5.4. Section 28 Ministerial Guidelines	14
5.5. Natural Heritage Designations	14
6.0 The Appeal.....	15
6.1. Grounds of Appeal	15
7.0 Assessment.....	16
8.0 EIA Screening	24
9.0 Recommendation	24
10.0 Reasons and Considerations	25
11.0 Conditions	25
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination	
Appendix 3 – Form 3: AA Screening Determination	

Appendix 4 – Form 4: Appropriate Assessment and AA Determination

1.0 Site Location and Description

- 1.1. The subject site, of area 0.96ha, consists of a grass field to the north of the built up area of Headford. It is c.300m from the town centre. There is a residential site under construction to the west and from which vehicular access is proposed south to Church Road. Moyne Villa Football Club grounds including playing fields is located adjacent to the south and south-east of the site. There are grass fields adjacent to the east and north of the site which are zoned for development. There is mature hedgerow along the eastern site boundary. There is no northern site boundary and the site consists of the southern section of this field in overgrown grass and which also includes a large pile of small stones in its south-west corner.
- 1.2. It is noted that there is an existing watercourse c.70m north of the application site.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Construction of 28 no. two storey residential units made up of 22 no. three bedroom house and 6 no. 4 bedroom houses.
 - Extension of internal Cul na Coirre pedestrian and vehicular access (under construction and permitted under reg. ref. 20/1353 (ABP-310697-21)) to service the proposal.
 - All associated surface water and foul drainage services, attenuation tank and sustainable drainage solutions (SUDS).
 - As part of the appeal an amended development option has been presented that amends the development as follows: new pedestrian link to the east, south-west and to the north of the site with one house omitted and two new house types (E and E1) to face the pedestrian link to the east.

3.0 Planning Authority Decision

3.1. Decision

Galway County Council decided to refuse permission for 5 no. reasons which related to:

- (1) excessive density and inappropriate form of development and associated material contraventions of Policy Objectives PM 1, PM 6, PM 8, PM 10 and UL 2 as well as development management standards DM 1 and DM 2;
- (2) lack of permeability and connections with adjacent sites and contrary to Policy Objective PM 4, PM 5, PM 6 and PM 12;
- (3) inability to screen out impacts on European sites in the absence of an NIS and the potential for hydrological connections with such sites this would materially contravene Policy Objective NHB 1 and NHB 2 as well as DM Standard 50;
- (4) traffic hazard in the absence of a Road Safety Audit and issues with connectivity measures with adjacent lands and this would be contrary to NNR 2, NNR 6, NNR7 and DM Standards 28, 30 and 33a.
- (5) and in the absence of connection details confirmation from Uisce Eireann the development would constitute a serious risk to public health and contrary to Policy Objective WS 4, WW4 and DM Standard 36..

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Council's Planner's Report noted that the P.A. offered to provide pre-planning feedback to the applicant in relation to its invalid application but that this was not taken up. It noted concerns from an adjacent landowner in relation to lack of connectivity and in relation to the allocation of units for the town based on the core strategy. The principle of residential development on the site was accepted noting the site's zoning and the core strategy of the CDP. The report recommended the omission of two semi-detached units in the south-east corner to provide connectivity to the adjacent site and to ensure a suitable setback from the sports ground.

It noted concerns in relation to potential impacts on European sites given the presence of field drains and water courses in close proximity to the site. The report noted significant concerns in relation to excess density and associated material contraventions of policies, lack of connectivity to adjacent sites, absence of information to rule out significant impacts on European sites and associated material contravention of policies; traffic hazard and lack of connection agreement of water

and wastewater services and refusal of permission was recommended on 5 no. grounds.

3.2.2. Other Technical Reports

- Roads and Transportation: Refusal recommended.
- Housing Section: No response.
- Tuam Area Council Office: No response.
- Water Section: No response.
- Environment Section: No response.

3.3. Prescribed Bodies

Uisce Eireann: Further Information required.

Development Applications Unit: No response received.

An Taisce: No response received.

The Heritage Council: No response received.

3.4. Third Party Observations

One third party submission was received on behalf of the adjacent landowner to the east. This can be summarised as follows:

- Concerns in relation to the core strategy by the applicant with a suggested under availability of capacity for units on greenfield lands stated.
- Concerns in relation to absence of connectivity with the adjacent site to the east.

4.0 Planning History

Subject Site

24/61240: Application deemed invalid for 28 no. residential units.

Sites to East

24/61601: Further Information requested in January 2025 by the P.A. for construction of 65 no. houses, single storey creche building and access from the Cong Road.

The further information request related to concerns in relation to excess density, sightlines and roadside works; and archaeology.

24/60178: Permission refused by the P.A. for 65 no. houses.

4 no. reasons for refusal related to unsatisfactory site entrance, excessive density and placemaking considerations, unsatisfactory information in relation to impact on European sites and failure to address the residual risk of flooding.

Sites to West (Cúl na Coirre)

22/61127: Permission granted by the P.A. for elevation amendments for the development permitted under reg. ref. 20/1353 for 27 no. two storey houses.

20/1353: Permission refused by the P.A. and granted on appeal (ABP-310697-21) for the construction of 54 no. dwellings.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040 (the NPF)

5.1.1. The NPF is the national / strategic planning strategy for the State. It seeks to ensure balanced regional development and compact growth. It seeks that 40% of new housing is located within the existing built-up areas of Ireland's cities, towns and villages on infill and brownfield sites. The remaining target is for new houses to be located on the edge of settlements and within rural areas. Key objectives in the NPF include:

- 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*”.
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5.2. The Regional Spatial & Economic Strategy (RSES) 2020-2032

- 5.2.1. The RSES provides a strategic plan for regional development and includes a growth framework and supports the implementation of the NPF and government policy through a 12-year strategy to deliver the changes required to achieve the Regional Assembly's vision and objectives
- 5.2.2. The RSES provides for growth ambitions including for "*PEOPLE AND PLACES - Compact growth will be pursued to ensure sustainable growth of more compact urban and rural settlements, supported by jobs, houses, services and amenities, rather than continued sprawl and unplanned, uneconomic growth*".

5.3. Galway County Development Plan 2022-2028 (the CDP)

The site is zoned under Objective R for 'Residential (Phase 1)' under the land use zoning map for Headford.

Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy

Headford is identified as a Tier 5 Small Growth Town within the settlement hierarchy.

- Core Strategy Table (Table 2.11) allocates 121 units to be delivered on greenfield sites based on a density of 16 units per hectare (uph).
- CS 2 Compact Growth

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.

Chapter 3 Placemaking, Regeneration and Urban Living

- PM 1 Placemaking

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

- 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.

- PM 6 Health and Wellbeing

Promote the development of healthy and attractive places by ensuring: (a) Good urban design principles are integrated into the layout and design of new development; (b) Future development prioritises the need for people to be physically active in their daily lives and promote walking and cycling in the design of streets and public spaces (c) New schools and workplaces are linked to walking and cycling networks (d) The provision of open space considers different types of recreation and amenity uses with connectivity by way of safe, secure walking and cycling routes. (e) Developments are planned for on a multi-functional basis incorporating ecosystem services, climate change measures, Green Infrastructure and key landscape features in their design.

- PM 8 Character and Identity

Ensure the best quality of design is achieved for all new development and that design respects and enhances the specific characteristics unique features of the towns and villages throughout the County.

- PM 10 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.

- PM 12 Permeability

Encourage improved permeability in town centres including the connection of blueways and greenways to adjacent towns. Ensure appropriate signage strategies are in place to direct visitors and residents to key public spaces and attractions.

- 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.

Chapter 6 Transport and Movement

- NNR 2 – Safeguard Regional and Local Roads

To safeguard the carrying capacity and safety of the County's regional and local road network.

- NNR 3 – Design Manual for Urban Roads and Streets

Implement the national design standards outlined in the Design Manual for Urban Roads and Streets (DMURS 2019) for urban streets and roads within the 50/60 kph zone.

- NNR 6 – Transport and Traffic Assessments and Road Safety Audits

To require the preparation of Transport and Traffic Assessments and Road Safety Audits for new developments in accordance with the requirements set out in the TII Traffic and Transport Assessment Guidelines.

- NNR 7 – Mobility Management Plans

To require mobility management plans to be submitted with applications for trip intensive developments.

Chapter 7 Infrastructure, Utilities and Environmental Protection

- WS 4 Requirement to Liaise with Irish Water – Water Supply

Ensure that new developments are adequately serviced with a suitable quantity and quality of drinking water supply and require that all new developments intending to connect to a public water supply liaise with Irish Water with regard to the water (and wastewater) infrastructure required.

- WW4 - Requirement to Liaise with Irish Water – Wastewater

Ensure that new developments will only be permitted which are adequately serviced with sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) to the public sewer unless provided for otherwise by the plan. Developers shall liaise with Irish Water with regard to the wastewater (and water) infrastructure to ensure sufficient capacity is available prior to the submission of a planning application.

Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure

- NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

This policy objectives seeks to protect and enhance designated natural heritage sites.

- NHB 2 - European Sites and Appropriate Assessment

This sees to ensure that AA is carried out in relation to works, plans and projects that may impact on European sites.

- NHB 3 - Protection of European Sites

*No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects.**

- NHB 7 – Mitigation Measures

Require mitigating measures in certain cases where it is evident that biodiversity is likely to be affected. These measures may, in association with other specified requirements, include establishment of wildlife areas/corridors/parks, hedgerow, tree planting, wildflower meadows/marshes and other areas. With regard to residential development, in certain cases, these measures may be carried out in conjunction with the provision of open space and/or play areas.

Chapter 15 Development Management Standards

- DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements

This states that in relation to qualitative assessments, the main requirements to have regard to are placemaking, masterplanning, design statements, universal access, crime prevention through design, context, design quality, built form and permeability.

- DM Standard 2: Multiple Housing Schemes (Urban Areas)

This section includes policy provisions in relation to town and village centre infill sites, opportunity sites, density and typology, building height, public open space, natural features, design innovation, landscaping, safety and security, traffic safety and management, cycling facilities, phasing of development, additional standards for residential development site boundaries, private open space, estate names and numbering, housing layout assessment, taking in charge, unfinished estates, overshadowing, bin storage and dwelling mix.

- DM Standard 33: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment

This section requires compliance with DMURS and associated TII publications and consideration of safety risk and traffic impact.

33a) requires all applications for significant development to be accompanied by a TTA, RSA and RSIA.

- DM Standard 36: Public Water Supply and Wastewater Collection

All new developments will be required to utilise and connect to the public water and wastewater network, where practicable. Applicants who need to get a new or modified connection to public water supply or wastewater collection infrastructure must liaise with Irish Water. In the first instance, the applicant should make a pre-connection enquiry to Irish Water in order to establish the feasibility of a connection in advance of seeking planning permission. Irish Water is not responsible for the management or disposal of storm water or ground waters.

- DM Standard 39: Construction and Demolition Waste

Construction and waste management plans are required for new residential development of 10 houses or more.

- DM Standard 50: Environmental Assessments

In respect of designated environmental sites, the following are required: Appropriate Assessment, Ecological Assessment and Environmental Impact Statement/Assessment.

- DM Standard 67: Sustainable Drainage Systems (SuDS)

All new developments (including amendments / extensions to existing developments) will be required to incorporate 'Sustainable Urban Drainage Systems' (SuDS) as part of the development/design proposals.

Volume 2

- Section 6.1 Headford Small Growth Town

- Residential Phase 1 is described as *"To protect, provide and improve residential amenity areas within the lifetime of this plan. To facilitate for the provision of high quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities"*.

- Section 4.5 Zoning Matrix for Small Growth Towns

- SGT 1 Residential Development Phasing

Support the development of lands designated as Residential (Phase 1) within the lifetime of the Plan, subject to normal planning, access and servicing requirements...

- SGT 2 Residential Infill Development

Within existing towns small scale limited infill housing development will be considered on appropriate sites. These infill sites shall have regard to the existing character of the street respecting the existing building line, scale, proportions, layout, heights and materials materials of surrounding

developments. The site must have a safe means of access and egress and comply with development management standards for new dwellings.

- SGT 12 High Quality, Contextually Sensitive Design

Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area.

- HSGT 2 Sustainable Residential Communities

Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities...

5.4. Section 28 Ministerial Guidelines

- 5.4.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Quality Housing for Sustainable Communities: Design Guidelines, (2007).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (the Compact Settlement Guidelines).

- 5.4.2. Other relevant national guidelines include:

- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).
- Design Manual for Urban Roads and Streets (DMURS) (2019).

5.5. Natural Heritage Designations

- 5.5.1. In relation to designated sites, the subject site is located:

- c.1.1km south-east of Lough Corrib Special Area of Conservation (SAC) (site code 000297) with no pathway in this direction but a pathway c.4km to the south.
- c.1.1km south-east of Rostaff Turlough Proposed Natural Heritage Area (PNHA) (site code 000385) with no pathway in this direction.
- c.3.6km south-east of Cloughmoyne SAC and PNHA (site code 000479) with no pathway in this direction.
- c.4km north of Lough Corrib Special Protection Area (SPA) (site code 004042) with a potential pathway in this direction.
- c.4km north of Lough Corrib PNHA (site code 000297) with a potential pathway in this direction.
- c.4.1km south-west of Lough Hacket PNHA (site code 001294) with no potential pathway in this direction.
- c.4.2km north-east of Turloughcor PNHA (site code 001788) with no pathway in this direction.

6.0 The Appeal

6.1. Grounds of Appeal

One first party appeal has been submitted on behalf of the applicant. The appeal includes revised plans which are to address the concerns raised by the P.A. The grounds of appeal can be summarised as follows:

- In relation to refusal reason no. 1, the development aligns with national policy for compact growth, density and climate action; the existing pattern of development, precedent cases and detailed assessment accord with the cited policy objectives.
- In relation to refusal reason no. 2, the revised design shows new pedestrian links to the east, south-west and to the north of the site with one house omitted and two new house types to face the link to the east. A letter of consent from the adjoining landowner to the east is also submitted. The revised proposals are supported by an outdoor lighting report and revised landscaping proposals.

- In relation to refusal reason no. 3, an Appropriate Assessment (AA) screening report and Natura Impact Statement (NIS) have been submitted. The NIS concludes that, alone or in combination with other projects, there would be no adverse effect on the integrity of the Lough Corrib SAC.
- In relation to refusal reason no. 4, a Road Safety Audit is submitted.
- In relation to refusal reason no. 5, a Confirmation of Feasibility from Uisce Éireann is submitted which is the same as that submitted by way of unsolicited further information to the Council and it confirms that a water and wastewater connection are feasible.

7.0 **Assessment**

7.1. I note the appeal relates to the 5 no. refusal reasons of the P.A. which I will assess below. For completeness, to note I have reviewed the other relevant planning issues including in relation to layout and built form, residential standards, visual and residential amenity, landscape, open space, parking and drainage and I am satisfied that the relevant Development Plan standards have been met.

7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Core Strategy
- Density.
- Design and Layout.
- Appropriate Assessment.
- Road Safety.
- Water and Wastewater Connection.
- Other Issues.

7.3. Principle of Development

- 7.3.1. The site is zoned under Objective R – Residential (Phase 1) which is to *“To protect, provide and improve residential amenity areas within the lifetime of this plan. To facilitate for the provision of high quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities”*.
- 7.3.2. Residential use (excluding apartments) is “permitted in principle” under the zoning matrix and this is subject to Policy Objective SGT 2 (residential infill development). Per the land use zoning objective for the site, I consider the principle of residential development on the site to be acceptable given the small scale of development.

7.4. Core Strategy

- 7.4.1. Per the Core Strategy of the CDP, Table 2.11 allocates 121 units to be delivered on greenfield sites based on a density of 16 units per hectare (uph). I note the proposal is effectively for 28 units per hectare. In relation to the number of units proposed, the Planner’s Report noted that this *“would not represent an in combination exceedance of the Core Strategy Allocation”* and I concur that this is the case, at present, when noting that the total unit allocation of 121 would not be exceeded as a result of the proposed development. On this basis, I consider the proposed development to be consistent with Table 2.11 and the core strategy of the CDP. I also note that this is consistent with Objective CS 2 of the CDP which seeks compact growth. Having regard to the Compact Settlement Guidelines for this type of settlement, I note that a minimum density of 25uph is effectively considered compact growth in this context.

7.5. Density

- 7.5.1. The P.A. in its first refusal reason noted issues in relation to the layout and placemaking aspects of the proposal and excessive density which would contravene a number of policy objectives of the CDP. Reference is made to the Core Strategy of the CDP and DM Standard 2 which recommends in Table 15.1 a density of 10 to 12 units per hectare. In relation to density, under DM Standard 2, the CDP states that *“Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy sets the standard density at 35 Dwellings Per Hectare. However, to achieve the aspirations of the NPF a higher density level may be applied at strategic locations with good*

access to public transport services. Higher density development will only be applied where appropriate and where a good standard of development is proposed". I note that the CDP refers to the 2009 guidelines on residential density.

- 7.5.2. I note the specific CDP density standard of 10 to 12 uph per Table 15.1 for this site. Given this density standard, I consider that a proposed density of 29 uph (or 28uph with the omission of one dwelling) would be significantly in excess of this standard such that I consider the proposed density to be a material contravention of the CDP in this regard.
- 7.5.3. The first refusal reason of the P.A. cites the excessive density in conjunction with the layout and placemaking proposals would result in an inappropriate form of development with negative impacts on visual and residential amenities that would materially contravene policy objectives PM 1 (Placemaking), PM 6 (Health and Wellbeing), PM 8 (Character and Identity), PM 10 (Design Quality) and UL 2 (Layout and Design) as well as DM Standard 1 (Qualitative Assessment-Design Quality, Guidelines and Statements) and DM Standard 2 (Multiple Housing Schemes (Urban Areas)). The reason cited for the material contravention of these policies relates to density and the resulting layout / form of development. I do agree that a material contravention arises specifically in relation to density policy as above but I note that it is not specifically stated how the listed policies are materially contravened other than in relation to excessive density.
- 7.5.4. In this context, I draw the attention of the Board to Section 37 (2)(b) of the 2000 Act as amended whereby it can grant permission where a material contravention of the Development Plan arises and where the P.A. has refused permission in relation to same. The criteria (i) to (iv) of Section 37(2)(b) are relevant and are those which a grant of permission would be required to satisfy if the Board agrees that a material contravention of the Development Plan arises in relation excessive density. In particular I draw attention to criteria (iii) where a material contravention can be granted where the Board considers that permission should be granted having regard to guidelines under Section 28 of the Planning and Development Act 2000 as amended. In this regard, the Section 28 Compact Settlement Guidelines, in relation to residential density (Table 3.6 Small / Medium Town Edge density range of 25 to 40 uph), are relevant. In line with the Section 28 guidelines, I consider that it is open to the Board to grant permission under Section 37(2)(b) of the 2000 Act as amended

despite the material contravention of the Development Plan density standards for greenfield sites in small growth towns.

- 7.5.5. While Section 3.3.4 of these Guidelines provides for densities in the range of 25uph to 40 uph (net) on the edges of small towns, in relation to rural towns and villages (<1,500 population), I note that Section 3.3.5 is non-specific in relation to a numerical recommendation but notes that “*the density of development at such locations should respond in a positive way to the established context*”. My reading of this guidance is that density should be at the lower end of the 25 to 40 uph range and should be subject to qualitative assessment in terms of refinement of the appropriate density for the site and development should be consistent with the surroundings. In this regard and in the context of the above policies, noting the below assessment in relation to design and layout and the surrounding environment, including the permitted development in the vicinity, I consider that the resulting density at the lower end of the 25 to 40uph density range is appropriate.

7.6. Design and Layout

- 7.6.1. The Planner’s Report noted specific concerns in relation to the location of units 13 and 14 in proximity to the southern site boundary and in relation to the location of a semi-detached block immediately adjacent to the boundary with Moyne Villa FC grounds to the south and east. It also notes the lack of connectivity to the east and that dwelling no. 28 to the south-west reduces pedestrian connectivity to the west. I consider these concerns to be reasonable given the importance of site permeability in urban design terms and CDP policy which seeks high quality design in this regard.
- 7.6.2. I note the revised design presented with the appeal whereby new pedestrian links to the east, south-west and to the north of the site would be provided with one house omitted and two new house types to face the link to the east. I consider this design approach preferable to the option of conditioning out one or more units from the original design as the applicant has considered the design in detail in relation to the impact of the omission of the single unit and has demonstrated that no more units need be omitted.
- 7.6.3. The design update includes House Types E and E1 to directly address the residual open space link to the east and provide passive surveillance from first floor levels. In

relation to the link to the west, I note that it can be achieved and will link with the adjacent housing development also in the applicant's ownership.

- 7.6.4. I consider that this is the best link that can reasonably be achieved in this direction from this part of the site and I am satisfied that this represents a high quality urban design response to the site and its surroundings and accords with DMURS standards. In this regard, and specifically in relation to refusal reason no. 2, I am satisfied that safe walking and cycling linkages would be encouraged to surrounding lands and with the town and that the proposed development would accord with Policy Objectives PM4 (Sustainable Movement within Towns), PM5 (Sustainable Transport), PM6 (Health and Wellbeing) and PM 12 (Permeability) of the CDP.
- 7.6.5. I also note that the public open space would be centrally located with good passive surveillance and all internal streets and spaces would be overlooked and would be enclosed by the new dwellings. To note I have also reviewed the scheme in relation to compliance with CDP standards in relation to open space and internal room sizes and I am satisfied that it exceeds the relevant standards. I note that the two storey dwellings would not be excessively scaled for the area and would integrate with same.
- 7.6.6. In relation to impacts on adjacent amenities, I note that good setbacks are proposed from the site boundaries to ensure no undue negative impacts and to not negatively impact on the development potential of adjacent sites other than in relation to unit no. 13 which would be located close to the southern boundary at the south-east end of the site.
- 7.6.7. Unit no. 13 would be located adjacent to the football club grounds including floodlit pitches. In terms of the quality of residential amenity that would be provided for the proposed dwelling in close proximity from, for example evening time games or training with floodlights including in relation to noise impact, I do not consider that this would be to a level or frequency that would merit the omission of this unit and I note the adjacent land uses would be compatible.
- 7.6.8. Noting the scale and layout of the revised development and the submitted Design Statement prepared by Tegos Architects, I am satisfied in terms of urban design and impacts on the visual and residential amenities of the area which would be acceptable noting the relevant CDP policies and objectives. Noting also Section

4.1.1.3 of the appeal (Compliance with GCDP) and refusal reason no. 1, I am satisfied that the revised design would not materially contravene policy objectives PM 1 (Placemaking), PM 6 (Health and Wellbeing), PM 8 (Character and Identity), PM 10 (Design Quality) and UL 2 (Layout and Design), which are aspirational and non-specific in relation to any threshold to breach. DM Standard 1 (Qualitative Assessment-Design Quality, Guidelines and Statements) and DM Standard 2 (Multiple Housing Schemes (Urban Areas)) are met with a sufficiently high standard of design in accordance with urban design principles including distinctive buildings, street enclosure, passive surveillance, permeability to surrounding sites and no issue in relation to material contravention of the CDP arises in this regard. These standards are aspirational and non-specific in terms of requirements in any event. I do not therefore concur with the P.A. conclusion that a material contravention arises in respect of these policies.

7.7. Appropriate Assessment

Screening

7.7.1. In screening the need for Appropriate Assessment (see Appendix 3), it was determined that the proposed development could result in significant effects on Lough Corrib SAC and Lough Corrib SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Appropriate Assessment

7.7.2. Following and examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lough Corrib SAC and Lough Corrib SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

7.7.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations the eventual contractor.

- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lough Corrib SAC and the Lough Corrib SPA.

P.A. Refusal Reason no. 3

7.7.4. Having regard to the AA Screening Report submitted at appeal stage and given I have found no significant concerns in relation to impacts on the Lough Corrib SAC and Lough Corrib SPA, I consider that P.A. refusal no. 3 is not merited. It also follows that the citing of a material contravention of Policy Objectives NHB1 (Natural Heritage and Biodiversity of Designated Sites, Habitats and Species) and NHB2 (European Sites and Appropriate Assessment) of the Development Plan is not merited. Accordingly, I recommend that the Board can grant permission for the development.

7.8. Road Safety

7.8.1. The road network for the estate would include a continuation link with the access road of the adjacent estate to the west which provides a link down to the public road to the south. I note that the development to the west from which the proposed development would be accessed was permitted on appeal (reg. ref. 20/1353 (ABP-310697-21)). Condition no. 9 of this permission required that the development be carried out in accordance with the standards and requirements of the P.A. for taking in charge.

7.8.2. Refusal reason no. 4 cited the endangerment of public safety related to the absence of a Road Safety Audit, the unsatisfactory completion of the road network in the adjoining development, pedestrian infrastructure and permeability, absence of connectivity measures with adjacent lands and the additional turning movements and potential for conflicting traffic movements to occur. The appeal includes a Stage 1 Road Safety Audit prepared by CST Group (Chartered Consulting Engineers). The appeal notes that this was not deemed to be required at application stage as no works were proposed to the existing main entrance to the site / internal access road. While I note the P.A. concerns in relation to the unsatisfactory completion of the road

network in the adjoining development, I do not consider that this constitutes grounds for refusal given that it can be remedied by enforcement by the P.A..

7.8.3. In relation to additional traffic movements from the proposed development, I note the P.A. cited potential for conflicting traffic movements to occur relating to layout restrictions. I note the marginal quantum of trips above reserve junction capacity in the PM period per the Traffic and Transportation Assessment that would be generated from a residential development of this scale and that the permitted access with the public road would be acceptable along with the route through the adjacent estate in this context. I also note the existing and planned road layout, including pedestrian provision and links, would be in accordance with DMURS standards, and that it would provide for slow traffic speeds. I am satisfied that there are no identified potential conflicting traffic movements of concern from layout restrictions for a residential development of this type.

7.8.4. The submitted audit notes two general problems and two problems at specific locations and includes recommendations to remedy these issues which I consider to be reasonable for a residential scheme of this type. Should permission be granted, I recommend the inclusion of a condition requiring the implementation of the measures recommended in the Stage 1 Road Safety Audit.

7.8.5. I note that issues in relation to site permeability have been dealt with elsewhere in this report. Therefore, I do not consider that the proposed development would endanger public safety by reason of a traffic hazard, obstruction of road users or otherwise. I consider that the proposed development would accord with policy objectives NNR 2 (Safeguard Regional and Local Roads), NNR 6 (Transport and Traffic Assessments and Road Safety Audits), NNR 7 (Mobility Management Plans) and DM Standards 28 (Sight Distances), 30 (Developments on Private Roads) and 33a (Road Safety Audit) of the CDP and that refusal reason no. 4 should be overturned.

7.9. Water and Wastewater Connection

7.9.1. Refusal reason no. 5 relates to absence of confirmation in relation to consent from Uisce Éireann to connect to the public water mains and public sewer. I note that the appeal includes a confirmation of feasibility letter dated November 2024 from Uisce Éireann in relation to such connections. This letter confirms these connections are

feasible without infrastructure upgrade. I note that the Uisce Eireann capacity register notes wastewater and water capacity for Headford. Accordingly, I consider that this reason for refusal is no longer merited, and I note that policy objectives WS4 (Requirement to Liaise with Irish Water – Water Supply), WW4 (Requirement to Liaise with Irish Water – Wastewater) and DM Standard 36 (Public Water Supply and Wastewater Collection) would not be contravened in this regard.

7.10. Other Issues

7.10.1. I note the proposed number of units is 27 such that Part V of the 2000 Act (as amended) is applicable and should permission be granted I recommend that a Part V condition be included.

7.10.2. I recommend the inclusion of a condition to restrict the first occupation of the houses to individual purchasers consistent with the Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2023).

7.10.3. The proposed development is subject to the relevant Section 48 development contribution scheme and should permission be granted I recommend the inclusion of a condition related to this matter.

8.0 EIA Screening

8.1. Forms 1 and 2 appended to this report. The proposed residential development is located within an urban area on serviced land that is zoned for residential development. Having regard to the nature, scale and design of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any direct connectivity to any ecologically sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

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 location of the subject site within an urban area, the provisions of the Galway County Development Plan 2022 – 2028, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024); the nature, scale and form of the proposed development, and pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable, would accord with the core strategy of the Development Plan, would not result in an excessive residential density, would include appropriate connectivity to adjacent sites, would not significantly impact on any European sites, would not result in a traffic hazard or excessive increase in traffic and would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be capable of being appropriately connected to the public water and wastewater network and would constitute an appropriate use and compact form of residential development for this urban location. 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, as amended by the further plans and particulars received by An Bord Pleanála on the 17th day of January 2025, 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. This permission is for a total of 27 no. houses.

Reason: in the interest of clarity.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS) submitted to An Bord Pleanála on the 17th day of January, 2025, shall be implemented.

Reason: To protect the integrity of European Sites.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and 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 within 6 months of this grant of retention permission.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS).

(b) The recommendations of the Stage 1 Road Safety Audit shall be implemented and a Stage 2 Road Safety Audit shall be submitted to and agreed in writing with the Planning Authority for its written agreement prior to commencement of development.

(c) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

(d) All roads, footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of amenity, traffic and pedestrian safety. permeability and proper planning and sustainable development.

7. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

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. All existing over ground 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 1900 Mondays to Friday 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 development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998 shall be followed. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

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

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

12. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

13. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to An Bord Pleanála on the 17th day of January, 2025. This work shall be completed before any of

the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

15. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include the mitigation measures outlined in the Preliminary CEMP submitted to An Bord Pleanála on the 17th day of January, 2025 , but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

16. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

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

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

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

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Ciarán Daly

Planning Inspector

7th May 2025

Appendix 1 – Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321704-25		
Case Reference			
Proposed Development Summary	Construction of 28 houses and all associated site works. A Natura Impact Statement (NIS) is submitted with the appeal.		
Development Address	Cúl na Coirre, Headford, Co. Galway.		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Class 10(b)(i).	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	Threshold: Construction of more than 500 dwelling units and Urban development which would involve	

		an area greater than 10 hectares in the case of other parts of a built-up area.	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	28 houses on a site area of 0.96ha	Preliminary examination required (Form 2)

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

Inspector: _____ **Date:** _____

Appendix 2 – Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321704-25
Proposed Development Summary	Construction of 28 houses and all associated site works. A Natura Impact Statement (NIS) is submitted with the appeal.
Development Address	Cúl na Coirre, Headford, Co. Galway.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Construction of 28 two storey houses within an urban area, vehicular and pedestrian entrances, and connection to public water and wastewater network.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The greenfield site within an urban location of the development is located at a significant remove from sensitive environmental receptors such as the Lough Corrib SAC and Lough Corrib SPA.</p> <p>An Appropriate Assessment has been undertaken which has determined that there would be no adverse impact on the Conservation Objectives of the relevant European sites.</p>

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).		<p>There are site boundary ditches which lead to watercourses which flow toward Lough Corrib. Mitigation measures during construction will ensure there is no potential for silt laden water or dangerous substances to reach sensitive sites. The boundary ditches will be dammed and removed. Impacts will be contained within the site with designed-in SUDS measures and any water based run-off following completion will be to the local waste water treatment network.</p> <p>The site is not suitable for wintering birds.</p>
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 is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No

There is a real likelihood of significant effects on the environment.	EIAR required.	No
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Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 – Form 3

AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of 28 houses and all associated site works. A Natura Impact Statement (NIS) is submitted with the appeal.			
Brief description of development site characteristics and potential impact mechanisms	The site consists of a greenfield site bounded by hedgerows and ditches at the urban edge of Headford town. Total site area is 0.96ha. The connection to the public water and wastewater treatment system is integral to the design. There are ditches bordering the site with potential pathways to watercourses that lead to European sites.			
Screening report	Screening for Appropriate Assessment for development at Cúl na Coirre, Church Road, Headford, Co Galway prepared by Openfield.			
Natura Impact Statement	Yes.			
Relevant submissions	None.			
<p>There are potential links to two European sites via watercourses as there are ditches bounding the site which link to the catchment of the Pollaculla River which flows c.550m to the east. This river is noted to flow towards Lough Corrib c.5km to the south. It is also noted that the River Shrile c.1.4km to the north is part of Lough Corrib SAC and this flows into Lough Corrib which is also an SPA but there is no pathway to this river. The ditch to the east, along with the hedgerow, would be removed as part of the proposed development. It is noted that the drainage ditches provide a direct hydrological pathway to the River Pollaculla which flows south to Lough Corrib SAC and Lough Corrib SPA.</p>				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model (Only potentially relevant downstream sites listed below)				
Screening Matrix				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Corrib SAC (site code 000297)	Oligotrophic waters containing very few minerals of sandy	c.1.1km	Weak potential via water channels from ditches on site	Y

	<p>plains (Littorelletalia uniflorae) [3110]. Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]. Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]. Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]. Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]. Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]. Active raised bogs [7110]. Degraded raised bogs still capable of natural regeneration [7120]. Depressions on peat substrates of the Rhynchosporion [7150]. Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]. Petrifying springs with tufa formation (Cratoneurion) [7220]. Alkaline fens [7230].</p>		<p>boundaries which link to watercourses and rivers which link to the SAC. Weak/direct potential impact to the habitat and disturbance impact during construction to aquatic species associated with the SAC due to effects on the water quality during the construction phase.</p>	
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	<p>Limestone pavements [8240].</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0].</p> <p>Bog woodland [91D0].</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029].</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092].</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096].</p> <p>Salmo salar (Salmon) [1106].</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355].</p> <p>Najas flexilis (Slender Naiad) [1833].</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216].</p>			
Lough Corrib SPA (site code 004042)	<p>Gadwall (Anas strepera) [A051].</p> <p>Shoveler (Anas clypeata) [A056].</p> <p>Pochard (Aythya ferina) [A059].</p> <p>Tufted Duck (Aythya fuligula) [A061].</p> <p>Common Scoter (Melanitta nigra) [A065].</p> <p>Hen Harrier (Circus cyaneus) [A082].</p> <p>Coot (Fulica atra) [A125].</p>	c.6km	<p>No area for wintering birds to congregate given the field in long grass is not suited to wintering birds.</p> <p>Weak potential impacts during construction on habitat via water channels from ditches on site boundaries which link to watercourses and</p>	Y

	<p>Golden Plover (Pluvialis apricaria) [A140].</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179].</p> <p>Common Gull (Larus canus) [A182].</p> <p>Common Tern (Sterna hirundo) [A193].</p> <p>Arctic Tern (Sterna paradisaea) [A194].</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395].</p> <p>Wetland and Waterbirds [A999].</p>		<p>rivers which link to the SPA.</p> <p>No potential disturbance impact during construction to the bird species associated with the SPA due to remoteness from the subject site.</p>	

Step 3. Describe the likely effects of the of the project (if any, alone or in combination) on European Sites

In the absence of mitigation, silt or pollutants may flow through local water courses to Lough Corrib SAC and Lough Corrib SPA.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Site 1: Name (code) QI list	Impacts	Effects
Lough Corrib SAC (site code 000297) and Lough Corrib SPA (site code 004042)	<p>There is a weak potential direct connection from the site which project includes connection to the public water and wastewater treatment network.</p> <p>I note that potential connections via watercourses would be the main potential pathways for impacts to the SAC and SPA.</p> <p>Potential impacts on water quality during construction stage from silt laden water</p>	<p>Deterioration of water quality can indirectly affect the conservation objectives for a number of the qualifying interests, particularly the aquatic and bird species, of the SAC and SPA respectively.</p> <p>There is potential for construction sites to the east and west to be underway at the same time as the subject development resulting in cumulative effects.</p>

	<p>from, for example disturbance of soil, and pollutants such as oil.</p> <p>There is potential for construction sites to the east and west to be underway at the same time as the subject development resulting in cumulative effects.</p> <p>At the operational phase, the SUDS measures incorporated into the design would ensure no impacts on water quality and noting that the wastewater treatment plant has ample capacity.</p> <p>Impacts cannot be ruled out during the construction phase in terms of possible habitat loss and disturbance to species.</p>	Effects on habitats and disturbance to species cannot be ruled out.
X	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on the Lough Corrib SAC and Lough Corrib SPA.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on the Lough Corrib SAC and the Lough Corrib SPA in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on:</p> <ul style="list-style-type: none">• Weak direct potential pathways to these European sites through water channels from the subject site.• The location and distance to the European sites.• The nature of the type of construction proposed and the operational characteristics of the development.		

Appendix 4 – Form 4: Appropriate Assessment and AA Determination Form

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed development of the construction of 28 houses in view of the relevant conservation objectives of **Lough Corrib SAC** (site code [000297](#)) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Openfield Ecological Services.
- Screening for Appropriate Assessment prepared by Openfield Ecological Services.
- Review of the website of the National Parks and Wildlife Service (www.npws.ie).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are Considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

No submissions or observations were received in response to the public notices in relation to the receipt of the NIS.

NAME OF SAC/ SPA (SITE CODE): Lough Corrib SAC.

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Weak/direct potential impact to the habitat and disturbance impact during construction to aquatic species associated with the Lough Corrib SAC due to effects on the water quality during the construction phase.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes relevant-summary (as)	Potential adverse effects	Mitigation measures (summary)
<ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]. • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]. • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]. • Floating river vegetation [3260] • Cladium Fens [7210] 	<p>Maintain / restore favourable conservation condition.</p>	<p>Water quality degradation and/or alteration of habitat quality could undermine conservation objectives.</p>	<p>Silt and pollution control measures. Best practice construction management measures including via the Construction and Environmental Management Plan (CEMP).</p>

<ul style="list-style-type: none"> • Alkaline fens [7230] • White-clawed Crayfish [1092] • Sea Lamprey [1095] • Brook Lamprey [1096] • Salmon [1106] • Otter [1355]. • Petrifying springs with tufa formation (Cratoneurion) [7220]. • Limestone pavements [8240]. • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]. • Bog woodland [91D0]. • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]. • Najas flexilis (Slender Naiad) [1833]. • Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]. 				
<ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates 	Not at risk.	Freshwater Pearl Mussels are noted to be located upstream of the site	N/A	

<p>(Festuco-Brometalia) (* important orchid sites) [6210].</p> <ul style="list-style-type: none"> • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]. • Active raised bogs [7110]. • Degraded raised bogs still capable of natural regeneration [7120]. • Depressions on peat substrates of the Rhynchosporion [7150]. • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]. 		and there is no pathway to terrestrial habitats (e.g. grassland or peatlands).		
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>				
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p>				

Construction Phase

Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the SAC. The NIS notes that given the potential effects to water quality during construction, that in terms of key species and key habitats, significant effects on Atlantic Salmon, Oligotrophic lakes, mixed Janjas flexilis lake and hard water lakes cannot be ruled out. The NIS states that the impact of sediment would reduce light penetration, foul the gills of animal life and fish spawning beds. It notes that hydrocarbons and concrete are toxic to aquatic life. This, in combination with other sources of sediment, could compromise the integrity of the SAC and result in a downward pressure on the status of lake habitats.

Construction impacts could temporarily affect water quality and it is noted that such deterioration can directly affect the conservation objectives of qualifying interests of the SAC. No concerns are noted in relation to flooding with the site located within Flood Zone C.

Operational Phase

In terms of water abstraction which would come from Lough Corrib, the NIS notes that the proposed development will result in a small increase in demand for drinking water and that this can affect the conservation objectives of the SAC by negatively affecting the functionality of habitats during prolonged dry periods. The NIS notes that there is no evidence of such impacts actually being experienced and that “the EPA does not highlight abstraction as among the significant pressures which are placing Lough Corrib ‘at risk’”. The effect is not considered significant in any direct or indirect manner and I concur with this assessment.

Mitigation measures and conditions

Construction Phase

Standard construction mitigation measures are proposed. Silt barriers are proposed and water leaving the site will pass through an appropriately sized silt trap or settlement pond so that only silt-free run-off will enter drainage ditches. It is proposed that the hedgerow and drainage ditch removal take place outside of bird nesting season. The ditch will also be dammed prior to works taking place. It is proposed that oils, fuels and other dangerous substances be stored in a bunded zone and that emergency contact numbers will be displayed in a prominent position in the site compound with training for site personnel. I am satisfied that these measures are robust and would prevent silt from surface water run-off entering existing watercourse. I also note that these measures will be inspected at least daily with a record kept.

Operational Phase:

Foul wastewater from the site would be connected to the mains sewer and would be treated in the Headford Municipal Wastewater Treatment Plant which has capacity

per the Uisce Eireann register. This facility is noted to be licensed by the EPA to discharge treated effluent to the River Pollacullaire.

Surface water drainage measures are designed to maintain run-off at a 'greenfield' rate. The NIS report quotes from the Civil Works Design Report prepared by Tobin which notes that stormwater will discharge via an oil/petrol interceptor into a proposed attenuation tank which will allow for such infiltration as may be possible from time to time but will hold the balance and discharge it to the surface water network and SUDS measures are also proposed. The NIS notes that SUDS measures are standard measures not included to reduce or avoid any effect to a Natura 2000 site.

The NIS notes that the wastewater treatment plant has ample capacity to treat foul water from the project. No impacts on water quality are noted during the operational phase of the project.

The NIS notes that, as a result of the distance separating the development site and the SAC there is no pathway for direct loss or indirect disturbance of habitats or species listed as qualifying interests or other semi-natural habitats that may act as ecological corridors for important species associated with them.

I am satisfied that the preventative measures outlined for the construction and operational phases are robust and would be adequate as these measures are aimed at interrupting the source-pathway-receptor, are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Should permission be granted I recommend that mitigation measures are captured in a separate planning condition dealing with same.

(ii) Disturbance of mobile species

The European site is located at a significant distance from the subject site such that no significant disturbance from human presence or machinery would arise with no works required outside the subject site.

Mitigation measures and conditions

N/A

(iii) Spread of invasive species

No issues in relation to invasive species are noted on the subject site such that there is no possibility of any issues on the site migrating via water channels to the European site.

Mitigation measures and conditions

N/A

In-combination effects

In terms of in-combination effects, noting the development at the adjacent site to the west and the proposal on the site to the east for 65 dwellings and other similar projects, the NIS notes that cumulative effects to water quality where one or more projects are underway at the same time cannot be ruled out but that the mitigation measures proposed will be sufficient to ensure no significant impacts arise.

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Lough Corrib SAC. Weak direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and oils, fuels and other dangerous substances would be stored in a bunded zone. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects, as noted above, can also be dealt with via the planned mitigation measures.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lough Corrib SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

NAME OF SAC/ SPA (SITE CODE): Lough Corrib SPA.

Summary of Key issues that could give rise to adverse effects (from screening stage):

[examples]

- (i) No area for wintering birds to congregate given the field in long grass is not suited to wintering birds.
- (ii) Weak potential indirect impacts during construction on habitat via water channels from ditches on site boundaries which link to watercourses and rivers which link to the SPA.

Qualifying Interest features likely to be affected	Conservation Objectives Targets attributes relevant-summary and (as	Potential adverse effects	Mitigation measures (summary)
<ul style="list-style-type: none"> Gadwall (<i>Anas strepera</i>) [A051] Shoveler (<i>Anas clypeata</i>) [A056] Pochard (<i>Aythya ferina</i>) [A059] Tufted Duck (<i>Aythya fuligula</i>) [A061] Common Scoter (<i>Melanitta nigra</i>) [A065] Hen Harrier (<i>Circus cyaneus</i>) [A082] 	Maintain / restore favourable conservation condition.	Water quality degradation and/or alteration of habitat quality could undermine conservation objectives.	Silt and pollution control measures. Best practice construction management measures including via the Construction and Environmental Management Plan (CEMP).

<ul style="list-style-type: none"> • Coot (<i>Fulica atra</i>) [A125] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] • Wetland and Waterbirds [A999] 			

The above table is based on the documentation and information provided on the file and while I note the NIS excludes potential impacts on the qualifying interests and conservation objectives of the Lough Corrib SPA, I am satisfied that the submitted NIS has identified the relevant water based impacts that could impact on the attributes and targets of the Qualifying Interests.

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Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

Construction Phase

Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the SPA. The NIS notes that given the potential effects to water quality during construction, that in terms of key species and key habitats, significant effects on Atlantic Salmon, Oligotrophic lakes, mixed Janjas flexilis lake and hard water lakes cannot be ruled out. While these species and habitats of the SAC are not directly applicable to the SPA, I note that the effect of silt laden water on the key species and habitats of the SPA, significant effects cannot be ruled out. The NIS states that the impact of sediment would reduce light penetration, foul the gills of animal life and fish spawning beds. It notes that hydrocarbons and concrete are toxic to aquatic life. While aquatic species are not a concern in relation to the SPA, I note significant impacts could arise on the wetland and waterbirds and on the protected bird species of the SPA. This, in combination with other sources of sediment, could compromise the integrity of the SPA and result in a downward pressure on the status of lake habitats.

Construction impacts could temporarily affect water quality and I note that such deterioration can directly affect the conservation objectives of qualifying interests of the SPA. No concerns are noted in relation to flooding with the site located within Flood Zone C.

Operational Phase

In terms of water abstraction which would come from Lough Corrib, the NIS notes that the proposed development will result in a small increase in demand for drinking water and I consider that this could affect the conservation objectives of the SPA by negatively affecting the functionality of habitats during prolonged dry periods. The NIS notes that there is no evidence of such impacts actually being experienced and that “the EPA does not highlight abstraction as among the significant pressures which are placing Lough Corrib ‘at risk’”. The effect is not considered significant in any direct or indirect manner and I consider this assessment can be applied to the SPA.

Mitigation measures and conditions

Construction Phase

Standard construction mitigation measures are proposed. Silt barriers are proposed and water leaving the site will pass through an appropriately sized silt trap or settlement pond so that only silt-free run-off will enter drainage ditches. It is proposed that the hedgerow and drainage ditch removal take place outside of bird nesting season. The ditch will also be dammed prior to works taking place. It is proposed that oils, fuels and other dangerous substances be stored in a bunded zone and that emergency contact numbers will be displayed in a prominent position in the site compound with training for site personnel. I am satisfied that these measures are robust and would prevent silt from surface water run-off entering existing watercourse. I also note that these measures will be inspected at least daily with a record kept.

Operational Phase:

Foul wastewater from the site would be connected to the mains sewer and would be treated in the Headford Municipal Wastewater Treatment Plant. This facility is noted to be licensed by the EPA to discharge treated effluent to the River Pollacullaire.

Surface water drainage measures are designed to maintain run-off at a 'greenfield' rate. The NIS report quotes from the Civil Works Design Report prepared by Tobin which notes that stormwater will discharge via an oil/petrol interceptor into a proposed attenuation tank which will allow for such infiltration as may be possible from time to time but will hold the balance and discharge it to the surface water network and SUDS measures are also proposed. The NIS notes that SUDS measures are standard measures not included to reduce or avoid any effect to a Natura 2000 site.

The NIS notes that the wastewater treatment plant has ample capacity to treat foul water from the project. No impacts on water quality are noted during the operational phase of the project.

The NIS notes that, as a result of the distance separating the development site and the SPA there is no pathway for direct loss or indirect disturbance of habitats or species listed as qualifying interests or other semi-natural habitats that may act as ecological corridors for important species associated with them.

I am satisfied that the preventative measures outlined for the construction and operational phases are robust and would be adequate as these measures are aimed at interrupting the source-pathway-receptor, are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Should permission be granted I recommend that mitigation measures are captured in a separate planning condition dealing with same.

(ii) Disturbance of mobile species

The European site is located at a significant distance from the subject site such that no disturbance from human presence or machinery would arise with no works required outside the subject site.

Mitigation measures and conditions

N/A

(iii) Spread of invasive species

No issues in relation to invasive species are noted on the subject site such that there is no possibility of any issues on the site migrating via water channels to the European site.

Mitigation measures and conditions

N/A

In-combination effects

In terms of in-combination effects, noting the development at the adjacent site to the west and the proposal on the site to the east for 65 dwellings and other similar projects, the NIS notes that cumulative effects to water quality where one or more projects are underway at the same time cannot be ruled out but that the mitigation measures proposed will be sufficient to ensure no significant impacts arise.

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Lough Corrib SPA. Weak direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and oils, fuels and other dangerous substances would be stored in a bunded zone. I am satisfied that the

mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects, as noted above, can also be dealt with via the planned mitigation measures.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lough Corrib SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lough Corrib SAC and Lough Corrib SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following and examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lough Corrib SAC and Lough Corrib SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations the eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lough Corrib SAC and the Lough Corrib SPA.