



An
Bord
Pleanála

Inspector's Report

ABP-321727-25

Development	Construction of 16 residential units and 4 retail units together with all associated site works.
Location	Innplot, Oranmore, County Galway
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	2461432
Applicant(s)	George McGrath.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	George McGrath.
Observer(s)	An Taisce.
Date of Site Inspection	3 rd April 2025.
Inspector	Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.0.3ha, is situated on the eastern side of Main Street, Oranmore, Co. Galway. Oranmore is located approximately c.10.4km to the east of Galway City Centre.
- 1.2. The subject site currently comprises of 2 no. two storey derelict buildings which address Main Street and both appear to have once been in residential use. The building to the north-east forms part of a terrace of buildings which the building on the south of the boundary is detached.
- 1.3. The rear portion of the subject site remains undeveloped and is relatively flat in nature rising slightly from the road to the east. The eastern boundary of the site is shared with the Oran Beg stream.

2.0 Proposed Development

2.1. *Proposal Submitted to the Planning Authority*

- 2.1.1. Permission is sought for a mixed-use development of apartments, duplex units and 4 no. retail units on a site of 3090m² / 0.30 hectares. The works proposed include for the demolition of two existing derelict two storey residential dwellings that front on to Oranmore Mainstreet which have a total area of 290m².
- 2.1.2. The development comprises of the construction of 4 no. 3 storey blocks denoted A,B,C and D and provide for 16 no. residential units (6 no. apartment units, 10 no. duplex units) and 4 no. commercial units. The total floor area of apartment and duplex development is 1182.6m² and the total floor area of commercial development is 298.9 m².
- 2.1.3. Block A comprises of 6 no. residential dwellings - 3 no. two bedroom apartments on the ground floor, 3 no. three bedroom duplex units on the first and second floor. The total floor area of apartment and duplex development is 562.8m².
- 2.1.4. Block B comprises of 6 no. residential dwellings - 3 no. two bedroom apartment units on the ground floor, 3 no. three bedroom Duplex units on the first and second floor. The total floor area of apartment and duplex development is 562.8m².

- 2.1.5. Block A and Block B are identical in form and design and are finished with a ridge level of c.10.4m and finished with a mix of tope and dark brick. These 2 no. blocks are located on the rear section of the site with Block B being set c. 1.2m from the southern boundary of the site. Block A is set 1m from the northern boundary of the site. The rear elevation of both Block A and Block B are set 19m from the rear (eastern) boundary of the site.
- 2.1.6. Block C comprises 2 no. commercial units on the ground floor and 2 no. three bedroom duplex units on the first and second floor. The total floor area of the duplex development is 245.8 m² and the total floor area of commercial development is 144.2 m². Block C has a maximum ridge level of 10.4m and is set on the northern boundary of the site. The front elevation of the proposed block is stepped in nature has a minimum set back of c.4.398 m which increases by c.7.392m from the front (western) boundary of the site.
- 2.1.7. Block D comprises 2 no. commercial units on the ground floor and 2 no. three bedroom duplex units on the first and second floor. The total floor area of the duplex development is 245.8 m² and the total floor area of commercial development is 154.7 m². Block D is set on the southern boundary of the site and set back c.3.48m from the front (western) boundary of the site.
- 2.1.8. Access is proposed to be provided from a revised vehicular site entrance from Main Street Oranmore.
- 2.1.9. Permission is also sought for the following:
- New Footpath and Cycleways to be provided at the entrance to the site.
 - 16 no. Car parking spaces, 42 no. bicycle parking spaces for residents and provision for 10 no. visitor bicycle parking spaces.
 - All ancillary site development works to include landscaped public open spaces approximately 15 ha or 48.8% of the overall site area.
 - Construction of a overflow surface water pipe which connects to the Oran Beg Stream.
 - Private 208.4m²/ Communal open space approximately 1300m² .013ha of the overall site area.

- Internal roads and footpaths, foul and surface water drainage, site lighting, boundary treatments, and
- refuse storage located to the south of block D.

2.2. *Amended Scheme*

- 2.2.1. The 1st party appeal has been accompanied by an amended proposal which pertains solely to Block C and Block D which address Main Street. The design of the blocks have been amended so that the roof profiles are now proposed as mono-pitched. The flat roof section of proposed Block C, where it adjoins the existing building to the north, now has a ridge level of c.7.9m and increasing to a maximum of c.11.75m.
- 2.2.2. Block D has been amended to mirror block c having a ridge level of c. 9.5m along the flat roof section increasing to a maximum of c.11.75m. Block D has been set back approximately 1.5m in to the site while block c has remained in the same location.
- 2.2.3. Block C now provides for 1 no. 2 bed apartment and 1 no. 3 bed apartment unit with 2 no retail units at ground floor. Block D now provides for 2 no. 3 bed duplex units and 2 no. retail units at ground floor. As such the units numbers proposed remain unchanged.

3.0 **Planning Authority Decision**

3.1. **Decision**

Galway County Council Refused permission on the 17th of December 2024 for the following 7 no. reasons:

1. The Planning Authority has serious concerns that the development as proposed is an overdevelopment of the site by reason of density, bulk and overall massing which would negatively impact the visual and residential amenities of the local area. The site occupies a prominent location in Oranmore where the proposed development does not satisfactorily relate to either its adjoining context or the surrounding development. The development as proposed is considered contrary to the Core Strategy of the Galway County Development Plan 2022-2028 with a proposed density that significantly exceeds that as set out in DM Standard 2. Accordingly, to grant the proposed development would be detrimental to the character of the area

and would contravene materially policy objectives PM 1, PM 8, PM 10, and UL2, as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028, it would detract from the visual and residential amenity of the area, as well as setting an undesirable precedent for similar future development, and therefore would be contrary to the proper planning and sustainable development of the area.

2. Blocks A and B of the proposed development are located on (OS) Open Space and Recreation & Amenity zoned lands in the settlement of Oranmore as set out in the Metropolitan Area Strategic Plan which forms part of Volume II of the Galway County Development Plan 2022-2028 and where Residential development is 'Not Normally Permitted' on (OS) zoned lands. Having regard to this zoning and to the specific criteria set out under land use zoning Objective GCMA 23 of Metropolitan Strategic Area Plan, it is considered that the proposed development would materially contravene Land Use Zoning Objective GCMA 23 which forms part of Volume II of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
3. The applicant has failed to address the impact that the proposed site access would have on the public road in particular, the resultant loss of on street parking spaces, signage, street trees, and, similarly, alterations required to the public footpath to accommodate the development, which lie on lands outside of the planning boundary. With regard to policy Objectives NNR 2 , NNR 3 and DM standard 28, 33a of County Development Plan 2022-2028, the proposed site entrance on the public road as for the reasons aforementioned, is deemed unsatisfactory due to insufficient sightlines in relation to entry and exit turning movements. Therefore, it is considered that if permitted as proposed, the development would endanger public safety of traffic hazard, obstruction of road users or otherwise.
4. It is considered, the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at a point where the proposed site entrance on to the road network is deemed unsatisfactory, owing to the restricted forward sight distances available at the road frontage in both directions, precluding the provision, and maintenance of, a safe and satisfactory means of vehicular access whilst such control of visibility splays are outside the control of the applicant. Furthermore,

having regard to the restricted nature of the site layout in the context of vehicular manoeuvrability whereby increased vehicular turning movements will be generated by the development, and in the absence of satisfactory demonstration with any supporting auto tracking analysis including fire and refuse and vehicular turning faculties, whilst coupled with the unsatisfactory demonstration pertaining to identified Road Safety Audit problems concerns and the apparent lack of on site and tie in permeability measures in relation to pedestrian/active travel multi modal movements from the development to Oranmore. Accordingly, the potential exists for conflicting turning movements to potentially occur due to the proximal of the junction with the public road, thus increasing road safety hazards particularly for vulnerable road users. It is therefore considered that the proposed development would interfere with the safety and free flow of traffic and endanger public safety by reason of traffic hazard, obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.

5. The subject site is located within proximity to the Galway Bay Complex SAC and Inner Galway Bay SPA. Having regard to the proximity of the site to these European sites, which have a direct hydrological link with the proposed development, the absence of a Natura Impact Assessment for the proposed development and the absence of mitigation measures to protect European sites from potential impacts arising from the proposed development, the planning authority consider that likely significant effects on the Galway Bay Complex SAC and Inner Galway Bay SPA arising from the proposed development cannot be ruled out. Therefore, the planning authority cannot be satisfied that the proposal will not adversely affect the integrity of European sites in view of their conservation objectives. Therefore, if permitted as proposed, the development has the potential to adversely affect the qualifying interests and conservation objectives of protected European sites for flora and fauna and would materially contravene Policy Objectives NHB1, NHB 2 and NHB3 of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
6. Having regard to the location of the subject site within the ACA of Oranmore, the proposal by reason of the proposed demolition of two dwelling houses and loss of streetscape which reflects the historical context of Oranmore village. The proposed development would adversely impact on the essential character of the ACA and

therefore if permitted as proposed, it is considered that the development would have a significant adverse visual impact at this location, which would fail to appropriately fit into or integrate effectively into this sensitive area and would also materially contravene Objective AH 4 of the Galway County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

7. In the absence of any details submitted on file from Irish Water relating to consent to connect to the public waste and water infrastructure to serve the proposed development, it is considered that the development if permitted as proposed, would be contrary to Policy Objective WS4 and DM Standard 36 of the Galway County Development Plan, 2022-2028, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Authority sets out details of the site location, the proposed development, planning history, submissions from internal and external consultees, third party submissions and all relevant local, national and regional planning policy. The assessment includes consideration of Appropriate Assessment and EIA Screening.

The report noted significant concerns over the land use zoning pertaining to the subject site, proposed layout which was considered to be incongruous with the streetscape, the density which exceeded the core strategy, the lack of detail regarding the proposed connection to the public mains, the location of the site within a ACA, that the proposal would give rise to a traffic hazard and the likely significant effects on the Galway Bay Complex SAC and Inner Galway Bay SPA arising from the proposed development. As such, the report concluded by recommending that permission be refused in line with the decision issues by the Planning Authority.

3.2.2. Other Technical Reports

Roads Department: Report dated 13th December 2024 recommends that permission be refused on foot of a traffic hazard.

Conservation Officer: Report dated 13th December 2024 notes concern over the design idiom and states that the proposal should therefore be refused in like of the ACA designation.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – Report dated the 11th November 2024 and requests the Planning Authority to consider the provisions of official policy for development proposal.

An Taisce – Report dated 27th November 2024 and considers that the following:

- Applicant should have provided public viewing details of correspondence with Uisce Eireann in relation to capacity and connection agreement
- Notes the location of the site within the Village ACA and proximity to lands subject to combinations of high tide, high rainfall and storm flooding – warrants a more comprehensive flood risk assessment.
- Flood Risk Assessment submitted fails to include scenarios where a low-pressure storm was to river at the same time as a high tide and after a period of sustained high rainfall. OS Land Use Zoning – should this not be rectified by way of statutory amendment.
- ORS road safety audit indicates a number of issues to be overcome.
- Blocks C & D are overbearing and not in sympathy with ACA.

3.4. Third Party Observations

One submission was received by the Planning Authority and is summarised as follows:

- Overall in favour of this development.
- Oran beg Stream located to the rear of site – important for Salmon and Trout spawning and home to red and amber listed animals, fish, and birds
- EclA – number of discrepancies listed.
- Landscape plan lacking in detail.

- Overflow pipe directly into the Oran Beg stream at the rear of the site is of concern.
- No dedicated bat survey has been submitted.

4.0 Planning History

PA Ref 08/1085	Permission sought to demolish 2 no. existing two storey dwelling/houses; construct three no. 3 storey commercial units; provide a new vehicular site entrance; provide 47 no. on-site car parking spaces, refuse storage areas and all associated site works and services (Gross floor area 1521.6sqm). Application was withdrawn.
PA Ref 07/1570	<p>Permission REFUSED to (1) demolish 2 no. existing two storey houses (2) construction of a) a new three storey mixed use development with basement, carparking and refuse storage areas to basement b) 5 no. retail units and 5 no. apartments to the ground floor level c) 6 no. offices, 2 no. apartments and 4 no. townhouses to the first floor level d) 7 no. apartments to the second floor e) public roof terraces to the third floor level (3) associated site works and services (4) with new site entrance (Gross floor area 5057.3 sqm) . Permission was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. Visually dominant and obtrusive. 2. Materially contravene objective ACAI of the Oranmore LAP which sought to protect the existing street scape setting of the ACA. 3. Overdevelopment of the subject site and would be seriously injurious to the residential amenity in the vicinity.
PA Ref 03/4720	Permission REFUSED to demolish house and construct 2 no commercial units with 2 no offices over and 8 no apartments in 3 storey block to rear - Refused

5.0 Policy Context

5.1. National Planning Framework

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure, in particular to higher functioning towns such as Thurles. NPOs for appropriately located and scaled residential growth include:

- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements;
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being; and
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2. Housing for All - a New Housing Plan for Ireland (September 2021)'.

This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes: - To purchase or rent at an affordable price, - Built to a high standard in the right place, - Offering a high quality of life.

5.3. Section 28 Ministerial Planning Guidelines.

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below (listed chronologically).

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

According to the results from the 2022 Census, Oranmore has a population of 5,189 people and is identified within the Galway County Development Plan 2022-2028 as being part of the Metropolitan Area Strategic Plan (MASP). As such in accordance with Table 3.3 of the guidelines which identifies areas and density ranges for Metropolitan Towns and Villages sites should aim to achieve a density of 50-150 units per hectare (net).

Development standards for housing are set out in Chapter 5, including:

1. SPPR 1 in relation to separation distances (16 m above ground floor level),
2. SPPR 2 in relation to private open space (2-bed 30 m²; 3-bed 40 m²; 4+bed 50 m²),
3. SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations) and
4. SPPR 4 in relation to cycle parking and storage.

Section 4.4 of the Guidelines set out Key Indicators of Quality Design and Placemaking. It considers that achieving quality urban design and creating a sense of place is contingent on the provision of an authentic identity that is specific to the settlement, neighbourhood or site in question. Section 4.4 (V) relates to responsive built form.

Policy and Objective 4.2 states that it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications

Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a min. of 15% of the net site area save in exceptional circumstances.

Sites with significant heritage or landscape features may require a higher proportion of open space.

- Quality Housing for Sustainable Communities – Best Practice Guidelines 2007.
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021); and
- Design Manual for Urban Roads and Streets, 2013, update May 2019 (DMURS).

5.4. Regional Planning Policy

5.4.1. Regional Spatial and Economic Strategy for the North-West

The Regional Spatial and Economic Strategy (RSES) for the North-West Region, 2020- 2032 identifies that the vision for Galway is that it will be a leading European city renowned for its quality of life, its history, its culture and its people. It is and will be a place that embraces modern technologies, high standards of education, competitive and sustainable enterprises. It states that Galway's Metropolitan Area has a considerable land capacity that can significantly contribute to meeting the housing demands based on population targets set out in the NPF and the RSES.

The population of Galway MASP is estimated to grow by 27,500 to 2026 and by a further 14,500 to 2031 with the population of the city and suburbs accommodating 23,000 to 2026 and a further 12,000 to 2031. Its aim is to deliver at least half (50%) of all new homes that are targeted within the MASP to be within the existing built-up footprint.

5.5. Climate Action Plan 2025

The 2025 Climate Action Plan builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

The 2025 Plan provides a roadmap to deliver on Ireland's climate ambition.

The expected outcome of the 2025 plan seek for the continued cross-organisational cooperation which will help to deliver Irelands climate goals and Improved monitoring and reporting structures (a lower number of high impact actions) should help streamline the reporting process and make it easier to identify challenges as they arise

5.6. National Biodiversity Plan 2023-2030

The National Biodiversity Plan sets the national biodiversity agenda for the period 2023-2030. The plan strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

The plan has identified 5 objectives which include for:

1. Adopt a Whole-of Government Whole-of-Society Approach to Biodiversity;
2. Meet Urgent Conservation and Restoration Needs;
3. Secure Nature’s Contribution to People
4. Enhance the Evidence Base for Action on Biodiversity; and
5. Strengthen Ireland’s Contribution to International Biodiversity Initiatives.

5.7. Local Planning Policy

5.7.1. Galway County Development Plan 2022-2028

Oranmore town is located within the Metropolitan Area of County Galway and section 2 of Volume 2 of the County Development Plan and specifically the Oranmore Metropolitan Settlement Plan – OMSP refers.

The site has 2 no. zoning objectives pertaining to it. The front portion of the site is zoned under objective C1 – Town Centre which seeks “*to protect, provide and improve residential amenity and appropriate commercial developments within key town centre sites within the lifetime of this plan*”. The rear of the site is zoned under objective OS-

Open Space/Recreation and Amenity which seeks *“to protect and enhance existing open space and provide for recreational and amenity space”*.

With regard to apartment units they area listed as open for consideration subject to policy Objective GCMA and Retail is also open for consideration under the Town Centre Zoning Objective. Both retail and apartment units are not permitted under the Open Space Zoning Objective.

5.7.2. Relevant policy objectives of the OMSP include:

GCMA 1 – Residential Development

Support the development of lands designated as Residential (Phase 1) within the lifetime of the County Development Plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer term growth needs of the area. Residential (Phase 2) lands are generally not developable within the lifetime of this Plan, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of this County Development Plan subject to a suitable case being made for the proposal:

1. Single house developments for family members on family owned lands.
2. Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area.
3. Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands.

The above exceptions will be subject to compliance with the Core Strategy in the County Development Plan, the Policy Objectives in this Metropolitan Plan, the principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. Developments will only be permitted where a substantiated case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of this metropolitan area.

GCMA 2 - Town Centre Development

The Town Centres (TC) in the MASP area will remain the primary focus for the location of new retail and commercial development where the re-use of existing buildings on the existing commercial streets will be encouraged in the first instance. The Planning Authority will ensure that the location of future retail development is consistent with the key policy principles and order of priority, as set out under Section 4.4 to 4.6 of the Guidelines for Planning Authorities Retail Planning 2012 (and any updated/superseding document) and will require Retail Impact Assessments, including details of the sequential approach and Design Statements for retail developments in accordance with the Retail Planning Guidelines.

GCMA 3 - Commercial/Mixed Use Development

To provide for the development of commercial and complementary mixed uses, on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods/areas and opportunities for commercial enterprises, retail developments and employment creation with an element of residential use where appropriate.

GCMA 4 - Town Centre Infill Residential Development

To provide for the development of residential development on lands in the Town Centres including infill sites paying attention to the appropriate density levels that can be accommodated along with access to public and social infrastructure.

GCMA 5 - Town Centre Uses

Protect and enhance the vitality and viability of town centres by ensuring that they remain the primary retail, commercial and mixed use centre and prohibit a proliferation of any individual use or other uses, which in the opinion of the Planning Authority do not contribute to the vitality and viability of the town centres.

GCMA 13- Open Space, Recreation and Amenity

Promote the sustainable management, use and/or development, as appropriate, of the Open Space lands within the MASP area.

This will include:

- a) Development of open spaces and recreational activities, in accordance with best practice and on suitable lands with adequate access to the local community and retain existing open space and recreational facilities, unless it

can be clearly demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community.

- b) Appropriate management and use of any flood risk areas within the OS zone to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding.
- c) Appropriate management and use of any areas of high biodiversity value.

GCMA 23 - Land Use Zoning Matrix

Direct different land uses into the appropriate land use zone/s in accordance with the land use zoning objectives and the land use zoning matrix overleaf. Ensure that proposed land uses within Baile Chláir, Bearnna and Oranmore and the Urban Framework Plans for Briarhill and Garraun are compatible with existing land uses and in keeping with the character of the area.

- 5.7.3. The provisions of the Galway County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy

Chapter 3 Placemaking Urban Regeneration and Urban Living

Chapter 5 Economic Development, Enterprise and Retail Development

Chapter 7 Infrastructure, Utilities and Environmental Protection

Chapter 8 Tourism and Landscape

- Section 8.13 – Landscape

Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure

- Section 10.6 Natural Heritage and Biodiversity
- Section 10.15 Green and Blue Infrastructure

Chapter 11 Community Development and Social Infrastructure

Chapter 12 Architectural, Archaeological and Cultural Heritage

Chapter 14 Climate Change, Energy and Renewable Resources

- Section 14.4 Climate Change Adaptation and Mitigation
- Section 14.6 Flooding

Chapter 15 – Development Management

5.7.4. Relevant Policy and Objectives include:

- 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 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
- DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements
- DM Standard 2: Multiple Housing Schemes (Urban Areas)
- DM Standard 29: Building Lines

A setback of buildings is required in the interests of residential amenity, rural amenity, public safety and to allow for any future road widening or realignment. In general, the following minimum building lines are necessary for the various routes: b)

National Primary and Secondary Routes 35 metres from the existing or proposed realigned carriageway surface edge and former national routes which are now classified as regional routes.

- ILUTP 1 Sustainable Transportation

Encourage transition towards sustainable and low carbon transport modes, through the promotion of alternative modes of transport, and 'walkable communities' and Active Travel, together with promotion of compact urban forms close to public transport corridors to encourage more sustainable patterns of movement.

- WC 1 Pedestrian and Cycling Infrastructure

To require the design of pedestrian and cycling infrastructure to be in accordance with the principles, approaches and standards set out in the National Cycle Manual and the Design Manual for Urban Roads and Streets, TII Publications, 'The Treatment of Transition Zones to Towns and Villages on National Roads', and the NTA document Permeability: Best Practice Guide.

- WC 3 – Sustainable Transport Movement – To require sustainable transport movement and good permeability to be given priority at the earliest design stage of development proposals.

- NR 1 – Protection of Strategic Roads – To protect the strategic transport function of national roads and associated national road junctions, including motorways through the implementation of the 'Spatial Planning and National Roads Guidelines for Planning Authorities' DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

- UL5 – Open Space – To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area.

- NP 1 Galway County Council Noise Action Plan 2019-2023 – To implement the Galway County Council Noise Action Plan 2019-2023 (and any subsequent Plan) in order to avoid, prevent and reduce the harmful effects, including annoyance, due to environmental noise exposure.

- NP 2 Developments within Noise Maps (Noise Action Plan 2019-2023) – To require that where new developments are proposed within the noise limits of the

noise maps for the designated sections of roads in the County, appropriate mitigation measures are undertaken so as to prevent harmful effects from environmental noise. NP 5 Noise Mitigation Measures – Require activities likely to give rise to excessive noise to install noise mitigation measures and monitors. The provision of a noise audit may be required where appropriate.

5.8. Natural Heritage Designations

The site is not located within or directly adjacent to any Natura 2000 sites. The Galway Bay Complex SAC (site code 000268) is located c.54 metres to the west and c.729 metres to the east. The Inner Galway Bay SPA (Site Code 004031) is located c.221 metres to the west. The Cregganna Marsh SPA is located c.1.67 metres to the south.

6.0 EIA Screening

- 6.1. The scale of the proposed development is under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required, appendix 1 and appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal against the decision by Galway County Council to refuse permission. The grounds of appeal are as follows:

Response to refusal reason 1 – Density

- Core Strategy table – assumed density of 30 dwellings per unit seems very low for a town within the Metropolitan Area in view of national guidelines.
- MASP was introduced via the NPF – strategic locations identified to deliver housing. Oranmore was identified as one.

- MASP densities will vary across area – Compact guidelines identify 50-150 unit per ha densities should be applied in centre and in urban neighbourhoods.
- Density of 30-35 units per/ha not in line with National Planning Policy.

Response to refusal reason 2 – Zoning

- Correct to say that on zoning map rear section of site is zoned under OS-Open Space.
- The Planning Authority acknowledged the zoning as incorrect and a mapping error at a Council Meeting in 2022 (Minutes attached to appeal).
- Open Space zoning should not apply – clear from conflicting policy statements:
 - Objective OMSP12 – relates to open space land in Oranmore.
 - Objective GCMA23 – relates to appropriate land use.
- Site is not existing open space - forms part of a private plot of land. No other private land holding in Oranmore zoned for OS-Open Space.
- All other open space lands open to the Public.
- An Bord Pleanála entitled to contravene zoning objective having regard to the conflicting policies in the Galway Development Plan 2022-2028 under Section 37 (2)(b) of the Planning and Development Act 2000 (as amended).

Response to refusal reason 3 – Traffic Hazard (sightlines)

- Refusal reason does not specify what sightlines are required.
- Transport Impact Assessment submitted:
 - Demonstrates sightlines to the south are available at 49m in accordance with DMURS.
 - Recognised that sightlines to the north are impeded by on street car parking and street trees.
 - Proposing to replace on street parking with bike parking area – agreed with transportation department and letter of consent from Galway County Council submitted.

- Subject street tree has been removed since refusal was issued.
- Works referenced in refusal (outside of the red line) were all set out on the site layout plan.
 - Letter of consent from Galway County Council indicates that works proposed outside red line have been agreed and consented to.

Response to refusal reason 4 – Traffic Hazard (Road Safety Audit)

- All issues raised in stage 1 have been addressed by the design team.
- Conflicting turning movements and lack of permeability – raised in the audit and recommendation 5 and recommendation 6 overcome these concerns.
- All recommendations of the audit have been accepted by the applicant and will be implemented.
- Refusal is not justified on that basis – all issues raised in the Road Safety Audit can be readily accommodated in site layout.

Response to refusal reason 5 –Appropriate Assessment

- Screening submitted notes that any surface water will likely be low enough of a dissociating effect that negative impacts on source pathway receptors would be negligible.
 - Proposal will utilise existing drainage network.
 - Best practice measures to protect water course will be employed.
- Overflow Pipe concerns:
 - This consideration has been reviewed by author of AA Screening.
 - No site-specific mitigation measures were assessed to be necessary to the integrity of the nearby watercourse or the nearby SAC and SPA – concluded that there was no need for a Stage 2.

Response to refusal reason 6 – Architectural Conservation Area

- Building survey was undertaken – results were set out in the design statement submitted.
 - Findings demonstrated that retention is not feasible.

- The removal of both buildings creates a site with a street frontage of 33m – allowing for a contemporary design.
- ACA Designation is applied to the majority of Oranmore.
 - There are a number of contemporary insertions within the ACA.
 - Proposal fills a gap in the streetscape.
- An amended scheme has been submitted with the 1st part appeal for the consideration of the Board.
 - Reduced height of the proposed building where the proposed development adjoins existing buildings in the streetscape.
 - Provides for an increased setback from the streetscape providing for an improved streetscape.

Response to refusal reason 7 – Water Services.

An Amended engineers report to address the reason for refusal submitted.

- A pre-connection enquiry was submitted to Uisce Eireann on the 29th April 2024 with no response received.
- Existing foul sewer pipe transversing the site can serve the proposed development.
- Uisce Eireann have upgraded their services in Oranmore in terms of water supply and wastewater in recent years.

7.2. Planning Authority Response

None received.

7.3. Observations

An observation was received from An Taisce. Concerns raised are as follows:

- Significant problem with very frequent discharge of untreated wastewater – through stormwater overflow – into the estuary of the Carrowmoneach River which flows into Oranmore Bay.

- These discharges are coming from Oranmore Pumping stations – any further connection to the pumping station will only exasperate the overflow problems.
- The statement by the applicant that the proposal will connect to the public mains does not overcome the reason for refusal as the applicant has not demonstrated that a connection agreement with Uisce Eireann is feasible.
- Uisce Eireann has submitted to the Planning Authority evidence that further connections in Oranmore may not be feasible – this related to ABP-320864. In the event permission is granted there is no certainty as to when it can be connected to the mains.
- In light of no agreement from Uisce Eireann development should not be permitted.

8.0 **Assessment**

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

- Principle of Development.
- Material Contravention.
- Density.
- Traffic Issues.
- Appropriate Assessment Screening.
- Architectural Conservation Area.
- Public Health.

8.1. **Principle of Development.**

- 8.1.1. The subject site is located along Mian Street Oranmore, Co. Galway. There are 2 no. zoning objectives pertaining to the subject site as presented on the Oranmore Land Use Zoning Map contained within Volume 2 of the Galway County Development Plan 2022-2028. The front portion of the site, where is addresses Main Street, is zoned

under objective C1 - Town Centre which seeks to *“protect, provide and improve residential amenity and appropriate commercial developments within key town centre sites within the lifetime of this plan”*. The remainder of the site is zoned under OS – Open Space/Recreation and Amenity which seeks *“to protect and enhance existing open space and provide for recreational and amenity space”*.

- 8.1.2. The applicant is seeking permission for the provision of 16 no. residential dwellings and 4 no. commercial units. The development has been arranged in 4 no. blocks with block A and B located within the OS-zoned lands and block c and d located within the C1- Lands. Block A and B comprise solely of residential units while block C and D provide for retail units at ground floor with residential above.
- 8.1.3. Section 1.10.2 of Volume 2 of the Galway County Development Plan 2022-2028 sets out the land use zoning matrix for the Metropolitan Area. I note that residential use is listed as being ‘not normally permitted’ under the OS-Open Space objective. Both residential and retail are listed as being permitted under the C1- Town Centre objective.
- 8.1.4. The County Development Plan states with regard to ‘not normally permitted’ – *‘A use that is classified as Not Normally Permitted is one that, except in exceptional circumstances, will not be permitted by the Local Authority. This may be due to its perceived effect on existing and permitted uses, its incompatibility with the policies, objectives, standards and requirements contained in this plan or the fact that it may be inconsistent with the proper planning and sustainable development of the area.’*
- 8.1.5. The appellant states that it is correct to say that the rear section of the subject site is zoned under OS-Open Space on the zoning map within the County Plan. However, it is contended that the Planning Authority acknowledged that the zoning was incorrect, and a mapping error had occurred at a Council Meeting on the 9th May 2022. The appellant has included Minutes of the Council meeting as an addendum to the 1st party appeal submitted.
- 8.1.6. I have undertaken a review of all documentation submitted as part of the 1st Party Appeal. I note that the zoning map attached to the Galway County Development Plan 2022-2028 for Oranmore indicates that the land use zoning pertaining to the rear section of the subject site is OS- Open Space. While a mapping error may have been discussed at a council meeting the Zoning Map included within the County Plan has

not been amended to reflect that discussion. This would require a variation of the Galway County Development Plan 2022-2028 to be undertaken by the Planning Authority.

- 8.1.7. As such, in its current form the location of Block A and Block B would materially contravene the OS-Open Space zoning objective of the Galway County Development Plan 2022-2028 under which residential development is not permitted. As such, I recommend that the proposed development is refused for this reason.

8.2. Material Contravention

- 8.2.1. The appellant has requested the Board to evoke their powers under Section 37 (2)(b) of the Planning and Development Act 2000 (as amended). It is contended by the appellant that the Open Space zoning should not apply to the subject site as it is clear that Policy Objective OMSP 12 and Policy GCM23, as included within the second reason for refusal, are conflicting in nature.
- 8.2.2. Policy Objective OSMP12 – Open Space seeks to provide protection to existing open spaces from inappropriate development and maintain their attractiveness and role in enhancing residential amenity and the overall character of Oranmore. Policy Objective GCMA 23 – Land Use Zoning Matrix seeks to direct different land uses to the appropriate land use zone's in accordance with the land use zoning objectives and the land use zoning matrix overleaf ensuring that proposed land uses of Oranmore are compatible with existing land uses and in keeping with the character of the area.
- 8.2.3. The appellant contends that the existing lands are not existing active open space but rather they form part of a private land holding and that examination of zoning map indicates that there are no other examples of where the open space zoning objective has been applied to private lands – all other areas of open space zoned lands are open to the public.
- 8.2.4. Section 37 (2)(b) of the Planning and Development Act 2000 (as amended) allows for the Board to grant permission for a development where the planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan. The appellant has set out an argument that there are conflicting objectives in the development plan pertaining to the land use zoning.

- 8.2.5. I consider that Policy Objective OSMP12 relates solely to the protection of open space while Policy Objective GCMA 23 is seeking to ensure that the right development is undertaken on appropriately zoned lands. While the two objectives are seeking to support each other, they have different defined overarching goals and I therefore do not consider that they are conflicting in nature. Furthermore, I note that Policy Objective OSMP was not included within reason no. 2 of the refusal issued by the Planning Authority.
- 8.2.6. While I note the comments made with the 1st party appeal with regard to the landholding being in private ownership, I note that no changes to the County Plan followed the Council meeting held on the 9th May 2022 and no reference to a variation of the County Plan is on the Councils website. Sometime has lapsed between said meeting in 2022 and the lodgement of this planning application in 2024 where the Planning Authority could have undertaken the variation process.
- 8.2.7. Overall, I do not consider that the applicant has provided a robust argument that would justify the Board to evoke their powers under Section 37 (2)(b) of the Planning and Development Act 2000 (as amended) as I do not consider that policies highlighted within the appeal submitted to be conflicting in nature and I remain of the opinion to grant permission for the proposed scheme would material contravene the land use zoning for the subject site.

8.3. **Density.**

- 8.3.1. The applicant is seeking permission to provide for a development of 16 no. residential units on a site with a stated area of c.0.3ha which would generate a density of 53.3 units per hectare. The Planning Authority in their assessment refer to table 15.1 of the DM Standards of the County Development Plan that states the appropriate density for residential developments within the MASP on Outer Suburban/Greenfield sites densities of 25-30 units per hectare are sought. The assessment concludes the proposed housing density of 53.3 units/Ha exceeds density parameters set down in the statutory documents for the area.
- 8.3.2. The appellant notes that the Metropolitan Area Strategic Plan (MASP) was introduced via the NPF as strategic locations identified to deliver housing. Oranmore was identified as part of the MASP under the Galway County Development Plan 2022-

2028. It is contended that the densities identified within table 15.1 of the DM Standards of the county development are not aligned with national planning policy, most notably the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

- 8.3.3. I note that under Circular Letter: NRUP 02/2024 issued by the Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. To ensure consistency planning authorities are requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for residential densities for Galway in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed.
- 8.3.4. The Compact Settlements Guidelines refer to residential density in terms of settlements and area types. Section 3.3.1 refers to cities and Metropolitan (MASP) areas and the appeal site is located in the Galway MASP and Oranmore is defined as a Metropolitan Settlement. The Compact Settlements Guidelines explain that for the city and suburbs area of Limerick, Galway and Waterford, density ranges are set out in Table 3.2. Density ranges for all other towns and villages in the metropolitan areas of the five cities and outside of the city and suburbs area (including designated Key Towns in the metropolitan area) are set out in Table 3.3. Given that Oranmore is not within Galway City or its suburbs, I make reference to table 3.3 of the Compact Settlements Guidelines.
- 8.3.5. Table 3.3 of the Compact Settlements Guidelines sets out the areas and density ranges for Metropolitan Towns and Villages and for towns greater than 1,500 persons, the centre and urban neighbourhoods criteria states the following: “The centre and urban neighbourhoods category includes: (i) the town centre and immediately surrounding neighbourhoods, (ii) strategic and sustainable development locations, and (iii) lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8). It is a policy and objective of these Guidelines that

residential densities in the range 50 dph to 150 dph (net) shall generally be applied in the centres and in urban neighbourhoods of Metropolitan Towns.”

- 8.3.6. The subject site is located along Main Street and consider to be within the town centre of Oranmore. Given the foregoing, I am satisfied that a density of 53.3 units per hectare is entirely appropriate at this location and would accord with Table 3.3 of the Compact Settlements Guidelines.
- 8.3.7. In addition, under the now revoked density guidelines such a density range was supported for larger towns and OMSP 1 of the Oranmore Metropolitan Settlement Plan (OMSP) looks for an appropriate mix of housing types and densities. I note that the current Development Plan suggests that MASP settlements should seek a density of 30 or site specific at Town Centre/Infill/Brownfield sites and 25 –30 (at locations adjacent to open rural countryside) at Outer Suburban/Greenfield sites table 15.1 refers. The development plan states that table 15.1 is to be read in conjunction with and shall be in accordance with the Sustainable Residential in Urban Areas 2009 and Circular 02/2021.
- 8.3.8. The 2009 guidelines seek 35-50 dwellings per hectare even on outer suburban and greenfield sites. Oranmore is not a small town with a population of just over 5,000 in 2022, and it is identified as a Metropolitan Settlement in Appendix 2 of the development plan. In this instance MASP settlements such as Oranmore are set to grow and density should align with that sought by the guidelines for such a location, 35-50 units per hectare. I do not consider that the proposed density of 53.3 units per hectare would contravene the development plan, materially or otherwise, when the plan specifically states that ‘All proposals shall be in accordance with the Sustainable Residential in Urban Areas 2009 and Circular 02/2021’. As such, I do not consider that the first reason for refusal should be included in the event that the Board are minded to refuse permission.
- 8.3.9. I note that the first reason for refusal also raises concerns regarding overdevelopment of the subject site and the negative impact it would have upon the character of the area, I will discuss these issues further within Section 8.5 of my report below.

8.4. Traffic Issues.

- 8.4.1. The 3rd and 4th reasons for refusal issued by the Planning Authority relate to traffic issues and consider that in the event that permission was to be granted the proposed development would give rise to a traffic hazard.
- 8.4.2. The reasons set out a number of concerns which include availability of the required sightlines at the proposed vehicular entrance to the site, works proposed to the public realm that are outside of the ownership of the applicant leading to an impact on the public roads, turning manoeuvrability within the site, unsatisfactory Road Safety Audit, and the lack of permeability measures in relation to pedestrian/active travel multi modal movements from the development to Oranmore. I will discuss each of these issues individually within my assessment below:

Sightlines and legal interest.

- 8.4.3. The appellant contends that the reason for refusal has not specified what sightlines are required. It is stated that a Transport Impact Assessment was submitted which clearly demonstrated that sightlines to the south are available at 49m in accordance with DMURS. The appellant recognises that sightlines to the north are impeded by on-street car parking and street trees. However remedial works have been proposed, which were all agreed with Galway County Council and a letter of consent to this extent accompanied the planning application. These works included the replacement on street parking with bike parking area. It is further stated that the subject street tree has since been removed.
- 8.4.4. I note that the applicant submitted a letter of consent from Galway County Council which provides consent to the applicant to undertake works as described to the public areas. As such, I do not accept the refusal reason on the basis of lack of consent. Furthermore, from undertaking a site visit I note that the street tree noted within the assessment has been removed.
- 8.4.5. Reference is made within the 3rd reason for refusal to the proposal not being in keeping with Policy Objective NNR2 and NNR3, both of which relate to the requirement for developments to comply with the DMURs and the carrying capacity of and safety of the County's regional and local road network. In addition, reference is also made to DM standard 28 which refers to Sight Distances Required for Access onto National, Regional, Local and Private Roads and DM standard 33a which required the

submission of a Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA).

- 8.4.6. I consider that the proposal to remove the on-street car parking and the provision of cycle parking, for which the applicant has consent from the Local Authority to undertake, would allow for the required sightlines to the north of the entrance to be available for a distance of 49m as required under DMURs. As such, I do not accept that the proposed vehicular entrance to the subject site would constitute a traffic hazard.
- 8.4.7. I further note that the planning application was accompanied by a TTA and RSA. As such the proposed development complies with the requirements of policy Objectives NNR 2, NNR 3 and DM standard 28, 33a of County Development Plan 2022-2028.

Turning and Lack of Permeability measures

- 8.4.8. The Planning Authorities 4th reason for refusal stated that owing to the lack of auto tracking analysis for fire and refuse and vehicular turning faculties that the site layout plan as proposed is considered to be restrictive in nature in the context of vehicular manoeuvrability whereby increased vehicular turning movements will be generated by the development.
- 8.4.9. The appellant in their 1st party appeal have stated that the concerns raised with regard to vehicular manoeuvrability were raised within the Road Safety Audit (RSA) under recommendation 5 and 7. It is asserted by the appellant that they fully intend to implement all recommendations set out within the RSA.
- 8.4.10. With regard to permeability measures in relation to pedestrian/active travel multi modal movements from the development to Oranmore, I note that the subject site is located on Main Street approximately c. 220m to the north of the junction of Main Street and the Dublin Road. The applicant submitted a Mobility Management Plan as part of the application documentation which sets out details of the transportation infrastructure within Oranmore and also provides for an action plan for the proposed scheme.
- 8.4.11. I considered that the development as proposed can be considered accessible and permeable having regard to its location on Main Street, Oranmore and that the provisions set out within the Mobility Management Plan will allow for a more sustainable approach to connectivity to the wider area.

- 8.4.12. Recommendation no. 5 of the RSA makes reference to the proposed pedestrian footpath becoming narrower at the main entrance and that this could cause a significant risk of conflict with vulnerable users and the other vehicles. It goes on to recommend that the design team ensure that the design includes sufficient walking space for pedestrians on the footpath to enter and exit the development in a safe manner.
- 8.4.13. Recommendation no. 7 of the RSA makes notes that there are no designated walking routes for pedestrians to access Block C and A to the rear of the proposed development from the main access which creates a significant risk of conflict with pedestrians and the other vehicles. It is recommended that the design team should ensure that walkways for pedestrians to enter and exit Block C and D in a safe manner are provided.
- 8.4.14. I consider the recommendation 5 and 7 of the RSA relate solely to the safety of pedestrians within the scheme and do not provide clarity over the vehicular manoeuvrability within the layout as proposed.
- 8.4.15. I note that under section 2.5.3 -Servicing Arrangement of the TIA submitted it states *“adequate provision to facilitate the circulation and turning movements of emergency vehicles and bin collection vehicles should be made. An Autotrack analysis should be carried out to confirm that waste collection vehicles and emergency vehicles, such as ambulances and fire trucks, will be able to manoeuvre the site in a safe and efficient manner.”*
- 8.4.16. While I note reference has been made to the provision of an auto track analysis, I have reviewed the information on file and there I no evidence that the applicant did submit one as part of the application documentation or as part of the 1st party appeal. As such, it remains unclear as to whether or not the layout as proposed would be able to accommodate traffic turning movements for fire and refuse tenders. Therefore concerns raised by the Planning Authority in this instance are correct and I consider that in the absence of an auto- track swept path analysis I cannot recommend that permission be granted. I do not consider that this is an issue which could be overcome by way of a condition in the event that the Board were minded to grant permission.

8.5. Appropriate Assessment

- 8.5.1. The Planning Authorities 5th reason for refusal relates to the appropriate assessment screening report submitted. The Planning Authority considered that having regard to the proximity of the site to the Galway Bay Complex SAC and Inner Galway Bay SPA, which are directly connected to the subject site via a hydrological link, the absence of a Natura Impact Assessment for the proposed development, and the absence of mitigation measures to protect these European sites from potential impacts arising from the proposed development, It was considered that likely significant effects upon the Galway Bay Complex SAC and Inner Galway Bay SPA arising from the proposed development cannot be ruled out.
- 8.5.2. The main concern related to the proposal to construct a surface water overflow pipe which would connect into the Oran Beg Stream which is located along the eastern boundary of the site. It was considered that in the absence of mitigation measures these works would undermine and give rise to potential impacts upon the Galway Bay Complex SAC and Inner Galway Bay SPA.
- 8.5.3. The Appellant in response states that the screening report submitted notes that any surface water will likely be low enough of a dissociating effect, that negative impacts on source pathway receptors would be negligible, and that the proposal will utilise the existing drainage network.
- 8.5.4. With specific reference to the proposed overflow pipe, the appellant has submitted a memo prepared by the author of the AA Screening report as part of the appeal documentation which states that no site-specific mitigation measures were assessed to be necessary to protect the integrity of the nearby watercourse or the nearby SAC and SPA and for this reason it was concluded that there was no need for a Stage 2.
- 8.5.5. Furthermore, it is asserted that the proposed development is already a modest sized plot which sits among a large continuous urban fabric of roads, car parks and commercial retail buildings and is situated between two large commercial units, while land opposite the plot on the opposing side of the stream are in agricultural use. It is further stated that the Innplot stream runs all the way through the urban fabric of the Oranmore's housing estates and commercial buildings before it reaches the short passage past the proposed development.

- 8.5.6. I have undertaken a review of the Appropriate Assessment Screening report which was submitted to the Planning Authority as part of the application documentation and have noted a number of discrepancies. In the first instance, table 3.1 of the screening report identifies the Natura 2000 Sites within 15km of the proposed site. It is stated that the Galway Bay Complex SAC (site code 0002680) is located ca. 265m from the subject site and that the Inner Galway Bay SPA (site code 004031) is located ca. 4.82km from the subject site. On undertaking a review from the EPA Mapping system on the 9th of April 2025 I note that the Galway Bay Complex SAC is located c.54 metres to the west of the site while the Inner Galway Bay SPA is located c.221 metres to the west.
- 8.5.7. While Table 3.1 recognises that there is one watercourses or source pathway receptor linkage with this designated NHA it considers that due to the small size and scale of the development would indicate an unlikely significant effect on any SPA's, SAC's or NHA's within the 15km zone of influence and that adherence to the CEMP and good housekeeping would prevent harmful emissions into the surrounding environment and Natura 2000 sites. I do not consider that the provision of 16 no. residential units together with 4 no. retails units which generates a total gross floor area of 1,481.5sq.m to be 'small sized' as referenced throughout the appropriate assessment screening submitted. I consider that the applicant has placed an over-reliance on their interpretation of the scale of the development.
- 8.5.8. Table 3.2 of the assessment provides a consideration of in-combination/cumulative impacts. This section of the report concludes that the proposed development will have no cumulative impacts upon any designated sites when considered in combination with other developments that have been screened properly for AA (Stage I) or where AA has taken place (Stage II). However, the assessment has not identified the in-combination projects which were considered.
- 8.5.9. While a brief description of the proposed development has been provided within section 3.1 of the assessment, there is no reference within either the AA screening report or the Construction Environmental Management Plan to the construction of a surface water overflow pipe which connects into the Oran Beg Stream which has been indicated on the proposed storm sewer, SuDs and Attenuation Layout submitted. Reference is further made on this drawing to the provision of rock armour and a head wall to be construction on the bank of the stream. It is stated under the heading

emissions within table 3.2, of the AA Screening Report, that there are no in stream works required as part of the proposed development. However, plans indicate the inclusion of a headwall and rock armour which is to be provided in the stream bed and edge.

- 8.5.10. No consideration has been given to the impact of these works and how they will be undertaken in light of no mitigation being proposed or the impact they may have upon the mobile species, i.e. the Otter and Harbour Seal which are both included as Qualifying Interests associated with the Galway Bay Complex SAC (site code 0002680).
- 8.5.11. While the appellant has contended that the subject site is surrounded by the urban fabric of the Oranmore, I note that the majority of the site comprises of undeveloped greenfield lands. The Ecological Impact Assessment (EclA) submitted set outs the findings of the bird survey which was undertaken during breeding season on the 4th June. None of the species found are included within the Qualifying Interests associated with the Inner Galway Bay SPA (site code 004031).
- 8.5.12. I do not consider that the appropriate assessment screening undertaken by the application to be robust given its overreliance upon the 'small scale nature' of the development and has not given a detailed consideration of the provision of proposed surface water connection to the Orna Beg Stream which is a direct hydrological connection from the subject site to the Galway Bay Complex SAC and Inner Galway Bay SPA. Furthermore, I query the distances from the subject site to the 2 no. protected Natura Sties located within the immediate context of the site provided with the assessment submitted.
- 8.5.13. Overall, on the basis of the information provided with the application and appeal, including the Appropriate Assessment Screening Report, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the Galway Bay Complex SAC and Inner Galway Bay SPA, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).
- 8.5.14. This conclusion is based on the following:

- the discrepancies set out above and with regard to the proximity of the subject site to the Galway Bay Complex SAC and Inner Galway Bay SPA.
- Lack of clarity over what projects and proposal were considered as part of the in combination assessment.
- Overreliance upon the ‘small scale nature’ of the development.
- Lack of consideration of the provision of surface water connection to the Oran Beg Stram which is a direct hydrological connection from the subject site to the Galway Bay Complex SAC and Inner Galway Bay SPA.

8.6. Architectural Conservation Area.

- 8.6.1. The Planning Authority raised concern with regard to the location of the subject site within the Architectural Conservation Area of Oranmore. It was considered that the proposed demolition of two dwelling houses and loss of streetscape which reflects the historical context of Oranmore villa, would have a significant adverse visual impact at this location. It was further sate that the design idiom would fail to appropriately fit into or integrate effectively into this sensitive area and would also materially contravene Policy Objective AH 4-Architectural Conservation Areas of the Galway County Development Plan 2022-2028.
- 8.6.2. Policy Objective AH 4 sets out a number of criteria which seek to protect, conserve and enhance the special character of the Architectural Conservation Areas (ACA). With a specific reference to the proposed development point (b) seeks to promote the re-use and rehabilitation of buildings and sites within the ACA. While point (h) seeks to prohibit development proposals, either in whole or in part for the demolition of a structure within an Architectural Conservation Area that contributes to the special character of the area.
- 8.6.3. The appellant in their appeal contends that the ACA Designation is applied to the majority of Oranmore and that there are a number of contemporary insertions within the ACA. It is argued that the proposal fills a gap in the streetscape. With reference to the demolition of the 2 no. buildings it is contended that their removal creates a site with a street frontage of 33m which allows for a contemporary design. A building

survey was undertaken of both the buildings and the findings demonstrated that their retention was not feasible.

- 8.6.4. The appellant has submitted amended plans as part of the appeal documentation. I note from assessment of the amended plans that block A and B have remained unchanged. A full description of the amended plans is set out within Section 2.0 of my report above.
- 8.6.5. Appendix 7 of the County Plan sets out the Architectural Summary for Oranmore and it notes that *“the compact town of Oranmore is characterised by a narrow main street with a unique character that is derived from the combination of buildings of significant architectural and historic value and of simple vernacular architecture.”*
- 8.6.6. In the first instance, on review of the design statement submitted which sets out a justification for the demolition, I consider that the applicant has provided a robust assessment of the current condition of the 2 no. buildings which both have a BER Rating of G. While I note the aim of Policy Objective AH 4-Architectural Conservation Areas (h), from undertaking a site visit I do not accept that these buildings in their current form contribute in any way to the special character of the area. I therefore accept the finished of the building survey and consider the demolition proposed to be acceptable.
- 8.6.7. There have been a number of modern insertions within the ACA designation of Oranmore namely the mixed-use development located c.130m to the south of the subject site. While this section of Main Street has remained unchanged, I do not consider that some form of modern insertion into the streetscape would be detrimental to the ACA designation placed upon it.
- 8.6.8. With that said however, in this instance I consider that the original plans submitted to the Planning authority would be more appropriate for this location as opposed to the amended plans submitted as part of the appeal documentation. I consider that the principal dimensions of Block C when read together with Block D are jarring owing to the differentiation of the fenestration layout and the heights of the flat roof sections. While I accept that the applicant is trying to respect the height established to the north, I consider that the architectural expression of block C and D is lacking in nature.
- 8.6.9. The existing structures on site are currently derelict and have been painted in a manner to replicate lived in units. I do not consider that in their current form, that they

contribute positively to the streetscape of Main Street. I consider the insertion of retail units which will increase the footfall along this section of Main street would inevitably have a positive contribution to the Architectural Conservation Area.

8.6.10. I do not consider that the proposed development would constitute a material contravention of Objective AH-4 of the Galway County Development Plan 2022-2028 as the application has clearly demonstrated that the retention and reuse of the 2 no. structures to be demolished is not sustainably achievable and that the 2 no. buildings, given that they are derelict and dilapidated in form, do not contribute positively to the ACA designation. Furthermore, having regard to the emerging pattern of development within the environ of the site and within the ACA designation I consider the insertion of a modern design idiom to be acceptable.

8.6.11. Overall, I do not consider the concerns raised under reason no. 6 of the decision to refuse permission to be warranted. In light of my assessment above, if the Board are minded to uphold the decision of the Planning Authority and refuse permission I do not consider that this reason be included.

8.7. Public Health.

8.7.1. The 7th reason for refusal relates to the proposed connection to the municipal services in terms of water supply and wastewater/drainage. The application as submitted did not provide any confirmation that there is capacity within the existing network to serve the development as proposed. The Planning Authority within the reason for refusal makes reference to Policy Objective WS4 and DMS Standard 36 of the Galway County Development Plan 2022-2028 which both require that any developer seeking permission to connection to the public services public liaise with Uisce Eireann prior to the submission of the planning application. The County Development Plan clearly states under DM Standard 36 that 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.

8.7.2. The applicant has stated as part of the 1st party appeal, which has been accompanied by an additional report from the project engineer, that a pre-connection enquiry was submitted to Uisce Eireann on the 29th April 2024 with no response received to date.

- 8.7.3. The applicant contends that the existing foul sewer pipe transversing the site can serve the proposed development and it is further stated that Uisce Eireann have upgraded their services in Oranmore in terms of water supply and wastewater in recent years.
- 8.7.4. I note that concerns over capacity issues and overflow from the existing services within Oranmore to the into the estuary of the Carrowmoneach River which flows into Oranmore Bay were raised within an observation received by An Bord Pleanála.
- 8.7.5. From undertaking a review Uisce Eireann's Wastewater treatment capacity register, on the 28th March 2025, I note that there is capacity available for Oranmore. However, from accessing the Water Supply Capacity Register on the same date I note that the potential capacity available and it states that a level of service is required. Local of Service required relates to the reliability of the supply that customers can expect to receive.
- 8.7.6. I consider that the applicant has overcome the concerns raised by the Planning Authority as they have engaged with Uisce Eireann as required under Policy Objective WS4 and DMS Standard 36 of the Galway County Development Plan 2022-2028. I consider that this adequately addressed the concerns raised with regard to public health.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S.177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site.
- 9.2. A screening report have been submitted on behalf of the applicant and the objective information presented in the Screening Report informs this screening determination. The screening report submitted notes that the subject site is not located within or directly adjacent to any Natura 2000 sites. However, as stated in section 8.6 of my report above, the distances recognised within Table 3.1 of the assessment submitted from the subject site to the Galway Bay Complex SAC and the Inner Galway Bay SPA do not accord with what I found on the EPA Mapping tool on the 9th April 2025.

- 9.3. The Galway Bay Complex SAC is located c.54 metres to the west while the Inner Galway Bay SPA is located c.221 metres to the west. Both of these Natura 2000 sites are directly connected to the subject site via the Oran Beg Stream.
- 9.4. The proposed development is seeking permission for the provision of a mixed-use development which comprises 16 no. residential units, 4 no. retail units all provided within 4no. blocks, all ancillary site development works to include landscaped public open spaces approximately 15 ha or 48.8% of the overall site area, construction of a overflow surface water pipe which connects to the Oran Beg Stream and the proviso of private 208.4m²/ Communal open space approximately 1300m² .013ha of the overall site area.
- 9.5. The planning application appropriate assessment screening report submitted screened out any impact on either the Galway Bay Complex SAC and the Inner Galway Bay SPA stating that *"the small size and scale of the development would indicate an unlikely significant effect on any SPA's, SAC's or NHA's within the 15km zone of influence. Regarding the proposed development, adherence to the CEMP and good housekeeping would prevent harmful emissions into the surrounding environment and Natura sites."*
- 9.6. Table 3.2 of the screening report submitted titled Natura 2000 Threshold Levels provided an assessment of the in-combination impact. It is unclear as to what other projects were considered as part of this assessment. Furthermore, it is stated under the heading emissions, that there are no in stream works required as part of the proposed development. However, plans submitted, namely the proposed storm sewer, SuDs and Attenuation Layout indicates that the provision an overflow pipe which transvers the site on the east to west axis and references the use of a headwall and rock armour which is to be provided oi the stream bed and edge.
- 9.7. 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 Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (Site Code 004031) European Sites in view of the sites conservation objectives. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of

the Planning and Development Act 2000 (as amended) of the proposed development is required.

9.8. This determination is based on:

- The proximity of the subject site to the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (Site Code 004031).
- The direct pathway from the subject site via the Orna Beg Stream to the SAC and SPA.
- Lack of clarity over what projects and proposal were considered as part of the in combination assessment.
- Overreliance upon the 'small scale nature' of the development; and the
- Lack of consideration of the provision of surface water connection to the Orna Beg Stream which is a direct hydrological connection from the subject site to the Galway Bay Complex SAC and Inner Galway Bay SPA.

10.0 Recommendation

10.1. I recommend that the Board uphold the decision of Galway County Council and refuse planning permission for the reasons set out below.

11.0 Reasons and Considerations

1. Part of the appeal site is located on lands zoned Open Space / Amenity under the provisions of the Galway County Development Plan 2022-2022 where the stated objective is 'to protect and enhance existing open space and provide for recreational and amenity space.' The proposed development which is seeking to provide 12 no residential units within 2 no. blocks on this portion of the site would materially contravene the Open Space / Amenity zoning objective, would be contrary to Policy Objective GCMA 23 – Land Use Zoning Matrix seeks to direct different land uses to the appropriate land use zone's as set out within the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the restricted nature of the site layout in the context of vehicular manoeuvrability whereby increased vehicular turning movements will be generated by the development, and in the absence of satisfactory demonstration with any supporting auto tracking analysis including fire and refuse and vehicular turning faculties. Accordingly, the potential exists for conflicting turning movements to potentially occur due to the proximity of the junction with the public road, thus increasing road safety hazards particularly for vulnerable road users. It is therefore considered that the proposed development would interfere with the safety and free flow of traffic and endanger public safety by reason of traffic hazard, obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the information on file and given the proximity to the Galway Bay Complex SAC and Inner Galway Bay SPA, which have a direct hydrological link with the appeal site, and in the absence of a Natura Impact Assessment for the proposed development and mitigation measures to protect European sites from potential impacts arising from the proposed development, it is considered that likely significant effects on the Galway Bay Complex SAC and Inner Galway Bay SPA arising from the proposed development cannot be ruled out. Therefore, if permitted as proposed, the development has the potential to adversely affect the qualifying interests and conservation objectives of protected European sites for flora and fauna and would be contrary to the proper planning and sustainable development of the area.

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

Kathy Tuck
Planning Inspector

16th April 2025

Appendix 1: EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321727-25		
Proposed Development Summary	Construction of 16 residential units and 4 retail units together with all associated site works.		
Development Address	Innplot, Oranmore, County 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	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)	

Yes	X	Screening Determination required
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Inspector: _____ Date: _____

Appendix 2 – EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-321727-25	
Development Summary	<p>Demolition of 2 no. existing derelict two-storey residential dwellings and the construction of 4 no. three-storey blocks which will provide for 16 residential units comprising of 6 no. 2 bed apartment units and 10 no. 3 bed 2 storey duplex units and 4 retail units, together with all associated site works on a site of 3090m² / 0.30 hectares.</p> <p>The development will also provide for 6 no. car parking spaces, 42 no. bicycle parking spaces for residents and provision for 10 no. visitor bicycle parking spaces.</p>	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority noted that having regard to the nature and scale of the development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment was, therefore, excluded at preliminary examination and a screening determination was not required.

2. Has Schedule 7A information been submitted?	Yes	The applicant submitted part of the appeal documentation an EIA screening report which included for a screening against Schedule 7A of the Planning and Development Regulations 2001 (as amended).
3. Has an AA screening report or NIS been submitted?	Yes	The applicant submitted an Appropriate Assessment Screening report to the Planning Authority. The screening report concluded that an Natura Impact Statement of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites. Therefore, this proposed project does not need to proceed to Stage II of the Appropriate Assessment Process, i.e., a Natura Impact Statement (NIS).
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	No	Other assessments carried out: <ul style="list-style-type: none"> • Ecological Impact Assessment Report • Flood Risk Assessment Report • EIA Screening Report • Construction Environmental Management Plan • Appropriate Assessment Screening Report • Foul Water Sewer Report

B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The subject site is located within the town boundary of Oranmore where the prevailing context is a mix of residential dwellings and mixed-use development which range in scale from single storey dwellings to 3 storey mixed use developments. I do not consider that the insertion of 4 no. three-storey blocks would be out of character with the streetscape.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>NO</p>	<p>The applicant is proposing to demolish 2 no. derelict residential units as part of the works. While some physical changes will be experienced as part of the construction works, I do not consider it to be detrimental to the surrounding area.</p>	<p>No</p>

1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	The works seeking permission will utilise materials which are standard for this type of development and not considered to be in short supply. No significant use of natural resources will be required.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	None required or produced.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Wastewater will be discharged into public infrastructure.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Uncertain	<p>I note that Innplot (Oran Beg) stream directly adjoins the site along the eastern boundary. This stream is directly connected to Galway Bay SAC. The applicant has submitted a Construction Environmental Management Plan (CEMP) which has set out best practice construction methodology which will be followed during the construction phase to ensure there is no release of pollutions or silt into the ditch/stream.</p> <p>I note that the Panning Authority raised concerns over the proximity of the site to the Galway Bay SAC and considered that a Natura Impact Assessment would be required.</p> <p>Whilst there is potential for significant effects on a European site(s), having regard to the its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental</p>	no

		<p>parameters. Impacts on European sites can be addressed under Appropriate Assessment. This will be addressed within the main assessment of the planning appeal.</p> <p>Surface water during operational phase is intended to be dealt with via a suite of SUDs features in addition to the provision of a new a surface water overflow pipe.</p>	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	While there will be some level of noise and vibration during the construction phase it would not be considered to be a long-term significant impact during the operational phase of the development.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	While there may be some impact during the construction phase it would not be considered to be a long-term significant impact during the operational phase of the development.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	None given the nature of the development.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The development will provide for additional residential and commercial accommodation which will in turn cause a slight increase in the population of Oranmore.	NO
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The proposal is seeking to develop an infill site within the town boundary of Oranmore. From plans submitted there does not seem to be any	No

		further development potential within the immediate context of the site.	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Uncertain	<p>The subject site is not located within or immediately abutting any Natura 2000 site. The nearest Natura site is located c. 58m to the east of the Galway Bay Complex SAC (site code 000268). The Innplot (Oran Beg) stream directly adjoins the site along the eastern boundary. This stream is directly connected to Galway Bay SAC.</p> <p>There are no designated Nature Reserves within the vicinity of the site.</p> <p>Whilst there is potential for significant effects on a European site(s), having regard to the its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment. This will be addressed within the main assessment of the planning appeal.</p> <p>The Oranmore Local Area Plan expired on the 22nd May 2022 and no new plan has yet been adopted.</p>	Uncertain
2.2 Could any protected, important or sensitive species of flora or fauna which use	Uncertain	Having regard to the proximity of the subject to the Galway Bay Complex SAC (site code	No

areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?		<p>000268) and the location of the Innplot (Oran Beg) stream along the eastern boundary of the site, which provides for a direct connection into the Galway Bay Complex SAC, I am uncertain of whether the works proposed, in the instance where mitigation measures have not been provided for, would impact upon any of the qualifying interests of the subject SAC. I note that a NIS has not been submitted by the applicant and that this formed one of the reasons for refusal by the Planning Authority.</p> <p>Whilst there is potential for significant effects on a European site(s), having regard to the its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment. This will be addressed within the main assessment of the planning appeal.</p>	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No		No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No		NO

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	<p>The Innplot (Oran Beg) stream runs along the eastern boundary of the subject site.</p> <p>The subject site is located within flood zone C as shown in Section 3 of the technical appendices as detailed in Section 4.4.6. It concludes to state that the proposed development as detailed in the present report is suitable with regard to the Planning Systems and Flood Risk Management guidelines (OPW, 2009) and such development will not have adverse effects on flood risks to adjacent properties.</p>	NO
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	<p>The subject site addresses the Main Street (R338), Oranmore, Co. Galway. This road forms the main route through the town. While the proposal would generate some additional traffic, I do not consider it would add significantly to any issues of congestion given the scale of development being proposed.</p>	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	<p>I note that there are no sensitive land uses or community facilities within the immediate vicinity of the site. Having regard to the scale of the development I do not consider there would be any significant effect likely.</p>	NO
3. Any other factors that should be considered which could lead to environmental impacts			

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	All other projects which have been permitted or are seeking permission within the vicinity consist primarily of permissions for retention and refurbishments/change of use to commercial and residential units. No significant cumulative effect envisaged. p	NO
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	NA	No
3.3 Are there any other relevant considerations?	No	NA	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	ElAR Not Required	
Real likelihood of significant effects on the environment.		ElAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<i>EG - ElAR <u>not</u> Required</i>			
Having regard to: -			
1. the criteria set out in Schedule 7, in particular <ul style="list-style-type: none"> (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) 			

2. the results of other relevant assessments of the effects on the environment submitted.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3 – AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Case No. ABP-321727-25 Innplot, Oranmore, County Galway	
Brief description of project	<p>The proposed development is seeking permission for the provision of a mixed-use development which comprises of 16 no. residential units, 4 no. retail units all provided within 4no. blocks, all ancillary site development works to include landscaped public open spaces approximately 15 ha or 48.8% of the overall site area, construction of a overflow surface water pipe which connects to the Oran Beg Stream and the proviso of private 208.4m²/ Communal open space approximately 1300m² .013ha of the overall site area.</p> <p>Please refer to section 2.0 of my report above for a more detailed description of the proposed scheme.</p>
Brief description of development characteristics and potential impact mechanisms	<p>The subject site has a stated area of 0.013ha and is seeking to provide for a development with a ground floor area of 1,481.5sq.m.</p> <p>The subject site is located along Main Street, Oranmore and currently comprises of 2 no. derelict two storey derelict dwellings with the majority of the site being a greenfield undeveloped site. The subject site is bounded to the east by the Oran Beg Stream. The Oran Beg Stream is a direct connection to both the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (Site Code 004031).</p> <p>It is proposed to service the site by connect to the municipal services. Plans submitted indicate that it is proposed to construct a overflow surface water pipe which connects to the Oran Beg Stream.</p>
Screening report	Yes

Natura Impact Statement	No
Relevant submissions	No

Additional information: The Planning Authority raised concern over the Screening Report submitted and noted the proposed development borders the Oran Beg stream to the east which is directly connected to Galway Bay SAC. The Planning Authority consider that mitigation measures would be required to protect Galway Bay SAC, in light of the proposal to construct a surface water overflow pipe into the Oran Beg Stream.

Reason no. 5 of the Refusal issued by the Planning Authority states:

The subject site is located within proximity to the Galway Bay Complex SAC and Inner Galway Bay SPA. Having regard to the proximity of the site to these European sites, which have a direct hydrological link with the proposed development, the absence of a Natura Impact Assessment for the proposed development and the absence of mitigation measures to protect European sites from potential impacts arising from the proposed development, the planning authority consider that likely significant effects on the Galway Bay Complex SAC and Inner Galway Bay SPA arising from the proposed development cannot be ruled out. Therefore, the planning authority cannot be satisfied that the proposal will not adversely affect the integrity of European sites in view of their conservation objectives. Therefore, if permitted as proposed, the development has the potential to adversely affect the qualifying interests and conservation objectives of protected European sites for flora and fauna and would materially contravene Policy Objectives NHB1, NHB 2 and NHB3 of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Inner Galway Bay SPA (Site Code 004031)	Black-throated Diver (Gavia arctica) [A002] Great Northern Diver (Gavia immer) [A003] Cormorant (Phalacrocorax carbo) [A017]	c.221m to the west	Direct source pathway receptor linkage via the Oran Beg Stream	Y

	<p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Galway Bay Complex SAC</p> <p>Site Code 000268</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p>	C.54m to the west.	Direct source pathway receptor linkage via the Oran Beg Stream	Y

	<p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Turloughs [3180]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The subject site has a direct connection to the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (Site Code 004031) via the Oran Beg Stream. Plans submitted, namely the proposed storm sewer, SuDs and Attenuation Layout indicates that the provision an overflow pipe which transverses the site on the east to west axis and references the use of a headwall and rock armour which is to be provided on the stream bed and edge (Orna Beg Stream).

The AA Screening Report does not indicate that mitigation would be required to protect the stream and it states that there are no in stream works required as part of the proposed development. It considers thwart the reliance on good housekeeping and the CEMP submitted will overcome and impact upon the Oran Beg Stream watercourse. This is considered to be conflicting information.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Galway Bay Complex SAC Site Code 000268	Direct pathway to SAC: <ul style="list-style-type: none">• Release of silt and sediment during site works• Release of construction related compounds including hydrocarbons to surface water (overflow pipe proposed to outfall into Oran Beg Stream)• Increased human disturbance at this site, particularly during the construction/ installation phase.	Possibility of significant effects cannot be ruled out without further analysis and assessment.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Inner Galway Bay SPA (Site Code 004031)	As Above	Possibility of significant effects cannot be ruled out without further analysis and assessment.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to		

result significant effects on the Inner Galway Bay SPA and the Galway Bay Complex SAC.