



An
Bord
Pleanála

Inspector's Report

ABP-321736-25

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| Development | Construction of 4 residential units and all associated site works. |
| Location | Headford, Gortnamona, Co. Galway. |
| Planning Authority | Galway County Council. |
| Planning Authority Reg. Ref. | 24/61437. |
| Applicant(s) | Sathel Ltd. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party |
| Appellant(s) | Sathel Ltd. |
| Observer(s) | None. |
| Date of Site Inspection | 3 rd April 2025. |
| Inspector | Kathy Tuck. |

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.122ha and is located at Headford, Gortnamona, Co. Galway. Headford is situated 26km to the north of Galway City Centre.
- 1.2. The site is an infill site within a larger residential development known as Ashthorn. The site is bounded by existing residential to the east and north (Gortnamona) and west (Ashthorn Avenue). The sites southern boundary is adjacent to the access road which serves the site and the wider Ashthorn Avenue development. The residential development of Gort na Fuinse is located further to the northwest of the site. There is a local sports clubs' grounds located further to the south.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 4 no. residential units which comprises of 2 no. sets of semi-detached 2 bed bungalow dwellings. The proposed dwellings all have a stated area of c.74.5 sq.m and are all served with private amenity space to the rear and are served with a western orientation.
- 2.2. Permission is also sought to provide for a communal parking bay to the roadside of the public footpath which provide for 17 no. parking spaces 2 of which are wheelchair accessible parking spaces.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse permission on the 17th December 2024 for the following 2 no. reasons:

1. Having regard to:
 - the unsatisfactory completion of the road network in the adjoining development;
 - concerns regarding pedestrian infrastructure and permeability;
 - the absence of desirable connectivity measures with adjacent lands and surrounding communities;

- The access road alignment in the immediate vicinity of the development which raises road safety concerns due to restricted manoeuvrability of the development car parking layout and the potential vehicular conflicts that may occur whilst being located on a pronounced bend;

It is therefore considered that if permitted as proposed, the development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise, and would be contrary to policy objectives NNR 3, NNR7 and DM Standards 31 and 33a of the Galway County Development Plan 2022-2028.

2. In the absence of satisfactory details submitted on file relating to the consent from Uisce Eireann to connect to the public water mains and public sewer to serve the proposed development, it is considered that the development if permitted as proposed would pose a serious risk to the public health and would be contrary to Policy Objective WS4, WW4 and Development Management Standard 36 of the Galway County Development Plan, 2022-2028 and therefore, 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 notes the location of the site, details of the proposed development, relevant planning history, relevant planning policy at local, national and regional level, AA and EIA Screening, a summary of submissions received, and a summary of consultee reports received.

The assessment considers the principle of development to be acceptable in terms of the land use zoning and design of the proposal. However, having regard to the concerns raised by the Transportation Section the report recommended that permission be refused in line with the decision issued.

3.2.2. Other Technical Reports

Roads and Transportation Unit – Recommends that permission be refused. The assessment considered that the development layout appears lacking sufficient quality, functional and amenity space linkage which forms part of an unfinished residential development and therefore the means of access and provision of services is by way of this

unfinished estate, whereby the proposal would constitute a haphazard piecemeal development.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – Report dated the 19th November 2024 and requests the Planning Authority to consider the provisions of official policy for development proposal and sets out in particular, the following details the Planning Authority should ensure:

- protect the substantial investment being made by Government in upgrading national roads,
- maintain the intended transport function, traffic carrying capacity and efficiency of the network of national roads,
- ensure that traffic hazards for road users are not created and thereby maintain the safety of the network of national roads,
- extend the service life of the national road network, thereby deferring to the longer term the need to reinvest in further road improvements and the construction of new roads which would have implications for landowners, local communities, the environment and public expenditure,
- protect the routes of future roads, including road upgrades, from development.

3.4. Third Party Observations

The Planning Authority received 1 no. submission which can be summarised as follows:

- Negative impact upon current levels of privacy.
- Decrease the value of properties in the area.
- Loss of light.

4.0 Planning History

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| PA 21/2108 | Extension of Duration GRANTED for works permitted under 18/165 - for change of house plans and revised site layout |
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reducing density from 76 units to 70 units and associated site works and services previously granted under planning ref no. 17/1264. Gross floor space of proposed works: 7383 sqm.

PA Ref 20/518 Permission GRANTED for amendments to the previously approved development permitted under Pl. Ref 17/1264. Decision upheld on appeal to An Bord Pleanála.

PA Ref 18/1615 Permission GRANTED for change of house plans and revised site layout reducing density from 76 units to 70 units and associated site works and services previously granted under planning ref no. 17/1264. Gross floor space of proposed works: 7383 sqm.

PA Ref 17/1264 Extension of duration granted for extension to existing residential development consisting of 82 No. accommodation units and creche facility together with associated site services. (Gross floor space 8964.60sqm) Previous Planning Ref No. 07/518 and extended under 12/411.

PA Ref 12/411 Extension of duration granted for extension to existing residential development consisting of 82 No. accommodation units and creche facility together with associated site services. (Gross floor space 8964.60sqm) Previous Planning Ref No. 07/518.

PA Ref 07/518 Permission GRANTED for extension to existing residential development consisting of 82 No. accommodation units and creche facility together with associated site services.

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, Headford has a population of 1,235 people and as such in accordance with Section 3.3.5 of the Guidelines identify areas with a population less than 1,500 people are considered to be Rural towns and village. Table 3.7 of the guidelines states that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services infrastructure). Lands zoned for housing at the edge of rural towns and villages at locations that can be integrated into the settlement and are connected to existing walking and cycling networks can offer an effective alternative, including serviced sites, to the provision of single houses in the countryside. The density of development at such locations should respond in a positive way to the established context.

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 2024

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.6. Galway County Development Plan 2022-2028

5.6.1. Headford is identified in the Settlement Strategy contained within the Galway County Development Plan 2022-2028 as a Small Growth Town located within Tier 5 of the Settlement Hierarchy of the county. Small Growth Towns are described as small towns with local service and employment potential, with a need to promote regeneration and revitalization of towns and support local enterprise and employment opportunities to ensure their viability as service centres for surrounding rural areas.

5.6.2. The subject is zoned 'Residential' (Phase 1) in the Volume 2 of the Galway County development Plan 2022-2028 under Small Growth Towns. The objective of the Residential land use zoning seeks *"To protect and improve residential amenities of existing residential areas and provide for house improvements alterations, extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity."*

5.6.3. Policy objective of SGT2 Residential Infill Development states *"Within existing towns small scale limited infill housing development will be considered on appropriate sites. These infill sites shall have regard to the existing character of the street respecting the existing building line, scale, proportions, layout, heights and materials materials of surrounding developments. The site must have a safe means of access and egress and comply with development management standards for new dwellings."*

5.6.4. 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

- Policy Objective CS 2 – Compact Growth

To achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.

Chapter 3 – Placemaking, Regeneration and Urban living.

- Policy Objective 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.

- Policy Objective 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.

- Policy Objective PM 9 – Vitality in Towns and Villages

(a) To provide an appropriate mix of uses and densities in settlements that are responsive to the needs of people and market demand to support delivery of sustainable, viable and thriving walking neighbourhoods;

(b) To encourage a greater usage of backland areas and to promote the redevelopment of sites in the town or village centre where development will positively contribute to the commercial and residential vitality of the town or village settlement.

- Policy Objective 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.

- Policy Objective CGR 1 – Compact Growth

To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and

villages. Development of lands with no links to the town or village centre will be discouraged.

- Policy Objective CGR 6 – Density

Promote the provision of higher density development in close proximity to sustainable transport corridors such as train stations.

- Policy Objective UL 1 Infill Sites

- To encourage and promote the development of infill, corner and backland sites in existing towns and villages in accordance with proper planning and sustainable development.

- Policy Objective UL 2 Layout and Design

- To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.

- Policy Objective UL 3 Housing Mix

- To promote a mix of house types and sizes that appeal to all sectors of the community and contribute to a healthy neighbourhood.

- Policy Objective UL 5 Open Space

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

Chapter 6 – Transport and Movement.

- Policy Objective GCTPS 3 – Sustainable Transport

The County will seek to support a variety of measures which will reduce car dependency for residents, and will specifically seek to improve access to sustainable transport choices (including responsive and “flexible” modes) for those residents in rural areas of the County.

- Policy Objective NNR 2 Safeguard Regional and Local Roads

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

- Policy Objective NNR 3 Design Manual for Urban Roads and Streets

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

- Policy Objective NNR 7 Mobility Management Plans

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

Chapter 8 Tourism and Landscape.

- Policy Objective LCM 3 Landscape Sensitivity Ratings

Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

Chapter 10 - Natural Heritage, Biodiversity and Green/Blue Infrastructure

- Policy Objective NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species.
- Policy Objective NHB 3 Protection of European Sites.
- Policy Objective WR 1 Water Resources.

Chapter 7 Infrastructure, Utilities & Environmental Protection

- Policy Objective WS 4 Requirement to Liaise with Irish Water – Water Supply.
Ensure that new developments are adequately serviced with a suitable quantity and quality of drinking water supply and require that all new developments intending to connect to a public water supply liaise with Irish Water with regard to the water (and wastewater) infrastructure required.
- Policy Objective WW 4 Requirement to Liaise with Irish Water – Wastewater
Ensure that new developments will only be permitted which are adequately serviced with sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) to the public sewer unless provided for otherwise by the

plan. Developers shall liaise with Irish Water with regard to the wastewater (and water) infrastructure to ensure sufficient capacity is available prior to the submission of a planning application

- Policy Objective WW11 Surface Water Drainage
- To require all new developments to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems where appropriate in new development and the public realm.

Chapter 15 – Development Management

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

DM Standard 2: Multiple Housing Schemes (Urban Areas)

Table 15.1: Residential Densit

DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Road.

Table 15.3: Sight Distances required for Access onto National, Regional and Local Roads.

DM Standard 30: Developments on Private Roads

DM Standard 31: Parking Standards

Table 15.5: Car Parking Standard

DM Standard 33: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment (a -Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA)

DM Standard 36: Public Water Supply and Wastewater Collection

5.7. Natural Heritage Designations

The site is not located within or directly adjacent to any Natura 2000 sites. The Lough Corrib SAC (site code 000297) is located c.1.73km to the north-west of the subject site.

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 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 1st Party appeal against the decision of Galway County Council to refuse permission for the proposed development. The grounds of the appeal can be summarised as follows:

1. Response to reason for refusal no. 1:

The decision was made to refuse permission under Section 35 of the planning and Development Act 2000 (as amended) – non-compliance with condition no. 5 (a) of PA Ref 18/1615.

i. Taking in charge

- A compliance response was submitted to the Planning Authority on the 15th March 2023 relating to condition 5 (a) of PA Ref 18/1615.
- Works completed to date include for public lighting/landscaping/boundary treatments and upgrades to the on-site pumping station.
- Laying of the final wearing course on all internal roads has commenced.
- By time the case comes for determination by the Board the development will be fully compliant and finished to the required standard.

ii. Connectivity/Permeability

- A footpath runs along the front of the subject site connecting the development to the wider residential development and directly to the N84 via an existing laneway.
- Planning report noted “site is relatively well connected” by virtue of the footpath network.
- Connectivity was deemed acceptable by the Planning Authority in multiple previous applications.

iii. Road Safety

- Site has a previous permission for a creche – much more trip intensive use.
- Parking arrangements previously permitted under PA Ref 18/1615.
- Pronounced bend terminates in a cul-de-sac.
- Trip volume low at this section of the estate as road only serves 4 existing dwellings.
- Traffic speeds low as road terminates in a cul-de-sac.

iv. Concluding statement of the Planning Authority – “unacceptable vehicle safety issues” is entirely without merit.

v. Development Management Standard 31 (C)– States car parking for semi-detached units should generally be within the curtilage of the individual house.

- Parking layout was previously acceptable to the Planning Authority (PA Ref 18/1615).
- Proposal is a later addition and as such the existing road /footpaths/services are already in place – any alternative car parking provision is considered unnecessary.
- Nation Policy 13 States: *In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables*

alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

2. Response to reason for refusal no. 2:

- Submitted a pre-connection enquiry form to Uisce Eireann – a copy accompanies the 1st party appeal.
- The proposal will be serviced as an extension to existing estate.
- Connection agreement is a common condition included for the written agreement of the Planning Authority.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

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:

- Reason for refusal no1 - Traffic Issues.
- Reason for refusal no. 2 - Public Health.

8.1. Reason for refusal no1 - Traffic Issues

- 8.1.1. The first item of the reason for refusal issued by the Planning Authority relates to traffic issues and raises concern with regard to the unsatisfactory completion of the road network in the adjoining development, the lack of connectivity and pedestrian permeability and the road safety concerns due to the road alignment. It was concluded that the proposal would therefore be contrary to Policy Objectives NNR 3 - Design Manual for Urban Roads and Streets; NNR7 -Mobility Management Plan and

Development management standard 31 - Parking and Development Management and Development management standard 33a - Developments on Private Roads and the requirement to submit a Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA). I will discuss each of these issues individually within my assessment below:

Adjoining Road Network

- 8.1.2. The subject site is backland in nature with access being provided via the adjoining Ashthorn Estate. This estate was permitted under 07/518 and subject to a number of amendment and extension of duration applications. The Roads & Transportation Department of the Planning Authority raised concerns over the access arrangement to serve the proposed development which they note is through the unfinished Ashthorn Avenue housing estate. It was considered that due to the unsatisfactory completion of the estate's internal access road which has not received a finished wearing course tarmac, or any Traffic Management Measures in accordance to Road Marking and Signing Traffic Sign Manual to permit the development would endanger public safety by reason of a traffic hazard.
- 8.1.3. It is further asserted within this report that the Ashthorn Estate has not been taken in charge by Galway County Council and therefore concerns remain in relation to the condition of the roads which are of a construction standard in addition to the absence of satisfactory correspondence from the applicant in relation to this matter.
- 8.1.4. The appellant in response has stated that a compliance response was submitted to the Planning Authority on the 15th March 2023 relating to condition 5 (a) of PA Ref 18/1615. Condition 5(A) of PA Ref 18/1615 states "*The Public Lighting, Roads, Footpaths, Sewers, watermains, and open spaces shall be constructed with the requirements outlined in Galway County Councils Taking in Charge of Developments (Sept. 2008) or any amended version of this document*". The appellant further notes that works completed to date include for public lighting, landscaping/boundary treatments and upgrades to the on-site pumping station and that the laying of the final wearing course in all internal roads has commenced within the adjoining estate.
- 8.1.5. I note from undertaking a review of the Galway County Councils mapping system on the 14th April 2025 that the surrounding road network within the Ashthorn Estate have

been taken in charge by the Local Authority. However, I note that the roads within the Gort Na Fuinse estate, located to the southwest of Ashthorn, are not taken in charge.

- 8.1.6. In addition, from a review of the conditions associate with the previously approved applications there was a bond condition applied under PA Ref 17/1264, which sought for an extension of duration to the parent permission. In the instance that the Local Authority consider that the works undertaken to the internal road network did not accord with the County Councils Taking in Charge of Developments document this bond could have been utilised to ensure that the roads and footpaths were completed to the required standard.
- 8.1.7. I consider that given that the surrounding road network through which access is being provided to serve the proposed development is in the charge of the Local Authority that the standard of the surrounding roads must have been considered acceptable and in accordance with the Local Authorities taken in charge requirements. I therefore do not accept that this should have been included as a reason for refusal.

Connectivity and Permeability

- 8.1.8. The access proposed is already being utilised to serve 4 no. existing dwelling. I note from undertaking a site visit that there is an existing footpath which runs along the southern boundary of the subject site which connects directly to the wider footpath network within both Ashthorn Estate and Gort Na Fuinse estates. The site is also located immediately to the west to a pedestrian link which connect the Ashthorn Estate and Gort Na Fuinse directly to the N84 where there is a bus stop and a footpath leading directly into the centre of Headford.
- 8.1.9. The Planning Authority within their report notes that in terms of access/connectivity the site is relatively well served in terms of access and connectivity by virtue of the existing footpath network which serves the wider development and also the existing pedestrian footpath to the east of the site which provides a link to the N84 and connectivity to the town centre of Headford.
- 8.1.10. Having regard to the location of the subject site which is well served with an existing footpath and linkages directly to the N84 together with comments of the Planning Authority, I do not accept the reason for refusal relating to the lack of connectivity and pedestrian permeability.

Road alignment and safety

- 8.1.11. I note from assessment of plans submitted as part of the previous applications subject to this site that the road layout has been previously accepted under the parent planning application, PA Ref 07/518 and remained unchanged under all subsequent amendment applications. The parking area to the south of the proposed dwellings which is located within the red-line is indicated to be retained as previously permitted and this is reiterated within the 1st party appeal.
- 8.1.12. It is further contended, by the appellant, with regard to the reference to the pronounced bend, that this road terminates in a cul-de-sac and as such low speeds are to be expected. In addition, trip volumes will be low as there are only 4 no. dwellings located within this area.
- 8.1.13. I note from assessment of the plans submitted that the road widths within the immediate vicinity of the subject site are in excess of c.5m. The parking arrangement has been provided as pull-in spaces which requires reverse manoeuvres, however, I do not consider that this would give rise to vehicular conflicts given the width of the surrounding road network. The applicant is seeking permission for 4 no. dwelling which I do not consider would generate a significant increase in trips utilising this section of the internal road network.
- 8.1.14. With regard to the reference to the pronounced bend, I witnessed on site that the bend on the entrance to the cul-de-sac has been incorporated into an area of incidental open space which allows for the alignment of the road to be straight. There are 4 no. dwellings located at the end of this cul-de-sac which are served with in-curtilage parking which require reverse manoeuvres also to be undertaken. As such, again I do not accept the concerns raised within the reasons for refusal with regard to restricted manoeuvrability and potential vehicular conflicts for that reason.

Relevant Policy Objectives

- 8.1.15. Policy objectives NNR 3 of the County Development Plan seeks to ensure that national design standards as set out within DMURs area implemented for road within 50/60 kph zone. As previously stated, the applicant is not seeking to amend the internal road layout and as such, I do not consider that the proposal would be contrary to Policy objectives NNR 3 of the Galway County Development Plan 2022-2028 as the road layout has been accepted.

- 8.1.16. Policy objectives NNR 7 of the County Development Plan requires the submission of a Mobility Management Plan for trip intensive developments. As states above, I do not consider that the proposed development of 4 no. residential unit would be trip intensive and as such I do not consider the proposal to be contrary to Policy Objective NNR7 of the Galway County Development Plan 2022-2028.
- 8.1.17. Development management standards 31 of the County Development Plan relates to car parking. As previously stated, the area of car parking subject to this application has previously been permitted and was considered to be acceptable. I note that reference is made to the provision of 17 no car parking spaces within the statutory description of development, however I note that only 15 spaces are included within the red line boundary of the proposed development. Two no. accessible spaces are located outside of the red line and as such I have based my assessment upon 15 no. car parking spaces.
- 8.1.18. The quantum proposed of 15 no. spaces to serve the proposed 4 no. dwellings would be significantly in excess of the requirements of Table 15.5 of the County Development Plan and also SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Table 15.5 of the County
- 8.1.19. Table 15.5 of the Galway County Development Plan 2022-2028 identifies that 1.5 car parking space per dwelling should be provided for 1-3 bed dwelling while SPPR 3 of the compact guideline's states that in peripheral locations 2 no. spaces per dwelling is appropriate. As such, in the event the Board are minded to grant permission I recommend that a condition be included to ensure that the parking provision does not exceed 6 no. spaces and that the remaining area be landscaped accordingly.
- 8.1.20. With reference to DM standard 33(a) requires the submission of a Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA) for significant development proposal. Again, having regard to the quantum of development being 4 no. residential dwelling I do not consider that DM Standard 33(a) is relevant in this instance.

Conclusion

- 8.1.21. Overall, having regard to the scale of the proposed development, the existing surrounding road network which has been taken in charge by the Local Authority, the existing connectivity and permeability links to both the N84 and surrounding residential

area, the previously permitted road and parking layout, I do not accept the concerns raised by the Planning Authority and do not consider that the proposed development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise, and would be contrary to policy objectives NNR 3, NNR7 and DM Standards 31 and 33a of the Galway County Development Plan 2022-2028. I therefore recommend that in this instance that permission be granted.

8.2. Reason for refusal no. 2 - Public Health

- 8.2.1. The 2nd 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.
- 8.2.2. The applicant has submitted as part of their 1st party appeal a copy of the correspondence received from Uisce Eireann in response to the pre-connection enquiry that they submitted. The e-mail is dated the 10th of October 2024 and provides a reference number of the enquiry made. I note that this correspondence from Uisce Eireann is not a confirmation of feasibility but rather a receipt of a pre-connection submission. As such it is still remains unclear if the proposed connection would be feasible.
- 8.2.3. The appellant states that there are services located close to the subject site and the proposed development will be serviced as an extension to the existing development within the cul-de-sac. It is further stated that it is common practice for a condition to be added in the event of a grant of permission that a connection agreement be in place prior to the commencement of development.

- 8.2.4. I note from review Uisce Eireann's Wastewater treatment capacity register, on the 11th April 2025 that there is capacity available for Headford. 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.
- 8.2.5. While it still remains unclear if the connection being proposed to serve the site for wastewater and water connection is feasible, 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. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Board is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 9.2. The proposed development is not located within or immediately adjacent to any European site. The Lough Corrib SAC (site code 000297) is located c.1.73km to the north-west of the subject site.
- 9.3. The applicant is seeking permission for the construction of 4no. dwellings. There are no watercourses running through the site and the operational development would connect to existing municipal services in terms of water supply and wastewater/drainage.
- 9.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale and located in an area where existing connections into the public sewer available to serve the subject site. There are no impacts/effects predicted in this regard.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

9.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required. Please refer to appendix 2 of my report for a full screening assessment.

10.0 Recommendation

10.1. Having regard to the above it is recommended that the decision of Galway County Council be overturned and permission be granted based on the following reasons and considerations and subject to the attached conditions.

11.0 Reasons and Considerations

The proposed development which is seeking permission for the provision of 4 no. dwellings and all associated site works complies with the provisions of the Galway County Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the character of the surrounding area, would not impact upon the local road network, would not endanger public safety by reason of traffic hazard and would not be prejudice to public health and would therefore be in keeping with the proper planning and sustainable development of the area.

12.0 Conditions

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| 1. | <p>development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 25th October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>The quantum of parking shall not exceed 6 no. car parking spaces. Prior to the commencement of development and amended site layout plan indicating 6 no. parking space with the remaining area being landscaped shall be submitted to the Planning Authority for the written agreement.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p> |
| 3. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p> |
| 4. | <p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p> |
| 5. | <p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p> |

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| 6. | <p>The landscaping scheme as submitted to the planning authority on the 25th October 2024 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 7. | <p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p> |
| 8. | <p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |

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 - Form 1

EIA Pre-Screening

| | | | |
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| An Bord Pleanála Case Reference | ABP-321736-25 | | |
| Proposed Development Summary | Construction of 4 no. residential units. | | |
| Development Address | Headford, Gortnamona, Co. Galway | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | Tick if relevant. No further action required |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | X | S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units. | Proceed to Q3. |
| No | Tick or leave blank | | 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 | Tick/or leave blank | State the relevant threshold here for the Class of development. | 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 | Tick/or leave blank | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary examination required (Form 2) |
| 5. Has Schedule 7A information been submitted? | | | |

| | | |
|------------|---------------------|--|
| No | X | Screening determination remains as above (Q1 to Q4) |
| Yes | Tick/or leave blank | Screening Determination required |

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

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|---|---|
| An Bord Pleanála Case Reference | ABP- 321736-25 |
| Proposed Development Summary | Permission for the construction of four houses, together with all associated works. |
| Development Address | Headford, Gortnamona, Co. Galway. |
| <p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>This is an application for the construction of a 4 no. dwelling units, and associated site works.</p> <p>Access is proposed to be provided via an existing residential development.</p> <p>The operational development would connect to existing municipal services in terms of water supply and wastewater/drainage.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, | <p>The subject site is location within the development boundary of Headford, Co. Galway.</p> <p>The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes</p> |

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| <p>European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>of identified significance in the County Development Plan.</p> <p>The subject site is not located within or adjacent to any Natura 2000 sites. The Lough Corrib SAC (site code 000297) is located c.1.73km to the north-west of the subject site.</p> |
| <p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p>Having regard to the location of the subject site within the development boundary of Headford, Co. Galway which is removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act</p> |
| <p>Conclusion</p> | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p> | |

Inspector: _____

Date: _____

Appendix 3

Appropriate Assessment Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the [title of project] in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within Headford, Gortnamona. The subject site is not located within or immediately adjacent to any European site. I noted that the nearest Natura Site is located c.1.73km to the north-west and is the Lough Corrib SAC (site code 000297).

The proposed development comprises of the construction of 4 no. single storey dwelling and all associated site works. It is proposed to service the proposed dwelling via a connection to the public mains.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The proposed works are limited in scale and located in an area where existing connections into the public sewer available to serve the subject site. There are no impacts/effects predicted in this regard.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.