



An
Bord
Pleanála

Inspector's Report

ABP-321870-25

| | |
|-------------------------------------|---|
| Development | Demolition and construction of a house and all associated site works. |
| Location | 7 Rinn na Mara, Seapoint, Barna, Co. Galway. |
| Planning Authority | Galway County Council. |
| Planning Authority Reg. Ref. | 2461519. |
| Applicant(s) | Mary Delahunty. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse Permission. |
| Type of Appeal | First Party v Refusal. |
| Appellant(s) | Mary Delahunty. |
| Observer(s) | None. |
| Date of Site Inspection | 31 st March 2024. |
| Inspector | Ciarán Daly |

1.0 Site Location and Description

- 1.1. The subject site of area 0.019ha on Pier Road consists of a mid-terrace two storey cottage with pitched roof. There is a modest sized front garden area with pedestrian access and low front walls and piers. By comparison with the front, the rear garden is effectively at first floor level, accessed by old ad hoc steps from the small level area to the rear of the house and the rear garden is modest in length. The dwelling is adjacent to two no. two storey terraced dwellings of taller scale to the north and two no. terrace dwellings of similar scale to the south with the adjacent southern dwelling including dormer window elements. The streetscape terrace in this part of the Bearna settlement varies somewhat in terms of scale and design.
- 1.2. The dwelling and terrace are part of the Pier Road Architectural Conservation Area (ACA) and this ACA includes Bearna pier which is located c.60m to the south.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- The demolition of an existing sub-standard two storey cottage dwelling.
 - Construction of a new dwelling house of traditional front elevation form and with additional floor area (48sqm or c76% of existing) to the rear in modern form on both levels by comparison with the existing.

3.0 Planning Authority Decision

3.1. Decision

Galway County Council decided to refuse permission for the proposed development for two no. reasons. Reason no. 1 related to an adverse impact on the integrity of the existing ACA detracting from the visual amenity of the area and would materially contravene with Policy Objective AH 1 (Architectural Heritage), Policy Objective AH 5 (Maintenance and Re-use of existing building stock), Policy Objective AH 4 (Architectural Conservation Area) and DM Standard 60 of the County Development Plan (CDP).

Reason no. 2 related to the location within Flood Zones A and B and the absence of a Flood Risk Assessment which would be contrary to policy. A material contravention of DM Standard 68, Policy Objective FL 2, Policy Objective FL 3, Policy Objective FL 8 and Policy Objective GCMA 19 of the CDP.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report refers to the submission from the Heritage Council which noted significant concerns. It noted there can be little justification for the demolition of the property and it objected to the demolition and noted that this would severely undermine the special interest of the ACA and it noted that it would strongly support the re-use of heritage assets. It also noted a disregard for the embedded carbon within the dwelling.

In addition to the site zoning of C1 – Town Centre, the Planner's Report notes that it is also subject to a Constrained Land Use Objective which is associated with flood risk. This is noted to limit new development to previously developed areas only while recognising that small scale development may be required. The report notes the requirement for a Flood Risk Assessment for developments in this zone.

The report notes that residential development is 'open for consideration' under the zoning. The site was considered to contribute to the streetscape within the ACA and the demolition is considered contrary to policy. The design is not considered appropriate for the ACA. Serious concerns were also noted in relation to the works to the existing chimney of the adjoining property.

3.2.2. Other Technical Reports

- Carraroe Aea Office: No report received.
- GCC Architectural Conservation Officer: Refusal recommended.
- GCC Heritage Officer: No report received.
- Roads Department: No report received.

3.3. Prescribed Bodies

- Department of Tourism, Culture, Arts and Gaeltacht: No report received.

- Fáilte Ireland: No report received.
- An Taisce: No report received.
- Irish Aviation Authority: No report received.
- Inland Fisheries Ireland: No report received.
- Department of Housing, Local Government and Heritage: No report received.
- The Heritage Council: Recommended refusal of permission.
- Údarás na Gaeltachta: No report received.

3.4. **Third Party Observations**

No third party observations were received.

4.0 **Planning History**

Subject site

24/61246 – Incomplete application for demolition of dwelling and construction of a new dwelling.

Sites in the vicinity

21110 – Permission granted at no. 6 Rinn na Mara, for the demolition of a rear extension and new two storey extension.

131034 – Permission granted by the P.A. for demolition of a garage and new two storey side and rear extension.

5.0 **Policy Context**

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

Chapter 12 – Architectural, Archaeological and Cultural Heritage

AH 1 – Architectural Heritage

Ensure the protection of the architectural heritage of County Galway which is a unique and special resource, having regard to the policy guidance contained in the Architectural Heritage Protection Guidelines 2011 (and any updated/superseding document).

AH 4 – Architectural Conservation Areas (Refer to Appendix 7)

Protect, conserve and enhance the special character of the Architectural Conservation Areas (ACA) included in this plan through the appropriate management and control of the design, location and layout of new development, modifications, alterations or extensions to existing structures, surviving historic plots and street patterns and/or modifications to the character or setting of the Architectural Conservation Area. Works within the ACA shall ensure the conservation of traditional features and building elements that contribute to the character of the area. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. New proposals shall have appropriate regard to scale, plot, form, mass, design, materials, colours and function.

This then lists 12 ways by which this will be achieved.

AH 5 – Maintenance and Re-use of existing Building Stock

Promote the maintenance and appropriate re-use of the existing stock of buildings with architectural merit as a more sustainable option to their demolition and redevelopment.

Chapter 14 – Climate Change, Energy and Renewable Resource

FL 2 Flood Risk Management and Assessment

Comply with the requirements of the DoEHLG/OPW The Planning System and Flood Risk Management Guidelines for Planning Authorities and its accompanying Technical Appendices Document 2009 (including any updated/superseding documents).

This will include the following: (a) Avoid, reduce and/or mitigate, as appropriate in accordance with the Guidelines; (b) Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a Site Specific Flood Risk Assessment, and justification test where appropriate, in accordance with the provisions of The Planning System and Flood Risk Management Guidelines 2009 (or any superseding document); Any flood risk assessment should include an assessment of the potential impacts of climate change, such as an increase in the extent or probability of

flooding, and any associated measures necessary to address these impacts; (c) Development that would be subject to an inappropriate risk of flooding or that would cause or exacerbate such a risk at other locations shall not normally be permitted; (d) Galway County Council shall work with other bodies and organisations, as appropriate, to help protect critical infrastructure, including water and wastewater, within the County, from risk of flooding.

FL 3 Principles of the Flood Risk Management Guidelines

The Planning Authority shall implement the key principles of flood risk management set out in the Flood Risk Management Guidelines as follows: (a) Avoid development that will be at risk of flooding or that will increase the flooding risk elsewhere, where possible; (b) Substitute less vulnerable uses, where avoidance is not possible; and (c) Mitigate and manage the risk, where avoidance and substitution are not possible. Development should only be permitted in areas at risk of flooding when there are no alternative, reasonable sites available in areas at lower risk that also meet the objectives of proper planning and sustainable development. Vulnerable development in areas which have the highest flood risk should be avoided and/or only considered in exceptional circumstances (through a prescribed Justification Test) if adequate land or sites are not available in areas which have lower flood risk.

FL 8 Flood Risk Assessment for Planning Applications and CFRAMS

Protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate Flood Zone in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any superseding document) and the guidance contained in Development Management Standard 68.

Site-specific Flood Risk Assessment (FRA) is required for all planning applications in areas at elevated risk of flooding, even for developments appropriate to the particular flood zone. The detail of these site-specific FRAs will depend on the level of risk and scale of development. A detailed site-specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The Planning Authority shall have regard to the results of any CFRAM Studies in the assessment of planning applications.

Development proposals will need to be accompanied by a Development Management Justification Test in addition to the site-specific Flood Risk Assessment. Where only a small proportion of a site is at risk of flooding, the sequential approach shall be applied in site planning, in order to seek to ensure that no encroachment onto or loss of the flood plain occurs and/or that only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site.

In Flood Zone C, where the probability of flooding is low (less than 0.1%, Flood Zone C), site-specific Flood Risk Assessment may be required and the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed.

In addition to the County Plan SFRA datasets (including the Flood Zones, CFRAMS mapping, historical and predictive groundwater mapping, predictive pluvial mapping and historical flood risk indicator mapping, such as the Benefitting Lands mapping), new and emerging datasets (such as the OPW's National Fluvial Mapping that will supersede existing PFRA fluvial mapping for catchments greater than 5km²) must be consulted by prospective applicants for developments and will be made available to lower-tier Development Management processed in the Council.

Applications for developments in coastal areas and associated assessments shall also consider wave overtopping and coastal erosion.

FL 14 Flood Vulnerable Zones

It is Council policy objective to ensure that applications pertaining to existing developments in flood vulnerable zones provide details of structural and non-structural risk management measures to include, but not be limited to specifications of the following - floor levels, internal layout, flood resilient construction, flood resistant construction, emergency response planning, access and egress during flood events.

Chapter 15 – Development Management Standards

DM Standard 60 – Architectural Conservation Areas

Demolition – The demolition of a building within an ACA will be restricted unless the Council is satisfied that the structure or building does not contribute positively to the

character or appearance of the ACA, or building or structure is beyond viable repair of reuse.

DM Standard 68 – Flooding

Where developments/land uses are proposed that are considered inappropriate to the Flood Zone, then a Development Management Justification Test and site-specific Flood Risk Assessment will be required in accordance with The Planning System and Flood Risk Management Guidelines 2009 (and as updated).

Volume 2

Objective C1 – Town Centre is “*To protect, provide and improve residential amenity and appropriate commercial developments within key town centre sites within the lifetime of this plan*”. Under this zoning, ‘residential’ use is open for consideration subject to Policy Objective GCMA 1, or as appropriate. This policy objective does not restrict development of single dwelling houses. This zoning is also subject to Policy GCMA 19.

Section 1.0 Policy Objective GCMA 19 – Constrained Land Use Objective

To facilitate the appropriate management and sustainable use of flood risk within previously developed areas.

This zoning applies to previously developed areas only and limits new development, while recognising that existing development uses within these zones may require small scale development, as outlined below, over the life of the County Development Plan, which would contribute towards the compact and sustainable urban development in the MASP....

...Development proposals within this zone shall be accompanied by a detailed Flood Risk Assessment, carried out in accordance with The Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014 (or as updated), which shall assess the risks of flooding associated with the proposed development.

Proposals shall only be considered where it is demonstrated to the satisfaction of the Planning Authority that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities, or increase the risk of flooding to other locations.

5.2. **Section 28 Guidelines**

5.2.1. Relevant Ministerial guidelines include the following:

- Planning System and Flood Risk Management Guidelines for Planning Authorities (DEH&LG, 2009) (the Flood Risk Guidelines).

Of particular note is Section 5.28 in relation to the assessment of minor proposals in areas of flood risk which notes that the sequential approach is not appropriate but that a commensurate assessment of flood risk should accompany such applications.

- Architectural Heritage Protection Guidelines, (2011).

5.3. Natural Heritage Designations

5.3.1. In relation to designated sites, the site is located:

- c.1.45km west of Inner Galway Bay Special Protection Area (SPA) (site code 004031).
- c.1.55km west of Galway Bay Complex Special Area of Conservation (SAC) and Natural Heritage Area (NHA) (site code 000268).
- c.2.1km south-east of Moycullen Bogs NHA (site code 002364).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal by Mary Delahunty can be summarised as follows:

- Neither the P.A. nor the Heritage Council had adequate knowledge of the current structural integrity of the structure prior to issuing their reports.
- The dwelling is structurally unsound and unfit for habitation and photos submitted in support.
- The submitted report from a Chartered Structural Engineer condemns the building and highlights the preferred route from a feasibility and economic aspect to remove and re-construct.
- Due to the structural concerns, the existing dwelling could not be conserved and reimagined as a habitable dwelling.

- The design has due regard to the scale, plot, form, mass and with material finishes and traditional windows to maintain the special character of the area.
- The design retains the historic view on Pier Road and the original character and connection to Bearna Pier and will bring a family home back into use.
- The applicant has not had sufficient time in the appeal period to prepare a Flood Risk Assessment and would happily provide one if this is requested by way of F.I. by ABP.

7.0 **Assessment**

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

- Principle of Development
- Conservation.
- Flood Risk.

7.2. **Principle of Development**

- 7.2.1. The subject site is zoned under Objective C1 – Town Centre which is *“To protect, provide and improve residential amenity and appropriate commercial developments within key town centre sites within the lifetime of this plan”*. Under this zoning, ‘residential’ use is open for consideration subject to Policy Objective GCMA 1, or as appropriate. This policy objective does not restrict development of single dwelling houses. This zoning is also subject to Policy GCMA 19 which includes the following,
- 7.2.2. *“The underlying zoning or the existing permitted uses are deemed to be acceptable in principle for minor developments to existing buildings (such as small extensions to houses, most changes of use of existing buildings), which are unlikely to raise significant flooding issues, provided they do not obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances”*. Given the proposed extended footprint (24sqm

or c.38% of existing) to the rear of significant size relative to the existing, it cannot be stated that the development is acceptable in principle without a flood risk assessment (see Section 7.4 below).

7.3. Conservation

- 7.3.1. I note that the Architectural Heritage Guidelines are largely incorporated into the relevant policy objectives of the CDP. The proposed demolition and new dwelling was refused permission in relation to the adverse impact it would have on the integrity of the existing ACA. This was informed by a report from the Heritage Council which expressed strong concerns in relation to the proposal. It noted the summary of the ACA with emphasis on the 19th century fishing village and the street pattern, plot sizes and architectural coherence spanning the late 18th to late 19th century.
- 7.3.2. I note CDP Policy Objective AH 4 to be of particular relevance to this case. It includes the following, *“Works within the ACA shall ensure the conservation of traditional features and building elements that contribute to the character of the area. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. New proposals shall have appropriate regard to scale, plot, form, mass, design, materials, colours and function”*.
- 7.3.3. I note the report submitted by the appellant in respect of the structural condition of the housing prepared by a Chartered Engineer. I note the report includes details of significant decay to the structure and structural issues with the walls and roof. The issue of absent foundations, inadequate floor to ceiling heights and no protection to rising damp are also referenced. The dwelling is not considered to be suitable for renovation as this will reduce natural ventilation *“causing the dwelling to become even more prone to the occurrence of mould growth”*.
- 7.3.4. The report also notes that due to the original methods of construction, renovation will require the demolishing and rebuilding of all wall sections above windows and doors. The potential for the remaining building fabric to progressively unravel as interventions are made in its structure is also noted. The report notes that refurbishment would require the extensive demolition and replacement of the

structure. The report recommends demolition and a new build with modern construction techniques on feasibility and economic grounds.

- 7.3.5. While noting the general policy provisions in relation to ACAs including under Policy Objective AH 4, particularly in relation to seeking to protect structures within these areas from demolition, I note DM Standard 60 states the following,

“The demolition of a building within an ACA will be restricted unless the Council is satisfied that the structure or building does not contribute positively to the character or appearance of the ACA, or building or structure is beyond viable repair or reuse”.

- 7.3.6. This standard allows demolition if the structure is beyond viable repair or reuse and, noting the submitted structural report with the appeal, I consider that the appellant has demonstrated this to be the case at appeal stage, as confirmed by my site visit. I note while considering that the building does positively contribute to the character and appearance of the ACA, that demolition is nevertheless allowed for in this circumstance. I consider the proposed demolition to have been justified by the appellant while also noting Policy Objective CC 2 and the embodied carbon in the structure. For the reasons outlined above I consider that a restoration would result in a large scale of demolition in any event with no prospect of re-use of all demolished material and at very significant cost.

- 7.3.7. In relation to the proposed new dwelling design, I note it would be of greater scale and height and in the streetscape, rather than continuing to follow the eaves height to its south and the current height, it would effectively step up in height and between the adjacent buildings to the north and south. It would read as a gradual stepping up of the building height given the greater height eaves height to the north. The front façade design would also include two dormer window elements which would be similar to the dormer elements adjacent to the south. I note the greater scale is required in relation to modern building and habitable standards.

- 7.3.8. The report from the Heritage Council considers the protection of all buildings, groups of structures, all features which contribute to the special character of the ACA from demolition and non-sympathetic alterations to be particularly important in this instance. Noting the constraints in terms of current building standards and the need to provide a structure that is used and viable on the site, I consider that a balance between full scale retention/design retention and an evolution of design that

respects the character of the ACA to be necessary in this instance. I consider this is consistent with Policy Objective AH1 which seeks the protection of architectural heritage while having regard to the Architectural Heritage Protection Guidelines which allow for demolition in this type of circumstance (see Section 3.10.2 for example). In this context, I do not consider the proposed replacement to be of lesser quality or interest than the existing structure and that the character of the ACA and area would not be adversely affected.

- 7.3.9. I note the proposed design would somewhat change the façade design in scale and window form at upper levels, however, I consider that the new design would be largely consistent with the design of the dwellings on either side, would integrate with the streetscape and built form in this regard and would retain a sufficient degree of the original front façade design, such that there would be no undue negative impact on the character of the ACA. I agree with the appeal that the design has shown due regard to the scale, plot, form and mass of the dwelling and to the dwellings in the streetscape. The row of houses would then, in my view, retain the traditional form and appearance of fishing cottages thus preserving the local architectural significance of the terrace of houses within the ACA.
- 7.3.10. I consider that the proposed demolition and new dwelling design complies with Policy Objective AH 1 Architectural Heritage, Policy Objective AH 5 Maintenance and Re-use of existing Building Stock, Policy Objective AH 4 Architectural Conservation Area, and DM Standard 60. Should permission be granted, I recommend a condition to deal with detailed external finishes via condition.
- 7.3.11. I note that the P.A. in its first refusal reason cited a material contravention of Policy Objective AH 1 Architectural Heritage, Policy Objective AH 5 Maintenance and Re-use of existing Building Stock, Policy Objective AH 4 Architectural Conservation Area, and DM Standard 60, in respect of the proposal. Per the above assessment, I do not consider that a contravention or material contravention of these policies arises.

7.4. Flood Risk

- 7.4.1. I note the location of the subject site within flood zones A and B. Policy Objective GCMA 19 (Constrained Land Use Objective) applies to the subject site. This allows

for small extensions and development of previously developed areas only due to flood risk. I note that this policy states the following,

“Proposals shall only be considered where it is demonstrated to the satisfaction of the Planning Authority that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities, or increase the risk of flooding to other locations. The nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased”.

- 7.4.2. I note that no detailed site specific flood risk assessment has been submitted in the appeal or with the application. Any site specific flood risk assessment would need to be in accordance with Policy Objective FL 2 – Flood Risk Management and Assessment, Policy Objective FL 3 – Principles of the Flood Risk Management Guidelines and DM Standard 68 (Flooding) of the CDP. I note that the appeal states that insufficient time was available to prepare a Flood Risk Assessment.
- 7.4.3. While policy allows for building at this location of small scale extensions and on the existing footprint, nevertheless given the proposed vulnerable land use, I consider that a site specific flood risk assessment is required to demonstrate that there would be no adverse impacts on the site or surrounds from the proposed development. I note the justification test is not appropriate in this circumstance per Section 5.28 of the guidelines which includes the following and states that *“Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply”.*
- 7.4.4. I note the replacement dwelling would result in an extended ground level footprint of c.24sqm and that there is an existing dwelling on the site, that fluvial and coastal flood risk is at issue per the Bearna flood risk map (Volume 2, Section 2.6), that a significant additional number of people would not be introduced given the modest increase in floor area and that the proposal does not entail the storage of hazardous substances.
- 7.4.5. Nevertheless, given the vulnerable land use and the significant flood risk in this zone and the lack of identified physical and other measures to deal with this risk in the

application, I consider that per the requirements of Policy Objectives FL 2 – Flood Risk Management and Assessment, FL 3 – Principles of the Flood Risk Management Guidelines, FL 14 – Flood Vulnerable Zones and DM Standard 68 (Flooding) that in the absence of a submitted flood risk assessment, that I consider that there would be an unacceptable flood risk resulting from the proposed development contrary to policy and contrary to the zoning objective for the site. This merits a refusal of permission in my view consistent with refusal reason no.2 cited by the P.A.. The applicant noted that they had insufficient time to prepare a Flood Risk Assessment. I would also note that the Board may wish to consider whether a request for further information is appropriate in this circumstance.

- 7.4.6. In conclusion, based on the precautionary principle, I consider that the proposed development on lands where a constrained land use zoning objective applies, in the absence of a submitted site specific flood risk assessment consistent with the Flood Risk Guidelines, where it has not been demonstrated that the site and adjacent lands would not be at significant flood risk as a result of the proposed development, is contrary to Policy Objective FL 2, FL3, FL 14, GCMA 19 and DM Standard 68 of the CDP and permission should be refused accordingly.
- 7.4.7. In this regard, I agree with the P.A. that in the absence of a robust demonstration that no significant flood risk arises or that the risk can be managed, that the above policies would be materially contravened. I note that this would also be inconsistent with Section 5.28 of the Flood Risk Guidelines in relation to minor proposals in areas at flood risk where it has not been demonstrated that no adverse impacts would result.

8.0 EIA Screening

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

development. The need for environmental impact assessment can, therefore, be excluded.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located c.1.45km west of Inner Galway Bay SPA (site code 004031) and c.1.55km west of Galway Bay Complex SAC (site code 000268).
- 9.2. The proposed development comprises demolition of an existing dwelling and a new two storey dwelling. 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 appreciable effect on a European Site. The reason for this conclusion is as follows:
- The relatively small scale and domestic nature of the development.
 - The location of the development in a serviced urban area and the distance from any sensitive sites.
 - Taking into account the screening determination carried out by the Planning Authority.
- 9.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

10.0 Recommendation

I recommend that permission be refused.

11.0 Reasons and Considerations

1. The proposed development is in an area deemed to be at risk of flooding by reference to Volume 2 of the Galway County Development Plan 2022-2028 and development proposals within these areas and under the C1 Town Centre zoning are required to be accompanied by a

detailed Flood Risk Assessment in accordance with the principles of the Planning System and Flood Risk Management Guidelines for Planning Authorities per Policy Objective GCMA 19. In this context is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, that it has not been demonstrated there would not be an unacceptable flood risk from the proposed development. Therefore, the proposed development would be materially contrary to the C1 Town Centre zoning objective for the site, Policy Objective GCMA 19 and would be materially contrary to DM Standard 68 and Policy Objectives FL 2, FL3 and FL 14. The proposed development would therefore 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.

Ciarán Daly

Planning Inspector

30th April 2025

Appendix 1 – Form 1

EIA Pre-Screening

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| An Bord Pleanála Case Reference | ABP-321870-25 | | |
| Proposed Development Summary | House demolition and construction of a house. | | |
| Development Address | 7 Rinn na Mara, Seapoint, Barna, Co. Galway. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | X | Part 2, Class 10 (b)(i). | 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 | Threshold: Construction of more than 500 dwelling units and urban development which would involve | Proceed to Q4 |

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| | | an area greater than 10 hectares in the case of other parts of a built-up area. | |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | X | Demolition and new dwelling is below the 500 dwelling threshold on a site area of 0.019ha below the 10ha. Threshold. | Preliminary examination required (Form 2) |

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

Inspector: _____ **Date:** _____

Appendix 2 – Form 2

EIA Preliminary Examination

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| An Bord Pleanála Case Reference | ABP-321870-25 |
| Proposed Development Summary | House demolition and construction of a house. |
| Development Address | 7 Rinn na Mara, Seapoint, Barna, Co. Galway. |
| <p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | |
| <p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p>Two storey dwelling within an urban area and connection to public water and wastewater network.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p> |
| <p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The urban location of the development is located at a significant remove from sensitive environmental receptors such as the Galway Bay Complex SAC and the Inner Galway Bay SPA and from sensitive cultural and heritage areas.</p> <p>There is a potential for increased flood risk with no submitted site specific flood risk assessment to demonstrate otherwise. Impacts beyond the site are not significant.</p> |

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| | | Loss of historic fabric and impact on the ACA is adequately mitigated. |
| 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). | | Impacts will be contained within the partly walled site with any water based run-off to the local waste water treatment network. The site is not suitable for wintering birds. |
| Conclusion | | |
| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
| There is no real likelihood of significant effects on the environment. | EIA is not required. | Yes |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)