



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion

TC0004

Strategic Housing Development	113 dwellings, open space, playground, astro-turf kickabout area, putting green and picnic area. .
Location	Trusky, Bearna, Co. Galway
Planning Authority	Galway County Council
Prospective Applicant	Burkeway Homes Limited
Date of Consultation Meeting	4 th September 2017
Date of Site Inspection	24 August 2017
Inspector	Una Crosse

1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The subject site, with a stated area of 7.2ha., is located in Trusky East, c.250 metres north of the Main Street/Moycullen Road crossroads. Bearna Village is approximately 6km to the west of Galway City. The site has no direct frontage onto a public road but adjoins the existing Heather Hill (Cnoc Fraoigh) housing estate which is accessed from the Moycullen Road. The Moycullen Road runs in a north-south axis connecting with Bearna's Main Street to the south. The site is undulating, and slopes by c.10 metres from north to south. The Trusky Stream flows through the site from north to south. The site contains a substantial amount of rock outcropping and heather/gorse bushes. A treatment plant which serves the existing housing estate to the west is located in the southern portion of the site. There is also evidence of significant earthworks located directly adjacent the terminus of the access road serving the existing housing estate. The land to the north and rear of the Heather Hill housing estate is substantially higher than the rear gardens of the existing properties. On the adjoining site to the southeast there is a residential development at a higher level than the subject site. Bearna is located within the Gaeltacht.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development which is subject of this pre-application consultation request comprises 113 two-storey dwellings as follows: 46 detached two-storey units, 60 semi-detached two-storey units and 7 terraced two-storey units. It is proposed to access the proposed development through the existing Cnoc Fraoigh

(Heather Hill) residential development. The layout includes 18,202 sq.m of open space which includes a linear open space along the banks of the stream with areas of open space extending to the west from the linear park incorporating a kick-about area and a playground. It is also proposed to decommission and remove a treatment facility, adjacent to the southern site boundary located within the application site, which serves the existing Cnoc Fraoigh (Heather Hill) residential development. It is proposed to connect the proposed development and the Cnoc Fraoigh (Heather Hill) residential development into the village network which is diverted to the main Galway Sewage Treatment Plant.

4.0 National and Local Policy

4.1. National

4.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Street'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

4.2. Local

4.2.1. Bearna is within District F, Imeach Na Cathrach/An Eachreidh, as set out in the Gaeltacht Local Area Plan 2008-2018. A Language Enurement Clause is applicable to 20% of the units in residential developments of two or more units which is of 15 years' duration.

4.2.2. The site is located within the boundary of the Bearna Local Area Plan 2007-2017. The LAP provides two mixed use zonings, village consolidation zone and village enhancement zone (Policy 2.3.2A). The site is predominately located within the

village consolidation zone with a small area to the northeast within the village enhancement zone. The site also includes an area within the environmental management zone/area (Policy 2.3.2C) which seeks to protect areas with high biodiversity, landscape, amenity and/or flood risk potential. The LAP also outlines the development areas (Policy 2.3.2B) within the village with the site located within the outer village. In relation to Outer Village (objective LU5), the plan states, develop the areas surrounding the Village Core and Inner Village area as a less intensive Outer Village area with lower density residential development, community facilities, local services and enterprise as appropriate with larger plot sizes and landscaped areas. In terms of development phasing (Policy 2.3.2E), the site is within Phase 1, the development of which is supported within the lifetime of the Plan. The Core Strategy provides an allocation of 420 people for Bearna with a housing land requirement of 12.12ha (50% over-zoning).

- 4.2.3. It was noted at the tri-partite meeting that the current LAP expires in December 2017 and that a Draft LAP is proposed by way of Variation of the Galway County Development. It is envisaged that the Draft will be placed on public display c. October 2017

5.0 Planning History

- Ref. 09/1278 (PL07.236240) – 94 dwellings, 5 retail/commercial units, 10 apartments & crèche (Reason - premature, pending the upgrading of the existing Mutton Island Sewerage Treatment Plant or the operation of an alternative public sewerage treatment plant for the Bearna area)
- Ref. 06/903 – relocation of wastewater treatment plant – Grant
- Ref. 04/4249 – 15 dwellings – Refused
- Ref. 04/3846 – revisions to scheme below – Grant
- Ref. 03/4315 – 22 dwellings with treatment plant – Grant

6.0 Forming of an Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning

authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.1. Documentation Submitted

- 6.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.2. The information submitted included the following: a Completed Application Form; site layout plans and architectural and engineering drawings, letter of consent from land owner to make application, Design Report, Irish Water pre-connection enquiry, land valuations, Draft Part V offer and costs and letter of understanding from Galway County Council, Statement of Consistency, Linguistic Impact Statement, Childcare Facilities Assessment, Note of statutory consultations, Landscaping Layout and Report, Appropriate Assessment Screening Report, Ecological Impact Statement, Part L compliance information pack, services/lighting layout, a Civil Engineering Services Report which incorporated sections on foul, surface water, water supply, roads and transport and flooding and a Waste Management Report.
- 6.1.3. I have reviewed and considered all of the above mentioned documents and drawings.

6.2. Planning Authority Submission

- 6.2.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 21 August 2017.
- 6.2.2. The planning authority's 'opinion' included the following matters: planning history; Bearna LAP development management standards; Phase 1 residential; Part V applies; LAP requirement for community gain; Linguistic Impact Statement required; it stated that ideally there should be a footpath linking the site to the village core;

flooding and requirement for flood risk assessment; no recorded sites or monuments; Natura 2000 sites within 15km; core strategy allocation of 420 persons for Bearna.

6.3. The Consultation Meeting

- 6.3.1. A section 5 Consultation meeting took place at the offices of Galway County Council on the 4th September 2017, commencing at 2:30 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 6.3.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
1. Principle of Proposal, Zoning Provisions and Planning History
 2. Design, Density, Layout and Open Space
 3. Pedestrian Connectivity to Bearna Village Centre and Transportation, Access and Traffic
 4. Community Gain
 5. Drainage and Flooding
 6. Childcare Assessment
 7. Any other matters
- 6.3.3. In relation to Principle of Proposal, Zoning Provisions and Planning History ABP representatives sought further elaboration/discussion on the proposal to develop housing units within the area of the site within the Environmental Management zone.
- 6.3.4. In relation to Design, Density, Layout and Open Space, ABP representatives sought further elaboration/discussion on the density proposed for the site, matters relating to open space and its function within the proposal.
- 6.3.5. In relation to Pedestrian Connectivity to Bearna Village Centre and Transportation, Access and Traffic, ABP representatives sought further elaboration/discussion on the potential for a pedestrian link between the site and Bearna Village Centre and a cycle link.
- 6.3.6. In relation to Community Gain, ABP representatives sought further elaboration/discussion on the objective within the LAP to provide community gain.

- 6.3.7. In relation to Drainage and Flooding, ABP representatives sought further elaboration/discussion on the potential impact of the flood risk area on the units proposed within vicinity of same. The matter of the decommissioning of the existing treatment plant on site was also addressed.
- 6.3.8. In relation to Childcare Assessment, ABP representatives sought further elaboration/discussion from the Planning Authority in relation to the Childcare Assessment provided and the proposal not to include a crèche within the proposed scheme.
- 6.3.9. In relation to other matters, ABP representatives sought further elaboration/discussion on the linguistic impact statement submitted and the Part V proposals.
- 6.3.10. Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting TC0004' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: proposed density; connection between the site

and Bearna Village centre, public open space and flooding, details of which are set out in the Recommended Opinion below.

- 7.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could

result in them constituting a reasonable basis for an application for strategic housing development:

Density

1. Further consideration of the documents as they relate to the density proposed in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Connections to Bearna Village Centre

2. Further consideration of the documents as they relate to pedestrian facilities connecting the proposed development with Bearna Village centre. The consideration should have regard to the 'Design Manual for Urban Roads and Streets' which prioritises pedestrians in the user hierarchy. The consideration should also have regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated 'Urban Design Manual' which seek to minimise the need for car journeys and encourage walking and cycling and the creation of well-connected new communities (see section 4.10 in the Guidelines and Criteria No. 2 in the Design Manual). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Public Open Space

3. Further consideration should be given in relation to the design rationale/justification outlined in the documents as they relate to the open space proposed particularly in the context of the usability of the active open space on the site and the proposals for the passive open space in the context of the landscaping proposals. Information should also be provided demonstrating the impact, if any, on the usability/functionality of areas of open space indicated as active recreational space that are also proposed as part of the urban drainage infrastructure serving the site. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Flooding

4. Further consideration of the documents as they relate to the design rationale/justification for the proposed layout as it relates to the 1.0% and 0.1% AEP flood events having regard to the proximity of a number of dwellings to the flood risk area. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

- The Minister for Culture, Heritage and the Gaeltacht (in relation to development in a Gaeltacht area and for archaeological heritage protection and nature conservation)
- The Heritage Council (in relation to archaeological heritage protection and nature conservation)
- An Taisce (in relation to archaeological heritage protection and nature conservation).
- Udaras na Gaeltachta (Development in a Gaeltacht area)
- Inland Fisheries Ireland
- Irish Water

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A site layout plan outlining those units located within the residential zoned lands and within the Environmental Management Zone in the context of the zoning provisions within the current Bearna Local Area Plan.
2. Details regarding extant permissions for residential units within the Bearna LAP area since the adoption of the Core Strategy.
3. A phasing plan for the proposed development should be provided.
4. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Una Crosse

Senior Planning Inspector

September 2017