



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

TC0021

Strategic Housing Development	124 dwellings.
Location	Halfstraddle, Ballygaddy Road, Tuam, Co. Galway
Planning Authority	Galway County Council
Prospective Applicant	Arlum Ltd
Date of Consultation Meeting	13 th October 2017
Date of Site Inspection	6th October 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 5.5 hectares, is located on the Ballygaddy Road within the townland of Halfstraddle approximately 1.4km to the northwest of Tuam town centre. There is an existing footpath between the site and the town centre. The site has no direct frontage onto the public road save for an existing agricultural access on the Ballygaddy Road which accesses the lands. This entrance is c. 20 metres in width. The site is adjoined to the north, east and north west by one-off residential dwellings which are accessed directly from the Ballygaddy Road.
- 2.2. The site slopes steeply from northeast to southwest with the disused rail line located to the southwest, south and the southeast of the proposed application boundary. Further to the southwest is the Nanny River. The site is currently in agricultural use and comprises a number of individual fields with a number of stone wall boundaries.
- 2.3. The site is currently traversed by an existing Irish Water 225mm diameter foul sewer which is indicated on the Drawing included as Appendix A to the Pre-connection enquiry from Irish Water.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development which is subject of this pre-application consultation request comprises the development of 124 dwellings set out as 2 and 2-5 storey detached, semi-detached and terraced units as follows: 12 – 2-bed units, 18 – 3-bed

units, 88 – 4-bed units and 6 - 5-bed units. It is proposed to access the proposed development from the Ballygaddy Road (R332) via an existing agricultural entrance and a proposed access road which runs from the proposed road access into the site. The proposed internal road comprises a 6m carriageway and 500mm verges and 2m footpaths on both sides. This road continues for c.93 metres south from the entrance where it terminates and from where an internal access road to the development is proposed to the west creating a potential ‘T’ junction. The proposal provides for 8,664 sq.m of open space set out in a number of locations around the site. It is proposed to connect the proposal to the existing drainage services and public water supply located within and adjoining the site.

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’

4.1.2. Tuam is identified as a hub town in the National Spatial Strategy.

4.2. Local – Galway County Development Plan 2015-2021

4.2.1. Tuam is identified as a major hub town in the County Development Plan area, the only one in the County. The Core Strategy population allocation for Tuam is 2,080.

4.2.2. I would also note Objective SS3 which refers to the hub town and states “*Galway County Council shall promote and secure the development of Tuam, to enable it to*

fulfil its potential as a hub town so that it obtains the critical mass necessary to sustain strong levels of economic growth and prosperity, while supporting improvements in connectivity between the Gateway and the Hub, enhancing their complimentary status”.

4.3. Tuam Local Area Plan 2011-2017

4.3.1. **Zoning** - The site is zoned Residential Phase 2 in the LAP. Under Section 2.2.6 of the LAP Zone R2 is defined as follows: “To provide for future residential development on lands generally not developable during the lifetime of this plan other than as a replacement for Phase 1 lands which will not be developed”.

4.3.2. **Policy RN3** - Policy RN3 in the Tuam LAP refers specifically to the phasing of development. It includes the following:

“Encourage phased residential development in accordance with the preferred development strategy option as set out in this Local Area Plan. This shall include a positive presumption in favour of suitably zoned and serviced Residential - Phased 1 lands.

Residential lands outside the Tuam Bypass or the route of the Inner Relief Road are not considered to be suitable for development within the lifetime of the plan.

Lands have been identified as R1 – phased for residential development within the lifetime of the plan and R2 – generally not developable during the lifetime of the Plan.

However, if required, residential development can be considered in a phased manner on some R2 lands where it is apparent that R1 lands cannot or will not be developed within the plan period. The requirement for this will be dependent on the level of growth being experienced in Phase 1 lands and where required, consideration will generally be given to Phase 2 lands that are:

- *contiguous to existing residentially developed lands, that lie within 800m of the town centre;*
- *within 400m of neighbourhood centres;*
- *within 1500m of the town centre; and*

thereafter in remaining areas subject to normal servicing and planning considerations.

Residential Phase 2 lands located within the Tuam Bypass or the route of the Inner Relief Road maybe considered for development if it is apparent that Residential Phase 1 lands cannot be developed within the lifetime of the Plan. Consideration shall be given to the development of Residential Phase 2 lands in lieu of a similar portion of R1 lands which are constrained from development. This shall be undertaken primarily in relation to lands that are contiguous to existing Residential Phase 1 zoned lands, are not identified in a flood area, are considered serviceable by the Planning Authority and are in accordance with proper planning and sustainable development of the area.

Residential - Phase 2 lands outside the Tuam Bypass or the route of the Inner Relief Road would not be considered to be suitable for development within the lifetime of the Plan.

Notwithstanding the above, each proposal will be considered on its merits and having regard to the proper planning and sustainable development of the area”.

4.3.3. **Inner Relief Roads** - Section 4.2.1.1 refers to ‘Tuam proposed Inner Relief Roads/Streets (Local Routes)’. It notes in order to deal with traffic congestion a number of schemes have been proposed including the delivery of the Inner Relief Roads/Streets within Tuam town which have been adopted under Part 8 planning process (LA 08/08). It is stated that the Tuam Relief Roads/Streets has been included in the 3 Year Roads Capital Programme and was adopted in the Galway County Council Budget 2008.

4.3.4. The LAP specifically states that it shall seek to prohibit development on lands which are reserved for the provision of the Inner Relief Road/Streets where development would affect the route, line, level or layout of the new roads.

- A building set back of 25m minimum shall be required on each side of the route edge for the Inner Relief Roads/Streets in areas of >50Kph.
- No specified minimum building set back shall be required on the Inner Relief Road/Streets in areas of 50kph or less, in order to allow for a more flexible,

context sensitive approach that will enable the development of urban streetscapes at appropriate locations.

- 4.3.5. In this regard Policy RT5 states as follows: “recognise the importance of protecting lands from development, which will be needed for the construction of national routes and prohibit development on lands which are reserved for the provision of the M18/M17 Gort to Tuam Motorway, N17 Tuam Bypass, N17 Tuam Claremorris Road Scheme, Inner Relief Roads/Streets and where development would affect the route, line, level or layout of the new roads”.
- 4.3.6. There is a specific objective included on the Maps included in the LAP for an Inner Relief Road along the southwestern boundary of the site. An indicative cyclepath/walkway is also shown adjoining this route.
- 4.3.7. It is stated in the current LAP that at the Council Meeting of 25th January 2016 under Section 19(1)(d), the Elected Members decided by Resolution to defer the sending of Notice under Section 20(3)(a) of the Planning and Development Act 2000 (as amended) for 2 years. It was noted at the tri-partite meeting that it is anticipated that a Draft Plan will be placed on public display in January 2018.
- 4.3.8. There are 2 no. recorded sites and monuments located to the northwest of the site
- GA029-007 Ringfort
 - GA029-006 Ringfort

5.0 Planning History

- Ref. 01/2986: 148 no dwellings – withdrawn 2002.
- LA 08/08 – Part 8 approval for Inner Relief Road and Streets.

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; Statement of Consistency, Statement of Impacts on the Environment, architectural drawings, letter of consent from land owner, Design Report, Irish Water pre-connection enquiry, Letter of understanding from Galway County Council Housing Section (Part 5), Calculations of values and construction costs, Childcare Facilities Assessment, Note of statutory consultations, Landscaping Layout, Appropriate Assessment Screening Report, Ecological Impact Statement, Report on Proposed Civil Works, Road Safety Audit, Traffic and Transport Assessment, Flood Risk Assessment. 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 3 October 2017.
- 6.2.2. The planning authority's 'opinion' included the following matters: Tuam defined as a hub in the NSS; planning history; County Development Plan and core strategy allocation for Tuam of 2,080. Reference is also made to the LAP provision and the Phase 2 residential zoning. Flood risk assessment and appropriate assessment are also addressed as are sites & monuments with reference to the pre-development testing recommended. In relation to Roads reference is made to the vertical alignment and land take of the Part 8 approved Inner Relief Road and the need to exclude the land take for the Part 8 from the development area. The environmental impact of the proposed vertical profile of the relief road is also outlined. Reference is also made to the Road Safety audit and the use of the proposed junction. The

opinion also addresses the Phase 2 zoning and Policy RN3. Reference is made to the absence of a childcare facility, the density of the proposed development and car parking proposals, Part V requirements and development contribution. It is stated that the PA have concerns regarding the zoning given the undeveloped Phase 1 lands within the LAP boundary. It is also stated that the deviation from the Childcare Guidelines should also be addressed.

6.3. The Consultation Meeting

6.3.1. A section 5 Consultation meeting took place at the offices of Galway County Council on the 13th October 2017, commencing at 11:30 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:

- Principle of Proposal and Phasing
- Inner Relief Road Alignment and Connectivity
- Density, Layout, Open Space and Housing Mix
- Drainage and Flooding
- Childcare Assessment
- Any other matters

6.3.3. In relation to Principle of Proposal and Phasing ABP representatives sought further elaboration/discussion on the proposal to develop lands zoned Phase 2 residential and the undeveloped Phase 1 lands within the LAP area.

6.3.4. In relation to Inner Relief Road Alignment and Connectivity, ABP representatives sought further elaboration/discussion on the design and levels of the road scheme permitted under the Part 8 and the proposed design and levels in the proposed scheme.

6.3.5. In relation to Density, Layout, Open Space and Housing Mix, ABP representatives sought further elaboration/discussion on the layout of the proposal, surveillance of open spaces, density and housing mix.

- 6.3.6. In relation to Drainage and Flooding, ABP representatives sought further elaboration/discussion on flooding assessment, the foul sewer traversing the site.
- 6.3.7. 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.
- 6.3.8. In relation to other matters, ABP representatives sought further elaboration/discussion on Development Contributions Part V and landscaping.
- 6.3.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting TC0021' 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: Phase 2 residential zoning; Inner Relief Road and density, housing mix and open space 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:

Residential Phase 2 Lands

1. Further consideration of the documents as they relate to the zoning of the site for Phase 2 residential. This consideration, including a justification for any application for development, should have regard to, inter alia, the Galway County Development Plan 2015 – 2021 and the Tuam Local Area Plan 2011-2017 as it relates to the phasing of residential development and, in particular, the quantum and location of Phase 1 lands within the above mentioned LAP area which remain undeveloped and Policy RN3. This consideration and justification should also have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as it relates to the sequential approach and phasing.

Inner Relief Road

2. Further consideration should be given in the documents as they relate to the design of the proposed site access, internal access roads, ground levels, finished floor levels of the dwellings proposed and the resultant overall layout in the context of the approved Inner Relief Road which traverses the subject site and which has an extant approval under Part 8 of the Planning and Development Regulations 2001 (as amended). Further consideration, in this regard, should also be given in the documents to the provision of a cyclepath/walkway adjacent the route of the Inner Relief Road as indicated in Map 2B of the Tuam Local Area Plan 2011-2017. The further consideration of these issues may require an amendment to the documents and/or design proposals. (Long and cross sections through the application site should be provided at application stage indicating existing and proposed ground levels relative to adjacent lands, existing dwellings and the public road. In addition, a visual impact assessment should be provided of the proposed development when viewed from the surrounding areas.)

Density, Housing Mix and Open Space

3. Further consideration should be given in relation to the design rationale/justification outlined in the documents as they relate to the proposed density having regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). In addition, further consideration should be given to the housing mix proposed particularly in respect

of the prevalence of 4 bedroom units in the documents. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and housing mix of the proposed development.

4. Further consideration should be given in relation to the design rationale/justification outlined in the documents as they relate to the active and passive open space both within the site and adjoining the site to the southwest. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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. Any Appropriate Assessment Screening Report should identify on a map the Natura 2000 sites within 15km of the proposed development.
2. A phasing plan for the proposed development should be provided.
3. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

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 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).

- Inland Fisheries Ireland
- Irish Water
- Coras Iompair Eireann
- Commission for Railway Regulation
- Transport Infrastructure Ireland

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

October 2017