

## 2. BACKGROUND TO THE PROPOSED DEVELOPMENT

### 2.1 Site of the Proposed Development

#### 2.1.1 Site Location

The application site is located in Bearna, a coastal village, approximately 6 kilometres to the west of Galway City. The application site is situated in the townlands of Trusky East, Trusky West, Freeport and Ahaglugger, Bearna, Co. Galway. The site is accessed via an existing residential development at Trusky East, called Cnoc Fraoigh. The application site measures approximately 5.38 hectares in area.

The west of the site is the existing development of Cnoc Fraoigh which connects the site to the Moycullen Road linking to the Village of Bearna and the R336 Galway City to Spiddal Road. A series of ribbon development sites to the north of Cnoc Fraoigh bound the site and the remaining lands to the north and east are agricultural lands. To the south are lands zoned ‘Open Space/Recreation & Amenity’. The immediate vicinity consists of primarily suburban single family housing developments with the nucleus of the village of Bearna located 0.45km from the proposed development.

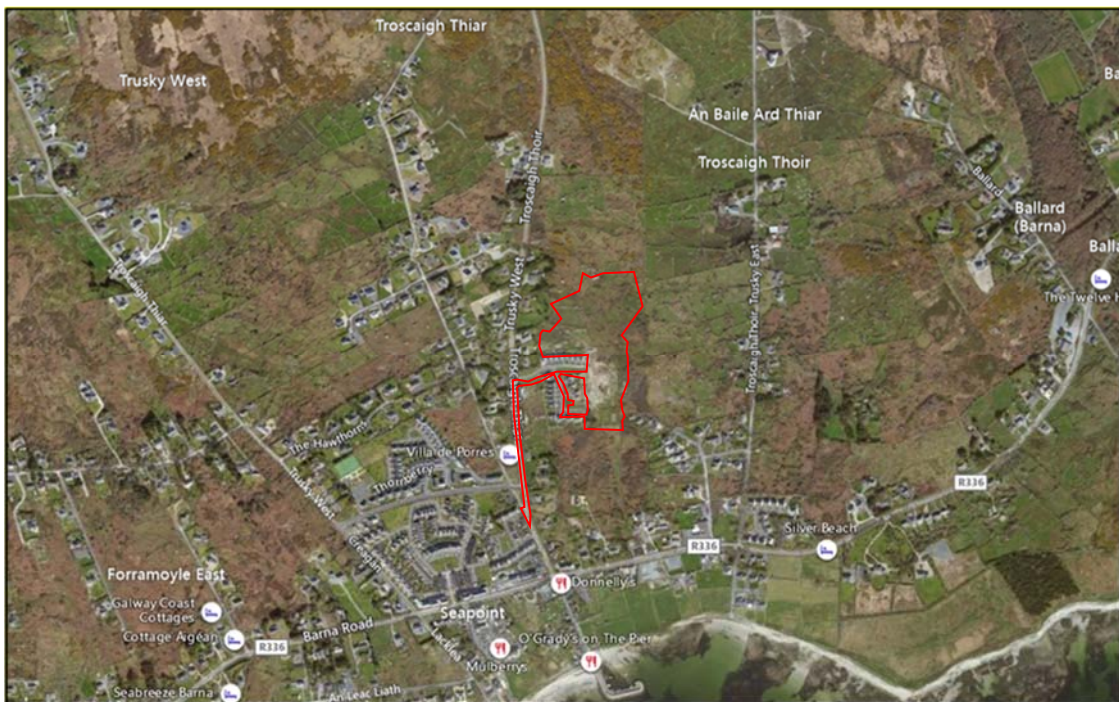


Plate 2-1 Site Location - Aerial (Source - Bing Maps). Application Site outlined in Red (Indicative only)

#### 2.1.2 Physical Characteristics of Site and Surrounding Lands

The total application site area is approximately 5.38 Ha with a net site area of 3.47 Ha which refers to the lands zoned for residential development.

The site is currently formed of scrub land and rough agricultural grazing and the lands are generally bounded to the north and south by existing stone walls. The application site incorporates existing features of significance which are being incorporated into the proposed scheme. The western boundary

is generally defined by a 2-metre-high block wall to the rear of the existing dwellings at Cnoc Fraoigh and to the north west by native stone walls. The Trusky East Stream runs in a north-south direction to the east of the site.

The site of the proposed development is partially within Indicative Flood Zones A&B and partially within Indicative Flood Zone C, by reference to the Flood Risk Map provided under Variation No.2(a) to the Galway County Development Plan 2015-2021 (“the Bearna Plan”). All proposed buildings will be located within Flood Zone C. There are no protected structures or archaeological monuments located within the application site. The Trusky stream is located within the eastern boundary of the site boundary. The application site is located 1.5km from the nearest European sites, namely, Galway Bay Complex candidate Special Area of Conservation (cSAC) (Site Code: 000268) and 1.5 km from the Inner Galway Bay Special Protection Area (SPA) (Site Code: 004031).

### 2.1.3 Site Access

The development site is accessed via the existing access to Cnoc Fraoigh development (located to the West of the development site). The Cnoc Fraoigh development itself is accessed from the Moycullen Road (L1321) linking to the Village of Bearna and the R336 Galway City to Spiddal Road) to the south.

## 2.2 Planning History

This section sets out the relevant planning history of the site and its immediate surrounds.

### 2.2.1 Planning Applications within the Application Boundary

There is an extensive planning history associated with the site as summarised below. An overview of these applications is provided below.

### 2.2.2 Previous Strategic Housing Development (SHD) Applications

There have been 2 no. previous SHD applications on lands within the site boundary of the proposed development as outlined below.

#### **Planning Reference ABP-300009-17**

Burkeway Homes Ltd., applied for planning permission to develop a Strategic Housing Development scheme comprising 113 no. residential units, community room, new vehicular and pedestrian access at Trusky East, Barna, Co. Galway.

On 6th February 2018, An Bord Pleanála refused planning permission for the development. In their direction, the Board considered that the *“density of the proposed development was contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), which was not considered to be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Bearna and Galway City”*. Furthermore, it was considered that the *“development as proposed did not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing”*.

The full reason for refusal is outlined below:

*“The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development*

*in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act. The site of the proposed development is on serviceable lands, within the development boundary of Bearna, in an area earmarked for Phase 1 residential development and within the Galway Metropolitan Area as designated in the settlement strategy for the county. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Bearna and Galway City and to the established social and community services in the immediate vicinity. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would be contrary to the aforementioned Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”*

The current proposal has been designed to address the concerns of An Bord Pleanála in relation to density and housing mix type.

### **Planning Reference ABP-302216-18**

On the 31st July 2018 Burkeway Homes Ltd., submitted an application to develop a Strategic Housing Development scheme comprising an increased dense scheme of 197 no. residential units, community room, new vehicular and pedestrian access at Trusky East, Barna, Co. Galway. An Bord Pleanála granted permission for the proposed development on the 16th November 2018.

The Board concluded as follows:

*“It is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate density of residential development having regard to the location of the site close to the centre of Bearna, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not lead to a risk of flooding and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.”*

#### *Appropriate Assessment Screening*

*The Board noted the Statement of Screening for Appropriate Assessment submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening determination carried out in the Inspector’s report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on those European sites in view of the sites’ conservation objectives.*

*The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European sites Galway Bay Complex Special Area of Conservation (site code 000268) and Inner Galway Bay Special Protection Area (site code 004031), or any other European site, in view of the sites’ conservation objectives, and a Stage 2 Appropriate Assessment is not therefore required.*

#### *Environmental Impact Assessment Screening*

*The Board completed an environmental impact assessment in relation to the proposed development, taking into account the nature, scale and extent of the proposed development*

*and concluded that the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable.”*

However, the decision was subsequently subject to Judicial Review proceedings and by way of Judgment delivered on 21st June 2019, the High Court held that the decision made by the Board to grant permission would be set aside on, *inter alia*, the following grounds:

1. the (then) proposed development comprised a material contravention of the Galway County Development Plan 2015 – 2021 (as varied) (GCDP), on the basis that the population allocation in the GCDP allocated a figure of 420 no. persons/130 no. residential units to Bearna but the proposed development was for 197 no. residential units. The Court noted that, notwithstanding the material contravention, the Board could have granted permission by reference to the criteria set out in section 37(2)(b) of the Planning and Development Act 2000 (as amended) (pursuant to section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act 2016, however, the Board did not do so;
2. the (then) proposed development comprised a material contravention of the GCDP on the basis that Objective CCF6 made the “development management justification test” mandatory in respect of the proposal, in addition to the obligation to comply with the Flood Risk Management Guidelines;
3. in carrying out a Stage One Screening for Appropriate Assessment in respect of the (then) proposed development, the Board relied on a commitment to comply with “best practice measures” during construction in order to minimise any emissions into the Trusky Stream, which was identified as being a potential pathway to the Special Protection Area (SPA) and candidate Special Area of Conservation (cSAC) in Galway Bay. The Court held that the screening determination was invalid in that it improperly relied on “best practice measures” in reaching a screening determination.

The High Court quashed the Board's decision to grant permission for the previously proposed development. The current application has been prepared having regard to the Judgment of the High Court and the current application addresses the grounds on which the previous decision was quashed. In particular, and notwithstanding the compliance of the proposed development with many policies and objectives of the GCDP, a Material Contravention Statement has been submitted with this application, in relation to the small number of policies and objectives of the GCDP which are materially contravened by the proposed development and demonstrates the manner in which a number of criteria in section 37(2)(b) of the 2000 Act are met, thereby enabling the Board to validly grant permission pursuant to section 9(6)(c) of the 2016 Act. Secondly, the application is accompanied by an Site Specific Flood Risk Assessment, which demonstrates the manner in which the criteria of the development management justification test are met in respect of the proposed development. The proposed development complies with the various land-use zoning objectives for the site. Third, no mitigation measures have been relied upon in the Appropriate Assessment Screening Report submitted with this application and a Natura Impact Statement has, in fact, been submitted with this application to enable An Bord Pleanála, as competent authority, to carry out a Stage Two Appropriate Assessment in respect of the proposed development.

### 2.2.3 Other Planning Applications within the Vicinity of the Application Site

Table 2-1 below provides a list of the other relevant planning applications which relate to the subject lands and adjacent residential development, and has been compiled following a review of Galway County Council's Planning Register in respect of the subject lands:

Table 2-1: Planning History within the Vicinity of the Application Site.

Planning Reference Number	Area SQM	Development Description	Decision
03/4315	C & T Development Ltd.	Application for the demolition of existing dwelling, construction of 22 no. 2 storey dwellings with treatment plant and associated site works	Granted
04/3846	C & T Developments Ltd	Application for replacing two storey semi-detached dwellings with 5 no. detached two storey dwellings, revised boundaries/driveways to sites 9 to 16 and associated external works (gross floor space 5320sqm)	Granted
04/4249	C & T Developments Ltd	Application for construction of 15 no. two storey dwellings and associated external works at previously granted residential development (03/4315)	Refused
06/903	C & T Developments	Application to relocate a wastewater treatment system (originally granted under planning permission no's 03/4315 and 04/3846)	Granted
09/1278	Liam O'Toole	Application for the demolition of 3 No. sheds/outbuildings, the construction of 94 No. dwellings comprising of; 54 No. two storey semi-detached units, 20 No. two storey terrace units comprising of 5 No. terrace blocks, 16 No. two storey detached units, 4 No. bungalow units, 3 No. two and a half storey buildings comprising of 5 No. commercial/retail units, 10 No. apartments and a creche, the provision of parking and ancillary delivery areas, the construction of 3 No.	Granted by Galway County Council but refused by An Bord Pleanála (under reference no Pl. 07. 236240),



		link bridges, 4 No. ancillary storage area	
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As can be seen from the above summary of planning history, there are a total of 7 no. separate relevant planning applications associated with the subject lands and the adjacent residential development. The existing Cnoc Fraoigh houses were developed under the terms of Pl. Ref. Nos. 03/4315 and 04/3846 and, in addition, the waste water treatment arrangements permitted under Pl. Ref. No. 06/903.

Permission was refused for a large proposal for 96 no. dwellings (incl. commercial/ retail development) on part of the current application site including lands to the east under Pl. Ref. 09/1278 and An Bord Pleanála Ref. no: PL 07.236240. A decision to grant permission was initially made by Galway County Council (subject to 31 no. conditions), however, this decision was the subject of a successful third party appeal and the sole reason for refusal given by the Board for refusing permission related to sewerage capacity.

In relation to the proposed SHD, the current design team has engaged in consultations with Irish Water, which has confirmed that there is sufficient capacity currently available in the network to accommodate waste water from the proposed development.

## 2.3 National Planning Policy

This section of the report sets out the relevant national, regional and local planning policies and objectives of relevance to the planning application.

### 2.3.1 National Planning Policy Context

### 2.3.2 Planning Policy Statement 2015

The Department of Environment, Community and Local Government’s (DECLG) *Planning Policy Statement 2015* encourages planning authorities to engage in active land management by leading and managing the development process and ensuring that land zoned for development actually comes into use in accordance with Development Plan policy and in tandem with supporting infrastructure. The policy statement acknowledges that creating a consolidated urban form fosters the development of compact neighbourhoods and a critical mass which contributes to the viability of economic, social, and transport infrastructure. A key priority outlined in Planning Policy Statement is the development of a new national planning framework which will provide the context for national spatial planning for the next decade and beyond.

### 2.3.3 National Planning Framework

In 2018, the Government of Ireland adopted the National Planning Framework (NPF) entitled *Ireland 2040* to succeed the National Spatial Strategy. The NPF comprises the Government’s proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. It is intended that the NPF will be a strategic document that will provide the framework for future development and investment in Ireland, providing a long-term and place-based aspect to public policy and investment, and aiming to coordinate sectoral areas such as housing, jobs, transport, education, health, environment, energy and communications, into an overall coherent strategy. The NPF has a number of national policy objectives that articulate delivering on a compact urban growth programme and are relevant to the Board’s consideration of the proposed Strategic Housing Development. These include:

- › National Policy Objective (NPO) 1 (b) relating to population growth in the region;
- › National Policy Objectives (NPO) 2(a) relating to growth in our cities;
- › NPO 4 relating to attractive, well-designed liveable neighbourhoods;

- › NPO 5 relating to sufficient scale and quality of urban development; and
- › NPO 6 relating to increased residential population and employment in urban areas.

National Policy Objective 1b states in the context of population growth to 2040:

*‘Northern & Western Region – population growth of 180,000 additional people.’*

There is a very significant population growth allocated to the Northern & Western Region in which Galway is the main urban centre. In order to facilitate this population growth there will be a requirement to develop large numbers of new houses and apartments, approx. 20,000 units based on a standard household size of 2.7 people. Given that Galway is currently acutely affected by the housing crisis there is a considerable divide to be bridged in order to bring housing provision from its current under-supply to the level required to accommodate the population growth forecasts. However, it is important that more sustainable development patterns are established in order to facilitate targeted services and infrastructure investment. The proposed development will deliver 121 no. residential homes and these homes would be developed in accordance with the aspirations described above.

Please refer to Section 5.1.2 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the National Planning Framework.

### 2.3.4 **Design Manual for Urban Roads and Streets (DMURS) (2013)**

The *Design Manual for Urban Roads and Streets (DMURS)*, 2013, sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. DMURS aims to end the practice of designing streets as traffic corridors, and instead focus on the needs of pedestrians, cyclists, and public transport users. DMURS notes that permeable layouts provide more frequent junctions which have a traffic calming effect as drivers slow and show greater levels of caution.

The primary objectives of DMURS are as follows:

- i. Prioritise pedestrians and cyclists in urban settings without unduly compromising vehicular movement.
- ii. Provide good pedestrian permeability and connectivity in urban environments in order to encourage walking.
- iii. Implement speed reduction measures to provide safe interaction between pedestrians, cyclists and motorists.
- iv. Create attractive streetscapes through the design of roads and footpaths with careful consideration given to landscaping and selection of surface finishes.

Please refer to Section 5.1.3 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Design Manual for Urban Roads and Streets.

### 2.3.5 **Summary of Compliance with National Planning Policy**

*Table 2-2: Summary of Compliance with National Planning Policy*

Compliance with National Planning Policy
<p>The <i>National Planning Framework</i> has a number of directly relevant national policy objectives that articulate delivering on a compact urban growth programme. The proposed development is consistent with the Government’s <i>Planning Policy Statement 2015</i> and national housing policy generally.</p> <p>The proposed development complies with the following NPF Policy Objectives;</p>

- ▶ National Policy Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs'
- ▶ National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlement.
- ▶ National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints

Galway City and Suburbs are identified as accommodating up to 90,000 additional people which would equate in excess of 19,500 new dwellings with the GMA up to the year 2040. The proposed development provides for 121 no. residential units and provides a significant response to Galway's housing needs in accordance with the population targets set out in the NPF.

National Policy Objective (NPO) 35 specifically articulates the delivery of higher density residential developments across the county. The proposed development represents an efficient use of land in the context of residential density and it is considered that it accords with the requirements to deliver new residential development in a sustainable manner within the existing urban footprint.

The proposed development has been assessed for compliance with the *Design Manual for Urban Roads and Streets* published by the Department of Transport, Tourism and Sport & the Department of Environment, Community and Local Government. The proposed development provides for a high level of accessibility and permeability ensuring ease of circulation throughout the scheme

Accordingly, this Report demonstrates that the proposed scheme is in accordance with the planning policy objectives set out above.

## 2.4 Section 28 Ministerial Guidelines

There are various Ministerial Guidelines in respect of residential development, with those most relevant to the proposed development included below.

### 2.4.1 Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

The Guidelines states that generic maximum height limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the *National Planning Framework*, and instead continue an unsustainable pattern of development whereby cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Furthermore, the Guidelines provide that blanket limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes.

Please refer to Section 5.2.1 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Urban Development and Building Heights Guidelines for Planning Authorities.

### 2.4.2 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018

The *Sustainable Urban Housing: Design Standards for New Apartments (2018)* update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness *Rebuilding Ireland* and *Project Ireland 2040* and the *National Planning Framework*, published since the 2015 guidelines.



Section 2.4 of the Guidelines identifies the types of location in cities and towns that may be suitable for apartment development. In relation to ‘Peripheral and/or Less Accessible Urban Locations’ the Guidelines state:

*‘Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:*

- › *Sites in suburban development areas that do not meet proximity or accessibility criteria;*
- › *Sites in small towns or villages.*

*The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors.’*

The proposed residential scheme provides 121 no. residential units on an area of land zoned for residential development which extends to a net site area of 3.47ha which equates to a residential density of 35 units per hectare. In terms of density, the proposed scheme complies with the national policy objectives set out in Section 2.4 of the Guidelines which promotes low to medium density development on sites in suburban development areas that do not meet proximity or accessibility criteria.

Please refer to Section 5.2.2 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

### 2.4.3

## Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009

The role of the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009’ is to ensure the sustainable delivery of new development throughout the country. The Guidelines focus on the provision of sustainable residential development, including the promotion of layouts that:

- › Prioritise walking, cycling and public transport, and minimise the need to use cars;
- › Are easy to access for all users and to find one’s way around;
- › Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;
- › Provide a mix of land uses to minimise transport demand.

The Guidelines also provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. In this regard, the Guidelines are accompanied by a Design Manual discussed below which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.

The Guidelines reinforce the need to adopt a sequential approach to the development of land and note in Section 2.3 and *‘the sequential approach as set out in the Departments Development Plan Guidelines (DoEHLG, 2007) specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities...’*

The proposed buildings are located on lands zoned as R – Residential (Phase 1). Phase 1 residential lands have been identified for short to medium term growth in suitable locations that are serviceable and accessible.

The subject site is classified as an 'Outer Suburban/Greenfield' site associated with cities and larger towns, with a density in the general range of 35-50 dwellings per hectare as per Section 5.11 of the guidelines. The development has a development density of 35 units per hectare.

Please refer to Section 5.2.3 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

#### 2.4.4 **Childcare Facilities - Guidelines for Planning Authorities (2001)**

In all new housing areas over 75 units, the provision of one childcare facility with a minimum of 20 childcare spaces is required, in line with the *Ministerial Guidelines for Planning Authorities on Childcare Facilities (DECLG 2001)* and to create sustainable residential neighbourhoods. With regard to larger housing developments, Section 2.4 of the guidelines state planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary. Appendix I of the Guidelines sets out general standards and minimum floors areas for proposed childcare facilities.

The proposed scheme includes a childcare facility which extends to 224.8 sqm that can cater for 38 no. children. The childcare facility is designed to comply with the Childcare Facilities – Guidelines for Planning Authorities.

Please refer to Section 5.2.4 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Childcare Facilities - Guidelines for Planning Authorities.

#### 2.4.5 **The Planning System And Flood Risk Management, Guidelines For Planning Authorities (2009)**

The Planning System and Flood Risk Management Guidelines were issued by the Minister of the Environment, Heritage and Local Government under Section 28 of the Planning and Development Act 2000.

A Flood Study of the Trusky Steam and a Site Specific Flood Risk Assessment have been prepared in relation to the proposed development by O'Connor Sutton Cronin & Associates in accordance with the Flood Risk Management Guidelines and are submitted with this application.

The Trusky East Flood Study provides a hydrological assessment of the stream catchment, while the Site Specific Flood Risk Assessment demonstrates how the criteria of the Development Management Justification Test are met in respect of the proposed development.

The SSFRA concludes at paragraphs 6.1.7 to 6.1.10 that: tidal/coastal flooding risk is not present at the subject site; the provision of a robust drainage network and the design of roads to provide overland flow routes away from existing and proposed buildings, will mitigate the risk of pluvial flooding; the flood risks arising from the proposed drainage infrastructure will be negligible and no further mitigation is required; and the flood risk represented by ground water is negligible and no further mitigation is required.

Please refer to Section 5.2.5 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Planning System And Flood Risk Management, Guidelines For Planning Authorities.

2.4.6

## Summary of Compliance with Section 28 Ministerial Guidelines

Table 2-3: Summary of Compliance with Section 28 Ministerial Guidelines

Compliance with Ministerial Guidelines
<p>The proposed development has been informed by the foregoing Guidelines and the proposed development incorporates the relevant policies and objectives as contained therein. Accordingly, the proposed development is consistent with the policies and objectives of the Ministerial Guidelines outlined above.</p> <p>The <i>Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas</i> (May 2009) sets out the planning objectives for sustainable neighbourhoods under four main themes, namely, provision of community facilities, efficient use of resources, amenity or quality of life issues and conservation of the built and natural environment.</p> <p>The guidelines state that net residential densities in the general range of 35-50 dwellings per hectare, involving a variety of housing types where possible, should be encouraged generally at these sites. In addition, the guidelines generally discourage densities of less than 30 dwellings per hectare in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.</p> <p>The proposed development has a development net density of 35 units per hectare based on a net site area of the 3.47ha of lands zoned for residential development. A variety of dwellings types and unit size types are also proposed as outlined in the tables below. The proposed development therefore complies with the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (May 2009).</p> <p>The <i>Urban Development and Building Heights Guidelines for Planning Authorities</i> (December 2018) state that generic maximum height limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework, and instead continue an unsustainable pattern of development whereby cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area</p> <p>The proposed development must be viewed in the context of its role in supporting the Galway City and the Galway Metropolitan Area and therefore the design team has sought to ensure that higher densities are achieved through the inclusion of 3-storey Apartment blocks and 3 storey Duplex Blocks.</p> <p>The 2018 guidelines outline a number of Specific Planning Policy Requirements. Specific Planning Policy Requirement (SPPR) 4 is outlined below:</p> <p><i>“SPPR 4 - It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:</i></p> <ol style="list-style-type: none"> <li><i>1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;</i></li> <li><i>2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and</i></li> <li><i>3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more”</i></li> </ol>

The site of the proposed development is a greenfield site and, accordingly, the Board (as a “planning authority” for the purposes of the Guidelines”) must secure the three objectives identified in SPPR4. Firstly, under Section 5.11 of the guidelines on *Sustainable Residential Development in Urban Areas* (2009), the subject site is classified as an ‘Outer Suburban/Greenfield’ site associated with cities and larger towns. The 2009 guidelines encourage densities in the general range of 35-50 dwellings per hectare and discourage densities of less than 30 dwellings per hectare at these sites.

The development has a development density of 35 units per hectare. This density can be justified due to the location of the site within the established settlement of Bearna, and also being within the Galway Metropolitan Area.

The proposed development, secondly, provides a mix of building heights, units and sizes and, thirdly, seeks to avoid mono-type building typologies.

The *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018)* update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government’s action programme on housing and homelessness *Rebuilding Ireland* and *Project Ireland 2040* and the *National Planning Framework*, published since the 2015 guidelines.

The proposed residential scheme provides 121 no. residential units on an area of land zoned for residential development which extends to a nett site of 3.47ha which equates to a residential density of 35 units per hectare. In terms of density, the proposed scheme is considered to comply with the national policy objectives set out in Section 2.4 of the Guidelines which promotes low to medium density development on sites in suburban development areas that do not meet proximity or accessibility criteria. The proposed scheme is also considered to comply with Section 2.5 of the Guidelines which promotes the provision of apartments as they allow for greater diversity in the housing scheme, whilst also increasing overall density. The provision of apartments contributes to the mix of housing types proposed.

The proposed scheme includes a childcare facility which extends to 224.8 sqm that can cater for 38 no. children in line with *the Childcare Facilities – Guidelines for Planning Authorities* which requires the provision of one childcare facility with a minimum of 20 childcare spaces in all new housing areas over 75 units. The childcare facility is designed to comply with the *Childcare Facilities – Guidelines for Planning Authorities*.

## 2.5 Regional Planning Policy Context

### 2.5.1 Regional Spatial and Economic Strategy (Northern & Western Regional Assembly) 2020-2032

The Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES NWRA) was adopted on 24th January 2020. The principal purpose of the RSES is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the regions. Section 3.6 of the RSES sets out the Galway Metropolitan Area Strategic Plan (MASP). The Vision of this MASP is that Galway will be a leading global city, renowned as a successful, sustainable, competitive, compact and accessible city of scale that supports a high quality of life, maintains its distinctive identity and supports its rich heritage, language and cultural experience.

The RSES outlines arrangements for a co-ordinated metropolitan area strategic plan (MASP) for the Galway Metropolitan Area. The MASP has been provided with statutory underpinning to act as 12-year strategic planning and investment framework. The MASP is an opportunity for Galway to address recent growth legacy issues and build on key strengths, including a vibrant arts and cultural scene, year-round tourism and an attractive natural setting.

A number of strategic locations have been identified that present the opportunity and capacity to deliver the necessary quantum of housing to facilitate targeted growth. These strategic locations are summarised on page 53 of the RSES (and set out below) and it is noted that Bearna is specifically referred to in this context:

- “> Consolidation of the existing neighbourhoods of Knocknacarra, Rahoon, Castlegar and Roscam.*
- > Development of Regeneration Lands at Ceannt Station Quarter, Inner Harbour and Headford Road*
- > Ardaun*
- > Murrough*
- > Baile Chláir, **Bearna**, Oranmore, Briarhill”* [Emphasis added]

These strategic locations are also shown on Figure 21 on page 53 of the RSES (extracted below) which identifies Bearna as having potential for residential sites.

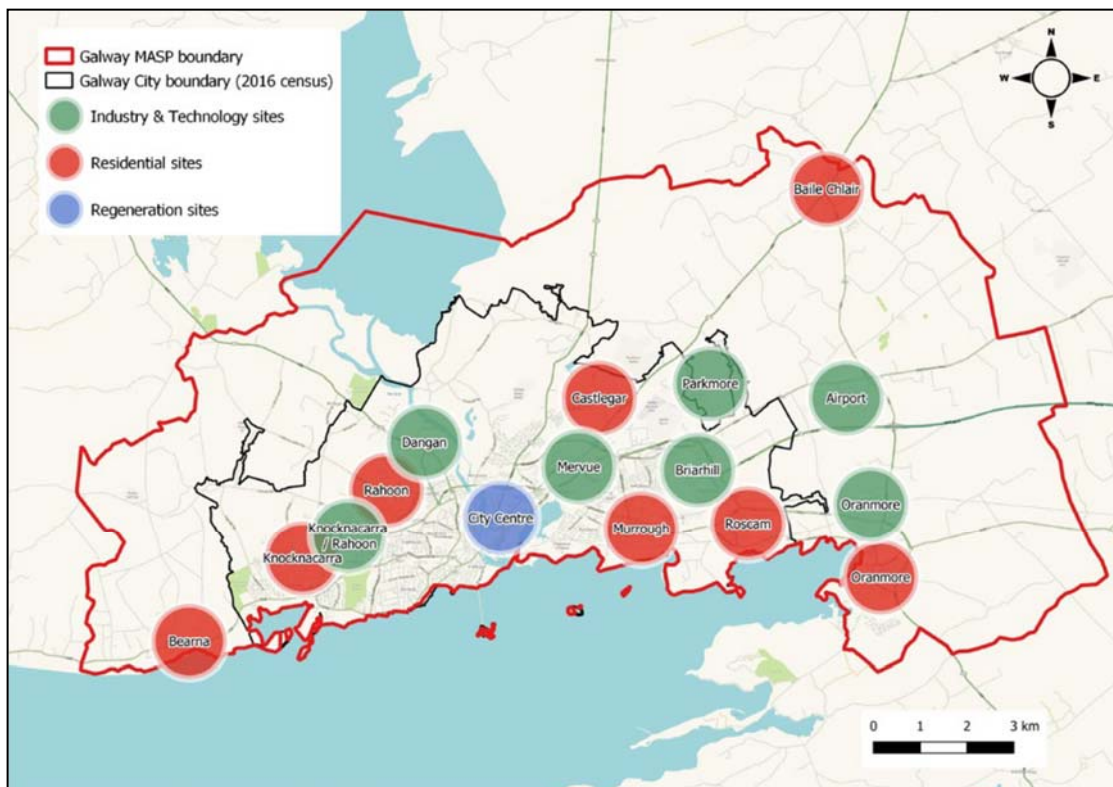


Figure 2-1: Figure 21 extracted from RSES

The table on page 54 of the RSES identifies that the approximate land area designated for “Land Capacity – Lands Available for Housing” in Bearna is 14 Ha.

Moreover, page 55 of the RSES states as follows in relation to Bearna:

*“Bearna is located to the west of the Metropolitan Area, at the gateway to the Gaeltacht na Gaillimhe (County Galway Gaeltacht). It has experienced significant growth in and*



*surrounding the village and is serviced through the Mutton Island Wastewater Treatment Plant. Its location favours future growth that should have a focus that includes the consolidation of built-up areas of the village and the provision of supporting community infrastructure and services that are easily accessible by walking, cycling or public transport. The built, archaeological and cultural heritage of Bearna are important assets that should be conserved appropriately, including the Pier Road Architectural Conservation Area. While there is currently circa 14ha of residential phase 1 lands identified in the Bearna Local Area Plan that can accommodate growth in the short/medium term, there are additional lands available to facilitate further growth. The identification of such lands shall be a matter for the statutory plan-making process and shall have regard to environmental considerations, including flood risk and climate change.”*

The proposed development provides for 121 no. residential units and provides a significant response to Galway’s housing needs in accordance with the population targets set out in the RSES.

Please refer to Section 5.3.1 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Regional Spatial and Economic Strategy.

## 2.5.2 Summary of Compliance with Regional Planning Policy

Table 2-4: Summary of Compliance with Regional Planning Policy

Compliance with Regional Planning Policy
The proposed development will provide 121 no. residential units, acting as a key compact growth settlement, supporting the role of Bearna as a strategic location to facilitate targeted growth in the Galway Metropolitan Area. The proposed scheme will provide a significant supply of mixed tenure residential units which will contribute towards the aim to grow the population of the Galway MASP by 38,001 by 2031.

## 2.6 Local Planning Policy Context

### 2.6.1 Galway County Development Plan 2015-2021

The overall development context of Bearna is set within the context of the County Development Plan and the site is governed by the policies and provisions contained in the Galway County Development Plan 2015-2021 (“the GCDP”). The GCDP was adopted by the Members of Galway County Council on 26<sup>th</sup> January 2015 and the Plan is effective from 23<sup>rd</sup> February 2015. The Galway County Development Plan 2015-2021, including Chapter 2 thereof, was varied by Variation No.1 adopted on 24 April 2017. In addition, on the 23<sup>rd</sup> July 2018, Variation No.2(a) to the Galway County Development Plan 2015-2021 was adopted by Galway County Council, which incorporated the Bearna Plan into the Galway County Development Plan 2015-2021. The Gaeltacht Plan was also adopted as Variation No. 2(b) to the Galway County Development Plan 2015-2021).

The current GCDP sets out an overall strategy for the proper planning and sustainable development of the functional area of Galway County Council. Chapter 2 of the GCDP (as varied by Variation No. 1) sets out the overarching Spatial Strategy of the County, references the development options considered for the growth and details the preferred development option chosen. It details the Core Strategy and sets out the application of regional population targets to the settlement hierarchy determined as part of the Spatial Strategy.

The “*Core Strategy Table: February 2015*” at page 25 of the GCDP (as varied by Variation No. 1) includes a list of all key towns and larger villages and provides a population growth allocation for each for the period 2015 to 2021. The Core Strategy Table also includes an assessment of the quantum of residentially-zoned land available to meet the population growth allocation. The Core Strategy Table indicates that the core strategy population allocation for Bearna is 420 persons, with a land allocation of 12.12 hectares provided to accommodate new residential development over the plan period and a housing units yield on residential land of 130 units and an indicative density of 16 units.

The Core Strategy is an integral component of the Spatial Strategy. It transposes the population targets for Galway set out in the Regional Planning Guidelines and allocates them throughout the County, which in turn determines the Settlement Hierarchy and provides a rationale for the amount and location of land proposed to be zoned. Bearna forms part of the Galway Metropolitan Area (GMA), which is on the first tier in the Settlement Hierarchy. The GMA includes Galway City and a number of adjacent electoral divisions that are deemed to be inextricably linked to and function as part of the Greater Galway City.

Objective ***Objective CS 2 – Development Consistent with the Core Strategy*** and ***Objective CS 8 – Core Strategy and Demand for Development*** of the GCDP requires development to be consistent with the core strategy.

A Material Contravention Statement is provided with this application (as it is considered that the proposed development materially contravenes the Core Strategy in relation to the population allocation of 420 people, a housing yield of 130 units and an indicative density of 16 units in the Core Strategy Table on page 25 of the GCDP. As outlined in detail in the Material Contravention Statement, in the light of the High Court judgment, it is considered that there are conflicting objectives in the development plan that relate to the proposed development. Specifically, Bearna’s position in the GMA conflicts with the population allocation of 420 people, a housing yield of 130 units and an indicative density of 16 units in the Core Strategy Table and the requirement in Objective CS 2 for development to be consistent with the core strategy is in conflict with other objectives in the GCDP, including Objectives SS 1, UHO 10 and UHO 11.

## Housing

With regard to the design of new housing developments within Galway County, the GCDP outlines the following objectives:

- › Objective UHO 7 – High Quality/Mix and Sensitive Design
- › Objective UHO 8 – Urban Design
- › Objective UHO 10- Sequential Development
- › Objective UHO 11 – Development Densities
- › Objective UHO 2 – Social and Specialist Housing

There are several proposed house types, the design of which reflects the Galway vernacular aesthetic through the use of materials, colours and detailing. The development seeks to respond to the topography and features of the site and the existing grain of the built form surrounding the subject site.

The development complies with the plot area ratio control within the Bearna Plan. The proposed development has a development density of 35 units per hectare when calculated based upon net development area, which excludes the ‘Open Space Recreation and Amenity’ Zone which dissects the subject site. The proposed development therefore complies with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (May 2009).

Discussions have taken place with the Housing Section of Galway County Council in November 2019 with a view towards reaching a Part V agreement for the proposed development. A letter from the Galway County Council Housing section detailing discussions that have taken place, together with the agreed approach to complying with Part V requirements, accompanied the request for pre- planning discussions. The applicant proposes to provide the 12 no. units to fulfil

their 10% Part V obligation in accordance with Section 95 of the Planning & Development Act 2000 (as amended).

### **Linguistic Impact**

In terms of linguistic impact, the GCDP contains the following objectives:

- › Objective UHO 12 – Linguistic Impact Statements
- › Objective UHO 13 – Urban Housing in Gaeltacht Settlements

A comprehensive Linguistic Impact Statement (LIS) was commissioned as part of the planning application. Overall, it is not anticipated that the proposed development will have any undue negative impact on the Irish language or the Irish culture in the village of Bearna.

### **Flood**

The following objectives within the GCDP relate to flooding;

- › Objective DS 7 – Flood Risk Management and Assessment
- › Policy FL 4 – Principles of the Flood Risk Management Guidelines
- › Objective FL 3 – Protection of Waterbodies and Watercourses
- › Objective FL 4 – Flood Risk Assessment for Planning Applications and CFRAMS
- › Objective FL 5 – SFRA/FRA and Climate Change
- › Objective NHB 14 – Protection of Riparian Zones

In compliance with the above objectives and Flood Risk Management Guidelines, a Site-Specific Flood Risk Assessment (SSFRA) and Trusky East Stream Flood Study have been prepared by O’Connor Sutton Cronin Engineers. In particular, this SSFRA report demonstrates (i) the manner in which the “Justification Test” has been applied on behalf of the developer and should be applied by the Board and (ii) the criteria of that test are met in respect of the proposed development. The SSFRA is a detailed Flood Risk Assessment, carried out in accordance with The Planning System and Flood Risk Assessment Guidelines & Circular PL 2/2014, which assesses the risks of flooding associated with the proposed development. The SSFRA also considers the impact of climate change. The SSFRA demonstrates that the proposed development will not have adverse impacts on the stream or floodplains. Measures proposed follow best practice in the management of health and safety in relation to flood risk for users and residents of the development.

Further in compliance, the Trusky East Stream Flood Study report provides a hydrological assessment of the stream catchment, the SSFRA report demonstrate the capacity to withstand potential flood events and the Engineering Services Report includes a hydrological assessment of the subject site and describes the SUDS design.

Objective NB14 also requires the protection of riparian zones of watercourse systems. The Trusky Stream is located within the proposed development site boundary. The stream is separated from the main construction footprint by over 10m at its nearest point. However, the construction works also involve the discharge of surface water from the proposed development, to the Trusky Stream. This involves, the installation of two precast headwalls within the banks of the stream at the location of the two surface water outfalls. There will also be some minor landscaping works including the planting of native species and the construction of a boundary fence along the stream banks to ensure the safety of users undertaking recreational activities on the OS zoned lands. These minor works will not affect the integrity of the riparian zone. A linear park with strong biodiversity focus forms the eastern boundary of the site and separates the stream from proposed buildings and roads.

## Ecology

The following objectives within the GCDP relate to Natural Heritage and Biodiversity;

- › Objective DS 6 – Natura 2000 Network and Habitats Directive Assessment
- › Objective DS 9 – Projects/Associated Improvement Works/Infrastructure and Appropriate Assessment

In compliance with Objective DS 6 and DS 9, ecological reports are submitted with this application, including an Appropriate Assessment Screening Report and Natura Impact Statement to enable the Board to carry out a Stage One Screening for Appropriate Assessment and a Stage Two Appropriate Assessment.

Please refer to Section 5.4.1 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Galway County Development Plan 2015-2021.

2.6.2

## Variation No.2(a) to the Galway County Development Plan 2015-2021 (Bearna Plan)

On the 23<sup>rd</sup> July 2018, Variation No.2(a) to the Galway County Development Plan 2015-2021 was adopted by Galway County Council, which incorporated the “Bearna Plan” into the GCDP. Accordingly, the proposed site is governed by the policies and objectives contained in the Bearna Plan.

The Bearna Plan is underpinned by a common vision to guide the future growth, development and improvement of Bearna in a manner that is sustainable, achieves the overall objectives set for Bearna in the Galway CDP, including the Core Strategy; and reflects the existing landscape, environment, heritage, character and amenity of the village and that improves the quality of life of the local community.

Section 1.2 of the Bearna Plan outlines the following Strategic Vision for Bearna:

*“To promote Bearna as a sustainable and vibrant coastal village, which maintains its attractive character, capitalises on its existing and future accessibility strengths, while offering a pleasant environment for a growing community, for living, shopping, education, business, recreation and tourism, all balanced against the need to safeguard and enhance the environmental sensitivities of the area, for present and future generations to come.”*

The proposed scheme will provide a high quality residential development in the village of Bearna thus further promoting Bearna as a sustainable coastal village for its growing community.

The Bearna Plan, at section 1.3, expressly references the population allocation in the core strategy:

### *“1.3 Settlement Hierarchy/Core Strategy*

*Bearna is located within the Galway Transportation and Planning Study (GTPS) area and is a key settlement in the Galway Metropolitan Area, which is on the first tier in the settlement hierarchy. A key component of the Bearna Plan is to ensure that it aligns with the Core Strategy/Settlement Strategy, as set out in the Galway County Development Plan. The Core Strategy indicates that Bearna has been assigned a population growth target of 420 persons by 2021 with a land allocation of 12.12 hectares provided to accommodate new residential development over the plan period.*

As noted above, a Material Contravention Statement is provided with this application as it is considered that the proposed development materially contravenes this population allocation set out in the Core Strategy in respect of Bearna.

In relation to building height, Objective UD2 of the Bearna Plan states:

**Objective UD2 - New Buildings**

*“Building heights, widths and material finishes shall be in keeping with the character and scale of existing development in the area and shall be appropriate to the locality, site context and building function. A maximum building height of two and half storeys will generally apply but reduced building heights will be required in visually vulnerable locations e.g. coastal side of the road. Increased building heights may be considered in exceptional circumstances where they contribute positively to the village character and design, subject to a high standard of urban design and have no adverse impacts on amenity.”*

The proposed development includes 3-storey Apartment blocks and 3 storey Duplex Blocks, which is marginally higher than the generally accepted maximum height of two and half storeys. However, in line with Objective UD2, it is considered that the increased building height is provided in exceptional circumstances, contributes positively to the village character, is of a high standard urban design and has no adverse impacts on amenity and is therefore compliant. However, based on the fact that elements of the proposed development are in excess of two and half storeys, it is acknowledged that the proposal constitutes a material contravention of Objective UD2 in this regard.

Chapter 1.4.5 of the Bearna Plan outlines the following objectives relating to residential development:

- › Objective RD1 - Residential Development Phasing
- › Objective RD2 – Apartment Development
- › Objective RD3 - Quality Housing Environments

The proposed buildings are located on lands zoned as R – Residential (Phase 1). Phase 1 residential lands have been identified for short to medium term growth in suitable locations that are serviceable and accessible.

The design team has sought to ensure that higher densities are achieved, while also ensuring that the open, residential character is maintained. In this regard, the development proposes a limited number of apartment buildings located within the development. This approach ensures that potential issues of overlooking, overshadowing and overbearing impact have been fully mitigated, thereby protecting the residential amenity of neighbouring properties. Accordingly, the proposed location of apartment development is considered to be acceptable.

The layout of the scheme has been designed to respect the existing routes, scale, height and amenity of the Cnoc Fraoigh development reflect the existing lower density of adjoining developments. The layout of the scheme has been designed to promote permeability and openness with a series of view corridors allowing views through the site and across the proposed new landscape. These view corridors promote passive surveillance of the site and allow visual connections to the variety of outdoor amenities provided through the development. Generous footpaths and pedestrian/cycle routes feature throughout the scheme as well as a number of pedestrian crossings.

The following objectives relate to amenity facilities;

- › Objective CF2 - Playground Facilities
- › Objective CF3 - Community, Recreation and Amenity Facilities

The development also includes the provision of 6711m<sup>2</sup> shared open space, within a series of landscaped areas throughout the development. This includes the provision of a playground, astro-turf kickabout area, a putting green as well as designated seating areas. A multi-purpose room is proposed for the residents of the scheme and is located on the ground floor of Apartment Block 2.



Section 1.4.7 of the Bearna Plan relates to Built Heritage and Natural Heritage and contains the following objectives;

- › Objective BNH2 – Natural Heritage Areas and Proposed Natural Heritage Areas
- › Objective BNH3 – European Environmental Compliance
- › Objective BNH4 - Local Streams

In compliance with Objective BNH2 and BNH3, ecological reports are submitted with this application, including an Appropriate Assessment Screening Report and Natura Impact Statement to enable the Board to carry out a Stage One Screening for Appropriate Assessment and a Stage Two Appropriate Assessment.

With regard to Objective BNH4, the Trusky Stream is located within the proposed development site boundary. The stream is separated from the main construction footprint by over 10m at its nearest point. However, the construction works also involve the discharge of surface water from the proposed development, to the Trusky Stream. This involves, the installation of two precast headwalls within the banks of the stream at the location of the two surface water outfalls. There will also be some minor landscaping works including the planting of native species and the construction of a boundary fence along the stream banks to ensure the safety of users undertaking recreational activities on the OS zoned lands. These minor works will not affect the integrity of the riparian zone. A linear park with strong biodiversity focus forms the eastern boundary of the site and separates the stream from proposed buildings and roads.

Please refer to Section 5.4.2 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with Variation No.2(a) to the Galway County Development Plan 2015-2021 (Bearna Plan).

### 2.6.2.1 Compliance with Land-Use Zoning Objectives

On 23<sup>rd</sup> July 2018, Variation No.2(a) to the Galway County Development Plan 2015-2021 was adopted by Galway County Council, which incorporated the Bearna Plan into the GCDP. Accordingly, the proposed site is governed by the policies and provisions contained in the Bearna Plan. The Bearna Plan includes: a Land Use Zoning Map for Bearna in section 5; associated Land Used Zoning Objectives; and a Land Use Zoning Matrix, which indicates the land use classes that are (i) permitted in principle, (ii) open for consideration, or (iii) not normally permitted in each of the land use zones, in section 4.

The proposed development comprises development of a greenfield site zoned 'R' and 'OS'. The residential development proposed on lands zoned R accords with the Phase 1 residential zoning and 'Objective RD1 – Residential Development Phasing', which requires that development be directed into lands which are zoned and serviced. The proposed residential development on lands zone R complies with the Land Use Zoning Matrix and Objective RD3. All proposed buildings will be located on lands zoned Residential (Phase 1) that are not subject to 'Objective CCF6 – Inappropriate Development on Flood Zones'. The proposed development complies with Objective CCF6 as outlined above. In particular, a Site Specific Flood Risk Assessment (SSFRA), which demonstrates how the criteria of the Development Management Justification Test are met in relation to the proposed development and accompanying flood study of the Trusky East Stream are submitted with this application. The proposed development also includes public open space/linear park and 2 no. surface water drainage pipes on land zoned 'OS', which lands are also subject to Constrained Land Use 'CL'. These proposed land uses, namely recreational and utilities infrastructure, are open for consideration on the Land Use Zoning Matrix and the proposals comply with Objectives LU4, LU8 and DM Guideline FL1 as outlined above. Finally, the proposed pedestrian link along the L1321 complies with the Land Use Zoning Matrix and Objectives LU6 and RT2.

The proposed development is in accordance with the Land Use Zoning Objectives in the Bearna Plan including the Land Use Zoning Map, associated Objectives and the Land Use Zoning Matrix. Accordingly, it is considered that the proposed development is acceptable in principle.

Please refer to Section 6.1 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with the Land Use Zoning Objectives.

2.6.3

## Variation No. 2(b) to the Galway County Development Plan 2015-2021 (Gaeltacht Plan)

The subject lands, and the wider Bearna Village, are located within the Gaeltacht Area.

Section 1.2 of the Gaeltacht Plan outlines the following Strategic Vision of the Gaeltacht Plan Area:

*“The Gaeltacht area is a unique and special place, and it is important that it retains that distinctive cultural heritage and natural beauty which is of National significance through the principles of sustainable development, whilst meeting the needs and aspirations of both the residents’ and visitors alike. Achieving the objectives of the Galway County Development Plan in order to sustain and develop the local economy and improve the quality of life for local residents.”*

The proposed development will provide 121 no. high-quality residential units within the existing settlement of Bearna, which is inextricably linked to and functions as part of Greater Galway City. The proposed residential development will facilitate in providing additional housing to Bearna, which is within Imeall Na Cathrach, an area described as being ‘*the most significant area that is under the greatest pressure from growth of the city*’ (Section 1.6.6 District F: Imeall Na Cathrach).

### Objectives GL1 – Linguistic and Cultural Heritage of An Gaeltacht

*“It shall be an objective of the Council to protect the linguistic and cultural heritage of the Gaeltacht and to promote Irish as a community language.”*

In terms of linguistic impact, a comprehensive Linguistic Impact Statement (LIS) was commissioned as part of this planning application. Overall, it is not anticipated that the proposed development will have any undue negative impact on the Irish language or the Irish culture in the village of Bearna.

Please refer to Section 5.432 of the Planning Report and Statement of Consistency for further details on the proposed developments compliance with Variation No.2(b) to the Galway County Development Plan 2015-2021 (Gaeltacht Plan).

2.6.4

## Galway Transportation Strategy, 2016

The Galway Transport Strategy (GTS) 2016 represents a partnership approach between Galway City Council, Galway County Council and the National Transport Authority. It includes a series of measures which will address the transport problems experienced across the city particularly during peak hours, over a phased and co-ordinated basis over the next 20 years, based on priority needs. The GTS has established that the reduction in traffic congestion requires both improvements to public transport, cycling and walking networks and the provision of a new orbital route.

The proposed measures in the GTS were arrived at following transport modelling which included defining the existing transport problems, predicting future travel demands, access mode share and assessing their mutual impacts and interdependencies. The strategy includes traffic management, giving priority to walking cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of ‘smarter mobility’. These measures are designed to both address the current significant problems and

inefficiencies in the movement of people and goods within and around the city and to establish a long-term transport plan that will underpin the future sustainable growth of the city as supported by the Core Strategy.

## 2.6.5 Summary of Compliance with Local Planning Policy

Table 2-5: Summary of Compliance with the local planning policy context

Compliance with Local Planning Policy
<p>The proposed development will contribute to the realisation of a number of policies and objectives in the GCDP, <i>inter alia</i>, in meeting commitments to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.</p> <p>The proposal provides for a high quality and sensitively designed residential scheme. There are several proposed house types, the design of which reflects the Galway vernacular aesthetic through the use of materials, colours and detailing. The development seeks to respond to the topography and features of the site and the existing grain of the built form surrounding the subject site.</p> <p>In terms of Community, Recreation and Amenity Facilities, the development also includes the provision of 6711m<sup>2</sup> shared open space, within a series of landscaped areas throughout the development. This includes the provision of a playground, astro-turf kickabout area, a putting green as well as designated seating areas. The proposal includes for a childcare facility (224.8 sqm), that can cater for 38 no. children. A multi-purpose room is proposed for the residents of the scheme and is located on the ground floor of Apartment Block 2.</p> <p>In compliance with Objective UHO 12 of the GCDP and Objective GL1 of the Gaeltacht Plan, a comprehensive Linguistic Impact Statement (LIS) was commissioned as part of this planning application (see standalone LIS report). Overall, it is not anticipated that the proposed development will have any undue negative impact on the Irish language or the Irish culture in the village of Bearna.</p> <p>The proposed scheme includes a series of measures to encourage/increase the use of public transport, walking and cycling for residents, staff and visitors and for work-related travel and to facilitate travel by bicycle, and bus.</p> <p>In summary, it is submitted that the proposed development results in a development which accords fully with the proper planning and development of the area while providing an attractive, high quality, contemporary development which enhances the development of the area.</p>

## 2.7 Scoping and Consultation

### 2.7.1 Scoping Document

An informal EIAR scoping exercise was undertaken as part of the EIAR preparation process. Scoping is the process of determining the content, depth and extent of topics to be covered in the environmental information to be submitted to a competent authority for projects that are subject to an Environmental Impact Assessment (EIA). This process is conducted by contacting the relevant authorities and Non-Governmental Organisations (NGOs) with interest in the specific aspects of the environment likely to be affected by the proposal. These organisations are invited to submit comments on the scope of the EIAR and the specific standards of information they require. Comprehensive and timely scoping helps ensure that the EIAR refers to all relevant aspects of the proposed development and its potential effects on the environment. In this way, scoping not only informs the content and scope of the EIAR, it also provides a feedback mechanism for the proposed design itself.

A scoping document providing details of the application site and the proposed development, was prepared by MKO and circulated on 22<sup>nd</sup> July and 31<sup>st</sup> July 2020 to the agencies, NGOs and other relevant parties listed in Table 2-9 below.

MKO requested the comments of the relevant personnel/bodies in their respective capacities as consultees with regards to the EIAR process.

## 2.7.2 Scoping Responses

The scoping responses received to date are presented in Appendix 2-1.

Table 2-6 Scoping Consultees

No.	Consultee	Response
1.	An Taisce	No Response
2	Department of Agriculture, Food and the Marine	Email acknowledgement received 28/07/2020
3	Department of Culture, Heritage and the Gaeltacht	No Response
4	Department of Communications, Climate Action and the Environment	Email acknowledgement received 21/08/2020
5	Department of Housing, Planning and Local Government	Email acknowledgement received 05/08/2020
6	Galway County Council – Planning Department	No Response
7	Galway County Council - Transportation and Infrastructure Design	No Response
8	Galway County Council – Environment Section	No Response
9	Galway County Council – Heritage Officer	No Response
10	Environmental Protection agency	No Response
11	Fáilte Ireland	Acknowledgement of receipt  Fáilte Ireland issued ‘EIAR Guidelines for the Consideration of Tourism and Tourism Related Projects’ which provides guidance for those conducting EIA and compiling an (EIAR, or those assessing EIARs, where the project involves tourism or may have an impact upon tourism.
12	Geological Survey of Ireland	Response received 13/08/2020

No.	Consultee	Response
		GSI make a number of recommendations which can be viewed in full under Appendix 2-1 of this report.
13	Health Service Executive	No Response
14	Inland Fisheries Ireland	No Response
15	Irish Water	Response received 06/08/2020  Irish Water make a number of recommendations which can be viewed in full under Appendix 2-1 of this report.
16	Office of Public Works	No Response
17	The Heritage Council	No Response
18	Transport Infrastructure Ireland (TII)	Response received 05/08/2020  The TII make a number of recommendations which can be viewed in full under Appendix 2-1 of this report.
19	ESB Networks	Acknowledgement of receipt.
20.	National Transport Authority	Acknowledgement of receipt.

## 2.7.3 Pre-Planning Meetings

### 2.7.3.1 Section 247 Pre-Planning Meeting

A formal Stage 1 meeting pursuant to Section 247 of the Planning and Development Act 2000 (as amended) was held with the Planning Authority on the 20<sup>th</sup> August 2019. The meeting took place in Galway City Council and was attended by representatives of Burkeway Homes Ltd, MDO Architects, Radharc Landscaping Co Ltd, O'Connor Sutton Cronin Engineers, MKO and Galway City Council.

The Planning Authority raised issues regarding the layout, place making and pedestrian connections to the village centre. The project team confirmed they would consider the points raised at the meeting.

### 2.7.3.2 An Bord Pleanála

A tripartite meeting took place between An Bord Pleanála, Galway County Council and the Design team on the 6<sup>th</sup> of March 2020 in the offices of Galway County Council. At the discussions were held in relation to a number of issues, including the principle of the development including development strategy, flood risk, water services, road infrastructure and core strategy.