



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322025-25**

### Development

Permission for the construction of twenty-three dwellings and associated site works and upgrade of pedestrian and vehicular access permitted under planning reference number 21/617.

### Location

Milltown, Tuam Co. Galway.

### Planning Authority

Galway County Council

### Planning Authority Reg. Ref.

2461691

### Applicant(s)

Eleanor Sheridan

### Type of Application

Permission

### Planning Authority Decision

Refuse Planning Permission

### Type of Appeal

First Party V. Refusal

### Observer(s)

None

### Date of Site Inspection

12th April 2022

### Inspector

Fergal Ó Bric.

## **1.0 Site Location and Description**

- .1.1. The appeal site is located on the eastern side of the N17, national secondary route within the rural settlement of Milltown. The appeal site is located to the north-west of this rural settlement. The area is characterised by individual single and two storey dwellings on generous plot sizes as are the lands to the east and south-east (rear) of the subject site. Further north-west of the appeal site is the local community centre and on the opposite side of the road, to the rear of existing dwellings is the local GAA pitch and clubrooms. The appeal site is bound to the west by the N17 route, to the east and south-east by one-off dwellings, to the north are agricultural lands, the community centre to the northwest and to the south-east is an undeveloped greenfield site with an extant permission for the development of four housing units. The appeal site comprises a green field site with an agricultural entrance onto the N17. There is a public footpath and streetlighting along the site frontage onto the N17 linking the appeal site to the centre of Milltown.
- .1.2. The site has a stated area of 0.9 hectares and forms part of a larger land holding immediately south of and contiguous to the appeal site. The site is irregular in shape along the eastern and south-eastern boundary of the adjoining community centre. Site levels are consistent with those of the adjoining N17. There are no drainage ditches located within the appeal site or along the site boundaries. The site boundaries comprise a low-level stone wall and hedgerow along the western boundary, a post and rail boundary along the north-western boundary adjoining the community centre, hedging along the northern and eastern site boundaries and open to the field along the south-eastern site boundary. There is a public footpath and streetlighting along the site frontage onto the N17. The appeal site is located within the 50 kilometre per hour speed control zone.

## **2.0 Proposed Development**

- 2.1. It is proposed to construct 23 two storey residential units as follows:
- Type A- 2 no. two storey, four bedroom semi-detached dwellings, 125 square metres.

- Type B-2 no. two storey, three bedroom semi-detached dwellings, 106 square metres.
- Type A-3 no. two storey four bedroom terraced dwellings, 125 square metres.
- Type B-4 no. two storey three bedroom terraced dwellings, 106 square metres.
- Type C-3 no. three bedroom semi-detached duplex units-120sq metres
- Type C-4 no. one bedroom semi-detached apartments-56 square metres
- Type D-2 no. three bedroom terraced duplex units-92 sq. metres
- Type D-3 no. three bedroom apartments-100 sq. metres
- Extension of pedestrian and vehicular access permitted under planning reference 21/617.
- Hard and soft landscaping.
- Internal roads and footpaths, cycle and car parking.
- Public and private amenity and open spaces.
- Boundary treatments.
- Public lighting.
- All other ancillary works above and below ground including connections to water supply, surface water infrastructure, wastewater infrastructure and utilities.

2.2. Access is proposed from the existing vehicular gate which accesses directly onto the N17. The residential units have individual driveways with off-street car parking provision for one/two cars. Three additional disabled parking spaces are proposed with access off the internal access road adjacent to the main access to the appeal site. A two-metre wide footpath with streetlighting is proposed along each side of the internal service road.

2.3. It is proposed that the development would connect to the public main foul sewer and mains water supply.

- 2.4. The Board referred the appeal to the Department of Environment, Heritage and Local Government for comment. To date, no response to the referral has been received by the Board.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Refuse planning permission for five reasons which can be summarised as follows:

- 1 The excessive density, scale, layout /placemaking considerations and deficiencies in open space provision would represent an inappropriate form of development which would represent an inappropriate form of development which would negatively impact the visual and residential amenities of the area. And materially contravene policy objectives SS7, RC3, RC5, PM1, PM 6, PM8 UL"2 and DM standards DM 1 and DM 2 in the Galway Development Plan 2022-28, would detract from the visual and residential amenities of the area and establish and undesirable future precedent.
- 2 The density significantly excess that as set out within the Core Strategy and DM standard 2 (Table 15.1 residential density) within the Galway Development Plan 2022-28, Having regard to the established built form and character of the area., the excessive density of development proposed, the reliance on ana cess road which does not form part of the appeal site and has not been constructed to date, the development would constitute a substandard form of development and contrary to policy objectives UL1, PM1 and PM5.
- 3 Based on the information submitted, the PA is not satisfied that there is adequate capacity in the public wastewater network to facilitate the development or that the applicant has the necessary consents to connect into same and therefore would be contrary to policy objective WW4 in the Galway Development Plan 2022-28 and would be prejudicial to public health

- 4 On the basis of the information submitted, the proximity of the site to Lough Corrib Special Area of Conservation (SAC), the absence of information regarding satisfactory disposal of wastewater and surface water, the Planning Authority consider that adverse impacts on the integrity of the Lough Corrib SAC and other European sites in view of their conservation objectives cannot be excluded. Therefore, if permitted the proposed development would materially contravene policy objectives NHB-1-3 and DM standard 50 of the Galway Development Plan 2022-28 and would be contrary to the proper planning and sustainable development of the area.
- 5 In the absence of satisfactory detail on surface water management proposals for the development, the development would materially contravene policy objectives WW7, WW11 and WW12 in the Galway Development Plan 2022-28,

### 3.2. **Planning Authority Reports**

#### Planning Report

The Planning Officer recommended that planning permission be refused due to the reasons set out within Section 3.1 above.

### 3.3. ***Other Technical Reports***

Roads and Transportation Unit -Raised issues in relation to the absence of Traffic and Transportation Assessment and a Road Safety Audit (RSA).

### 3.4. **Prescribed Bodies**

Transport Infrastructure Ireland: Recommended that the Planning Authority have regard to the provisions of to the proviso within the Spatial Planning and National roads Guidelines for Planning Authorities.

### 3.5. **Third Party Observations**

None received.

## 4.0 Planning History

Subject Site:

I am not aware of any relevant planning history pertaining to the appeal site.

Lands to south of appeal site:

Planning Authority reference number 21617, in 2021 the Planning Authority granted an extension of duration of planning permission for the development of 4 two storey detached dwelling houses within the same land holding and immediately south and contiguous to the current appeal site and also for a two storey fifty five bed nursing home development within the bounds of the current appeal site. This decision is due to expire in July 2026.

Lands to south of appeal site.

Planning Authority reference number 17/769, In 2017 Permission granted for alterations to previously approved developmnt permitted under planning reference 15/1268 relating to revisions of house types of four detached dwelling units and detached domestic garages.

Planning Authority reference number 15/1268 In 2015 Permission granted for the development of 4 two storey detached dwelling houses and also for a two storey fifty five bed nursing home development, access junction, internal roads footpaths, car parking, public open space, landscaping and connection to the public sewer

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2022-2028

The Development Plan was adopted by the elected members on the 9<sup>th</sup> May and came into effect on the 20<sup>th</sup> day of June 2022.

Chapter 2 of the Plan places Milltown within the Tier 7 settlements-Rural Settlements for which there are no specific plans published, in terms of a land use plan or specific land use zoning objectives.

Table 2.10 sets out the Core Strategy Table where it is envisaged that the population for the rural remainder i.e. those areas outside of the designated urban settlements would grow by 2,261 persons over the plan period with 1,301 residential units to be developed on infill or brownfield sites to sustain this population growth.

Table 2.12-Settlement hierarchy sets out the following description for Tier 7(a) rural settlements as follows 'Rural villages and the wider rural region. Rural encompasses villages and the wider open countryside. There may not be good public transport or regional connections and maybe highly car dependent'.

The following policy objectives are considered to be of relevance:

#### SS7 Development of Rural Settlements and Rural Nodes (Level 7)

In the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Hierarchy, good design, community gain and proper planning and sustainable development.

#### CS 2-Compact Growth

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

#### Section 3.5.8 Design Quality

##### PM 1- Placemaking

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces,

and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

#### PM 4-Sustainable Movement within Towns

#### PM 5-Sustainable Transport

#### PM 6- Health and Wellbeing

#### PM 8-Character and Identity

#### PM 10-Design Quality

To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.

#### UL 2- Layout and Design

#### UL 5-Open Space

To provide well planned and considered open space

#### Section 4.5.2- Residential Development Potential in Level 7 Settlements-Serviced /Un-Serviced Villages and Countryside

Some of these villages are served by public mains water and /or wastewater supply, whilst there are others that are un-serviced. It is recognised in this Plan that there is capacity in these villages to accommodate a small level of growth, with the capacity to accommodate growth dependant on the size of the village.

#### RC 1-Sustainable Development in Villages

It is the policy objective of the Planning Authority to encourage the sustainable, balanced development of our villages in an incremental manner, with the emphasis on small scale development over a medium to long term period, in keeping with the character of the settlement.



RC 3-Small Towns and Villages

RC 6-Residential Development Potential of Villages

Chapter 7: Infrastructure, Utilities and Environmental Protection

WW 4- Requirement to Liaise with Irish Water – Wastewater

WW 7-Sustainable Drainage Systems

WW11-Protection of Irish Water Collection Systems

Chapter 10-Natural Heritage and Biodiversity

NHB 1-Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

NHB 2-European Sites and Appropriate Assessment

NHB 3-Protection of European Sites

Section 15: Development Management Standards

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

Section 15.2.3 Guidelines for residential development in Towns and Villages.

DM Standard 2: Multiple Housing Schemes (Urban Areas).

In relation to public open space, the following is set out:

The provision of high quality accessible public open space should be set out as an integral part of the design process for proposed development.

Section 15.3 - Guidelines for Residential Development (Urban and Rural Areas)

In relation to private open space the following is set out:

Private Open Space shall be designed for maximum privacy and oriented for maximum sunshine and shelter. In general, a minimum back-to-back distance between dwellings of 22 meters shall apply in order to protect privacy, sunlight and avoid undue overlooking.

DM Standard 12: Rural Clustering on un-serviced lands in Villages

DM standard 32 sets out parking standards which require 1.5 spaces for 1-3 bed dwellings and 2 spaces for 4+ bed dwellings.

The flood mapping set out within Appendix 10 of the Development Plan was carried out in relation to the designated urban settlements within the County. Milltown is not designated as one of these urban settlements and, therefore, no specific flood risk assessment was carried out in relation to it as part of the Development Plan review process.

## **5.2. National Guidance**

### **5.2.1. National Planning Framework-First Revision 2025**

The National Planning Framework-first revision includes a number of National Policy Objectives which are relevant and pertinent to the current proposals.

National Policy Objective 27 Continue to support programmes for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Uisce Éireann and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

### **5.2.2. Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 (DoECLG)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, (2010).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

### **5.3. Natural Heritage Designations**

The closest Natura 2000 site is the Lough Corrib Special Area of Conservation (SAC), site code 000297, which at its closest point is located approximately 260 metres south of the appeal site boundary, as part of the River Clare watercourse.

The closest Natural Heritage Area (NHA) is the Lough Corrib pNHA, (site code 000297), which at its closest point is located approximately 260 metres south of the appeal site boundary.

### **5.4. Environmental Impact Assessment (EIA) Screening**

See Form 1 included as Appendix 1. I have concluded that, having regard to the nature and scale of the proposals, and notwithstanding the location of the subject site outside of the confines of a settlement boundary, the proposed development on serviceable lands would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the environment, arising from the proposed development. The need for environmental impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

#### First Party appeal submission

A first party appeal submission was received from a Planning Consultancy, The Planning Partnership on behalf of the applicant, Eleanor Sheridan. The issues raised within the appeal submission can be summarised as follows:

#### Principle of Development

- Within the existing settlement is the existing residential development of Mill Brook which was developed twenty two years ago which introduced a mix of house typologies into the settlement.

#### Density of Development:

- The approach adopted by the Planning Authority in relation to density is subjective, restrictive and inconsistent.
- The site area is 0.9 hectares, rather than 0.7 hectares as stated by the PA. The overall land holding is stated to comprise 1.12 hectares.
- The density on the total land holding amounts to 24 units per hectare, rather than 32 units per hectare as stated by the Planning Authority. The appeal site has a density of 25 residential units per hectare.
- The Planning Authority are not bound by the provisions of table 15.2 within the Development Plan in relation to residential density standards, nor are the board bound by these provisions.
- The site is located within a village centre where the density guidance within the Development Plan references 11 units per hectare on edge of centre location at 10 units per hectare. The Planners assessment that eleven dwellings to the hectare would be more applicable.

- Density is only one variable used in the assessment of Development proposals.
- The Compact Settlement Guidelines 2024 states that policies and objectives are intended as a tool to guide the appropriate scale of development at different locations, rather than as a prescriptive methodology.
- Given the planning history pertaining to the site, where a large nursing home has been permitted, it would appear counter intuitive to prohibit housing at the proposed density, when a large nursing home use was permitted without any concern regarding scale or density,
- The nursing home had 55 bedroom spaces, the same number as within the 23 proposed dwelling units.
- The Compact Settlement Guidelines 2024 state that 'Rural towns and villages small in scale with limited infrastructure and services provision, it is the policy objective in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure. The density of development at such locations should respond in a positive way to the established context.
- The development is designed is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure and will respond in a positive way to the established context.
- The emphasis in policy is on providing an alternative to one-off housing, providing opportunities for smaller households to locate or to relocate to village centre, freeing up housing elsewhere.

#### Design, Layout and House Type

- The unit typology s wholly appropriate to the settlement character, the site location and to existing and emerging household sizes and types.
- The subject site lends itself to an efficient density of development, rather than the alternative of low density serviced sites which would be more appropriately accommodated on the edge of the settlement.
- A suitable mix of housing typology should be provided in all settlements.

- Census 2022 provides a clear rationale for the development of small hose types to cater for the growing cohort of one and two person households.
- Hence one and three bedroom units make up 78% of the unit numbers proposed within this scheme proposed.
- The design and layout has due regard to the site context and location, achieving an efficient layout whilst accommodating existing constraints and limitations.
- The presence of a foul sewer wayleave along the eastern and northern site boundaries of the appeal site, informs the potential within the layout.
- No established building line exists along the Main Street and the site already has a permitted access point, so these matters helped inform the layout as proposed. The building line will thus not appear out of place with the prevailing pattern in the area.
- The set back building line will enhance the residential amenity of future residents through the development of open spaces and landscaping using active and passive amenities as a buffer between the Main Street and the dwellings.
- The applicant has sought to introduce good design practice and appropriate design standards as provide for within the 'key indicators of quality urban design' and 'placemaking' as include within Section 4.4 and Appendix D within the Compact Settlement Guidelines 2024
- The development provides for 14.4% of site area (based on a site area of 0.9 hectares) for active open space and, therefore, ample open space in provided in quantitative terms.
- The open space is spread throughout the development into three separate spaces, a more appropriate solution in a town context.
- These spaces are large enough to accommodate a variety of play and activities along with passive enjoyment value.

- Each of these spaces will be landscaped and benefit from passive surveillance from residential properties within the development.
- The development is designed is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure and will respond in a positive way to the established context.
- The applicant has submitted a revised layout as part of her appeal submission whereby the largest of the public open space areas would be reconfigured and a more regular area of open space would be provided for, as per the layout included as Appendix C within the applicants' appeal submission, This is for consideration by the Board, should they deem appropriate.
- The visual and residential amenities of the area will not be adversely impacted by the proposals. This comment is unwarranted and unsubstantiated.
- No part of the development could be deemed out of place or inappropriate, or lead to material impacts on the visual and residential amenities of the area.
- The subject site has considerable capacity for development, as demonstrated by its planning history.

#### Appropriate Assessment:

- An Appropriate Assessment Screening Report was submitted as part of the planning documentation included an Appropriate Assessment Screening Report which concluded that 'the proposed development, individually or in combination with other plans or projects will not have a significant effect on any European site, in the absence of any mitigation. An Appropriate Assessment (Natura Impact Statement) is not, therefore required'.

#### Flooding and Services:

- Subsequent to the decision of the Planning Authority the applicant received correspondence from Uisce Eireann (UE) confirming that a wastewater connection is feasible without the need for infrastructure upgrades. A refusal

of permission in the basis of inadequate wastewater infrastructure was unwarranted and disproportionate, especially having regard to the planning history pertaining to the subject site.

- The local authority was provided with the necessary information regarding surface water management within the site. The applicant is of the opinion that the issue was that the internal physical infrastructure department within Galway County Council had not issued a response in terms of the acceptability of the surface water proposals.
- Subsequent to the issuing of the planning decision, the applicant liaise with the physical infrastructure department and details of this correspondence are included within Appendix B of the applicants' appeal submission. This correspondence confirms that a connection to the surface water sewer is feasible, that that capacity is available within the surface water network to cater for surface water run-off from the development.
- A letter of support from the local GAA club, located on the opposite side of the N17 from the appeal site has been submitted as part of the applicant' appeal response confirming that consent is available from the GAA club to facilitate access to the local surface water sewer.

#### Access and Traffic:

- The access road is included within the red line application site boundary and has been designed as an integral part of the proposals.
- Permission is already in place for the roadway under the apparent permission on site relating to the nursing home and four detached dwelling units.
- The raising of this issue by the Planning authority as a constraint or negative

#### Material Contravention

- The Development management guidelines 2007 confirm that only 'fundamental' departures from, or proposals that would 'seriously prejudice',



the provisions of the Development Plan, would constitute a material contravention.

- In relation to the interpretation of the development Plans, it is the plan as a whole rather than individual and isolated objectives that are the test of compliance.
- The development would contribute towards the achievement of many objectives and policies within the Development Plan and have not been factored into the overall planning assessment.
- The proposals would also comply with Development Standards 1 and 2 in relation to quality of urban residential design and also DM standard 50 in relation to environmental assessments, which have been addressed by means of the submission of the AA screening report or within the details included as part of the appeal submission, including the appendices, with correspondence from Uisce Eireann (UE) and the physical infrastructure Department within Galway County Council.
- If any contravention is identified, then such contraventions are warranted and can be considered by the Board under Section 37 (2) of the Planning and Development Act 2000, as amended.
- The proposals are in compliance with policy objective NPO 11 within the National Planning Framework (as revised) policy document.
- The PA themselves permitted a housing development of 8 dwelling units in a Tier 7(b) settlement, resulting in a density of 46 dwellings per hectare, where no confirmation of feasibility was received from UE.
- The Planning Authority should adopt a consistent approach to development within level 7 settlements.
- Each planning proposal should be considered on its individual merits and not refused on the grounds that an undesirable precedent would be established.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observation(s)**

None received.

## **7.0 Assessment**

7.1. The main issues are those raised within the grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Density of Development
- Design and Layout
- Piped Water Services.
- Access and traffic.
- Appropriate Assessment

### **7.2. Principle of Development**

7.2.1. The Settlement Strategy for the County is set out within Section 3.4 and designates Milltown as a level 7(a)-rural settlement. The Core Strategy envisages that 1,012 residential units will be needed to cater for the population growth of 3500 persons envisaged to meet the growth needs for rural areas over the period from 2022 to 2028. There are no land use plans, nor land use zoning objectives published for any of the tier 7 settlements. Section 4.5.2 relates to the potential for residential development within the level 7 settlements and as per policy objective RC1 the policy objective is 'to encourage the sustainable, balanced development of our villages in an incremental manner, with the emphasis on small scale development over a medium to long term period, in keeping with the character of the settlement'. The current proposals, given their context within a designated rural settlement are not in keeping with the character of the settlement, would not represent sustainable nor balanced development in the context of this level 7 rural settlement.

7.2.2. I consider that there are sufficient residentially zoned lands identified within the current Galway Development Plan within the upper tier settlements as set out within the Core and Settlement Strategies within the Plan to meet the anticipated population growth of the county for the plan period. The current proposals, located

on unzoned lands, would provide for additional housing units, over and above the specified requirements for the county, as set out within the Core Strategy. Therefore, I consider, the current proposals would establish an undesirable precedent and would be contrary to the Core and Settlement Strategy provisions of the current Galway Development Plan.

- 7.2.3. The appeal site is located on unzoned lands as per the provisions of the current Galway County Development Plan (GCDP) 2022-28 I am satisfied the principle of residential development of this scale is not acceptable in this instance, given the lands do have the benefit of a residential land use zoning objective as per the provisions of the current Development Plan.
- 7.2.4. I note the applicant references the extant planning permission. The permission within the appeal site relates to a nursing home development, and one cannot equate the provision of a nursing home facility as a justification for the development of a twenty three unit residential development at scale. There is also an extant planning permission on the wider land holding, immediately south of the appeal site which relates to the development of four large detached dwelling units. This permission was first permitted in 2015 and revised in 2017 and subject to an extension of duration permission in 2021. To date, this development has not commenced, even though it was first permitted approximately ten years ago.
- 7.2.5. Section 3.6.7 of the Galway Development Plan (GCDP) 2022 sets out locations suitable for residential development in urban areas including: Town Centre, Infill and Brownfield sites. The appeal site does not fall within any of these categories of location and, therefore, would establish an undesirable precedent and would be contrary to the Core and Settlement Strategies as set out in the current Development Plan.

### **7.3. Density of development**

- 7.3.1 The second reason for refusal as set out within the Planning Authority decision relates to an excessive density of development that significantly exceeds the provision of the Core Strategy and DM standard 2 (within table 15.1) in the Development Plan and

that the development would constitute a substandard form of development and be contrary to policy objectives UL2, PM1 and PM 5 within the Plan.

7.3.2 The Planning Authority calculated the density of development at 32.85 dwelling units per hectare based on the development of 23 residential units on a site area of 0.7 hectares, The applicant has stated that the appeal site comprises 0.9 hectares and therefore a density of 25 residential units per hectare is proposed. Even based on the applicant site statistics, with a site area of 0.9 hectares, the density of 25 residential units per hectare far exceeds any residential density that should be considered within a Tier 7 rural settlement. I refer to Section 7.2.1 of this report above in this regard and what type of residential development is envisaged for tier 7 settlements, as per policy objective RC1.

7.3.3 Development within Rural settlements as per the Settlement strategy within the Development Plan is envisaged to cater for local needs and not at a density of twenty five units per hectare, as proposed. This scale of density is what is envisaged for Tier 3 of 4 urban settlements where a range of housing typologies including apartments, terraced, semi-detached and detached residential units is provided for within the Development Plan. I acknowledge that some small scale development would be acceptable within Milltown, and other tier 7 settlements, however not a conventional housing development at the density proposed, which are envisaged for the higher tier settlements. Milltown, is designated as a rural settlement, not a small growth village or higher tier settlement and, therefore, I would concur with the Planning Authority that density as proposed exceeds the density as envisaged within the Core Strategy and DM standard 2 within the Development Plan. The applicant has failed to provide a sound planning rationale as to why this development should be permitted in accordance with the provisions of the Core and settlement Strategies as set out within Section 2 of the current Development Plan which align with the settlement strategies and population targets of the higher level Regional Strategy for the western and northern region.

7.3.4 The fact that an adjacent housing development (Miill Brook) was permitted in excess of two decades ago and more proximate to the centre of this rural settlement does

not provide a justification for the current proposals. Best planning practice requires that core and settlement strategies within Development Plan are respected

7.3.5 In conclusion, I would concur with the opinion of the Planning Authority that the proposed development would not be consistent with the provisions of specific policy objectives PM 1 in relation to providing for a high quality built environment, UL 2 in relation to delivering residential developments within the towns and villages of the county. and RC 1 in relation to balanced, sustainable and small scale residential development within the rural settlements and, therefore, would be contrary to the proper planning and sustainable development of the area.

#### **7.4. Design and Layout**

7.4.1. Refusal reason number one relates to the scale layout/placemaking considerations and deficiencies in open space representing an inappropriate form of development and negatively impact visual and residential amenities of the area and would materially contravene policy objectives PM 1, PM 4, PM6 and PM8, SS7 regarding development in rural settlements, RC3 and RC5 as well as DM standards DM 1 and DM 2 and establish an undesirable precedent.

7.4.2. I note that the Planning Authority's reason for refusal states that the proposed development materially contravenes policy objectives as set out within the paragraph above. These policies refer to a general approach to design quality, placemaking and incorporating high quality materials in an urban environment and is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act. 200 (as amended).

7.4.3. An architectural design statement was submitted as part of the planning documentation. Section 1.2 and 3.1 of the design statement relates to the brief where a residential scheme of 'medium to high density' is referenced, as is a residential density of 33 units per hectare. Therefore, I consider that the approach adopted by the applicant and their architects within their design brief was flawed from the outset, as they do not reference either the Settlement Strategy nor the Core

Strategy, in which Milltown is designated as a Tier 7(a) rural settlement. Section 2.1 - Site Analysis references 'town centre', again failing to have regard to the classification of Milltown as a rural settlement within the Settlement Strategy. The design statement also references the key urban design criteria used within the formation of the layout in terms of context, connections, variety, distinctiveness, public realm, adaptability, privacy and amenity and detailed design of the residential units, landscaping and boundary treatment. However, as referenced earlier within this paragraph, Milltown is not designated as an urban town or village, within the current Galway Development Plan and so these particular design principles cannot overshadow the principle of residential development envisaged for the rural settlement. I would concur with the Planning Authority that the density and layout is akin to a higher tier town or village within the Settlement Strategy for Galway.

- 7.4.4. The active public open space provision is stated to comprise 14.4% of the total site area. Whilst this would be acceptable in quantitative terms, the quality of some of this public open space is questionable. There are two sections of public open space that buffer the residential development from the busy N17, the main route linking Galway city with Tuam. One of these areas is punctuated by three car parking spaces and to access both of these spaces, one has to traverse the internal access road. There is one large area of public open space, located to the north-east of the site, but its irregular configuration is very much dictated by the road's layout. There is one narrow strip of open space located along the gable end of the most north-easterly dwelling within the development, which is not functional and serves as a route for the site services and, therefore, could not be built upon. The overall layout proposed would result in a poor disposition of public open space, a roads dominated layout and not conducive to pedestrian safety. The applicant, as part of her appeal submission submitted a revised layout whereby this large area of public open space was reconfigured to provide for a more regular configuration and a greater degree of passive surveillance. However, given that the overall layout provides is highly urbanised, comprising two and three storey dwellings, apartments and duplex units, the layout as proposed would be typical of what would be proposed within a higher tier settlement and is very much roads dominated, I would concur with the PA that

the quality of the design and layout is substandard in the context of the classification of Milltown as a rural settlement.

- 7.4.5. In conclusion, I would concur with the Planning Authority, that the layout, scale and deficiencies in the disposition and quality of the public open space would result in a development that would be contrary to policy objectives SS7 and RC1 in relation to balanced, sustainable and small scale residential development in rural settlements and PM 1 in relation to providing for a high-quality built environment and, therefore, would be contrary to the proper planning and sustainable development of the area.

## **7.5. Piped water Services**

- 7.5.1. The third reason for refusal as set out by the Planning Authority related to the Planning Authority not being satisfied that there is adequate capacity available within the public wastewater network/infrastructure to facilitate the proposed development or that the applicant has the necessary consents to connect to the network and would , therefor be contrary to policy objective WW4 which relates to the requirement to liaise with Uisce Eireann (UE). The fifth reason for refusal relates to the absence of satisfactory detail on surface water management proposals for the development and would contravene policy objectives WW7, WW11 and WW 12 in relation to the provision of suitable surface water management proposals within the site incorporating the principles of SuDS and to prohibit the use of combined sewer systems. The Planning Authority stated that the appeal site is not at risk of flooding or would not increase the risk of flooding in the vicinity of the appeal site.
- 7.5.2. At the time of the planning decision the applicant has d not submitted any correspondence from UE as to the feasibility of a connection to the wastewater network. However, within the appeal submission, the applicant states that she received correspondence from UE (appendix D) subsequent to the PA's decision being issued which confirmed feasibility of connecting to the foul sewer network without the need for upgrades to the infrastructure is possible and that there is adequate capacity available within the foul network to service the development. The applicant references correspondence from Milltown GAA club (stated to be included as appendix F) consenting to the applicant tapping into the foul sewer network at the access way into the Milltown GAA grounds. This correspondence from the GAA has

not been included as part of the planning documentation. Based on the information submitted by the applicant as part of her appeal submission in the form of the UE correspondence, I am satisfied that the applicant has demonstrated adequate consent to tap into the foul services and that there is adequate capacity within the foul network to cater for the development proposed. I, therefore, consider that reason number 3 be set aside for the reasons outlined in the paragraph above.

7.5.3. In terms of surface water management within the site, I note that the applicant submitted a services design report which and Section 3 provides details of the surface water management proposals in relation to the development. The applicant has stated that there is an existing soakaway pit located within the footpath along the N17 which will be connected into for the purpose of discharging the proposed stormwater from the appeal site. The surface water management proposals will incorporate the principle of Sustainable Urban Drainage Systems (SuDS) in order to slow and/or delay the flow of surface water from the appeal site. The surface water management features will include six rainwater garden features, permeable paving, filter drains, a hydrobrake flow control and a petrol interceptor. A surface water drainage layout drawing number C-1025 was submitted as part of the planning documentation.

7.5.4. In conclusion, I consider that the applicant has provided adequate wastewater and surface water management proposals to service the proposed development and that the proposals would be in compliance with policy objectives WW7, WW11 and WW12 in relation to on-site surface water management, sustainable drainage systems and maximising the capacity of the wastewater infrastructure. Therefore, I consider that the refusal reasons as set out with reasons three and five within the Planning authority decision should be set aside.

## **7.6. Access and Traffic**

7.6.1. The Planning Authority (PA) states that the access road and entrance to the appeal site is located outside of the red line application site boundary. This matter is refuted by the applicant as part of their appeal submission. However, having reviewed the planning documentation submitted by the applicant to the PA, the site entrance and part of the access road is located within the blue line land holding boundary, which is



located immediately south of, and contiguous to the appeal site boundary. However, the site layout, submitted as part of their appeal submission has an extended red line application site boundary that encompasses the site entrance and all of the internal access road.

- 7.6.2. The TII made a submission to Galway County Council who requested that the PA have regard to the provisions of the 'Spatial Planning and National Roads Guidelines for Planning Authorities, published by the Department of Environment, Communications and Local Government, 2009. The appeal site is located within the 50 kilometre per hour speed control zone and, therefore, I am satisfied that the site access would be in compliance with the 'Spatial Planning Guidelines. I note that the PA did not include a refusal reason in relation to traffic safety or access. There is an extant planning permission on the site for the development of a nursing home and I consider that the precedent has been established on site in terms of traffic generation to and from the site and the turning movements associated with such a commercial development. Therefore, I consider that the residential development would not result in the endangerment of public safety by reason of a traffic hazard or obstruction of road users.
- 7.6.3. The site is connected to the rural settlement of Milltown by means of a footpath along the site frontage that connects to the centre of Milltown. However, the applicant has failed to provide for a cycle path and/or a combined cycle/footpath as part of their proposal, along the appeal site frontage nor along the internal access road within the appeal site.
- 7.6.4. In conclusion, Given the location of the appeal site within the 50 kilometre per hour speed control zone, I am satisfied that the proposal would not result in the creation of a traffic hazard or interfere with the safety and freeflow of traffic on the adjoining public road and that adequate sightlines from the entrance point are achievable in accordance with DMURS standards 2019 have been submitted. Therefore, I consider that the applicant has demonstrated that adequate sightlines are achievable in accordance with DM standard 28 of the current Development Plan nor in accordance with best practice road safety standards.

## **7.7. Appropriate Assessment Screening**

I conclude that the proposed development (alone) would not result in likely significant effects on the Lough Corrib SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

## 8.0 Recommendation

I recommend that planning permission be refused for the following reasons.

- 1- The proposed development is classified as a rural settlement within Tier 7 of the Settlement Strategy as set out within the current Galway County Development Plan 2022-28. The appeal site does not have the benefit of being located within any settlement boundary or having the benefit of a land use zoning objective, residential or otherwise. Having regard to the rural location of the site, the development would contravene the Settlement Strategy within the Development Plan and policy objectives within the Development Plan, specifically SS7 in relation to development in rural settlements and RC 1 in relation to the sustainable, balanced and small scale development within Rural settlements. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
- 2- Having regard to its location of the site on the northern edge of a rural settlement, it is considered that the proposed development would be out of character with the pattern of development in the area and would result in the poor disposition and quantity of public open space, a roads dominated layout which would not be conducive to pedestrian safety. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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Fergal Ó Bric

Planning Inspectorate

11<sup>th</sup> day of June 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	322025-25		
<b>Proposed Development Summary</b>	Permission for the construction of twenty three residential units connections to the water services and all associated site works, and services.		
<b>Development Address</b>	Milltown Tuam, Co. Galway		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank		
<b>No</b>	Tick or leave blank	A residential scheme of this scale does not fall within a class of development as per the P & D Regulations. Class 10, (b), (i) (threshold is 500 dwelling units)	x
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank		

<b>No</b>	Tick/or leave blank		X
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	Proposals relate to the development of a twenty three unit residential scheme.	X

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	X
<b>Yes</b>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix 2: AA Screening Determination

### Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	See Section 2 within the Planning Report for the full development description. Permission for the construction of twenty-three residential units, extension of permitted pedestrian and vehicular access permitted under planning reference number 21/617, connections to site services, and all associated site works and services.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The proposals would comprise the development of a twenty three residential development scheme. of a four-on a total site area of 0.9 hectares. The subject site is a fully serviced greenfield site and is located approximately 270 metres north of the nearest boundary of the Lough Corrib SAC. Given the serviced nature of the lands, the separation distance from the European site and that there is no specific habitat on site which would be suitable for the Qualifying interest species and, therefore, it is unlikely that the development would result in habitat loss, fragmentation or disturbance or any effects on the Qualifying Interest habitats or species associated with the SAC. It is not predicted that by virtue of the relatively modest scale of the development proposals, the separation distance from the nearest boundary of the Natura 2000 sites and that subject to the inclusion of standard best practice construction methods, which would be included as part of a Construction and Environmental Management Plan (CEMP) which could be conditioned to be agreed with

	the Planning Authority (PA) prior to the commencement of development if the Board was minded to grant permission, that the development would not have a significant effect upon the conservation objectives or qualifying interests associated with the Lough Corrib SAC.
<b>Screening report</b>	Yes
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	N/A.

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Lough Corrib SAC (site code 000297)	<a href="#">ConservationObjectives.rdl</a> 2017	The nearest part of the appeal site is located approximately 270 metres north of the River Clare watercourse which forms part of the Lough Corrib SAC.	The subject site is a greenfield site within the rural settlement of Milltown. The site is fully serviced in terms of having access to a foul sewer, water mains and surface water sewer. There is no watercourse	yes

			<p>within the confines of the appeals site nor along its site boundaries.</p> <p>There are no apparent direct or indirect ecological or hydrological pathways between the appeal site and the Lough Corrib SAC.</p>	
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites:**

- (a) Direct impacts are unlikely to arise in this instance, given the separation distance between the appeal site and the nearest boundary of the Lough Corrib SAC. There is no direct hydrological or ecological pathway linking the two. No direct impacts are anticipated to arise from the development on site given its location outside of any boundary associated within the Lough Corrib SAC. There are no hydrological nor ecological pathways connecting the subject site to Galway Bay, and the existence of mature trees to the south of the appeal site on which restricts visibility/flight paths to Lough Corrib. In terms of indirect impacts, I consider that there would be the standard construction emissions from construction activity on site in terms of noise, dust and vibration, lighting, storage of construction materials and additional construction traffic. However, these are stated to be typical of an urban construction site and will be temporary in nature.
- (b) Standard best practice construction measures would be used in order to minimise any significant impact arising from the construction methods proposed. These matters would be managed as part of a CEMP, to be conditioned and agreed in writing with the PA prior to the



commencement of development, in the event that a grant of planning permission was being recommended.

- (c) The site-specific conservation objective associated with the Lough Corrib SAC site is 'To maintain or restore the favourable conservation condition of habitats and species identified as qualifying interest species within The Lough Corrib SAC.' In terms of in-combination effects, the applicants have identified a number of developments permitted in proximity to the appeal site. The developments permitted were in the main of a minor scale and included proposals for domestic extensions, changes of use within existing commercial units, single rural dwellings and a seven unit townhouse residential scheme. The significant effects identified are indirect ones that would arise during construction of the proposed development. These effects would only arise if best practice construction measures in terms of surface water management, noise, dust, vibration and traffic management measures were not implemented in accordance with an agreed CEMP. Therefore, it is clear from the planning documentation submitted that the construction of the residential scheme alone, or in combination with other development in the vicinity of the appeal site would not result in significant in combination effects on the conservation objective and/or qualifying interest features within the Lough Corrib SAC.

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lough Corrib SAC (site code 00297). <u>Qualifying Interests:</u> Freshwater Pearl Mussel White-clawed Crayfish Sea Lamprey Brook Lamprey Salmon Lesser Horseshoe Bat Otter	Direct:  No direct construction impacts are likely given the location of subject site removed from the Lough Corrib SAC boundary.  Indirect:  There is potential for indirect impacts to arise during the construction phase in terms of increased noise, dust vibration, increased traffic, and	It is not anticipated that disturbance or displacement of species within the SAC will arise as a result of the works. Neither is it anticipated that any habitat loss, modification nor fragmentation will arise as a result of the works, given the location of the subject

Slender Green Feather-moss Slender Naiad Oligotrophic waters containing very few minerals of sandy plains Oligotrophic to mesotrophic standing waters with vegetation Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. Water courses of plain to montane levels Semi-natural dry grasslands and scrubland facies on calcareous substrates Molonis meadows on calcareous, peaty or clayey-silt-laden soils Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion Calcareous fens Petrifying springs with tufa formation Alkaline fens	storage of construction materials. However, these impacts will be temporary in nature and it is not envisaged that any significant impacts upon the Lough Corrib SAC will arise The site is fully serviced in terms of water supply, wastewater and surface water discharge and, therefore, it is not anticipated that during the operational phase the development will significantly increase over existing modest levels of activity within the rural settlement of Milltown.	site removed from the nearest boundary of the Lough Corrib SAC and the relatively modest scale and their temporary nature of the construction works.
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Limestone pavements Old sessile oak woods Bog woodland		
	<b>Likelihood of significant effects from proposed development (alone):</b> No	
	<b>If No, is there a likelihood of significant effects occurring in combination with other plans or projects?</b> See Step 3(c) above.	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site.</b> See Step 3(a) above	
	<b>Impacts</b>	<b>Effects</b>
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Lough Corrib SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lough Corrib SAC in view of the conservation objectives of these sites and, therefore, can be excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Having regard to the relatively modest scale of the residential development proposed.
- The location removed from the nearest Natura 2000 sites and the absence of hydrological or ecological connections to the waterbody,

- A full and detailed assessment of all aspects of the proposed project including the Conservation Objectives of the aforementioned designated sites.
- An assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.

No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Lough Corrib SAC.