



An
Bord
Pleanála

Inspector's Report PL07.248365

Development	Chun teach nua, garaiste nua and coras searachais nua a thogail.
Location	Both Chuanna Thoir, An Spideal, Co. Gallimhe
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/1043
Applicant(s)	Martina Ni Cheidigh
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Donal O Mairtin
Observer(s)	None
Date of Site Inspection	7 th July 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

The appeal site is located to the NW of Spiddal Village in County Galway and the surrounding area is undulating and rural in character. The site is located in the townland of Both Chuanna Thoir and within a small settlement which contains several detached houses and farm buildings. The site is located on the E side of the local road and it bound to the N and S by detached houses and sheds with agricultural lands to the E with the Owenboliskey River beyond. The long narrow site is mainly characterised by a mix of boulders, rocky outcrops and waterlogged areas. The roadside boundary is defined by dry stone walls and the side boundaries are defined by a mix of walls, fences and hedges.

Photographs and maps in Appendix 1 describe the site and surroundings in more detail.

2.0 Proposed Development

2.1. Planning permission is being sought to:

- Construct a 2-storey house (247sq.m.) & garage (54sq.m) on the 0.39ha site
- The house would be approximately 7m to 13m wide, 18m deep & 7m high
- The garage would be approximately 6m wide, 10m deep & 5.5m high
- Install a WWTS and polishing filter in the E section of the site
- New vehicular access.
- Associated site works.

The planning application was accompanied by:

- Site Suitability Assessment report (14th March 2014)
- Rural Housing Need report

3.0 Planning Authority Decision

3.1. Unsolicited Further Information

The applicant submitted unsolicited FI to the planning authority which comprised a revised site layout that relocated the house and garage further to the E of the site.

3.2. Further Information

Further Information was requested in relation to 6 items:

1. Submit a new Site Characterisation Report, a longitudinal section through the proposed WWTS which should indicate the maximum high water table on site, introduce an intermittent filter system between the WWTS and the sand polishing filter, and the polishing filter should be oversized to protect ground and surface water: -
 - The WWTS is site specific; the site & system comply with the EPA CoP, the “P” value was 41.47 which is acceptable under Table 6.3 & no “T” test due to the shallow soils; the water table is 0.9m below existing ground level; the assessment was carried out in March; no new assessment will provide different results and there is no reason to carry out a second assessment; the results from several other assessments within a 150m radius show that the ground conditions in the area are suitable for a WWTS; and the system will be in an area that is not hampered by rocky outcrops or surface water ponding.
 - Revised cross section submitted which shows a vertical separation distance of 2000mm between the invert of the distribution pipes and the highest winter water table level.
 - Size of sand polishing filter increased from 15 to 20sq.m based on a reduction of the loading rate from 60 to 45 l/sq.m/day; an intermittent filter is not required as the tertiary system will carry out all treatment functions followed by pumped discharge to the polishing filter.

2. Submit revised plans for a new rural house type appropriate to the rural landscape in compliance with Objective RHO9 and the Rural House Design Guidelines, and which adheres to the existing building line: -
 - The design, siting and orientation is site specific and reflects the long narrow shape of the site, proximity to adjacent dwellings, open drains which need to be piped and the location of the WWTS.
 - The design is of a proportional rural form using a low, narrow T-plan shape with a medium roof pitch of 30 degrees and ridge height of 6.4m and the FFL will be c.0.4m below the road level.
 - House relocated and will adhere to building line of the house to the N.
3. Submit revised drawings for the garage which should be 5m or less in height and relocated closer to the public road and behind the house: -
 - Prefer to retain the size and pitch of the garage at 38 degrees in order to match the pitch of the house and it complies with Building Regs.
 - Garage relocated as above.
4. Submit a map which shows the location of the applicant's family home: -
 - Land Registry Folio and Map already submitted.
5. Submit comprehensive details for the diversion of the existing drains within the site and note that a 10m separation is required with the WWTS: -
 - Revised site layout plan submitted which shows the location of the proposed re-routed surface water drains.
 - The 2 re-routed open drains will be piped using 300mm diameter JFC CorriPile laid to falls, typical pipe invert levels will be c.500mm to 600mm below ground level with 100mm base gravel underneath; and no culverting required.
6. Submit details of boundary treatment and landscaping: -
 - Existing granite stone walls will be retained, replace the existing stone wall along the front boundary with 1.0m high dry granite stone wall; and landscaping scheme submitted.

3.3. Decision

Following the receipt of Further Information, the planning authority decided to grant retention planning permission subject to 12 standard conditions.

- Condition no.2 placed a 7-year occupancy restriction on the house.
- Condition no.3 (a) stated that the house should be located and constructed in accordance with the revised layout and house plan drawings received on the 28th February 2017.
- Condition 9 (a) required the retention of all boundary hedges, trees and dry stone walls, except for the entrance.

The planning authority carried out a Stage 1 AA screening exercise and concluded that a Stage 2 AA was not required.

3.4. Planning Authority Reports

Planning Reports

The County Council decision reflected the recommendation of the planning officer.

Other Technical Reports

None on file.

3.5. Prescribed Bodies

Case circulated to Udaras na Gaeltachta with no response received.

3.6. Third Party Observations

One letter of objection received from owners of the house on the adjoining site to the N who have no objection in principle to the proposed house. They raised concerns in relation to the location as the house which would be directly in front of their main living area windows, inadequate separation distances, overlooking, loss of privacy and sunlight. The revised layout (by way of unsolicited FI) mitigates many of their concerns, although a further relocation to the E would be more acceptable.

4.0 Planning History

None on the appeal site.

Planning permission granted for several detached houses to various applicants within 100m of the appeal site and the most relevant are summarised below.

Reg. Ref.07/4879: permission granted for a detached dormer house (c.261sq.m.) and garage (c.45sq.m.) on the adjoining site (c. 0.30ha) to the N with a WWTS.

Reg. Ref.13/975: permission granted for a detached house and garage (c.276sq.m.) on the adjoining site to the NE with a WWTS.

5.0 Policy Context

5.1. Sustainable Rural Housing, Guidelines for PAs, 2005

These guidelines set out in detail how the Government's policies on rural housing are to be implemented by planning authorities in making their development plans and in the operation of the development control system to ensure a vibrant future for all rural areas. The appeal site is located within an area that is designated in Map 1 as an Areas under Strong Urban Influence.

5.2. County Galway Development Plan 2015-2021

The site is located in a rural area and within:

- Rural Housing Zone 1: An Area Under Strong Urban Pressure (GTPS)
- Rural Housing Zone 4: An Gaeltacht
- A Class 2 Sensitive Landscape (Class 1 is the least sensitive)
- An area designated as a (PI) Poor Aquifer, generally unproductive except in local zones.
- An area drained by the Owenboliska River
- To the N and S of two protected focal points/views.

5.3. Policies and objectives

Policy RHO 1 (Management of New Single Houses in the Countryside) seeks to facilitate the management of new single houses in the countryside in accordance with the Rural Housing Zones 1, 2, 3 & 4.

Objective RHO 1 (Rural Housing Zone 1 - Under Strong Urban Pressure - GTPS) seeks to facilitate Rural Housing in the open countryside subject to the following criteria (relevant to this case):

- 1.(a) Applicants with Rural Links to the area through long standing existing and immediate family ties seeking to develop their first home on existing family farm holdings. Documentary evidence shall be submitted to justify the proposed development and will be assessed on a case by case basis.
3. An Enurement condition shall apply for 7 years, after the date that the house is first occupied by the person or persons to whom the clause applies.

Objective RHO 4(a) (Rural Housing Zone 4 - An Gaeltacht) seeks to facilitate Rural Housing in the open countryside for those applicants within An Gaeltacht which are located in Zone 1 (Rural Area Under Strong Urban Pressure-GTPS), subject to compliance with Objectives RHO1 and RHO3 as appropriate.

Rural Links: is defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life.

Objective RHO 9 (Design Guidelines) states that the Council will have regard to the Design Guidelines for the Single Rural House with specific reference to the following objectives:

- (a) To encourage new house design that respects the character, pattern & tradition of existing places, materials & built forms & that fit into the landscape;
- (b) To promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout;

- (c) To require the appropriate landscaping & screen planting of proposed developments by using predominately indigenous/local species & groupings.

DM Standard 6 & 8: states that new houses should be assimilated into the landscape and house applications should be accompanied by a landscaping plan.

Rural House Design Guidelines assist applicants for a single rural house in the countryside, by highlighting all the necessary issues which inform good rural house design and they provide advice on location, siting, landscaping and design.

Objective RHO 12 (WWTS requirement) seeks to permit development in un-serviced areas only where it is demonstrated that the proposed WWTS is in accordance with the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009) (or any superseding documents) and subject to complying with the provisions and objectives of the EU Water Framework Directive.

DM Standard 7 (Site size for WWTS) states that a minimum site size of 0.2ha is generally required for a single house so as to provide for adequate effluent treatment, parking, landscaping, open space and maintenance of rural amenity. For house sizes greater than 200sq.m. the site size shall be increased by 10sq.m. for each additional 1sq.m. of house.

5.4. **Gaeltacht Local Area Plan 2008-2018**

Section 7 of the LAP contains a local plan for An Spideal. Section 7.6.2 states that the Council will aim to facilitate the development of housing to meet the expected housing needs of the village and its neighbouring community. The Core Strategy identifies the need for 1.19ha of residential lands in Phase 1 up to 2015, and states that the remaining residential lands in Phase 2 will not be generally developable during the lifetime of the Plan. The site lies within Residential Zone (Phase 2) as indicated on the Land Use Zone Map 7.1 of the LAP and within Flood Zone C as indicated on Map 7.4, although the NE section is covered by a Pluvial Flood Indicator.

5.5. Natural Heritage Designations

The site is located with 15k of the following European sites:

- Connemara Bog Complex SAC & SPA
- Galway Bay Complex SAC
- Inner Galway Bay SPA
- Lough Corrib SAC & SPA
- Ross Lake and Woods SAC

6.0 The Appeal

6.1. Grounds of Third Party Appeal

One letter of objection received from the owners of the house on the adjoining site to the N who raised concerns in relation to:

- No objection to a house being built on the site, just the location as the proposed house would be directly in front of the main living area windows.
- The house was relocated to the E by way of unsolicited FI; the FI request relocated it back to the W to adhere to the existing building line, and to a position where it would have maximum impact on the Appellant's house.
- Adverse impact on privacy: the house would contain windows at all levels in the side elevation; inadequate separation distances less than 22m; overlooking & loss of privacy to neighbouring house, patio and garden.
- Adverse visual impact: bulky and domineering structure; size increase by way of the FI submission; gable is c.20m long with a 7m setback from boundary.
- Adverse impact on sunlight and passive solar heating: this was an importance part of the design as the S facing fenestration maximises solar gain; and the main living rooms will be overshadowed.
- Request that the house be relocated further E so as to reduce the impacts on privacy, overlooking, overshadowing, solar gain & visual amenity; the appeal site is deep and could accommodate such a relocation.

- There is already a precedent for such setbacks in the vicinity; and the front elevation should be centred between the Appellant's house and the existing house to the E.
- The Development Plan does not required adherence to building lines in rural areas; adherence to the established building line would give rise to ribbon development; and there does not appear to be such a line in the vicinity.
- Objective RHO 9 requires houses to respect the landscape and the use of energy efficient designs; the Rural House Design Guidelines recommends a staggered & more organic layout and the maximisation of daylight & solar gain; and DM Standard 4 requires the preservation of traditional field patterns.
- Noted that under the FI submission, the ground floor increased from 146sq.m. to 156sq.m. and the first floor increased from 128sq.m. to 133sq.m.

6.2. Applicant's Response

- The site is located within the An Spideal Plan boundary of the Gaeltacht LAP 2008-18 and within the Residential (Phase 2) Land Use Zone (Map7.1); and within the Rural Housing Zone 1 of the Development Plan.
- Applicant has shown strong "Rural Links" to the area by way of long standing previous & existing family ties whist seeking to develop their first home on family owned land, in compliance with Obj. RHO 1(a) & DM Standard 5.
- Applicant has also shown the site's proximity to the family home along with her ability to speak fluent Irish in compliance with Objective RHO 4.
- House has been designed in accordance with the Design Guidelines with respect to the character & pattern of the landscape & surrounding area in compliance with Objective RHO 9 and DM Standards 1, 6, 7 & 8.
- The design & layout had regard to the site characteristics; it is not a requirement to satisfy the personal needs of third parties over the site specific requirements of the proposed development; and the house would face the public road with sufficient separation distances and minimal impacts.

- The applicant has no problem relocating the house further E on the site as per the unsolicited FI revision; however, the current design and location would have no impact on the privacy of either the applicant or the appellant.
- No stated requirement for a minimum separation distance between opposing windows on gable ends of rural houses, and the 22m separation applies to urban areas and not this development.
- There will be no overshadowing of the neighbouring house or loss of energy efficiency or a reduction in BER, and the proposed boundary hedge will be maintained at a suitable height so as to maintain privacy but not overshadow.
- The FI requested required a revised design and not a reduced design, the size increase is as a result is necessary to comply with Building Regulations, and the proposed house would be smaller than the Appellant's house.
- Applicant has no problem relocating the house further E on the site as per the unsolicited FI revision submitted on 30/08/2016.

6.3. **Planning Authority Response**

No response.

6.4. **Prescribed Bodies**

Not circulated.

6.5. **Observations**

None received.

7.0 Assessment

The main issues arising in this case are:

- Principle of development
- Design, layout and visual amenity
- Residential amenity
- Environmental services
- Other issues

7.1. Principle of development

The proposed development would be located within an area that is covered by the County Galway Development Plan 2015-2021 and the Gaeltacht Local Area Plan 2008-2018. The proposed house would occupy lands that are located within Rural Housing Zone 1 (An Area Under Strong Urban Pressure (GTPS)) and Rural Housing Zone 4 (An Gaeltacht) in the Development Plan, and lands that are zoned for residential use (Phase 2) in the Gaeltacht LAP for An Spideal.

The proposed development is acceptable in principle subject to compliance with the Council's rural housing policies and objectives as set out under Policy RHO 1 which seeks to manage single houses in rural areas, Objective RHO1 which deals with areas that are under strong urban pressure in the GTPS, and Objective RHO 4(a) which deals with rural housing in the Gaeltacht.

The applicant has submitted documentary evidence which demonstrates compliance with the Council's rural housing criteria set out in Objective RHO 1 (Rural Housing Zone 1 - Under Strong Urban Pressure - GTPS) in relation to section 1(a) "Rural Links". The applicant has provided evidence of her families long established links to the area and the proposed house would be her first home on existing family owned lands. The applicant, who is a fluent Irish speaker, would also comply with Objective RHO 4(a) (Rural Housing Zone 4 - An Gaeltacht) which seeks to facilitate Rural Housing in the open countryside for those applicants within An Gaeltacht which are

located in Zone 1 (Rural Area Under Strong Urban Pressure-GTPS). The proposed development is conceded acceptable subject to the attachment of a 7 year enurement condition to any grant of planning permission.

7.2. **Design, layout and visual amenity**

The proposed house would be located within a rural area to the NW of Spiddal and within a small cluster of houses of various ages, designs and sizes, and most of the existing houses are set back between 10m and 12m from the roadside boundary.

The house on the adjoining site to the N is set back c.24m from the roadside boundary to the W whilst the house on the adjoining site to the NE is set back between c.13m and 23m from the local road to the N that serves it.

Original proposal:

The proposed c.247sq.m. house would occupy a c.0.39ha site that is c.100m long and 25m to 45m wide. The proposed house would be c.7m to 13m wide, c.17m wide and 6.9m high. It would be set back c.30m from the roadside boundary to the W; c.6m and c.15m respectively from the site boundary and neighbouring house to the N; and c.15.5m from the S site boundary. It would be located in excess of c.40m from the neighbouring houses to the S and NE. The proposed single storey garage would be located c.14m to the rear of the proposed house with a c.11m and c.22m separation distance respectively to the WWTS and polishing filter. The proposed "T" shaped 2-storey house would have a pitched roof with dormer windows, and it is proposed to retain the existing stone boundary walls and hedges.

Unsolicited FI amendment:

The location of the proposed house, as amended by the unsolicited Further Information submission, would be set back further E on the site. It would be set back c.43m from the roadside boundary to the E; c.6.8m and c.17m respectively from the N site boundary and rear SE corner of the neighbouring house to the N; and c.13.5m from the S site boundary. The proposed single storey garage would be located c.14m to the rear of the proposed house with a c.2m and c.10m separation distance

respectively to the WWTS and polishing filter. The proposed house would be located in excess of c.50m from the neighbouring houses to the S and NE.

The Appellant, who owns the neighbouring house to the N, has indicated their satisfaction with this arrangement. However, the planning authority was dissatisfied with the enlarged setback arrangement and the design, scale and house type. The applicant was requested to submit revised plans for a new rural house type which would be more appropriate to the rural landscape (single storey/low dormer) and to provide photomontages. The applicant was also requested to relocate the new house type further W on the site to adhere with the existing building line.

FI amendment:

The house, as amended by the Further Information response would be slightly larger than the original proposal but with no significant change in house type or design, except for a small single storey extension on the W side, the replacement of the dormer windows with roof lights, a minor change to the roof profile with a reduction in height from c.6.9m to c.6.4m. There would be no significant change to the original setbacks from the site boundaries, the neighbouring house to the N and NE, or proposed garage and WWTS to the S. The applicant did not submit photomontages as requested.

Discussion:

It is noted that applicant did not undertake a substantial redesign of the proposed house or submit photomontages. Notwithstanding this, I am satisfied that neither the design and layout of the original house or the house as amended by way of Further Information would have an adverse impact on the visual amenities of the area.

The proposed development would be located in a rural area and it would occupy an open and exposed position within a low-lying but slightly undulating Class 2 Sensitive Landscape (where Class 1 is the least sensitive) and the surrounding area

is characterised by a mix of house types. As previously stated, there is no established building line along the local road although most of the houses are located parallel to, and within 10m to 12m of roadside boundary. This is with the exception of the neighbouring house to the N which is set back c.25m from the road, and the neighbouring house to the further NE which is accessed off a different section of the rural road to the N.

Having regard, the rural character of the area and prevailing pattern of development in the vicinity, I am satisfied that the proposed house should be located as per the original proposal and in the Further Information response. The relocation further E that was proposed by way of the Unsolicited Further Information submission would give rise to a disorderly form of development with an excessively long driveway and the house and garage would be located in closer proximity to the proposed WWTS.

Conclusion:

For the avoidance of doubt, and in the event that the Board decide to grant planning permission, the proposed development shall be implemented in accordance with the details submitted with the Further Information response that was received by the planning authority on 28th February 2017.

7.3. Residential amenity

The proposed house would provide for an acceptable level of residential amenity for future occupants in line with all Development Plan requirements.

The proposed house, in all of the proposed locations within the site, would be set back a substantial distance from the neighbouring houses on the adjoining sites to the S and NE, which would not be affected by the proposed development.

Original proposal:

The proposed house, as originally proposed would be set back approximately 6m and 15m respectively from the site boundary and side elevation of the neighbouring house on the adjoining site to the N. The adjacent house occupies a slightly more elevated position than the proposed house and the S facing elevation contains extensive glazing at ground and first floor levels, along with a S facing patio area. The Appellant has raised concerns that the proposed house, which would also contain windows in the N facing elevation at ground and first floor levels, would overlook and overshadow the neighbouring property. It is noted that the Development Plan does not stipulate a minimum separation distance between opposing first floor windows for rural areas.

The first floor windows in the N section of the proposed house would comprise one regular window, one dormer window and two roof light which would provide light to the stairwell and bathrooms. Having regard to the layout and design of the two houses and the c.15m separation distance, it is possible that the proposed stairwell window and dormer window would give rise to overlooking and loss of privacy at the neighbouring house. However, this concern could be addressed by way of a planning condition which would require the permanent use of obscure glazing in the two windows.

Unsolicited FI amendment:

The house, as amended by the unsolicited Further Information submission would be set back further E on the site and approximately 6.8m and 17m from the rear SE corner of the neighbouring house to the N. Under this arrangement the neighbouring house and S facing patio would not be overlooked or overshadowed to any significant extent although the rear garden area to the E would be overlooked. However, the Appellant has indicated their satisfaction with this arrangement.

FI amendment:

The house, as amended by the Further Information response would be slightly larger than the original proposal, there would be a small single storey extension on the W side to accommodate an enlarged ground floor bathroom, and there would be a marginal increase in the separation distance with the neighbouring site and house. The dormer window in the N facing elevation would be replaced by a roof light and the size of the stairwell window would be reduced, which is considered acceptable in terms of residential amenity given that the windows would not provide light to habitable rooms.

Overshadowing:

Having regard to the concerns raised in relation to overshadowing, both the proposed house and the house as amended by the Further Information response would cast a shadow over the S section of the neighbouring site in the middle part of the day. However, I am satisfied that the neighbouring living accommodation would not be overshadowed to any significant extent having regard to the c.15m separation distance and the change in levels between the two sites.

Discussion:

Having regard to all of the foregoing, the proposed house as originally proposed would not seriously injure the residential amenities of the neighbouring property provided that the dormer window in the N facing elevation is replaced by a roof light and the size of the stairwell window is reduced. The house as amended by way of unsolicited FI would not seriously injure the residential amenities of the neighbouring property. The house as amended by way of the FI response would not seriously injure the residential amenities of the neighbouring property.

Conclusion:

For the avoidance of doubt, and in the event that the Board decide to grant planning permission, the proposed development shall be implemented in accordance with the details submitted with the Further Information response that was received by the planning authority on 28th February 2017.

7.4. Environmental services

The proposed development would be served by a new connection to the mains water supply and wastewater would be disposed of by way of an on-site proprietary wastewater treatment system. The proposed house would contain 3 double bedrooms with a p.e. would be 6. The proposed system would comprise a Kingspan Klargestrer BioDisc-BA Treatment Unit and a Stratified Sand Polishing Filter. The application was accompanied by a Site Suitability Assessment Report which was carried out in March 2014.

The proposed WWTS and polishing filter would be located in the E section of the site and the location has not been altered by way of the various amendments to the layout and location of the proposed house. The final location of the house is as per the original proposal and the Further Information response. This location provides for a c.20m and c.37m separation distance respectively between the proposed house and the proposed WWTS and the polishing filter.

The c.0.39ha rectangular shaped and undulating site is located within Flood Zone C and there are no recorded flood events in the vicinity. However, Map 7.4 of the local plan for An Spideal, which is contained in the Gaeltacht Local Area Plan 2008-2018, indicates that pluvial flooding may occur in the NE section of the site in the vicinity of the local road to the N. The proposed WWTS would be located in the E section of the site and to the rear of the proposed house and garage. The c.110m deep site is characterised by a mix of large boulders, rocky outcrops, waterlogged areas and drainage ditches. The on-site vegetation (including rushes) indicates that the site is prone to water-logging, the ground was not particularly firm underfoot (except for the

boulders). The large rocky outcrops and waterlogged areas are present throughout the site, and this includes the site of the proposed WWTS and polishing filter.

The Applicant's Site Characterisation Report stated that the soil type comprises Lithosols (80%), rock outcrop & peats (20%) over granite, sandstone and shallow glacial till, and that the bedrock comprises Granite Batholite. The underlying Aquifer is Poor (Pi) with Extreme Vulnerability, there is no Groundwater Protection Scheme in place and the Groundwater Protection Response is stated as R2₁. The report stated that the area varies significantly from clay loam topsoils with shallow subsoils including peat, silt, sand and gravel, that such low-lying areas are usually un-drained, and that the bedrock and large rock outcrops are granite. The reports states that the potential suitability of this site will depend exclusively on the on-site assessment, the potential targets at risk are both surface water and ground water and potential site restrictions are in the form of large amounts of rock outcrop and blanket peat.

The applicant's on-site assessment described the site as a relatively flat and largely developed rural landscape in use for agriculture. On-site vegetation comprise grass, briars, holly trees, bracken and rush on lower parts of the site. Groundwater flows are southwards. Ground conditions were wet where rush exists but dry and firm underfoot elsewhere with very good growth throughout. The Owenboliskey River is c.146m of the E and all of the open drains were blocked.

The report stated that that the potential suitability of only part of the site seems good, the potential targets at risk are both surface water and ground water; site suitability will be based on the test results; and any WWTS should be located in the E section of the site away from the wet rush area to the W.

Trial hole tests were undertaken, soil depth was measured as 0.3m, over clay, sand, gravel and cobbles to 0.9m, the watertable was encountered at 1.0m with granite bedrock at a depth of 1.10m. The report evaluation stated that the 0.9m depth of soil will allow for the provision of a secondary WWTS and mounded polishing filer.

No "T" were undertaken due to the shallow depth of the subsoil.

The “P” tests were undertaken for three test holes. The results under the Standard Method (where P_{100} is less than or equal to 210 minutes) ranged from 46.58 to 76.67 to 1.17. The average “P” result is 41.47 mins/25mm.

The report concluded that the site is only suitable for a secondary treatment system with a polishing filter at ground level. The report recommended the installation of a secondary packaged wastewater treatment system with a polishing filter which is not made up of in-situ soil.

The planning authority requested the applicant to submit a new Site Characterisation Assessment Report and a longitudinal section through the WWTS to indicate the maximum high water table on site. It also requested the applicant to install an intermittent filter system between the WWTS and the sand polishing filter along with an oversized polishing filter to protect ground and surface water. The applicant’s response is summarised in section 3.2 above. They stated that the WWTS was site specific and complied with EPA requirements; a new site assessment would not provide any different results as ground conditions in the area are suitable; and the system will be in an area that is not hampered by rocky outcrops or surface water ponding. A revised cross section was submitted. The applicant stated that an intermittent filter is not required as the proposed system will carry out all treatment functions (primary & secondary) followed by pumped discharge to the polishing filter.

Notwithstanding the above and having regard my assessment of the site, I observed that the site is characterised by a mix of large boulders, rocky outcrops, waterlogged areas and drainage ditches throughout the entirety of the site and in the vicinity of the proposed WWTS and polishing filter. I am therefore not satisfied that the site is suitable for the installation of the proposed WWTP and polishing filter. Based on the plans and particulars submitted with the application appeal, I am not convinced that the proposed development would not give rise to surface water and ground water pollution. The proposed development would therefore be prejudicial to public health and it would seriously injure the amenities of the area.

It is noted that the Appellant did not raise this issue in their grounds of appeal. However, the planning officer did raise concerns during their assessment of the proposed development and Further Information was requested in relation to the site suitability assessment, although the applicant did not respond in full to this request.

7.5. **Other issues**

Appropriate assessment: The proposed development would not affect any European Sites having regard to the nature of the works and the absence of a direct connection to any SACs or SPAs in the wider area. It is noted that groundwater and surface water in the Owenboliskey River, flows southwards towards the coast and away from the Connemara Bog Complex SAC & SPA to the N.

Heritage: The proposed development would not affect any Recorded Monuments, Protected Structures or NHAs located in the wider area.

Vehicular access and car parking: The proposed arrangements are considered acceptable, sightlines are adequate in either direction and adequate off street car parking would be provided. The proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

Other items: The proposed garage and boundary treatment arrangements are considered acceptable; however full landscaping details should be submitted to the planning authority for written agreement before development commences.

Financial contributions: The standard Section 48 requirements apply.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

9.0 Reasons and Considerations

Having regard to the environmental characteristics of the site, which are characterised by a mix of boulders, rocky outcrops and waterlogged areas, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Karla Mc Bride
Planning Inspector

24th July 2017