



An
Bord
Pleanála

Inspector's Report ABP-300354-17

Development	Retention of changes to the size, floor plan and elevations of existing house and minor changes to the site layout (Gross floor space retention 29.60 sq m)
Location	Aillebrack, Ballyconneely, County Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17998
Applicant	Pauline De Burca
Type of Application	Retention
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellants	Eamon McGonagle
Date of Site Inspection	23 rd February 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at Aillebrack, Ballyconneely, County Galway. The site is located off a local road a short distance from the road's end where it accesses a beach and pier at Bunowen Bay.
- 1.2. The main part of the site is roughly the shape of a parallelogram which is joined to a narrow strip of land extending from the road. The site is accessed by means of a private road / driveway, shown as part of the site, which runs between a field to the north and the boundary of a dwelling site to the south, and then runs diagonally through the site to serve two other houses to the east.
- 1.3. To the south the site is separated from the beach by a small field. On the date of inspection the field to the north of the driveway contained a large pond. There are two houses to the east, accessed by the driveway, one an older house and the other a square house of recent origin. A stile provides a connection between the latter house and the subject site. Close to the site to the north is an old cottage and farther north a bungalow and another land commission type house. The access to these houses is to the north. South of the access road single houses front the public road, and similarly on the opposite side of the public road the frontage is occupied by single houses. Many of the houses in the general area appear to have only seasonal occupation.
- 1.4. The site is divided in two by the access driveway. It falls from north to south. The northern portion is occupied by a bungalow type dwelling, located near the northern corner. The mat of grass in front of the house is maintained as a lawn; it is a thick mat which moves slightly underfoot. South of the access driveway there is natural vegetation, similar to that in the adjoining field to the south, which is part of the SAC.
- 1.5. On the date of inspection sand was blowing onto and across the road south of the site entrance.
- 1.6. Close to where the access road enters the wider site, a septic tank is located between the access road and the site boundary. The tank, of fiberglass construction, is sited mainly above ground level. Immediately adjacent to the tank, downhill and south, there is an area of large stones.

- 1.7. The access road has no gates either at the road junction or elsewhere and neither the portion of the site occupied by the dwelling, or that to the south are fenced from the driveway.
- 1.8. The site has a stated area of 0.375 hectares.

2.0 Proposed Development

- 2.1. The proposed development is the retention of changes to the size, floor plan and elevations of an existing house and minor changes to the site layout (gross floor space of retention 29.60sq m).

3.0 Planning Authority Decision

3.1 Decision

- 3.2. The planning authority decided, 7/11/2017, to grant permission subject to 4 conditions, including:

4 The existing septic tank system and percolation area shall be operated and maintained in good working order at all times in accordance with manufacturer specifications.

A maintenance contract to guarantee the optimal performance of the existing proprietary treatment system shall be maintained at all times.

Reason: In the interests of public health.

3.3 Planning Authority Reports

3.4 Planning Reports

- 3.4.1. There are two Planning Reports on the file, the first dated 28/08/2017 includes:

Development Plan:

- The site is located in an area that is in or adjacent to a possible flood plain.
- The site is located in an area designated as landscape sensitivity class 3 where class 1 is least sensitive and class 5 most sensitive.

- The site is located in, or straddles the border of, or is within 50m of, the Slyne Head Peninsula which is designated as a Natural Heritage Area. A screening process may have to be conducted to establish the need for an Appropriate Assessment in accordance with the Habitats Directive.
- The area is undrained by any important river.

3.4.2. Fifteen Natura sites are listed as being within 15km of the site, including the Slyne Head Peninsula SAC immediately adjacent. Having regard to the minor scale of development the planning authority are satisfied that significant impacts on habitats within Natura 2000 sites can be ruled out.

3.4.3. Sight lines, effluent treatment and water supply – existing.

3.4.4. The existing development is proposed to be retained on a site area of 0.375ha. There is no objection in principle to the retention of the development as existing, on revised site boundaries, however it is unclear if the existing wastewater treatment system is operating effectively or would require to be upgraded. The applicant has not detailed the location of the percolation area.

3.5. The report recommended a request for further information, which issued as follows: With respect to the waste water treatment system on site, the applicant is required submit the following:

- i) Certification from a suitably qualified person to confirm that all of the components of the existing effluent treatment system (and) are operating satisfactorily on site and are fit for purpose,
- ii) An updated site layout plan at a scale of 1:500 to detail the location of the percolation area.
- iii) If any component(s) of the existing domestic effluent treatment system have become dysfunctional, the applicant is required to submit details of any proposed remedial works required to fix the existing effluent treatment system.

However, if the whole effluent treatment system is required to be upgraded, the new wastewater treatment system will be required to be upgraded to the EPA Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10), and the applicant should submit a site characterisation

assessment report and supporting documentation to the planning authority for consideration.

3.6. A response to the further information request was received on the 17th October 2017 and includes:

- A copy of the brochure and specification of the tank which was installed and commissioned by the manufacturer.
- A copy of the grant of permission in 1982. The field drainage system was installed to the County Council standard requirements.
- Copies of a de-sludging cert. 2017.
- A report on the septic tank by Ronan O'Halloran BE.
- A layout map scale 1:500.
- The response states that inspection manholes will be inserted at either side of the septic tank and a new cover will be made for the tank with an additional inspection opening.

3.7. The report by Ronan O'Halloran BE includes:

- The tank is fibreglass manufactured, the roof/lid is also fibreglass. An inspection opening had been cut into the roof of the tank to allow for visual inspection and for desludging, measuring 0.350 x 0.400m and contains a 100mm diameter opening or vent pipe which is approx. 150mm in length.
- The tank is a sloping floor septic tank rather than a baffle walled septic tank. The tank's floor is deepest at the inlet site and rises towards the outlet side. It was not safe to enter the tank. The tank measures approx. 2.5m x 1m with an average working liquid depth of 1.3m. The capacity is estimated to be 3.25 cubic metres. The design population is estimated at 2.9 cubic metres.
- The inlet pipe did contain a T fitting and it could not be confirmed if the outlet pipe contained a T fitting or if a drop pipe is in place on the outlet side of the septic tank.
- A polishing filter bed, percolation area, or indeed soak pit, are all applications contained underground and outside the bounds of visual inspection after construction / installation is complete. The assessor was unable to inspect any aspect of the septic tank after the point of the outlet pipe which exited the septic

tank. He noted that there is a mound of stones to the south west located on the outlet side. It is not clear if this mound of stones forms part of a polishing filter bed, percolation area, or soak pit. No vents were noted in the grounds around this stone mounding or in the lands to the south west of the septic tank. There was extensive growth of rough grass and a large plant approx. 1 – 1.5m in height in this area and it could not be confirmed if there are vent pipes or not.

- There was no evidence of effluent ponding.
- There was no inspection chamber on either side of the septic tank.
- It was not possible to confirm what applications of the dwelling are connected into the septic tank. It could not be confirmed if it is just the brown waters/toilets that are connected; or if grey waters/wash hand basins, sinks, showers, dishwashers, are connected; or if they are disposed of by means of a separate grey water soak pit on site. It could also not be confirmed if the surface water/roof rainwater is disposed of via a separate surface water soak pit on site. It is possible that only brown waters enter this septic tank, based on the fact that this dwelling was constructed during an era where such a form of waste and water disposal was normal practice.
- His report includes a number of recommendations, including that a more structurally sound roof/lid should be placed over the existing septic tank unit, to ensure the tank remains a safe unit.

3.8. A layout drawing accompanied the response which shows three percolation pipes of differing lengths in an area south west of the septic tank.

3.9. The second planning report dated 28/08/2017:

- Refers to the further information response noting that the concerns with respect to the wastewater treatment on site have been adequately addressed.
- Re. a late submission that there may be Japanese Knotweed on the site. From an inspection there were no signs of this invasive species. Having regard to the application being for retention it is not considered that the granting of this application would result in the spread of this invasive species elsewhere, if present on the site.

- Legislation with respect to invasive species, to be highlighted by way of an advice note.
- Recommending permission.

3.10. **Third Party Observations**

Third party observations received by the planning authority have been read and noted.

4.0 **Planning History**

16/1205 retain existing dwelling, garage and septic tank as well as all ancillary site works (gross floor space of house 82 sq m, garage 16 sq m) (83 m from subject site).

Site:

42015 – retention of septic tank

18234 – dwelling

5.0 **Policy Context**

5.1. **Development Plan**

5.2. Galway County Development Plan 2015-2021 is the operative plan. Relevant provisions include:

The area is designated as a structurally weak area.

Strategic Aims - The strategy for achieving quality housing is based on strategic aims including ensuring the support and maintenance of the rural population.

Landscape Value Rating – outstanding.

Landscape sensitivity - class 5 unique.

An assessment of the landscape of County Galway was undertaken in 2003 and indicated the landscape character rating, landscape value rating and landscape sensitivity rating.

Landscape Character is a combination of landform, land cover and visual units, which are attractive in the landscape. A total of 25 character areas have been identified in the County.

Landscape Values are responses of the perceptions that communities have of the landscape they inhabit. The perceptions arise from intrinsic attributes such as visual beauty, ecology, archaeology, social history, religious sites, mythology and traditional settlement patterns and community values.

Landscape Sensitivity is a measure of the ability of the landscape to accommodate change or intervention without suffering unacceptable effects to its character and values. Sensitivity ratings are derived from a combination of landscape values and landscape character.

Policy LCM 1 – Preservation of Landscape Character

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest

Objective LCM 1 – Landscape Sensitivity Classification

The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan, and having regard to the zoning objectives of serviced development land within the Galway Metropolitan Areas.

Objective LCM 2 – Landscape Sensitivity Ratings

Consideration of landscape sensitivity ratings will be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

Objective RHO 2 - Rural Housing Zone 2 (Structurally Weak Area)

It is an objective of the Council to facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards and Guidelines outlined in Chapter 13 and other applicable standards with the exception of those lands contained in Landscape Categories 3, 4 and 5 where objective RHO3 applies. The subject site is in landscape category 5.

Objective RHO 3 - Rural Housing Zone 3 (Landscape Category 3, 4 and 5)

Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their Rural Links to the area and are required to submit a Substantiated Rural Housing Need. In addition an Applicant may be required to submit a visual impact assessment of their development, where the proposal is located in an area identified as "Focal Points/Views" in the Landscape Character Assessment of the County or in Class 4 and 5 designated landscape areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An enurement condition will apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

5.3. **Natural Heritage Designations**

The Slyne Head Peninsula SAC (site code 002074) is the nearest Natura Site, located immediately adjoining the site (the overlap with the site appears to reflect use of a different base map).

Slyne Head to Ardmore Point Islands SPA (site code 004159) is less than 1km from the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been made by Eamon McGonagle and others (Deirdre McGonagle, Kenneth McGonagle, Laurence McGonagle and Michael Clorthy) against the decision to grant permission. It includes:

- The person that owns the house is not a local resident and the house is not lived in except for about 6 weeks in the summer; in an area restricted under the County Development Plan objective RH01 (1-3) where an enurement condition should apply.
- There is Japanese Knotweed on site. A person came and cut the Japanese Knotweed around the septic tank. The third party took pictures of the weed growing out of the tank and the grey paint to cover the cracks.
- The view from his house will be obstructed.
- The proposed development will be an obtrusive development in a class 5 landscape, by virtue of the length and its increased height. The objective of the plan to protect scenic views in this area and not to permit development that is either obtrusive on the landscape or blocks views, particularly from public roads.
- The extra accommodation sought could have been provided by adding an extension to the front with a roof line no higher.
- The wording of the notice is misleading. It is not clear what part of the house is being retained. The house plans are also unclear as to retention.
- Other lands in the ownership of the applicant have not been outlined in blue.
- The date of grant of planning permission is incorrect.
- The water supply is Ballyconneely GWS and not a public supply.
- The planning fee is not noted on the planning file.
- A visual assessment of the structure should be submitted in a class 5 landscape.

- RH03 - Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.
- An enurement condition for 7 years should apply.
- It is located adjacent to Slyne Head Penninsula NHA (site code 002074) and Slyne Head Penninsula SAC (site code 002074). No appropriate assessment screening report was submitted.
- The site has an existing septic tank and does not have a working percolation area. The septic tank and percolation area are not fit for purpose. Does the additional floor space require a bigger septic tank? The ground has elevated bedrock and it would be difficult to see how a new septic tank or treatment system would work. Is it desludged annually? They would be very worried that it would leak overground and contaminate the third party's field where cattle are grazing adjacent to the tank. Should be refused. A construction management plan should have been supplied re. any up-grade works.
- Existing site entrance has insufficient sight triangles and should be removed to ensure adequate splay of 70-9-m x 2.4m. No drainage details at the entrance was supplied.
- A plan to mitigate the spread of knotweed is required.
- The report by EPA assessor has inaccuracies.
- The tank has been altered as the inspection hatch has been glued shut.
- The report does not state if fiberglass tank is compliant with building regulations or compliant at time of installation.
- EPA assessor stated that the tank was full when he visited, but he failed to check the level of the water table in the ground, as this would prevent the tank leaking due to equal pressure inside and out. The tank should have been emptied fully to examine if there are any leaks in the tank.
- He did not examine the tank internally due to lack of access.
- He stated that a T piece was not located on the tank – thus a thorough examination was not carried out.

- The percolation had no vent stacks – a requirement.
- No evidence of a distribution box.
- It is difficult to see how a sufficiently sized percolation could be positioned in such a small area and to appear to be a lump of stones at the end of a single pipe – not compliant.
- The drawing provided is incorrect as only one pipe is mentioned in his report and three are shown.
- Should be refused on environmental grounds.
- Photographs are enclosed with the appeal

6.2. Applicant Response

6.3. Responses to the grounds of appeal have been submitted on behalf of the first party:

- Greg Ryan Solicitors have responded stating that:
 - The appeal is frivolous and vexatious and the points raised were dealt with by the client's architect in response to the request for further information.
 - They request the Board to either reject the appeal or grant the application at their earliest convenience. The first party has contracted to sell the property and the sale is held up pending the grant.
 - The house has been in situ for over 41 years without any objection from the local authority or the appellants.
- Brendan Arrigan, Arrigan Geo Surveyors has responded stating that:
 - He is of the opinion that the appeal is vexatious, orchestrated to frustrate. The house was constructed over 39 years ago.
 - The application is merely to regularise the planning. Applicant confirms that the house and septic tank were constructed in 1978 and no material alterations to the site layout or any structures have been made since then.
 - A copy of the OS Aerial photograph dated 1995 is enclosed. Nothing has changed on site since. The houses of the objectors have been in situ since that date.

- An application was made to regularise the location of the septic tank in 1982, Ref 42015 (copy enclosed). The planning condition was complied with. The report of Ronan O'Halloran BE states that in his opinion the septic tank is in good working order. The septic tank was of the highest quality for its time and approved by the Institute of Industrial Research and Standards, and has not been modified in any way.
- The person who took the photographs lodged with the appeal was trespassing.
- At the time the house was constructed there were no objectors.
- The house and site have remained in family ownership since construction.
- It is frustrating to have to entertain an objection of this nature causing further delays.
- A copy of the decision on 18234 is attached to the submission

- This is a grant of permission dated 10th July 1975 on appeal to the Minister, against the decision of Galway County Council to refuse permission, for the erection of a house.

It includes condition no. 2 'the septic tank shall be constructed in accordance with the Department of Local Government Standard Specification SI (revised 1961), and shall be located not less than 60 feet from any house or public road and not less than 100 feet from any source of domestic water supply'.

The accompanying map indicates the location of the septic tank in the southern corner of the site, i.e. on the opposite side of the access laneway.

Drawings of what appears to be a prefabricated building 10.326m x 6.726m are provided.

- A copy of the decision on 42015 is attached to the submission:
 - This is a grant of permission for retention of the septic tank dated 15th February 1982, with a single condition:

A field drainage system shall be provided in accordance with the Galway County Council standard requirements.

Reason: In the interests of public health.

The map accompanying the application indicates the location of the septic tank in the general vicinity of the existing tank.

6.4. Planning Authority Response

The planning authority have not responded to the grounds of appeal.

7.0 Assessment

7.1. Appropriate Assessment

7.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

7.3. Screening

7.3.1. The first exercise to be carried out by the Board is screening. If it cannot be excluded, on the basis of objective information that the proposed development will have a significant effect on a Natura site, either individually or in combination with other plans or projects in view of the sites conservation objectives, it must be subject to appropriate assessment.

7.3.2. The Slyne Head Peninsula SAC (site code 002074) is located immediately adjoining the site.

7.3.3. The site is selected for the following features:

Habitats:

Coastal lagoons*

Large shallow inlets and bays

Reefs

Annual vegetation of drift lines

Perennial vegetation of stony banks

Atlantic salt meadows

Mediterranean salt meadows

Embryonic shifting dunes

Marram dunes/Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)

Machairs*

Oligotrophic waters containing very few minerals of sandy plains

Oligotrophic to mesotrophic standing waters

Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.

European dry heaths

Juniper scrub

Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)

Molinia meadows on calcareous, peaty or clayey-silt-laden soils

Lowland hay meadows, and

Alkaline fens

and species:

Petalwort, and

Slender Naiad.

*denotes priority habitats.

- 7.3.4. Conservation objectives are set out by the NPWS for each of the qualifying interests, which are generally aimed at maintaining their favourable conservation condition.

- 7.3.5. The site synopsis refers to machair being particularly well developed at Aillebrack.
- 7.3.6. The maps provided with the conservation objectives identify machairs, intertidal reef community complexes and mobile intertidal sand with polychaetes community complexes, in the vicinity of the site. The closest identified conservation objective feature being machair, a priority habitat, shown adjoining the subject site. No AA screening report or NIS was provided with the application.
- 7.3.7. In order to be able to complete the appropriate assessment process at screening stage it is necessary to be able to definitively conclude that there are no significant effects, on protected sites, likely to arise from the proposed development; otherwise stage 2 appropriate assessment is required. Such a conclusion cannot be reached in this case. No information has been provided on the possible effect of the development on the machair habitat which appears to extend into the subject site and to be directly impacted by the development.
- 7.3.8. In my opinion, having regard to the nature of the receiving environment and to the proximity of the site to a priority habitat, the possibility of effects cannot reasonably be excluded having regard to the precautionary principle. It cannot be concluded on the basis of the information available that the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on the European site; and this is a reason for refusal.

7.4. Effluent Disposal

- 7.4.1. No site characterisation report has been provided.
- 7.4.2. The applicant was requested by way of further information to consider whether the whole effluent treatment system is required to be upgraded,

If the new wastewater treatment system is required to be upgraded to the EPA Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10), and the applicant should submit a site characterisation assessment report and supporting documentation to the planning authority for consideration.

- 7.4.3. The applicant proposes minor amendments: inspection manholes to be inserted at either side of the tank, and a new tank cover with an additional inspection opening and a ventilation pipe at the house.
- 7.4.4. The septic tank is of fiberglass construction and, based on the assessor's statement, that it has an average working liquid depth of 1.3m, is positioned mainly above ground. It has a sloping floor and a single chamber in contrast to a conventional two compartment tank with a baffle wall.
- 7.4.5. The assessor recommends improvements to the tank, including that a more structurally sound roof/lid should be placed over the existing septic tank unit to ensure the tank remains a safe unit.
- 7.4.6. In my opinion, because of its placement and construction, the tank is susceptible to damage by livestock, machinery etc and is also potentially susceptible to damage by vigorous plant growth, such as is alleged in the grounds of appeal, or by the build-up of sand, this being an area which experiences sand movement; and is therefore a safety and environmental hazard.
- 7.4.7. In my opinion, having regard to the nature of the tank and its placement, the unit is not fit for purpose. The Board will note that per the Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012 effluent systems must be fit for purpose. In addition the design and layout of the tank does not accord to standards.
- 7.4.8. The assessor was unable to inspect any aspect of the septic tank after the point of the outlet pipe which exited the septic tank, although he noted that there is a mound of stones to the south west located on the outlet side. He was also unable to inspect the interior of the tank.
- 7.4.9. A layout plan was submitted to the planning authority indicating percolation pipes in the vicinity of the tank. Given site levels in relation to the tank, it is not feasible for a functional percolation area to be located below the mound of stones. It therefore appears to me that the effluent discharges to a soakpit, which is not an environmentally acceptable method of disposal.
- 7.4.10. The assessor was unable to confirm what applications of the dwelling are connected into the septic tank; e.g. if it is just the brown waters/toilets that are connected, or if grey waters/wash hand basins, sinks, showers, dishwashers, are connected, or if

they are disposed of by means of a separate grey water soak pit on site. He considered it possible that only brown waters enter this septic tank.

- 7.4.11. Mr Arrigan's response to the appeal states that the surface water/roof rainwater is disposed of via a separate surface water soak pit on site, and that grey waters/wash hand basins, sinks, showers, dishwashers, are connected to the septic tank.
- 7.4.12. This would require verification by the assessor since discharge to a separate grey water soak pit would not be an acceptable or environmentally safe method of disposal of grey waters.
- 7.4.13. In my opinion the method of discharge of the effluent to ground does not comply with the EPA 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency, 2009 and the inadequacy of the on-site wastewater treatment and disposal system is a reason to refuse permission.

7.5. Dwelling Details

- 7.6. The dwelling to be retained differs in many respects from that permitted in 1978. The dimensions have increased from 10.326m x 6.726m to 15.17m x 6.77m; the layout is handed; the external finish of walls is render rather than the former precast panels, and there are various other elevational changes.
- 7.7. The third parties object to the extended building referring to views being blocked. The first party states that there were no objections to the original application.
- 7.8. In my opinion, any serious concerns third parties may have regarding departures from the permitted dwelling design, would likely have been raised by them at some point over the extended period since the dwelling was erected. I am not satisfied that the increased length of the building should be a reason to refuse permission. In all other respects, in terms of its visual impact, the building proposed to be retained is equal to or better than the design previously permitted.

7.9. Development Plan Policies

- 7.10. The grounds of appeal refers to non compliance with development plan policies, that the applicant is not a local resident and the house is not lived in except for about 6

weeks in the summer, in an area restricted under the County Development Plan objective RH01 (1-3) and where an enurement condition should apply.

- 7.11. In the County Development Plan the site is located in an area designated as of outstanding landscape (value rating) and unique (class 5) landscape sensitivity. Therefore the area has little ability to accommodate change or intervention without suffering unacceptable effects to its character and values. In such areas applicants seeking to construct individual houses in the open countryside are required to demonstrate their rural links to the area and are required to submit a substantiated rural housing need. In addition an applicant may be required to submit a visual impact assessment of their development.
- 7.12. Documentary evidence is required by the Planning Authority to justify the proposed development and assessment will be on a case by case basis. An enurement condition to apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies, is a requirement.
- 7.13. The Board may consider that this aspect of the proposed development has not been adequately addressed in the application / appeal.

8.0 Recommendation

- 8.1. In the light of the above assessment, I recommend that planning be refused for the following reasons and considerations.

9.0 Reasons and Considerations

- 1 On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 002074, Slyne Head Penninsula SAC, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

- 2 On the basis of the submissions made in connection with the planning application and the appeal the effluent disposal system proposed to be retained is not fit for purpose and the proposed development would therefore be prejudicial to public health protection of the environment and safety.

Planning Inspector

26th April 2018

Appendices

- 1 Photographs
- 2 Extracts from Galway County Development Plan 2015-2021
- 3 Site Synopsis for Slyne Head Penninsula SAC (site code 002074) .
- 4 Extracts from the Conservation Objectives for Slyne Head Penninsula SAC