



An
Bord
Pleanála

Inspector's Report ABP-301231-18

Development

Construction of 8 no. dwellings & 8 no. garages serviced with individual wastewater treatment plants. Included also is the construction of an estate road with new road access, footpaths and lighting to service the dwellings and all associated site works & landscaping and public green space within the estate. Gross floor space of proposed works: House 1&2 195sqm, house 3&4 198sqm, house site 5&6 200.6sqm, house site 7&8 184sqm, all 8 no. garages are 28.1sqm

Location

Brooklodge Demesne, Ballyglunin
County Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

17/1036

Applicant(s)

Gerry Fahy.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal	First Party
Appellant(s)	Gerry Fahy.
Observer(s)	None.
Date of Site Inspection	7 th July 2018.
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 2.2707 hectares and is located between Tuam and Athenry in Co Galway. The site is within the townland of Brooklodge Demesne near Ballyglunin Village, a small settlement which is approximately 10km south of Tuam Town and 15km north of Athenry. Ballyglunin Village comprises a few scattered dwellinghouses and a former railway station, made famous as it featured in the making of The Quiet Man film in 1952. The station, part of the Western Railway corridor, owes its existence to the proximity to Ballyglunin Park, residence of the Blakes as well as Skerrits of Brooklodge House and Bodlins of Annagh House, and is currently undergoing renovation as a tourist destination.
- 1.2 The appeal site is located within the Brooklodge demesne and the upstanding remains of Brooklodge House stands prominently in a state of ruin to the south of the appeal site. The site adjoins to the west of three detached dwellings of relatively recent construction 'Talamh an Bhlácaigh'. Adjoining to the north of the appeal site is the site of a former sand and gravel quarry which has been extensively extracted and includes a number of ponds. The appeal site is undulating with a tree line along the northern boundary with the quarry and mature trees also within the site. Within the wider area there is scattered residential development and Brooklodge Nursing Home is located a short distance to the southeast. The Abbert River, which is designated as part of the Lough Corrib SAC (Site Code 000297) flows within 400m to the south of the site.

2.0 Proposed Development

- 2.1. The application seeks permission to construct 8 no dwellings and 8 no garages serviced with individual wastewater treatment plants. A single access is proposed and a communal green space proposed adjacent to that serving the established dwellings to the east. Design statement submitted with the application asserts that the proposed design draws gestures and design elements from the railway line

buildings with pitched roofs, strong chimney features, linear character. External finishes include stone, render, wood metal and cladding.

3.0 Planning Authority Decision

3.1. Decision

3.1.2 By order dated 27th February 2018 Galway County Council decided to refuse permission for the following reasons:

“Having regard to the design, scale, formal linear layout and location of the proposed housing development on a greenfield site at the edge of a small settlement which has an insufficient degree of existing infrastructural services and connectivity provision and immediately adjacent to an extensive quarry site, it is considered that the proposal is contrary to Objective SS7, Objective UH07, Objective UH08, Objective UH10, DM Standard 1 and DM Standard 2 of the Galway County Development Plan 2015-2021. Furthermore, the proposed development is considered contrary to the design principles of the following national guidance documents: Sustainable Residential Development in Urban Areas (Cities, Towns and Village); the Urban Design Manual – A best practice guide and the Design Manual for Urban Roads and Streets (Low Residential). Accordingly to grant to the proposed development would constitute an overdevelopment of a restricted site, would interfere with the character of the landscape, would detract from the visual amenity of the area, would seriously injure the amenities of both existing properties in the vicinity and potential future occupiers of the units, would depreciate the value of properties in the vicinity, would materially contravene objectives and development management standard contained in the county development plan, as amended, would set an undesirable precedent for further such haphazard unserviced development in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to there being lacunae in respect to water supply to serve the proposed development and there being ambiguity as to whether the safe disposal of domestic effluent can be guaranteed on site. Accordingly to grant the proposed

development would contravene Objective WW5 and WS12 of the County Development Plan 2015-2021, be prejudicial to public health, would seriously endanger the health and safety of persons occupying the structures in the vicinity of the site, would pose an unacceptable risk to surface waters, negatively impact on the integrity and conservation objectives / qualifying interest of European sites, and therefore, would be contrary to the proper planning and sustainable development of the area.

3. The application is located approximately 0.25km north of the Lough Corrib Candidate Special Area of Conservation (cSAC site Code SAC IE0000297). The protection of these European sites is further reinforced in the 201502021 Galway County Development Plan under Policy NHB1, Objective NHB1, Objective NHB2, Objective NHB3 ad DM Standard 40. Having regard to the requirements of Article 6(3) and 6(4) of the Habitats Directive, which sets out the decision making tests for plans and policies likely to affect European Sites (Annex 1 Habitats and Annex II Species) and establishes the requirement for an Appropriate Assessment and the obligation of the Planning Authority, as the competent authority, to carry out screening for appropriate assessment (Stage 1) or a full appropriate assessment (Stage 2) of development proposals, if required, under Part XAB of the Planning and Development 2000(as amended). It is considered that, based on the information available, the information included with the planning application and the application of the precautionary principle, that significant negative effect on the integrity and conservation objectives of the European sites cannot be ruled out, in particular on the nearby Lough Corrib Candidate Special Areas of Conservation (cSAC site code 00297) and the Lough Corrib Special Protection Area (SPA site code 004042), as a result of the proposed project. Therefore, the development is likely to have significant negative adverse impact on the qualifying criteria of the Lough Corrib cSAC and SPA sites, would contravene materially a policy, objectives and a development management standard contained in the current Galway County Development Plan, and therefore would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report notes incomplete house plans submitted. Location is within 350m of Lough Corrib and extensive quarry operation. Concerns regarding numerous wastewater treatment units in a confined space particularly as the site overlies a regionally important aquifer of high vulnerability rating significant. Potential adverse impact on the Natura 2000 site cannot be ruled out. Design considered to be substandard overdevelopment on a restricted site. Formal linear layout not suitable at this peripheral location. Width and arrangement of public road serving the site is deficient. Refusal recommended on ground of overdevelopment, lacunae in regard to water supply, effluent treatment significant impact on Lough Corrib SAC and SPA sites.

3.2.2 Other reports

Environment Section report. Septic tanks may provide better option than secondary treatment systems as they have less components to fail and require less maintenance. Overall predicted discharge for the development is slightly below 5m³ per day specified for a tier 2 assessment in the EPA Guidance on the Authorisation of Discharge to groundwater 2010. The code for single houses states, however that more extensive site characterisation than that specified is required for cluster and large-scale developments. Recommend that the applicant carry out basic accumulative assessment for the overall development.

Roads report indicates no objection subject to setting back of road boundary and road surface to be paved in bitumen bound material.

4.0 Planning History

12730 Extension of duration permission granted on 29/8/2014 in relation to permission for the construction of 16 fully serviced dwellinghouses, wastewater treatment plant and associated site works and services. Previous planning reference 07/781. Permission expired 28th August 2017.

07781 Permission granted 28/02/2007 for the construction of 16 fully serviced dwellinghouses, wastewater treatment plant and associated site works and services. (Density reduced from a proposed 17 to 16 by condition.)

032481 24/03/2003 Refusal of permission 15/05/2003 for construction of dwellinghouse septic tank and percolation area.

032197 Refusal of permission for construction of dwelling house septic tank and percolation area 7/5/2003.

07SU0087 The Board in accordance with Section 177 L of the Planning and Development Act 2000 as amended, refused substitute consent for quarry at Brooklodge Demesne in light of lack of information provided as part of the application for substitute consent. The Board considered that it was not possible for it to conclude that the development of the quarry did not have significant adverse effects on the environment and in particular in terms of material assets and ecology. The Board decided that it could not conclude in the absence of a remedial Natura Impact Statement that the development would not adversely affect the integrity of the Lough Corrib Special Area of Conservation both itself and in combination with the quarry to the northeast.

5.0 Policy Context

5.1. National Policy Guidelines on Sustainable Rural Housing 2005.

5.1.1 The National Spatial Strategy identified categories of rural area types requiring differing settlement policies for rural housing. The Sustainable Rural Housing Guidelines issued by the Department of the Environment Heritage and Local Government, April 2005 are based on the presumption that people who are part of the rural community should be facilitated by the planning system in rural areas. The site is within an area identified as an area under strong urban influence as identified on Map 1 Indicative Outline of NSS Rural Area Types.

5.2. Development Plan

The Galway County Development Plan 2015-2021 refers.

Balyglunin is designated as “Other Settlement and the Countryside” within the settlement hierarchy. These smaller settlements provide basic services to their community, such as convenience goods and primary education and religious services. They are distinguished from rural housing by the presence of these services which provide an important community purpose and the basis for future development.

In terms of the rural housing policy the site falls within a Rural Area under strong urban pressure.

Objective SS 7 Development of Small Settlements

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 special cultural and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Strategy, good design, community gain and proper planning and sustainable development.

In terms of landscape sensitivity the site is within an area designated as Class 1 Low Sensitivity.

5.3. **Natural Heritage Designations**

The site is within 400m of the Lough Corrib SAC. Other designated sites in the vicinity include Lough Corrib SPA, Kilaclóher Bog NHA, Monivea Bog NHA, Monivea Bog SAC, Lough Tee Bog NHA, Levally Lough SAC.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal is submitted by Gormanclad Ltd on behalf of the First Party. Grounds of appeal are summarised as follows:

- Previous permission for 17 houses¹ on this site. Proposal to reduction density to 8 houses more appropriate.
- Linear design is best arrangement to keep distance from quarry to rear.
- Design captures the 3 existing nearby houses into a connected community by the positioning of the green area.
- Settlement of Ballyglunin is undergoing rejuvenation with recent works on railway buildings to enhance infrastructure services in the area.
- The addition of new homes to the settlement will help Ballyglunin to flourish. Proposal is not haphazard rather is a linear home zone not numerous one off houses dotted around the edge of the settlement.
- There is no ambiguity regarding safe disposal of effluent.
- Copy of house type 1 provided. Return elevation on house type 3 and 3A indicated on ground floor plan.

¹ I note that permission 107781 as extended by 12730 related to permission for 16 houses as one of the proposed 17 houses was omitted by condition.

6.2. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

7.0 **Assessment**

7.1. Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions. I consider the key issues to be:

- Principle of development
- Layout and design
- Wastewater Treatment
- Appropriate Assessment

7.2 **Principle of development**

7.2.1 The site is located within the open countryside on unserviced and unzoned lands and within an area designated as an Rural Housing Zone 1 Rural Area Under Strong Urban Pressure where in accordance with the Sustainable Rural Housing Guidelines, the key development plan objectives in these areas should be on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan. The proposed development which is clearly speculative is contrary to the rural housing strategy, would increase the pattern of suburbanisation in a rural area. I note that within the grounds of appeal the first party refers to the planning history on the site, in particular permission 07781 granted on 28/2/2007 and extended by 12730. I note that this permission expired on 28th August 2018. Given the significant time lapse since the grant of this permission and subsequent evolution of policy, it is appropriate to consider the proposal in light of the current national statutory guidelines and the County Development Plan. In my view the proposal is contrary to the rural housing strategy and therefore not acceptable in principle.

7.3 Layout and design

7.3.1 As regards the layout, density and design I would tend to concur with the area planner's assessment that proposal by way of its density, layout and design would be entirely out of character on this rural site. The proposed development would represent suburban type development and would be visually incongruous in this rural landscape. On this basis I consider that the proposed development would be contrary to the proper planning and sustainable development of the area.

7.4 Wastewater Treatment

7.4.1 On the matter of wastewater treatment, I note that it is proposed to service the sites by way of individual wastewater treatment systems and polishing filter (*Aswaflo*). The site characterisation forms indicate that the soils have a consistent character loamy sandy gravel. T values ranging between 5.2 and 9.3 were recorded. Neither bedrock nor watertable were encountered in the trial holes. I note the comments of the Assistant Scientist, Environment Section Galway County Council in report dated 28th August 2017 with regard to the potential failure of components and maintenance issues arising with regard to secondary treatment systems. The report also recommended more extensive site characterisation and accumulative assessment for the overall development using the procedure set out in the EPA guidance on the Authorisation of discharges to groundwater. I note the limited information provided with regard to the established wastewater treatment serving the existing dwellings to the east. The documentation refers to an established percolation area adjacent to the proposed public open space however it is not depicted on the submitted site layout plans.

7.4.2 I consider that the issues of water pollution potential and cumulative impact of multiple treatment systems is a significant issue in this case. Clearly the provision of a concentration of 8 individual treatment systems within a limited area would be prejudicial to public health. A proliferation of private treatment systems does not constitute a sustainable approach to development in the area. I consider that the

proposal would be prejudicial to public health and would give rise to an unacceptable risk of water pollution.

7.5 Appropriate Assessment

7.5.1 The site is located within 400m of the Abbert River which is designated as a part of the Lough Corrib SAC (Site Code 000297). Having regard to the issues with regard to the provision of multiple wastewater treatment systems it cannot be concluded that the development in itself or in combination with other plans and projects would not adversely affect the integrity of the Lough Corrib Special Area of Conservation (Site Code 00297) in view of the site's conservation objectives.

8.0 Recommendation

8.1. I recommend that the decision of Galway County Council to refuse be upheld and that permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development would constitute undesirable suburban type development in a rural area outside lands zoned for residential development would therefore be contrary to the Sustainable Rural Housing Guidelines, Department of Environment Heritage and Local Government 2005 to settlement policies of the Galway County Development Plan 2015-2021 and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the configuration, proposed layout and design of the development and the rural nature and character of the site, it is considered that the proposed development would be visually incongruous and would adversely affect the character of the area. The proposed development would

therefore be contrary to the proper planning and sustainable development of the area.

3. The Board do not consider that the individual treatment of foul water on site can provide a sufficient and safe treatment system to serve the proposed housing development. The proposed development would be prejudicial to public health, would create an unacceptable threat of water pollution and would therefore be contrary to the proper planning and sustainable development of the area.

4. On the basis of the information lodged with the application and the appeal and having regard to the proposal to provide multiple individual wastewater treatment systems to service the development, the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not be likely to have significant effect on the Lough Corrib SAC Site Code 000297, or any other European site, in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.

Bríd Maxwell
Planning Inspector

23rd July 2018