



An  
Bord  
Pleanála

## Inspector's Report ABP-301454-18

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<b>Development</b>	Mixed use development
<b>Location</b>	An Spidéal Thiar, An Spidéal, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	17/1618
<b>Applicant(s)</b>	Baile Éamoinn Teoranta
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Baile Éamoinn Teoranta
<b>Observer(s)</b>	Diarmuid Russell Dympna Hume Elisabetta Casto & Others Mary McDonagh-Faherty Bartley Fannin & Others
<b>Date of Site Inspection</b>	12 <sup>th</sup> September, 2018

**Inspector**

Kevin Moore

## 1.0 Site Location and Description

1.1. The 2.59 hectare site of the proposed development lies immediately east of 'An Ceardlann', a craft village development, on the east side of the village of An Spidéal in County Galway. An Spidéal lies approximately 18km west of Galway City. It is an undulating site that slopes from north to south and is bounded to the south by the R336 Regional Road which adjoins the coastal edge, to the east by a local road, to the west by 'An Ceardlann', and to the north by one-off housing and agricultural land. It comprises lowlying land to the south that lies below the level of the regional road and significantly overgrown land to the north with extensive rock outcropping. There is a single-storey house and shed in the centre of the site surrounded by conifer trees. There is a band of mixed native and conifer trees along its east side. A 38kV electricity line traverses the centre of the site in an east-west direction. There are two established entrances, one onto each of the adjoining roads. A footpath and public lighting is established along this section of the R336 and the site lies within the village's 50kph speed limit zone.

## 2.0 Proposed Development

2.1. The proposed development would comprise:

- The demolition of an existing dwelling and associated shed and structures,
- Construction of a mixed-use development consisting of:
  - A three-storey, 81 bedroom hotel and 2 associated detached, two-storey self-catering dwellings
  - a Business and Food Innovation Centre
  - 6 detached two-storey, four bedroom dwellings
- Pedestrian and vehicular access ways, parking, services, landscaping and ancillary site works.

2.2 The development would be served by a public water supply scheme and a temporary waste water treatment plant on the site until a new waste water treatment plant for An Spidéal is developed. The overall development would provide a gross floor area of 8,933 square metres. The scheme would provide 13 car parking spaces to serve

the residential development and 234 spaces to serve the hotel and business and food centre. The principal entrance to the commercial component of the scheme would be provided off the R336, while a service entrance for the hotel and innovation centre would be provided off the local road to the east. The residential scheme to the north-east would be served by an entrance onto the local road. The development would also provide a children's playground.

2.3 Details submitted with the application included a Planning Design Statement, a Planning Application Cover Report, a Linguistic Impact Statement, an Ecological Impact Assessment Report, an Appropriate Assessment Screening Report, an Engineering Report, a Road Safety Audit, photomontages, and a letter of support from Údarás na Gaeltachta.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 23<sup>rd</sup> March, 2018, Galway County Council decided to refuse permission for the development for three reasons relating to the proposal materially contravening the land use zoning objectives for An Spidéal, adverse visual impact, and prematurity pending provision of public sewer infrastructure.

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

#### **3.2.1. Planning Reports**

The Planner noted development plan provisions, public submissions received, and planning history in the vicinity of the site. It was recommended that permission be refused due to concerns relating to flooding. The proposal in its current format was also seen to be premature based on the concerns of the Roads and Transportation Unit. It was noted that the proposal to provide an on-site waste water treatment plant was contrary to Council policy. Concerns were also expressed about the overall scale of the development and the visual impact. It was recommended that permission be refused for five reasons relating to flood risk, contravention of land use zoning objectives, adverse visual impact, traffic hazard, and prematurity pending provision of public sewer infrastructure / prejudicial to public health.

### 3.2.2. Other Technical Reports

The Roads and Transportation Engineer submitted that the public road network, particularly the local road, needed substantial modification. Noting the application allows for a corridor as a reservation for a new road, it was considered that this is not as is designed by the Council. The applicant was requested to consult with the Roads & Transportation Unit to avoid the reserved corridor or to advance future road plans within the development.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland stated that it had no observations to make.

Údarás na Gaeltachta refer to the challenges for the Irish language in the Gaeltacht and its legislative role. It is noted that the status of the language as a community language in An Spidéal is strong. The authority sets out a range of measures which it considers the proposed development should comply with, inclusive of practical recognition and application of the language in the development and compliance with language requirements under the Planning Act.

### 3.4. Third Party Observations

Submissions supporting the proposed development were submitted by Bertie Ó hAinmhire, Cumann Mícheál Breathnach, Comharchumann Mhic Dara Teo, Máiréad Uí Mheachair, Louise Nic Ristéard, Mordán Films, Coláiste Chiaráin, Oireachtas na Gaeilge, Ferrylink Ltd., Conradh na Gaeilge, Áine Ní Chonaola, Iognáid Ó Muircheartaigh, Denis Walsh, Stiofán Ó Móráin, Peadar Óg Ó Cualáin, Brian and Frances Ó Curraoin, Pádraig Ó Neachtain, Danú Media, Pauline and Séamus Mac Conaonaigh, Comhchoiste Náisiúnta na gColáistí Samhraidh, Comhthionól Ealaíne na Gaeilge, Cló Iar-Chonnacht, Clódóirí, Ceardlann an Spidéil, Siobhán Ní Ghadhra, ██████████ Coláiste Chonnacht, Coláiste Chamuis, Tearmann Éanna Teo, ROSG, Pádraig Mac an Iomaire, TOC Building and Roofing, Sarah O'Donnell, Mairtin O'Donnell, Marianne Ní Chinnéide, Máirtín Ó Meachair, Dáire Ó hAinmhire, and Comharchumann Shailreana Teo.

Submissions raising concerns about the proposed development were submitted by Dympna Hume, Michelle & Seoisimhín Ní Fhathartha, Bartley Fannin, Elisabetta

Casto and Others, Cathal Groomell, Spiddal Conservation Group, Mary McDonagh Faherty, Diarmuid Russell, and Robert Fahy.

The applicant submitted unsolicited additional information on 21<sup>st</sup> December, 2017 in response to a number of the submissions made to the planning authority.

3.5 Further to the Planner's recommendation to refuse permission, the applicant requested the planning authority to extend the decision date and made a submission to the planning authority on 15<sup>th</sup> February, 2018 following a meeting with Council officials on 6<sup>th</sup> February, 2018. This submission included considerations on the proposed rezoning of the site, flooding, access arrangements, the proposed road reservation through the site, the temporary waste water treatment plant, the advancement of the residential component, and building design. Further submissions were received from the applicant on 7<sup>th</sup> March, 2018 and 9<sup>th</sup> March, 2018 relating to the proposed residential component, flood risk and Fáilte Ireland support.

3.6 The reports to the planning authority following these submissions were as follows:

The Environment Section considered the development, with an on-site waste water treatment plant, would only compound ongoing issues with water quality in bathing areas in the vicinity.

The Infrastructure & Operations Engineer noted the proposed flood risk provisions. A condition recommended to be attached in the event of grant of permission was recommended.

The Roads Engineer set out a schedule of recommended conditions.

The Planner repeated the content of the original report. It was further considered that the applicant's additional submissions addressed reasons 1 and 4 originally recommended. A refusal of permission was recommended for three reasons relating to contravention of land use zoning objectives, adverse visual impact, and prematurity pending provision of public sewer infrastructure / prejudicial to public health.

## 4.0 Planning History

I have no record of any previous planning application or appeal relating to this site.

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2015-2021

#### Settlement Strategy

An Sidéal is designated an 'Other Village', with a population of less than 1,500.

Objectives include:

#### *SS 5 – Development of Other Villages*

Protect and strengthen the economic diversity of the smaller towns, villages and small settlements throughout the County, enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands.

The growth allocation for An Spidéal during the period of the Development Plan is 25 persons.

#### Urban Housing in Gaeltacht Settlements

Objectives include:

#### *UHO 13*

Development of multiple residential units (2 or more) in An Ghaeltacht settlements shall be subject to Galway County Council's linguistic and occupancy requirements in order to protect the linguistic and cultural heritage of An Ghaeltacht including the promotion of Irish as the community language.

#### Landscape

The site is located within an area designated Landscape Sensitivity Class 3 (where Class 1 is the least sensitive and Class 5 is the most sensitive).

### 5.2. Gaeltacht Local Area Plan 2008-2018

#### An Spidéal Village

The future growth and development of An Spidéal is guided by a range of policies and objectives.

*An Ghaeltacht policies include:*

*P.G. 5*

To assist in the preservation and promotion of the Irish language and culture in the village.

*P.G. 6*

To support the cultural community and employment initiatives of Údarás na Gaeltachta and local organisations.

*Residential policies* include:

*P.R. 1*

To seek a balance and mix in the provision of social and private housing in order to promote a social and demographic balance within the village.

*P.R. 2*

To permit a rate of housing development appropriate to the village size, identity and infrastructure.

*P.R. 3*

To provide for group house designs which are based on a clustered system and which avoid suburban styles.

*Tourism policies* include:

*P.T. 1*

To facilitate the development of this Gaeltacht village and its local area as a tourist destination in the context of cultural tourism.

*P.T. 4*

To ensure that tourism accommodation provision is of a scale and design appropriate to the village and that it does not adversely affect existing residential amenity.

Zoning

Four different land use zones apply to different parts of the site, namely 'Residential (Phase 2)', 'Village Centre', 'Community Facilities', and 'Recreation & Amenity'.

There is an objective to investigate the development of a relief road linking the R336 with the Moycullen Road further west. The proposed reserved route corridor affects



an area between the residential and community facilities zoned lands at the north-eastern end of the site.

There is a general presumption against residential development on lands zoned Residential (Phase 2) within the lifetime of the Local Area Plan, subject to exceptions provided for under Objective O.R. 3.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

#### Reason for Refusal No. 1

- In light of the constrained status of designated 'Residential – Phase 1' lands in Spiddal, it is appropriate to develop the 'Residential – Phase 2' lands within the site.
- The principle of developing 'Residential – Phase 2' lands has previously been accepted by the planning authority.
- The proposal to develop 6 houses is in accordance with the Council's core strategy.

#### Reason for Refusal No. 2

- In terms of design, a number of alternative options in the form of revisions to the scheme are proposed for the Board's consideration, including the removal of the dwellings to the front and revisions to the hotel design and finishes.
- In response to the landscape and visual impact, it is submitted that the proposed development would be understood within its village context and will not have adverse impacts on protected views.
- As well as the range of alternative design options, reinforced grass can be proposed on the car parking spaces to the front of the building and additional planting can be carried out.
- The siting of the buildings on the site corresponds to the zoning.

### Reason for Refusal No. 3

- Irish Water has recently announced its intention to apply for permission to build a new waste water treatment plant for Spiddal. Once this treatment plant is constructed the on-site treatment plant will be decommissioned.
- The Irish Water feedback form states that an on-site treatment plant can be accommodated to serve the development until the town's plant is constructed.
- The appellant disputes the Planner's submission that, until such time as Spiddal's treatment plant is constructed, the on-site treatment plant would be contrary to Council policy which does not approve of such arrangements.
- Concerns can be resolved by the developer pre-funding the maintenance contract for the temporary plant or by the Council or by limiting the developer's ability to sell the six houses until the permanent communal treatment plant for Spiddal is installed.
- The applicant will be making a financial contribution to the Spiddal plant, will contribute to the design cost of that plant, and will work collaboratively with Irish Water.

The appellant submitted other considerations on the proposed Variation 2(b) of the Galway County Development Plan as it applies to the site and to the impact on the Gaeltacht.

## **6.2. Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

## **6.3. Observations**

### **6.3.1 Observation by Diarmuid Russell**

The Observer raised concerns relating to effluent disposal, the location of the site at the entry to the village, the size, scale and design of the development, incompatibility with the Local Area Plan, adverse ecological impact, impact on the Irish language, flooding, and traffic impact.

### 6.3.2 Observation by Dympna Hume

The Observer raised concerns relating to scale and design of the proposal, ecological impact, flooding, and traffic impact.

### 6.3.3 Observation by Elizabeth Casto & Others

The Observers raised concerns relating to the development being contrary to the Local Area Plan, design and scale, flooding, impact on the approach to the village, loss of trees and stone walls, and prematurity relative to provision of a public waste water treatment system.

### 6.3.4 Observation by Mary McDonagh-Faherty

The Observer countered a range of submissions made by the applicant in its appeal and referenced a wide range of concerns, including flooding, the development of Residential – Phase 2 lands, overdevelopment, design, parking, waste water treatment, and impact on ecology.

### 6.3.5 Observation by Bartley Fannin

The Observer raised concerns relating to the design, layout, scale and context of the development. The observation included a copy of petitions sent previously to the planning authority.

## 6.4. **Further Responses**

In a submission to the Board on nature conservation from the Department of Culture, Heritage and the Gaeltacht, it was stated that the site is not in or near any nature conservation sites. It was noted that it supports diverse and species-rich habitats close to the R336, naturally developing scrub/woodland, a habitat of a protected species (a small bat roost in the building to be demolished) and bat foraging habitat, and 'wetlands' within the meaning of the Planning and Development Act. It was noted that the site may be subject to tidal influences and is at risk of flooding, with coastal erosion potentially being an issue. The Board was asked to take these matters into account and assess the likely effects on bats and the need to invoke derogation procedures.

## 7.0 Assessment

### 7.1. Introduction

7.1.1 The principal planning issues relating to the proposed development are considered to be:

- compatibility with zoning objectives,
- the scale, form and character of the proposed scheme,
- the traffic impact,
- sewage treatment,
- flooding,
- ecological impact, and
- impact on the Irish language.

### 7.2 Compatibility with Zoning Objectives

7.2.1 Four different zoning objectives apply to the appeal site.

7.2.2 The north-eastern corner of the site is zoned 'Residential (Phase 2)'. The proposed development seeks to provide a scheme of six detached houses at this location. In principle, the development of housing is acceptable on this part of the site. Policy P.R. 7 of the Gaeltacht Plan, as it applies to An Spidéal, seeks to encourage the development of 'Residential (Phase 1)' lands in the short to medium terms. This policy expressly states that there will be a general presumption against residential development on lands zoned Residential (Phase 2) within the lifetime of the Local Area Plan, subject to the exceptions provided for under Objective O.R. 3. The exceptions provided for under this objective are single house development for family members on family lands, non-residential developments that are appropriate to a site context, and residential development where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period. I note that the appellant has argued that the proposed development meets the final exception referenced above. This argument has not been accepted by the planning authority. I note for the Board that the development strategy for An Spidéal, set out in Section 7.4 of the

Local Area Plan, refers to the Core Strategy in the Galway County Development Plan which indicates that An Spidéal has been assigned a population growth target of 25 persons by 2015 with a housing land requirement of 0.79ha, in order to accommodate residential development over the plan period. I note that there are tracts of Residential (Phase 1) zoned lands to the north and west of the appeal site. In light of the developability of such lands during the lifetime of the Plan, and with a clear understanding of the development constraints arising for An Spidéal (which will be referred to later in the context of servicing), it would appear premature to be considering the development of the Residential (Phase 2) lands on this site at this time.

7.2.3 That part of the site immediately west of the residentially zoned lands is zoned 'Community Facilities'. It is proposed to develop the Business and Food Innovation Centre at this location. Under the zoning matrix table provided in the Local Area Plan, enterprise centres are uses that are open for consideration within this zone. I am satisfied that, having regard to these provisions, the principle of the development proposed at this location would not run contrary to the zoning objective for this part of the site.

7.2.4 The centre part and south-eastern side of the site are zoned 'Village Centre'. It is proposed to develop the hotel on the central part of the site and to provide the two self-catering units along the eastern side of the site and forward of the hotel. Under the zoning matrix table provided in the Local Area Plan, a hotel and holiday homes are permitted uses within this zone. The principle of the development of a hotel and the self-catering units on this part of the site is, therefore, accepted.

7.2.5 A large section of the site to the front of the location for the proposed hotel is zoned 'Recreation & Amenity'. It is proposed to provide the car and bus parking areas and a play space within this section of the site. Under the zoning matrix table provided in the Local Area Plan, car parks and children's playgrounds are open for consideration within this zone. I am satisfied that, having regard to these provisions, the principle of the development proposed at this location would not run contrary to the zoning objective for this part of the site.

7.2.6 Overall, I am satisfied to conclude that the zoning objectives clearly allow, in principle, for the range of development types proposed at the locations proposed

within the appeal site. The timing of the residential scheme in the north-east corner is, however, clearly in question, having regard to other development plan provisions that impinge on such development at this time.

### 7.3 The Scale, Form and Character of the Proposed Scheme

7.3.1 The proposed development is, in my opinion, wholly acceptable in scale, form and character at this location. This is a development that has been designed to meet with the zoning objectives as they apply to this land. This site effectively forms part of the village of An Spidéal. It clearly forms the edge of the village core. The proposed uses are compatible with surrounding uses and are appropriate for the village setting. The appropriateness of a hotel at such a village core location is unequivocally accepted. Its scale, form and character are suited, not alone to its own needs and function, but to its village core context also. One should not be seeking reduction in building heights, tweaking building lines, or otherwise interfering with the design intent of the originally proposed scheme. The proposed hotel is a new development with a modern intent. It would by no means be overly sized, excessive in height or intrusive on the approach to the village centre. It is two and three stories in height in a village centre setting. The core of An Spidéal demands sustainable new development within it to ensure such development is not otherwise catapulted into some remote location further away from the village. This is a development that would provide a significant range of amenities and services to meet the needs of those visiting and employed at such a location. The set back of the proposed development from the adjoining regional road and the backdrop of other development to the west within the village will allow this scheme to be satisfactorily absorbed into the village context. The proposed height, scale, form and finishes of the hotel are entirely suited at the location proposed. The mix of stone and glazing in the hotel are appropriate to this location. The hotel would make a significant contribution to the range of facilities for the community of An Spidéal and could not reasonably be understood to be misplaced.

7.3.2 While the main focus of third party concerns has been in relation to the proposed hotel, I consider also that the other elements of the overall scheme will not have any significant adverse visual impacts. They will be understood as being part of the

overall complex, which is sited on the edge of the village core, which itself is the built-up focus of An Spidéal. All of the other development is clearly subservient, in terms of scale, to the hotel. The siting of the proposed self-catering units to the front of the hotel is not in any way intrusive, with the buildings presenting themselves as detached residential units in an area where detached residential units dominate the landscape. The food innovation centre is tucked behind the hotel and will not be visually prominent in any manner. The proposed housing provides units onto a local road where there is very substantial ribbon development further north along this road. This type of residential development will provide a significantly improved form of development in terms of sustainability and utilisation of land. The parking areas are inherent features of the overall development and would be understood as such. It is evident that a comprehensive scheme of hard and soft landscaping can enhance the presentation of such components of the overall development.

7.3.3 I am satisfied to conclude that the proposed development within the village core of An Spidéal is appropriate in terms of scale, form, character and function. I note that the planning authority has presented no coherent or cogent argument to support its conclusion that the proposed development within this village core would constitute a visually obtrusive form of development. The ability of the proposed development to assimilate and integrate with the village core is not in question, in my opinion.

#### 7.4 Traffic Impact

7.4.1 The proposed mixed use development is sited on the edge of the village core of An Spidéal. It has frontage onto the R336 Regional Road within the 50kph speed limit zone for the village at a location where footpaths and public lighting exist along the road and where there are no issues with available sightlines. It also has frontage onto a minor local road to the east.

7.4.2 The principal entrance into the proposed scheme would be onto the regional road. There is no doubt that the regional road has the capacity to accommodate the proposed development at this village centre edge. The scale of development and the volume of traffic that would be generated can adequately be accommodated without interfering with the flow of traffic on the regional road and without causing a traffic hazard.

- 7.4.3 The proposed scheme also seeks access onto a minor local road to the east. I note that this road is narrow and is poorly aligned. However, I note the site's extensive frontage onto this road and there can be no concern that the proposed scheme would not accommodate suitable widening of the road to allow for adequate access onto the road, with improved junction provisions where it meets the regional road to the south. Such works are not a major hindrance to the development of this scheme and can clearly be agreed between the developer and the planning authority. Where improvement works are provided, there is no particular concern that this road can otherwise accommodate an entrance into the grouped housing scheme and a service access for the commercial development.
- 7.4.3 The proposed development seeks to provide an extensive number of car parking spaces within its curtilage. Such parking seeks to address every use on the site. It is evident that the integrated use of spaces would invariably result from this mixed use development. I, thus, consider that the scheme does not demand a further erosion of structures to provide for any further swathe of parking spaces on this site and I am satisfied to conclude that parking provision would be adequate to meet the range of proposed uses on this site.
- 7.4.5 Finally, I note from the zoning objectives map in the Local Area Plan that there is an objective to provide a road scheme linking the regional road with the Moycullen Road to the west of the site. The proposed development provides a reservation as part of the overall scheme between the business and food innovation centre and the residential component of the scheme. This appears to be in accordance with the Local Area Plan provision. The proposed development would, thus, have no direct conflict with the plan objective of providing such a road. The details of the extent and exact layout of such a reservation within the site could readily be agreed between the developer and the planning authority prior to the commencement of any development.

## 7.5 Sewage Treatment

- 7.5.1 The existing sewerage scheme for An Spidéal consists of a small collection system with a sea outfall. It discharges untreated sewage directly to the sea. This outfall is in



the vicinity of public bathing areas. I note that these bathing areas (Trá na mBan and Trá na Céibhe) each have Blue Flag status.

- 7.5.2 The Local Area Plan has a policy (Policy P.S. 2) to progress as a priority the provision of a waste water collection and treatment system for An Spidéal and it has an objective (Objective O.S. 2) to provide a modern and adequate effluent collection and treatment system. The Plan also has a specific objective (O.R.A. 2) to maintain the Blue Flag status for Trá na mBan and Trá na Céibhe.
- 7.5.3 It is understood from the appellant's submission to the Board that it has been in consultation with Irish Water and it has been ascertained that consultants have been appointed for the design of a treatment plant for the village. I note from information available on-line from Irish Water that a proposed new wastewater treatment plant to serve a population equivalent of 1000 is to be located at the site of the existing Údarás wastewater treatment plant, north of the Udarás na Gaeltachta Craft Village. The available information from Irish Water states that it will submit the planning application to Galway County Council this year and, subject to statutory approval, works on the project will commence in 2019.
- 7.5.4 The proposed development before the Board seeks to provide a private on-site waste water treatment plant that would be decommissioned when the public scheme would be completed. The proposed foul system would include a single pipe network collecting foul water from the six private houses, the retail units within the innovation centre, the hotel development, and the two self-catering houses. The swimming pool would not be connected to this network. It would be drained directly to a surface water outfall, if required. The private treatment plant would be located adjacent to the southern boundary of the site. It would comprise a BMS BL 3000 Blivet package. The treatment plant would provide treatment for BOD<sub>5</sub>, suspended solids, fats, oils and greases, ammonia and phosphates prior to discharge to the Irish Water network. Solid waste would be required to be emptied by a licensed waste disposal specialist approximately every twelve weeks. A maintenance agreement would be put in place.
- 7.5.5 In considering these proposed provisions, I must submit to the Board that I have serious concerns about the impact of a private on-site scheme in terms of exacerbating the severe pollution impact on water quality arising from Irish Water's current foul water system. Arising from this, I have serious concerns about the

prematurity of the proposed development in this context. Adding significant volumes of foul waste water, albeit treated to some degree, adds further to the intensification of pollution of coastal waters at this location, with the consequential adverse impacts for bathing waters. The final effluent output remains foul waters that increase the load on a very deficient system. There are potential concerns remaining in relation to COD, E-coli, etc. and reservations must be understood in relation to the intended discharge of swimming pool waters to the surface water system if a need arises. Furthermore, the treatment plant would require regular removal of waste solids at this site. It is my opinion that this proposed arrangement does not adequately provide for effluent treatment arising. It poses a very significant pollution threat to nearby coastal waters, raises a concern about odours resulting from solid waste removal, and there is a clear deficiency in dealing with swimming pool waters.

7.5.6 Further to the above, I again note that Irish Water has available information which demonstrates that it is to submit a planning application this year and that it aims to commence construction next year. This scheme clearly remains at the planned stage. There can be no guarantee at this time that the provision of a private waste water treatment plant will be required for the short term only. The construction period for, and intended completion date of, the public scheme is unknown. It is my submission that the proposed development at this time is at best premature. It should not be pursued until a new public sewerage system is in place. This is essential, firstly, to protect water quality in this coastal area and, secondly, to ensure that the urgently required public treatment plant is pursued as an urgent project so that the future orderly development of An Spidéal can be undertaken in a sustainable manner. One can be assured that if a scheme such as that proposed was to proceed with its own temporary treatment plant that other such projects may seek to proceed in a similar manner. The ongoing development of An Spidéal must be dependent upon providing essential water services to serve basic development needs.

7.5.7 Having regard to the above, I must reasonably conclude that the proposed development would be premature pending the provision of a public waste water treatment plant for An Spidéal.

## 7.6 Flooding

7.6.1 I again note that this proposed site is zoned for development. The area of relevance to the issue of flooding is the front part of the site. This is the area in which it is proposed to develop a children's play area and parking areas. The southern edge of the area for the proposed hotel abuts this location at risk of flooding. The applicant proposes to substantially fill this part of the site by materials removed from the northern section of the site and by the importation of suitable infill materials.

7.6.2 It is evident from the planning authority's considerations of this application that the Infrastructure & Operations Engineer acknowledged the applicant's proposed flood risk provisions and recommended the attachment of a condition with any grant of planning permission. The planning authority was, thus, satisfied with the provisions being made and did not conclude that there would be adverse impacts arising from flooding either for the development site or for neighbouring properties.

7.6.3 I acknowledge that the front section of this site is subject to flooding. At the time of my inspection, even after a prolonged summer period of very dry weather, the front section of this site was very heavy under foot, soils were saturated and water was ponding. The extent of natural vegetation, including iris, soft rush, etc., clearly indicate that this is an area where poor drainage conditions prevail. This area is intended to be filled and used primarily as a principal parking area. The main access driveway would traverse this location also, the proposed private treatment plant would be located within it, and there would be a small playground developed in the south-west corner.

7.6.4 The applicant submitted a flood risk assessment with the application and further expanded on the issue as part of unsolicited information to the planning authority in response to issues raised by third parties. The assessment has concluded that the site is not at risk of coastal flooding post development. It was also understood that the development would result in no measurable impact beyond the site.

7.6.5 I note that the finished floor levels of the structures that would be developed along the extreme northern edge of the area affected by flooding would be satisfactorily above the flood risk level. The proposed uses in the area affected by flooding are all suited to the filled ground area that would result from the proposed development. The site would be filled to accommodate the raising of the lands to allow the

construction of the car park and access roads from the regional road to the hotel. The level of the car park along the southern boundary is 5.1m OD and the road level at the site entrance is 4.7m OD. The lowlying area would be filled to a level of 5.1m, except for an area adjoining the site entrance, where tie-in levels would match the existing edge of the road carriageway level. This would ensure that the development would be above the 1:1000 flood level for the coast at this location when it is completed. It is not anticipated that there would be a significant displacement of flood water that would pose a risk elsewhere. Effectively, all structures would avoid areas at risk of flooding. I again acknowledge that the applicant completed a flood risk assessment and demonstrated that flooding would not pose a significant risk to the proposed scheme and adjoining lands. It is further noted that the proposed development would incorporate Sustainable Drainage Systems (SuDS) and that this would include the provision of an attenuation tank that would control surface water flows during storm periods.

7.6.6 Overall, I am satisfied to conclude that the proposed development would pose no residual risks to the site and adjoining lands by way of flooding.

## 7.7 Ecological Impact

7.7.1 The proposed site is zoned for development and is within an urban area. The proposed site is not on, in or near any European sites. Acknowledging the unsatisfactory nature of effluent treatment proposals, it is considered that increasing the load on the established public system would exacerbate pollution problems at this coastal area. The impacts arising from the proposed scheme itself would be highly unlikely to indirectly affect the nearest designated coastal-based European sites, namely the Galway Bay Complex SAC and Inner Galway Bay SPA which are some 11km away. It is apparent that the construction and otherwise general functioning of the mixed use development in this village core area should not have any direct or indirect impacts on any distant European sites.

7.7.2 I note that the Department of Culture, Heritage and the Gaeltacht, in its submission to the Board, acknowledges that the site is not in or near any nature conservation sites. Reference is made to a few habitats of some ecological value on the site and to bats present. One must again note that this is land in the village core of An

Spidéal that is zoned for development. It is again noted that this site has not any designated conservation status. It would be entirely misplaced to prohibit the development of these lands in this context based upon a patchwork of habitat types that have no designated conservation status. With regard to the existence of bats in the existing derelict bungalow on the site, clearly, in the event of development proceeding, the need for a derogation licence from the Department is understood.

## 7.8 Impact on the Irish Language

7.8.1 The proposed development would have a positive impact for the local community in terms of provision of services and increased employment opportunity. The control of the occupancy of any housing for use primarily by Irish-speaking residents can be ably applied by the planning authority to ensure that permanent residents enhance and reinforce the development of the Irish language as the community's primary language. I have no concerns that the proposed development would have any significant adverse impact on the Irish language in this community. Furthermore, I note the recommendations and support of Údarás na Gaeltachta and consider that the practical application of measures so recommended can readily be employed with the functioning of the proposed development to enhance the use of the language.

## 7.9 Appropriate Assessment

7.9.1 It is acknowledged that the habitats within and adjacent to the site are not designated as being of conservation value and that the site is not within or adjacent to any Natura 2000 site. The nearest European site is the Connemara Bog Complex, which is 1.5km to the north of the site. There is, thus, a significant buffer of development and open lands between the proposed site and the nearest European site. The proposed development is intended to be a fully serviced development.

7.9.2 It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Connemara Bog Complex or any other

Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

## 7.10 EIA Screening

7.10.1 Having regard to the site size falling very substantially below the threshold for triggering mandatory environmental impact assessment, the mixed use nature and limited scale of the proposed development, its location within the rural village of An Spidéal, and the nature of the receiving environment within that context, 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.

## 8.0 **Recommendation / Moladh**

8.1. REFUSE permission for the above proposed development based on the reasons and considerations set out below.

Cead pleanála A DHIÚLTÚ don fhorbairt bheartaithe thuasluaite ar bhunús na gcúiseanna agus tuisceanna leagtha amach.

## 9.0 **Reasons and Considerations / Cúiseanna agus Tuisceanna**

1. It is considered that the proposed development would be premature by reference to the existing deficiency in the provision of public piped sewerage facilities serving the area and the period within which the constraint involved may reasonably be expected to cease. It is further considered that discharge from a private sewerage plant into an inadequate public sewerage network

would be prejudicial to public health, having regard to the additional hydraulic loadings involved.

1. Meastar go mbeadh an fhorbairt bheartaithe ró-luath, ag féachaint don easnamh láithreach ar sholáthar saoráidí séarachais príopaithe poiblí ag freastal ar an limistéar agus don tréimhse a bhféadfaí le réasún a bheith ag súil go mbeadh deireadh leis na sriantachtaí atá i gceist. Meastar freisin go mbeadh sé dochrach do shláinte an phobail cead a thabhairt eisílteach a scaoileadh isteach i gcóras séarachais poiblí easpach, na hualaí breise hidrálacha curtha san áireamh.

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Kevin Moore

Senior Planning Inspector

17<sup>th</sup> September, 2018.