



An
Bord
Pleanála

Inspector's Report

ABP-304912-19

Development

Chun sean teach a leagan and teach cónaithe, córas séarachais agus garáiste príomháideacha thógail. Spás urláir comhlán na n-oibreacha bearaite: 210sq.m. Spás urláir comhlán d'aon scartáil: 65sq.m.

Location

Corr Chuillinn, Co. na Gaillmhe.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

18/1789

Applicant(s)

Benny Higgins

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Thomas & Iris Powell

Observer(s)

Dept. of Culture, Heritage & the Gaeltacht

Date of Site Inspection

26/09/2019

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located in Corr Chuilinn, to the north-west of Galway City. The subject site lies between two country roads (L-5380 and L-1323), south of the N59, approx. 3km south of Moycullen.
- 1.1.2. The subject site, with the main entrance at a bend in the road currently accommodates a single storey dwelling in a state of disrepair. The site, which is heavily overgrown, rises towards the southern boundary. The surrounding area is characterised by extensive one-off housing.

2.0 Proposed Development

- 2.1.1. On the 13th December 2018, planning permission was sought for the demolition of an existing dwelling (65sq.m.) and the construction of a two-storey dwelling (210sq.m.) and single storey garage (60sq.m.).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 15th May 2019, the Planning Authority issued a notification of their intention to GRANT permission subject to 13 no. conditions. Condition no. 2 is an occupancy clause. Condition no. 3 refers to landscaping. Condition no. 4 refers to external finishes
- 3.2. **First Planning Report:** Subject site is in an area where housing need is required. As none has been provided, it is assumed that applicant is seeking a replacement dwelling under Objective RHO7. The Planning Authority however are not satisfied that the dwelling on site would qualify as an existing habitable dwelling. Proposed dwelling would overlook the adjoining residential property to the north and a greenfield site to the south. Proximity of the site to the Lough Corrib SAC is such that an AA screening report is required.
 - 3.2.1. On the 13th of February the Planning Authority requested **further information** regarding the structural stability of the existing dwelling and an AA Screening report.
 - 3.2.2. On the 18th April 2019, the applicant responded to the request for further information, with a structural report on the existing dwelling, a revised house design showing

3.3. **Second Planning Report:** Proposed development falls under Objective RHO7 renovation of existing derelict dwelling / semi-ruinous dwelling. Structural survey submitted which shows that existing dwelling is not suitable for redevelopment. Revised plans address the concerns regarding overlooking. AA screening report submitted which has concluded that the proposed development would not have significant effects on any European Site. Recommendation to grant permission.

4.0 Planning History

4.1.1. ABP-304643-19: Application for leave to appeal granted.

5.0 Policy Context

5.1. National Planning Framework, (2018)

5.2. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements.

5.2.1. **National Policy Objective 15:** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.2.2. **National Policy Objective 19:** Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory

guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. Sustainable Rural Housing Guidelines for Planning Authorities

5.3.1. The guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development. Among the policy aims identified for sustainable rural housing are;

- Ensuring that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.
- Managing pressure for overspill development from urban areas in the rural areas closest to the main cities and towns such as the gateways, hubs and other large towns.
- The planning authority should establish if the proposal is intended to meet a genuine rural housing need.

5.3.2. According to Map 1 Indicative Outline of NSS Rural Area Types the subject site is located in an area which is classified as being an **Area under Strong Urban Influence**.

5.3.3. The guidelines stress that development driven by cities and larger towns should generally take place within their built-up areas or in areas identified for new development through the planning process. Appendix 3 of the Guidelines state that 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. In addition, policies will also normally include references to:

- The types of situations considered as constituting rural generated housing,
- Measures that will be put in place to facilitate the availability of an appropriate level of housing options in smaller settlements for other housing requirements,

- The criteria that will be applied by the planning authority generally in assessing rural generated housing proposals e.g. in relation to evidence of an applicant's links to the area in question, and
- The measures to be adopted to ensure that development permitted to meet the requirements of those with links to the rural community continues to meet the requirements for which it was permitted.

5.3.4. The Guidelines require that new houses in rural areas are sited and designed to integrate well with their physical surroundings and generally be compatible with:

- the protection of water quality in the arrangement made for onsite wastewater disposal facilities
- the provision of a safe means of access in relation to road and public safety and
- the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.

5.4. **Galway County Development Plan 2015 -2021**

5.4.1. The subject site is located in an unzoned rural area which is designated in the development plan as being a Rural Area under Strong Urban Influence. **Section 2.6.7** of the plan states that such areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of Galway City, rising population, evidence of considerable planning pressure for development of housing due to proximity to such urban areas or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.4.2. **Section 2.6.7** of the development plan also states that development in the un-serviced countryside requires careful management, in order to balance the need to revitalise and support communities, while ensuring the overall sustainable development of these areas.

5.5. **Objective RHO6** relates to a replacement dwelling. It is an objective of the Council that the refurbishment of existing habitable dwelling houses will be encouraged, as a more sustainable option than demolition and construction of a new dwellinghouse, unless a conclusive case for demolition based on technical evidence is made for the

Planning Authority's consideration on a case by case basis. It will be the requirement that any new dwellinghouse be designed in accordance with Galway County Council's Design Guidelines for Rural Housing in the Countryside. Applicants who require the demolition of an existing dwellinghouse shall be accommodated without the requirement to establish a housing need or proof of residence and will not be subject to an enurement clause.

5.6. **Objective RHO7** relates to the renovation of existing derelict dwellings/semi-ruinous dwellings. It is an objective of the Council that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the county are generally dealt with on their merits on a case by case basis, having regard to relevant policies and objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi-ruinous dwelling must be structurally sound, have the capacity to be renovated and/or extended and have the majority of its original features/walls in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed, an enurement clause for seven years duration will apply.

5.7. **Objective RHO9** relates to design guidelines. It is an objective of the Council to have regard to Galway County Council's Design Guidelines for Single Rural Housing with specific reference to the following:

- (a) It is an objective to encourage new dwellinghouse design that respects the character, pattern and tradition of existing places, materials and built form that fit appropriately into the landscape.
- (b) It is an objective to promote sustainable approaches to dwellinghouse design and encouraging proposals to be energy efficient in the design and layout.
- (c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

5.7.1. **DM Standard 20:** Sight Distances Required for Access onto National, Regional & Local Roads: Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers

emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. Where a new entrance onto a public road is proposed, the Planning Authority must consider traffic conditions and available sight lines. Road junction visibility requirements shall comply with Geometric Design of Major/Minor Priority Junctions and Vehicular Access to National Roads, Volume 6, Section 2, Part 6, NRA TD 41-42/11, November 2011 (including any updated/ superseding document).

5.8. Natural Heritage Designations

5.8.1. The subject site is less than 1km from the Lough Corrib SAC.

5.9. EIA Screening

5.9.1. Having regard to nature and scale of the development and the location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission was submitted to the Board following a Board decision to grant leave to appeal. The grounds of the appeal can be summarised as follows:

- The appellants live to the immediate east of the site. This rural area is under heavy pressure for urban generated housing development, being within commuting distance of Galway city.
- There is a legal dispute regarding demolition and excavation that has occurred on the site. The existing dwelling on site is not habitable.
- The appellants have no objection to a modest dwelling on the site. The proposed dwelling, amended by further information, will cause them serious dis-amenity and will devalue their home.
- The plans contain a number of errors, it is difficult to identify which elevation is which and the revised plans do not include a site plan. It is assumed that the

revised elevation labelled “rear and west” should actually be “rear and east” and the “front and east” should read “front and west”. This is critical to the appellants as it determines which elevation is facing them.

- The planners report inaccurately states that the subject site is outside the GTPS area. The site is within the GTPS.
- The engineers report regarding structural stability is not convincing. The problems identified are standard for older houses and do not provide “a conclusive case for demolition”. Georgian and medieval houses are renovated and reused. It is submitted that a case for demolition has not been made.
- The house is not habitable, is on a substandard site in a restricted rural area where there are severe restrictions on new housing. The applicant does not fulfil these requirements (Objective RHO1).
- Site access is poor, off a narrow road and at an abrupt 90° bend.
- DM standard 7 requires a minimum site size of 2000sq.m. The proposed dwelling is derelict and therefore does not qualify for the exception provided for existing houses.
- The proposed development should be refused on the grounds that the site is too small, the entrance is substandard with inadequate sightlines and the applicant has failed to fulfil the housing need requirement.
- The Appellants do not object to a modest single storey dwelling. The appellants were condition to keep their attic space as storage when permission was granted for their home. The decision of the Planning Authority is inconsistent.
- The ridge height of the proposed dwelling is 6.950m. The appellants are concerned about the visual impact of the blocky, fussy and inappropriate dwelling. It is submitted that the proposed dwelling does not comply with the Rural House Design Guidelines.
- The proposed dwelling will overlook the appellants home and garden. The revised design involves a series of large windows facing the appellants property. As the site layout is unclear, the appellants cannot determine how close the proposed

dwelling is to their boundary. Given the rural nature of the area, the urban 22m separation standard is not appropriate.

- The submitted plans do not provide ground levels. On the original site layout, the FFL is noted as 2.2m but the datum is not stated. It is not Ordnance Datum as the area is more than 2.2m above sea level. It is not possible to relate the proposed development to the adjoining properties and therefore impossible to evaluate the impact of the proposed development on neighbouring sites. It is submitted that inadequate information has been submitted.
- It is submitted that the Site Assessment report is inadequate. The groundwater protection response stated in the report is incorrect – it should be R21 as the aquifer is PI (generally unproductive except in local zones).
- Bedrock is described as sand but this is incorrect, it should be granite.
- Section 3.2 of the report states that the water table was not encountered in the 2m trial hole. However, the report then states that the depth to water ingress was 0.1m. The report states that the trial hole was investigated on the same day it was excavated. This is incorrect as it should be inspected two days later.
- A thread test, ribbon test and a dilatancy test are required but were not recorded in the report.
- Section 3.3 of the report states that pre-soaking was carried out on the 27th November 2018 at 18.00. Holes should be pre-soaked twice on the first day the percolation test carried out on the third day.
- The three test holes all took 50 minutes to drop 100m, which seems unlikely.
- The report states that the T-test result is 16.25 and the recommendation is to install a packaged waste water treatment unit with a polishing filter of 144sq.m. The report also recommends a gravity fed system with 6 no. trenches 12m long. It is submitted that it cannot be both, it must be one or the other.
- It is submitted that these all add up to a serious shortfall in the assessment of the site. This is inadequate, given the high concentration of effluent treatment systems in the area.
- The Board is requested to refuse permission.

6.2. Applicant Response

6.2.1. None on file.

6.3. Planning Authority Response

6.3.1. None on file

6.4. Observations

6.4.1. **DAU:** The existing unoccupied structure could be a roost site for bats. The site is connected by hedgerow to the nearby Coillte forest (401m to the east) which could be a suitable corridor for bats. The Department considers that the information submitted with the application does not allay their concerns and recommends that a bat survey be carried out by a qualified bat ecologist at an appropriate time of the year.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised are as follows:

- Principle of proposed development
- Site Suitability
- Access
- Design
- Appropriate Assessment

7.2. Principle of Development

7.2.1. I am satisfied that the subject site is located within the GTPS, within an area designated as being under strong urban pressure. Within this area, the development plan is clear - urban generated housing should take place within existing settlements. An exception exists for Objective RHO6 however, which provides for the demolition of a structurally unsound but habitable dwelling. Where such circumstances exist, a housing need is not required to be demonstrated.

- 7.2.2. The Planning Authority initially assessed the proposed development under Objective RHO6. According to the planning report, following a site visit they then decided that the dwelling could not be considered to be habitable and that Objective RHO7 (renovation of existing derelict or semi-ruinous dwelling) applied. The applicant was requested to justify the proposed demolition and provide details of his housing need under RHO 1. In response, the applicant submitted an Engineers report. The report does not categorise the existing dwelling as habitable (RHO6) or derelict (RHO7) but states that it is not suitable for redevelopment and extension. The Planning Authority accepted this report, assessed the proposed development as acceptable under RHO7 and recommended that a seven-year enurement clause be added by condition.
- 7.2.3. The appellant points out that the applicant did not provide details of his housing need as required by RHO 1, and given the strong urban influence on the area that permission should be refused. However, the appellants also state that they have no objection to the development of a dwelling on the site as long as it is modest and that they welcome the removal of the derelict structure.
- 7.2.4. It is not for the Board to question the status and structural integrity of the existing dwelling. Whether the dwelling falls under Objective RHO6 or RHO7 is largely irrelevant, the substantive issue to be addressed is whether it is appropriate that a new dwelling be constructed at this location and the impact of such a development on the area and receiving environment.
- 7.2.5. The applicant has not provided evidence of a need to live at this location or whether that need is urban or rurally generated. The wider area has experienced extensive one-off housing, due to the proximity to Galway City. In such an area, where significant ribbon development has occurred and where there is a proliferation of individual wastewater treatment systems, it is incumbent on the applicant to demonstrate a genuine need to live at the subject site or definitively demonstrate that that subject dwelling complies with RHO6, namely a habitable house with a justified reason for demolition.
- 7.2.6. It is considered that the applicant has not presented such a case. Both national and local policy are clear, one-off housing in an area under strong urban influence must be where the applicant has an established housing need and a rurally generated

housing need. The applicant, has demonstrated neither a housing need or a rurally generated housing need. I am satisfied that the Applicant has not demonstrated compliance with national or local policy on residential development in un-zoned rural areas under strong urban influence.

7.3. Site Suitability

- 7.3.1. The Appellant raises the fact that at 0.175ha, the subject site is contrary to DM standard 7 which requires a minimum site size of 2000sq.m. for adequate effluent treatment. The proposed dwelling at 210sq.m, requires a site of 2100sq.m. as the DM standard requires an additional 10sq.m. site for every 1sq.m. over 200sq.m.
- 7.3.2. The applicant submitted a site characterisation form with the application. The form states that the site is located over an aquifer classed as PI with extreme vulnerability. The report states that the existing land use is farming. A 2m trail hole was excavated and examined at 12.00 on the 7th October 2018 and water ingress was 0.10. Percolation T test result is 16.25, with the recommendation that the site is suitable for a packaged waste water treatment system and polishing filter.
- 7.3.3. As noted by the appellant there are a number of inaccuracies / deficiencies in the report: the existing land use is residential / derelict dwelling, not farming, the trail hole was excavated and examined at the same time, the percolation tests were pre-soaked only once and each had the exact same result and the three trail holes recorded the exact same water drop rate and recorded very similar T-test results. A map showing the location of the trail holes was not presented with the application so nothing be verified on my site visit. The resource protection response for a PI aquifer of extreme vulnerability is R2¹ and not the R1 noted in the form.
- 7.3.4. Further, as noted by the appellant, the report recommends a tertiary treatment system (biocell) and a polishing filter with a 144sq.m. area. The section for a gravity system (for situations where a polishing filter is not recommended) has also been filled out in the report, leading to a lack of clarity as to what is actually proposed for the subject site and the proposed development.
- 7.3.5. I concur with the appellant that the shortcomings in the site characterisation report lead one to question its validity. Given the proliferation of and proximity to

neighbouring waste disposal systems in the immediate area, it is considered that a definitive assessment of the suitability of the site cannot be undertaken.

- 7.3.6. It is considered, that without evidence to the contrary, the proposed development would be prejudicial to public health.

7.4. **Access**

- 7.4.1. The subject site has an existing entrance on the western side. As noted by the appellant and as confirmed by my site visit, the road bends sharply to west at the entrance. The site layout map submitted with the planning application shows sight lines of 66m to the north and 73.5m to the west. The proposed development seeks to utilise the existing entrance where sightlines are achievable. I am satisfied that the proposed development provides adequate provision for visibility so that drivers emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians, in accordance with DM standard 20 of the development plan.

7.5. **Design**

- 7.5.1. I note and concur with the Appellants submission that the plans and drawings submitted with the proposal are unclear. There are no ground levels noted. Given the significant slope to the south of the site, this makes evaluating the impact of the proposed dwelling difficult. I share the appellants concern regarding the labelling of the elevations (front and rear rather than north and south for example), and the lack of a block plan. Those not accustomed to reading plans may not be able to easily identify which elevation faces which house. Given the large expanses of window / glass proposed, this is material.
- 7.5.2. The proposed dwelling has a distinctly urban / suburban design. Such a design approach can work successfully in rural areas, where the dwelling has been designed to integrate with the existing site and surrounding area, reacting to the opportunities and constraints provided by a specific site. Without detail on the nature of the existing site, it is difficult to assess the ability of the subject site to accommodate the proposed dwelling. This is exacerbated by the overgrown nature of the site on the date of my site visit, as site levels could not be determined. It is also difficult to know the impact of the proposed dwelling, both visually and in terms of overlooking on the surrounding dwellings.

- 7.5.3. It is considered that the size and topography of the subject site is such that it cannot easily absorb the proposed dwelling, in terms of mass, height and bulk. It is considered that the proposed dwelling is contrary to Objective RHO9 of the development plan as it does not respect the character, pattern and tradition of the surrounding area, and the built form does not fit appropriately into the landscape.
- 7.5.4. The proposed development does not comply with DM Standard 7 which requires a minimum site size of 2000sq.m. for a single house so as to provide for adequate effluent treatment, parking, landscaping, open space and maintenance of rural amenity. DM standard 7 requires an extra 10m² for each 1m² of house area above 200m². The subject dwelling at 210sq.m., would therefore require a site of no less than 2100sq.m. The site at 0.175ha does not comply and does not qualify for the special considerations of an existing dwelling or a rural housing need.

7.6. **Appropriate Assessment**

- 7.6.1. The subject site is less than 1km from the Lough Corrib SAC (000297) and 1.8km from the Lough Corrib SPA (004042).
- 7.6.2. The applicant submitted an AA screening report following a request for further information. The report finds that the nature of the habitats identified on site is such that the site is of relatively low value to faunal species but is likely to support suitable habitats for nesting birds. The report finds that there are no watercourses with the proposed development that could act as conduits for pollution and therefore there is no pathway to the Lough Corrib SAC. The site suitability assessment carried out for the subject site showed it suitable for onsite treatment of wastewater and found that therefore there is no pathway to groundwater. The Lough Corrib SAC is designated for the lesser horseshoe bat with a summer roost to the north of Lough Corrib. As the subject site is outside the 2.5km foraging range, the site is considered to be outside the likely zone of impact. The Lough Corrib SAC therefore is screened out.
- 7.6.3. Regarding the Lough Corrib SPA, the Screening report determined that the subject site is outside the likely zone of influence, given that no pathways exist. The conclusion of the Screening report is that the proposed development, by itself or in combination with other plans and projects, in light of the best scientific knowledge in the field, will not, in view of the site's conservation objectives, have significant effects on any European site.

7.6.4. According to the NPWS, Lough Corrib is situated to the north of Galway city and is the second largest lake in Ireland, with an area of approximately 18,240 ha (the entire site is 20,556 ha). The lake can be divided into two parts: a relatively shallow basin, underlain by Carboniferous limestone, in the south, and a larger, deeper basin, underlain by more acidic granite, schists, shales and sandstones to the north. The surrounding lands to the south and east are mostly pastoral farmland, while bog and heath predominate to the west and north. A number of rivers are included within the cSAC as they are important for Atlantic Salmon. These rivers include the Clare, Grange, Abbert, Sinking, Dalgan and Black to the east, as well as the Cong, Bealanabrack, Failmore, Cornamona, Drimneen and Owenriff to the west. In addition to the rivers and lake basin, adjoining areas of conservation interest, including raised bog, woodland, grassland and limestone pavement, have been incorporated into the site. The site was selected as an SAC for the following qualifying interests:

- [3110] Oligotrophic Waters containing very few minerals
- [3130] Oligotrophic to Mesotrophic Standing Waters
- [3140] Hard Water Lakes
- [3260] Floating River Vegetation
- [6210] Orchid-rich Calcareous Grassland*
- [6410] Molinia Meadows
- [7110] Raised Bog (Active)*
- [7120] Degraded Raised Bog
- [7150] Rhynchosporion Vegetation
- [7210] Cladium Fens*
- [7220] Petrifying Springs*
- [7230] Alkaline Fens
- [8240] Limestone Pavement*
- [91A0] Old Oak Woodlands
- [91D0] Bog Woodland*

7.6.5. There is no direct hydrological link between the subject site and the SAC. A watercourse to the east of the site is separated from the site by a number of dwellings and associated wastewater disposal systems. It is considered that the likelihood of contaminated wastewater reaching the designated site is low.

- 7.6.6. I note the submission of the DAU that the existing structure on site could be a roost site for bats and that a hedgerow corridor runs from the subject site directly to the Coillte forest to the east. The conservation objectives for the Lesser Horseshoe Bat (a qualifying interest for the Lough Corrib SAC) refer to such linear features (section 4.5 refers), noting that the species follows commuting routes from its roost to its foraging grounds. Lesser horseshoe bats will rarely cross open ground and are particularly averse to doing so unless it is very dark. Consequently, in order to link roosting and foraging sites, linear features such as hedgerows, treelines and stone walls provide vital connectivity for this species, most importantly within 2.5km around each roost. The target is that there is no significant loss of linear features within 2.5km of qualifying roosts.
- 7.6.7. The subject site, and the adjoining woodlands are approx. 24 km south of the recorded lesser horseshoe bat foraging grounds and 2.5km buffer. I am satisfied that the likelihood of a significant effect on the conservation objectives for the lesser Horseshoe Bat, which is a qualifying interest for the Lough Corrib SAC can be screened out and that there is no requirement for a Stage 2 Appropriate Assessment.
- 7.6.8. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, as the AA screening report submitted with the planning application concludes, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend permission be REFUSED for the following reasons and considerations:

9.0 Reasons and Considerations

- 1 The site of the proposed development is in a rural location in an area under strong urban pressure, in an area where housing policy Objective RHO1 applies and identified as such in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005 where it is national policy to distinguish between urban generated and rural generated housing need. On the basis of

the documentation submitted with the planning application and the appeal, it is considered that the applicant does not come within the scope of the criteria for a housing need necessitating a dwelling at this rural location in an Area Under Strong Urban Pressure. The proposed development would, therefore, be contrary to the provisions of the Ministerial guidelines and be contrary to the policy of the planning authority. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 3 The site is located within an area identified as a locally important aquifer with an “extreme” vulnerability classification. The site and proposed development were not subject to the correct tests, as required in the Environmental Protection Agency Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009). The Board is not satisfied that effluent from the proposed development can be satisfactorily treated or disposed of on site. The proposed development, would, therefore, be prejudicial to public health.

Gillian Kane

Senior Planning Inspector
10 October 2019