



An
Bord
Pleanála

Inspector's Report ABP305875-19

Development

Construction of a house, new wastewater treatment plant and percolation area with separate single-storey physiotherapy practice and all associated works.

Location

Stradbally North, Clarinbridge, Galway.

Planning Authority

Galway County Council.

Planning Authority Reg. Ref.

19/1338.

Applicants

N. Moloney.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Grant.

Appellants

Tony Cawley.

Observers

- (i) Noel and Eimear Coffey.
- (ii) John and Karen Elwood.
- (iii) Fergal and Lorraine Magee.
- (iv) Philip and Helen O'Brien.

- (v) Emmet Lydon.
- (vi) Dermot and Freida Freeman.

Date of Site Inspection

23rd January, 2020.

Inspector

Paul Caprani.

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1.0 Introduction

ABP305875-19 relates to a third-party appeal against the decision of Galway County Council to grant planning permission for the construction of a dwelling, a new proprietary wastewater treatment plant and percolation area and a separate single-storey physiotherapy practice on a vacant site on the southern environs of Clarinbridge Village, County Galway. The grounds of appeal argue that the proposed development, will set an undesirable precedent for mixed-use developments in a residential area, will give rise to significant traffic safety issues, constitutes an inappropriate design and will have an adverse impact on the environment particularly Natura 2000 sites in the vicinity. A total of six observations were submitted all of which support the grounds of appeal.

2.0 Site Location and Description

The appeal site is located in the southern environs of the village of Clarinbridge which is located approximately 18 kilometres south-east of Galway City on N67 National Primary Route (former N18 National Primary Route from Galway to Limerick). The subject site backs onto the N67 National Primary Route approximately 0.7 kilometres south of the village square located in the centre of Clarinbridge. The subject site occupies an area of 0.31 hectares and backs onto the N67 National Primary Route and fronts onto an internal roadway which serves the Caiseal Riada housing estate which is located to the immediate west of the N67. The Caiseal Riada housing estate comprises of approximately 20 large detached dwellinghouses which front onto an internal access road to the immediate west of the N67. The subject site is located approximately 100 metres north of the entrance into the estate. It is located at a bend in the road where the road swings westwards to serve the houses at the northern end of the estate. The site is currently undeveloped and is used for occasional grazing of animals. A single-storey dwelling/creche is located to the immediate north of the subject site. The building to the north has access onto the N67. The lands to the north of the creche accommodate a national school. Lands to the south of the dwellinghouse are currently undeveloped. The

northern boundary of the site comprises of a c.1 metre high stone wall and 1.5 metre high timber-post fence. The eastern boundary of the site and western boundary of the site are bounded by low stone walls with an agricultural gate located along the western boundary. A timber post fence separates the subject site from the undeveloped lands to the south. The site looks westwards onto an area of landscape open space.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a relatively large two-storey contemporary style dwellinghouse with a flat roof and a single-storey ancillary physiotherapy practice located in a separate building to the immediate north of the main dwellinghouse. The external finishes comprise in the main of a render finish with some external stone finishes primarily on the ground floor elevation. Projecting box type cantilevered areas are proposed at first floor level, with projecting windows incorporating metal trims. The proposed house is large at 485 square metres with four bedrooms at first floor level.
- 3.2. The physiotherapy building comprises of a lobby area, treatment room, store area and waiting room as well as a small toilet. A pedestrian entrance to the physio area is proposed off the N67.
- 3.3. An internal driveway separates the main dwellinghouse from the physio area. Vehicular access to the dwelling is provided off the internal access to the Caiseal Riada Estate and the location of the bend in the internal access road. An on-site proprietary wastewater treatment system and polishing filter is to be located within the site comprising of four puraflo modules located at the south-eastern corner of the site.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Planning permission was granted subject to 12 standard conditions.

4.2. Documentation Submitted with Planning Application

- 4.2.1. The application was accompanied by a covering letter prepared by Sean Dockry and Associates, Architects. This covering letter sets out details as to how the current application overcomes the previous reason for refusal under Reg. Ref. 19848 (see planning history below) and also sets out details of the design rationale which informs the current application.
- 4.2.2. Also submitted was an Appropriate Assessment Screening Report which provides details and a description of the Natura 2000 sites which could be potentially be affected by the proposal, namely the Galway Bay Complex SAC and the Inner Galway Bay SPA. In terms of potential impact, it is stated that there are no direct impacts on either of the European sites identified, and there would be no habitat loss or fragmentation as a result of the proposed development. No indirect effects are anticipated due to the nature and scale of the proposed project and due to the distance between the proposed project and the European sites and also the lack of direct hydrological pathways between the proposed project and any European site. No potential in-combination effects are also identified.
- 4.2.3. Also submitted was a Site Characterisation Assessment in relation to the suitability of the subject site to accommodate an on-site wastewater treatment system. It notes that a trial hole was excavated to a depth of 2.15 metres at which point bedrock was encountered. No groundwater was encountered during the excavation. Both P and T tests were recorded with percolation rates of 10 and 12 respectively. On the basis of the site characterisation undertaken, it was recommended that a package wastewater treatment system and polishing filter with a discharge to groundwater was recommended.

4.3. Observations

- 4.3.1. A submission from Transport Infrastructure Ireland request that the Planning Authority abide by official policy in relation to development on/affecting national roads.
- 4.3.2. An observation was submitted by the current appellant objecting to the proposed development, the contents of which have been read and noted.

4.3.3. The planner's report sets out details of the proposed application and the planning history associated with the site. It notes that the site is located at the edge of Clarinbridge Village and that there is a footpath outside the site and therefore it is well connected with the village. It is considered that this application has overcome the previous reasons for refusal. The site entrance is now to the rear and is not accessing directly off the N18. A Screening Report for Appropriate Assessment has been submitted and a revised house design has also been submitted. On this basis it is considered that the proposal is in accordance with the proper planning and sustainable development of the area and it is recommended that planning permission be granted subject to 12 standard conditions.

5.0 Planning History

5.1. The planning history associated with the site is referred to in the local authority planner's report and further details are contained in a pouch to the front of the file. It notes that under Reg. Ref. 19/848 planning permission was refused for the construction of a two-storey four bedroomed dwellinghouse with an associated ancillary single-storey garage and physiotherapy practice. It states that permission was refused for three reasons relating to:

- Traffic hazard.
- No screening for appropriate assessment.
- Overlooking issues.

5.2. Details of three further applications from 1996, 1997 and 1998 are also referred to in the planner's report.

6.0 Grounds of Appeal

6.1. The decision of Galway County Council to issue notification to grant planning permission was appealed by a Mr. Tony Cawley a resident of Caiseal Riada. The grounds of appeal are outlined below.

6.2. It is noted that a previous application on site was refused planning permission for reasons relating to vehicular access and environmental grounds.

- 6.3. Concern is expressed that the public notice in this instance is located in an inconspicuous position being wrapped around a slender lamppost.
- 6.4. Concern is expressed that a grant of planning permission in this instance will set a very unwelcomed and dangerous precedent for commercial activity sprawling out along the former N18 road southwards from the village centre. It is argued that it sets a precedent for planning on the adjoining greenfield site and for a large commercial development on these lands. It is argued that permitting ad hoc commercial development along a main approach road is extremely poor planning. Reference is made to the nearby village of Kilcolgan where such commercial buildings and mixed-use developments have sprawled from the outskirts of the village. Clarinbridge is a picturesque village with a well-defined village core around the River Clarin.
- 6.5. It is also argued that the design of the proposed residential dwelling is inappropriate and incorporates a style which could easily pass for a commercial building. The dwelling is not in keeping with the fabric of the surrounding residential dwellinghouses or the buildings surrounding it.
- 6.6. Introducing commercial development with an entrance off the estate will introduce additional traffic into the estate where children play. The proposed development has a pedestrian pathway to the N67 which could potentially encourage the parking of cars within the estate road during the school pick-up and set-down periods.
- 6.7. Lastly, the grounds of appeal express concerns in relation to the proximity of the site to the Galway Bay SAC. The SAC comes to within 140 metres of the site and the estuarine reach of the SAC to within 400 metres of the site.
- 6.8. The screening assessment has failed to identify the underlying groundwater aquifer which is a karstic Regionally Important aquifer and represents a direct pathway for pollutants to enter the SAC. There are numerous groundwater springs discharging into Galway Bay SAC from this regionally important aquifer. What makes Clarinbridge extremely sensitive to diffuse pollution is the shallow free draining till and its Extreme Vulnerability Rating for groundwater pollution.
- 6.9. It is also stated that the trail hole and percolation tests were not carried out where the proposed polishing filter is to be located on site. It is suggested that soil permeability is extremely variable and thus the design of the filter bed would have to be questioned. Having regard to the size and scale of the secondary treatment unit

to be included, it may be inappropriate that the EPA Code of Practice for Single Houses would be used in terms of assessing the proposed development.

- 6.10. It is noted that Galway County Council have been remiss in protecting the shellfish waters around Clarinbridge due to pollution threats. Concern is expressed with regard to the cumulative impact from granting another residential/commercial development with a wastewater treatment systems on an underlying aquifer which has an obvious pathway to the Clarin River. The cumulative impacts have not been adequately assessed according to the grounds of appeal. Reference is made to the decision where An Bord Pleanála refused a similar type development in the Furbo area due to its proximity to the Galway Bay SAC.

7.0 Observations

- 7.1.1. The third party observations were submitted by the following residents:

- Noel and Eimear Coffey
- John and Karen Elwood
- Fergal and Lorraine Magee
- Philip and Helen O'Brien
- Emmet Lydon
- Dermot and Frieda Freeman

- 7.1.2. The issues raised in the various third party appeals are summarised in a topic based group format below.

- A mixed-use development is completely inappropriate for a residential area. It is argued that any such development such as that proposed should not be permitted in the absence of a planning strategy for the village.
- A mixed-use development is not in keeping with the legal covenant which all residential sites in the area have been subject to.
- The site notice is inconspicuous being wrapped around a slender lamppost to the front of the site.

- Concern is expressed that the proposal will increase traffic and represent a traffic hazard at the entrance to the estate where an acute bend in the road is located.
- Concern is expressed that the proposal will exacerbate parking on the footpath outside the site. This will exacerbate already restricted forward sight lines particularly for traffic exiting the estate.
- It is noted that the school bus collects and drops children to and from the school at the entrance to Caiseal Riada. Parking and traffic associated with the development will exacerbate road safety concerns particularly for school children.
- Cars associated with the school to the north of the site could park on the estate access road to enable children to walk from the school to the entrance off the estate through the proposed development, as under the current application, a pedestrian entrance is proposed from the N67 to the estate.
- The outline planning permission and legal covenant grant to the parent permission (98/1353) did not permit pedestrian or vehicle entrance directly onto the N67 and furthermore required that the land would not be used for any purpose other than constructing a private dwellinghouse.
- The proposed dwellinghouse is inappropriate in design terms. It is not reflective of the domestic architecture of the existing dwellinghouses surrounding the site and it appears to be more commercial in design and appearance.

8.0 Appeal Responses

- 8.1. Galway County Council have not submitted a response to the grounds of appeal.
- 8.2. A response on behalf of the applicant was received from Sean Dockry and Associates.
- 8.3. It is argued that it is fundamentally incorrect to describe the application as a mixed-use development. The application is for a family dwelling with an ancillary physiotherapy practice.

- 8.4. The grounds of appeal go on to outline the planning history associated with the site.
- 8.5. It is stated that the application is for 'Site No. 2' within the established residential estate of Caiseal Riada. The land is zoned residential in the Clarinbridge Local Area Plan. The neighbouring planning application to the immediate north was granted permission in mid-2018.
- 8.6. The Clarinbridge Local Area Plan 'Use Matrix Index' notes that medical or related consultants practice is 'open for consideration' under the residential zoning matrix. In any event, the use in this instance is small scale and ancillary and should not be interpreted as a mixed-use development. It is on this basis that it is argued that the proposal would not give rise to an undesirable precedent. The application is located on a site within a previously granted residential estate on lands zoned as residential in the Plan.
- 8.7. The design of the proposed dwelling incorporates many energy efficient features and as such constitutes a very sustainable design. The contemporary design seeks to provide an attractive dwelling on this main approach road to the village. The site is located in an area with a random and eclectic mix of styles.
- 8.8. In terms of traffic, it is respectfully suggested that, given the ancillary nature and small scale of the physiotherapy practice, the traffic impact arising from the proposal would be of very low significance.
- 8.9. The suggestion that parents of children or children in the school or creche would use the applicant's property as shortcut is totally unfounded. The proposed pedestrian access onto the N67 footpath is intended for the use of the family residence of the house.
- 8.10. In terms of environmental considerations, a separate engineering report is enclosed by Lally Chartered Engineers. The report demonstrates that the proposed WWT System easily accommodates for a worst-case scenario population equivalent. The proposal includes for a tertiary treatment unit to decrease the area of the site that would be needed to give over to the wastewater treatment plant and to provide the greater garden area. The decision to use tertiary treatment was not to mitigate against any potential risks or impacts on European site. The main purpose was to reduce the required percolation area.

8.11. The chartered engineer's report notes that both the P tests and T tests returned favourable results and there is very little to suggest that soil permeability or cover varies greatly in the area of the site where the wastewater treatment plant is to be located. The percolation tests were carried out fully in accordance with EPA Guidance. Also submitted with the response to the grounds of appeal was the report for appropriate assessment screening submitted with the original application.

9.0 Development Plan Provision

9.1. The most up-to-date local area plan is the **Clarinbridge Local Area Plan 2007 to 2013**. This plan has now withered. The subject site and lands to the south of the subject site were zoned for residential development. A doctor's surgery or dental practice is a use which is 'open for consideration' under the land use zoning matrix contained in the local area plan.

10.0 EIA Screening Determination

Having regard to the nature of the development comprising of a single dwelling and ancillary physio treatment building in the outskirts of a village, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

11.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider the pertinent issues to be determined in the current application and appeal are as follows:

- The Nature of the Proposed Development and its Compatibility with Surrounding Residential Land Uses
- Traffic and Parking Issues
- Design Issues

- Other Issues

11.1. The Nature of the Proposed Development and its Compatibility with Surrounding Residential Land Uses

- 11.1.1. The grounds of appeal argue that the proposed development constitutes a mixed-use commercial activity which is wholly incompatible with the exclusively residential nature of surrounding land uses. It is also argued that introducing a mixed-use commercial element on the subject site would set a very dangerous precedent for the introduction of similar type uses which would further impact on the residential amenity of the Caiseal Riada Estate.
- 11.1.2. I would generally be in agreement with the applicant that the proposal before the Board incorporates a small ancillary homebased enterprise which in my view is compatible with the adjacent residential uses. What is proposed in this instance is a small physiotherapy centre which is ancillary in size and scale and subordinate to the main dwellinghouse on site. It appears from the drawings submitted that only one treatment room is proposed and therefore only one patient can be treated at any one time. It is therefore not expected that any more than two or perhaps three customers/patients will be visiting the subject site at the same time. This in my view can hardly be equated with a large commercial type business which would generate significant levels of traffic to and from the subject site within a residential area. Three off-street car parking spaces have been provided on site to cater for clientele associated with the physiotherapy centre.
- 11.1.3. The proposed development would constitute a modest commercial use which is subordinate to the residential use. In this regard the proposal would be more akin to a small B&B, child-minding service or doctor's surgery, all of which are generally established uses within residential estates throughout the State. It is noted that while physiotherapy is not a specified use class in the zoning matrix in the Clarinbridge Development Plan both 'B&B' and 'doctors'/dentists' surgeries' are uses which are 'open for consideration'. Subject to appropriate safeguards, I consider that a physiotherapy clinic under the provisions of the land use zoning objective can be assessed on its merits and can be considered an acceptable use, particularly for development of the size and scale proposed.

11.1.4. The proposed development with the incorporation of a small physiotherapy clinic can be considered an appropriate development in principle on the subject site subject to qualitative safeguards which are assessed in more detail below.

11.2. Traffic and Parking Issues

11.2.1. Both the grounds of appeal and the observations submitted express a number of concerns with regard to traffic generation to and from the site and parking issues around the proposed entrance. These issues are evaluated below.

11.2.2. The subject site is located on an acute bend near the entrance to the residential estate. However, the proposed entrance is located on the concave side of the bend and therefore traffic exiting the site are generally afforded good sightlines. There can be little doubt that providing an entrance onto the main access road serving the residential estate is more preferable than providing a direct entrance onto the N67 National Primary Route where traffic volumes are considerably heavier.

11.2.3. Concern as expressed that the restricted sightlines at the entrance could constitute a traffic hazard particularly where on-street parking occurs at the vicinity of the entrance. It is suggested that on-street parking at the entrance would force traffic onto the wrong side of the road therefore exacerbating the chance of a potential collision where sightlines are restricted. As already argued above, I do not consider that the physiotherapy use proposed on site is of a significant size and scale that would generate large amounts of vehicular trips to and from the site. Furthermore, the applicant has provided three off-street car parking spaces specifically to cater for the physiotherapy clinic. There is nothing to suggest therefore that a proliferation of on-street car parking will occur in the vicinity of the entrance to the site.

11.2.4. The site was zoned for development under the now defunct Clarinbridge Local Area Plan. The planning authority therefore did deem the lands in question, and the lands to the south of the site, to be suitable for development. It is not considered that the physiotherapy practice on site would give rise to significant levels of trip generation or on-street parking that would result in a traffic hazard for residents using the internal access road to and from the Caiseal Riada Estate.

11.2.5. For the above reason, I do not consider that the proposed development will exacerbate parking concerns associated with children availing of the school bus at the entrance to the estate. Likewise, as the applicant points out in his response to

the grounds of appeal there will be no possibility of children or parents using the pedestrian access through the site as a shortcut when collecting/dropping children to school. This pedestrian access is in private ownership and will not be available to the public.

11.3. Design Issues

11.3.1. It is argued that the design approach is more akin to a commercial development than a domestic structure. The proposal does not reflect the domestic-type architecture that prevails in the immediate area. The subject site is located in the southern outskirts in the village of Clarinbridge and is visible along the main road (N67) servicing the village. In this regard it can be reasonably argued that the subject site is visually detached from the main dwellings within the estate and is more visually associated with the existing buildings located along the N67 on the southern approach to the village centre. The dwellings to the immediate north of the subject site include a creche facility and a school and the proposed design approach in my opinion is not out of context with the existing buildings to the north facing onto the N67. The applicant also points out in his response to the grounds of appeal, that the building has been designed to incorporate more energy efficiency. I consider the contemporary style adopted in developing the subject site is acceptable.

11.4. Other Issues

11.4.1. Concern is expressed in numerous observations submitted and in the grounds of appeal that the proposed site notice was inconspicuous and not in accordance with the Planning Regulations. Having inspected the site, I note that the site notice was still in place and was legible from the public road. Furthermore, I note that both the appellant and the observers have availed of the opportunity to object to the proposed development which would suggest that the site notice was sufficiently conspicuous to allow objections to be made. The site notice in my view was clearly legible from the public road and pathway adjoining the site and therefore is acceptable in my view. I note that the planning authority in validating the application, came to a similar view.

11.4.2. Concerns are also expressed that the proposed development contravenes original legal agreements and covenants associated with the development of the estate. Any breach of legal agreements or covenants is not a matter for either the Planning Authority or An Bord Pleanála to determine. Also, such legal matters are

appropriately determined in a Court of law. Both Galway County Council and An Bord Pleanála in adjudicating and determining the proposed development are required to restrict deliberations to the information contained in the planning application, the provisions of any development plan, any written submissions or observations and whether or not the proposed development is in accordance with the proper planning and sustainable development of the area. I have argued in my assessment above that the proposed development is compatible with surrounding land uses, will not give rise to any adverse traffic impacts and is acceptable from a visual amenity perspective.

12.0 Appropriate Assessment

- 12.1. The final major issue raised in the grounds of appeal relates to environmental considerations and specifically whether or not the proposed development could adversely impact on the integrity of European sites in the vicinity. The grounds of appeal suggest that the Appropriate Assessment Stage 1 Screening submitted with the application ruled out any potential adverse impacts purely on the basis that there was no surface hydrological connection between the subject site and the Galway Bay SAC c.140 metres to the west. However, the screening assessment, it is argued failed to identify that the underlying groundwater aquifer, being a karst conduit flow could offer a potential direct pathway to pollutants to enter the SAC via groundwater.
- 12.2. I do not accept that the applicant in this instance has failed to either recognise or evaluate the potential impact which could arise from the proposed development on the SAC in question via a groundwater pathway. The screening report notes that the proposed project was subject of a site suitability assessment for an on-site wastewater treatment plant which was carried out in April, 2019. This assessment concluded that the site was suitable for a secondary treatment system for wastewater comprising of a package wastewater treatment system and polishing filter. It is noted that the proprietary wastewater treatment system will treat effluent arising from the proposed development which will discharge to groundwater.
- 12.3. For the purposes of completeness an independent appropriate assessment is carried out below.

12.4. There are two European sites in the vicinity of the proposed development which could potentially be impacted upon by the proposed development namely the Galway Bay Complex SAC (Site Code: 000268) which is approximately 140 metres to the west of the subject site and the Inner Galway Bay SPA (Site Code: 004031) which is located a further c.300 metres to the west.

12.5. The qualifying interests associated with the SAC are as follows:

- *Otter*
- *Harbour Seal*
- *Mudflats and Sandflats not covered by sea water a low tide*
- *Coastal lagoons (priority habitat)*
- *Large shallow inlets and bays*
- *Reefs*
- *Perennial vegetation of stony banks*
- *Salicornia and other annuals colonising mud and sand*
- *Atlantic Salt Meadow*
- *Mediterranean Salt Meadow*
- *Turloughs (priority habitat)*
- *Juniperus Communis formations on heaths and calcareous grasslands*
- *Semi-natural dry grasslands and scrubland faeces on calcareous substrates*
- *Calcareous fens with cladium mariscus and species of the caricion davalliana (priority habitats)*
- *Alkaline fens*

12.6. The qualifying interests associated with the Inner Galway Bay SPA are as follows:

- *Great Northern Diver*
- *Cormorant*
- *Grey Heron*
- *Brent Goose*

- *Widgeon*
- *Teal*
- *Shoveler*
- *Redbreasted Merganser*
- *Ringed Plover*
- *Golden Plover*
- *Lapwing*
- *Dunlin*
- *Bartailed Godwit*
- *Curlew*
- *Redshank*
- *Turnstone*
- *Black Headed Gull*
- *Common Gull*
- *Sandwich Tern*
- *Common Tern*

12.7. The proposed development will not involve the reduction or fragmentation of any of the qualifying interests referred to above. However, as the appellant rightly points out in the grounds of appeal there is potential for the proposed development to impact indirectly on the integrity of the qualifying interests associated with both Natura 2000 sites mainly through potential pollution of the SAC and to a lesser extent the SPA via either surface water or groundwater. It is clear, particularly in relation to the SAC, that there are a number of water dependent and aquatic species which could potentially be impacted upon as a result of the proposed development both during the construction phase and operational phase.

12.8. During the construction phase, the main potential impact arises from increases in sedimentation arising from construction and excavation activity on site. Accidental spillages arising from plant and machinery on site during the construction phase may

also have the potential to pollute the SAC in question. Potential species which form part of the qualifying interests associated with the Inner Galway Bay SPA include the otter and the harbour seal. In addition, there are a number of habitats which are groundwater and surface water dependant. These include alkaline fens, coastal lagoons, large shallow inlets and bays and mudflats and sandflats. A number of water birds associated with the SPA are also dependent on wetlands which could likewise be potentially impacted upon from pollution arising from the construction phase of the development.

- 12.9. Having inspected the site and its surroundings, I note that there was no evidence of any surface water connectivity between the subject site and the SACs in question. There are no streams, ditches or culverted surface watercourses linking the subject site with the Natura 2000 sites in question.
- 12.10. The only potential adverse impact which could occur on the Natura 2000 sites therefore arises from potential groundwater pollution either during the construction phase or the operational phase. I have inspected the site in question and request that the Board take particular note of the photographs attached relating to the trial hole excavated on site. The trial hole was excavated at the end of March, 2019. The trial hole was therefore excavated during a period when the water table underlying the site is at its maximum height. The Board will note that the trial hole excavation presented in the site characterisation form shows no evidence of any groundwater ingress or no evidence of the water table being encountered during the tests undertaken. I also inspected the site during late January where high levels of rainfall in the west of Ireland had been experienced over the previous weeks. I likewise saw no evidence of a water table within the trial hole. This is a critically important issue in my opinion in assessing whether or not groundwater presents a possible conduit or pathway between the subject site and the Natura 2000 sites in question. The percolation tests carried out on site indicate that the soil in question is relatively free draining and therefore capable of discharging any effluent to groundwater. The proposal in this instance seeks to provide a package wastewater treatment system incorporating puraflo modules as well as tertiary treatment by way of puraflo modules which incorporate the filtration properties of peat without the use of any chemicals. Puraflo modules generally require a minimum of 300 millimetres of free draining subsoil between the invert levels of the modules and the underlying

bedrock/groundwater to ensure adequate attenuation takes place. In this instance it is proposed to provide a significantly greater depth of 1.2 metres between the base and the bedrock (and therefore maximum groundwater levels will be further below this). This in my view adequately ensures that any potential groundwater contamination either during the construction period or perhaps more importantly during the operational period will not pose a threat to adjoining Natura 2000 sites. I would further suggest that, based on the information on file and gleaned from my site inspection, any wastewater generated on site could be adequately attenuated to EPA COP standards in the absence of more advanced wastewater treatment systems such as that proposed. That is to say that, I would be satisfied that a conventional septic tank and percolation area would be suitable to adequately attenuate wastewater, and in this instance it is not necessary to provide a more advanced system to combat any potential adverse impacts on underlying groundwater. I do acknowledge that the applicant has proposed a more advanced system in order to reduce the size of the percolation area in order to create more recreational space in the garden.

12.11. Finally, in relation to this matter I consider that there are no predicted in combination effects arising from the development. The AA Screening Report submitted with the application lists other plans or projects which have been granted planning permission in the vicinity and notes that these have been screened for potential significant effects on European sites and the projects in question were considered to be unlikely to have adverse effects on the European site. Therefore, there would in my opinion no adverse in combination effects arising from the proposed development and other developments in the vicinity.

12.12. I am satisfied based on the information submitted that wastewater generated by the proposed development will be adequately and appropriately attenuated before reaching the water-table either by the proprietary wastewater treatment proposed or via a more conventional septic tank and percolation area and therefore will not pose a threat to any of the qualifying interests associated with the Natura 2000 sites in question.

12.13. Lastly, in relation to this matter I would agree with the applicant that it constitutes good practice as espoused in the EPA Code of Practice that both the trial hole and the percolation tests should be located outside any proposed percolation

area/polishing filter as disturbing ground within the location of the percolation area/polishing filter could adversely affect the treatment and attenuation properties of the soil and subsoil in treating effluent.

12.14. It is therefore reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with the plans or projects would not be likely to have a significant effect on European site (Site Code: 000268) or any other European site in view of the site's Conservation Objectives and a Stage 2 Appropriate Assessment and the submission of an NIS is therefore not required.

13.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 Reasons and Considerations

It is considered that the construction of a dwellinghouse together with a separate single-storey physiotherapy practice and associated works is generally compatible with surrounding uses and would not, subject to conditions set out below, seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed

particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

3. Details of proposed boundary arrangements shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. Unobstructed sightlines at the entrance shall be maintained and kept free of vegetation and other obstructions to ensure that maximum visibility is maintained.

Reason: In the interest of road safety.

5. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 27th day of August, 2019 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, broadband, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and shall not include prunus species.
 - (ii) Details of screen planting
 - (iii) Details of roadside/street planting which shall not include prunus species
 - (iv) Hard landscaping works, specifying surfacing materials, furniture, and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. Details of the materials, colours and textures of all external finishes to the proposed dwelling shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1700 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

10. All public roads and footpaths shall be maintained free from direct and debris during the operation of the site. Any damage to the public footpath or public road shall be repaired by the applicant at his or own expense to the satisfaction of the area engineer.

Reason: In the interest of the proper planning and sustainable development of the area.

11. The developer shall pay to the planning authority a financial contribution of €6,868.50 (six thousand eight hundred and sixty-eight euro and fifty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid

prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Caprani,
Senior Planning Inspector.

5th February, 2020.