



An
Bord
Pleanála

Inspector's Report

ABP-306144-19

Development	Construction of 5 individual one bedroom self-contained "pods" of wooden construction for short term holiday usage, in an outdoor adventure environment.
Location	Derrynacleigh, Co Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19667
Applicant(s)	Brackencroft Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	An Taisce
Observer(s)	None
Date of Site Inspection	23 rd March 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located at Derrynacleigh, Lennane, Co. Galway, 4.2km west of Leenane. The site is located of the southern side of the Killary fjord to the north of a minor local road off the N59.
 - 1.1.1. Killary Harbour is Ireland's only true fjord and extends 16km (10 miles) in from the Atlantic to its head at Aasleagh. Killary Harbour is extremely deep, over 45m at its center. This offers a very safe, sheltered anchorage, because of the depth and the mountains to the south and north. It is a center for shellfish farming, and strings of ropes used to grow mussels are visible for much of its length.
 - 1.1.2. To the north of the fjord lies Mweelrea, the highest mountain in Connacht and County Mayo. To the south are the Twelve Bens and the Maumturk Mountains of Connemara. The sheltered Killary Harbour fjord is a real treat for birdwatching, with nationally important populations of many species, including ringed plover, mute swan, whooper swan, mallard duck, tufted duck, and barnacle goose. Otters, a protected species, are known to breed at Killary Harbour.
- 1.2. The site is accessed via an existing walkway trail meandering from the local road to the fjord. The works will include the construction of access pathways between the existing walking trail to the wooden pods. The landscape falls from the south to north towards the water. It is proposed to locate the pods along the east- west axis either side of the existing path. The existing path has been cut into the landscape and consist of an uneven hardcore surface. There is an existing watercourse traversing the site.
- 1.3. The site is 2.85ha. in area and forms part of the Killary Adventure Centre complex.

2.0 Proposed Development

- 2.1. The development comprises:
 - Construction of five individual one bedroom self-contained "Pods" of wooden construction for short term holiday usage, in an outdoor environment
 - Construction of necessary access paths, water supply and effluent disposal system.

- 2.2. The pods are preconstructed and will be placed on a polystyrene and aerated concrete foundation. The gross floor area of the “Pods” is 245sqm – 5 x 49sqm.
- 2.3. An Appropriate Assessment Screening Report, Ecological Impact Assessment, and Site Characterisation Report accompanied the planning application. Following a request for further information a Stage 1/ 2 Road Safety Audit and a Visual Impact Assessment were submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission on 14th November 2019, subject to nine conditions. The following conditions are of note:

C2 – stipulated short-term tourist accommodation only

C6 – relates to the wastewater treatment system

C8 – relates to a special contribution of €15,000

C9 – relates to development contributions

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner’s reports are summarised as follows:

- The initial report notes the site location and that the site is not in a flood zone, the submissions on file and the report from the Roads Dept. in relation to sightlines and Road Safety Audit. The report recommends further information in relation to a Road Safety Audit, justification for the development, a Visual Impact Assessment, details regarding the private well.
- The final report notes the information submitted by the applicant and recommends planning be refused in the interest of traffic safety noting the impact of the proposed development on the national road network and the visual impact of the development within a Class 4 designated landscape.

- The recommendation of the area planner was overturned at management level and a schedule of conditions attached.

3.2.2. Other Technical Reports

Roads Department – Final Roads report dated 12th November 2019 recommends a special development contribution.

3.2.3. Prescribed Bodies

TII – Final report dated 30th October 2019 outlines that the concerns expressed in their report dated 21st May 2019 in relation to adverse impact on the national road where the maximum permitted speed limit applies remain.

Department of Culture, Heritage and the Gaeltacht – Report dated 21st May 2019 recommends a condition to engage a suitably qualified archaeologist.

3.3. Third Party Observations

An Taisce – In their report dated 28th May 2019 An Taisce set out the following:

- The site is located in Killary Harbour between the road and the sea in a location of ecological sensitivity in one of the most scenic parts of the Wild Atlantic Way.
- The effects of the development will be visible across a wide area.
- The structures reflect “chalets “ with view balconies not “pods”.
- The applicant has failed to justify the site suitability or location rational for this proposal.

4.0 Planning History

Site

GCC Reg. Ref. 18/480 – Permission granted in 2018 for the retention of 233m of walking trail and permission for approximately 1300m of walking trail and a car park.

Surrounding

GCC Reg. Ref. 18/285 - Permission granted in 2018 for the retention of two storage units

GCC Reg. Ref. 17/1142 - Permission granted in 2017 to (A) demolish existing conservatory (B) form archway in existing building (C) Construct new two storey extension (D) Construct new bedroom block (E) construct 6 no. detached sleeping pods (F) upgrade existing wastewater treatment system (G) associated site works at The Connemara Hostel, Tullyconor Leenane.

5.0 Policy Context

5.1. Development Plan

5.1.1. Galway County Development Plan 2015-2021.

5.1.2. The appeal site is located in a rural area outside of any development boundary. The lands are identified as Class 4 within the Landscape sensitivity and character areas map and have a 'Special' landscape value.

DM Standard 12 - Support for facilitating sustainable Rural Enterprise.

Landscape

- Objective UHO9- Ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area
- Policy LCM 1- Landscape Sensitivity Classification.
- Policy LCM 2- Landscape Sensitivity Ratings.
- DM 6 – Assimilation of development into the landscape
- DM 39- Class 4 – Restricted to essential residential needs of local households, family farm business and locally resourced enterprises.
- Section 9.9 - Natural Heritage and Biodiversity Policies and Objectives
- Section 9.11 - Landscape Conservation and Management Policies
- DM Standard 14 – Camping and Caravan sites
- DM Standard 40 - Appropriate Assessment.
- DM Standard 41: Field Patterns, Stone Walls, Trees and Hedgerows
- DM Standard 45 - Archaeological Conservation and Preservation.

Transportation

- DM Standard 20 - Sight Distances Required for Access onto National, Regional & Local Roads

Tourism /Recreation Facilities

Economic Development and Tourism Policies

Policy EDT 1 – Economic Development

Support sustainable economic development and employment creation in the County, while simultaneously having regard to relevant planning legislation and guidance in order to ensure protection of the built and natural heritage, landscape/townscape/streetscape character of settlements and the rural countryside and general amenity.

Policy EDT 5 – County Tourism

Maintain the status of County Galway as a popular tourist destination, by striving to preserve the attributes and assets of the County that make it unique and by endeavouring to enrich the visitor experience by contributing to the fulfilment of appropriate additional tourist resources and facilities, throughout the County within the lifetime of the plan.

Policy EDT 10 – Tourism Developments

Tourism developments will be subject to Appropriate Assessment to safeguard the integrity of the Natura 2000 network of sites

Objective EDT 14 – Tourism Infrastructure and Services

Provide where feasible and support the provision of tourism infrastructure and services including greenway amenity and water-based tourism infrastructure throughout the County in appropriate locations.

Objective EDT 17- Outdoor Pursuits

Objective EDT 25 – The Wild Atlantic Way

Section 10.11 Recreation and Amenity Policies and Objectives

Policy RA 1 – Promotion of Recreation and Amenity - Co-operate with various stakeholders in promoting and developing the recreational and amenity potential of the County and carry out appropriate development as and when resources permit.

Policy RA 2 – Protection of Sensitive Areas -Protect the amenity of scenic and environmentally sensitive areas and promote the knowledge and appreciation of the natural amenities of the County.

Objective RA 3 – Recreation Facilities

It is an objective of the Council to develop sport, recreation and amenity facilities in appropriate locations consistent with proper planning and sustainable development in the County and in partnership with local community and sports groups and/or private parties. The modest expansion of existing and authorised sporting facilities throughout the County will be supported

Objective DS 5 – Protection and Management of the Assets of the County - Protect and manage the assets that contribute to the unique visual and environmental character and sense of identity of County Galway, and which underpin tourism, heritage, biodiversity and quality of life.

Holiday Accommodation

Objective EDT 19 – Holiday Accommodation in Open Countryside

(a) Consider the reuse of existing buildings for holiday homes/guest accommodation outside of settlements where it can be demonstrated that there is a justifiable tourist product/demand.

Any renovation work shall be similar in scale and design to the existing building(s). In such cases, documentary evidence shall be submitted to substantiate the proposed development and each individual application will be assessed on its merits;

(b) Consider the provision of short-stay accommodation (glamping/camping etc.) outside of settlements where it can be demonstrated that there is a justifiable tourist product/demand. The need to develop in a particular area must be balanced against environmental, social and cultural impacts of the development and benefits to the local community. In such cases, documentary evidence shall be submitted to substantiate the proposed development and each individual application will be assessed on its merits.

Wastewater

Chapter 6 - Water, Wastewater, Waste Management & Extractive Industry

Objective WS 9 – River Basin Management Plans 2009 - 2015

Support the implementation of the relevant recommendations and measures as outlined in the *Shannon International & Western River Basin Management Plans 2009 – 2015*, and associated Programmes of Measures, or any such plans that may supersede same during the lifetime of this County Development Plan. Development shall only be permitted where it can be clearly demonstrated that the proposal would not have an unacceptable impact on the water environment, including surface waters, groundwater quality and quantity, river corridors and associated wetlands, estuarine waters and coastal waters. Cognisance shall be taken where relevant of the EU's *Common Implementation Strategy Guidance Document No. 20* which provides guidance on exemptions to the environmental objectives of the *Water Framework Directive*.

National Policy

National Planning Framework, (2018)

National Policy Objective 21

Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability

Regional and Spatial Economic Strategy for the Northern and Western Regional Assembly.

Section 4.5.1 -Tourism

RPO 4.5 To enhance access to our Tourist Assets, including the development of a Coastal Walking/cycling Route along the Western Seaboard, which extends generally along the Route of the WAW, and incorporates existing resources, such as Beaches, ports, harbours, piers and marinas. - This Coastal Route to be subject to a route option analysis, and feasibility study in Counties Galway, Mayo, Sligo, Leitrim and Donegal. Stakeholders will include Fáilte Ireland, NWRA, and the relevant Local Authorities and the public.

5.2. Natural Heritage Designations

The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 0.03km north of the Maumturk Mountains SAC (002008), 0.57km south of Mweelrea /Sheeffry/Erriff Complex SAC (001932), 1.17km east of The Twelve Ben/Garraun Complex SAC (002031), 8.48km southwest of the West Connacht Coast SAC (002998), 13.19km east of the Tully Lough SAC (002130), 14.2km north of Connemara Bog Complex SAC (002034), 14.42km east of Tully Mountain SAC (000330), 14.69km south of Cross Lough (Killadoon) SAC (000484), 13.9km south of Illaunnaon SPA (004221).

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal submitted by An Taisce are as summarised below:

Impact on Landscape and Visual Amenity

- The site is located on a highly scenic and exposed area sloping down towards Killary Harbour in the Wild Atlantic Way Landscape.
- The site is located in an undeveloped area removed from the existing Killary Lodge.
- The proposal would not integrate into the existing landscape designated Class 4 – “special” landscape sensitivity in the Galway County Development Plan (Maps LCM 1 and LCM 2).

- It is set out that the development would set an undesirable precedent.
- The development contravenes Policy LCM 1 – Preservation of Landscape Character, Objective LCM1 – Land Sensitivity Classification and Objective LCM 2 – Landscape Sensitivity Ratings.
- Objective EDT 19 - Holiday Accommodation in Open Countryside provides for short stay tourist accommodation outside settlements where there is a “justifiable tourist/product demand” balanced against “environmental, social and cultural impacts of the development and benefits to a local community”. The development is not justifiable in this sensitive landscape.

Creation of a Traffic Hazard

- It is set out that An Taisce concurs with the TII assessment. Notwithstanding, the revised junction proposal the increased number of vehicle users at a junction on a curved portion of a maximum speed limit national road would endanger public safety and obstruct road users.

6.2. Applicant Response

Landscape and Visual Amenity

- It is set out that the development has been designed to integrate into the landscape as is demonstrated in the photomontages where the pods are effectively not visible from the two viewpoints assessed as part of the LVIA.
- It is set out that the high-quality landscape character was a key design consideration and is a key asset of the Adventure Centre. It is stated that it is not in the best interest of the Centre to bring forward proposals which would be determinantal to these assets. A design statement and rationale accompanied the planning application
- It is set out that the planners report recognises the low impact of the pods based on the LVIA. However, the planning officer goes on to state that the development would not integrate effectively and would detract from the visual amenity of the area. It is set out that the assessment is based on proposal to remove vegetation on site surrounding the pods however this is not the case.

- It is set out that the photomontages and LVIA found that while the “glamping pods represent a new landscape element , they are in keeping with the landscape character in terms of height, scale and colour, as the exterior of the wooden finish is anticipated to weather to a shade found in the surrounding landscape”.
- The development has regard to Policy LCM 1 – Preservation of Landscape Character, Objective LCM1 – Land Sensitivity Classification and Objective LCM 2 – Landscape Sensitivity Ratings.
- The ‘glamping’ pods are located within the existing Killary Adventure Centre lands, a successful tourist destination and an economic driver in the locality and the development is in accordance with Objective EDT 19 -Holiday Accommodation in Open Countryside of the Development Plan.

Traffic

- It is set out that a comprehensive Road Safety Audit was prepared to include a number of recommendations to improve the junction layout with the N59 and the minor local road serving the site.
- The increase in the volume of traffic using the junction arising from the provision of five glamping pods, will be negligible and there will be no intensification of use of the existing junctions.
- It is noted that the TII did not appeal the decision of Galway County Council to grant planning permission.

6.3. **Planning Authority Response**

None

7.0 **Assessment**

- 7.1.1. The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Layout – Impact on Landscape and Visual Amenity
- Traffic Concerns
- Water Services
- Ecology
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The proposal seeks to provide five individual one bedroom self-contained “ glamping pods” of wooden construction for short term holiday usage, in an outdoor environment as part of the established Killary Adventure Centre.
- 7.2.2. Chapter 4 Economic Development and Tourism Policies of the development plan seeks to encourage and support additional tourist resources and facilities, throughout the County whilst protecting and managing the assets that contribute to the unique visual and environmental character and sense of identity of County Galway, and which underpin tourism, heritage, biodiversity and quality of life.
- 7.2.3. Objective EDT 19 relates specifically to holiday accommodation in the Open Countryside and establishes that short-stay accommodation (glamping/camping etc.) outside of settlements will be considered where it can be demonstrated that there is a justifiable tourist product/demand. The need to develop in a particular area must be balanced against environmental, social and cultural impacts of the development and benefits to the local community.
- 7.2.4. The applicant argues that the ‘glamping’ pods are located within the existing Killary Adventure Centre lands, a successful tourist destination and an economic driver in the locality and the development is in accordance with Objective EDT 19 -Holiday Accommodation in Open Countryside of the Development Plan. It is the appellants contention that the development is not justifiable when balanced against “environmental, social and cultural impacts of the development and benefits to a local community” having regard to the impact of the development on the landscape.
- 7.2.5. Having regard to the principle of Chapter 4 of the Development Plan and Objective EDT 19, I am satisfied that there is policy support for the development, subject to the detailed considerations below.

7.3. Design and Layout – Impact on Landscape and Visual Amenity

- 7.3.1. The site is in an area designated as Landscape Category 4 – *Special* in the Galway County Development Plan 2015-2021, where it is an objective to protect these lands from inappropriate development. The landscape value rating is considered outstanding. Policy LCM1 states that regard must be given to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape and Visual Impact Assessment (LVIA) to accompany such proposals. Additional LVIA images and a Design Statement were submitted in response to a further information request by the planning authority. The photomontages and LVIA found that while the “glamping pods represent a new landscape element, they are in keeping with the landscape character in terms of height, scale and colour, as the exterior of the wooden finished is anticipated to weather to a shade found in the surrounding landscape”.
- 7.3.2. The pods are preconstructed and finished in a timber cladding and will be placed on polystyrene and aerated concrete foundations. The gross floor area of the pods is 245sqm – 5 x 49sqm with a maximum height of 4.950m. The pods are arranged along a staggered east-west axis fronting Killary Harbour approx. 140m south of the water’s edge.
- 7.3.3. The appellants argue that the site is located in an undeveloped area removed from the existing Killary Lodge on a highly scenic and exposed area sloping down towards Killary Harbour set in the Wild Atlantic Way Landscape, and as such the proposal would not integrate into the existing landscape designated Class 4 – Special landscape and the development would set an undesirable precedent.
- 7.3.4. By contrast, the applicant argues that the photomontages and LVIA found that while the glamping pods are in keeping with the landscape character and that the pods are effectively not visible from the two viewpoints assessed as part of the LVIA.
- 7.3.5. The potential visual impact of the pods has been considered. The two viewpoints selected to the northeast and east of the site demonstrate imperceptible changes to the landscape when viewed from these selected viewpoints. However, key changes considered to have the potential to result in visual impacts relate to the immediate environment of the existing walkway and the view from the water towards the site. The pods are located on a sloping site accessed via a narrow uneven hardcore

pedestrian path cut into the landscape. Accordingly, the development works will cause significant disruption to the existing landscape, which in my opinion will further expose the site in a wider landscape. Taken in conjunction with the elevated nature of the pods above the fjord and the proximity to the water edge, the pods will represent a significant and random pattern of built forms over a wide area such that the development will be represent a determinantal impact on the character of the existing landscape and as such is contrary to Objective UHO9 to ensure that new developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area

- 7.3.6. Having regard to the location of the site along the scenic Wild Atlantic Way coastline of Killary Harbour rated as being a “Class 4- Special ” Landscape Sensitivity and Character Areas and those policies of the development plan which require the protection of the lands within these areas from inappropriate developments, I consider the proposed development would have a significant adverse impact on the visual amenity by reason of design and scale of the individual pods and the cumulative impact of pods and the random pattern of built forms over a wide area such that the development will be represent a determinantal impact on the area and to grant permission would set an undesirable precedent for further similar development along the coastline which would further erode this natural resource.

7.4. Traffic Concerns

- 7.4.1. The site is access via a minor local road to the west of the N59 at a point where the general speed limit applies. There is an existing car park located to the west of the site with access from the same local road. No additional car parking is proposed as part of the development.
- 7.4.2. The appellant argues, notwithstanding the revised junction proposal the increased number of vehicle users at a junction on a curved portion of a maximum speed limit national road would endanger public safety and obstruct road users.
- 7.4.3. I note the TII in their reports (dated 30th October 2019 and 21st May 2019) express concerns in relation to adverse impact of the development on the national road network where the maximum permitted speed limit applies.
- 7.4.4. In response the applicant states a comprehensive Road Safety Audit was prepared in response to a request for further information to include a number of

recommendations to improve the junction layout with the N59 and the minor local road serving the site. It is argued that the increase in the volume of traffic using the junction arising from the provision of five glamping pods, will be negligible and there will be no intensification of use of the existing junctions. I would agree, I do not consider that addition of five glamping pods will generate significant additional traffic. I further note that the access road and junction layout were assessed in 2018 when planning permission was granted by Galway County Council Reg. Ref. 18/480 for the car park and walkway.

7.4.5. Subject to implementing the recommendations of the Road Safety Audit, I consider the development acceptable in terms of traffic safety.

7.5. **Water Services**

7.5.1. The proposed development includes a packaged wastewater treatment system with soil polishing filter to accommodate a population of 10 and connection to an existing well.

7.5.2. The site is located in an area identified with a “extreme” vulnerability classification in the GSI Groundwater maps and is located within area defined as a “poor” Aquifer category (Pu) – Bedrock which is generally unproduction, representing a GWP response of R2₁ under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B3).

7.5.3. The trial hole assessment submitted by the application was dug to a depth of 1.2m, water table was encountered at a depth of 0.6m. No trial holes were available for inspection, although the site was wet under foot consistent with the lowland blanket bog soil classification. The submitted site characterisation records no T-test value results, a P-test value of 23.58 min/25mm was recorded, which is within the acceptable range for a for a secondary treatment system with polishing filter at ground surface or over ground (Table 6.3 CoP).

7.5.4. Lowland blanket bog, in general is not suitable for effluent discharge as it is 90% water, which, notwithstanding the treatment proposed, is unlikely to discharge to underlying groundwater. There is potential that effluent will just sit in the waterlogged soil, eventually building up in the area under the polishing filter, creating anoxic and anaerobic conditions which will undermine any treatment in a polishing filter.

- 7.5.5. The design solution presented is a septic tank with Tricel Puraflo modules followed by a polishing filter. The wastewater from the septic tank is distributed over the top of the peat filter using a specifically designed pipe work. At the outlet of the Puraflo modules the secondary treatment wastewater is discharged to a polishing filter, which will distribute the wastewater for further treatment and disposal using in situ subsoil discharging to ground.
- 7.5.6. In the absence of a T-test result, I note section C.2.3.2 *Test results* of the CoP sets out that a proposed percolation area whose T-value is less than 3 or greater than 50 should be deemed to have failed the test for suitability as a percolation area for a septic tank system. However, if the T-value is greater than 3 and less than or equal to 75, the soil may be used as a polishing filter. T-values greater than 90 indicate that the site is unsuitable for discharge to ground, irrespective of the P-test result.
- 7.5.7. Furthermore, the trial hole identified depth to water table at 0.60m. The CoP states that in the case of secondary treatment systems a minimum of 0.9m unsaturated subsoil is required to ensure satisfactory treatment of the wastewater.
- 7.5.8. Section 6.5 *Site Improvement Works* of the CoP states that in many cases, site improvement works will not be sufficient to enable the site to be used for a system incorporating discharge to ground and it may be deemed unsuitable. Examples of sites where site improvement works will not be acceptable are:
- Sites where T is greater than 90, indicating a high risk of ponding
 - Sites where T is greater than 90 in shallow subsoil and/or bedrock permeability is not sufficient to take the hydraulic load
- 7.5.9. Notwithstanding, the P-test in the absence of a T-test result and having regard to the high-water table identified on site and the requirement to import soil, I am not satisfied that the site is suitable for the disposal of effluent. There is a significant risk in terms of the disposal of effluent discharging to ground and taking into consideration the height of the water table and given the treatment system will be sited in an area which is considered to be a sensitive water environment within 100m of Killary Fjord to the north of the site. Killary Fjord while not a designated site does have shellfish operations requiring clean water.

- 7.5.10. I would also have concerns periodic/ seasonal use of proprietary wastewater treatment systems as the biomass in the puraflo systems and polishing filters need a steady flow of effluent or they will die off. Periodic use makes them less efficient in treating effluent.
- 7.5.11. I do not consider the applicant has demonstrated the proposed wastewater treatment can fully meet the requirements of the EPA Guidance. Therefore, I cannot conclude that the proposed development would not have a significant risk of ground water pollution on a site which I consider is located within a sensitive water environment. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

7.6. Ecology

- 7.6.1. An Ecological Impact Assessment has been submitted with the application. This has regard to Desk Study and Field Surveys. These include regard to habitats, including water courses, flora and fauna on site. A Habitats Map is included in Fig.4.1.
- 7.6.2. Regard is had to the impact of construction on the stream on site as the stream is important in maintaining links and ecological corridors between features of higher ecological value. The majority of the site consists of a habitat mosaic of rhododendron dominated scrub, wet heath, lowland blanket bog and wet-acid grassland.
- 7.6.3. The report sets out that best practice techniques will be employed during construction to protect the stream. A clear span bridge will be constructed across the stream. There will be no instream works.
- 7.6.4. In terms of impact on water quality the report states that treated wastewater will discharge to ground in accordance with the EPA Code of Practice and as a result there will be no significant residual impact on groundwater. Section 7.5 above outlines my concerns with regards the disposal of effluent on site and the potential risk to the water sensitive environment of Killary Fjord and the associated licenced shellfish operations in close proximity to the site which form part of the wider ecological environment.
- 7.6.5. A field survey was undertaken on the site. Rhododendron is identified as widespread throughout the lands. It is set out that the treatment and control of invasive alien species within the footprint of the site will be cut and mulched in order to prevent its

spread. The loss of this scrub habitat which has the potential to support nesting birds is assessed as being a short term slight negative impact.

- 7.6.6. A number of bird species were identified during the site visits including, blackbird, grey heron and snipe. Species listed in Annex1 of the EU Birds Directive were not recorded during the site visits. A desktop study identified Twenty-four species of Birds listed under Annex 1 and seven red listed birds of conservation concern were recorded within the wider study area. A search of a 1km buffer from the site yielded no results for bat species. No plant species listed on the Ireland Red list no 10 Vascular Plants or the Flora (Protection) Order, 2015 were recorded. No otter holts or signs of otter were recorded within the development site.
- 7.6.7. It is concluded in the Report, that given the mitigation proposed for the predicted impacts as described in the documentation submitted that the proposal will not result in adverse impact on the ecology in the local or wider environment.

7.7. Appropriate Assessment

- 7.7.1. The site is not located within or directly adjacent to any Natura 2000 sites.

Stage 1 AA Screening Report

- 7.7.2. The applicants Stage 1 AA Screening report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. It confirmed that the proposed development would not be located within any European sites.
- 7.7.3. The site is located 0.03km north of the Maumturk Mountains SAC (002008), 0.57km south of Mweelrea /Sheeffry/Erriff Complex SAC (001932), 1.17km east of The Twelve Ben/Garraun Complex SAC (002031), 8.48km southwest of the West Connacht Coast SAC (002998), 13.19km east of the Tully Lough SAC (002130), 14.2km north of Connemara Bog Complex SAC (002034), 14.42km east of Tully Mountain SAC (000330), 14.69km south of Cross Lough (Killadoon) SAC (000484), 13.9km south of Illaunnaon SPA (004221). It described these sites and their respective qualifying habitats and species; it listed their conservation objectives and targets and attributes.
- 7.7.4. Appropriate Assessment Screening Assessment

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA'S have been selected.

European Site	Site Code	Relevant QI's and CI's	Distance
Maumturk Mountains SAC	002008	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>	0.03km
Mweelrea /Sheeffry/Erriff Complex SAC	001932	<p>Coastal lagoons [1150]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Atlantic decalcified fixed dunes (<i>Callunoulicetea</i>) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Machairs (* in Ireland) [21A0]</p>	0.57km

		<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p><i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]</p>	
--	--	--	--

		<p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>	
The Twelve Ben/Garraun Complex SAC	002031	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>	1.17km

West Connacht Coast SAC	002998	Tursiops truncatus (Common Bottlenose Dolphin) [1349]	8.48km
Tully Lough SAC	002130	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Najas flexilis (Slender Naiad) [1833]	13.19km
Illaunnaon SPA	004221	Sandwich Tern (Sterna sandvicensis) [A191]	13.9 km
Connemara Bog Complex SAC	002034	Coastal lagoons [1150] Reefs [1170] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Natural dystrophic lakes and ponds [3160] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Depressions on peat substrates of the Rhynchosporion [7150] Alkaline fens [7230]	14.2km

		Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Euphydryas aurinia (Marsh Fritillary) [1065] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833]	
Tully Mountain SAC	000330	European dry heaths [4030] Alpine and Boreal heaths [4060]	14.42km
Cross Lough (Killadoon) SAC	000484	Perennial vegetation of stony banks [1220]	14.69km

- 7.7.5. The Stage 1 AA screening report concluded that the site is not located within any European Designed Site. It is set out that no supporting habitat for any Qualifying Interest or Special Conservation Interest species was identified within the site boundary and there is no potential for significant effects on any European Site as a result of direct or indirect pathways.
- 7.7.6. The closest European Site Maumturk Mountains SAC (site code 002008), is located 30m from the proposed site. It is set out that the European site is located upgradient of the works and is buffered by the N59. I would agree.
- 7.7.7. In relation to the West Connacht Coast SAC (002998), Tully Lough SAC (002130), Connemara Bog Complex SAC (002034), Tully Mountain SAC (000330), Cross Lough (Killadoon) SAC (000484), Illaunnanoon SPA (004221) because of the significant distance separating the development site and Natura sites, I am satisfied that there is no pathway for loss or disturbance of habitats.
- 7.7.8. It is also set out that no pathways exist for direct or indirect effects on any European Site from the treatment of wastewater discharging to ground. I have already expressed my concerns regarding the disposal of effluent on site and noted the presence of an existing stream on site. Notwithstanding same, I note the site lies outside of a zone of influence of the Mweelrea/Sheeffry/Erriff Complex SAC and the Twelve Bens/Garraun

Complex SAC. Owing to the separation distance 0.57km and 1.17km respectively from the site and the designated sites, I am satisfied that there is no conflict in terms of the conservation objectives of adjacent European sites. Any minor discharge into Killary would be diluted by the tidal cycle and unlikely to pose any significant risk to rivers and streams that discharge into it.

- 7.7.9. I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site, the Maumturk Mountains SAC (002008), Mweelrea /Sheeffry/Erriff Complex SAC (001932), and the Twelve Ben/Garraun Complex SAC (002031) or any other site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the proposed development close to the coastline at Killary Harbour, rated as being a “Class 4 – Special” Landscape Sensitivity and landscape value rating of “outstanding” in the current Galway County Development Plan, 2015-2021, it is considered that the “Pods”, by reason of individual and cumulative built form arranged along a staggered east-west axis fronting Killary Harbour approx. 140m south of the water edge would not fit appropriately on this site and would represent a determinantal impact on the character of the landscape, and, to grant permission would set an undesirable precedent for further similar development along the Fjord which would further erode this natural resource. The development would, accordingly, be contrary to the proper planning and sustainable development of the area.
2. The site is located within area identified with a “extreme” vulnerability classification in the GSI Groundwater maps and is located within area defined as a “poor” Aquifer category (Pu) – Bedrock which is generally unproduction,

representing a GWP response of R21 under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B3). In the absence of a T-test result and having regard to the high-water table identified on site and the requirement to import soil, the Board is not satisfied that the site is suitable for the disposal of effluent discharging to ground. There is a significant risk in terms of the disposal of effluent in an area which is considered to be a sensitive water environment within 100m of Killary Harbour. The Board is not satisfied that that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a packaged wastewater treatment system with soil polishing filter. The proposed development, would, therefore, be prejudicial to public health.

Irené McCormack
Planning Inspector

3rd April 2020