



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306385-20

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<b>Development</b>	Demolition of slatted shed and construction of mixed-use centre in three interconnecting one and two storey blocks with pitched roof.
<b>Location</b>	Woodlawn, Ballinasloe, Co Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	191606
<b>Applicant(s)</b>	Dr. William Grealish
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Dr. William Grealish
<b>Date of Site Inspection</b>	04 <sup>th</sup> March 2020
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.925 hectares, is located in the townland of Woodlawn approximately 47km to the east of Galway City. The appeal site is located on the western side of the R359. The appeal site is occupied by a slatted shed and agricultural lands. The site is approximately 1.4km to the south of the core of Woodlawn Village (focused around the railway station). Adjoining lands to the north, south and west are agricultural lands. The site is within the attendant grounds of Woodlawn House, which is protected structure located to the west (approx. 900m) with an extensive wooded area within the grounds of such and located to the north of the site. The nearest dwelling to the site is located to the north of the site and there is an existing Church located on the opposite side of the road to the north east (St. Killans Church and graveyard).

## 2.0 Proposed Development

2.1. Permission is sought for the demolition of a slatted shed and construction of a mixed-use centre in three interconnecting one and two-storey blocks with pitched roof, consisting of (a) two-storey commercial/residential centre including a convenience shop, coffee shop/meeting area, consulting rooms at ground floor (258sqm) and caretakers residence and four guest bedrooms at first floor (220sqm) and (b) 15 residential units in 2 numbers one and two-storey block (124sqm), consisting of 4 no. one bed, 5 no. two bed and 6 no. 3 bed units. The proposed development is situated along the R359 on the attendant grounds of the protected structure Woodlawn House, RPS161 and RMP GA086-241 and is approximately 0.95km from Woodlawn House. The gross floor area of the development is 1,722sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on seven reasons...

1. The Ministerial Guidelines “Sustainable Residential Development in Urban Areas-Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in May 2009 recommended a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference and that the scale of new residential schemes should be in proportion to the pattern and grain of existing development, proceeding at smaller towns and villages on the basis of a number of well-integrated sites within and around the village centre, rather than focusing on rapid growth driven by one very large site. It is considered that that site is located in an area which is remote and isolated from the village core of Woodlawn and its extensive development would not be in line with the orderly expansion of the settlement. Having regard to the lack of pedestrian linkage and excessive walking distance to Woodlawn, the absence of public transport to the village centre and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be overdevelopment at an isolated location, excessively car dependent and would, therefore, be contrary to said Ministerial Guidelines, issued under Section 28 of the Planning & Development Act, 2000 (as amended) and to the proper planning and sustainable development of the area.

2. Based on the information submitted with the planning application, the planning authority is not satisfied that the subject site can satisfactorily treat and dispose of effluent arising from the proposed development. In the absence of plans to provide public sewerage facilities to serve this settlement and the reliance of the proposed development on a private communal effluent treatment system, the proposed development would be premature due to the deficiencies in the availability of public sewerage infrastructure serving the area and the period within which such constraints might reasonably be expected to cease. Furthermore, in the absence of satisfactory disposal of wastewater arising from the proposal, Planning Authority consider the likely effects, either individually or in combination with other plans and projects, on a European Site(s), in view of its conservation objectives cannot be ruled. Therefore, if permitted as proposed the development would be prejudicial to public health, and has the potential to adversely affect the integrity and conservation objectives of protected European site for flora and fauna and would be contrary to

the principles of proper planning and sustainable development of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to;

(a) the infrastructure dominated design approach,

(b) the urban building typologies proposed,

(c) the absence of satisfactory open space provision,

(d) The overall design and inappropriate density of the proposed development,

The proposal is not considered to be suitably responsive to the site context, and does not create the standard of assimilation necessary for the amenities of the area. It is therefore considered that the development would represent a substandard form of development, would seriously injure the residential amenity of future occupants, or depreciate the value, of property in the vicinity and would accordingly be contrary to the proper planning and sustainable development of the area.

4. The proposed development, located within the attendant grounds of views of Woodlawn House (RPS 161), a protected structure and within proximity to RPS 160 Gate Lodge and RPS 156 St. Killans, it is considered that by reason of its large scale, which is urban in format and layout, would represent a dominant, overbearing and inappropriate form of development, which fails to appropriately fit into or integrate effectively into this sensitive landscape and would intrude adversely on the setting or a protected structure. The development would, therefore, interfere with the character of the landscape, contravene materially Objectives AH 2 and AH 10 contained in the Galway County Development Plan 2015-2021, detract from the visual amenity of the area and therefore be contrary to the proper planning and sustainable development of the area.

5. Having regard to the following:

(a) the absence of a Road Safety Audit carried out for the development proposal;

- (b) the absence of a Traffic and Transport Assessment for the development;
- (c) the absence of autotracking analysis;
- (d) the absence of demonstrating satisfactory sightlines at the entrance to the site in accordance with the DM Standard of the Galway County Development Plan; the Planning Authority consider that if permitted as proposed the development would materially contravene objectives TI 9 and TI 10 of the Galway County Development Plan 2015-2021 and also endangering public safety by reason of traffic hazard, obstruction of road users or otherwise.

6. In the absence of a design statement of acceptance from Irish Water, it has not been demonstrated to the satisfaction of the Planning Authority that the public water mains has the capacity to cater for the additional water supply needs arising from the proposed development. Therefore, if permitted in the absence of this information, the development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

7. Having regard to the proposal which involves the demolition of an existing agricultural shed, the presence of mature trees on site and the proximity of the site to woodlands, the planning authority are not satisfied that the presence of bats, bat roosts, bat habitats, or bat corridors on site have been adequately assessed. Therefore in absence of a bat survey carried out on site, it is considered that if permitted as proposed development would materially contravene Objective NHB 6 of the Galway County development Plan 2015-2021, which is to protect bats and bat habitats, and would be contrary to the proper planning and sustainable development of the area.

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

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

Planning report (10/12/19): The proposal was considered inappropriate in terms of type and scale of development relative to the existing settlement at Woodlawn,

public infrastructure provision, design and scale of development, impact on rural character, impact on architectural heritage, effluent treatment, traffic impact and environmental impact. Refusal was recommended based on the reasons outlined above.

### 3.2.2 Other technical reports.

Architectural Conservation Area 04/12/19): The design and scale of the proposal is inappropriate in the context of Woodlawn House and its status as a protected structure.

## 3.3. Prescribed Bodies

### 3.3.1 Department of Culture Heritage and the Gaeltacht (18/11/19):

Archaeological conditions in the event of a grant of permission.

Inadequate information regarding bats and contrary policy regarding natural heritage in the Galway County Development Plan (Policy NHB 1).

## 3.4. Third Party Observations

### 3.4.1 None.

## 4.0 Planning History

4.1 18/306: Permission refused for demolition of a slatted shed and construction of a mixed use development with residential, retail and coffee shop. Invalid application.

4.2 09/316: Permission refused for demolition of a slatted shed and construction of a mixed use development with residential, retail and coffee shop. Application withdrawn.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the Galway County Development Plan 2015-2021. Settlement Strategy is outlined under Section 2.6 of the Plan.

Woodlawn is located in Tier 5 of settlements and labelled 'Other Villages'.

"These settlements have a population of less than 1500 persons and provide a more limited range of services to smaller hinterlands than the key towns. Service provision often includes a range of retail and educational services but limited financial, health and community services".

#### Section 2.7 Settlement Strategy Objectives

##### Objective SS 6 – Development of Other Villages

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

#### Section 3.3 Housing Location/Design and Density in Urban Areas.

"The Core Strategy contained in Chapter 2 of this plan recognises the importance of the larger and smaller town and village structures within the County. The DoEHLG's Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009) outlines sustainable approaches to the development of urban areas. Appropriate locations for new residential development schemes are:

- Large towns: populations of 5,000 or more people;
- Small towns and villages: population ranging from 2,000 to 5,000 persons;
- Towns and villages; population ranging from 400 to 2000 persons.

In accordance with the Guidelines, areas suitable for residential development are identified in urban areas.

There are a number of villages within the County that do not have Local Area Plans and therefore it is important that the County Development Plan addresses the main facets of urban housing/design”.

#### Objective RHO12- Waste Water Treatment Associated with Development in Un-Serviced Areas

Permit development in un-serviced areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the *Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009)/ EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) (or any superseding documents)* and subject to complying with the provisions and objectives of the EU Water Framework Directive.

#### Objective AH 2 – Protected Structures (Refer to Appendix V)

Ensure the protection and sympathetic enhancement of structures included and proposed for inclusion in the Record of Protected Structures (RPS) that are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, together with the integrity of their character and setting.

#### Objective AH 10 – Designed Landscapes

Identify and evaluate the surviving historic designed landscapes in the County and promote the conservation of their essential character, both built and natural.

#### Policy TI 9 – Road Network Improvements and Western Rail Corridor/Greenway

It shall be the policy of Galway County Council to ensure that any works to be carried out by Galway County Council or other statutory authority to any part of the road network which may affect the delivery of either the Western Rail corridor or any Greenway proposal shall be carried out in such a way so as not to compromise the longer term delivery of such



alternative transportation proposals or any interim objectives to use the railway as a greenway.

#### Policy TI 10 - Reclassification of Restricted Routes

It is a policy of Galway County Council to liaise with the National Roads Authority on the reclassification of Restricted Routes as a result of the construction of motorways.

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

Sight distances on regional routes 160m.

#### DM Standard 21: Building Lines

Regional Route - 25 metres from the existing or proposed realigned carriageway surface edge.

#### Policy NHB 1 – Natural Heritage and Biodiversity

It is the policy of Galway County Council to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries and Conamara National Park (and other designated sites including any future designations) and the promotion of the development of a green/ecological network within the plan area, in order to support ecological functioning and connectivity, create opportunities in suitable locations for active and passive recreation and to structure and provide visual relief from the built environment.

## 5.2. National Policy

### 5.2.1 Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities

Section 2.2: The need to adopt a sequential approach to the zoning of residential lands, extending outwards from the centre of an urban area, as recommended in the development plan guidelines (DoEHLG, 2007);

Section 2.4: The provision of water and sewerage investment programmes by planning authorities must also be related to the sequencing of residential lands and must also be integrated with the provision of public transport, schools, community and leisure facilities etc. This will involve keeping up the close contact with other agencies, which would have occurred during the plan-making period.

Under section 6.3 (General Advice) in relation to Small Towns and Villages it is noted that...

“New development should contribute to compact towns and villages.”

“The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development”.

### **5.3. Natural Heritage Designations**

#### **5.3.1 There are two Natura 2000 site within 15km of the appeal site...**

Monivea Bog SAC (site code 002352) 13.5km from the site.

Lough Rea SPA (site code 004134) 15km from the site.

### **5.4. EIA Screening**

#### **5.4.1 Having regard to the nature and scale the development which consists of a mixed use development consisting of 15 no. residential units, a retail unit and coffee shop, 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 first party appeal has been lodged by Entrust Planning & Environmental on behalf of Dr. William Grealish. The grounds of appeal are as follows...

- The proposal is to facilitate the restoration of Woodlawn House and a number of other heritage assets in its grounds. The proposal is to be a new village core that will be a positive development at this location. The appellant outlines the plans for Woodlawn House which is to be a heritage tourism amenity and the works that have already been carried out to restore such and the grounds and other features of heritage significance.
- In response to refusal reason no. 1 it is noted that there is no defined town centre and the proposal will address this issue and provide such. It is noted that the landowner does not own land adjoining the train station and there are no plans for development in the vicinity of such. The proposal would help revitalise Woodlawn house and its grounds and facilitate it as the main focus at this location. Appropriate cycling and pedestrian linkages to the railway station could be facilitate din the future.
- In response to reason no. 2 it is noted that a comprehensive wastewater treatment proposal was submitted and that the proposal provides an adequate proposal to deal with deficiencies in terms of public sewerage infrastructure. There is no evidence that the proposal would have an adverse impact on ecologically important sites with the nearest sites being NHA's located 4km from the site and with no hydrological connection to the site.
- In response to refusal reason no. 3 a Design Statement has been submitted with it noted that there is sufficient open space.
- In relation to reason no. 4 it is noted that an Architectural Heritage Assessment in relation to the nearest protected structure was submitted and the site is sufficiently removed from the Woodlawn House with no visual impact on such. The proposal development is satisfactory in the context of

design and has adequate regard to the setting of protected structures in the vicinity and would not be contrary to Development Plan policy.

- In relation to refusal reason no. 5 it is noted that the public road serving the site is quiet in terms of traffic with local traffic mostly. A traffic and transport assessment could be provided by way of condition in the event of a grant of permission and adequate sightlines are available at the proposed vehicular entrance.
- In response to refusal reason no. 6 it is noted that there are natural water sources available at this location and a planning condition seeking approval of Irish Water prior to the commencement of development could be attached in the event of a grant of permission. It is noted that a pre-existing agreement for a water connection from the local Group Water Scheme has been submitted.
- In response to reason no. 7 it is noted that an appropriate bat survey can be provided in advance of any works by way of condition if required.

## 6.2. Planning Authority Response

6.2.1 No response.

## 6.3. Further Responses

6.3.1 No responses.

## 7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development, settlement strategy/development plan policy

Design, scale, visual impact, architectural heritage

Traffic

Wastewater Treatment/Water supply

Appropriate Assessment

Other Issues

7.2 Principle of the proposed development, settlement strategy/development plan policy:

7.2.1 The appeal site is located 1.4km from the village of Woodlawn, which is Tier 5 settlement under County Development Plan Settlement Strategy. This tier of settlement is labelled 'Other Villages' and "these settlements have a population of less than 1500 persons and provide a more limited range of services to smaller hinterlands than the key towns. Service provision often includes a range of retail and educational services but limited financial, health and community services". This settlement is a lower tier settlement with no Local Area Plan or defined development boundary and land use zonings. Objective SS 6 – Development of Other Villages of the County Development Plan is to "protect and strengthen the economic diversity of the smaller towns, villages and small settlements throughout the County, enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands". Development Plan policy is supportive of the development of residential development within such settlements.

7.2.2 Despite Woodlawn being designated as Tier 5 settlement there is no strong urban pattern of development at this location. The village core if it can be described as such is clearly centred around the railway station located approximately 1.4km to the north of the site. The applicant/appellant notes the fact that there is a lack of a defined urban centre to Woodlawn and that the proposal seeks to establish a defined core area. I would refer to national policy under the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities. These guidelines indicate a "need to adopt a sequential approach to the zoning of residential lands, extending outwards from the centre of an urban area, as recommended in the development plan guidelines (DoEHLG, 2007)" and specifically in regards to small town and villages (Section 6.3) that "new development should contribute to compact towns and villages" and that "the scale of new residential schemes for development should be in proportion to the pattern and grain of existing development".

7.2.3 The proposed development is clearly detached from the established core of the village, which in itself is not a highly developed urban pattern of development. The proposal is seeking to develop a new village core detached from the existing heart of the village centre around the railway station. I would consider that the proposal is contrary to national policy in that the proposal would not be in accordance with a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference and that the scale of new residential schemes should be in proportion to the pattern and grain of existing development, proceeding at smaller towns and villages on the basis of a number of well-integrated sites within and around the village centre, rather than focusing on rapid growth driven by one very large site. It is considered that that site is located in an area which is remote and isolated from the village core of Woodlawn and its extensive development would not be in line with the orderly expansion of the settlement. Having regard to the lack of pedestrian linkage and excessive walking distance to Woodlawn, the absence of public transport to the village centre and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be overdevelopment at an isolated location, excessively car dependent and would, therefore, be contrary to national policy and to the proper planning and sustainable development of the area.

7.2.4 It is notable that the documentation submitted with the application and appeal outline that proposal will facilitate the refurbishment of Woodlawn House and its associated structures of architectural heritage value with the existing protected structure to be used as heritage tourism amenity. I would note that any proposals to refurbish Woodlawn House and provide a sustainable use in such is a positive scenario and should be encouraged. I would however consider that any development proposed on the site should be assessed on its own merits and on the basis of whether it is in interests of the proper planning and sustainable development of the area. The impact of the proposal in facilitating the refurbishment of the existing protected structure does not override such and any proposal must be in accordance with the proper planning and sustainable development of the area.

### 7.3 Design, scale, visual impact, architectural heritage:

7.3.1 The appeal site is in a rural area approximately 1.4km south of Woodlawn village, which in itself is a lower level settlement in terms of urban pattern. There is an existing agricultural development on site. The area is an attractive area with a number properties of heritage value in the vicinity and an attractive rural character with a wooded area to the north of the site. The proposal is for a part two-storey party single-storey development housing 15 no. residential units, a retail unit and a coffee shop. The structure features a pitched roof with extremal finishes including a mixture of nap plaster and natural stone on the external walls and slates/tiles on the roof.

7.3.2 The existing structure on site is of significant scale and does not particularly contribute to the attractive character of the area. The site is located on the attendant grounds of Woodlawn House and is characterised by a wooded area located to the north and north west of the site. I would consider that the proposed development is significant in scale and urban in nature. As noted above the appeal site is a rural location and is detached from the core of the existing settlement at this location, which is centred around the railway station 1.4km to the north of the site. I would also question whether the level of development proposed is an appropriate level of expansion of the village core even were it to be located adjacent to such. Having regard to the overall design and scale of the proposed development, its rural location and its detachment from the core of Woodlawn Village, the proposed development is excessive in scale and detrimental to the visual amenities of the area eroding the rural character of such.

7.3.3 According to the information on file the appeal site is located within the attendant grounds of Woodlawn House, which is on the record of protected structures. The appeal site is approximately 900m from Woodlawn House. There are a number of other protected structures in the vicinity including St. Killans Church to the north east and a gate lodge to the south of the site (170m). Permission was refused on the basis that the scale and form of development would intrude adversely on the setting of protected structure. The development was deemed to interfere with the character

of the landscape, contravene materially Objectives AH 2 and AH 10 contained in the Galway County Development Plan 2015-2021, detract from the visual amenity of the area and therefore be contrary to the proper planning and sustainable development of the area.

7.3.4 As noted earlier I would consider that the proposal would be an inappropriate scale and type of development at this rural location and would erode the rural character of the area. Notwithstanding such I would question whether the proposal would have the degree of impact on the protected structures in the area suggested in the reasons for refusal. Woodlawn House itself is located approximately 900m to the west of the site. The nature of the landscape, which is relatively flat and low lying taking in conjunction with the proximity of the proposal and intervening existing trees and vegetation would mean that the protected structure is not visible from the site and the proposed development is not likely to be visible from the protected structure. The appeal site although in the attendant grounds appears to have been separated from the historical grounds of Woodlawn and used for agricultural purposes including an existing agricultural structure. I would be of the view that the proposed development would not interfere with any views or vistas from the protected structure and would not be detrimental to the character and setting of such. In the case of the Church and the Gate Lodge the degree of separation between such and the appeal site is sufficient to ensure no adverse impact on their character and setting. I would reiterate that the proposed development is an urban form of development that is wholly inappropriate at this attractive rural location and would be out of character, however I would stop short in determining that it would have an adverse impact on architectural heritage.

7.3.5 Permission was refused on the basis of substandard design with issues regarding open space provision and the level of infrastructure on site. The proposal is for a mixed use development with 15 no. apartment units and commercial units. I would consider that the overall design and layout of the proposal is substandard for a residential development. The apartment units are deficient in private open space with no clearly defined private open space areas serving the units on the ground floor.



The units at first floor level are indicated as having balconies however such is an open circulation area allowing access to the first floor level units and does not constitute an open space area. The residential development is not a dense development in the context of the site however the manner in which it is designed is poor. The proposed structure is encircled by a roadway and the open space areas appear to be left over spaces rather than a well thought out and designed open space areas. A significant portion of the site is inaccessible due to the provision of a wastewater treatment plant. The proposal is deficient in design with a lack of sufficient or well defined private and public open space serving the residential units and a dominance of road infrastructure on site curtailing the accessibility or definition of public and private open space. The proposed development would constitute a substandard form of development and insufficient amenity for future residents.

#### 7.4 Traffic:

- 7.4.1 The existing agricultural structure on site is served by a vehicular access. It is proposed to construct a new entrance located further to the south to serve the proposed development. One of the refusal reason noted that the proposal was deficient in the information submitted including a traffic assessment, road safety audit or autotracking analysis. The Planning Authority considered that if considered would materially contravene objectives TI 9 and TI 10 of the Galway County Development Plan 2015-2021 and also endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.
- 7.4.2 The proposal entails the provision of 42 car parking spaces to serve the proposed development. The applicant noted that sightlines of 160m are available at the entrance however the Planning Authority noted that such traverses adjoining lands with a question regarding the applicant's level of control of such lands. The appellant has indicated that they own the lands adjoining the site that would allow the provision of sufficient sightlines.

7.4.3 The R359 is not a restricted route under the County Development Plan and the requirement for entrance onto such routes is 160m sightlines. 160m sightlines is achievable however would require alteration of existing hedgerow boundaries on each side of the entrance and site with the applicant having sufficient control to do such. I would note that the aspect of the proposal feeds into the concerns regarding impact on rural character with a significant level of hedgerow to be removed to facilitate such. I have am satisfied that sufficient car parking is provided on site. The traffic impact relates to the fact the proposal is an urban development remote from an existing urban centre or zoned lands. The appeal site is located within the maximum speed limit zone (there is no urban speed limit zone at this location even centred around the settlement itself to the north) and there are no pedestrian facilities in the area. The appeal site due to its location is totally dependent on car transportation. The proposal is for an urban development at rural location where the maximum speed limit applies and there is a lack of existing pedestrian facilities such as footpaths and public lighting. The proposed development would give rise to an unacceptable level and intensity of turning movements at a location where there is inadequate provision of separation of vehicular and pedestrian movements. The proposed development would endanger public safety by reason of traffic hazard and is an inappropriate location for development this type and scale.

## 7.5 Wastewater Treatment/Water supply:

7.5.1 Woodlawn does not have the benefit of any public sewerage facilities and there are no prospects or plans of such infrastructure being provided. It is proposed to provide an on-site wastewater treatment system to service the proposed development. Objective RHO12 of the County Development Plan does “permit development in un-serviced areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the *Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009)/ EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) (or any superseding documents)* and subject to complying with the provisions and objectives of the EU Water Framework Directive”.

7.5.2 A site characterisation form was submitted including site suitability test results. The trial hole test indicate that water was not present within the trial hole (2.8m deep). T tests (standard method) indicate percolation value that would indicate the site is suitable for a wastewater treatment system. It is proposed to install a mechanical aeration system and raised bed sand polishing filter system. The system is to cater for a loading rate of 81 persons. The groundwater protection response for the site is R2<sup>2</sup> which is “acceptable subject to normal good practice” and conditional on a minimum thickness of 2m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system.

7.5.3 Despite the test the results and the technical details submitted, having regard to the nature and scale of the proposal and the loading required, I would consider that the proposal would be premature pending the provision of adequate municipal wastewater treatment facilities within the settlement, would contribute to a proliferation of such wastewater treatment systems in the area and set a precedent for such an arrangement for the future development within the settlement. In this regard I would consider that the proposal would be prejudicial to public health and contrary to the proper planning and development of the area.

7.5.4 Permission was refused on the basis of the failure to demonstrate an adequate water supply. The applicant notes that there is pre-existing agreement for connection to the local water supply scheme as well the options of natural water supplies available within Woodlawn Demesne. I would consider that there are larger issues that render the proposal contrary to the proper planning and sustainable development of the area and that this issue of water supply is likely to be an issue that could be resolved with more information.

7.6 Appropriate Assessment:

7.6.1 Refusal reason no. 2 notes that in absence of a demonstration that the site can satisfactorily treat and dispose of effluent arising from the proposed development the Planning Authority consider the likely effects, either individually or in combination with other plans and projects, on a European Site(s), in view of its conservation

objectives cannot be ruled out and, therefore, if permitted as proposed the development would be prejudicial to public health, and has the potential to adversely affect the integrity and conservation objectives of protected European site for flora and fauna and would be contrary to the principles of proper planning and sustainable development of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.6.2 Appropriate Assessment (AA) considers whether the plan or project in combination with other projects and plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. This determination must be carried out before a decision is made or consent given for the proposed development alone or in combination with other plans and projects would not adversely affect the integrity of a European site in view of the site's conservation objectives.

7.6.3 Guidance on appropriate assessment is set out in the European Commission's Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2002) and in the Department of the Environments' Appropriate Assessment of Plans and Projects Ireland, Guidance for Planning Authorities (December 2009, revised February 2010).

7.6.4 There are two Natura 2000 site within 15km of the appeal site...

Monivea Bog SAC (site code 002352) 13.5km from the site.

Lough Rea SPA (site code 004134) 15km from the site.

The appeal site is a significant distance from the nearest designated Natura 2000 sites and there are no pathway source linkages between the appeal site and such sites. I would consider that having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development

would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 7.7 Other issues:

7.7.1 Permission was refused on the basis that there may existing bat roosts/habitats within the existing structure on site or in existing trees on the appeal and the lack of an adequate survey or mitigation measures in such regard. There is a lack of information in regards to such on the file, however I do not consider it an issue that merits a reason for refusal. I would that there are significant issues regarding the principle of the proposed development that need to be overcome and are detailed in the early section of this report. I would consider that more detailed information regarding impact on bats could be dealt with by way of further information or condition in event of grant of permission being considered.

## 8.0 Recommendation

8.1. I recommend refusal based on the following reasons.

## 9.0 Reasons and Considerations

1. The Ministerial Guidelines “Sustainable residential Development in Urban Areas- Guidelines for Planning Authorities” issued by the Department of the Environment, heritage and Local Government in May 2009 recommended a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference and that the scale of new residential schemes should be in proportion to the pattern and grain of existing development, proceeding at smaller towns and villages on the basis of a number of well-integrated sites within and around the village centre, rather than focusing on rapid growth driven by one very large site. It is considered that that site is located in an area which is remote and isolated from the village core of Woodlawn and its extensive development would not be in line with the orderly expansion of the settlement. Having regard to the lack of pedestrian linkage and excessive walking

distance to Woodlawn, the absence of public transport to the village centre and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be overdevelopment at an isolated location, excessively car dependent and would, therefore, be contrary to said National Guidelines, issued under Section 28 of the Planning & Development Act, 2000 (as amended) and to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its design and layout, would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the rural character and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Woodlawn is deficient in terms of municipal wastewater facilities. The proposed development entails the installation of a private wastewater treatment system, having regard the nature and scale of the proposal and the loading required, I would consider that the proposal would be premature pending the provision of adequate municipal wastewater treatment facilities within the settlement at this location, would contribute to a proliferation of such wastewater treatment systems in the area and set a precedent for such an arrangement for the future development within the settlement. The proposal development would, therefore, be prejudicial to public health and contrary to the proper planning and development of the area.

4. The proposal is for an urban development at rural location where the maximum speed limit applies and there is a lack of existing pedestrian facilities such as footpaths and public lighting. The proposed development would give rise to an unacceptable level and intensity of turning movements at a location where there is inadequate provision of separation between vehicular and pedestrian movements. The proposed development would endanger public safety by reason of traffic hazard and is an inappropriate location form development of this type and scale. The proposal development would, therefore, be prejudicial to public health and contrary to the proper planning and development of the area.

5. The proposal is deficient in design with a lack of sufficient or well defined private and public open space serving the residential units and a dominance of road infrastructure on site curtailing the accessibility or definition of public and private open space. The proposed development would constitute a substandard form of development and insufficient amenity for future residents. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and development of the area.

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Colin McBride  
Planning Inspector

27<sup>th</sup> April 2020