



An
Bord
Pleanála

Inspector's Report

ABP-306624-20

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| Development | Construction of a house, effluent treatment system and polishing filter as well as all ancillary site works. |
| Location | Gannoughs, Claddaghduff, Co Galway. |
| Planning Authority | Galway County Council |
| Planning Authority Reg. Ref. | 191814 |
| Applicant(s) | Eimear Heaney |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Eimear Heaney |
| Date of Site Inspection | 06 th May 2020 |
| Inspector | Colin McBride |

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.4317 hectares is located in the townland of Gannoughs approximately 91km to the north west of Galway City. The site is located on the northern side of a lower category county road with a width of approximately 4m. The road ends in a cul de sac further to the west of the site. The appeal site is a field with levels falling away from the public road. The lands to the north and east are agricultural lands similar in nature with the nearest dwelling being a dormer style dwelling to the west of the site.

2.0 Proposed Development

- 2.1. Permission is sought for a single-storey dwelling, effluent treatment system and polishing filter and associated site works. The proposed dwelling has a floor area of 227.5sqm and has a ridge height of 5m. The dwelling features a pitched roof and external finishes of nap plaster and blue black slates.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. having regard to the following:

- the poor drainage characteristics of the site in the form of a high water table, peaty substrates and rushes present therein,
- the planning history in this regard under file ref. no. 19/1137 and
- the hydrological connectivity to the West Connaught Coast SAC,

The Planning Authority is not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10). Accordingly to grant the proposed development would be prejudicial to public health, would be contrary to the EPA Code of Practice

Wastewater Manual, would seriously endanger the health and safety of persons occupying the structure, would pose an unacceptable risk to surface waters, would adversely affect the integrity and conservation objectives of protected European sites, and therefore, 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 (22/01/20): The applicant complies with Objection RHO 3 and the design of the dwelling was deemed to be satisfactory. Concerns were expressed regarding drainage conditions on site with it deemed unsuitable for a wastewater treatment system. Refusal was recommended based on the reason outlined above.

4.0 Planning History

4.1 19/1137: Permission sought for a dwelling and associated site works. Application withdrawn.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Galway County Development Plan 2015-2021. The site is in an area classified a Structurally Weak Area. Key objectives for this area are...

- To accommodate residential development proposals as they arise subject to satisfactory site suitability and technical considerations;
- To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines);
- To maintain and strengthen existing towns and villages and to direct urban generated housing demand into these areas;
- To protect areas located in Landscape Category 3, 4 and 5.

The site is within Landscape Zone 3, 4, 5

Policy RHO 3 – Rural Housing Zone 3 (Landscape Category 3, 4 and 5)

Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their Rural Links* to the area and are required to submit a Substantiated Rural Housing Need*. In addition an Applicant may be required to submit a visual impact assessment of their development, where the proposal is located in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 4 and 5 designated landscape areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

5.2. National Policy

5.2.1 Sustainable Rural Housing Guidelines

Structurally weaker rural areas. These areas will exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth.

5.2.2 National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government (2018)

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations.

In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed

development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009

Sets out guidance on the design, operation and maintenance of on site wastewater treatment systems for single houses.

5.3. Natural Heritage Designations

Aughrusbeg Machair & Lake SAC (001228) 0.21km from the site.

West Connacht Coast SAC (002998) 0.27km from the site.

Omev Island SAC (001309) 1.18km from the site.

Cruagh Island SPA (004170) 1.94km from the site.

Inishbofin, Omev Island & Turbot Island SPA (004321) 2.59km from the site.

High Island, Inishshark & Davillaun SPA (004144) 3.27km from the site.

Kingstown Bay SAC (002265) 4.52km from the site.

Barnahallia Lough SAC (002118) 4.63km from the site.

Inishboifin & Inishshark SAC (000278) 6.34km from the site.

Slyne Head Peninsula SAC (002074) 8.91km from the site.

Slyne Head Islands SAC (000328) 10.59km from the site.

Tully Mountain SAC (000330) 11.90km from the site.

Conemara Bog Complex SAC (002034) 13.37km from the site.

Illlaunanooon SPA (004221) 14.17km from the site.

Tilly Lough SAC (002130) 14.21km from the site.

5.4. EIA Screening

5.4.1 Having regard to the nature and scale the development which consists of single house in an unserved rural location, 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 Eimear Heaney, Moorneen, Cleggan, Co. Galway. The grounds of appeal are as follows...

- A site characterisation including trial hole and percolation test were carried out on site. It is noted they were carried out in summer months when conditions on site were dry whereas the Planning Authority's inspection occurred in January during period when there was prolonged rainfalls and the ground was saturated. It is noted that the soil conditions on site and test results are consistent with the requirement of the EPA code of practice for wastewater treatment and disposal of effluent. A design of the wastewater treatment is site specific based on the characteristics of the site.
- The planning report associated with this application provided no photos of specific details demonstrating that water table is high on the site.
- It is noted that any rushes on site are located 35m away from the test area and that reference to peaty substrates is misleading with the trial hole showing a favourable soil profile on site.
- In relation to reference to planning history it is noted the previous application on site was withdrawn and such does not apply to this case.
- It is noted that permission has been granted for similar style dwellings with similar ground conditions in the area such as under ref no. 191814. The appellant notes 4 other permissions in the area granted.
- The applicant does not understand how a dwelling was granted under similar conditions and using a similar treatment system and her permission has been refused. The applicant/appellant is willing to install a different wastewater treatment system if deemed necessary.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Compliance with rural housing policy

Design, scale, visual amenity

Wastewater treatment

Traffic/access

Appropriate Assessment.

7.2 Compliance with rural housing policy:

7.2.1 The appeal site is located in a rural area outside of the defined boundaries of any urban settlement. The appeal site is in an area classified as in an area classified a Structurally Weak Area. With regard to the Sustainable Rural Housing Development Guidelines it is noted that “these areas will exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth”. National Policy Objective 19 of the National Planning Framework refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence.

7.2.2 Applications for rural housing at this location require compliance with Policy RHO 3 – Rural Housing Zone 3 (Landscape Category 3, 4 and 5). In the applicants case she is from the area and resides in parents/family home at Mourneen, Cleggan, Co. Galway approximately 5km from the site. The applicant does comply with policy RHO 3 in that they have rural links to the area (within 8km of the appeal site) and appear to have a substantiated need for rural housing (applicant works in the area

and does not have a dwelling in the area). The applicant is in compliance with rural housing policy.

7.3. Design, scale, visual amenity:

7.3.1 The appeal site is a very open and attractive landscape. The proposal is for a single-storey dwelling. The appeal site is a very open and attractive location with sea views. The proposal is for low profile single-storey dwelling. I would consider that the overall design of the dwelling is modest in scale relative to existing dwellings in the vicinity and subject to appropriate landscaping proposals would be satisfactory in the context of the visual amenities of the area.

7.4 Wastewater Treatment:

7.4.1 Permission was refused based on the poor drainage characteristics of the site in the form of a high water table, peaty substrates and rushes present therein, the planning history in this regard under file ref. no. 19/1137 and the hydrological connectivity to the West Connaught Coast SAC. The Planning Authority was not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10). The applicant/appellant notes that site characterisation indicates that soil conditions on site are satisfactory.

7.4.2 Site characterisation was carried out including trial hole and percolation tests. The trial hole test notes that the water table level was encountered at a depth of 1.6m in the 1.65m deep trial hole. The percolation tests result for P tests for the standard method indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The drawings submitted meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries).

7.4.3 Permission was refused on the basis of indication of a high water table with the Planning report noting a high level of water in the trial hole at the time of site inspection (planning report is dated in January) as well as visual indicators such as peaty substrates and rushes on site. The test results were carried out in May. Based on the information submitted it is clear that the water table level on site is high and such is indicated in the trial hole tests. Based on the information in the planning report it appears that there is potential seasonal fluctuation the water table with a possible higher water table in winter time. I would consider that having regard to the poor drainage characteristics of the site in the form of a high water table the hydrological connectivity to the West Connaught Coast SAC, I am not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10). Accordingly to grant the proposed development would be prejudicial to public health and, would adversely affect the integrity and conservation objectives of protected European sites, and therefore, would be contrary to the proper planning and sustainable development of the area.

7.5 Traffic/Access:

7.5.1 The site has an existing vehicular access. The proposed development is to be serviced by a new vehicular access in the approximate location of the existing entrance. I would note that sightlines in each direction are of a reasonable standard and that the proposal would be satisfactory in the context of traffic safety and convenience.

7.6 Appropriate Assessment:

7.6.1 A Natura Impact Statement was submitted with the application. The NIS identifies all Natura 2000 site within 15km of the site.

Aughrusbeg Machair & Lake SAC (001228) 0.21km from the site.

West Connacht Coast SAC (002998) 0.27km from the site.
Omey Island SAC (001309) 1.18km from the site.
Cruagh Island SPA (004170) 1.94km from the site.
Inishbofin, Omey Island & Turbot Island SPA (004321) 2.59km from the site.
High Island, Inishshark & Davillaun SPA (004144) 3.27km from the site.
Kingstown Bay SAC (002265) 4.52km from the site.
Barnahallia Lough SAC (002118) 4.63km from the site.
Inishboifin & Inishshark SAC (000278) 6.34km from the site.
Slyne Head Peninsula SAC (002074) 8.91km from the site.
Slyne Head Islands SAC (000328) 10.59km from the site.
Tully Mountain SAC (000330) 11.90km from the site.
Conemara Bog Complex SAC (002034) 13.37km from the site.
Illaunanoon SPA (004221) 14.17km from the site.
Tilly Lough SAC (002130) 14.21km from the site.

Given proximity and hydrological connection two sites, Aughrusbeg Machair & Lake SAC and the West Connacht Coast SAC were considered further with the rest screened out. The NIS outlined the qualifying interest sand conservation objectives of both designated sites.

Aughrusbeg Machair & Lake SAC

Qualifying Interests

Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]

Northern Atlantic wet heaths with Erica tetralix [4010]

Conservation Objective

To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected

West Connacht Coast SAC

Qualifying Interests

Common Bottlenose Dolphin *Tursiops truncatus*

Conservation Objective

To maintain the favourable conservation condition of Common Bottlenose Dolphin in West Connacht Coast SAC.

In relation to predicted impacts it is noted that there is no direct impacts. In terms of indirect impacts there is a possible impact on water quality during the construction and operational phase. In the case of the Aughrusbeg Machair & Lake SAC it is noted that distance between the appeal site and the designated site and its qualifying interests mean no impact is foreseen. In the case of the West Connacht Coast SAC there is small potential to impact on the habitat of the bottlenose dolphin which is 200m away from the site through pollution.

In terms of mitigation it is noted that good construction practice/management will be implemented. It is noted that the wastewater treatment system will be installed and maintained as per the manufacturer's instruction and all fill materials will be screened to ensure they are free of invasive species.

It is concluded that subject to the mitigation measures that the proposed development and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

The appeal site is located in close proximity to West Connacht Coast SAC which is reliant on good water quality to maintain favourable conservation status. Having regard to the potential issues regarding on site drainage outlined in the previous section of this report it is considered that to grant permission would adversely affect

the integrity and conservation objectives of protected European sites, and therefore, would be contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend refusal based on the following reason.

9.0 Reasons and Considerations

1. Having regard to the poor drainage characteristics of the site in the form of a high water table the hydrological connectivity to the West Connaught Coast SAC, the Board is not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10). Accordingly to grant the proposed development would be prejudicial to public health and, would adversely affect the integrity and conservation objectives of protected European sites, and therefore, would be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

25th May 2020