



An
Bord
Pleanála

Inspector's Report

ABP-307017-20

Development	Construction of 7 Dwelling units. All foul and surface water drainage to connect to treatment plant and site services provided under planning ref 19/519 and all associated site works and ancillary services.
Location	Ballynahown, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20/19
Applicant(s)	Noel Regan Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Noel Regan Developments Ltd.
Observer(s)	(i) Frances Hall and Kevin Hall. (ii) Reilig Realt na Mara Teoranta
Date of Site Inspection	11 th June 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Ballynahown to the west of Na Forbacha (Furbo) in Co Galway and circa 11km west of Galway City. Na Forbacha is a small settlement located within the Cois Fharráige area of the Gaeltacht between the villages of Bearna and An Spidéal along the Regional Coastal Route west of Galway City. Na Forbacha is linear in form aligned along the R336. It does not have public sewerage treatment system and provides a select range of facilities including a church, shop, school, hall, sports facility, public house/restaurant and the offices of the Department of Culture Heritage and the Gaeltacht and Údarás na Gaeltachta.
- 1.2. The appeal site which is irregular in shape has a stated area of 2.497hectares and is to the north of the R336 and is greenfield in nature. It is bounded by the Gleann na bhFear estate, a development of 15 detached dwellings, which is currently under construction to the north east. The treatment plant serving the Gleann na bhFear estate is located within the appeal site boundary. To the southwest the appeal site adjoins residential properties whilst agricultural land, Furbo Church and graveyard are located to the southeast. The site and immediate area is typical Connemara landscape undulating with rock outcrop and scrub vegetation, low stone boundary walls and open land drains. A number of ESB overhead wires traverse the site.

2.0 Proposed Development

- 2.1. The proposal seeks permission for the construction of 7 houses as follows:
 - 3 no house type A 199.54m² 4bed
 - 3 no house type B 189.72m² 4 bed
 - 1 no house type C 256.81m². 5 bed.
- 2.2. The proposed house design is in keeping with those within the Gleann na bhFear estate and the proposal forms an extension of same with 6 houses sited towards the eastern end of the site and a single house located on the southern stem of the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 4th March 2020 Galway County Council issued notification of its decision to refuse permission for the following 4 reasons:

1. The proposed development, located immediately adjacent to Furbo Village, which is a Tier 6 settlement (Other settlements and the Countryside) as set out in Section 2.6.1 of the current Galway County Development Plan on lands not zoned for development and for which no core strategy population allocations have been established under Section 2.7 (Settlement Strategy Objectives) of the current County Development Plan, would, by reason of population yield, scale and overall extent in the context of the tier 6 status of Furbo, undermine the provisions of the core strategy in the current County Development Plan and inter alia Core Strategy Objectives SC2 and CS 7 of the Galway County Development Plan 2015-2021. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.
2. The proposed development, in view of its layout, scale and extent, and by reason of not adequately reinforcing the existing urban form of nearby Furbo village, contributing to sense of place thereby assimilating its edge of village setting, is contrary to the provisions of Section 3.4.5 of the current Galway County Development Plan 2015-2021. The proposed development would, therefore, detract from the amenity of the area, would establish an undesirable precedent for similar future developments in the area and would accordingly be contrary to the proper planning and sustainable development of the area.
3. The Planning Authority is not satisfied based on submissions received and due to building configuration, aspect and layout which are not considered to be responsive to their context or conducive to sustainable placemaking, that the proposed development creates the standard of assimilation necessary for the amenities of the area and the residents of the proposed development. The proposed development would, as a consequence be contrary to the Objectives UHO-7 and UHO 8 of the current Galway County Development Plan 2015-2021 and the Design Manual for

Urban Roads and Streets (2013), and would accordingly be contrary to the proper planning and sustainable development of the area.

4. The proposal whereby the residential development seeks to obtain its wastewater service provision from a private communal wastewater treatment plant that has insufficient spare capacity to serve the development owing to, inter alia, the occupancy figures as set out in the civil works design report under file ref no 11-529/ABPPL07.239786 being dedicated to pre existing residential units and therefore to permit the proposal contravene condition 1 of ABP permission reference PL07.239786 would be contrary to Objective WW6 of the County Development Plan, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's report outlines that it is Galway County Council policy not to allow developer provided water and wastewater from multi-unit housing developments. To permit the proposal would contravene Condition 1 of PL.07.239786.

3.2.1.2 Layout and aspect afforded to the proposed dwellings is substandard in terms of amenity provision. Proposal does not perpetuate the fabric of the village core nor facilitate the incremental expansion of the settlement in the absence of appropriate footpath connectivity to the nucleus of the settlement. Refusal recommended.

3.2.2. Other Technical Reports

3.2.2.1 Environment Section report notes that the Reporting Inspector in relation to PL07.239786 had recommended refusal however this was overruled by the Board. It is understood that the Board's current policy is not to allow developer provided water and wastewater infrastructure for multi house unit developments. Concerns arise regarding on site waste-water treatment plant infrastructure. Under the European Communities Environmental Objectives (Groundwater) Regulations 2010 the authorisation of discharges to groundwater requires a Tier 2 hydrogeological assessment.

3.3. Prescribed Bodies

- Submission from Udarás na Gaeltachta refers to the significance of the Gaeltacht and stresses the need for prioritisation of the Irish language generally in decision making and specifically for instance in relation to naming and signage.
- Department of Culture Heritage and the Gaeltacht, recommends archaeological impact assessment
- An Taisce submission notes significant residential development along the R336 with no commensurate increase in public transportation and NOTABLE deficiency in cycle infrastructure. Further residential development premature and unsustainable in the absence of increased provision of local services and public transport.

3.4. Third Party Observations

Kevin & Frances Hall Note permission ref 11/529 PL07.239786 required the connection of the established adjacent dwellings to the wastewater treatment system which has not been carried out to date. The proposal would be incompatible with the original permission.

4.0 Planning History

ABP - PL07.239786 11/529

Permission granted le hadhaigh theach aonair agus sciobol a scartail, agus forbairt graig tithíochta a thógail de chuig theach deag (15), le hionad coireala uisce agus ait do shíothlu uisce, mar aon leis na hoibreacha bothair agus suimh cui a bhainfeadh leis an togail seo (gross floor space demolish 369.6sqm proposed 3003sqm).

(Demolition of a house and barn and construction of a housing development of 15 houses, wastewater treatment plant and percolation area and road and associated site development work). Granted following third-party appeal subject to 22 conditions.

19/529 A) Retention of existing dwelling house on reduced site number 1 with revised entrance as shown. The existing house to connect to the site services

permitted under PI Ref 11/529 and 17/831 and as revised by this application. The house was originally permitted under PI. Ref 96/589, there was a subsequent permission to demolish it under PI Ref 11/529 and 17/831. B) Retention of existing shed (as a garden shed for the benefit of house number 2 only) within revised site number 2. The shed was previously permitted for agriculture use under PI Ref 99/4059, there was a subsequent permission to demolish it under PI Ref: 11/529 and 17/831. The shed to be accessed only from within site number 2. C) Revision to the site boundary between site numbers 1 and 2 previously permitted under PI Ref 11/529 and 17/831 to facilitate the retention of the shed as outlined in B above. D) Revised location of house number 13 on site number 13 previously permitted under 11/529 and 17/831 to provide adequate way leave for storm culvert. E) Minor revision to house types on sites 2, 4, 5, 6, 7 8, 9, 10 and 12 to include revision of floor level previously permitted under PI Ref 11/529 and 17/831. F) Revision to footpaths within the development, to move paths to house side of roads. G) Revision to road and drainage layout/levels servicing sites 1 to 15 all within the site boundary previously permitted under PI Ref: 11/529 and 17/831. H) Retention of 750mm storm culvert MH6 to MH 8 and 300mm dry weather flow drain MH6 to MH10 as constructed within the site boundary previously permitted under PI Ref 11/529 & 17/831. I) All of the above to connect to the on-site treatment plant, storm water attenuation system, public watermains and site services permitted under PI Ref 11/529 and 17/831. Gross floor space of work to be retained: 336 sqm

17/831 Extension of duration of permission 11/529. Expiry date 30th July 2022.

PL07.233013 08/3144 Permission granted by Galway County Council for demolition of house and construction of 15 houses with associated access roads and site works. Subsequently refused by An Bord Pleanála on grounds of prejudice to public health and risk of water pollution and flood risk arising from proposed drainage measures.

PL07.224235 07/342 Permission granted by Galway County council subsequently refused by An Bord Pleanála on grounds of flooding and prejudice to public health.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Galway County Development Plan 2015-2021 refers.

- Na Forbacha is designated as “Other Settlement” within the development plan and falls within the area of the Gaeltacht Plan adopted in 2018 (Variation no 2(b) of the County Development Plan. Other Settlement is the sixth tier within the settlement hierarchy where it is stated that these smaller settlements provide basic services to their community. They are distinguished from rural housing by the presence of these services which provide an important community purpose and the basis for further future development.
- Objective GL10 Language Enurement Clause for two or more houses in District D Cois Fharraige.
- The Core Strategy allocates population target of 3,047 to Other Settlements and the Countryside.
- Objective SS7 Development of Small Settlements. – provides that in the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Strategy, good design, community gain and proper planning and sustainable development.

5.2. Natural Heritage Designations

5.2.1 The site is not within a designated area. There are a number of designated sites in the vicinity including:

- Moycullen Bogs NHA 1.3km NW.
- Connemara Bog Complex SAC 5km NW
- Connemara Bog Complex SPA 7.5km NW
- Inner Galway Bay SPA 6km East.
- Galway Bay SAC 6km. East

5.3. EIA Screening

5.3.1 Having regard to the nature and scale of the development, (7 houses) 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 The appeal is submitted by James O Donnell Planning Consultant on behalf of the first party Noel Regan Developments Ltd. The grounds of appeal are summarised as follows:

- The proposed development be supported in the interest of sequential village development.
- The settlement strategy supports residential development in villages such as Furbo.
- The core strategy allocates 3,047 persons to other settlement and countryside and should not therefore be used as a basis for refusal.
- Proposed development complies with Settlement Strategy Objective SS7.
- Development can be accommodated under the tier 6 population allocation and is a more sustainable alternative to one off housing development in the open countryside.
- Regarding reason no 2 and the criticism of layout, scale and extent, this fails to recognise the spatial constraints which exist on site. The proposed housing cluster is juxtapositioned between the 15 houses to the north east and the associated proprietary treatment plant to the west. Layout represents the efficient use of this underutilised land while respecting the character and low-density urban grain of the area. The form is in keeping with the established form of this village.
- Regarding refusal reason no 3, the proposed design and layout of the clustered housing scheme will offer a high-quality living environment for future residents. Large private amenity area to each dwelling negates the need for large communal open

space. The large area to the west of house 18 will function as dedicated usable public open space area.

- The report by Murphy Heffernan Architects appended to the appeal justifies and explains the design approach.
- With direct pedestrian links to Gleann na bhFear Estate the proposed development will also avail of connectivity arrangements east of house 16 running southeast towards the village.
- The site layout of roads footpaths and turning head have been carefully designed to comply with the guidelines set out in the Design Manual for Urban Roads and Streets 2019.
- Regarding reason no 4. It is noted that permission PL 11/529 ABPPL07.239786 (and associated condition 1) has been superseded by Planning ref 19/529. The terms of the permission 19/529 does not place any mandatory obligation to facilitate connection for the pre-existing houses onto the treatment plant.
- Planner's report is incorrect in statement that it is Galway County Council policy not to allow developer provided water and wastewater infrastructures for multi-unit housing developments. Objective WW5 of the County Development Plan clarifies that it is policy to 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 relevant EPA Wastewater Treatment Manual and subject to complying with the provisions and objectives of the EU Water Framework Directive. DM Standard 29 provides that "In the case of clustered housing schemes, waste-water treatment plants shall be permitted provided that they are designed and built in accordance with EPA Treatment Manuals."

6.2. Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

- 6.3.1 Observations are submitted by Kevin and Frances Hall, neighbouring residents. Original Permission 11/529 (ABP07.239786) made on the basis that the wastewater treatment plant would cater for the seven dwellings adjacent to the site and allow for the decommissioning of existing treatment systems. Developer is now requesting a contribution towards the cost of infrastructure as well as a service charge. Proposal is incompatible with the original permission and EU Environmental Directives and Regulations. Recurrent problems with water quality at Furbo beach. Concerns regarding flooding on these lands during periods of heavy rainfall as demonstrated in footage provided on attached disc.
- 6.3.2 Submission from Helen Curran, Reilig Realt na Mara Teoranta, notes reference to walkway/cycleway to east of the site. The right of way is owned by Reilig Realt na Mara, is agricultural in use and permission has not been given for its use or alteration.

7.0 Assessment

- 7.1. Having read the contents of the file, visited the site and surroundings and having regard to the issues raised within the grounds of appeal I consider that the matters to be addressed in this appeal can be considered under the following broad headings:
- Principle of Development Settlement Policy
 - Density Issues and Unit Mix, Design and Layout
 - Wastewater treatment Sewage Loading Capacity Issues
 - Other Matters

7.2 Principle of Development -Settlement Policy.

- 7.2.1 The Council's first reason for refusal refers to the absence of specific zoning and core strategy population allocation to the village of Furbo within the Galway County Development Plan 2015-2021 and concludes that the proposal would undermine the

provisions of the said core strategy. I consider that notwithstanding the absence of specific zoning and population allocation to Furbo the Development Provides nevertheless for development within smaller settlements for which there are no specific plans available. Given the location of the site in the context of Furbo Village Centre and in light of the established settlement pattern the proposal could be viewed as infill type development and therefore can be viewed positively subject to the detailed matters and otherwise site specifics. In considering the proposal in light of the National Planning Framework which seeks to consolidate new development within the footprint of existing built up areas I consider the proposal to be acceptable in principle.

7.3 Density Issues, Unit Mix Design and Layout.

7.3.1 As regards questions of density, unit mix, design and layout I note the constraints presented by the site including the requirement for onsite wastewater treatment infrastructure and the relationship to the established pattern of development in the vicinity. The proposed layout clusters six dwellings within the eastern part of the site with the seventh dwelling isolated to the southern leg of the site. As regards the mix, the proposal provide that all units are 4 bed houses save for solitary house No 19 (5 bed) and this continues the preponderance of 4 bed units within the existing Gleanna bhFear estate.

7.3.2 I note concerns of the local authority with regard to the failure to create a strong sense of place and I would consider that a more innovative approach including a greater mix of units would indeed be desirable. I also note the location of the proposed dedicated public open space which is not overlooked by any dwelling. I consider that an improved mix, design and layout would need to be achieved in the interest of proper planning and sustainable development. I also consider that the

detail in regard to the interface with adjacent established residential development is insufficient.

7.4 Wastewater treatment Sewage Loading Capacity Issues

7.4.1 This is a key issue within the appeal. I note the submissions of the observers, Kevin and Frances Hall, residents of one of the 7 established adjacent dwellings which were proposed to be connected to the wastewater treatment system being constructed on the site as part of the original permission granted by the Board 239786. They advise of a dispute with the developer with regard to a requirement for third parties to pay a contribution for the wastewater treatment infrastructure. The observers indicate that while they are willing to pay a service charge and the cost of provision of the necessary pipe work to the development site however object to the payment in respect of the developer's costed infrastructure. I note that the Board referred specifically to the "*proposal to connect a number of existing septic tanks to the new system*" in its reasons and considerations to grant permission contrary to the Inspector's recommendation to refuse.

7.4.2 I note the submission of the first party within the unsolicited additional information in response to the observer's submission to the local authority and reiterated within the grounds of appeal which states that within 11/529 and subsequent 19/5629 there is no condition referring to the provision of a free connection for neighbouring houses to the proposed WWTS. There were no submissions regarding a connection to the WWTS lodged to planning application 19/529. The developer did contact the adjoining owners and issued a letter of offer with terms for the connection to the WWTS. This offer was not taken up."

7.4.3 Within the grounds of appeal I note the submission of Tobin Consulting Engineers which asserts that "The sewage treatment plant and housing development now in progress and to which PL Ref 20/19 is to be connected is guided by PL Ref 19/529 rather than PI Ref 11/529 (ABP PL07.239786) which it supersedes." "In other words, PL Ref 19/529 did not dedicate spare capacity with the proposed wastewater

treatment system, to pre-existing residential units. Furthermore, the Civil works design report which accompanied PL Ref 19/529 did not undertake to cater for the effluent from the 7 pre-existing adjacent houses. It did indicate on the drawings that pipe work could be extended to adjacent properties and noted at these points “to allow for connection of neighbouring dwelling to treatment system if required”. A letter of offer to the neighbouring dwellings was delivered to the 7 pre existing houses during the course of planning application 19/529. None of the seven dwellings chose to accept the offer to be accommodated within the permitted treatment plant. The permission 19/8529 does not place a specific obligation on the applicant to dedicate spare capacity to the pre-existing neighbouring dwellings.

7.4.4 I note the detail of the description of the development proposed as part of 19/529 as follows:

“A) Retention of existing dwelling house on reduced site number 1 with revised entrance as shown. The existing house to connect to the site services permitted under PI Ref 11/529 and 17/831 and as revised by this application. The house was originally permitted under PI. Ref 96/589, there was a subsequent permission to demolish it under PI Ref 11/529 and 17/831. B) Retention of existing shed (as a garden shed for the benefit of house number 2 only) within revised site number 2. The shed was previously permitted for agriculture use under PI Ref 99/4059, there was a subsequent permission to demolish it under PI Ref: 11/529 and 17/831. The shed to be accessed only from within site number 2. C) Revision to the site boundary between site numbers 1 and 2 previously permitted under PI Ref 11/529 and 17/831 to facilitate the retention of the shed as outlined in B above. D) Revised location of house number 13 on site number 13 previously permitted under 11/529 and 17/831 to provide adequate way leave for storm culvert. E) Minor revision to house types on sites 2, 4, 5, 6, 7 8, 9, 10 and 12 to include revision of floor level previously permitted under PI Ref 11/529 and 17/831. F) Revision to footpaths within the development, to move paths to house side of roads. G) Revision to road and drainage layout/levels servicing sites 1 to 15 all within the site boundary previously permitted under PI Ref: 11/529 and 17/831. H) Retention of 750mm storm culvert MH6 to MH 8 and 300mm dry weather flow drain MH6 to MH10 as constructed within the site boundary previously permitted under PI Ref 11/529 & 17/831. I) All of the above to connect to the on-site treatment plant, storm water attenuation system, public watermains and

site services permitted under PI Ref 11/529 and 17/831. Gross floor space of work to be retained: 336 sqm.

7.4.5 I note that the permission is expressly an alteration to the permitted development and specifies the proposal “to connect to the on-site treatment plant, storm water attenuation system, public watermains and site services permitted under PL Ref 11/549 and 17/831” (extension of duration). I further note condition 5 (a) of 19/529 request that

“The development shall be served by the waste water treatment plant and percolation area, which shall be located, constructed and maintained in accordance with the details received with the planning application under planning reference number 11/529 & 17/831 and shall be in accordance with the requirements of the document “Code of Practice (CoP) Wastewater and Treatment and Disposal Systems Serving Small Communities” Environmental Protection Agency (current edition). No system shall be installed unless agreed in writing with the planning authority.”

7.4.6 Thus, it is entirely inappropriate in my view to now allege that the provision to cater for future connection of the pre-existing dwellings, which formed an intrinsic element of the permitted development, is no longer necessary. I acknowledge that difficulties will arise with regard to the achievement of agreement with the third parties on the details of this issue however the developer’s obligation to provide for same cannot reasonably be denied. On the basis of the foregoing I concur with the Council’s fourth reason for refusal on grounds of material contravention of the conditions of the governing permission and prejudice to public health. I consider that to permit further development on this site would not constitute a sustainable approach to development of the village and I consider that the development is premature pending the provision of appropriate public treatment system.

7.5 Other Matters

7.5.1 I note that the observer, Helen Curran on behalf of Reilig Realt na Mara Teoranta disputes the applicant's entitlement with regard to a right of way over the pedestrian/cycle link to the village centre located along the eastern boundary of the site. I note that this issue was questioned by the Roads and Transportation Section of Galway County Council during the course of the original application 11/529 PL07.239786 and the Board in its decision included conditions 3 and 4 as follows:

“3. A proposal for the upgrading of the pedestrian right of way to accommodate pedestrian movements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

“4. Details in relation to arrangements for the movement of pedestrian traffic to and from the development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

7.5.2 Whilst matters of compliance and enforcement are beyond the remit of the Board, and are a matter for the local authority, however in light of the uncertainty with regard to pedestrian/cycle infrastructure provision clarification regarding the specific proposals and a demonstration of the relevant consents should in my view be

provided prior to any decision to consider further residential development at this location in the interest of proper planning and sustainable development.

7.5.3 On the issue of archaeological impact, I have noted above the submission of the Department of Culture Heritage and the Gaeltacht recommending a requirement to carry out archaeological assessment of the site by condition.

7.5.4 As regards flooding, I note that third party observations of Kevin and Frances Hall raise concerns with regard to flooding during heavy rainfall periods and I note the extensive planning history on these lands in which issues of flooding were a significant factor. I note the civil works design report by Tobin Consulting Engineers submitted with the current application which outlines that the stormwater networks granted under 11/529, 17/831 accounted for the impermeable areas of the access road servicing the wastewater treatment plant. The proposal has been revised to so make allowance within the network and attenuation unit to cater for the additional impermeable areas for the extended roadway and hard surfacing around the addition of 7 properties. Stormwater Attenuation system is designed to discharge surface runoff from the site by way of a modular attenuation unit with 95% voids based on a 1 in 100-year storm event. The storm water within the attenuation tank will be allowed to discharge to the 750mm diameter storm culvert crossing the site at a controlled rate of 6.5l/sec. The overall discharge rate for the entire development is calculated in accordance with greenfield runoff rate of 2l/s/ha.

7.5.5 It is outlined in the Tobin Consulting Engineers document appended to the appeal submission that significant works in the area have greatly enhanced the ground water drainage conditions. "For example, the stream which was permitted to be culverted by 11/529 and which was deepened by Mr Regan, as part of that work prior to the 19/529 application. This lowered the water table significantly along the route of the stream which benefitted Mr Regan's site works and also benefitted the adjacent gardens of the existing 7 houses and hence their sewage treatment

systems. Mr Regan also carried out other minor elements of enhancement works to neighbouring properties as requested and as appropriate.”

7.5.6I note the absence of a flood risk assessment with the current application and I consider that the level of detail is deficient particularly with regard to the interface with established dwellings to the south of the site. In light of the concerns raised, I consider that the issue of flood displacement has not been adequately addressed within the current application. I note that this is a new issue.

7.5.7As regards location within the Gaeltacht this matter could be addressed by way of appropriate condition.

7.5.8As regards the issue of traffic given the limited scale of the proposed development, the level of traffic arising and could be accommodated within the existing network. I note that with regard to the site configuration the access from the public road is not included within the appeal site boundary and has not been indicated as a right of way on the submitted plans.

7.5.9On the issue of Appropriate Assessment having regard to the nature and scale of the proposed development and /or nature of the receiving environment and 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.

8.0 Recommendation

8.1. Refusal is recommended for the following reasons.

9.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development, the proposed method of effluent treatment by way of a privately operated wastewater treatment plant which is of insufficient capacity to serve the proposed development as its design, based on the details as set out in planning permission 11/519 PL04.239786, provides for the servicing of adjacent pre-existing

residential units. The proposed development would materially contravene condition 1 of planning permission ref. PL07.239786 11/519 and would be prejudicial to public health and contrary to the proper planning and sustainable development of the area. It is considered that the proposed development would be premature pending the provision of public sewerage facilities to support the sustainable development of the settlement.

2. In the absence of a site specific flood risk assessment and having regard to the planning history on the site the Board is not satisfied based on the details submitted that the proposed development would not have an adverse impact on lands outside the site by means of increased flood risk.

3. The proposed development by reasons of its layout and design, including inadequate provision for overlooking of public open space, poor aspect, insufficient housing mix would constitute a poor quality environment and would set an undesirable precedent for substandard development and would therefore be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
6th July 2020