



An
Bord
Pleanála

Inspector's Report

ABP-307898-20

Development	to construct a house, domestic garage and waste water treatment system.
Location	Coole Demesne, Gort, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20608
Applicant(s)	Andrea Lally
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Ian Cahill.
Observer(s)	None
Date of Site Inspection	17 th of November 2020
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is in the rural area of Coole Demesne, Gort, Co. Galway, c. 2 km north west of Gort. The site is on a local road that appears to be known locally as Coole Lane. The site is c. 360m east of a flyover bridge over the M18 motorway and c. 220m north west of the R458 Regional Road connecting Gort with Ardrahan.
- 1.2. The appeal site forms part of a larger agricultural field with a stated site area of 0.4779ha. The southern boundary of the site is a low stone wall overgrown in places. The western boundary includes a low concrete rail fence with trees and other vegetation. This boundary defines the property off a house to the west. The northern boundary includes a low level wall. There is no defined existing eastern boundary to the application site but can be identified by the presence of two existing trees. The site rises gently from west to north east with a localised elevated point to the rear of the site at the location of the proposed house.
- 1.3. There are ten houses located in the immediate vicinity of the site and along Coole Lane with one directly opposite the site and two to the immediate west on the same side of the road. There is an existing building supplies commercial development located c. 120m to the south east of the site on the opposite side of the road.
- 1.4. Coole Lane is a relatively straight road with a gradual bend to the west of the site. The road is at c. 5m wide. It is noted that the roadside boundary of some existing houses are set back to facilitate parking off the road edge.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - A 273 sq.m, four bedroom house
 - A split level design designed with a height of 8.009m to its western side and a ridge height of 5.659m to the single storey element to the east side. The house has a width of 16.05m when viewed from its front elevation and depth broken by blocks but in total 19.2m at ground level.
 - A 60 sq.m garage with ridge height of 5.05m to be located in the north east corner of the site.

- An onsite wastewater treatment system- tertiary treatment with 15 sq.m sand polishing filter
- It is proposed to obtain a water supply from the Coole Group Water Scheme (letter of consent to connect submitted).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission on the 16/07/20, subject to 13 conditions of a standard nature, including the following:

- Condition no. 2 placed a 7-year occupancy restriction on the house.
- Condition no.10 details requirements for materials and finishes

4.0 Planning Authority Reports

4.1. Planning Reports

4.1.1. The report of the Planning Officer (stamp dated 16/07/20) reflects the decision of the Planning Authority. The following is noted from the report:

- A flood risk assessment has been submitted and concludes the development has a low flood risk
- No further assessment is required in relation to habitats
- The subject site is located in a rural area in a Class 3 landscape, inside the GTPS Area and inside the urban fringe of Gort Town. It is clear from the documentation submitted the applicant has long established intrinsic links.

4.2. Other Technical Reports

- None on file

4.3. Prescribed Bodies

- None on file

4.4. Third Party Observations

One submission was received from-

- Ian Cahill

The issues raised in this submission are those issues raised in the grounds of appeal and are summarised in section 7.1.

5.0 Planning History

This Site

- 034072- Two nursery tunnels, glasshouse and ancillary facilities/services etc, 15/12/2003, Grant

Adjoining Site-

- ABP-306130-19- Construction of a house, Application withdrawn

6.0 Policy Context

6.1. Development Plan

6.1.1. National Planning Framework (NPF) – Project Ireland 2040 (2018)

Objective 19 of the National Planning Framework outlines-

“In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural

housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”

6.1.2. **Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns.

The appeal site is located in an area identified as under strong urban influence, as set out under Section 6.2 below. In these areas the guidelines advise that the housing needs of the local rural community should be facilitated, but that urban generated housing demand should be met on zoned and serviced land within settlements (Appendix 3, Box 1).

Section 3.2.3 deals with ‘Rural Generated Housing’ and ‘Persons who are an intrinsic part of the rural community’. It states-

“Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include.....people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence.”

Appendix 4 deals with ‘Ribbon Development’ and recommends against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. The guidelines go on to state-

In assessing individual housing proposals in rural areas planning authorities will therefore in some circumstances need to form a view as to whether that

proposal would contribute to or exacerbate ribbon development. Taking account of the above and the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant,*
- The degree to which the proposal might be considered infill development, and*
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.*

Planning authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.

6.1.3. EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) and the Code of Practice - Design Capacity Requirements August (2013),

The CoP provides guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses (p.e. less than or equal to 10).

6.2. Local Policy

6.2.1. Galway County Development Plan

Policy RHO 1 - Management of New Single Houses in the Countryside, Map RHO1.

It is a policy of the Council to facilitate the management of new single houses in the countryside in accordance with the Rural Housing Zones 1, 2, 3 and 4

and to support the sustainable re-use of existing housing stock within the County.

Rural Housing

The site appears to be located in the 'Urban Fringe' of Gort and in an area where Objective RHO 1 - Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure-GTPS) applies-

It is an objective of the Council to facilitate Rural Housing in the open countryside subject to a number of criteria. Based on the contents of the application it appears the applicant is applying under the following criteria-

1. *(b) Those applicants who have no family lands but who wish to build their first home within the community in which they have long standing Rural links* and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area.....*

It is noted that point 3 of RHO 1 states-

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.

Objective RHO 3 - Rural Housing Zone 3 (Landscape Category 3, 4 and 5) states-

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*.

The site is located in landscape 3 (see landscape sensitivity below).

The following definitions are relevant to the above criteria-

*Rural Links:

For the purpose of the above is defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life.

**Substantiated Rural Housing Need:*

Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a need for a dwelling for their own permanent occupation. In addition the applicants will also have to demonstrate their rural links as outlined above.

Objective RHO 9 Design Guidelines

Objective RHO 12 Waste Water Treatment Associated with Development in Un-Serviced Areas

Development Management Standards & Guidelines

Section 13.4 Rural Residential Considerations

DM Standard 5: Rural Housing

DM Standard 6: Assimilation of Development into Landscape

DM Standard 7: Site Size for Single Houses Using Individual On-Site Wastewater Treatment Systems.

DM Standard 8: Landscaping

Landscape

Policy LCM 1 – Preservation of Landscape Character

Objective LCM 1: Landscape Sensitivity Classification

Objective LCM 2: Landscape Sensitivity Ratings

The site appears to be located within Medium Value (P. 169 of DP) and Class 3-Medium Sensitivity (P.170 of DP)

6.3. Natural Heritage Designations

- 6.3.1. The site is located c. 650m east of the Coole-Garryland Complex SAC (000252) and c. 1.5km east of the Coole-Garryland SPA (004107).
- 6.3.2. The site is located c. 650m east of the Coole-Garryland Complex (000252) pNHA.

6.4. EIA Screening

- 6.4.1. Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeals has been received from-

- Ian Cahill of Gregory View, Coole, Gort, Co. Galway.

The grounds of appeal can be summarised as follows-

- Road Traffic and Safety. The road is busy and already contains ribbon development. The road is narrow with grass verges and setbacks at dwellings to allow passing. Sightlines to the north west are over lands outside the control of the applicant. The proposal increases traffic movements and will lead to an over concentration of accesses in the vicinity.
- Housing need, the applicant has chosen to move out of town from a family owned property Septic tank/treatment and does not have a direct link to the site other than its recent purchase by a family member.
- Septic tank/ treatment system/ environmental and public health. The drawings do not show adjoining wastewater treatment systems having regard to the

proximity of adjoining properties. There is an overconcentration of treatment systems in the area taking account of limestone geology in the area. There are a number of private boreholes in the area. There have been incidents of flooding in the area.

- The conclusions of the appropriate assessment screening are not accepted. The site is located within the Coole ACA and SAC and any development would devalue the heritage site along with an area of scientific interest.
- The design, mass and bulking is not in keeping with the general development in this rural area. One off housing is a poor use of land. This proposal continues a trend of ribbon development. The proposal could cause the evaluation of other nearby properties. The proposed use of the garage is unclear.
- Risk of flooding from surface water drainage. Climate change is expected to increase the level of rainfall. A photograph of water pooled (on what appears to be the adjoining site to the east) is included.

7.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows-

- The appeal is of a vexatious nature. Correspondence from the applicants solicitor is included. This sets out the following
 - The applicants brother owns the site. Land Registry detail has been submitted.
 - The appellant's solicitor asserted their client had a proprietary interest in the property purchased by the applicants brother.
 - The appellant objected to the applicants brothers registration of the property with land registry
 - The applicants brother is the registered owner
 - The appellant initially purchased the property in 2004 for a price reflecting its development potential
 - The applicant has never owned property and has a genuine housing need

- The appellant's submission was not specific to the planning application and includes incorrectly dated photographs to mislead the planning authority.
- The applicant requests the board dismiss the appeal.
- The road is a local road, over 5m in width permitting unrestricted traffic flow in both directions. Sightlines are in accordance with Galway Co. Co. and Transport Infrastructure Ireland's requirements. The proposal is not a significant intensification of use of the road and the applicant already lives on this road
- The applicant has documented her essential local rural housing need at this location and her intrinsic links to this immediate area. The applicant does not own other land.
- The site has been assessed and found suitable for the safe treatment and disposal of effluent and complies fully with the EPA Code of Practice 2009. A supplementary report prepared by a Hydrogeologist concludes that the proposed system does not pose a risk to Groundwater or Coole GWS Bore Well extraction Point. The appellant's claim that the proposal poses a risk to groundwater is unfounded and unsubstantiated.
- The site has been assessed for Flood Risk. A Flood Risk Assessment deals with minor pluvial flooding as shown in the photograph. The assessment concludes the site has a very low flood risk and will not cause a risk to the site or elsewhere.
- The site is not within the Coole/Garrylands SAC Complex.
- The bulk and massing of the house has been addressed in accordance with Galway County Council's Rural Housing Guidelines. It has been designed to assimilate into the landscape. There are several two storey houses permitted along the road and a large commercial and industrial building in close proximity to the site.

7.3. Planning Authority Response

- None on file

7.4. Observations

- None

8.0 Assessment

8.1. Main Issues

8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development /Rural Housing Policy
- Ribbon Development
- Design and Siting
- Wastewater
- Flooding
- Sightlines and Road Network
- Appropriate Assessment

8.2. Principle of Development /Rural Housing Policy

Rural Area Type

8.2.1. National Policy Objective 19 of the National Planning Framework (NPF) seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area in areas under strong urban pressure.

8.2.2. The Sustainable Rural Housing Guidelines for Planning Authorities (2005) defines Rural Areas Under Strong Urban Influence as areas that-

‘exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to

proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.'

- 8.2.3. The application site is located in a rural area which has been identified in Section 3.8.1 of the County Development Plan as a Rural Area under Strong Urban Pressure (GTPS) in accordance with the 2005 Guidelines. The key objectives of the Council are to facilitate the genuine housing requirements of the local rural community (rural generated housing) and to direct urban generated development to areas for new housing development in the adjoining urban centres, town and villages.
- 8.2.4. It is noted the applicant is seeking to build on lands that her brother owns. According to the land registry information submitted with the application, he acquired these lands in July 2019.
- 8.2.5. Objectives RHO 1 (b) and RHO 3 are considered the appropriate criterion in this instance. The applicant is required to demonstrate her "Rural Links" and "Substantiated Rural Housing Need" to the area.
- 8.2.6. In order to demonstrate the applicants rural links to the area and substantiated rural housing need she has submitted supporting documentation including-
- A rural housing need application form stating she is living with her parents in the family home at Coole Demesne, Gort. This form indicates the applicant is not work in farming and is not a member of the farm family. The form indicates the applicant is employed 6.7km from the application site. Additional Information is supplied stating the applicant lives in her family home with her husband and children with other family members including her brother. The applicants mother also provides support in terms of childminding while the applicant is working.
 - A map identifying the location of the family home c. 170m west of the site.
 - Land registry information for the family home showing its ownership since 1996.
 - The applicants birth certificate.

- A letter from Kiltartin National School stating the applicant attended from 1996-2004 and her son enrolled in 2015. This does not state where the applicant currently lives or where she lived at the time of her attendance.

Based on the information submitted in support of the application it appears the applicant has demonstrated her 'Rural Links'. However, there is limited information to support her 'Substantiated Rural Housing Need' as per the requirement of Objective RHO 3 of the Development Plan. There is no documentary evidence proving the applicant currently lives at the family home. Typically, such documentary evidence would show where the applicant has resided for a number of recent years. In the absence of such evidence I cannot say for certain the applicant has not ever owned a house in the area concerned.

- 8.2.7. Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area and should have regard to the viability of smaller towns and rural settlements. In addition, the Sustainable Rural Housing Guidelines 2005 note that circumstances for which a genuine housing need might apply and include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas.
- 8.2.8. With regard to an economic and working requirement to live in the area it is noted that the applicant has identified her place of employment. In my opinion this employment does not demonstrate an economic or working need to build a house in this rural area.
- 8.2.9. With regards to a 'social' and 'intrinsic' need to live in the area, with specific reference to section 3.23 of the Guidelines and the example provided of 'Persons who are an intrinsic part of the rural community' the applicant has demonstrated that she is a daughter of a family living in this rural areas and has grown up in this rural area.
- 8.2.10. However, based on the information on file and in the absence of a 'Substantiated Rural Housing Need' I am not satisfied the applicant complies with local and national policy in relation to rural housing.

8.3. Ribbon Development

- 8.3.1. The local road is under significant pressure from one-off rural housing. I note c. 10 existing houses on both sides of the road in the immediate vicinity of the site.
- 8.3.2. Appendix 4 of the 2005 Rural Housing Guidelines provides an example of ribbon development where 5 or more houses exist on any one side of a given 250 metres of road frontage.
- 8.3.3. The proposed development would be the fourth house within c. 160m on the northern side of this road. It is also noted there is potential for an infill site between the existing three houses. In this regard I am satisfied the proposal will not exacerbate such ribbon development in the context of the example given. However, it must be understood that this is only one example given and should not preclude consideration of other examples including the extent of one off houses on the other side of the road and coalescence of same.
- 8.3.4. Appendix 4 of the guidelines provide other factors to consider-
- The type of rural area and circumstances of the applicant,
 - The degree to which the proposal might be considered infill development, and
 - The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

As per section 8.2 above the site is located in a Rural Areas Under Strong Urban Influence. The proposal cannot be considered infill development. But having regard to the potential infill site to the west the development could be considered to contribute to and extend ribbon development on this side of the road.

- 8.3.5. There are also six existing houses and one infill site on the opposite side of the road all within 250m of the site. Having considered both sides of the road it is my opinion that a distinct areas of ribbon development exists and would further coalesce as a result of the development.
- 8.3.6. Appendix 4 of the Guidelines details that planning authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and

development pressures. In this regard I note the guidelines clearly state the circumstances of the applicant are to be considered. However, the applicant has not demonstrated 'Substantiated Rural Housing Need'. As such it is considered that the proposed development would consolidate and contribute to the build-up of ribbon development in this area.

8.4. Design and Siting

- 8.4.1. The appellant has raised issues with the design, mass and bulking of the proposal and that is not in keeping with the general development in this rural area.
- 8.4.2. Having visited the site and inspected the development pattern in the area I note the presence of a variety of house designs. I also noted the distance the house is proposed to be set back in line with neighbouring properties and the ability of the large site to assimilate a large house.
- 8.4.3. The proposed designed is split level which appears to work with the nature of the contours of the site. The house has a standard pitch roof and a protruding gable feature to the front elevation. Its footprint is not considered excessive in the context of the site. Overall, its design would not be visual intrusive on the local landscape and as such is considered acceptable.

8.5. Wastewater

- 8.5.1. The applicants submitted a Site Characterisation Report (SCR) to the Planning Authority. The overall proposal is for a tertiary wastewater treatment system with sand polishing filter to accommodate a stated population equivalent of 6 persons.
- 8.5.2. The SCR identifies the site within a Regionally Important aquifer category with an Extreme Vulnerability classification in the GSI Groundwater maps. The SCR indicates that the site falls within the R3(2) response category where on-site systems are not generally acceptable unless -

“A secondary treatment system is installed, with a minimum thickness of 0.9 m unsaturated soil/subsoil with P/T-values from 3 to 75 (in addition to the polishing filter which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.8 m in total for a soil polishing filter).”

and subject to the following conditions:

- 1. The authority should be satisfied that, on the evidence of the groundwater quality of the source and the number of existing houses, the accumulation of significant nitrate and/or microbiological contamination is unlikely*
- 2. No on-site treatment system should be located within 60 m of a public, group scheme or industrial water supply source*
- 3. A management and maintenance agreement is completed with the systems supplier.”*

- 8.5.3. The SCR states the targets at risk are groundwaters and the local Group Water Scheme which is located 400m north west of the proposed site. The SCR proposes a secondary treatments system with sand polishing filter 0.45m below ground level which will provide 2.35m of vertical separation.
- 8.5.4. The trial hole was observed at the time of the inspection. There was no evidence of ponding on site or of the water table in the trial hole. The ground elsewhere on the site was firm underfoot.
- 8.5.5. The trail hole assessment in the SCR indicates bedrock was encountered at 2.8m and not opened to 3m as required for regionally important aquifers. The water table does not appear to have been encountered with no evidence of mottling recorded.
- 8.5.6. A t test value of 9.08 was recorded and is within the acceptable range. There are no limiting factors in terms of water table or bedrock as such it appears a P-test has not been carried out.
- 8.5.7. The proposed tertiary treatment system with sand polishing filter appears to comply with the CoP requirements in relation to separation distances. It is noted that the area of the sand polishing filter has been calculated based on a Population Equivalent (PE) of 6 given an area of 15 sq.m. Overall, the proposed treatment and disposal of wastewater appears satisfactory.
- 8.5.8. A Hydrogeological Report carried out by Parkmore Environmental Services has also been submitted in support of the application. In terms of the SCR it notes the presence of fractured limestone at 1.8m below ground level (BGL). In the interest of protecting ground water it assumes the depth of bedrock to be 1.8m bgl which contradicts the SCR which encountered bedrock at 2.8m. This report also differs

from the SCR by stating the Coole GWS to be c. 300m east of the application site and along the gradient of the GWS well. It is noted the separation distance requirement is 60m and this discrepancy is not considered significant given the distance. The report assumes the site is within the inner source protection zone of the well and the report agrees with the response rating of R3(2). The report states the proposed polishing filter arrangements allows 0.45m more subsoil beneath the tertiary filter than the 0.9m required. This appears to comply with 2009 COP section B.5 Groundwater Protection Response Matrix for Single House Systems (P. 60). The report details that reported chemical groundwater in the GWS well is good with microbial water quality is varied and could reflect the agricultural activities in the catchment. The report concludes there will be no adverse impact on the Coole GWS and if installed and maintained in compliance with the 2009 COP there will be no environmental or public health issues.

8.6. Flooding

- 8.6.1. The appellant has raised concerns in relation to flooding from the proposed development. Having visited the site and assessed flood mapping from the office of public works I am satisfied that the site of the proposed development is not in an area at risk of fluvial flooding. The appellants concerns would appear to be pluvial related and can be addressed within the site and by way of condition should permission be granted.

8.7. Sightlines and Road Network

- 8.7.1. The appellant has raised concerns in relation to the busy nature of the road, its width, absence of a footpath and sightlines. The Planning Authority has stated the visibility splays required are 70m in both directions. The proposed site layout plan drawing shows 70 m sightlines in both directions. In their response to the appeal the applicants detail the sightlines do not cross third party lands.
- 8.7.2. The local road fronting the site is c. 5m in width, and traffic appears to be able to pass relatively unrestricted. Having inspected the site I am satisfied the proposed sightlines can be achieved and that the proposed development would not create a traffic hazard.

8.8. Appropriate Assessment (AA)

- 8.8.1. The appellant has raised concerns in relation to the conclusions of the appropriate assessment screening which are not accepted. The appellant states the site is located within the Coole ACA and SAC and any development would devalue the heritage site along with an area of scientific interest.
- 8.8.1. The applicant has submitted a screening report for Appropriate Assessment as part of the planning application (Appropriate Assessment Screening Report Coole Demesne, Gort, Co Galway by ASH Ecology & Environmental April 2020). The Screening Report adopts a stated 'precautionary principle' in identifying sites and includes all SAC's and SPA's within a 15 km radius of the site. As such 27 Natura 2000 sites are identified with their Qualifying Interests detailed and their distance from the application site outlined. The Screening Report concluded that none of the 27 Natura 2000 sites identified will be impacted by the proposed works.
- 8.8.2. The use of a 15 km radius in the applicants screening report to identify 27 Natura 2000 sites within the zone of influence is considered an overly cautious approach in this context. The use of the Source-Pathway- Receptor Concept risk assessment principle is an appropriate model to consider significant effects. In identifying the appropriate zone of influence, the only apparent pathway to a European Site appears to be groundwater.
- 8.8.3. The development site is not located in or immediately adjacent to a European site. The nearest sites are the Coole-Garryland Complex SAC (000252) and the Coole-Garryland SPA (004107) respectively located c. 650m and c. 1.5m west of the application site. In these circumstances the proposed development would not have the potential to have a likely significant effect on any European Site.
- 8.8.4. Having regard to the nature, scale and location of the proposed development and the nature of the receiving environment and its proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that permission is refused for the following reasons-

10.0 Reasons and Considerations

1. Having regard to the location of the site within an area under strong urban influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural generated housing need, and having regard to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy to “*facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements*”, and by reference to the rural housing provisions of the Galway County Development Plan 2015- 2021, it is considered that the applicant has not demonstrated that she comes within the scope of the housing need criteria as set out in the County Development Plan and the Guidelines and has not demonstrated an economic or social need to live in this rural area in accordance with national policy. Furthermore, the Board is not satisfied that the applicant’s housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. Accordingly, the proposed development would be contrary to the provisions of the 2005 Guidelines and would also be contrary to National Policy Objective 19 of the National Planning Framework. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development when taken in conjunction with existing development in the vicinity of the site would consolidate and contribute to the build-up and coalescence of ribbon development in this open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005 and to the proper planning and sustainable development of the area.

Adrian Ormsby
Planning Inspector

20 November 2020