



An
Bord
Pleanála

Inspector's Report

ABP-308148-20

Development	Demolition of house, construction of replacement house, A Natura Impact Statement was submitted to the planning authority.
Location	Rosshill Road, Roscam, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	20168
Applicant(s)	Tony & Laura Caulfield
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Declan & Bernadette Ashe Martin J Fahy
Observer(s)	Patrick King, James McCarthy
Date of Site Inspection	17 th of November 2020
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is on the Rosshill Road in the rural area of Roscam, c. 4.7 km south east of Galway City. Although in the functional area of Galway City Council it is clear this area can be described as rural. The site is on a narrow local cul de sac road that serves a number of one off houses and agricultural lands in the area along the Roscam Peninsula.
- 1.2. The appeal site forms part of a larger agricultural landholding of 1.298ha with a stated site area of 0.4097ha. There is an existing modest single storey bungalow style house in the northern corner of the site with a narrow shared vehicular and pedestrian access gate. There is a low boundary wall to the roadside overgrown with hedgerow from within the site. The wall is recessed, and parking is facilitated off the road edge.
- 1.3. The house is bound to its rear and southwest boundary by low stone walls and a small stone shed. A second shed is located further south within the site. The fields to the south of the house but within the site are demarcated by low stone walls that are broken in places. The site generally falls in a south east direction from the house.
- 1.4. There are a number of houses in the immediate area with one to the immediate north and one c. 100m to the south on the same side of the road. There are three houses on the opposite side of the road to the south east. These houses are all of differing designs.
- 1.5. National Monument No. 46 (Early Medieval Ecclesiastical Site) and Record of Monuments and Places RMP No. GA094-072001-004- Ecclesiastical Remains including the Church and the Roscam Round Tower are located c.230 – 270 m to the south west of the existing house. The round tower is also recorded as a Protected Structure RPS 8802 on Galway City's Record of Protected Structures.
- 1.6. The site is c. 135m north of Galway Bay.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of a 67.8 sq.m single storey house

- Construction of a 298.7 sq.m house with a first floor and single storey elements.
- Renovation of the two existing sheds
- Upgrade of exiting septic tank to a tertiary wastewater treatment system
- Widening of site entrance to 4m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission on the 18/08/20, subject to 14 conditions of a standard nature, including the following:

- Condition no. 5 required the front boundary wall to be of local unplastered stone.
- Condition no.9 details requirements for installation and management of the wwtp and decommissioning of existing septic tank.
- Condition 12 relates to archaeological monitoring
- Condition 13 placed a 7-year occupancy restriction on the house
- Condition 14 requires all mitigation measures is outlined in the submitted NIS a preliminary construction and demolition waste management plan shall be implemented in full and supervised by an ecologist and bonded engineer.

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (dated 13/08/20) reflects the decision of the Planning Authority. The following is noted from the report:

- The site is located on lands which are zoned 'G' – to provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity under the CDP. Residential development is not a

use which is compatible and contributes to the G zoning objective. However, the development is replacing an existing dwelling house on G zoned lands.

- A submitted structural report notes the existing bungalow is of very poor quality even below 1970's construction methods. It is not of architectural merit and it is recommended it should be demolished and replaced.
- The retention of two existing stone sheds is addressed in the submitted archaeological assessment report.
- Having regard to the provisions of Section 11.1 of the CDP in principle the replacement of the existing house, a well-established non-conforming use is open for consideration subject to other planning criteria.
- The site is located approx. 157m west of the Galway Bay Complex SAC and the Inner Galway Bay SPA. An AA Screening Report and NIS have been submitted. The NIS includes a series of best practise and mitigation measures for the development.
- The Planning Authority is in agreement with the AA Screening and NIS conclusions. The proposal does not have the potential to give rise to significant effects on identified European Sites.
- A bat survey has been submitted showing very little bat activity. No mitigation measures are proposed.
- A Cultural Heritage Assessment has been submitted, Archaeological monitoring should be a condition of planning. In view of the proposed developments low profile and design the proposal will have a negligible to slight visual impact on the Roscam Round Tower. It will not interfere or impinge upon significant view.
- The development is located within a Panoramic Protected View of Special Amenity Value and Interest, V9 Views towards the sea at Roscam. Views are not static, and some changes can be absorbed without visually depreciating the integrity of the view and in some case can make a positive contribution, while other changes can have a negative impact. It is

considered that seascape views and views of the Roscam Round Tower and monastic site are safeguarded by the proposed development.

- A description of the proposed development includes a series of photomontages and contiguous elevations demonstrate the sensitivity in the new house design to its context and is considered acceptable.
- Restoration of two existing stone sheds is considered a positive aspect of the development.
- It is considered there will be no overlooking as the cone of vision is curtailed to the west over the landholding.
- Decommissioning of the existing septic tank can be dealt with by condition.
- No development contribution applies as the proposal is a replacement house.

4.2. Other Technical Reports

- Heritage Officer- the following is noted
 - the submitted Cultural Heritage Impact Assessment should have suggested adequate mitigation regarding the archaeological potential of the area.
 - Geophysical investigations should be used to assess the entire area in advance of the development
 - Archaeological Monitoring under licence should be a condition
 - Vernacular stone sheds, field walls and fences should be preserved, conserved and retained. Proposed stone cladding should be local limestone.
 - It is vital the new build should only be on existing buildings footprint
- Environment Department- In terms of waste management and the proposed wastewater treatment system, there are no objections subject to conditions.
- Transportation Department- No comments to make.

4.3. Prescribed Bodies

An Taisce- A submission was received dated July 29th, 2020. A number of issues were raised and can be summarised as follows.

- The proposed development is in contravention of the Galway City Development Plan and may also be contrary to environmental NPOs of NPF Ireland 2040 and may be contrary to the UN Agenda 2030 and to Nature Restoration Plan of the EU's 2030 Biodiversity Strategy.
- Concerns include the continuous trend facilitating residential development on lands zoned as "Agriculture and High Amenity", the precedent in near proximity to the coast and Natura 2000 Sites within Protected Seascape Views, Ribbon Development and the lack of tenable civic infrastructure.
- The proposal should be considered as a completely new "premises" and due to its scale does not represent an "extension".
- Further Information should be sought in relation the submitted AA Screening Report and NIS due to 'lacunae/gaps in relation to '- Wintering Birds, Wetlands, Land take, operation phase of the development, potential for disruption and disturbance during construction, assessment of illumination levels or relevant mitigation, assessment of indirect impacts on populations on the Natura 2000 site, cumulative effects with other projects ref no. 20/100 and 20/174.
- Further Information should be sought in relation the submitted Bat Survey. No mention of potential for temporary or night roosts in mature trees, the treeline existing stone walls or hedgerows. No mitigation proposed.
- Lacunae and Gaps in the EPA Site Characterisation Form including depth of trial hole is not 3m as required for Regionally Important Aquifers, other discrepancies listed.
- The submitted photos do not adequately address the potential for impacts to visual amenities and a landscape and visual impact assessment should be submitted as Further Information.

- In terms of Built Heritage, the recommendations of mitigation as per the Cultural Heritage Impact Assessment are agreed with. Archaeological monitoring is recommended, and electrical lines should be underground.

4.4. Third Party Observations

4.4.1. Five submissions were made in relation to the development. A brief summary of the issues raised are set out below:

- Contravention of the Galway City Development Plan (GDP).
- The proposal will negatively impact the character and/or setting of the Built and Cultural Heritage of the area.
- There are environmental concerns relating to Appropriate Assessment Screening Report, the NIS, the proposed wwtp and an EIA is required.
- Negative Impact on Protected View V9 Policy 4.5.3 of GDP
- The design, size, scale and siting of the proposed development is excessive and out of character with the area.
- Negative Impacts on residential amenity by way of overlooking, overbearing, loss of light, noise and potential for structural damage to adjoining property.

These matters are addressed further in the third party appeals and as set out in section 7.1.

5.0 Planning History

5.1. This site

- There does not appear to be any recent planning history pertaining to the appeal site.
- The application documents, planners report, and appeal refer to planning reference number 30071 on 26/02/1971 which appears to be a grant of permission for the existing house on site.

5.2. Adjoining Site to north east

- 08/697, PL 61.232894 Three houses to rear of existing house. 17/07/2009
Refused on following grounds-
 - The proposal would impact significantly on the setting and integrity of this Recorded Monument GA 094-072 and Protected Structure Number 8802
 - The proposal would detract from Protected View (View Number 9) “View towards the sea at Roscam” and adversely impact on the quality of the protected view
 - the provision of a single proprietary treatment plant and percolation area to service four number dwellings, is considered unacceptable on public health grounds

6.0 Policy Context

6.1. National Policy/Guidelines

- 6.1.1. EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (with clarification 2012) 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. Galway City Development Plan 2017-202

- 6.2.1. Zoning- The subject site is zoned G (Agricultural Lands) with an objective- *“To provide for the development of agriculture and protect areas of visual importance and/or high amenity.”*

Section 11.2.3 details-

“Uses which are compatible with and contribute to the zoning objective, for example:

- *Agricultural development*

Uses which may contribute to the zoning objectives, dependent on the G development, for example:

- *Burial grounds and associated services*
- *Public utilities*
- *Outdoor recreation with small scale associated facilities”*

6.2.2. Section 4.2.3 states-

“The G zoning objective are lands that in addition to agricultural uses have an important landscape and aesthetic value, which distinguishes them from less visually sensitive A zoned agricultural lands. The policy of the Council for agricultural zones is to facilitate the continued use of these lands for agricultural purposes subject to the protection of designated ecological sites, environmental considerations and to control nonagricultural development.....

6.2.3. Section 11.1 of the Development Plan states-

“Many legally established uses exist in locations where they do not conform to the designated land use zoning objective set out in the Plan. Extensions to or improvements of premises accommodating these non conforming uses may be granted, where the proposed development would not be injurious to the amenities of the area, and would not prejudice the proper planning and sustainable development of the area.”

6.2.4. Chapter 4 deals with Natural Heritage, Recreation and Amenity.

Section 4.5.3 sets out ‘Views of Special Amenity Value and Interest’ and states-

‘Important views in the city include panoramic views which allow expansive views over landscape for example Galway Bay and over the cityscape and linear views which are views towards a particular landscape, observed from a particular point. The enjoyment of protected views by the community and visitors is a key part of the experience of the city. It is acknowledged that views are not static and some changes in a view can be absorbed without visually depreciating the integrity of the view and in some cases make a positive contribution to the characteristics and composition of protected views, while other changes can have a negative impact reducing the experience of that view irreparably. It is the objective of the Council to assess proposed developments, which are located within the foreground, middle ground or

background of a protected view, in the context of their scale, design and location.'

This section highlights a number of 'Panoramic Protected Views'. The road in front of the application site is designated Protected View and Prospect in the Zoning and Objectives Map. The GDP describes this as V9 'Views towards the sea at Roscam'.

Policy 4.5.3 of the GDP states-

*'Community Spaces: Protected Views of Special Amenity Value and Interest
Protect views and prospects of special amenity value and interest, which contribute significantly to the visual amenity and character of the city through the control of inappropriate development. Require landscaping schemes as part of planning applications to have regard to such views and limit any planting which could have a detrimental impact on the value of protected views.'*

6.2.5. Chapter 8- Built Heritage and Urban Design

Policy 8.2 Built Heritage - Record of Protected Structures refers and states-

Encourage the protection and enhancement of structures listed in the Record of Protected Structures.

Ensure new development enhances the character or setting of a protected structure.....

Policy 8.5 Archaeology refers and states (summarised as relevant)-

Protect the archaeological heritage of the city.....

Require the surveying, recording or excavation of archaeological heritage during the development process where appropriate....

Seek the preservation in-situ or, at a minimum, preservation by record of archaeological sites/monuments included in the Record of Monuments and Places....

Ensure that any development proposal with potential to impact on archaeological heritage includes for an archaeological assessment. This includes within terrestrial, riverine, inter-tidal and sub-tidal environments.....

6.2.6. The site adjoins but is immediately south of lands outlined and identified in Section 11.2.8 as Low Density Residential (LDR) Zoned lands. Fig. 11.14 outlines in red-LDR Roscam Village. As the site is identified outside this zoning the standards criteria do not apply.

6.3. Natural Heritage Designations

6.3.1. The site is-

- c. 135m north of the Galway Bay Complex SAC (000268)
- c. 135 m north of the Inner Galway Bay SPA (004031).
- c. 3.5km northwest of the Cregganna Marsh SPA (004142)

6.3.2. The site is 135m north of the Galway Bay Complex (000268) pNHA.

6.4. EIA Screening

6.4.1. Having regard to the nature and scale of the proposed development comprising a replacement house there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

Two third party appeals have been received from the following-

- Declan & Bernadette Ashe (Neighbouring property to NW)
- Martin J. Fahy (Property c. 190m to NW)

The grounds of appeal can be summarised as follows-

- Contravention of the 'G' Agricultural/High Amenity land use zoning objective for the site and the sites location within the Green Network. The proposed development in principle is not in keeping with section 11.1 of the Galway City Development Plan (GDP) in relation to non-conforming use. The proposed

demolition has not been justified. The applicants ability to comply with Policy 4.6.21 in terms of residential development in agricultural lands.

- The proposed development will negatively impact the character, setting and integrity of the nearby Recorded Monument and Protected Structures. There are also concerns in relation to Archaeological Heritage and shortcomings in the Cultural Heritage Impact Assessment. A fuller archaeological assessment is required or should be conditioned.
- There are environmental concerns relating to the sites location in the context of designated European Sites including–
 - Discrepancies and omissions with the Appropriate Assessment Screening Report and the NIS. An EIA is also required.
 - Proposed wwtp and errors/discrepancies in the site characterisation report, impacts on ground water and decommissioning of existing septic tank and in combination effects with other failing septic tanks and other developments etc. in the area
- The proposed development will negatively impact on Protected View V9 Policy 4.5.3 of GDP to and from Roscam Round Tower and the sea.
- The design, size, scale and siting of the proposed development is excessive and out of character with the area. It would be visually dominant to the public road.
- Negative Impacts on residential amenity by way of overlooking/perception of overlooking, overbearing, breaching building line, loss of light, noise, disruption and hazard during construction and potential for structural damage to adjoining property from rock breaking.
- Other concerns include-
 - Relocating ESB poles
 - Accuracy of the drawings and photomontages submitted.
 - Inappropriate precedents cited for the proposed development.
 - Division of the site.

- Existing house and shed could be redeveloped to meet the applicant's needs.
- Works to boundary treatments.

7.2. Applicant Response

The applicants response to the ground of appeal can be summarised as follow-

- The planning justification for the development was set out in the Planning Statement which accompanied the original application.
- The residential use at this location was confirmed under Pl. Ref. No. 30071 and preceded the 'G' Zoning. The proposal is considered an "improvement" in a number of listed ways and the precedent of granting similar developments is cited.
- The proposal is consistent with Objective RPO 3.8 of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly.
- The response specifically addresses the two appeals individually and the following is noted in relation to each appeal-
 - Appeal by Martin J Fahy
 - As the proposal is for a replacement dwelling there is no need for a substantiation of a housing need or the imposition of an enurement clause. The housing need restrictions apply to the 'A' Zoning Category and not the 'G' Zoning Category. The proposal is not in any event speculative.
 - An NIS has been submitted with clear mitigation measures to address potential impacts and are set out in section 2.3. The proposed tertiary treatment system will enhance effluent treatment on site. The response specifically addresses individual criticisms in relation to the NIS.
 - Renovations, revised designs and/or extensions to the existing house would be likely to have the same negligible impacts on European Sites compared to the proposed development.
 - In relation to the V9 Protected Views sea views are not available across the location of the proposed development.

- The response specifically addresses individual criticisms in relation to the Cultural Heritage Impact Assessment.
- In terms of design the existing dwelling has no architectural merit or vernacular heritage. There are a variety of house types and designs in the area. The proposal will not overlook adjoining properties or generate a loss of light/passive solar gain which could affect residential amenity.
- Appeal by Declan & Bernadette Ashe
- The window to bedroom 4 faces south-west and would not directly interfere with the appellants house with existing mature trees negating this concern. It is proposed to retain this hedgerow. The applicants are willing to accept a condition this window be opaque glass.
- The proposed plot ratio of 0.09 is extremely modest. The scale of the floor area of the appellants house is comparable to the proposed development. The response refer to the scale of the appellants development proposals to the rear of their property.
- The public notices were not misleading in terms of the design of the house.
- The site has been surveyed and the accuracy of the drawings has been confirmed. In terms of structural work, a Structural Engineer will design, inspect and certify the development. A condition survey of the boundary wall will be carried out prior to works and a structural survey of the appellants house can be carried out at the applicants expense. These can be imposed by condition should the Board be mindful to grant permission.
- The extent of excavation is not significant as shown on drawing P-15 and there is no evidence to suggest rock breaking is required. If it is it would be outside of winter bird season and would be short and transitory. It is mitigated by the planning authority's hours of operation condition.
- A Report is also submitted from Brendan Slevin & Associates Chartered Engineers responding to assertions in the appeal in relation to the trial hole. The report challenges this and confirms the proposal for tertiary treatment is in accordance with the EPA Code of Practise 2009 as updated in 2012.

7.3. Planning Authority Response

- None received.

7.4. Observations

Two observations were received from Patrick King and James McCarthy. The issues raised by the observers are generally covered in the grounds of appeal and also include-

- A right to a clear and unobstructed view of the Rosshill Round Tower
- Conflicting uses of the road from the works and existing agricultural use will be disruptive and dangerous.
- Concerns over overall design including radon and foundation and absence of reference/drawings of same in the proposal. The observer also notes radon is a building regulation requirement.
- Absence of preplanning consultation
- Granting permission is essentially a rezoning of the site from Agricultural and High Amenity to Residential leading to speculative development.
- The submission of An Taisce has not been taken into consideration.
- The report of the Planning Authority's Heritage Officer has been ignored.

8.0 Assessment

8.1.1. I have examined the application details and all other documentation on file, including the appeals, the response to the appeals and the two observations. I have also visited and inspected the site. Having regard to relevant local/regional/national policies and guidance, I consider that the main issues for assessment in this appeal are as follows:

- Zoning and the Principle of a replacement house in this zoning.
- Design and Siting
- Impacts on Residential Amenity

- Impact on Protected View
- Impact on Built Heritage
- Wastewater
- Impact on Bats
- Appropriate Assessment

8.2. Zoning and the Principle of a Replacement House in this Zoning.

- 8.2.1. The subject site is zoned 'G' (Agricultural Lands) with an objective- *"To provide for the development of agriculture and protect areas of visual importance and/or high amenity."*
- 8.2.2. Section 11.2.3 details uses which are compatible with and contribute to this zoning objective and provide one example- Agricultural development. This section also details uses which may contribute to the zoning objectives, dependent on the 'G' development, and provide 3 examples-
- Burial grounds and associated services
 - Public utilities
 - Outdoor recreation with small scale associated facilities"
- 8.2.3. In terms of justifying the principle of the proposed replacement house it is noted that the Planning Authority refer to Section 11.1 of the Galway Development Plan (GDP) and detail that in principle the replacement of the existing house, a well-established non-conforming use is open for consideration subject to other planning criteria within this 'G' Zoning.
- 8.2.4. Much of the grounds of the appeal, submissions and observations challenge this interpretation and argue that section 11.1 of the GDP only considers extensions to or improvements of premises accommodating these non-conforming uses may be granted.
- 8.2.5. The applicants contend that the proposed development represents an improvement of residential property within the 'G' zone.

- 8.2.6. It is clear that there is an existing house and as such the principle for residential use of the site is established. The applicants are seeking to demolish the existing house on site and in my opinion it is questionable and certainly a liberal use of the word 'improvement' to suggest its replacement would be an 'improvement of' the existing house. It is instead, clearly a 'replacement' house. To improve the existing house would in my opinion certainly require the retention of a significant part of the existing house.
- 8.2.7. Section 11.2.3 details uses which are compatible with and contribute to the zoning objective 'G'. It provides one such example- Agricultural Development. It does not provide any other examples. However, importantly it does not state there are no other examples that would be compatible with and contribute to the zoning.
- 8.2.8. In this context and in my opinion, it is entirely reasonable to consider the principle of replacing an existing house to be compatible with this zoning objective subject to normal planning criteria. This is not to suggest the principle of new house would be compatible or would contribute to the zoning objective. The proposal is simply the replacement of an existing permitted house.
- 8.2.9. The planning history of the site suggests this house has been there for some time. A Structural Report submitted with the application details a number of issues and has recommended its demolition. I do not consider the house to be of any significant architectural or vernacular merit and as such I have no planning concerns to its demolition and replacement subject to other planning criteria.
- 8.2.10. Condition 13 of the Planning Authority's decision placed a 7-year occupancy restriction on the house. As this is an application for a replacement house the applicants do not need to demonstrate a rural housing need and as such it is my opinion that an occupancy condition is not warranted.
- 8.2.11. I have considered the appellant's concerns in relation to the sites location in the Green Network as identified in Fig.4.1 of the Development Plan. The proposed development will not impact upon this designation

8.3. Design and Siting

- 8.3.1. The Planning Authority does not raise any concerns in relation to the proposed house design and describe it as 'modest in scale' with a new pitched roof projecting

just 1.3 metres above the existing bungalow on site, positioned on the footprint of the original bungalow, retains the front building line and does not alter the current experience of the protected view and the visual landscape.

- 8.3.2. The grounds of the appeal, submissions and observations challenge this and in particular argue that the design, size, scale and siting of the proposed development is excessive and out of character with the area.
- 8.3.3. The proposed development is for the demolition of a 67.8 sq.m modest bungalow and construction of a 298.7 sq.m contemporary style house which has been described as a storey and a half in the public notices. Many of the concerns raised about the proposal refer to the two storey nature of the development and that it is not a storey and a half proposal. Based on the drawings submitted I am satisfied the development description adequately describes the proposed development.
- 8.3.4. The two floor element of the proposal is located generally on the footprint of the existing house thereby maintaining the existing building line, with the remainder of the house single storey to the rear and side of the two floor element. The house will have a ridge height 1.3m higher than the existing house. The proposed house is broken into a number of blocks that provide an enclosed courtyard within the footprint of the overall development. The new footprint of the house extends as a single storey structure south eastwards and behind the existing shed to be restored. This will have a flat roof and will be c. 3.5m high. The house is to be generally finished with natural slate and stone.
- 8.3.5. I acknowledge concerns relating to the overall size of the house in the context of the existing house on site and the proposal for a first floor element in this sensitive area. I am however, satisfied that the proposed development is a reasonable and acceptable design solution to the context of this site and is not excessive in size or scale and would not be out of character with the area to an extent that would interfere with the landscape.

8.4. **Impacts on Residential Amenity**

- 8.4.1. The side gable wall of the existing house is located c. 0.858m from the north western boundary of the site and c. 15m from the front elevation of the neighbouring house to

the north west. The building line of the existing house is clearly set forward of the neighbouring house.

- 8.4.2. The proposed development is designed in a series of blocks. The main front elevation block with the first floor element is sited generally on the footprint of the existing house. It is however set slightly further off the north western boundary at c.1.1m. A single storey block then extends back to the rear of the site c. 15m from the existing rear building line. This part of the structure is set back c.2-4m from the north western boundary and will be c. 4m high along this boundary. This block of the development extends to circa the midpoint of the side gable of the neighbouring house to northwest and will be c. 15m away from it.
- 8.4.3. The application also provides for a roof level protrusion to the rear elevation described in the drawings as 'Dormer'. This protrudes to the rear from below the main ridge level and facilitates bedroom 4. A wide window of horizontal emphasis is provided in the rear wall at first floor and faces west. The window will facilitate views over the green roof of the single storey block and may provide some intermittent views of the front elevation and side gable wall of the neighbouring property. The southern elevation of bedroom 4 also opens on to a roof terrace that is enclosed by the protrusion of bedroom 4. This terrace will generally provide views west toward the sea and Roscam Tower and some intermittent views of the front elevation and side gable wall of the neighbouring property.
- 8.4.4. I am satisfied that the proposed development by way of its design, siting and orientation will not lead to overlooking of private amenity space of the neighbouring property to the northwest. I am also satisfied that the design and setback of the proposed development will not have a negative overbearing or overshadowing effect and as such there are no residential amenity concerns.
- 8.4.5. I note one appellant has raised concerns in relation to noise and vibrations. I accept that the proposed development may lead to some noise and the applicants have conceded there could be an unlikely requirement for some rock breaking. However, these matters would generally be minor in nature having regard to the nature of the proposed development. Accordingly, it is reasonable for these to be managed by conditions.

8.5. Impact on Protected View

- 8.5.1. The appellants and observers have raised concerns that the proposed development will negatively impact on Protected View V9 Policy as set out in section 4.5.3 of GDP. There concerns include views to and from Roscam Round Tower and the sea and one observer has raised his right to such a view from his property.
- 8.5.2. A right to a view from private property is not a matter for the planning system.
- 8.5.3. The Planning Authority have considered that seascape views and views of the Roscam Round Tower and monastic site are safeguarded by the proposed development.
- 8.5.4. The Galway City Development Plan Landuse Zoning and Specific Objectives Map identifies Views and Prospects and clearly shows this view along the road in front of the application site and beyond. Section 4.5.3 of the Plan describes Panoramic Protected View V9- as “Views towards the sea at Roscam”.
- 8.5.5. Section 4.5.3 of the Plan states- *“It is acknowledged that views are not static and some changes in a view can be absorbed without visually depreciating the integrity of the view and in some cases make a positive contribution to the characteristics and composition of protected views, while other changes can have a negative impact reducing the experience of that view irreparably”*
- 8.5.6. Having inspected the site I consider that views towards the sea at Roscam are not easily available in front of the house at the application site, but views are intermittently available to certain degrees along the public road. I have also reviewed the existing and proposed photomontages (View 1 and View 2) submitted with the application.
- 8.5.7. As already set out in section 8.3 I am satisfied that the proposed development is a reasonable and acceptable design solution in the context of this site and would not interfere with the landscape. I am also satisfied that the design proposal can be absorbed into the local landscape and along this road without depreciating the integrity of the protected view. As such, I share the position of the Planning Authority that the protected view towards the sea at Roscam is safeguarded by the development.

8.6. Impact on Built Heritage

- 8.6.1. The appellants and observers have raised concerns that the proposed development will negatively impact the character, setting and integrity of the nearby Recorded Monument and Protected Structures. There are also concerns in relation to Archaeological Heritage and shortcomings in the Cultural Heritage Impact Assessment.
- 8.6.2. The applicants have submitted a Cultural Heritage Impact Assessment with the application. They have identified no recorded monument or protected structures within or bordering the site of the proposed development. The assessment concludes the proposal will not have a direct physical or visual impact on any Recorded Monuments or Protected Structures.
- 8.6.3. The Planning Authority has considered the proposed developments low profile and design will have a negligible to slight visual impact on the Roscam Round Tower. It will not interfere or impinge upon significant views. They have also conditioned archaeological monitoring.
- 8.6.4. The south western boundary of the application site is c. 195m – 240m from structures that form part of National Monument No. 46 (Early Medieval Ecclesiastical Site) and Record of Monuments and Places RMP No. GA094-072001-004- Ecclesiastical Remains including the Church and the Roscam Round Tower Protected Structure 8802. The existing house is a further 40m away. The proposed house will be within 16 metres of the sites south western boundary and the proposed tertiary treatment system will be in the south west corner of the site.
- 8.6.5. The appellants have raised concerns that this planning application was not referred by the Planning Authority to the Department of Culture, Heritage and the Gaeltacht (DoCHG) for their comment. For clarity purposes the planning application and appeal have been referred to the Development Application Unit of the DoCHG on the 13/1020. No comment has been received.
- 8.6.6. The application is for a replacement house. Given the proposed sites distance from the Recorded Monuments and Protected Structure I am satisfied the only concerns in this regard relate to the visual impact of the proposed development on views of the Protected Structure. As already set out in section 8.3 I am satisfied that the proposed

development is a reasonable and acceptable design solution in the context of this site and would not interfere with the landscape. Having considered the existing and proposed photomontage (View 3) submitted with the application I do not consider the proposed development would have a significant visual impact. I share the position of the Planning Authority that the proposed development will have a negligible visual impact on the Roscam Round Tower.

- 8.6.7. Although the application site is located some distance from Recorded Monuments it is noted the proposed development will require works to land closer to the Early Medieval Ecclesiastical Site and that part of the applicants landholding is within the zone of notification around the Early Medieval Ecclesiastical Site. As such the site may be of some archaeological potential. However, given the existing use and structures on site and the principle of the proposed development, I do not consider further archaeological investigations are reasonable in this context. Accordingly, in my opinion Archaeological Monitoring by way of a condition is an entirely appropriate measure to manage the development should archaeologically significant finds be encountered.

8.7. **Wastewater**

- 8.7.1. This application provides for an upgrade to the existing septic tank serving the house and its replacement with a tertiary treatment system. The Planning Authority have granted permission subject to a number of conditions including details of the decommissioning of the existing septic tank to be submitted for written agreement.
- 8.7.2. The appellants have raised concerns relating to errors/discrepancies in the site characterisation report, impacts on ground water and decommissioning of existing septic tank.
- 8.7.3. The applicants have submitted a Site Characterisation Report (SCR) to the Planning Authority. The overall proposal is for a tertiary wastewater treatment system with peat polishing filter to accommodate a stated population equivalent of 6 persons.
- 8.7.4. The SCR identifies the site within a Regionally Important aquifer category with a High Vulnerability classification in the GSI Groundwater maps. The desk top study in the SCR indicates that the site falls within the R2(1) response category. The SCR notes the targets at risk are groundwaters Galway Bay (SAC) and nearby wells.

- 8.7.5. The trial hole assessment in the SCR indicates bedrock was encountered at 1.1m and as such could not be 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.
- 8.7.6. A 't' test value of 13.17 was recorded and is within the acceptable range. The depth to bedrock appears to have limited the carrying out of a P-test and a result has not been recorded.
- 8.7.7. In response to the appeal and the appellants concerns in relation to the depth of the trial hole the applicants have confirmed the proposed treatment system is designed based on the site assessment and not the desk top study and the proposal is for a tertiary system with a peat polishing filter instead of a percolation area. The 2012 Clarification on disposal of effluent from Polishing Filters (Tertiary Treatment Systems) states-
- 'According to the under-riding principles of the Code, the tertiary treated effluent has been treated to a high enough standard such that it can discharge to the groundwater.....'*
- 8.7.8. The SCR proposes a tertiary treatment system in conjunction with a 16 sq.m peat polishing filter with invert level 0.50m below ground level. The filter size is calculated based on the 2012 Clarification.
- 8.7.9. The proposed tertiary treatment system with peat polishing filter appears to comply with the CoP requirements in relation to separation distances. It is noted that the area of the peat polishing filter has been calculated based on a Population Equivalent (PE) of 6 given an area requirement of 9.8 sq.m. The SCR states 16 sq.m is to be provided in accordance with the 2012 Clarification to the CoP. Overall, the proposed treatment and disposal of wastewater appears satisfactory.
- 8.7.10. Notwithstanding the above, and the concerns of the appellants, the proposed development is to replace an existing septic tank to an existing house. As such I consider the proposed development will contribute to an improvement in the treatment and disposal of wastewater from the existing arrangements on site. Should permission be granted for the proposed development it is appropriate to apply a condition in relation to the decommissioning of the existing septic tank on site.

8.8. Impact on Bats

- 8.8.1. The applicants have submitted a Bat Survey with the application which concluded that the survey did not observe any signs of bats using the existing house or the two sheds to be restored as part of the development during daylight or during dusk. There were however low levels of activity record during the survey. There are no impacts expected on bat populations and no mitigation is proposed.
- 8.8.2. The appellants have raised concerns in relation to bats more generally in the context of the submitted NIS. However, as the bats identified in the appeal do not fall within the Qualifying Interests of the European Sites it is appropriate to deal with Bats in the context of this application here.
- 8.8.3. The proposed development is for a replacement house and as such the development is minor in nature. Concerns raised by the appellants over the potential of Roscam tower to be used for hibernation purposes are noted. However, given the distance of the tower to the site I do not consider the matter relevant for this application. Notwithstanding the above, a grant of planning permission does not constitute consent for a developer to disturb bats or to interfere with their breeding or resting places. Therefore, the developer must still comply with the provisions of the NPWS's licensing regime and a derogation licence would be required for the site if bats as identified by the appellant and more generally, were encountered.

8.9. Appropriate Assessment

- 8.9.1. The application is accompanied by a Stage 1 Screening Report and a Stage 2 Natura Impact Statement, both of which were prepared by Piaras O Giobuin, Consultant Ecologist.
- 8.9.2. The applicants AA Screening Report concluded that *'No significant effects are expected on the SCI's or conservation objectives of the Cregganna March SPA, as a result of the proposed development in question, alone or in combination with the other plans and projects in the area. However, secondary indirect impacts cannot be ruled out for the Galway Bay Complex SAC or the Inner Galway Bay SPA at this stage and therefore the project must continue to Stage 2 of Appropriate Assessment.'*

8.9.3. Having reviewed the documents submitted, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.9.4. **Stage 1 – Screening**

The proposed development is minor in nature and comprises the demolition of an existing house and its replacement with a new house in generally the same location on the site. The site itself is not located within a designated European site. A Preliminary Construction & Demolition Waste Management Plan has been submitted with the application and outlines how the development will be managed.

Taking account of the characteristics of the proposed development in terms of its nature, location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites-

- discharge of surface water from the site
- discharge of foul water from the site.
- Impacts of noise disturbance

Given the location of the site, and the nature and scale of the proposed development, I consider the following designated sites as set out in Table 1 to be within the zone of influence of the subject site-

Table 1

European Site and code	Qualifying Interests	Conservation Objectives	Distance	Connections	Considered further in Screening
Galway Bay Complex SAC 000268	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Turloughs [3180] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] 	<ul style="list-style-type: none"> • [1140]- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide • [1150]- To restore the favourable conservation condition of Coastal lagoons • [1160]- To maintain the favourable conservation condition of Large shallow inlets and bays • [1170]- To maintain the favourable conservation condition of Reefs • [1220]- To maintain the favourable conservation condition of Perennial vegetation of stony banks • [1310]- To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand • [1330]- To restore the favourable conservation condition of Atlantic salt meadows (GlaucoPuccinellietalia maritimae) • [1410]- To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) • [3180]- To maintain the favourable conservation condition of Turloughs • [5130]- To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands • [6210]- To maintain the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) • [7210]- To maintain the favourable conservation condition of Calcareous fens with Cladium mariscus and species of the Caricion davallianae 	c.135m to the south.	Groundwater	Yes

	<ul style="list-style-type: none"> Alkaline fens [7230] Lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] 	<ul style="list-style-type: none"> [7230]- To maintain the favourable conservation condition of Alkaline fens [1355]- To restore the favourable conservation condition of Otter [1365]- To maintain the favourable conservation condition of Harbour Seal 			
Inner Galway Bay SPA 004031	<ul style="list-style-type: none"> Black-throated Diver (<i>Gavia arctica</i>) [A002] Great Northern Diver (<i>Gavia immer</i>) [A003] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Shoveler <i>Anas clypeata</i> [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] 	<ul style="list-style-type: none"> [A003]- To maintain the favourable conservation condition of Great Northern Diver [A017]- To maintain the favourable conservation condition of Cormorant [A028]- To maintain the favourable conservation condition of Grey Heron [A046]- To maintain the favourable conservation condition of Light-bellied Brent Goose [A050]- To maintain the favourable conservation condition of Wigeon [A052]- To maintain the favourable conservation condition of Teal [A056]- To maintain the favourable conservation condition of Shoveler [A069]- To maintain the favourable conservation condition of Red-breasted Merganser [A137]- To maintain the favourable conservation condition of Ringed Plover [A140]- To maintain the favourable conservation condition of Golden Plover [A142]- To maintain the favourable conservation condition of Lapwing [A149]- To maintain the favourable conservation condition of Dunlin [A157]- To maintain the favourable conservation condition of Bar-tailed Godwit [A160]- To maintain the favourable conservation condition of Curlew [A162]- To maintain the favourable conservation condition of Redshank 	c.135m to the south.	Flight paths and proximity	Yes

	<ul style="list-style-type: none"> • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999] 	<ul style="list-style-type: none"> • [A169]- To maintain the favourable conservation condition of Turnstone • [A179]- To maintain the favourable conservation condition of Black-headed Gull • [A182]- To maintain the favourable conservation condition of Common Gull • [A191]- To maintain the favourable conservation condition of Sandwich Tern • [A193]- To maintain the favourable conservation condition of Common Tern • [A999]- To maintain the favourable conservation condition of wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it. 			
Cregganna Marsh SPA 004142	<ul style="list-style-type: none"> • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] 	<ul style="list-style-type: none"> • To maintain or restore the favourable conservation condition of the bird species listed 	c.3.5 km to the south east.	Having regard to the distance it is considered there are no connections.	No

Effects of the Development alone

- During the demolition and construction phase of the project, I consider there is potential for increased noise levels and disturbance that may impact upon the qualifying interests/listed birds in the Inner Galway Bay SPA.
- During the demolition, construction stage and operational stage I consider there is potential for foul water and surface water to enter into the SAC through groundwater.

Effects of the Development in-combination with other plans or projects

- Water quality issues from nearby wastewater treatment systems which may not meet current requirements may act in combination with the proposed development during the operational phase.
- Having regard to the minor nature of the proposed development and the existing house on site to be replaced I do not consider there to be any other in-combination effects.

I consider standard construction methods would generally be sufficient to address environmental considerations regarding drainage during the construction and operational phase. However, having regard to the proximity of the site to the SAC and SPA and, using the source-pathway-receptor model, there is the potential for significant impacts in terms of groundwater pollution, impacts on wetland habitats and increased noise levels during construction on the designated sites and mitigation measures could be required.

However, no measures designed or intended to avoid or reduce any harmful effects of the project on the European Sites have been relied upon in this screening exercise.

It is also noted that the applicant's own AA Screening concludes that secondary indirect impacts on the SAC and SPA cannot be ruled out and Stage 2 Appropriate Assessment is required.

The proposed development was considered in light of the requirements of Section

177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Sites No. 000268 and 004031, in view of the site's Conservation Objectives, and Stage 2 Appropriate Assessment (NIS submitted) is therefore required.

8.9.5. **Stage 2 – Appropriate Assessment**

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

Compliance with Article 6(3) of the EU Habitats Directive

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Screening the need for Appropriate Assessment

Following the screening process in section 8.9.4 above, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the possibility of significant effect)-

- SAC 000268 Galway Bay Complex
- SPA 004031 Inner Galway Bay

The Natura Impact Statement (NIS)

The application includes a NIS dated May 20, prepared by Piaras O Giobuin, Consultant Ecologist which examines and assesses potential adverse effects of the proposed development on the European Sites listed above.

The NIS concludes that-

‘With the implementation of mitigation measures and best practise measures as outlined in section 2.3, in particular sections 2.3.2 – Noise Control Measures, 2.3.8 Groundwater Contamination and 2.3.9 Drainage and Water Quality , it can be concluded , on the basis of objective scientific information, that the proposed plan, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site’.

Having reviewed the documents and submissions on file, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the European sites alone, or in combination with other plans and projects.

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests are set out in the NIS and summarised in Table 1 in section 8.9.4 of this report and as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Appropriate Assessment of Implications of the proposed development on the integrity each European site

Potential Impacts of the Development:

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include-

- Deterioration of ground water quality during demolition, construction and operational phases.
- Deterioration of wetland habitat as a consequence of deterioration of ground water quality.

- Increased noise levels from demolition and construction could disturb designated bird species.

Best Practice and Mitigation Measures

The applicants are proposing Best Practice and Mitigation Measures in section 2.3 of the NIS. These measures are to be read in conjunction with the “Preliminary Construction and Demolition Management Plan” submitted with the application. Section 6 of this Plan deals with Environmental Control Measures.

The following mitigation measures as proposed in the NIS are considered most relevant -

- Ground water quality (section 2.3.8)-
 - Drip trays to be utilised for all machinery on site and monitoring undertaken to ensure no risk of overflowing and that they are adequately sized to deal with the specific machinery they are protecting against.
- Drainage (section 2.3.9)-
 - Works to be planned and executed in accordance with Environmental Protection Guidelines
 - Measures to be put in place to ensure silt will not be allowed to enter into the water system.
 - To prevent run off from stripped ground, banks are to be placed on the downstream side of stock piles
 - Water from excavations shall be pumped to land and allowed to settle, or passed through silt traps before allowed to return to the watercourse.
 - Good site management will ensure that surface water and groundwater will be protected from accidental contamination.
 - Portable toilets and sanitary facilities will be provided for site use
 - Plant will be refuelled away from watercourses
 - All site operatives will have access to spill kits when machinery is used.
- Noise (section 2.3.2)-

- Demolition works and excavation works will only take place outside the winter bird season (April-September) to prevent disturbance.
- Environmental noise assessments will be completed to ensure noise from the site is controlled.
- The contractor will be required to establish a set of noise baselines prior to commencement.
- A noise monitor will be set up and a weekly noise report issued.
- Contractor required to follow good practice as set out in BS5228 (2009) Code of Practice for Noise and Vibration Control on Construction and Open Sites: Part 1: Noise'.
- Monitoring shall be ongoing through the duration of the construction period and will include (section 2.3.10)-
 - Noise level
 - Water Quality
 - Air Quality (Dust and Odour)
 - Road Maintenance.

Many of the proposed mitigation measures are set out in the NIS and the Best Practice measures outlined in the Preliminary Construction and Demolition Management Plan are general in nature. Furthermore, I note there was no watercourses observed in close proximity of the site during my inspection. Notwithstanding this it is considered that having regard to the minor nature of the development as proposed that the Best Practice and Mitigation Measures proposed are sufficient to safeguard the integrity of the identified European Sites and their Conservation Objectives.

I consider the decommissioning of the existing septic tank on site and the installation, operation and maintenance of the proposed tertiary wastewater treatment system as recommended in the Site Characterisation Report and in accordance with the EPA Code of Practice would ensure there is no discharge of untreated wastewater to groundwater. This would represent an overall improvement to the existing arrangements of wastewater disposal from the existing house and an improvement on

In-combination Effects

The NIS has identified planning applications granted permission within the past five years in the general area. It is noted an appellants has referred to 5 other permissions which have been dismissed by the applicant as irrelevant in their response to the appeal.

I have reviewed all the applications identified in the NIS and the applications identified in the appeal. I have considered the nature of the proposed development, the life span of a planning permission, the nature and distance of other permitted applications in the area and the overall general development pattern in the area. I have also considered the impact of other plans with the proposed development including the Green Network proposal as set out in the Galway City Development Plan and highlighted by an appellant. I do not consider there to be any in-combination effect in this regard.

It is my opinion that subject to the Best Practise and Mitigation measures proposed it is considered that the proposed development in combination with other plans and projects will not have any significant affects on the identified European Sites. Furthermore, the proposed decommissioning of the existing septic tank and the installation, operation and maintenance of the proposed tertiary wastewater treatment system will ensure untreated groundwater is not disposed of to groundwater. The in-combination effect of this with other wastewater disposal systems in the area would see a reduced impact and risk of pollution to groundwater from the existing arrangement.

8.9.6. Conclusion

The proposed development has been considered in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites- Galway Bay Complex SAC (000268) and the Inner Galway Bay SPA (004031), or any other European site, in view of those site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed development alone (and in-combination plans and projects) including possible construction and operational related groundwater pollution, wastewater treatment and noise disturbance matters. Measures designed to prevent adverse effects have been incorporated into the submitted NIS and the Preliminary Construction and Demolition Waste Management Plan. There is therefore no reasonable doubt as to the effectiveness of these measures and therefore no doubt as to the absence of adverse effects from the proposed development on the conservation objectives of the identified European Sites.

9.0 Recommendation

9.1. I recommend that permission is granted subject to the following conditions-

10.0 Reasons and Considerations

Having regard to the provisions of the Galway City Development Plan 2017-2023, the existing development in the area and the nature of the proposed development, it is considered that the proposed replacement house would not adversely affect the character of the area and can be absorbed into the local landscape and along this road without depreciating the integrity of the protected view, would not impact negatively upon the architectural heritage of the area and would not seriously injure the visual or residential amenities of the area or properties in the vicinity.

Furthermore, following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European sites 000268 and 004031, or any other European site, in view of those site's Conservation Objectives. Subject to compliance with the conditions as set out below, the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures in the Natura Impact Statement and Preliminary Construction and Demolition Waste Management Plan submitted to the planning authority on the 25th day of June 2020, shall be implemented in full and shall be supervised by a suitably qualified ecologist and bonded engineer.

Reason: In the interest of environmental protection, public health and orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. No part of the sedum grass roof as shown on drawing No. P-04 shall be used as a balcony / terrace/ roof garden.

Reason: In the interest of residential and visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. (a) The tertiary treatment system and peat polishing filter shall be located, constructed and maintained in accordance with the details submitted to the

planning authority on the 25th day of June, 2020, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

10. The landscaping scheme shown on drawing no. 1952-02, as submitted to the planning authority on the 25th day of June 2020 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the

development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Adrian Ormsby
Planning Inspector

09th December 2012