



An
Bord
Pleanála

Inspector's Report ABP-309097-21.

Development	House.
Location	Cregboy, Claregalway, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/1493.
Applicant(s)	Gerry Brennan.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Gerry Brennan.
Observer(s)	None.
Date of Site Inspection	31/03/2021.
Inspector	A. Considine.

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1.0 Site Location and Description

- 1.1. The appeal site is located approximately 1.6km to the south west of the development boundary of the village of Claregalway in Co. Galway, and 2km from the village centre. The site is accessed off the N83 and Local Road, the L-7104. There is no development on the land immediately adjoining the subject site, and the wider area, particularly along the local road, has been subject to a large concentration of one-off houses.
- 1.2. The site has a stated area of 0.3858 hectares and comprises a small part of 2 larger fields, extending from the local road in a north eastern direction. The roadside boundary of the larger fields comprises hedges and extends to the north west to the N83 and the existing house on the most northern field, fronts onto the N83. Other than the existing line of hawthorn trees which divides the two larger fields, there are no side boundaries to the subject site. The proposed development will install said boundaries. The site is currently under grass and is relatively flat.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, to construct a dwelling house, wastewater treatment plant and polishing filter, garage and all associated site works. Gross floor space of proposed works: 199m², all at Cregboy, Claregalway, Co. Galway.
- 2.2. The application included a number of supporting documents including as follows;
 - Plans, particulars and completed planning application form
 - Cover Letter
 - Letter from Roads Engineer of Galway County Council advising that the proposed development site will not interfere with the emerging preferred route for the N17 Baile Clair Inner Relief Road.
 - Letter of consent for amendments to roadside boundaries from relevant landowner
 - Site Characterisation Report
 - Details of treatment plant

- 2.3. The development proposes the construction of a single storey 2-bedroom house. The building will rise to 6.84m and will occupy a floor area of 126m². A detached garage is also proposed with a floor area of 73m². The buildings will be finished with a painted render with a select stone finish and a timber log wall/timber cladding system.
- 2.4. The development also proposes an extensive and detailed landscaping plan for the site including a pond, with the driveway traversing over a bridge. The site layout includes a large site, with the proposed house to be located to the rear of an existing line of hawthorn trees, which are to be retained.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. Notwithstanding submissions to date, the site is located in a rural area within the Galway Transportation Planning Study Area, which is subject to strong urban influence, and having regard to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19 and the applicant does not come within the scope of the housing need criteria set out in the Galway County Development Plan 2015-2021. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would contravene the provisions of the National Planning Framework.

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

2. Notwithstanding the submissions included with the application, the works to provide a safe vehicular access required to the south-east of the proposed access point are located outside the application unit boundaries and have not been demonstrated in the application as within the applicants control. Accordingly, to grant the proposed development where visibility to the south of the proposed site entrance is restricted, would interfere with the safety and free flow of traffic on the public road, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and therefore, would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the site characterisation report and trial hole assessment details submitted with the application, which are dated January 2017, the planning authority consider the site conditions assessed to be out-of-date and is not satisfied that the site can safely treat and dispose of wastewater in accordance with the EPA Code of Practice 2009 and to permit the proposed development would be prejudicial to public health and therefore contrary to the proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report and Flood Risk Assessment.

The Planning Report concludes that proposed development is not acceptable as the site is located within an area under sustained development pressure and which is subject to strict housing need criteria. The report notes that the applicant has legal interest in an existing habitable unit in which they currently reside and has failed to demonstrate that the functional need for the proposed house at this essentially rural location. The report further notes that the applicant is not an original local resident

and where property within the urban fabric of Claregalway is existing and equidistant to the applicants place of work.

The report further raises concerns in terms of the site assessment and the significant removal of hedgerow to allow for the minimum 70m sight distances. The Planning Officer recommends that permission be refused for the proposed development, for reasons relating to non-compliance with policy, inadequate sight lines and traffic hazard and issues relating to site suitability in terms of wastewater treatment.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. **Other Technical Reports**

None.

3.2.3. **Prescribed Bodies**

TII: The report submits that the Authority will rely on the PA to abide by official policy in relation to development on / affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012.

3.2.4. **Third Party Submissions**

There are no third-party objections/submissions noted on the planning authority file.

4.0 **Planning History**

The following is the relevant planning history pertaining to the subject site:

PA ref: 17/229: Permission sought for the construction of a dwelling house, wastewater treatment plant and polishing filter, garage and all associated site works. The application was withdrawn prior to a decision issuing. An examination of the history indicates that the planning officer had recommended refusal of permission for reasons relating to non-compliance with Development Plan policy and the Sustainable Rural Housing Guidelines, traffic hazard and potential impact on the proposed strategic route for the Claregalway by-pass.

PA ref: 19/1433: Permission refused by Galway County Council for the erection of a dwelling house, wastewater treatment plant and polishing filter, garage and all associated works for the following stated reasons:

1. Having regard to the existing alignment of the local county road to the immediate south of the site of the proposed development, necessitating the proposed roadside improvement works, it is considered that the roadside alignment works proposed outside of the application site area cannot be implemented under the current planning application, as per Section 34(4)(a) of the Planning and Development Act 2000 (as amended), as such development works are outside the control of the applicant. Accordingly, to grant the proposed development where visibility to the south of the proposed site entrance is restricted, would interfere with the safety and free flow of traffic on the public road, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and therefore, would be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding submissions to date, the site is located in a rural area within the Galway Transportation Planning Study Area, which is subject to 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. Furthermore, Objective RHO1 of the 2015-2021 Galway County Development Plan sets out qualifying criteria for those with a genuine rural generated housing need seeking to construct a house within the GTPS Area. It is considered based on the information provided in the planning application that the applicant does not come within the scope of the housing need criteria set out in the Galway County Development Plan or Sustainable Rural Housing Guidelines for a house at this location. Accordingly, to grant the proposed development would be contrary to the provisions of the 2015-2021 Galway County Development Plan, would be contrary to ministerial guidelines issued to the planning authorities under Section 28 of the Planning and Development Act 2000, as amended, and therefore would be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, ie. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Development Guidelines 2005

- 5.2.1. The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply, including 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.
- 5.2.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.3. Spatial Planning and National Roads Guidelines for Planning Authorities, Department of the Environment Community and Local Government, January 2012.

The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmph speed limit zones for cities, towns and villages. In relation to development plan policy the guidelines require that in relation to lands adjoining National Roads to which speed limits greater than 60kph apply, the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh. This provision applies to all categories of development, including individual houses in rural area, regardless of the housing circumstances of the applicant.

5.4. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (ie. cities, towns and villages) and it sets out an integrated design approach.

5.5. Development Plan

5.5.1. The Galway County Development Plan 2015 – 2021, is the relevant policy document relating to the subject site. The site lies outside the development boundaries of Claregalway. The site lies within Rural Area under Strong Urban Pressure (GTPS) and Objective RHO 1 Rural Housing Zone (Rural Area Under Strong Urban Pressure – GTPS) is considered relevant.

5.5.2. In addition to the above, the following sections of the Plan are considered relevant:

- Objective RHO 9 – Design Guidelines.
- Objective TI 6 – Protection of National Routes and Strategically Important Regional Road Networks -

“It is an objective of the Council to provide the capacity and safety of the National road Network and Strategically Important Regional Road network in the County and to ensure compliance with the Spatial Planning and National Roads Planning Guidelines (2012). Galway County Council will not normally permit development proposals for future development that include direct access or intensification of traffic from existing accesses onto any national primary or secondary road outside the 50-60kph speed limit zone of towns and villages.”

- DM Standard 18: Access to National and Other Restricted Roads for Residential Developments -

Housing need Eligibility Residential development along national roads will be restricted outside the 50-60kmp speed zones in accordance with the DoECLG Spatial Planning and National Road Guidelines 2012, Consideration shall be given to the need of farm families to live on the family landholding on a limited basis and a functional need to live at this location must be demonstrated. Where there is an existing access, the combined use of same must be considered and shown to be technically unsuitable before any new access can be considered. Access via local roads shall always be the preferred access.

5.6. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Lough Corrib SAC (Site Code: 000297) which is located approximately 2.1km to the north of the site. The Lough Corrib SPA (Site Code; 004042) lies approximately 4km to the north west of the site.

The Lough Corrib pNHA lies approximately 4km to the north west of the site, and the Kiltullagh Turlough pNHA (Site Code 000287) lies approximately 1.4km to the south.

5.7. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

Reason for Refusal No. 1:

- It is submitted that the Planning Authority has failed to acknowledge the exceptional circumstances of this case. The applicant has a functional need to live beside his local and full time horticultural / landscaping business and fully complies with the requirements of National Policy Objective 19.
- The land directly alongside to the north and north east of the site form the nursery part of the applicants' business. This is an intensive landscaping nursery and requires a full-time local presence to ensure effective maintenance, management and prosperity of the produce. The applicant has been the director of the business since 1988.
- A number of other relevant cases cited.
- The applicant does not own his own home. He has a 25% share in the house he currently resides in. The applicant has no objection to the inclusion of an enurement clause.
- In terms of the location of the site, it is submitted that the NPF or the CDP do not require an applicant to be originally from an area. The applicants place of work is located in rural areas.

Reason for Refusal No. 2:

- The concerns of the PA are contested in terms of road safety and the submitted plans show the required sight lines of 70m in either direction.
- Permission to set back and maintain the road side boundary is submitted.
- The Roads Engineer for Galway County Council provided a letter advising no objection to the proposed road works.
- It is submitted that the existing roadside hedgerow is not of significant ecological importance and is regularly cut to 1.75m in height to prevent interference with overhead lines.
- A replacement hedgerow will be planted if required by way of condition.

Reason for Refusal No. 3:

- It is regrettable that the applicant was not given the opportunity to address the PAs concerns in terms of the site characterisation report, however, it is submitted that the PA was not previously concerned with ground conditions at this location under previous planning applications.
- New percolation tests have been commissioned and submitted.

With regard to other issues, the first party appeal notes the concerns of the planning officer in terms of the height of the proposed garage. It is submitted that the site is located within a low landscape sensitivity area and the proposed location of the garage will be behind the house and screened by the 'nursery stock' trees to the east and west. It is submitted that the garage is domestic in scale.

The appeal includes a number of enclosures.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
2. Roads & Traffic
3. Site Suitability Issues
4. Other Issues
5. Appropriate Assessment

7.1. Principle of the development & Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.1.1. The subject site is located within the rural area and outside the designated settlement boundary of Claregalway. The site is not zoned and is within an area identified as being under Strong Urban Pressure in the Galway County Development Plan 2015-2021, due to its proximate location to Galway City. This pressure is evident on the ground. There is a presumption against development in such areas save for in instances where it can be demonstrated that an applicant complies with the Planning Authority's policies relating to the rural area. Should the Board be minded to grant planning permission in this instance it should be satisfied that the appellant adequately complies with the requirements of these stated policies, as well as National Policy Objective 19 of the National Planning Framework.
- 7.1.2. Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, the provision of single housing in the countryside will be based on the core consideration of demonstratable economic or social need to live in a rural area..... having regard to the viability of smaller towns and rural settlements. The Galway County Development Plan also seeks to facilitate the rural generated

housing needs of the local rural community with urban generated housing directed to the zoned and serviced areas of settlements, villages and towns. Objective RH01- Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure – GTPS) of the CDP provides for the limited circumstances within which rural housing within an area under strong urban pressure may be facilitated.

- 7.1.3. The applicant has submitted adequate evidence to suggest that he has strong local links to the area, and I note that his business has operated in this area since 1988. The applicant currently lives in a house, fronting onto the N83, and approximately 65m to the north west of the current appeal site. I note that the appellant (and applicant) has advised that he has resided in this house since 2018 under a lease, which is due to expire in June 2022. He has a 25% ownership stake in this house and advises that he owns no house in his own right. This house, and indeed the site, is located immediately adjacent to the appellants place of business which is a landscape nursery. There is no planning history relating to the existing house available on the Galway County Council website. The second element of the appellants business is the Landscaping Base, which is located approximately 1km to the north east of the subject site, and within approximately 450m of the development boundary of Claregalway. I note that this element of the business lies within the urban speed limit associated with Claregalway.
- 7.1.4. While I acknowledge and accept the bone fides of the applicant in this instance, and note the information submitted in support of the proposed development, a full landholding map has not been provided with the subject application. In order to address this, I undertook a full planning history assessment and I note that the applicant does not appear to have ever owned a house in his own right. An assessment of the planning history indicates that the applicant lived in rented accommodation in Claregalway for many years before moving to his current house, also rented.
- 7.1.5. In light of the above and having regard to the nature of the applicants' business, I am satisfied that the applicant has demonstrated adequate compliance with the policy objectives of the City Development Plan as they relate to rural housing, Objective 19 of the National Planning Framework and the guidance provided within the Sustainable Rural Housing Guidelines. The PAs reason for refusal no. 1 can therefore be set aside.

7.2. Roads & Traffic

- 7.2.1. The proposed site lies off the main road, the N83 and will be accessed over the Local Road, the L-7104. At its junction with the N83, the local road lies within an area where the maximum speed limit of 100kph applies. The 60kph speed limit comes into effect approximately 260m to the north west of the junction. The N83 is a heavily trafficked route and includes a Quality Bus Corridor to the carriageway leading out of Galway City and towards Claregalway. The proposed development will result in the creation of a new residential access onto the local road which connects the N83 to the west to the R381 to the east. The local road currently serves a large number of one-off houses along its length. Sight distances at the junction of the local road with the N83 are acceptable.
- 7.2.2. It is accepted that the proposed development is dependent upon the national road network, and therefore, a grant of planning permission in this instance will potentially give rise to an impact on the national road network. The Spatial Planning and National Roads – Guidelines for Planning Authorities DoECLG 2012 state “the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. The provision applies to all categories of development including individual houses in rural areas, regardless of the housing circumstances of the applicant.”
- 7.2.3. In terms of the provisions of the Galway County Development Plan, Objective TI6 states that it is an objective of the Council to protect the capacity and safety of the National Road Network in the county and ensure compliance with the Spatial Planning and National Roads Planning guidelines 2012. Galway County Council will not normally permit development proposals for future development that include direct access or intensification of traffic from existing accesses onto any national primary or secondary road outside the 50-60kph speed limit zone of towns and villages. In addition, the Plan includes DM Standard 18 which states that residential development will be restricted outside the 50-60kmp speed zones, but that consideration will be given to the need of farm families to live on the landholding where a functional need can be demonstrated. The Standard also states that ‘access via local roads shall always be the preferred access’.

7.2.4. In the context of the subject appeal, I am satisfied that the applicant has demonstrated a need to reside at this location and that the proposed access will be via a local road, rather than the national primary route. As such, I am generally satisfied that the proposed development would not result in an intensification of traffic which would conflict with the requirements of national policy to preserve the level of service and carrying capacity of the national road network. I am also satisfied that the circumstances of the applicant are unique to facilitate a grant of permission in this instance. In addition, I am satisfied that if permitted, subject to the inclusion of an enurement clause, the development would be compliant with the requirements of the Galway County Development Plan.

7.2.5. In terms of reason for refusal no. 2, as included in the Planning Authority decision, I note the concerns raised. However, the applicant has submitted clear evidence of permission from the relevant landowners to carry out the road boundary works in order to achieve the required sight distances. I also note the submission of the applicant in terms of the replanting of the roadside hedge. Should the Board be minded to grant planning permission in this instance, I recommend that the road boundary works should be conditioned to be carried out in the first instance and prior to any other works on the site. The replanting of the roadside boundary should also be carried out in the first planting season following the completion of the road boundary works. Subject to compliance with these requirements, I am satisfied that the PAs reason for refusal no. 2 can be set aside.

7.3. **Site Suitability Issues**

7.3.1. In terms of site suitability, the Board will note that the proposed development is to be served by a private waste water treatment system, and it is intended to install an Chieftain SBR Sewage Treatment System (4-8P.E) which will discharge to a soil polishing filter. The soil polishing filter will have a stated area of 90m². It is also noted that the house is to be serviced via the public water supply. An updated site characterisation report was submitted as part of the first party appeal as concern was raised in the PAs report that time had passed since the original assessment was carried out at the site. The results of both tests, the first carried out in January 2017 and the most recent in December 2020, are very similar. There are some notable differences however, between both submitted reports.

- 7.3.2. Having considered the information provided with regard to the proposed development, I am satisfied that the applicant submitted a robust and complete site assessment regarding its suitability in terms of the treatment and disposal of wastewater generated on the site. The site assessment appears to have been carried out by a suitably qualified professional. I also note that there are no houses immediately adjacent to the subject site with the closest houses being located 50m to the west and 60m to the south. In the context of the subject site, I would advise however, that there is a high concentration of houses with individual WWTPs.
- 7.3.3. The most recent Site Assessment Report notes that the bedrock was not encountered in the trial pit and the water table was not identified in the trial hole, dug to 3.2m. The previous assessment noted the bedrock at 3m bgl and the water table at 1.7m bgl. The depth of the original trial hole was 3m. The original assessment identifies that the site is located in an area where there is a Groundwater Protection Scheme in place and offers a Groundwater Protection Response of R2¹. The most recent assessment indicates that there is no GPS and offers no Groundwater Protection Response. The site, in both assessments, is categorised as being a Regionally Important Aquifer (Rk) and has a high vulnerability. Both assessments describe the topsoil as TLs, Till derived chiefly from limestone and the bedrock type is 'DPBL, Dinantian pure bedded limestone'.
- 7.3.4. *T tests were carried out on the site with the original result indicated at 32.92 and the most recent 32.17. *P tests were also carried out at the site at a level of 0.4m bgl, yielding an average value of 61.67 and a *P result of 20.56 in 2017 and 61.00 and 21.33 in 2020. Both reports conclude, recommending a packaged wastewater treatment system and polishing filter. The system will discharge to groundwater at a hydraulic loading rate of 10l/m².d. The Board will note that the most recent report recommends the Chieftain SBR system.
- 7.3.5. I am satisfied that the applicant has submitted a robust and complete site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site. I am further satisfied that the site appears capable of accommodating the development in the context of wastewater treatment and disposal. While I would raise concerns in terms of the concentration of individual wastewater treatment systems in the vicinity of the site, I note the area of the subject site and the results of the assessment carried out. In terms of the

Planning Authority decision to refuse permission for site suitability issues, I would recommend to the Board that the matter has been fully considered and refusal on this issue is not warranted.

7.4. Other Issues

7.4.1. Visual Impacts

Having regard to the nominal scale, and overall design of the proposed house, together with the proposed landscaping plan for the site, I am satisfied that the development can be adequately accommodated on the site without having any undue visual impacts in the wider landscape. I also note that the site lies within an area which is designated as Class 1 in terms of sensitivity.

7.4.2. Water Services

7.4.3. The proposed development will connect to existing public water mains in the vicinity of the site. I have no objections in this regard.

7.4.1. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.4.2. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Lough Corrib SAC (Site Code: 000297) which is located approximately 2.1km to the north of the site. The Lough Corrib SPA (Site Code; 004042) lies approximately 4km to the north west of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the relevant provisions of the Galway County Development Plan, 2015-2021, to the established pattern and character of development in the vicinity of the subject site, to the information submitted with the planning application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of properties in the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 06th day of January, 2021, 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. Prior to the commencement of any development on the site, the developer shall submit to, and agree in writing with, the planning authority details of all boundary treatments.

In the first instance, and prior to any other site preparation works, the roadside boundary shall be set back in accordance with the details submitted to An Bord Pleanála on the 06th day of January 2021 and to the written satisfaction of the Planning Authority. The new roadside hedge shall be planted in the first planting season following the completion of the boundary set back.

All required sightlines shall be kept free from vegetation or other visual obstruction.

Reason: In the interest of visual amenity and traffic safety.

3. The dwelling shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with this agreement and the date of such occupation.

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

4. The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling.

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

5. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and hedgerow planting along the side and rear boundaries details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, following 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 visual amenity.

7. The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of "Wastewater Treatment Manual: Treatment Systems for Single Houses, (p.e. less than or equal to 10)", published by the EPA in 2010. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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 in accordance with the standards set out in the EPA document.

Reason: In the interest of clarity and public health.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

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

9. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

10. 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 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.

A. Considine

Planning Inspector

14th April 2021