



An
Bord
Pleanála

Inspector's Report

ABP-310634-21

Development	House and garage with treatment plant and percolation area. (NIS submitted with the appeal)
Location	Portacarron, Oughtered, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	21562
Applicant(s)	Enda O'Connor
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Enda O'Connor
Date of Site Inspection	12 th November 2021
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.152 hectares, is located approximately 2km east of Oughterard and is on the shore of Lough Corrib. The appeal is a field (grazing lands), located to the north of a yard area. Access to the site is through the existing yard and uses the vehicular entrance serving the yard area. The appeal site is off a lower category county road. The road has a width of approximately 4m and ends in a cul-de-sac adjacent the shore of Lough Corrib to the east of the site. Adjoining lands include agricultural lands to the south and west (part of the overall landholding the site is taken from). Existing dwellings are located to the north and to the south east of the appeal site.

2.0 Proposed Development

2.1. Permission is sought for a single-storey dwelling and detached garage, a new vehicular access, wastewater treatment plant and ancillary works. The proposed dwelling has a floor area of 257sqm (detached garage 48sqm). The dwelling features two sections lined by a glazed corridor. The larger section features a pitched roof with the smaller section featuring in a shallower pitched roof and central skylight. External finishes consist of stone and render on the walls and seamed metal cladding on the roof. It is proposed to use an existing vehicular entrance with an upgraded layout. The proposal entails installation of proprietary wastewater treatment system.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. The proposed project is partially within the Lough Corrib Special Area of Conservation (SAC) (Site Code: 000297) and Lough Corrib Special Protection Area (SPA) (Site Code: 004042) which are designated European sites of ecological importance that form part of the Natura 2000 network of sites of highest biodiversity

importance for rare and threatened species across the European Union. These designated European sites are protected under the EU Habitats Directive (92/43/EEC) & EU Birds Directive (79/409 EEC, as amended by Directive 2009/147/EC) and the European Communities (Natural Habitats) regulations 1997, as amended by the European Communities (Natural Habitats) regulations 1997, as amended by the European Communities (Birds and Natural Habitats) Regulations 2011. These sites are also further protected under Policy NHB 1, Objectives NHB 1, Objective NHB 2, Objective NHB 3 and DM Standard 40 of the Galway County development Plan, 2015-2021. Having regard to the requirements of Article 6(3) and 6(4) of the Habitats Directive, which sets out the decision making tests for plans and policies likely to affect European sites (Annex 1 Habitats) and Annex 11 (Species) and establishes requirement for an Appropriate Assessment, as the competent authority, to carry out screening for appropriate assessment (Stage 1) or a full appropriate assessment (Stage 2) of development proposals, if required, under Part XAB of the Planning and Development 2000 (as amended), the Planning Authority is not satisfied, based on the information available, the information included with the planning application, and the application of the precautionary principle, that significant negative effect on the integrity and conservation objective of the Lough Corrib Special Area of Conservation (SAC) (Site Code: 000297) and Lough Corrib Special Protection Area (SPA) (Site Code: 004041), have been ruled out, as a result of the proposed project, either individually or in combination with other plans and projects in the area. Therefore, the development is likely to have significant negative adverse impact on the integrity and qualifying interests/conservation objectives of the cSAC and SPA sites, would materially contravene a policy, objectives and a development management standard contained in the current Galway County Development Plan, and therefore would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the following:

- the siting of the proposed development within a Class 4 special landscape category area of the county,
- the site configuration associated with the subject site,

The elongated and haphazard proposed vehicular access arrangement to service the proposal,

It is considered that the development, if permitted, would constitute obtrusive and disorderly development, would result in a built form that would not fit appropriately or integrate effectively into this rural location, and would contravene materially Objective RHO 9, and DM Standard 6 of the Galway County development Plan. Accordingly to grant the proposed development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the militate against the preservation of the rural environment, would contravene materially a development objective and a development management standard contained in Galway County development Plan and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the proposed development on an open and exposed site on the shore of Lough Corrib in a Class 4 “Special” rural landscape at Portcarron, Oughterard, which forms part of the Lough Corrib Special Protection Area (SPA) (Site Code: 00402) in conjunction with the absence of a visual impact assessment, Policy LCM11, Objective LCM1, Objective LCM2 contained in the Galway County development Plan , 2015-2021, the Planning Authority considers that the proposed development on this exposed site would have an adverse impact on visual amenities and character of this landscape, by itself and in terms of the precedent it would set for similar developments on other sites in the area and contravene materially the provisions of the said development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The required sight distance triangles have not been satisfactorily demonstrated in accordance with the requirements of DM Standard 20 of the Galway County development Plan 2015-2021. IN this regard, it is considered that turning movements generated by the proposed development onto and from the site would interfere with the safety and free flow of traffic on the public road and 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.

3.2. Planning Authority Reports

3.2.1. Planning Report

Planning Report (No date): A number of issues were raised including concerns about adverse visual impact, significant effects on the integrity of European Sites, and inadequate sightlines. Refusal was recommended based on the reason outlined above.

3.3. Prescribed Bodies

- 3.3.1 Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (12/05/21): Potential for impact on integrity of European sites, screening for appropriate assessment required

3.4. Third Party Observations

None.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Galway County Development Plan 2015-2021. The relevant Development Plan is the Galway County Development Plan 2015-2021. The site is in an area classified as Rural Housing Zone 1 (Rural Areas Under Strong Urban Pressure-GTPS) based on the Planning Authority's assessment of the proposal. Key objectives for this area are... - To facilitate the genuine housing

requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations; - To direct urban generated development to areas for new housing development in the adjoining urban centres, town and villages as identified in the County Settlement/Core Strategies; - To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines).

Policy RHO 1 - Management of New Single Houses in the Countryside It is a policy of the Council to facilitate the management of new single houses in the countryside in accordance with the Rural Housing Zones 1, 2, 3 and 4 and to support the sustainable re-use of existing housing stock within the County.

Policy RHO 2 - Adherence to the Statutory Guidelines & County Development Plan It is a policy of the Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DOEHLG), the Core/Settlement Strategies for County Galway, Rural Housing Objectives and the Development Management Standards and Guidelines of this plan.

Objective RHO 1 - Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure-GTPS) It is an objective of the Council to facilitate Rural Housing in the open countryside subject to the following criteria (attached).

Objective LCM 1 – Landscape Sensitivity Classification: The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/ Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan, and having regard to the zoning objectives of serviced development land within the Galway Metropolitan Areas.

Objective LCM 2 – Landscape Sensitivity Ratings: Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

The appeal site is located in a Class 4 Landscape

DM Standard 6: Assimilation of Development into Landscape All permissible buildings should avoid locally obtrusive elevated locations and should be located on mid slopes or lower slopes of rising ground where possible. Development should seek to preserve traditional field patterns and established hedgerow and woodland. A visual impact assessment may be required where the proposal is located in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 4 and 5 designated landscape sensitivity areas.

Policy NHB 1 – Natural Heritage and Biodiversity It is the policy of Galway County Council to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries and Conamara National Park (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network within the plan area, in order to support ecological functioning and connectivity, create opportunities in suitable locations for active and passive recreation and to structure and provide visual relief from the built environment. Policy NHB 1 – Natural Heritage and Biodiversity It is the policy of Galway County Council to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries and Conamara National Park (and other designated sites including any future designations) and the

promotion of the development of a green/ ecological network within the plan area, in order to support ecological functioning and connectivity, create opportunities in suitable locations for active and passive recreation and to structure and provide visual relief from the built environment.

Objective NHB 1 – Protected Habitats and Species Support the protection of habitats and species listed in the Annexes to and/or covered by the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), and regularly occurring-migratory birds and their habitats and species protected under the Wildlife Acts 1976-2000 and the Flora Protection Order.

Objective NHB 2 – Biodiversity and Ecological Networks Support the protection and enhancement of biodiversity and ecological connectivity within the plan area, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geo-morphological systems, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive.

5.2. Natural Heritage Designations

5.2.1 Lough Corrib SAC (site code 000297) located to the north and west with the site adjoining the boundary of such.

Lough Corrib SPA (site code 0004042) located to the north and west with the site adjoining the boundary of such.

5.3. EIA Screening

The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA.

Having regard to the nature of the development, which is a new dwelling and associated site works, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Enda O'Connor, Portcarron, Oughterard, Co. Galway.

- The applicant outlines their need to reside at this location noting that he is farming at this location with the site taken from the landholding and adjacent the yard associated with the lands and use for a gardening business.
- Sufficient sightlines are now demonstrated at the vehicular entrance with a possible alternative entrance noted if considered necessary.
- The applicant outlines need for the dwelling in terms of family circumstances and health situation of a child.
- The dwelling is sited to be close to the applicants existing yard, has been chosen to minimise visual impact.
- An Appropriate Assessment screening report has been submitted and such demonstrates no significant effects on the integrity of any Natura 2000 site.

6.2. Planning Authority Response

Response by Galway County Council.

No response.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan policy

Design, scale, landscape character/visual impact

Traffic

Public health

Appropriate Assessment

7.2. Principle of the proposed development/development plan policy:

7.2.1 The proposal was assessed on the basis that the site is located in an area classified as Rural Housing Zone 1 (Rural Areas Under Strong Urban Pressure-GTPS). With regard to the Sustainable Rural Housing Development Guidelines, the subject site was considered to be located an area designated as 'Area Under Strong Urban Influence'. This is an area where urban generated development is to be directed to areas zoned for new housing in towns and villages. National Policy Objective 19 of the National Planning Framework refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence. It was determined the applicants had demonstrated compliance with rural housing policy.

7.2.2 Under RHO 1 - Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure-GTPS) it is an objective of the Council to facilitate Rural Housing in the open countryside subject to a number of criteria (attached). Based on the information on file the applicant (Enda O'Connor) is from the local area (defined as within 8km of the site), grew up in the area, attended school in the area and currently rents a house adjacent the site. The information submitted by the applicant indicates that he is farming the land as well as running a gardening business from the existing yard area adjacent the site. The information on file also outlines the applicant's desire to reside in a rural area due to family health issues that are elaborated in the documentation on file. The applicant was deemed to comply with rural housing policy under Development Plan policy. It would appear that based on the criteria (attached) the applicant would be compliant with 1.(a) and 1.(c) of the Rural Housing Objective under the County Development Plan. I would also note that national policy set out

under the Objective 19 of the National Planning Framework and the guidance set out in the Sustainable Rural Housing Guidelines emphasises the requirement to demonstrate an economic, social or functional need to live in a rural area under strong urban influence such as this. In this case the applicant does have a defined social or economic need to live in this area of strong urban influence due to the fact he is farming the land and operating a business from this location. I would consider that the proposed development would be in accordance Objective 19 of the National Planning Framework and in accordance with the guidance set out in the Sustainable Rural Housing Guidelines.

7.3 Design, scale, landscape character/visual impact:

7.3.1 Refusal reason no.s 2 and 3 relate to issues regarding design and siting of the proposed development. The appeal site is located in a Class 4 special landscape category and on the shore of Lough Corrib with the configuration of the site and its access through the existing yard deemed to be haphazard and contrary Objective RHO9 and DM Standard 6 of the Development Plan. The proposal was also deemed it to be contrary, Policy LCM11, Objective LCM1 and Objective LCM2 of the Development Plan due in part to the lack of a visual impact assessment.

7.3.2 The appeal submission include a disc with a 3D rendering of the proposed development and a rendering is submitted showing the dwelling on site from the public road to the west. The policies referred to are set out under the planning policy section above and require the design to have regard to the landscape character of the area and attempt to assimilate into the landscape without having a significant of adverse visual impact. The proposal is for a single-storey dwelling with a contemporary aesthetic character. The appeal site itself is a low lying flat site and despite being on the shores of Lough Corrib, would not be a prominent or highly visible location in the surrounding area. The site would be remote from scenic routes and focal points and its low lying nature/flat topography taken in conjunction with intervening topography and vegetation would mean the site is not highly visible in the wider area. The proposal to site the dwelling to the north of an existing yard area and wooded area also mean the site is not highly visible in the immediate area. The

design of the dwelling is low profile in overall scale and taken in conjunction with the site characteristics is unlikely to have a significant or adverse visual impact. The modest scale of the dwelling, the fact that the volume of such is broken up in two separate parts and the type of materials proposed would all work well to assimilate it into the rural area. Existing and additional planting will also aid assimilation. I would be of the view that the design and siting of the dwelling is consistent with the principles set out in the Design Guide for Single Rural Houses published by Galway County Council. I would also note that there is existing vegetation along the eastern boundary where it adjoins Lough Corrib and the dwelling has been sited away from the shore line.

7.3.3 In terms of use of the existing access and yard area, I would be of the view that such is acceptable and does not necessitate an additional vehicular access that would itself have a visual impact on the area as well as locating the dwelling away from the public road where it is well screened by existing vegetation. I would be of the view that the design and siting of the dwelling is well considered and would assimilate successfully at this location without having a significant or detrimental visual impact on the landscape character or visual amenities of the area. I would consider that the proposal is compliant with Development Plan policy set out above in this regard. It is notable that permission was refused on the basis that the proposal materially contravenes Development Policy with specific reference to Objective RHO9 and DM Standard 6. Given the subject nature of assessing visual impact I would question whether the development even if poor quality in terms of visual impact could be a material contravention of such policies rather than being contrary such polices.

7.4 Traffic Impact:

7.4.1 Permission was refused on the basis that the required sight distance triangles have not been satisfactorily demonstrated in accordance with the requirements of DM Standard 20 of the Galway County development Plan 2015-2021. The proposed development is to use an existing entrance that serves a yard area and agricultural lands. The proposal submitted showed 45m sightlines with the requirement being for 70m under DM Standard 20. The requirement is based on a standard of 70m for a

design speed of 60kph and relates to access onto Regional Roads. The appellant states that the design speed at this location is low and that 70m can be achieved in each direction and has submitted photos to illustrate such. Having inspected the site, I would be of the view that traffic movements are low in volume and low in speed with the public road ending in a cul-de-sac adjacent the Lough Corrib to the east. I am satisfied that the applicant has demonstrated that adequate sightlines are available at the existing entrance. I am satisfied that the level of additional traffic movements generated by a single dwelling is unlikely to cause any traffic hazard.

7.5 Public health:

7.5.1 The proposal entails the installation of a proprietary wastewater treatment system. Site characterisation was carried out including trial hole and percolation tests. The site is located over an aquifer classified as regionally important and with vulnerability rating of extreme. The site is also in close proximity to Lough Corrib with the site adjacent the shoreline. The trial hole test encountered bedrock at 1.2m and no water ingress into the trial hole at this depth. P test for shallow soil/subsoils and/or water table by the standard method were carried out with percolation values (standard method) that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The test results indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The drawings submitted meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries).

7.5.2 I would have concerns that the site characterisation tests indicates less than ideal drainage conditions on site with a shallow level of subsoil above bedrock and the site at a vulnerable location relative to Lough Corrib. I would consider that notwithstanding the use of a proprietary wastewater treatment system on site, that having regard to the underlying soil conditions and indication of shallow bedrock on

site, to the proliferation of domestic wastewater treatment systems in the this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, I could not be satisfied on the basis of the information on files, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.6. Appropriate Assessment:

7.6.1 Permission was refused by the Planning Authority on the basis that the applicant had failed to demonstrate that significant negative effects on the integrity and conservation objectives of the Lough Corrib Special Area of Conservation (SAC) (Site Code: 000297) and Lough Corrib Special Protection Area (SPA) (Site Code: 004041) could not be ruled out, as a result of the proposed project, either individually or in combination with other plans and projects in the area.

7.6.2 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) and Appropriate Assessment submitted with the appeal submission.

The Project and Its Characteristics

7.6.3 See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected (Stage I Screening)

7.6.4 In the refusal reason the PA state that the site is partially within both the Lough Corrib Special Area of Conservation (SAC) (Site Code: 000297) and Lough Corrib Special Protection Area (SPA) (Site Code: 004042) whereas the NIS states that the site is located outside of both designated sites. From my viewing of the maps associated with the designated sites and the plans submitted, the appeal site is outside of the designated sites but is adjacent the boundary of such, which appears to be based on existing field/site boundaries. On this basis the subject site is not located within any Natura 2000 site. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:

- Lough Corrib Special Area of Conservation SAC (Site Code: 000297) adjacent the appeal site;
- Lough Corrib Special Protection Area SPA (Site Code: 004041) adjacent the appeal site ;

7.6.5 The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

The applicant has carried out and submitted and NIS (Stage 2 Appropriate Assessment) in response to the reasons of refusal. I would concur in that there is the possibility for significant effects on the following European sites (associated with impact to species of conservation interest), as a result of potential impact associated with contamination of surface and/or ground water during construction and/or operation; and impacts associated with disturbance/habitat loss during construction

and/or operation. This potential exists due to the location of the application site immediately adjacent to both the Lough Corrib SAC and SPA, and the potential negative impacts on the nearby SAC or SPA and their qualifying interests. Potential effect is therefore identified in relation to the following European Sites: Lough Corrib SAC and SPA.

Site (site code) and Conservation Objectives	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
<p>Lough Corrib Special Area of Conservation SAC (000297)</p> <p>To restore and maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p>

	<p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>
<p>Lough Corrib Special Protection Area SPA (004042)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA.</p>	<p>Gadwall (Anas strepera) [A051]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Pochard (Aythya ferina) [A059]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Hen Harrier (Circus cyaneus) [A082]</p> <p>Coot (Fulica atra) [A125]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>Wetland and Waterbirds [A999]</p>

7.6.6 The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

Potential Effects on Designated Sites

7.6.7 The subject site itself does not support significant populations of any fauna species linked with the qualifying interests or species of conservation interest populations of any European sites.

7.6.8 In terms of pathways to European Sites, the subject site is located immediately adjacent to the Lough Corrib SAC and SPA. The site is located within the drainage catchment of Lough Corrib. The qualifying interests of the Lough Corrib SAC is directly or indirectly dependant on water quality. There is potential for indirect impacts associated with construction and/or operation associated with the proposed development through surface water discharges and discharge of the proposed wastewater treatment system, and an associated impact on water quality within the Lough Corrib SAC. A number of the qualifying interests in the Lough Corrib SAC are dependent on maintaining surface water/groundwater quality. In terms of habitat disturbance/loss the construction phase is temporary and subject to adequate construction management is unlikely to cause significant disturbance/habitat loss. In terms of operational phase I would be of the view that a single-dwelling is unlikely to result any significant disturbance or habitat loss.

In-Combination / Cumulative Impacts

7.6.9 There is potential for in-combination/cumulative effects from existing wastewater treatment systems in the vicinity and farming activity on lands at this location due to the proximity of such to the shore of the Lough Corrib SAC.

AA Screening Conclusion

7.6.10 The specific conservation objectives and qualifying interest of the potentially effected SAC site include a number of aquatic habitats and species linked to such that are dependent on maintaining water quality and significant effects on such cannot be ruled out at this stage. The qualifying interests of the Lough Corrib SPA relate to bird species. The appeal site is not an ecologically sensitive site consisting of agricultural (improved grassland) that are currently farmed (cattle on site at time of the site visit). I am satisfied that significant effects on the Lough Corrib SPA can be ruled out at this stage. A stage 2 Appropriate Assessment was carried out by the applicant for both the Lough Corrib SAC and SPA. I would consider that such is merited in the case of the Lough Corrib SAC having regard to potential surface water/groundwater linkages between the appeal site and the designated site.

Stage 2 – Appropriate Assessment

7.6.11 The receiving environments at Lough Corrib SAC and SPA; are described in detail in the submitted Natura Impact Statement (NIS) report.

7.6.12 The site-specific conservation objectives and qualifying interests / species of conservation interests of the aforementioned Natura 2000 sites are described above in table in Section 7.6.5. The NIS also provides a detailed description of the site-specific conservation objectives of these European Sites with potential effects outlined, alongside any required mitigation. A conclusion on residual impact is then provided. A summary of this assessment is set out for each Natura 2000 site below:

7.6.13 **Lough Corrib SAC:** Lough Corrib is situated to the north of Galway city and is the second largest lake in Ireland, with an area of approximately 18,240 ha (the entire site is 20,556 ha). The lake can be divided into two parts: a relatively shallow basin, underlain by Carboniferous limestone, in the south, and a larger, deeper basin, underlain by more acidic granite, schists, shales and sandstones to the north. The surrounding lands to the south and east are mostly pastoral farmland, while bog and heath predominate to the west and north. A number of rivers are included within the cSAC as they are important for Atlantic Salmon. These rivers include the Clare, Grange, Abbert, Sinking, Dalgan and Black to the east, as well as the Cong, Bealanabrack, Failmore, Cornamona, Drimneen and Owenriff to the west. In addition to the rivers and lake basin, adjoining areas of conservation interest, including raised bog, woodland, grassland and limestone pavement, have been incorporated into the site.

7.6.14 **Lough Corrib SPA:** Lough Corrib is the largest lake in the country and is located, for the most part, in County Galway, with a small section in the north extending into County Mayo. The lake can be divided into two parts: a relatively shallow basin in the south, which is underlain by Carboniferous limestone, and a larger, deeper basin to the north, which is underlain by more acidic granite, schists, shales and sandstones. The main inflowing rivers are the Black, Clare, Dooghta, Cregg, Owenriff and the channel from Lough Mask. The main outflowing river is the Corrib, which reaches the sea at Galway City. The site is a Special Protection Area (SPA) under the E.U. Birds

Directive, of special conservation interest for the following species: Greenland White-fronted Goose, Gadwall, Shoveler, Pochard, Tufted Duck, Common Scoter, Hen Harrier, Coot, Golden Plover, Black-Headed Gull, Common Gull, Common Tern and Arctic Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetlands & Waterbirds.

7.6.15 The conditions underpinning the integrity of the above SAC and SPA sites include either all, or some, of the following: water quality, pollution levels minimised, appropriate agricultural practices, surface and ground water quality appropriate levels of disturbance water levels, appropriate salinity maintained and conditions at adjacent sites.

7.6.16 The NIS under assessment of impacts classifies the project as being small, not part of the designated sites in question resulting no loss, fragmentation or disturbance of habitats. The soil conditions on site are indicated as being good (site characterisation report) and use of a modern wastewater treatment system proposed with surface water to be directed to a filtration system. The NIS states that no adverse impacts on conservation objectives are detected.

7.6.17 In relation to mitigation measures a construction environmental and management plan is proposed and submitted with the NIS including detailed construction measures regarding excavation, dust suppression, fuelling, and limitations on noise impact, construction hours, waste generation and surface water management.

7.6.18 The NIS conclude that there is no likelihood of significant effects in-combination with other plans and projects. It is concluded that the proposed development would have no significant effects on the integrity of the Lough Corrib SAC and SPA or any other designated site.

7.6.19 I would disagree with the conclusion of the NIS submitted. The appeal site is in close proximity to the shores of Lough Corrib and within the drainage catchment of such. As noted above under potential effects the proposal has the potential to have significant effects on water quality due to the provision of a wastewater treatment system on site and its location where groundwater vulnerability is classified as extreme. Underlying conditions on site indicate that subsoil level are shallow with bedrock only 1.2m beneath the ground level and the site is very close proximity of Lough Corrib. On this basis I do not consider that significant effects in terms of pollution of groundwater and subsequent reduction in water quality of the Lough Corrib SAC can be ruled out. In addition the proposal has potential to have significant effects in-combination with other plans and projects having regard to existing dwellings in the vicinity, which are served by individual wastewater treatment systems and existing farming activities in the vicinity.

Appropriate Assessment – Conclusion

7.6.20 Having regard to the location of the appeal site a short distance from the shore of Lough Corrib and within its drainage catchments and the designated Natura 2000 site, the Lough Corrib SAC (site code 000297), and on the basis of the information provided with the application and the appeal, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Lough Corrib Special Area of Conservation (Site Code: 000297), in view of the site's Conservation Objectives. In particular, the Board could not be satisfied that the existing drainage conditions on site could accommodate the proposed proprietary wastewater treatment system so as to ensure it could be operated in accordance with the EPA Code of Practice. The Board could not therefore rule out significant effects on water quality. In such circumstances the Board is precluded from granting permission for the proposed development.

8.0 Recommendation

8.1. I recommend refusal based on the following reasons...

9.0 Reasons and Considerations

1. Having regard to the location of the appeal site a short distance from the shore of Lough Corrib and within its drainage catchments and the designated Natura 2000 site, the Lough Corrib SAC (site code 000297), and on the basis of the information provided with the application and the appeal, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Lough Corrib Special Area of Conservation (Site Code: 000297), in view of the site's Conservation Objectives. In particular, the Board could not be satisfied that the existing drainage conditions on site could accommodate the proposed proprietary wastewater treatment system so as to ensure it could be operated in accordance with the EPA Code of Practice. The Board could not therefore rule out significant effects on water quality. In such circumstances the Board is precluded from granting permission for the proposed development.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the soil conditions including indication of shallow subsoil levels above bedrock, the location of site over a regionally important aquifer with extreme vulnerability rating and within close proximity of the shoreline (drainage catchment) of Lough Corrib and indication of rock layers at a shallow level on site, to the proliferation of domestic wastewater treatment systems in the this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which

recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, and could not be satisfied, on the basis of the information on files, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

28th January 2022