



An
Bord
Pleanála

Inspector's Report

ABP-311155-21

Development	Restore stone cottage and construction of extension.
Location	Gannoughs, Claddaghduff, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	21922
Applicant(s)	Catherine & Fionan Breathnach
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Catherine & Fionan Breathnach
Observer(s)	None
Date of Site Inspection	12 th November 2021
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.275ha is located in rural coastal setting approximately 3km north west of the small rural settlement of Claddagh Village, North Connemara. The site is accessed by means of a series of very narrow country lanes. The adjoining road ends in a cul de sac further to the west of the site. The site is an agricultural field with a significant rocky outcrop. The ruins of a stone house comprising the partially reconstructed outer walls were noted on day of site inspection. Site photos refer. There is an existing agricultural entrance serving the site.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer to the photos available on the appeal file and in particular those attached to the Case Planners report. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought to restore a dilapidated stone cottage (70sqm) and construct a contemporary extension (90sqm) to the rear with a new wastewater treatment system and detached utility garage. The application was accompanied by a cover letter setting out compliance with Objective RHO7, a structural report, a site characterisation report and a letter of consent from the landowner.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway County Council issued a notification of decision to refuse permission for the following 4 reasons relating to (1) housing need, (2) wastewater treatment, (3) negative impact on European sites and (4) traffic safety.

1) The subject site is located within Class 4 Landscape where Objective RHO 3 of the 2015– 2021 Galway County Development Plan set out qualifying criteria for those with a genuine rural generated housing need seeking to construct a dwelling house within the Rural Housing Zone 3. Based on the absence of any details to substantiate the applicants rural linkage to this area in accordance

with the requirements of Objective RHO 3 it is considered that the applicant has not satisfactorily demonstrated that they meet the housing need criteria set out in the Galway County Development Plan. Therefore, the proposed development is considered contrary to the rural housing provisions of the said County Development Plan. Accordingly, to grant the proposed development would contravene materially Objective RHO 3 contained in the Galway County Development Plan 2015 – 2021, would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.

- 2) Having regard to the poor drainage characteristics of the site and the evidence of a high water table the planning authority is not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10). Accordingly to grant the development as proposed, would be contrary to the EPA Wastewater Manual, would materially contravene Objective WW5 of the Galway County Development Plan 2015 – 2021, would be prejudicial to public health, would pose an unacceptable risk to receiving waters, therefore has the potential to adversely affect the integrity and conservation objectives of protected European sites for flora and fauna, and would be contrary to the proper planning and sustainable development of the area.*
- 3) The site of the proposed development is located within 154m of the Aughrusbeg Machair and Lake SAC and 413m from the Connacht Coast SAC, designated European sites for rare and threatened flora and fauna across the European Union (i.e. Natura 2000 network of sites), which 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 (Birds and Natural Habitats) Regulations 2011. The protection of these European Sites is further reinforced in the 2015 – 2021 Galway County Development Plan under Policy NHB 1, Objective NHB 1, Objective NHB 2, Objective NHB 3 and DM Standard 40. It is considered based on the information included with the planning application and absence of an AA Screening Report to provide a*

scientific evidence based habitats assessment / ecological assessment carried out on site to rule out significant impacts on European sites in conjunction with the application of the precautionary principle, that significant negative effects on the integrity and conservation objectives on the European sites cannot be ruled out, as a result of the proposed project. Therefore, the development as proposed would contravene materially a policy, objectives and a development management standard contained in the current Galway County Development Plan and would 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 Standards 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 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 Reports

- The **Case Planner** recommended that permission be refused for 4 no reasons relating to (1) housing need, (2) wastewater treatment, (3) appropriate assessment and (4) traffic safety. The notification of decision to refuse permission issued by Galway County Council reflects this recommendation.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

4.1. There is no evidence of any previous appeal on this site and no planning history has been made available with the appeal file. It is noted that there was an appeal on lands further west that may be summarised as follows:

ABP-306624-20 (Reg Ref 191814) - Galway County Council refused permission for the construction of a new dwelling house, effluent treatment system and polishing filter as well as all ancillary site works for a single reason relating to waste water treatment. Noted that the application was accompanied by a NIS. Following a first party appeal the Board refused planning permission for the following 2 no reasons:

- 1. Having regard to the poor drainage characteristics of the subject site in terms of a high water table due to fluctuating seasonal conditions, and to the presence on the site of peaty substrates and rushes, the Board is not satisfied that the safe disposal of effluent from the proposed development can be guaranteed in strict accordance with the EPA Code of Practice Manual for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10). In such circumstances, the proposed development would be prejudicial to public health and would seriously endanger the health and safety of persons occupying the structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the proximity of the subject site to the West Connaught Coast Special Area of Conservation (site code number 002998), and the hydrological connectivity of the site to this European Site, the Board cannot be satisfied, beyond reasonable scientific doubt, by reason of the poor drainage characteristics of the subject site, and the lack of certainty that the proposed wastewater treatment system will be capable of safely disposing of domestic effluent without impacting on groundwater or surface water, that the proposed development would not adversely affect the integrity of this*

European site, in the light of its conservation objectives. The Board is therefore precluded from granting permission for the development of the subject site.

5.0 Policy Context

5.1. National Policy

5.1.1. **National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government (2018).** The NPF in relation to rural housing includes Objective 19 to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- **National Policy Objective 19** refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e. commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations.
- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, 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.
- In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.2. Development Plan

5.2.1. The operative plan for the area is the **Galway County Development Plan 2015 – 2021**. The site is within Rural Housing Zone 3 - Landscape Zone 3, 4, 5 - In areas

which are classified in the Landscape Classification 3, 4 and 5, an applicant seeking to construct a rural house in the open countryside is required to demonstrate Substantiated Rural Housing Need and their Rural Links. The site is also in an area classified a Structurally Weak Area. Key objectives for this area are as follows:

- **Objective RHO 3 - Rural Housing Zone 3 (Landscape Category 3, 4 and 5)** Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their Rural Links* to the area and are required to submit a Substantiated Rural Housing Need*. In addition an Applicant may be required to submit a visual impact assessment of their development, 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 areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

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

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

- **Objective RHO 7 - Renovation of Existing Derelict Dwelling/Semi Ruinous Dwelling -** It is an objective of the Council that proposals to renovate, restore or modify existing derelict or semi derelict dwellings in the County are generally dealt with on their merits on a case by case basis, having regard to the relevant policies and objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi ruinous dwelling must be structurally sound, have the capacity to be renovated and/or extended and have the majority of its original features/walls

in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed an Enurement Clause for seven years duration will apply.

- **Objective WW5** – *Waste Water Treatment Associated with Development in Un-Serviced Areas Permit development in un-serviced areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed waste water treatment system is in accordance with the Code of Practice Treatment and Disposal Systems Serving Single House EPA (2009)/ EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) (or any superseding documents) and subject to complying with the provisions and objectives of the EU Water Framework Directive.*
- **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.*
- **Objective NHB 3** – *Water Resources Protect the water resources in the plan area, including rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependant species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the Western River Basin District Management Plan 2009-2015, Shannon International River Basin Management Plan 2009-2015 and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding*

versions of same) and also have regard to the Freshwater Pearl Mussel Sub-Basin Management Plans.

- DM Standard 20: Sight Distances Required for Access onto National, Regional & Local Roads
- DM Standard 40: Environmental Assessments

5.3. Other Guidance

5.3.1. **Sustainable Rural Housing Guidelines.** – Structurally weaker rural areas will exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth.

5.3.2. **Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)"** – Environmental Protection Agency, 2009 – Sets out guidance on the design, operation and maintenance of on site wastewater treatment systems for single houses.

5.4. Natural Heritage Designations

5.4.1. The site is not located within any Natura 2000 designated site. The appeal site is proximate to the following sites:

- Aughrusbeg Machair & Lake SAC (001228)
- West Connacht Coast SAC (002998)
- Cruagh Island SPA (004170)
- Inishbofin, Omey Island & Turbot Island SPA (004321)
- High Island, Inishshark & Davillaun SPA (004144)
- Barnahallia Lough SAC (002118)
- Tully Mountain SAC (000330)
- Connemara Bog Complex SAC (002034)

5.4.2. The closest site to the appeal site is the Aughrusbeg Machair & Lake SAC (001228) and West Connacht Coast SAC (002998).

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal has been prepared and submitted by Gavin Architects on behalf of the applicant and may be summarised as follows:

- **Refusal Reason No 1** – The application was not made in the context of RHO3. The application was made under RHO7 (Renovation of Existing Derelict Dwelling/Semi Ruinous Dwelling).

The existing derelict dwelling on the site is an important local structure from both an historical significance and a heritage / cultural significance. The dwelling was the home and birthplace to a famous Galway footballer Jack Cosgrove. The structure can be clearly identified as a dwelling the original fireplaces (with original plaster finish visible) are still intact along with original door and window features. This farmhouse was originally constructed in the local vernacular style 3 bay stone construction. The applicants want to restore this dwelling and make it suitable for modern occupation by extending the structure. The applicants want to construct an extension that meets modern housing requirements and comfort levels but retain a structure that is very much in danger of further collapse. If this dwelling is not saved now by the applicant, it is only a matter of time before it will be lost forever. There is only a finite number of these vernacular style original farmhouses in the locality they are disappearing at an alarming rate. As the planners noted some of the stonework has fallen away in recent years and was subsequently repaired. At all times some of the stonework has fallen away in recent years and was subsequently repaired. At all times there was at least 85% of the external walls remaining. In recent years some storm damage to the structure included part of the north gable falling away which was repaired by the

applicant. The repairs were carried out after consultation with the Local Authority who also stated that the structure could be roofed to help protect it into the future.

- **Refusal Reason No 2** – The proposed site contains an existing structure and there were the remnants of a cess pit on the site. The site was assessed for its drainage qualities in accordance with current EPA manual Wastewater Treatment systems for One-Off Rural houses 2009 and the study showed that the site could handle on onsite wastewater treatment system. The application was accompanied by a manufacturers report (trichel) which confirmed the standard of the effluent treatment. The planner's report does refer to an elevated water table, but this must be considered in the context of the very low level of the trial hole excavation and the extremely wet conditions the inspection was made. The proposed percolation area will be constructed at least 2m above the proposed high winter water table on high quality introduced polishing soil and sand. The Board is referred to the detailed cross sections of the proposed polishing filters as were submitted with the application.

- **Refusal Reason No 3** – Appropriate Assessment Screening Report attached. The site is not located within or directly adjacent to any Natura 2000 sites. The site is located 300m north of West Connacht Cost SAC (Site Code 002998) and 300m southeast of Aughrusbeg Machair and Lake SAC (Site Code 001228).

The proposed development is not directly connected with or necessary to the management of any European site. A Screening Report for AA has been carried out in relation to Refusal Reason No 2. Attached. The applicants Stage 1 AA Screening Report described the site, the location and the proposed development, it summaries the regulatory context, it carried out a desk top survey and identified the European site considered to fall within the zone influence of the works. it confirmed that the proposed development would not be located within any European Cites. Two European Sites that could be affected were assessed: the West Connacht Coast SAC (Site Code 002998) 300m south of the site and Aughrusbeg Machair and Lake SAC (Site code 001228). It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes. The report concluded that having regard to the nature and scale of the development and nature of the receiving environment, the proximity to the nearest European Site, no appropriate Assessment issues

arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.

- **Refusal Reason No 4** – The site already has an existing site entrance which it must be concluded has been in place since the original dwelling was first constructed. Nevertheless, the applicant has been revised the site layout to include sight distance triangles. This is a secondary minor road and thus requires a sight distance of min 70m calculated measured from a point 2.4m back from the edge of the roadway. The roadway fronting the proposed site is very straight and the 70m in each direction is very easily achieved. It should also be noted that this road is a dead end with very minimal traffic flow.

6.2. Planning Authority Response

6.2.1. None

6.3. Observations

6.3.1. None

6.4. Further Responses

6.4.1. None

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings.

- Principle / Housing Need
- Wastewater Treatment
- Appropriate Assessment
- Traffic Safety

- Other Issues

7.2. Principle / Housing Need

- 7.2.1. Galway County Council in their first reason for refusal state that based on the absence of any details to substantiate the applicant's rural linkage to this area in accordance with the requirements of Objective RHO 3 the proposed development is considered contrary to the rural housing provisions of the County Development Plan.
- 7.2.2. The applicant in their appeal submits that the application was not made in the context of RHO3 Rural Housing but that it was made under RHO7 (Renovation of Existing Derelict Dwelling/Semi Ruinous Dwelling).
- 7.2.3. Objective RHO7 Renovation of Existing Derelict Dwelling / Semi Ruinous Dwelling states that proposals to renovate, restore or modify existing derelict or semi derelict dwellings are generally dealt with on a case-by-case basis, having regard to inter alia the condition of the structure and the scale of any works required to upgrade the structure to modern standards. It further states that the derelict/semi ruinous dwelling must be structurally sound, have the capacity to be renovated and/ or extended and have the majority of its original features/walls in place.
- 7.2.4. While the applicant has taken great care to design a development that is well considered and responds sensitively and appropriately to its context in terms of scale, layout and materials it remains that compliance with relevant objectives for the site is paramount. I note the applicant's reliance on Objective RHO7 Renovation of Existing Derelict Dwelling above. However together with my site inspection I share the concerns raised by the Planning Authority that the structure on site, while typical of local vernacular has been substantially reconstructed in recent years, comprises only four external walls and one internal wall, has no roof or evidence of any septic tank or obvious previous connection to the mains electricity supply. The remnants of a cess pit on the site as noted by the applicant was not readily visible on day of site inspection and the suggestion of its existence is a further symptom of the unrealistic reliance on Objective RH07 in this case. Accordingly, it is my view that reliance on Objective RHO7 in this instance is not appropriate and therefore it is necessary to consider the proposed scheme under Objective RH03 Rural Housing.

- 7.2.5. As documented the appeal site is located in a rural area outside of the defined boundaries of any urban settlement. The Development Plan classifies the site as within a Structurally Weak Area as illustrated on Map RHO1. These areas consist mainly of a low population base as they have not experienced the same level of growth in population as the areas within the GTPS and where there are reduced services and infrastructure available due to the low population base. The Sustainable Rural Housing Development Guidelines note that “*these areas will exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth*”.
- 7.2.6. The specific policies for rural housing in the open countryside identify the site as being within Rural Housing Zone 3 - Landscape Zone 3, 4, 5. Applicants seeking to construct a rural house in these areas are required to demonstrate compliance with Objective RHO3. Objective RHO3 - Rural Housing Zone 3 (Landscape Category 3, 4 and 5) requires that applicants demonstrate their Rural Links to the area and to submit a Substantiated Rural Housing Need. A *Rural Link* is defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life. A *Substantiated Rural Housing Need* is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a need for a dwelling for their own permanent occupation.
- 7.2.7. As is evidenced above substantial information is required to demonstrate compliance with Objective RHO3. Having regard to the planning application it is noted that the applicant is not the owner of the appeal site. No other information has been provided in support of the applicant’s compliance with Objective RHO3. The application does not therefore meet the criteria of demonstrable need to live in a rural area as required by the Galway County Development Plan. Refusal is recommended.

7.3. **Wastewater Treatment**

- 7.3.1. Galway County Council in their second reason for refusal state that having regard to the poor drainage characteristics of the site and the evidence of a high water table the

planning authority is not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10) and would materially contravene Objective WW5 of the Galway County Development Plan 2015 – 2021.

- 7.3.2. Objective WW5 – Waste Water Treatment Associated with Development in Un-Serviced Areas permits development in un-serviced areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed waste water treatment system is in accordance with the Code of Practice Treatment and Disposal Systems Serving Single House EPA (2009)/ EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) (or any superseding documents) and subject to complying with the provisions and objectives of the EU Water Framework Directive.
- 7.3.3. In November 2020 a site characterisation was carried out including trial hole and percolation tests. The trial hole test notes that the water table level was encountered at a depth of 1.55m in the 1.7m deep trial hole (photos attached to the report refer). Bedrock was present at 1.7m. The report notes that there is a drain to the west boundary. The percolation tests result for P tests for the standard method indicate percolation values of 15.81 min / 25mm. This is 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). The report recommended that the site was suitable for a secondary treatment system comprising either a septic tank and filter system constructed on-site and polishing filter or packaged wastewater treatment system and polishing filter. The planning application was accompanied by a manufacturers report (Tricel) which provides secondary treatment using submerged aeration filter technology followed by a gravity fed soil polishing filter system.
- 7.3.4. As documented planning permission was refused on the basis a high-water table with the Case Planners report noting a high level of water in the trial hole as well as visual indicators such as marshy land at the time of site inspection in June 2021 (Case

Planners site photos refer). This assessment was substantiated on day of my site inspection where the ground was extremely wet in with rushes visible on the site.

- 7.3.5. Having regard to the information submitted it is clear that the water table level on site is high and such is indicated in the trial hole tests. Based on the information in the Case Planners report it appears that there is also a high water table in the summer time. Having regard to the poor drainage characteristics of the site in the form of a high-water table I am not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10).
- 7.3.6. Further, there are numerous one off houses in proximity to the site which it is assumed in the absence of a public sewer also discharge to groundwater. The application provides no element of assessment of the cumulative impact on groundwater of this collection of houses.
- 7.3.7. I conclude based on the material submitted with the application that the appeal site is unsuitable for the safe disposal of domestic effluent and, notwithstanding the mitigation measures – installation of a proprietary wastewater treatment system - included in the application, that the proposed development creates a serious risk of ground water pollution, would adversely affect the integrity and conservation objectives of protected European sites, and therefore, would be contrary to the proper planning and sustainable development of the area. Refusal is recommended

7.4. Traffic Safety

- 7.4.1. Galway County Council in their fourth reason for refusal stated that the required sight distance triangles have not been satisfactorily demonstrated in accordance with the requirements of DM Standards 20 of the Galway County Development Plan 2015 – 2021.
- 7.4.2. The appeal site and general area is served by a network of narrow roads that are without a median line, and that are incapable of accommodating two-way traffic and requires passing traffic to pull in to accommodate oncoming vehicles. The roadway fronting the proposed site is straight and terminates further west at the coast and serves a number of dwelling houses and agricultural land holdings between the appeal

site and the coast. I refer to the revised site layout submitted with the appeal that includes sight distance triangles. As observed on day of site inspection the site has an existing site entrance and roadside boundary wall, which will serve the proposed development.

- 7.4.3. Having regard to the location of the appeal site taken together with the amended site layout plan and my site inspection I would note that sightlines in each direction at the prospect entrance are of a reasonable standard and that the proposal would be satisfactory in terms of traffic safety and convenience. In this regard, it is considered that turning movements generated by the proposed development would not interfere with the safety and free flow of traffic on the public road and would not endanger public safety by reason of traffic hazard or obstruction of road users. It is therefore recommended that this reason for refusal be set aside.

7.5. **Other Issues**

- 7.5.1. **Development Contribution** - I refer to the Galway County Council Development Contribution Scheme 2016. The proposed development is not exempt. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.6. **Appropriate Assessment**

- 7.6.1. Galway County Council in their third reason for refusal state that in the absence of an AA Screening Report to provide a scientific evidence based habitats assessment / ecological assessment, significant negative effects on the integrity and conservation objectives on the Aughrusbeg Machair and Lake SAC and the Connacht Coast SAC European cannot be ruled out, as a result of the proposed project.
- 7.6.2. The site description and proposed development are set out in Section 1.0 and 2.0 above. During the construction phase the activities will include excavation of the site, site levelling and potentially rock breaking to prepare the site for the proposed extension. Other activities include shallow excavation, pouring of concrete for the foundation slab construction of a steel frame, completion of roof finishes, cladding of the structure, installation of all glazing systems, completion of roof finishes,

wastewater treatment system installation, landscaping, road surfacing and completion of entrance wall. Potential impacts pathways are restricted to hydrological pathways. All other potential emission pathways such as noise, aerial and visual are not relevant due to the nature of the project and the distance separating the project from surrounding European sites.

7.6.3. The appeal site is not located within or directly adjacent to any Natura 2000 sites and there are no proposals for works to any European Site. It is noted that there a number of Natura Sites proximate to the appeal site. I refer to Section 5.4 above, the report of Galway County Council Case Planner and the Stage 1 Appropriate Assessment Screening Report submitted with the appeal. The site is located 280m north of West Connacht Cost SAC (Site Code 002998) and 310m south of Aughrusbeg Machair and Lake SAC (Site Code 001228).

7.6.4. Stage 1 Screening for Appropriate Assessment

7.6.5. The Stage 1 Appropriate Assessment Screening Report evaluated the potential impacts(s) of the proposed development on 8 no European Sites located within 15km radius. While 15km is not a statutory requirement I am satisfied that it is a reasonable parameter and that the sites identified in Stage 1 of the AA are acceptable. Site specific conservation objectives and qualifying interests have been set for these sites by the National Parks and Wildlife Service (NPWS). Details are summarised as follows

European Site	Distance	Qualifying Interest	Conservation Objective
Cruagh Island SPA (004170)	7.5km	Manx Shearwater Barnacle Goose	The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.
Inishbofin, Omev Island & Turbot Island SPA (004321)	1.6km	Corncrake	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
High Island, Inishshark & Davillaun SPA (004144)	10.5km	Fulmar Barnacle Goose Arctic Tern	To maintain or restore the favourable conservation condition of the bird species listed as Special

			Conservation Interests for this SPA
Barnahallia Lough SAC (002118)	5.5km	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea Slender Naiad <i>Najas flexilis</i>	To maintain the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea in Barnahallia Lough SAC, which is defined by the list of attributes and targets set out by the NPWS. To maintain the favourable conservation condition of Slender Naiad in Barnahallia Lough SAC, which is defined by the list of attributes and targets set out by the NPWS
Tully Mountain SAC (000330)	4km	European dry heaths Alpine and Boreal heaths	To restore the favourable conservation condition of European dry heaths in Tully Mountain SAC, which is defined by the list of attributes and target set out by the NPWS To maintain the favourable conservation condition of Alpine and Boreal heaths in Tully Mountain SAC, which is defined by the list of attributes and targets set out by the NPWS
Connemara Bog Complex SAC (002034)	8.5km	Coastal Lagoons Reefs	To maintain the favourable conservation condition of Coastal lagoons in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS To maintain the favourable conservation condition

		<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea</p> <p>Natural dystrophic lakes and ponds</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</p>	<p>of Reefs in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS</p> <p>To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS</p> <p>To maintain the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS</p> <p>To maintain the favourable conservation condition of Natural dystrophic lakes and ponds in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS</p> <p>To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in Connemara Bog Complex SAC, which is defined by the list of</p>
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			attributes and targets set out by the NPWS
		Northern Atlantic wet heaths with Erica tetralix	To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix in Connemara Bog Complex SAC, which is defined by the list of attributes and targets as set by the NPWS
		European dry heaths	To restore the favourable conservation condition of European dry heaths in Connemara Bog Complex SAC, which is defined by the list of attributes and targets as set out by the NPWS
		Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) in Connemara Bog Complex SAC, which is defined by the following list of attributes and targets:
		Blanket bogs (*if active bog)	To restore the favourable conservation condition of Blanket bogs in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set by the NPWS
		Transition mires and quaking bogs	To restore the favourable conservation condition of Transition mires and quaking bogs in Connemara Bog Complex SAC, which is defined by the list of attributes and targets as set out by the NPWS

		Depressions on peat substrates of the Rhynchosporion	To restore the favourable conservation condition of Depressions on peat substrates of the Rhynchosporion in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
		Alkaline fens	To restore the favourable conservation condition of Alkaline fens in Connemara Bog Complex SAC, which is defined by the list of attributes and targets as set out by the NPWS
		Old sessile oak woods with Ilex and Blechnum in the British Isles	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
		Marsh Fritillary Euphydryas aurinia	To maintain the favourable conservation condition of Marsh Fritillary in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
		Salmon Salmo salar	To restore the favourable conservation condition of Atlantic Salmon in Connemara Bog Complex SAC, which is defined by the list of attributes and targets set out by the NPWS
		Otter Lutra lutra	To maintain the favourable conservation condition

		Slender Naiad <i>Najas flexilis</i>	<p>of Otter in Connemara Bog Complex SAC, which is defined by the list of attributes and target set out by the NPWS</p> <p>To maintain the favourable conservation condition of Slender Naiad in Connemara Bog Complex SAC, which is defined by the list of attributes and target as set out by the NPWS</p>
West Connacht Coast SAC (Site Code 002998)	280m	Common Bottlenose Dolphin <i>Tursiops truncatus</i>	To maintain the favourable conservation condition of Common Bottlenose Dolphin in West Connacht Coast SAC, which is defined by the list of attributes and targets as set out by the NPWS
Aughrusbeg Machair and Lake SAC (Site Code 001228)	310m	<p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoëto-Nanojuncetea</i></p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p>	<p>To maintain the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoëto-Nanojuncetea</i> in the Aughrusbeg Machair and Lake SAC, which is defined by the list of attributes and targets as set by the NPWS</p> <p>To maintain the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Aughrusbeg Machair and Lake SAC, which is defined by the list of attributes and targets as set out by the NPWS</p>

7.6.6. As stated previously all of the proposed works take place outside the SACs and SPAs and therefore there are no direct effects on the integrity of these European Sites.

Taking together with an examination of the Appropriate Assessment Stage 1 Screening Report, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separating distances and functional relationship between the proposed works and the European Sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, the potential impacts to the following 6 no European sites:

- Cruagh Island SPA (004170)
- Inishbofin, Omey Island & Turbot Island SPA (004321)
- High Island, Inishshark & Davillaun SPA (004144)
- Barnahallia Lough SAC (002118)
- Tully Mountain SAC (000330)
- Connemara Bog Complex SAC (002034)

7.6.7. are excluded from further consideration and are therefore screened out. There are no hydrological impacts and the distance is sufficient for no impacts due to works.

7.6.8. The AA Screening report addressed the remaining 2 no European Sites:

- West Connacht Coast SAC (Site Code 002998)
- Aughrusbeg Machair and Lake SAC (Site Code 001228)

7.6.9. having regard to the qualifying interests for which these sites were designated.

7.6.10. The West Connacht Coast SAC is designated for the Annex II species *Tursiops truncatus* (common bottlenose dolphin, also known as bottlenose dolphin or bottle-nosed dolphin), a comparatively large dolphin species that occurs extensively in Irish and European waters, both coastally and offshore. As stated, the West Connacht Coast SAC is designated for mobile species occurring within its boundaries and as there are no suitable habitats in the locality of the proposed development for the mobile species in question; Bottlenose Dolphin the potential direct impacts to this site can be excluded. Waste produced will be in a controlled environment whereby a tertiary wastewater treatments system is to be installed. These measures are considered to be part of the design of the proposed development and are not considered to be mitigation measures. Thereby the potential indirect impacts to this site can also be excluded.

- 7.6.11. The Aughrusbeg Machair and Lake SAC is designated for oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoëto-Nanojuncetea and Northern Atlantic wet heaths with Erica tetralix. This is a large coastal site with a diversity of habitats including machair and a nutrient poor lake. As stated, the Aughrusbeg Machair and Lake SAC is designated for species occurring within its boundaries and as there are no suitable habitats in the locality of the proposed development for the species in question; the potential direct impacts to this site can be excluded. The project is removed from this SAC with flow direction away from the conserved area. Notwithstanding, waste produced will be in a controlled environment whereby a tertiary wastewater treatments system is to be installed. These measures are considered to be part of the design of the proposed development and are not considered to be mitigation measures. Thereby the potential indirect impacts to this site can also be excluded
- 7.6.12. As the proposed development will not have any impacts on nearby waterbodies or Natura 2000 sites, there is no risk of in-combination effects with other developments.
- 7.6.13. 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 would not be likely to give rise to significant effects on European Site No 002998 and 001228 or any other European site, in view of the sites Conservation Objectives and Appropriate Assessment (and submission of a NIS) is not therefore required. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.
- 7.6.14. As stated, the appeal site is not located within a designated Natura 2000 site. Having regard to the distance to sites, the conservation objections and qualifying interests I am satisfied that should this development be granted planning permission there will be no impacts upon the integrity or the conservation objectives of any of these Natura 2000 sites and that the habitat and species associated with these sites will not be adversely affected. Recommended that refusal reason No 3 is set aside.

8.0 Recommendation

8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **REFUSED** for the following reasons and considerations.

9.0 Reasons and Considerations

1) Having regard to

- the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local government 2005,
- the provisions of the Galway County Development Plan 2015 – 2021,
- the location of the site within Rural Housing Zone 3 - Landscape Zone 3, 4, 5,
- the requirements of Objective RHO3 where an applicant seeking to construct a rural house in the open countryside is required to demonstrate Substantiated Rural Housing Need and Rural Links as defined in the Development Plan and
- the absence of any details to substantiate the applicants rural linkage to this area

the Board could not be satisfied on the basis of the information on the file that the applicant came within the scope of either the economic or social need criteria as set out in the overarching National Guidelines or the definition of a rural Link in accordance with the relevant criteria of the Galway County Development Plan 2015 – 2021.

The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the Plan. The

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

- 2) Notwithstanding the proposal to use a proprietary domestic wastewater treatment system on site, the Board had regard to the poor soil conditions and the shallow bedrock on site, to the proliferation of domestic wastewater treatment systems in this rural area, and to the Sustainable Rural Housing guidelines 2005 which recommends, in an 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 the file, that the impact of the proposed development in conjunction with existing waste water 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.

Mary Crowley

Senior Planning Inspector

11th January 2022