



An
Bord
Pleanála

Inspector's Report ABP-313484-22

Development	Construction of a dwelling
Location	Tullyconor, Leenane, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2260072
Applicant(s)	Shane Young & Joan Mulloy.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Shane Young & Joan Mulloy.
Observer(s)	None.
Date of Site Inspection	30 th May 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1 This appeal relates to a site is in the rural area of Tullyconor, on the coastline of Killary Harbour in scenic north west Co. Galway, c.6 km west of the village of Leenane. The site is accessed via a local/private road off the N59 National Secondary Road that that links Westport to Clifden. The site is c1km west of the junction of the local/private road and the N59.
- 1.2 Killary Harbour is Ireland's only true fjord extends 16km (10 miles) in from the Atlantic to its head at Aasleagh. Killary Harbour is extremely deep, over 45m at its centre, and offers a very safe, sheltered anchorage, because of the depth and the mountains to the south and north. To the north of the fjord lies Mweelrea, the highest mountain in Connacht and County Mayo. To the south are the Twelve Bens and the Maumturk Mountains of Connemara. The sheltered Killary Harbour fjord has nationally important populations of many bird species, including ringed plover, mute swan, whooper swan, mallard duck, tufted duck, and barnacle goose. Otters are known to breed at Killary Harbour.
- 1.3 The appeal site occupies an elevated location c.20m south east of the Killary fjord and to the east of the Bunowen River. The local/private road that accesses the site currently provides access to two residential properties and two commercial accommodation services known as the Connemara Hostel and Killary Lodge. These lands adjoin the application site which all form part of the lands associated with the Killary Adventure Centre. The landholding (120acres) was historically a hunting lodge now covered by extensive area of woodland Dernasliggaun Woods mainly scots pine (*pinus sylverstris*) and native birch (*Betula pendula*). Some areas have been infested with rhododendron and there is an active invasive species management plan underway to address this.
- 1.4 Access to the appeal site is by way of a track/walkway which rises sharply from the private road and meanders through woodland to the appeal site. The stated site area is 0.690 hectares. The main body and southern part of the site comprises an area of recently cleared rhododendron. Site levels vary from a high point of 32.5m OD towards the southeastern part of the site to while the northeastern part of the site falls steeply to 22.5m at the southwestern boundary from where levels fall steeply to a level of 6.5m towards the northeastern boundary. Existing scots pine trees to the

northeast provide for screening to the north while the site is more open to the west. An overhead ESB line traverses the southeastern part of the site.

2.0 Proposed Development

- 2.1. The application involves permission for the construction of a single storey dwellinghouse 318sq.m with solar panels and a new wastewater treatment system and percolation unit together with all associated site development works and services.
- 2.2. The application is accompanied by a design and Planning Statement by Hasset Ducatez Architects which sets out the development proposal in its detail. A Visual Impact Assessment by MKO Planning and Environmental Consultants addresses the visual context of the lands and considers refers to glamping (refer to planning history below) and housing proposal.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 04th April 2022 Galway County Council issued notification of the decision to refuse permission for the following three reasons:

“The site of the proposed development is located in a coastal rural area designated as a Class 5 landscape, which has landscape sensitivity rating of ‘ Outstanding’ and a landscape value rating of ‘unique’ in the current Galway County Development Plan, It is considered that the proposed development by reason of its design, scale and location occupying an elevated, exposed and visually prominent site, would constitute a visually obtrusive form of development that would be incapable of being satisfactorily assimilated into this sensitive Class 6 coastal rural landscape.

Furthermore, the proposed development would contravene materially provisions of the said county plan, in particular Policy LCM1, Objective LCM1, Objective LCM2 and DM Standard 6. Accordingly to grant the proposed development would seriously interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would contravene materially a development policy, objectives and a development

management standard contained in the current county development plan, would set an undesirable precedent for similar future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.

Having regard to the poor drainage characteristics of the site in the form of waterlogging at surface, the site inspection of the ground conditions the vegetation and the poor percolation characteristics of the site, 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 20221 for Wastewater treatment and disposal systems serving single houses ($pe \leq 10$) notwithstanding the proposed use of packaged wastewater treatment system. Accordingly, to grant the proposed development would be prejudicial to public health, would be contrary to the EPA Code of Practice Wastewater Manual, would seriously endanger the health and safety of persons occupying the structure, would pose an unacceptable risk to surface waters and therefore, would be contrary to the proper planning and sustainable development of the area.

The access to the site is off an unimproved section of the N59, where the speed limit of 100kph applies and where visibility at the junction is restricted. The proposal is at variance with local and national official policy in relation to control of development on/ affecting national roads, as per Objective TI 6 and MD Standard 18 (a) of the County Development Plan and the DOECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The turning movements would interfere with the safety and free flow of traffic, would endanger public safety by reason of traffic hazard and would have a detrimental impact on the capacity, safety and operational efficiency of the National Road Network.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report contends that based on submitted details that the applicant has demonstrated intrinsic local links to the immediate area which justify the need for a rural house in compliance with Objective RH03 of the County Development Plan. Planning Authority not satisfied that proprietary wastewater treatment system can be

satisfactorily installed and operated at this location. Additional turning movements onto the N59 would constitute a traffic hazard to wider road users. Siting of the proposed dwelling is in one of the most elevated parts of the landholding. Concerns regarding the visual sensitivity of the site. Refusal was recommended as per subsequent decision.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

No submissions

4.0 Planning History

There is an extensive planning history on the lands which includes the following:

ABP308741/20 – Galway County Council Reference 19/2005 (This site overlaps the northern part of the current appeal site)

The Board upheld the decision to refuse permission for construction of a two storey dwellinghouse with PV solar panels and septic tank connected to existing sewage treatment system granted permission under planning register reference number 11/218 together with all associated site development works and services. The grounds for refusal were as follows:

“ National Policy Objective 19 of the National Planning Framework facilitates the provision of single housing in the countryside in Structurally Weak areas based on siting and design criteria for rural housing in statutory guidelines and plans. In this regard, the location of the proposed development is sited in an area identified in the Galway County Development 2015-2021 as having a Landscape Sensitivity rating of Class 5 – ‘Unique’ and a Landscape Value rating of ‘Outstanding’. It is considered

that the proposed development, by reason of its siting in a Class 5- Unique Landscape, an elevated location, and in the absence of consideration of alternative sites within the landholding, would not be capable of satisfactory assimilation into this 'Unique' and 'Outstanding' landscape. The proposed development would be contrary to National Policy Objective 19 of the National Planning Framework, Objective LCM 2 and DM Standards 6 and 39 of the Galway County Development Plan 2015-2021, would interfere with the character of the landscape, would seriously injure the visual amenity of the area, would militate against the preservation of the rural environment and would set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In the absence of a site suitability assessment of the site and proposals to treat and dispose of wastewater within the application site, the Board is not satisfied that effluent from the development can be satisfactorily treated or disposed of on site. Proposals to treat and dispose of wastewater off site and significantly remote from the proposed house and outside the guaranteed and independent control of the applicant would not be in accordance with orderly development. The proposed development would, therefore, be prejudicial to public health.”

21353- Refusal of permission 26/01/2022 for proposed development comprising the provision of a 24.8ha adventure, recreation and leisure use area. This proposal comprises the extension of an existing adventure recreation, and leisure use area permitted under PI Ref 03/4367.

Refusal reasons related to detrimental impact on outstanding class 4 special landscape and traffic hazard arising from intensification of traffic movements onto the N59 National Secondary Road.

20225- Retention of alterations and ancillary site works to existing boat shed (Previous Planning Reference No. 08/363). Grant 06/07/20

ABP-306144-19, 19667- 5 individual one bedroom self-contained "pods" for short term holiday usage, construction of necessary access paths, water supply, and

effluent disposal system to service same. Granted by GCC and refused by ABP on the 28/04/2020 for two reasons relating to determinantal impact on the character of the landscape and setting of an undesirable precedent for further similar development along the Fjord which would further erode this natural resource. Further the Board was not satisfied that effluent from the development can be satisfactorily treated or disposed of on site, the proposed development, would, therefore, be prejudicial to public health.

18482- Retention of 233m of walking trail and permission for approximately 1300m of walking trail and a car park. Grant 27/08/2018

18285- Retention of 2 storage units, 287 sq.m. Grant 11/06/2018

17/1142- two storey extension, 6 no. detached sleeping pods, upgrade existing wastewater treatment system at The Connemara Hostel, Tullyconor Leenane. Grant, 30/10/2017

13/769- alterations/extension to staff accommodation building previously approved under PI. Ref. 11/218 & 09/177, and change of use from Staff Accommodation to a training/learning centre with ancillary accommodation, enlargement of previously approved sewage treatment plant. Grant 21/10/2013

13/771- house and septic tank, connection into sewage treatment system previously approved under PI. Ref. 11/218. Grant 21/10/2013

12/1255- Extension of Duration works to existing boat house, previous planning reference no. 08/363. Grant 27/11/2012

11/218- alterations/extension to staff accommodation building previously approved under pl. ref. 09/177, enlargement of previously approved soil polishing filter. Grant 01/08/2011

09/177- to demolish existing building and construct replacement staff accommodation building, septic tank, puraflo sewage treatment system. Grant 23/11/2009

06/2608 Refusal of permission 15/12/2006 for the construction of an extension and make alterations to existing boatshed with associated site works.

03/4367 Permission granted 6/10/2003 for use of lands for adventure recreation and leisure use.

5.0 Policy Context

5.1 National Policy / Guidelines

5.1.1 National Planning Framework (NPF) – Project Ireland 2040 (2018)

Objective 19 of the National Planning Framework states- “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:..... 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”

5.1.2 Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns. The appeal site is located in an area identified Structurally Weak, as set out under Section 6.3 below. In these areas the guidelines advise that- ‘The key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection

of important landscapes and any environmentally sensitive areas.’ (Appendix 3, Box 3).

5.1.3 EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses 2021

5.2 Development Plan

The Galway County Development Plan 2022 now refers. (It is noted that the Galway County Development Plan 2022 was adopted since the decision of the Planning Authority and came into effect on the 20th June 2022.

The site lies within a Structurally Weak Area as defined on Map. 4.1 Rural Area Types. Map 4.2 Rural Housing Policy shows the site within Zone 4 Landscape Sensitivity Category 2-4.

Policy RH4 Rural Housing Zone 4 (Landscape Classification 2,3 and 4) refers.

“Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Classification 2,3 and 4 are required to demonstrate their demonstrable economic or social Rural Links or Need* as per RH 2, i.e.

1(a) Those applicants with long standing demonstrable economic and/or social Rural Links or Need* to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(b) Those applicants who have no family lands, or access to family lands, but who wish to build their first home within the community in which they have long standing demonstrable economic and or social Rural links or Need* and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area,

schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area.

Having established a Substantiated Rural Housing Need*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management.

To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(c) Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(d) Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.

OR

1(e) Where applicants can supply land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent

residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links/need will not have to be demonstrated.

OR

1(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitat's Directive and normal planning considerations

In addition, an Applicant may be required to submit a visual impact assessment of their development, where the proposal is in an area identified as "Focal Points/Views" in the Landscape Character Assessment of the County or in Class 3 and Class 4 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."

As regards Landscape Character the site is within the designated coastal landscape designated as special in terms of landscape sensitivity (Map 8.2) with a high sensitivity to change.

LCM 1 Preservation of Landscape Character

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

LCM2 Landscape Sensitivity

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.

“LCM3 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. “

Viewpoint 16 from the layby /parking area on the N59 circa 2km to the east of the appeal site is protected view of Killary Harbour.

PVSR 1 – Protected Views and Scenic Routes

Preserve the protected views and scenic routes as detailed in Maps 8.3 and 8.4 from development that in the view of the Planning Authority would negatively impact on said protected views and scenic routes. This shall be balanced against the need to develop key infrastructure to meet the strategic aims of the plan.

DM Standard 8: Site Selection and Design

Apply the following guidance in assessing planning applications for rural housing:

Site Selection and Design

- The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.
- Simple design forms and materials reflective of traditional vernacular should be used.

- Have regard to the scale of surrounding buildings. A large house requires a large site to ensure effective integration into its surroundings (either immediately or in the future, through planned screening)
- A visual impact assessment may be required where the proposal is located in an area identified as “Protected Views/Scenic Routes” in the Landscape Character Assessment of the County or in Class 3 and 4 designated landscape sensitivity areas.
- The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.
- The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominates the landscape. (Cutting and filling of sites is not desirable).
- New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.
- Larger houses (e.g., in excess of 200sqm) should incorporate design solutions to minimise visual mass and scale e.g. sub-divided into smaller elements of traditional form to avoid bulky structures.
- Use a simple plan form to give a clean roof shape – a long plan in preference to a deep plan. This will avoid the creation of a bulky shape.
- Where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension in preference to new build.
- Clustering with existing rural buildings is generally preferable to stand-alone locations.

DM Standard 46: Compliance with Landscape Sensitivity Designations

Subject to the provisions of the plan but in particular the settlement policies of Chapters 2, 3 & 4 and the consequent restriction on development in rural areas, the control of permissible development shall be in accordance with the policies as they relate to the four sensitivity classes of landscape in Section 8.13.2 of this plan. It will deem the following types of development generally to be acceptable in the various areas of sensitivity as follows:

Class 3 – Special Restricted to essential residential needs of local households, family farm business and locally resourced enterprises (subject to site suitability and appropriate scale and design) including those with substantiated cases for such a specific location and which are in compliance with settlement policies.

5.3 Natural Heritage Designations

The site is located circa 1 km west of the Maumturk Mountains SAC (002008), 1 km south of Mweelrea /Sheeffry/Erriff Complex SAC (001932), 0.65 km east of The Twelve Ben/Garraun Complex SAC (002031), 6.4.2.

The above sites are also identified as proposed Natural Heritage Areas (pNHA) with the same site codes.

5.4 EIA Screening

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

6 The Appeal

6.1 Grounds of Appeal

6.1.1 The appeal is submitted by Hassett Ducatez Architects on behalf of the applicant. Grounds of appeal are summarised as follows:

- Planning Authority failed to fully consider the documents lodged which address the reasons for refusal.

- Reason no 1 (location in a category 5 landscape) is addressed by the design in that it is located in a site within the landscape which cannot be seen from the N59 or Killary Fjord.
- Reason No 2 should be rejected as the Engineer's report demonstrates compliance with EPA Guidelines.
- No new traffic load arises or is created as the applicants currently live with their parents on these lands. This was previously accepted by the Board Inspector in respect of application ABP308741.
- All matters have been satisfactorily addressed and detailed analysis is provided in application documentation.
- An extensive site selection assessment of four sites was carried out as set out in Section 3 of the Design and Planning Statement. A thorough assessment was carried out based on primary criteria of visibility, mature tree cover and suitability for percolation.
- Regarding visibility. The house will not be visible from the N59 due to the rising ground level and low single storey profile of the house. It will not be visible from Killary fjord due to screening by dense mature vegetation of Derrynasligguan woods. This is demonstrated in photomontage views.
- Regarding the design the proposed building siting strategy helps to integrate the dwelling into its setting. Mature woodland to the west, north and east provides natural screening.
- The design formed of two traditionally shaped volumes with a narrow width combine to accommodate one single storey dwelling. Narrow one room deep plan allows for the structure to maintain a narrow gable and slim well-proportioned form.
- An extensive site suitability assessment was carried out by Lally Chartered Engineers. A suitable location for percolation was found and a *tricol novo* package plant and *sandcel* polishing filter recommended. Galway County Council planning officer's report contains photographs of trial holes on previous site.
- Further appeal statement by Lally Chartered Engineers confirms that the percolation system is satisfactory and complies with the EPA Code of Practice Manual 2021.

Statement shows images of the correct location. A subsurface percolation value of 22,22 minutes shows that the underlying ground is suitable for the treatment and disposal of wastewater.

- Regarding traffic the previous An Bord Pleanála Inspector considered that issues raised surrounding traffic at the junction of the existing local access road and the N59 were not reasonable ground on which to refuse permission as the access serves Killary Lodge, The Connemara Hostel, 2 existing dwellings a walking trail and associated car park as well as the lands where Killary Adventure Centre host outdoor activities. As the applicants already reside here there will be no material increase in traffic.

6.2 Planning Authority Response

6.2.1 The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

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

- **Principle of Development / Rural Housing Policy**
- **Traffic Safety**
- **Visual Amenity and Impact on the Character of the area. Siting and Design**
- **Wastewater Treatment**
- **Appropriate Assessment**

7.2 Principle of Development / Rural Housing Policy

7.2.1 National Policy Objective 19 of the National Planning Framework (NPF) seeks to facilitate the provision of single housing in rural areas not under urban influence 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.

7.2.2 The appeal site lies within a Structurally Weak Area as defined on Map. 4.1 Rural Area Types. Map 4.2 Rural Housing Policy shows the site within Zone 4 Landscape Sensitivity Category 2-4 and Policy RH4 refers. This requires the demonstration of a rural housing need. The application is accompanied by extensive documentation which sets out to prove the applicant's rural housing need. In summary the applicants are a married couple with two small children seeking to construct the dwelling on these family lands. Shane Young is manager of the family business at Killary Adventure Company and currently resides in the parental home Killary Lodge. As manager he is on call 24/7 and needs to reside on these lands. Joan Mulloy is a professional sailor reliant on access to the sea and thus the location near the waters of Killary fjord and the Adventure Centre are crucial. Further details outline the applicants' connection and involvement in tourism related operations here and local community involvement. Based on the information submitted I am satisfied a rural link and a housing need has been demonstrated. Thus, having accepted the eligibility for consideration for a rural house the focus of the assessment may naturally progress to the question of suitability of the site in the context of visual amenity and impact on the character of the area and other detailed matters.

7.3 Traffic Safety.

7.3.1 The Planning Authority in its third reason for refusal referred to the location of the access which is from an unimproved section of the N59 with restricted visibility at the junction. It was stated that the turning movements would interfere with the safety and free flow of traffic, would endanger public safety by reason of traffic hazard and would have a detrimental impact on the capacity safety or operational efficiency of the national road network. The proposal was also considered to be at variance with

local and national official policy in relation to control of development on/affecting national roads.

7.3.2 The first party in response notes that the entrance services Killary Lodge, Connemara Hostel, two existing dwellings the walking trail and associated car park and lands used for Killary Adventure's outdoor activities. Furthermore, the applicants note that there will be no material increase in vehicular movements at the junction as the applicants already reside at this location. I note that the Board in its assessment of the previous proposal 308741 did not refuse on traffic grounds and I would concur with the previous reporting inspector that the traffic arising from one house would not generate significant additional traffic such that it would give rise to traffic hazard or a material impact on the N59. Therefore I consider that there is no barrier to the development on traffic grounds.

7.4 Visual Amenity and Impact on the Character of the Area. Siting and Design.

7.4.1 This is a key issue in this appeal. The Planning Authority in its first reason for refusal noted the location within a designated class 5 landscape with a landscape sensitivity rating of 'outstanding' and a landscape value rating of 'unique' and concluded that the proposal by reason of its design, scale and location occupying an elevated exposed and visually prominent site would constitute a visually obtrusive form of development. The Galway County Development Plan 2022 designates the site as 'special' with a high sensitivity to change. The layby to the east of the site is protected view 16 and the N59 is designated as part of the Maritime Scenic Route.

7.4.2 Policy Objective PVSR 1_Protected views and scenic routes is to preserve the protected views and scenic routes as detailed in Maps 8.3 and 8.4 from development that in the view of the Planning Authority would negatively impact on said protected views and scenic routes. LCM3 sets out that landscape sensitivity ratings shall be an important factor in determining development uses in areas of the county. In areas of high sensitivity, the design and choice of location will also be critical considerations.

7.4.3 I note the design and planning statement reference to alternative sites considered. (Page 7 of the Design and Planning Statement Hassett Ducatez Architects). The three alternative options A, B and C were rejected on the basis of partial visibility from the N59 and Killary Fjord and difficulty with percolation characteristics. I note that the options studied are narrow and I would consider that alternative approaches and solutions would be available. I note that the design statement makes the case that the immediate context of the Killary Estate woodland is of separate buildings, discreetly located and well separated in clearings and joined and accessed by a small private road. I consider that to continue to develop on this basis fails to acknowledge the matter of limited carrying capacity of the overall landholding. The expansion of new development further into the woodland and removed from existing built form and dependence on individual wastewater treatment systems represents an inappropriate approach in my view. I noted on the date of my site visit that the buildings of the Connemara Hostel appear to be underutilised and the innovative use of the existing built form or a clustering arrangement would in my view represent a more sustainable approach.

7.4.4 On the matter of design of the proposed dwelling the application notes that minimal cut and fill is proposed and it is asserted that the long narrow plan form and vertical emphasis will mirror the natural woodland in texture and material with timber cladding and insulated metal corrugated cladding ensuring that the building will blend with the existing context and buildings on site. I note the elongated narrow form 20m for both elements of the proposed dwelling and I note that the site is openly visible from the southwest. This outlook is not addressed within the applicant's documentation.

7.4.5 I note that the visual impact assessment and submitted photomontages focus on viewpoints of non-visibility and fail to address the open views from the site towards Killary Harbour the opposite side of Bunowen River to the west. I note that this issue was also raised in respect of previous proposal ABP308741-20. I consider that the Board's previous determination that the elevated location and siting in this sensitive

landscape is inappropriate and that more suitable alternatives exist. I note DM Standard 8 Site Selection and Design relating to rural housing which recommend use of existing vernacular structures where they exist on site in preference to new build and clustering with existing rural buildings in preference to stand alone locations. In my view the proposal does not represent an appropriate site selection and would be contrary to the objectives of the development plan and contrary to the proper planning and sustainable development of the area..

7.4.6 In conclusion, in my opinion the proposal does not have regard to the value, character, distinctiveness and sensitivity of the landscape, and therefore does not comply with Development Plan Policy. I recommend that permission be refused on this basis.

7.5 Wastewater Treatment

7.5.1 On the matter of wastewater Treatment I note the site suitability assessment carried out and the site characterisation form completed by Lally Chartered Engineers. In the trial hole excavated to bedrock at 2.1m water table was not encountered. Soil is described as peat clay with small stones to .4m leading to fine clay with sand gravel cobbles and boulders. A T value of 22.22 was recorded. It is proposed to install a Tricel Novo wastewater treatment plant and infiltration / treatment area. I note that the proposed sand polishing filter is sited towards the northern lower end of the site within approximately 60m of the high-water mark. As outlined in the submission by Lally Engineering in the appeal grounds this location was carefully selected as the most favourable ground whereas the southern part of the site comprises poorly drained bogland. I consider that whilst it appears based on the submitted details that it would be technically feasible to provide for a wastewater treatment system on the site in accordance with the requirements of EPA Code of Practice : Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) concerns remain regarding the question of the appropriateness of providing isolated individual wastewater treatment systems within this sensitive woodland landscape.

7.6 Appropriate Assessment Screening.

7.6.1 Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, and having regard to the source pathway receptor model 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 or projects, on a European site.

8.0 Recommendation

8.1 Refuse Permission for the following reason.

9.0 Reasons and Considerations

National Policy Objective 19 of the National Planning Framework facilitates the provision of single housing in the countryside in Structurally Weak areas based on siting and design criteria for rural housing in statutory guidelines and plans. In this regard, the location of the proposed development is sited in an area identified in the Galway County Development 2022 as coastal landscape designated as special in terms of landscape sensitivity with a high sensitivity to change. It is considered that the proposed development, by reason of its siting in an elevated location, and in the absence of consideration of alternative sites and solutions within the landholding, would not be capable of satisfactory assimilation into this special landscape. The proposed development would be contrary to National Policy Objective 19 of the National Planning Framework, Objective LCM 1, LCM2 and LCM3 and DM Standards 8 and 46 of the Galway County Development Plan 2022, would interfere with the character of the landscape, would seriously injure the visual amenity of the area, would militate against the preservation of the rural environment and would set an undesirable precedent for similar development in the area. The proposed

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bríd Maxwell
Planning Inspector

25th May 2023