



An
Bord
Pleanála

Inspector's Report

ABP-314326-22

Development	Replacement of mixed use building with residential and office development.
Location	Cnocán an Bhodaigh, Na Forbacha, Co. Na Gaillimhe
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2260156
Applicant	Noel O' Mainin
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal
Appellant	Noel O' Mainin
Observer(s)	Conall & Deirdre Ó hUallacháin
Date of Site Inspection	5 th April 2023
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.080 ha, is located on the southern side of the R336 in Na Forbacha (Furbo/Furbogh), Co. Galway. Na Forbacha is a linear settlement located along the R336. The appeal site is centrally situated within the village where the applicable speed limit is 50 kmph.
- 1.2. The appeal site is irregular in shape and accommodates a two storey commercial building (stated floor area c. 416 sqm). An area of car parking is situated to the front of the appeal site. A right of way is indicated to the front/north of the site. There is no discernible level difference across the appeal site.
- 1.3. The blue line boundary of the site extends to the centre of the R336 and also includes 4 no. recently constructed detached houses to the south.
- 1.4. The appeal site is bound to the front/north by a low stone wall, to the side/west and rear/south by a timber fence, and to the side/east by trees and a stone wall.
- 1.5. A recently constructed access road serving the 4 no. dwellings on the southern part of the appeal site runs along the western boundary of the appeal site. Beyond/west of this road is a childcare facility. A detached two storey house is located to the east of the appeal site. On the opposite/northern side of the R336 is a petrol filling station and a 2/3 storey mixed use building.
- 1.6. A waste water treatment system, permitted under PA. Ref. 21/52, has been recently constructed to the front of the appeal site, this system has not been commissioned.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Demolition of existing mixed-use building.
 - Construction of new 2-3 storey residential and office development (consisting of 7 no. 2 bed duplex apartment units at ground and first floor level, 2 no. 3 bed apartments at second floor level and 1 no. ground floor office unit).
 - Bin store.
 - Bike shed (30 no bicycle spaces).

- Minor alterations to the effluent treatment system layout previously permitted under PA. Ref. No. 21/52.
- Varying of Condition No. 11 of PA. Ref. No. 21/52.
- Closure of existing vehicular entrance and utilisation of the road and entrance onto R336 permitted under PA. Ref's. No. 21/52, 20/336 & 17/1118.
- Revisions to site layout including, new building line/streetscape.
- 17 no. car parking spaces.
- Communal open space to the rear (660 sqm).
- All associated site services, site works and landscaping.

2.2. The planning application was accompanied by the following reports/studies;

- Hydrological Assessment (Blue Rock Environmental)
- Civil Engineering Covering Report (PROFE Building, Engineering and Planning)
- Planning Statement (James O' Donnell)
- Design Statement (Helena Mc Elmeel)
- Bat Inspection Survey (Colette Casey)
- Appropriate Assessment Screening report (Colette Casey)

2.3. The following reports were submitted as unsolicited information to the Planning Authority on the 27th June 2022.

- Traffic and Transport Assessment
- Stage 1 Road Safety Audit
- Design Statement

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 15th July 2022 for 4 no. reasons which can be summarised as follows;

1. The proposed development would potentially be prejudicial to public health, irrespective of the proposal for a communal on-site wastewater treatment system, which is not considered a sustainable or effective long term resolution to the absence or deficiency of public services.
2. The proposed development is not considered to adequately reinforce the existing urban form of Furbo village, contribute to a sense of place, perpetuate existing building typologies and massing, or assimilate into the village setting. As such the proposed development is considered contrary to the provisions of the Galway County Development Plan 2022-2028, Section 6.3 and 6.8 of Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) DoEHLG (2009), and sections 2, 6 and 7 of Urban Design Manual - A Best Practice Guide DEHLG (2009).
3. The proposed development by virtue of its scale and massing would be visually obtrusive in this locally elevated and scenic coastal landscape and would not fit appropriately or integrate effectively into this setting.
4. The Planning Authority is not satisfied that adequate proposals for discharge of the applicant's obligations under Section 96 of the Planning and Development Act 2000 (as amended) and the Urban Regeneration and Housing Act (2015) have been submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the following;

- The level of population growth for an infill site close to the village core is appropriate.
- The mixed use nature of the proposal is welcome.
- The density of the proposal is acceptable.
- Apartments comply with Apartment Guidelines 2020.
- The consolidation of entrances will improve pedestrian safety.
- Sightline provision is unclear.
- The R336 at this location is fast and busy with limited speed controls and concerns are also raised in relation to traffic generation. In the absence of a Traffic Safety Audit, Mobility Management Plan, and a Traffic and Transport Assessment, the Planning Authority consider that the proposal would interfere with the safety and free flow of traffic on the R366, and would result in a traffic hazard.
- The suggested rewording of Condition 11 of PA. Ref. 21/52 is considered reasonable.
- The proposed development would be potentially prejudicial to public health, irrespective of the proposal for a communal on-site wastewater treatment system, which is not considered a sustainable or effective long term resolution to the absence or deficiency of public services.
- The proposal does not reinforce the existing urban form of Furbo, acknowledge existing building heights, or adequately contribute to the sense of place. The height and massing of the proposal would be visually obtrusive in a local elevated, scenic landscape.

Following a time extension, unsolicited information was submitted to the Planning Authority. Following review of same the report of the Planning Officer notes that;

- Visibility at the entrance onto the R336 is acceptable.
- Other concerns as outlined above re-stated.

3.2.2. Other Technical Reports

Environment Section – refusal recommended due to the proposal for a shared waste water treatment system. The report of the Environment Section states that should permission be granted, staffing within Galway County Council will be required to deal with the areas of licensing, monitoring and enforcement, and that developments served by such systems should be restricted to areas where Irish Water plan to install or increase waste water treatment plan (WWTP) capacity so that these systems are a temporary solution.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – no specific observation made.

Údarás na Gealtachta¹ – submission makes reference to the requirements under the Planning Act, the County Development Plan and the Local Area Plan, and to the duties and responsibilities relating to the preservation and strengthening of the language in the area in accordance with the area's Language Plan. The specific recommendations as they relate to the proposed development are that all signage is in Irish; that the business name is in Irish; that precedence is always given to Irish; that the Irish language is on the same level and standard as other languages; that recognition is always given to the Irish language in all aspects of the development, and that language conditions are enforced in accordance with Section 47 of the Planning Act.

3.4. Third Party Observations

The issues raised in third party observations are summarised in the report of the Planning Officer as follows;

- Concerns regarding the height and design of the proposed development.
- The proposed development is considered over development.
- In the absence of a Local Area Plan the proposed development would result in ad-hoc/haphazard development.

¹ The content of this observation was not referred to in the report of the Planning Officer.

- No justification has been provided for the proposed development on the coastal side of road.
- Concerns regarding the impact of the proposed development on the amenity of the adjoining property to the east in terms of overshadowing, overlooking and the trespass of light.
- Absence of Linguistic Impact Statement.
- Concerns regarding the use of the 4 no. houses permitted under PA. Ref. 20/366 as rental accommodation, and that the proposed will be also be used as rental accommodation, resulting in non-compliance with the Gaeltacht and Irish Language Objective.
- Concerns regarding the use of a private effluent treatment system which has been linked to the deterioration in bathing water quality in the area and maintenance issues in respect of such systems.
- The proposed treatment system is not in compliance with the EPA manual for 'Treatment Systems for Small Communities, Leisure Centres and Hotels' as it is not a minimum distance of 28 metres from the treatment system.
- Demolition of the existing commercial building will remove commercial use from the centre of Furbo and replace it with offices.
- A Noise Assessment should have been included with this planning application in accordance with DM Standard 24.
- No details provided of the scale of groundworks and the remedial measures necessary to minimise the impact on local residents (e.g. volume of traffic, earthworks, excavation, rock breaking).
- No outdoor lighting report submitted.
- No traffic calming measures are in place and the proposed development will result in additional traffic movements in the area. A traffic safety assessment is required. Concerns regarding pedestrian safety.
- Limited landscaping proposed.

4.0 Planning History

Appeal Site:

PA. Ref. 21/52 – Permission GRANTED for (1) retention of existing building on revised site boundaries (2) permission to retain a single vehicular entrance onto the R336 Coast Road in lieu of the 2 no. existing entrances previously permitted on site. (3) permission for enhancements/alterations to elevations to the building together with associated revisions to building signage (4) permission for a replacement & enhanced effluent treatment system to be installed at a revised location on site to serve the building. (5) permission to remove steel structure buildings and signage serving the existing tyre centre use (6) permission for cessation of existing tyre centre use at lower ground floor level (7) permission for continuance of permitted Class 8 use at the lower ground floor level (approved under PL. Ref. No. 98/4502) and continuance of the existing and permitted office use on the upper ground floor level (8) revisions to car parking layout, together with landscaping and all associated site works and services.

Condition no. 7 required that the waste water treatment plant be designed and constructed in conformity with the EPA guidance is ‘Treatment Systems for Small Communities, Business, Leisure Centres and Hotels’, 1999.

PA. Ref. 20/366 – Permission GRANTED for 4 no. houses.

PA. Ref. 17/1118 – Permission GRANTED for 4 no. houses.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework ‘Project Ireland 2040’

National Policy Objective 16 – Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

5.1.2. ‘Treatment Systems for Small Communities, Business, Leisure Centres and Hotels’, 1999. EPA.

The purpose of this manual is to provide guidance in the selection, operation and maintenance of small wastewater treatment systems (i.e. for population equivalents between 10 - 500).

5.2. Ministerial Guidelines

5.2.1 Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authority (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).
- Urban Design Manual - A Best Practice Guide (2009).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

5.3 Development Plan

5.3.1. The Galway County Development Plan 2022-2028 is the relevant development plan.

5.3.2. The appeal site is not subject to any specific land use zoning in the Galway County Development Plan 2022-2028.

5.3.3. The appeal site is located within a 'Coastal Landscape' (see Map 1) which are described as being 'highly sensitive to change in appearance and character by new development of scale'. In terms of sensitivity, Coastal Landscapes are described as having a 'special sensitivity', the second highest of 4 no. tiers of landscape sensitivity. Protected View Point 29 (of the north Clare coast) is depicted on Map 8 as being within

the vicinity of Na Forbacha. The Galway Bay Scenic Route (see Map 9) follows the route of the R336 through Na Forbacha.

5.3.4. The appeal site is located within the Gaeltacht and is within the GCTPS (Galway County Transport Planning Study).

5.3.5. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

Chapter 2 – Core Strategy

- Map 2.2 (Settlement Hierarchy)
- Objective CS 2 (Compact Growth)
- Paragraph 2.4.4. (Future Settlement Growth)
- Objective SS7 (Development of Rural Settlements and Rural Nodes - Level 7)

Chapter 3 – Placemaking, Regeneration and Urban Living

- Objective PM2 (Regeneration)
- Objective PM8 (Character & Identity)
- Objective PM10 (Design Quality)
- Objective CGR8 (Town & Village Centers)

Chapter 4 – Rural Living & Development

- Paragraph 4.5.2.2. (Un-serviced Villages)
- Objective RC1 (Sustainable Development in Villages)
- Objective RC4 (Mixed Use Development in Villages)
- Objective RC5 (Rural Clustering on Un-Serviced Land in Villages)
- Objective RC6 (Residential Development Potential of Villages)

Chapter 6 – Transport & Movement

- Table 6.3 (Restricted Regional Roads)
- Objective NNR6 – (Transport and Traffic Assessments and Road Safety Audits)

Chapter 13 – The Gaeltacht & Islands

- Objective GA4 (Language Enurement Claus)

- Objective GA 5 – (Linguistic Impact Statement)
- Objective GIED 2 –(Development of Brownfield sites within Gaeltacht settlements)

Chapter 15 – Development Management Standards

- DM Standard 2 (Multiple Housing Schemes - Urban Areas)
- DM Standard 3 (Apartment Developments – Urban Areas)
- DM Standard 26 (Access to National/Other Restricted Roads for Residential Developments)
- DM Standard 27 (Access to National/Other Restricted Roads - Commercial & Other Developments)
- DM Standard 29 (Building Lines)
- DM Standard 31 (Parking Standards)
- DM Standard 38 (Effluent Treatment Plants)
- DM Standard 46 (Compliance with Landscape Sensitivity Designations)

5.4. Natural Heritage Designations

Furbogh Wood pNHA – c. 0.5 km west.

5.5. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as follows;

- The proposal, entailing the demolition of an outdated commercial building, its replacement with an architecturally designed mixed use building, the creation of a new streetscape to mark the village core and an enhanced waste water treatment system, is consistent with the principles of consolidated and sustainable urban development.
- The Planning Authority have not sufficiently considered national, regional and up-to-date County Development Plan policy, which encourages the redevelopment of villages centre, infill and brownfield sites, the effluent treatment proposal, or the established planning history of mixed use development on the site.
- Furbo is designated as a growth centre in the Galway Transportation and Planning Study.
- The enhanced effluent treatment system permitted under PA. Ref. 21/52 has capacity to cater for the proposed development and is in line with all relevant environmental standards.
- The site has the benefit of excellent pedestrian connectivity. A footpath and lighting runs along the entirety of the site's frontage with the R336.
- The existing building on the site is underutilised and vacant.
- The proposal is supported by/accords with a number of objectives of the NPF in respect of the encouragement of compact growth (Section 2.2), quality design (NPO4), regeneration of towns and villages (NPO6, NPO11 and NPO 16) and increasing residential density (NPO35).
- The proposal complies with the Regional, Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly, in particular Section 3.4 in relation to targeting at least 40% of all new housing within the built-up

area of cities, towns and villages; Section 2 'Strategic Vision' in respect of compact growth; Section 3.5 in respect of the regeneration of smaller towns and villages through the use of existing buildings and brownfield sites; and, Section 7.6, RPO 7.19 and RPO 7.20 in relation to housing supply.

- The new Galway County Development Plan 2022-2028 aligns more closely with national and regional policy and the proposal is supported by the core strategy and settlement strategy of the Development Plan, in particular Sections 2.3.10 and 2.3.12 of the Core Strategy, and also Objectives CS2 and CS3. The proposal accords with the envisaged role of Level 7 rural settlements as set out in the settlement hierarchy, in particular providing for an alternative to housing in the open countryside and the use of an underutilised site. The proposal also complies with the requirements of Objective SS7 in relation to connectivity, social and infrastructural capacity, design and community gain. The proposal also accords with Development Plan policies in respect of regeneration and compact growth, Objectives CGR1, CR2, CGR8 and CGR9.
- Regarding the first refusal reason, the site is brownfield not greenfield; the principle of a shared treatment system serving a mixed use development, with multiple tenants, has been permitted and established on the site; a communal septic tank served the development permitted under PA. Ref's 96/1483 and 98/4502 and more recently a communal treatment system was permitted to serve the development under PA. Ref. 21/52; the proposal does not exceed the loadings of the previously permitted development and has capacity to cater for the proposal; the proposal meets EPA requirements; the proposal entails a tertiary level of effluent treatment and the environmental risk to downgradient receptors is low.
- The appellant provides the following suggested condition to address the maintenance of the treatment system – *'In the interest of ensuring legal responsibility for the maintenance of the entire treatment system, the Applicant shall, at the time of the transfer of the ownership of the water treatment system to the Management Company, pay the sum of €50,000 into the sinking fund of the Management Company. This is to be provided in addition to the requirements of the standard maintenance contract. The said sum to be utilised*

by the Management Company exclusively for the maintenance, upkeep and replacement if necessary, of the water treatment system, media and parts thereof, pending connection to the Galway County Council/Irish Water mains water supply and foul sewer. Upon such connection, the said sum of €50,000 (or so much thereof as has not already been utilised for the maintenance, upkeep or replacement as aforesaid), shall be refunded to the Applicant by the Management Company.' The appellant notes that this suggested condition was considered acceptable by the Planning Authority and as such their position in relation to refusal reason 1 is contradictory. The appellant is willing to increase the amount in the fund to €75,000. The situation is exceptional and unique and would not set a precedent.

- Reference to prematurity is unreasonable as there is no prospect of a sewer in Furbo in the foreseeable future. There is no reference of a sewer in Furbo in Irish Water's Capital Investment Plan 2020-2024 or in the Galway County Development Plan 2022-2028.
- Reference made to other applications in the vicinity where developments were refused due to the absence of a public sewer however these circumstances differ compared to the current case. Under ABP-303667-19 (a development of 5 no. houses) the lands were susceptible to flooding. Additionally it is noted that as the appeal site always accommodated a treatment system and the proposal will not result in a concentration/net increase in the number of treatment systems in the area. The Board have previously permitted a development of 15 no. houses in Furbo (see PL. 07.239786) which was served by a shared treatment system. Reference is also made to a single house within a housing development being permitted under ABP-302607-18 to connect to a treatment system. In light of this the proposal to serve the development with a shared system should be considered acceptable.
- Regarding refusal reason 2, an updated CGI and design statement was submitted to the Planning Authority on the 27th June 2022; perpetuating the form of the building on the site should not be encouraged and the proposal should be considered on its merits; the proposal would reinforce the existing village setting, is in keeping with prevailing building heights, provides a high

quality architecturally designed building, provide a strong streetscape, and provides an appropriate counterbalance to the three storey building across the road; the proposal is consistent with the vision for urban and rural settlements as set out in the Development Plan, supporting the role of the rural settlement, and resulting in compact growth and quality public realm; the proposal is consistent with the principles of placemaking, as set out in Section 3.5 of the Development Plan, and satisfies Objectives PM1, PM2, PM4, PM6, PM7, PM8, PM9, PM10, PM11, and PM13; the proposal also complies with Section 6.3 and 6.8 of the Sustainable Residential in Urban Areas Guidelines, providing compact development, of an appropriate density, offering an alternative to urban generated housing in the countryside, is respectful of the character of the area and provides for a strong streetscape.

- Refusing permission based on landscape sensitivity is not appropriate in the village centre; the appeal site is a brownfield site and views of the sea are obscured by existing buildings; the appeal site is not locally elevated and the site itself does not constitute a scenic coastal landscape; the Board have previously adjudicated on this matter (see ABP.07.243912) where the Inspector stated that prohibiting development within a village on the basis of impact due to its sitting with a Class 3 area is nonsensical, that such designations are sensibly applied to rural contexts, and that in the case quoted above, to apply them would make development and consolidation of Berna impossible; refusing permission on this basis would conflict with the Development Plan and its Core Strategy, which encourages brownfield and infill development within settlements. Notwithstanding this however, the appellant has revised the design of the scheme, revisions include, breaking up the front elevation, setting the second floor back, omitting the arch feature, and reducing the floor area of the proposal by 114 sqm.
- Regarding the forth refusal reason, written correspondence was received from Galway County Council stating that Part V is not applicable in this case. Should the Board consider that Part V is applicable a condition could be attached addressing same.

6.2. Planning Authority Response

None received.

6.3. Observations

An observation was received from Conall & Deirdre Ó hUallacháin in respect of the appeal. Issues raised in the observation may be summarised as follows;

- The proposal does not accord with the EPA Manual for Treatment Systems for Small Communities, Leisure Centres and Hotels in terms of separation distances.
- Potential impact on public health arising from the shared waste treatment system.
- Na Forbacha does not have an urban streetscape and is rural. In the absence of a Local Area Plan the proposal would be haphazard.
- Proposed development will erode the Irish language.
- The design response is inappropriate, in particular the scale of the building and the expansive stone cladding. Proximity to the road exacerbated the scale of the building.
- Comparison to development in Barna is not relevant noting the difference between both settlement's designations.
- Potential impact on the amenity of observers' property to the east in terms of overshadowing, overlooking and trespass of light.
- No noise assessment submitted.
- No information provided in respect of the scale of ground works.

7.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Scope of Appeal
- Refusal Reason 1
- Refusal Reason 2
- Refusal Reason 3
- Refusal Reason 4
- Other Matters
- Appropriate Assessment

7.1. Scope of Appeal

- 7.1.1. The applicant requested a time extension on the 20th April 2022² and the Planning Authority issued correspondence acceding to the applicant's request on the 20th April 2022. The applicant subsequently submitted revised plans and particulars to the Planning Authority on the 27th June 2022. The documentation submitted included a Traffic and Transport Assessment, a Stage 1 Road Safety Audit, revisions to the design of the proposed development and a revised design statement. I note that the information submitted to the Planning Authority on the 27th June 2022 was outside the period for third party observations and as such interested parties would not have had an opportunity to comment on same. Having regard to this I submit to the Board that the assessment of the proposal be based on that submitted to the Planning Authority on the 24th February 2022, and not the proposal as amended on the 27th June 2022.

² The applicant sought a time extension until the 15th July 2022.

7.2. Refusal Reason 1

- 7.2.1. The first refusal reason cited by the Planning Authority relates to the un-serviced nature of the appeal site in terms of foul sewer and the Planning Authorities contention that the use of a communal on-site waste water treatment system would not be a sustainable or effective long-term solution in addressing the deficiency in public services.
- 7.2.2. The first party contends that that the existing system on the site has capacity for the proposal, will be effective with reference to a civil engineering report and a hydrology report and that the treatment of effluent on the site will meet relevant EPA guidance. In addition, the appellant notes that the use of such a system on the site is established, both with reference to how effluent has been managed on the site in the past, and also in terms of what has been recently permitted by the Planning Authority under PA. Ref. 21/52. The appellant states that he is also amenable to increasing the amount in a sinking fund from a previously suggested €50,000 to €75,000 to cater for the maintenance costs of the waste water treatment system, this is proposed by way of amending Condition no. 11 of PA. Ref. 21/52. The appellant contends that reference to the proposal being premature is unreasonable given that there is no prospect of a foul sewer being developed in Furbo, and that the Board have previously permitted a multi-unit residential development comprising 15 no. houses served by a shared on-site waste water treatment system.
- 7.2.3. In my opinion the two central issues in considering whether refusal reason 1 should be upheld are whether the waste water treatment system is sufficient to cater for the proposed development, and secondly, the appropriateness of the proposed development in a village which is devoid of a foul sewer network.
- 7.2.4. Regarding the adequacy of the waste water treatment system, the proposal entails the use of a treatment system³ which was permitted under PA. Ref. 21/52. Based on the information contained in the Civil Engineering Covering Report, the daily hydraulic loading of the development which the treatment system permitted under PA. Ref.

³ The system proposed is a Biocell SBR concrete treatment system comprising primary settlement, biological aeration, final settlement and tertiary treatment. The tertiary treatment comprises a sand polishing filter.

21/52 was to serve was 4.86 m³/day. The report from Blue Rock Environmental states that the design capacity of this system was 5.4 m³/day. The appellant notes that this system has been constructed on the site but is yet to be commissioned. The appellant notes that wastewater volumes discharging to the system under the proposed development will be 4.5 m³/day. Having reviewed the information I therefore consider that the proposed/in-situ WWTP has adequate hydraulic capacity to treat effluent from the proposed development.

7.2.5. Regarding the suitability of the site to cater for a treatment system, the appellant refers to site characterisation testing carried out in respect of PA. Ref. 21/52 which indicated a groundwater protection response of R21 (where WWTPs are acceptable subject to normal good practice) and a T-value of 35.14 indicating that ground conditions have suitable infiltration capacity to cater for the proposed wastewater loading. Additionally, the appellant notes that the proposal, including the repositioned element, meets minimum separation distances set out in Table 6.1 of the EPA CoP, 2009, and that noting the depth to bedrock and groundwater (at 1.3 metres) vertical separation distances between the base of the filter unit and bedrock and groundwater are sufficient i.e. > 1.2 metres. A Tier 1 Assessment was submitted under PA. Ref. 21/52 which recommended a maintenance contract to ensure the treatment unit operates as efficiently as possible and that the tertiary treatment unit should incorporate a sampling chamber post filtration to facilitate water sampling of treated wastewater prior to discharge to ground. The assessment concludes that having regard to ground conditions, the WWTP specification and loading rates, the risk posed to downgradient environmental and human health receptors, is low. In terms of site suitability and compliance with EPA requirements I note that the information submitted is based on the EPA Code of Practice (Waste Water Treatment Systems for Single Houses) 2009, with the report prepared by Blue Rock Environmental referencing compliance with separation distances from the EPA CoP 2009⁴. Notwithstanding that this CoP was updated in 2021 I note that it is intended for developments with a population equivalent (PE) up to 10, whereas the residential element alone of the proposed development has a population equivalent of 29. I therefore consider that the relevant EPA guidance

⁴ I note that separately reference is made in the Civil Engineering Covering Report to 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', 1999' in the context of the commercial element of the proposal.

in this instance is 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', 1999. This guidance is for developments with PE ranging from 10-500. Table 4 of the 1999 guidance refers to the requirement for a buffer around WWTP, specifically in the case of a WWTP catering for a development with a PE of 10-40 a separation distance of 28 metres between the WWTP and existing development is required. The EPA manual specifically states that '*in no case should residential development be undertaken within the distance outlined in Table 4*'. Based on the site layout drawing submitted with the planning application/appeal I note that the proposed building would be located less than 28 metres from the WWTP. On this basis I am not satisfied that it has been demonstrated that the proposed development is in accordance with the relevant guidance, that being 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', 1999.

- 7.2.6. In respect of the appropriateness of the proposed development in a village which is devoid of a foul sewer network I note that Na Forbacha is designated as a 'Rural Settlement' (Level 7 a) in the Core Strategy. Regarding the development of Rural Settlements and Rural Nodes (Level 7), Policy Objective SS7 provides that '*in the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Hierarchy, good design, community gain and proper planning and sustainable development*'. Policy Objective RC5 'Rural Clustering on un-serviced lands in Villages', provides '*support the development of clusters of five houses or less within the footprint of existing villages with individual wastewater treatment plants in accordance with the most up to date EPA Code, of Practice for Wastewater Treatment and Disposal Systems serving single houses*'. Policy in respect of un-serviced villages is further outlined at Section 4.5.2.2. of the Development Plan where it states that '*in addressing the villages that have a deficiency in wastewater infrastructure it is warranted to support the clustering of five houses or less on sites with individual wastewater treatment plants in certain circumstances to enhance the viability and attractiveness of these areas and to provide a viable alternative to the single house in the countryside*'. Policy Objective RC 6 also provides that within the footprint of villages, development of multi-house developments will be subject to a number of considerations, including the availability of services. Having regard to the above policy

provisions of the Development Plan, it is clear in my opinion that development in un-serviced settlements is to be restricted. Policy Objective RC5 and Section 4.5.2.2. refer to supporting development of up to 5 houses in un-serviced settlements served by individual waste water treatment systems in limited circumstances, and whilst I note this objective and section of the Development Plan is silent on larger developments served by a communal treatment systems in my opinion it is reasonable to assume that it is indicative of the level of development which is envisaged as being appropriate in un-serviced settlements.

7.2.7. The appellant contends that the principle of a shared treatment system serving a mixed use development, with multiple tenants, has been permitted and established on the site. In my opinion the proposed development differs however, and would entail a multi-unit residential development served by a shared WWTP, albeit with a small area of the development incorporating office use. Having regard to Policy Objective SS7, in particular the requirement for proposals to be assessed on the basis of infrastructure capacity, and Policy Objective RC5 and Section 4.5.2.2., which supports developments of up to 5 no. houses to be served by individual treatment systems, noting the nature of the proposed development, comprising 9 no. apartments and an office unit, the absence of a foul sewer network in the area, and the proposal to serve the development with a shared treatment system, I do not consider that the proposed development would accord with the requirements of the Core Strategy, or the policy for un-serviced settlements in villages contained in the rural chapter of the Galway County Development Plan 2022-2028 and on this basis I recommend that refusal reason no. 1 should be upheld. The appellant notes that the Board have previously permitted a development of 15 no. houses in Furbo (see PL. 07.239786) which was served by a shared treatment system. In my view it would be inappropriate to draw any conclusions from the decisions of An Bord Pleanála in respect of previous applications which do not relate to the subject site. The application before the Board should be determined in relation to the particular set of circumstances pertaining to the site and its surroundings and to the policy and provisions set out in the current Galway County Development Plan 2022-2028.

7.3. Refusal Reason 2

- 7.3.1. The second refusal reason relates to the design of the proposed development, which the Planning Authority consider does not adequately reinforce the existing urban form of Furbo village and assimilate into the village setting. The design of the proposal has been amended through the submission of unsolicited information however as addressed at paragraph 7.1.1 I intend to assess the proposal submitted to the Planning Authority on the 24th February 2022.
- 7.3.2. The appellant contends that the proposal is in keeping with the building heights in the vicinity, complementing the three storey building on the opposite side of the road, and that the proposal would reinforce the existing village setting and provide a high quality architecturally designed building and a strong streetscape. Additionally, the appellant states that the proposal provides compact development at an appropriate density and offers an alternative to urban generated housing in the countryside, and that as such the proposal is consistent with Section 6.3 (development in small towns and villages) and 6.8 (layout and design considerations) of the Sustainable Residential in Urban Areas Guidelines.
- 7.3.3. Furbo lacks an urban streetscape and in my view a key part of the appellant's design rationale is the creation of a strong and defining street frontage. I also note that the seaward side of the R336 in Furbo is predominantly characterised by two storey buildings. The appellant also refers to the mixed use building opposite/north of the appeal site as being three storey however I note that this building is for the most part a two storey building, with a three storey element used to articulate the corner of the building, whereas by comparison the proposed building comprises a three storey element over a greater extent. Having regard to the prevailing building typology in the area, the proposed building at this location would in my opinion erode the character and setting of Furbo. The appeal site has a substantial plot width onto the R336 which the proposed building utilises much of. The scale and massing of the proposed block, as defined by its length, depth and height results in a building which in my opinion is excessive at this location. Other elements of the proposed block are also incongruous with the character of the area in my opinion, in particular the arched features on the front elevation. In summation, I agree with the Planning Authority that the proposal

would not contribute positively to a sense of place, and I consider that the proposed building by virtue of its scale and design fails to provide for a satisfactory level of integration at this location and would not make a positive contribution to place-making. I therefore recommend that refusal reason no. 2 should be upheld.

7.4. Refusal Reason 3

- 7.4.1. The third refusal reason relates to the scale and massing of the proposal, which the Planning Authority consider to be excessive, prominent and visually obtrusive with reference to the topography and landscape sensitivity of the area.
- 7.4.2. In response the appellant argues that refusing permission based on landscape sensitivity is not appropriate in the village centre, that views of the sea are obscured by existing buildings, that the appeal site is not locally elevated and does not itself constitute a scenic coastal landscape. The appellant also argues that refusing permission on this basis conflicts with objectives seeking to encourage brownfield and infill development.
- 7.4.3. As per the Landscape Character Assessment, 'Coastal Landscapes' are described as being highly sensitive to change in appearance and character by new development of scale and as having a 'special sensitivity'. Furthermore, the Galway Bay Scenic Route follows the route of the R336 through Na Forbacha. In my opinion the sensitivity of the wider landscape is a key consideration in assessing the impact of a development, and villages, whilst invariably developed compared to their hinterland, are a constituent part of the wider landscape and must therefore be considered with reference to same. I also note that small coastal settlements, as is the case with Furbo, are typically sparsely developed, with gaps between sites/building and loosely defined development limits, which in my opinion makes them sensitive to change, particularly in the context of proposals for buildings which are of a scale which would be considered large in a village setting. Regarding the scenic coastal route along the R336, development on the seaward side has in my view greater potential to impact the appreciation of the scenic nature of the area. As addressed at paragraph 7.3 above, the proposed building, by virtue of its scale and design, fails to provide for a satisfactory level of integration at this location, and in my opinion also results in a

deleterious impact on the receiving coastal landscape. On this basis I submit to the Board that refusal reason no. 3 should be upheld.

7.5. Refusal Reason 4

- 7.5.1. The fourth reason for refusal relates to the discharge of the applicant's obligations under Section 96 of the Planning and Development Act, 2000, as amended. I note that Section 96 (1) of the Planning and Development Act, 2000, as amended, provides that *'Subject to subsection (13) and section 97, the provisions of this section shall apply to an application for permission for the development of houses on land, or where an application relates to a mixture of developments, to that part of the application which relates to the development of houses on such land, in addition to the provisions of section 34 and, where applicable, Part 9 of the Land Development Agency Act 2021'*. On this basis I consider that the provisions of Section 96 of the Planning and Development Act, 2000, as amended, apply to the proposed development and should the Board be minded to permit the proposal, a condition requiring the applicant to enter into an agreement with the Planning Authority should be attached.

7.6. Other Matters

- 7.6.1. Impact on Residential Amenity - Concerns were raised in an observation to the Planning Authority from the adjacent property to the east in respect of the impact of the proposed development arising from overlooking, overshadowing and the trespass of light. Noting the design, height and separation distance between the proposed building and the property to the east, and the position of this dwelling relative to the proposed building, I am satisfied that the proposed development will not give rise to significant negative impacts on the neighbouring property to the east.
- 7.6.2. Bats – A bat inspection survey was submitted with the planning application. The report was prepared by Colette Casey, a qualified ecologist. The survey sought to examine the existing building on the site, assessing its suitability for bat roosts; identify species of bats potentially using the building on the site; and examine the potential for impacts arising from the proposed development on bat species. A survey of the site was conducted along with a visual inspection of the exterior and interior of the building. The survey was carried out outside optimal weather conditions and season but no

limitations were identified in this regard. The report found that the building has a 'low' to 'moderate' roost potential. No signs of bats were evident in or around the building and no bats or bat roosts were detected on the site. The report notes that the site is outside the foraging range for Lesser Horseshoe Bat. The site does not contain treelines or hedgerows and the surrounding area has minimal linear features and suitable feeding grounds. The report concludes that no impacts are expected on bat populations and therefore no mitigation is necessary. Having regard to the findings of the bat inspection survey undertaken by the applicant, specifically the absence of evidence of bats both within the building and on the appeal site, I am satisfied that the proposed development will not result in significant adverse effects on bats.

7.6.3. Linguistic Impact – The appeal site is located within the Cois Fharrage district of Conamara. Policy Objective GA5 of the Galway County Development Plan 2022-2028 requires the submission of the Linguistic Impact Statement for housing proposal for two or more houses in the Gaeltacht area. A Linguistic Impact Statement has not been submitted. This a new issue. The Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.6.4. Traffic and Access – The proposal is to be served by the access road west of the appeal site, which serves the 4 no. recently constructed dwellings south of the appeal site. The Transport Section have raised concerns in respect of the speed of vehicles using this road, the absence of traffic calming measures and traffic generation arising from the proposed development. The appeal site is located within the centre of the village where the applicable speed limit is 50 kmph and as such development accessing onto the R336 is appropriate in my opinion. The R336 is a Restricted Regional Road in the Galway County Development Plan 2022-2028 (see Table 6.3 and 15.2) however I note that there are no restrictions on development where the site is located within a settlement boundary, whereas certain developments are restricted outside the 60kmph limit (see DM Standard 26 and 27). Traffic calming and the management of traffic speed/enforcement through the village are issues for the Local Authority and An Garda Síochána and in my opinion and are outside the scope of this appeal. Regarding traffic generation, having regard to the nature and extent of the proposal, noting that the proposal entails the replacement of a mixed use building, and

given the location of the site within the centre of the village I do not share the concerns of the Transport Section. I also note that Transport Infrastructure Ireland (IAA) note no objection to the proposal.

- 7.6.5. Building Line - DM Standard 29 (c) requires that buildings are generally set back 25 metres from regional routes, however part (e) of this objective provides that in the case of urban roads and streets building lines will be related to the location of the building in the town or village. The R336 at this location forms the main road through the village and as such I am satisfied that the set-back provided is appropriate and accords with Policy Objective DM Standard 29.
- 7.6.6. Compliance with Relevant Guidelines/Standards - Having reviewed the plans and particulars submitted with the application and the appeal, I consider that the proposal complies with, and in many instances exceeds the standards for internal accommodation set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2022.
- 7.6.7. Section 28 Guidelines, Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021), (Department of Housing, Local Government and Housing) – These Guidelines apply to developments comprising 5 or more houses or duplex units. As the proposed development comprises 2 no. apartment units and 7 no. duplex units and the requirements set out in these guidelines are applicable. In the event that the Board are minded to grant permission for the proposed development I recommend that ‘Condition RCIIH1’ as per the wording provided in the Guidelines is used as it enables the developer to carry out any enabling or preparatory site works, unlike condition RCIIH2, and as the effect in respect of the residential component is the same.

7.7. **Appropriate Assessment**

7.7.1. Stage 1 Screening

- 7.7.2. Compliance. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under Part XAB, Section

177U of the Planning and Development Act 2000, as amended, are considered fully in this section.

7.7.3. Background. A screening report for Appropriate Assessment was submitted with the planning application. The report was prepared by Colette Casey, a qualified ecologist. The Appropriate Assessment screening report identifies 10. no European sites within a 15km radius of the appeal site. All European sites are 'screened out' due to an absence of connectivity and distance from the appeal site. Elsewhere in the report it is stated that the coastal waterbody located c.150 metres south of the site may act as a pathway to Galway Bay Complex SAC. The report sets out the qualifying interests (QI) and objectives for some of the closest 2 no. European sites, Connemara Bog SAC and Galway Bay Complex SAC. Under the heading of 'soils, geology and hydrology' the report notes that the site is underlain by granite, and has extreme groundwater vulnerability. The report notes that the treatment system on the site has capacity to cater for the proposed development, and that provided it is maintained correctly, no emissions are predicted. The Appropriate Assessment report concludes that no significant effects are expected on qualifying interests or conservation objectives of the surrounding Natura 2000 site as a result of the proposed development, alone or in combination with other plans or projects.

7.7.4. Likely Significant Effects. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated as SACs and SPAs to assess whether it may give rise to significant effects on any European site.

7.7.5. The Proposed Development. The development comprises permission for;

- The demolition of an existing commercial building.
- The construction of a 2/3 storey mixed use building served by an existing waste water treatment system.
- Car parking and associated site works.

7.7.6. Potential Effects of the Proposed Development. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the implications for likely significant effects on European sites:

- The uncontrolled release of pollutants to surface and ground water (e.g. sedimentation, run-off, fuel, oils) during demolition, and construction phase of the proposed development.
- Potential for the release of contaminated surface water generated by the proposal at operational stage of the proposal.
- Release of effluent to groundwater at operation stage.

7.7.7. Submissions and Observations – none relating to Appropriate Assessment.

7.7.8. European Sites and Connectivity. A summary of European sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1. I am satisfied that other European sites proximate to the appeal site can be ‘screened out’ on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site or given the absence of any direct hydrological or other pathway to the appeal site.

Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Connemara Bog Complex SAC (Site Code:002034)	<ul style="list-style-type: none"> • Coastal lagoons [1150] • Reefs [1170] • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoetoneuronaceae [3130] 	c. 5 km north-west of appeal site	Having regard to the absence of connectivity between the appeal site and Connemara Bog Complex SAC and to the distance between the appeal site and Connemara Bog Complex SAC, I do not consider a	N

	<ul style="list-style-type: none"> • Natural dystrophic lakes and ponds [3160] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] • Northern Atlantic wet heaths with Erica tetralix [4010] • European dry heaths [4030] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Blanket bogs (* if active bog) [7130] • Transition mires and quaking bogs [7140] • Depressions on peat substrates of the Rhynchosporion [7150] • Alkaline fens [7230] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Euphydryas aurinia (Marsh Fritillary) [1065] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] • Najas flexilis (Slender Naiad) [1833] 		likelihood of significant effects.	
Galway Bay Complex SAC (Site Code:000268)	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] 	c. 5 km south-east of appeal site	Having regard to the absence of connectivity between the appeal site and Galway Bay Complex SAC and to the distance between the appeal site and Galway Bay Complex SAC, I do not consider a likelihood of significant effects.	N

	<ul style="list-style-type: none"> • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Turloughs [3180] • <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] • Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i> [7210] • Alkaline fens [7230] • Limestone pavements [8240] • Lutra (Otter) [1355] • <i>Phoca vitulina</i> (Harbour Seal) [1365] 			
Inner Galway Bay SPA (Site Code: 004031)	<ul style="list-style-type: none"> • Black-throated Diver (<i>Gavia arctica</i>) [A002] • Great Northern Diver (<i>Gavia immer</i>) [A003] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Dunlin (<i>Calidris alpina</i>) [A149] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] 	c. 5 km south-east of appeal site	Having regard to the absence of connectivity between the appeal site and Inner Galway Bay SPA and to the distance between the appeal site and Inner Galway Bay SPA, I do not consider a likelihood of significant effects.	N

	<ul style="list-style-type: none"> • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999] 			
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7.7.9. Following an examination of sites within the zone of influence, and upon an examination of the connectivity between the appeal site and these sites (see Table 7.1 above), Galway Bay Complex SAC, Inner Galway Bay SPA and Connemara Bog Complex SAC have been screened out due to the weakness in connectivity between the appeal site and these European sites. In terms of the potential for ex-situ effects, the appeal site would not represent a favourable habitat for birds species connected with Inner Galway Bay SPA for resting, foraging, breeding etc.

7.7.10. Mitigation Measures. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

7.7.11 Screening Determination 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 and projects would not be likely to give rise to significant effects on European Site No. 000268, 004031, or 002034 or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore not required. This determination is based on the absence of connectivity between the appeal site and the European sites and the distance between the appeal site and the European sites.

8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the un-serviced nature of Na Forbacha, specifically the absence of existing or proposed public infrastructure facilities for the treatment and disposal of foul water, to the nature of the proposed development, including 9 no. residential units, and the proposal to serve the development with a shared waste water treatment plant, it is considered that the proposed development would be contrary to Policy Objective SS7 of the Galway County Development Plan 2022-2028, which requires that development in Rural Settlements and Rural Nodes (Level 7) shall be considered on the basis of, *inter alia*, infrastructural capacity, Policy Objective RC5 of the Galway County Development Plan 2022-2028, which supports the clustering of five houses or less with individual waste water treatment plants on un-serviced lands in villages, and Policy Objective RC6, which provides that multi-house developments within the footprint of villages will be considered subject to, *inter alia*, services. Furthermore, it is considered that the proposed development does not comply with 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', 1999 in respect of separation distances between residential development and waste water treatment plants. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development on the seaward side of the R336, within a 'Coastal Landscapes' typology with a 'special sensitivity', and along the Galway Bay Scenic Route, it is considered that the proposed development by virtue of its scale, massing and design, would be visually obtrusive and would fail to assimilate into the coastal landscape at this location. As a result, the proposed development would be seriously injurious to the visual amenities and landscape character of this coastal location, and, would be contrary to the proper planning and sustainable development of the area.

3. The site is located with a designated Gaeltacht area within the Galway County Development Plan 2022-2028. Policy Objective GA5 of the Galway County Development Plan 2022-2028 requires the submission of a Linguistic Impact Statement for housing proposal consisting of two or more houses. This policy is considered reasonable in the context of a Gaeltacht area. In the absence of a Linguistic Impact Statement it has not been demonstrated that the proposed development would not adversely affect the linguistic and cultural heritage of this designated Gaeltacht 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.

Ian Campbell
Planning Inspector
1st August 2023