



Development	Construct a dwelling, garage, waste water treatment system and all associated site works.		
Location	Ballyhogan, Kilreekill, Loughrea, County Galway.		
Planning Authority Ref.	2260950.		
Applicant(s)	Kevin and Sharon O'Donnell.		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party	Appellant	Martin Hogan
Observer(s)	None		
Date of Site Inspection	12 August 2023	Inspector	Stephen Rhys Thomas

1.0 Introduction

1. Site Location/ and Description.

The site is located on agricultural farmland east of the village of Kilreekill in East Galway. The town of Loughrea is located 12 kilometres to the west and Ballinasloe is located 22 kilometres to the east. The L4300 country road forms a frontage with the site, the maximum speed of 80kph applies and there is a single central white line. The boundaries of the site comprise mature hedging to the road frontage and along the access laneway to a house and farm buildings. The eastern and

northern boundaries are undefined as the site forms a portion of a large agricultural field. The field in which the site is located is broadly level and slopes gently upwards from the public road at its western end and follows a gentle slope downwards to the east. The character of the area along the L4300 country road is defined by rural housing on large plots, with others under construction. In between the houses are large agricultural fields, mostly used for livestock grazing and forage production. The village of Kilreekill, 3 kilometres to the west, is a small village with a national school, church, public bars and a Garda Station.

2. Proposed development.

A bungalow style dwelling house, garage and waste water treatment system and percolation area.

3. PA's Decision:

The planning authority issued a notification to grant permission subject to 15 conditions, all of a standard and technical nature.

Planning report 1 states that the site is located in a Low Sensitivity Landscape, outside any settlement, outside the GCTPS Area, and outside the urban fringe of any town, and not along a restricted regional road, and where rural housing need is not required to be established by the applicant. The rural status of the applicant is therefore not a material consideration in the case of this proposal and will be assessed against normal planning considerations. Items of further information required, in relation to water supply connection, location of wells in the area and a landscaping plan.

Planning report 2, accepts the further information submitted as acceptable and permission is recommended.

4. Planning History.

Subject site

None

Relevant Applications referred to by appellant:

PA ref 21222 Permission refused to construct a dwelling house and domestic garage with a waste water treatment plant, percolation area and all associated site works. Gross floor space of proposed works: House: 228 sqm, Garage 60 sqm

5.1. Local Planning Policy

Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the PA on 9th May 2022. It has regard to national and regional policies in respect of rural housing, chapter 1 and section 4.6 of the plan refer.

Relevant policies and objectives include:

- RC 1 Sustainable Development in Villages
- Policy Objective RC 2 Rural Housing in the Countryside - To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3.
- RH 3 Rural Housing Zone 3 (Structurally Weak Areas) - It is a policy objective of the Planning Authority to facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards outlined in Chapter 15 and other applicable standards with the exception of those lands contained in Landscape Classifications 2,3 and 4 where policy objective RH4 applies.
- Policy Objective RH 9 – Design Guidelines
- Policy Objective LCM 3 – Landscape Sensitivity Ratings
- Policy Objective WW 6 – Private Wastewater Treatment Plants
- Policy Objective WW 10 - Surface Water Drainage
- Policy Objective FL 2 - Flood Risk Management and Assessment
- DM Standard 11 – Landscaping
- DM Standard 28 - Sight Distances Required for Access onto National, Regional, Local and Private Roads
- DM Standard 37 - Group Water Scheme and Private Wells
- DM Standard 38 - Effluent Treatment Plants
- DM Standard 47 - Field Patterns, Stone Walls, Trees and Hedgerows
- DM Standard 68 - Flooding

Appendix 5: Design guidelines for the single rural house

AD 2 Agricultural Lands - To protect good quality agricultural lands from development which could be accommodated elsewhere and that would undermine the future agricultural productivity of the lands or irreversibly harm the commercial viability of existing or adjoining agricultural land.

5.2 Natural Heritage Designations

- The closest designated European Site is the Lough Rea SAC (site code 000304) and Lough Rea SPA (site code 004134), located 10.5 kilometres south west of the site.

6. The Appeal

6.1 Third Party Appeal.

- Sight lines are not shown correctly, and the proposed development will represent a traffic hazard. A nearby site applied for by the applicant has been refused twice on traffic safety grounds, 21/222 refers.
- The area is subject to flooding and the road is frequently submerged.
- Ground conditions are not suitable for an additional effluent treatment system, especially when there are a number of bored wells in the area. The location of adjacent wells has not been shown on plans, note layout of PA ref 19/2018.
- Connection to the Group Water Scheme is not possible because it is not built yet.
- In summary, the third party appeal refers to traffic hazard, flooding and public health.

The grounds of appeal are supported by photographs of flooding, well pumphouse and planning authority documentation regarding 21/222.

6.2 P.A. Response

- None.

6.3 Applicant Response

The applicant has responded to the grounds of appeal by reinforcing their need to live at this location, demonstrating 70 metre sight lines, concluding that the area is

not prone to flooding by consulting OPW flood maps, distances to wells explained and confirmation that the Group Water Scheme will progress and coincide with their building plans.

7. 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 PDR's, 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.

8. AA Screening - The subject site is located approximately 10.5 kilometres north east of Lough Rea SAC (site code 000304) and Lough Rea SPA (site code 004134). Having regard to the scale and nature of the proposed rural house development and to the location removed from any European Sites no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

2.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following heading:

- Traffic Hazard
- Flooding
- Public Health
- Other Matters

2.2. Traffic Hazard

2.2.1. The appellant is concerned that the sight lines are not shown correctly on plans, and the proposed development will represent a traffic hazard. The appellant notes a nearby site and a recent planning permission applied for by the applicant that was refused twice on traffic safety grounds, 21/222 refers. The planning authority accepted the proposals submitted by the applicant and refer to a report made by the Assistant Engineer that confirms adequate sight line distances can be achieved subject to conditions. The notification to grant permission includes conditions that require parking space of at least 3 metres in width across the entire road frontage, preservation of sight distance triangles by vegetation removal, conditions 7 and 8 refer. The applicant has responded to the concerns of the appellant regarding sight lines, reference is made to the planning report and Council's Assistant Engineer's report and that sight lines of 70 metres can be achieved in both directions, sight layout drawing number 2213-01 refers.

2.2.2. The appeal site is located in an agricultural field along a country road where the maximum speed limit of 80kph applies. A single white line traverse the centre of the road and mature hedge rows and stone walls flank its length. There are many private entrances to rural houses along the road. I observed that traffic speeds are relatively fast at this stretch of the road with few places to either pull in, if driving or stand off the road safely if a pedestrian. I have not seen the report prepared by the Assistant Engineer, it is not on file, though I note reference is made in the Planner's Report to

the Engineer's acceptance that sight lines can be achieved subject to conditions. I note the drawings prepared by the applicant that demonstrate that at least 70 metres of sight distance can be achieved in both directions. This would be subject to the complete removal of the mature hedge along the length of the site and the cutting back of the hedgerow to the east to maintain sight lines. The applicant has not supplied maps detailing the land they own in the area, despite showing the location of the family home a short distance to the east and on the other side of the road. Condition 8 of the notification to grant permission requires sight lines to be maintained free of obstruction and whilst this can be achieved to the west within the subject site boundaries it is not possible on lands that fall outside the ownership of the applicant on lands to the east.

2.2.3. I have concerns that given the geometry of the country road, the existence of a single central white line and the speeds that can and are achieved at this location, the preservation of adequate sight lines will be difficult in order to ensure safe access and egress from the site. I am not satisfied, given the information on file, that the applicant can maintain adequate sight lines to the east because they do not have control over the land in order to prevent vegetation from encroaching on sight lines. I also have concerns that though the drawings submitted by the applicant show 70 metre sight lines in both directions, I note that the apex of the sight triangle is taken from the edge of the road and not 2.4m back from the edge of the road as advised by the exit visibility check, as set out in DM Standard 28 of the development plan.

2.2.4. In addition, I note that Table 15.3: *Sight Distances required for Access onto National, Regional and Local Roads*, sets out the required sight distance with respect to road design speeds. I note that on narrow Local Roads with poor horizontal and vertical alignment and where the 80 km/h speed limit applies, the design speed applied for access visibility requirements should be the speed (km/h) that one can drive the road in a safe manner. I note that traffic speeds on this road at this location can be high. Safe speeds can be assessed as the 85th percentile speed drivers travel on the road. The visibility will then be assessed on the 85th percentile speed for that road. In this instance, the geometry of the road is such that a single white line prevents safe overtaking and there is no overrun verge or refuge. I am not certain that a 70 metre sight distance is adequate at this stretch of road and given the observed speeds of traffic at this location, a greater sight distance should be considered.

Notwithstanding my reservations about inadequate sight distances, I am not satisfied that obstructions such as a the hedge to the east can be controlled or maintained by the applicant and so the development as proposed would represent a traffic hazard and permission should be refused.

2.3. Flooding

- 2.3.1. According to the appellant the area is subject to flooding and the road is frequently submerged. Photographs that illustrate amounts of surface water along the road edge have been submitted, together with images of fields in flood. The appellant states that the photographs have not been taken along the site frontage and that the fields shown are located across the road. The applicant has checked the OPW Preliminary Flood Risk Assessment (PRFA) flood maps and no flood events in the area have been recorded.
- 2.3.2. With reference to the instances of surface water on roads, I note that condition 6 of the notification to grant permission includes measures to ensure that the development does not adversely affect the public road. I find the measures outlined in condition 6 to be adequate to address the issue of surface water flooding. With reference to flooding in general, I note that the planning authority are silent in this regard. The applicant states that they have consulted OPW Preliminary Flood Risk Assessment (PRFA) flood maps, these can be publicly viewed online via the floodinfo.ie website maintained by the Office of Public Works. I observe that there are no past flood events in the vicinity or other flood risks identified by mapping in the wider area.
- 2.3.3. The appeal site is 0.26 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing, such as driveway, paved roadside margin, house and garage footprint. According to the drawings available to me, I calculate that 35% of this greenfield site will be under an impermeable surface and require on site surface water management. In this regard, three soakaways are proposed on the site and condition 6 regulates the design and installation to ensure BRE Digest 365 compliance. The development plan nor its appendices address the issue of hard standing and site coverage in relation to surface water drainage in rural house applications. I note that the Site Characterisation Form completed by the applicant

did not encounter groundwater and so I am satisfied that the proposed development will not result in a risk of flooding if condition 6 is complied with.

2.4. Public Health

- 2.4.1. Wastewater disposal – The appellant is concerned that ground conditions are not suitable for an additional effluent treatment system, especially when there are a number of bored wells in the area. The applicant has completed a Site Characterisation Form that concludes the site is suitable for a secondary treatment system and soil polishing filter (Tricel Novo Package Plant and Gravity Soil Polishing filter). I note that within the trial hole excavated to 3.3m no ground water or rock was encountered. The soil profile as described includes a crumb topsoil with boulder clay with small stones below 0.4m. An average T value of 36 and a subsurface percolation value of 12.31 were recorded. Based on the submitted information it has been demonstrated that the proposed layout, complies with EPA Code of Practice guidance in terms of ground conditions and separation distance. I note that condition 10 of the notification to grant permission requires compliance with the Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) Code of Practice and this is acceptable. Ground conditions are suitable for the installation of a Domestic Waste Water Treatment System and the Site Characterisation Form and other details submitted demonstrate this fact.
- 2.4.2. Wells - The appellant points out that the location of adjacent wells have not been shown on plans. I note the location of bored wells has been detailed by the applicant on a layout drawing dated December 2022 and this was received by the planning authority and deemed acceptable. The closest bored well is located 66 metres to the west. Table 6.2: Minimum separation distances from the entire DWWTS and Table E2: Recommended Minimum Distance between a Receptor and a Percolation Area or Polishing Filter are set out in the Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) Code of Practice. I am satisfied that these minimum separation distances have been complied with, in this instance.
- 2.4.3. Water Supply – According to the appellant a connection to the Group Water Scheme is not possible because it is not built yet. The applicant submitted a correspondence from Uisce Éireann that refers to a water connection, waiting times and other

technical requirements. In response to further information, the applicant also included a letter from the Kilrickle Group Water Scheme that confirms that the applicant will be able to connect to the scheme and that it is hoped works on the scheme will begin shortly (post November 2022) and a timeframe of 14 months is mentioned.

2.4.4. At present the area is not served by a Group Water Scheme (GWS), there is no public water supply in the area and the applicant has not proposed to use a bored well. The proposed dwelling is therefore without a water supply, should the GWS not proceed and this presents a public health issue. The plans and particulars submitted with the application do not show a bored well on the site and so I cannot confirm that the location of the proposed DWWTs is compliant with separation distances set out by, Table 6.2: *Minimum separation distances from the entire DWWTs* of the Code of Practice. It is evident from the information on file that there are plans for a GWS and the applicant will be permitted to connect to same when and if it is completed. A timeframe for commencement of the GWS works is provided, shortly after November 2022 and a timeframe of 14 months is noted, and the applicant has supplied a likely schedule of construction for the house and they all coincide.

2.4.5. However, I am not satisfied that the proposed development will be served by a safe drinking water supply given the information on file. A firm commencement and completion date has not been provided. I am also concerned that limiting the occupation of the dwelling until such time as the GWS is completed and commissioned for use is dependent on a third party and unreasonable. The issue of a safe drinking water supply for the proposed development is therefore problematic. The Board may wish to seek further information on the matter to ascertain, a definitive timeframe for the delivery for the GWS or if the site can safely accommodate a bored well and DWWTs without leading to a public health issue. Otherwise, I advise that permission should be refused on that the development would be prejudicial to public health.

2.5. Other Matters

2.5.1. Development Plan Policy Objectives - The grounds of appeal do not reference rural housing need. However, the applicant has submitted material to support their need to reside at this location and this includes the likelihood of inheriting the family farm

and a hope to continue a tradition of farming. I note that the area has been identified in the development plan as structurally weak and the landscape sensitivity is low. The planning authority state a demonstration by the applicant to show a rural need to live at this location in a structurally weak area is not necessary and permission was granted.

- 2.5.2. There are other policy objectives contained within the development plan to support rural living and development in general. For instance, it is an objective of the plan to encourage the sustainable, balanced development of villages, the proposed development would not contribute to this objective, RC 1 Sustainable Development in Villages refers. In addition, the development plan seeks to protect good quality agricultural lands from development which could be accommodated elsewhere, objective AD 2 Agricultural Lands refers. The issue of rural housing at this location is not challenged by the appellant, but I note that there are other policy objectives in the development plan that could be undermined if permission were granted. Specifically, that the removal of 0.26 Hectares of good agricultural land for residential uses that could be accommodated elsewhere would be contrary to objective AD 2 of the development plan. The Board may wish to consider these points in greater detail, but as they were not raised by the appellant, they could be considered as new issues outside the grounds of appeal.

3.0 Recommendation

- 3.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

4.0 Reasons & Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in an easterly direction. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) issued by the Environmental Protection Agency March 2021, the Board is not satisfied that wastewater generated by the proposed development could be satisfactorily accommodated on site when combined with a well, Table 6.2: *Minimum separation distances from the entire DWWTS* of the Code of Practice refers. It is considered that the proposal, given the absence of a public water supply to service the site and notwithstanding the use of a proprietary wastewater treatment system, there is no information to show that a well can be accommodated on site should a public piped water supply be unavailable. The proposed development would, therefore, conflict with the provisions of the Code of Practice of the Environmental Protection Agency, would be prejudicial to public health and 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.

Stephen Rhys Thomas
Senior Planning Inspector
29 August 2023