



An
Bord
Pleanála

Inspector's Report

ABP-316148-23

Development

Planning permission for modifications to dwelling, conversion of attic space, extension to side and rear of dwelling, demolish garage and erect a new garage structure and all associated site works.

Location

Rosshill Road, Roscam, Galway.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

22/190

Applicant(s)

David Forde

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party v Grant

Appellant(s)

Dr. Martin J. Fahy

Observer(s)

None

Date of Site Inspection

14th day of February 2024

Inspector

Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site comprises a two-storey dwelling on a plot size of 0.385 hectares within the townland of Roscam, east of Galway City. The site is accessed from a narrow local road, known locally as Rosshill Road and the surrounding area is characterised by one-off dwellings adjacent to the coastline of Galway Bay.
- 1.2. There is a recessed splayed vehicular gated access into the site. The boundary treatment around the site comprises natural stone walls along the eastern (roadside) and western (rear) site boundaries and mature trees and hedging along the southern and northern (side) site boundaries. There are established dwellings on generous plot sizes located further south and north, east and west of the appeal site.

2.0 Proposed Development

- 2.1. The development would comprise the following:
 - Conversion of attic space to habitable space (35 square metres).
 - Extension to the side and rear of dwelling (135 square metres).
 - Demolish existing garden shed (35 square metres) and erect new garage shed (51 square metres).
 - Install a new wastewater treatment system and percolation area and associated site works.
- 2.2. The applicant submitted a Site Characterisation Report (SCR) in relation to the installation of an onsite wastewater treatment system to replace the existing septic tank system on site.
- 2.3. An Appropriate Assessment (AA) preliminary examination was carried out by the Planning Authority. They deemed that the merits of the site had been considered under the SEA and AA processes conducted under the City Development Plan review and that the adjacent European sites are protected by the mitigation measures, objectives and policies included within the Development Plan and, therefore, the proposals would not

result in likely significant effects upon the adjacent European sites. It was considered that the modest scale of the development either alone, or in combination with other plans and projects would not result in significant impacts on European sites and, therefore, the need for AA screening (stage 1) can be excluded at preliminary examination and that a screening determination was not required.

- 2.4. Further information was submitted by the applicant in relation to the following matters: Confirmation from the applicants' engineer that the existing septic tank was more than likely installed in 1983 when the dwelling on site was constructed and that there is a soakpit serving the septic tank which the applicant maintained, and that the system is working well. However, in the interest of public health, it has been decided to install a new wastewater treatment system and percolation area to cater for the outfall from the existing dwelling and the proposed conversion/extensions. The installation of the new system would be supervised and certified by the applicants' engineer.
- 2.5. Clarification of further information was submitted by the applicant in relation to the following matters: The submission of an up to date Site Characterisation Report in accordance with current EPA Guidance The applicant submitted details of geological mapping, a site drainage layout and a cross section of the treatment system and raised percolation area. Details of the percolation test holes and surrounding context, including separation distances, groundwater flow direction, bored wells in the area, photographic images of trial holes, site specific details of the wastewater system and percolation area to be installed were submitted.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by Galway City Council subject to nine standard conditions which included the following:

Condition number 2: The development shall be used for private domestic non-commercial purposes.

Condition number. 5: Construction/demolition hours.

Condition number 9: Wastewater treatment details.

3.2. **Planning Authority Reports**

3.3. Planning Reports

Initial Planning Report:

The initial report prepared by the Executive Planner noted the following:

- There is an LDR-Low density residential zoning objective that pertains to the site as per the Galway City Council Development Plan 2017-23.
- Design and layout considered acceptable and would not adversely affect neighbouring amenities.
- Noted that the site is well screened with boundary walls and mature foliage.
- Noted that the environmental merits of the site were considered as part of the preparation of the Galway City Development Plan 2017-23 under the SEA and AA processes and deemed that the site would not be likely to result in likely significant impacts upon European sites either alone, or in combination with other plans or projects, subject to the wastewater treatment system being fully compliant with the current EPA Code of Practice for domestic wastewater treatment systems in the context of the source-pathway-receptor model.
- Further information was sought in relation to details of the existing wastewater outfall on site and its adequacy to cater for wastewater outfall from the existing and proposed development and/or whether the wastewater facilities on site need to be upgraded to cater for the proposals.
- If the wastewater proposals are to be upgraded, then a completed SCR is required to be submitted and details of wastewater treatment in accordance with the EPA Code of Practice 2021 need to be submitted, including details of separation distances from the various receptors.

Subsequent Planning Report:

- Principle of domestic extensions are acceptable as the site had the benefit of a lower density residential development zoning objective.
- Sought further detail in relation to the wastewater proposals in terms of a fully completed Site Characterisation Report (SCR), details of soil mapping including bedrock and aquifer classification, site drainage layouts, cross sections of treatment system and percolation area, dated photographs of trial holes, details of separation distances from local receptors.

Final Planning Report:

- A positive recommendation was received from the Environment (wastewater treatment systems) Section within the Local Authority in relation to the wastewater treatment proposals.
- The proposals accord with the provisions of Section 11.3.1 (l) of the Development Plan regarding domestic extensions.
- The proposals would not adversely impact the amenities of the area and would accord with the proper planning and sustainable development of the area.
- The Planning Officer recommended a grant of planning permission subject to conditions.

3.4 Internal Reports

Environment Section (Wastewater): No objections, subject to conditions.

Environment Section (Waste): No objections, subject to conditions.

Transportation Section: No objections, subject to conditions.

Surface Water Management Section: No objections, subject to conditions

3.4. **Prescribed Bodies**

3.4.1. None received.

3.5. **Third Party Observations**

3.5.1. Two observations were received by the Planning Authority from the one observer, the first in relation to the original information submitted and the second in relation to the further information response. The issues raised within the observations are similar to those raised within the grounds of appeal, as set out within Section 6 of this report and included the following:

- The scale and proportion of works are excessive.
- Proposals represent an overdevelopment of the site.
- Design is not in keeping with the established character of the area.
- Absence of boundary treatment details.
- Absence of wastewater treatment details and impact of water discharge from the pool area.
- Details in relation to separation distances, groundwater vulnerability, trial hole results have not been provided.
- The Planning Authority is required to adhere to the provisions of the Habitats Directive.

4.0 **Planning History**

4.1.1. On site:

Planning reference number 12/131-Permission permission was granted in 2012 by Galway City Council for the conversion of the existing attached garage to a self-contained unit.

5.0 Policy Context

5.1. Galway City Development Plan 2023-2029

The Elected Members of Galway City Council adopted the Galway City Development Plan 2023-2029 on the 24th day of November 2022 and it came into effect from Wednesday 4th of January 2023.

The site and the established neighbouring residential properties within Roscam are located on unzoned lands as set out within the Plan.

Protected Views

Section 5.7.3 Views of Special Amenity Value and Interest include the view below as a “panoramic protected view.”

There are views within the city’s landscape, which require special protection due to their distinctive scenic amenity, aesthetic or cultural value or historic setting.

V 9- Views towards the sea at Roscam.

Section 11.3.1(I) of the Plan sets out the following in relation to residential extensions: The design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities.

5.2. Natural Heritage Designations

- 5.2.1. The site is located approximately 375 metres east of the Galway Bay Complex SAC (site code 00268) and the Inner Galway SPA (site code 004031).
- 5.2.2. The site is located approximately 375 metres east of the Galway Bay Complex pNHA.

5.3. Environmental Impact Assessment (EIA) Preliminary Screening

5.3.1 Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed domestic extension/conversion/garage development. The need for environment impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A third party appeal has been submitted by Dr. Martin J. Fahy, Rosshill Road, Roscam, Galway. The issues raised within the appeal can be summarised as follows:

Zoning and Development Plan considerations:

- Chapter 11.1 of the planning report in relation to the Ministerial Direction pertaining to the Galway City Development Plan 2023-29 sets out that extensions or improvements to premises are permitted in locations contrary to the designated zoning uses providing they are not injurious to the amenities of the area nor contrary to the proper planning and sustainable development of the area.
- Section 11.3.1 (l) within the Development Plan pertains to domestic extensions and sets out the following: The design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and residential amenities.
- Section 11.3.1 (d) and (e) relate to issues of overlooking and daylight/sunlight.
- Reference is made to provisions included within the 2017-23 Development Plan pertaining to development in the Roscam area.

Appropriate Assessment:

- The appeal site is located within the zone of influence of eleven European sites.

- The appeal site is located on a peninsula surrounded on three sides by the Galway Bay Complex SAC (site code 000268) and the Inner Galway Bay SPA (004031).
- The appeal site is located on the upgradient slope of the Galway Bay European sites.
- The Planning Authority did not carry out a valid screening for Appropriate Assessment.
- The Stage 1 screening carried out by the Planning Authority (PA) failed to consider potential impacts upon groundwater arising from the excavation works required to construct the extension and garage.
- That a full Stage 2 AA is required due to the potential for adverse impacts upon groundwater and lack of detail on the construction, operation and maintenance of the swimming pool.
- An AA screening independent of the SEA and AA carried out under a Development Plan review, should have been conducted.
- The PA should identify, describe and assess the direct and indirect impacts of the project on European sites.
- A Stage 1 AA screening cannot rely on mitigation measures and case law supports this stance.
- The competent authority must apply the thresholds required as set out under Article 6(3) of the Habitats Directive.
- The criterion to be applied is whether or not reasonable doubt exists as to the absence of adverse effects.
- The competent authority is required to satisfy itself that it has considered all aspects of the project that are likely to affect the European Site(s).
- Direct and indirect effects as well as in-combination and cumulative effects on the conservation objectives must be identified, assessed and commented upon in light of best scientific knowledge.

- Given the potential source-pathway-receptor connectivity via groundwater due to the hydrogeology of the site/area and the presence of a nearby karst spring, the potential for adverse effects arising from the construction and operational phases should have been considered as part of the AA screening process.
- All ground water networks within the Roscarl area are interconnected, given the karstic nature of the sub-rock and bedrock.
- The likely significant effects arising from the excavation works required to accommodate the development have not been identified and screened out.
- The Site Characterisation Report sets out that bedrock was encountered at 1.8 metres below ground level and that groundwater flow is in a southerly direction towards Galway Bay.
- Details of the winter water table levels have not been provided; Therefore, the precautionary principle should be applied, and a Stage 2 AA should be submitted to determine the full extent of the likely impacts of the excavation works.
- The depths of the excavations for the garage and domestic extensions nor the wastewater treatment system and percolation area have not been provided. There is a risk that excavations could extend beneath the till layer and result in contamination of groundwater, a potential threat that would need to be screened for AA.
- European Court of Justice (ECJ) in the Waddenzee case reference number C127/02, set out that a significant effect is likely unless it can be established, on the basis of objective information, that the proposed project will not have a significant effect on a European site.
- The Board must adopt a precautionary approach and the need to carry out an AA in the case where there is doubt.
- In line with the precautionary principle, an AA is required in this instance. Having regard to the conservation objectives pertaining to the two European sites, the location within a highly sensitive ground water environment, proximity to Roscarl Karst spring which flows into the Galway Bay Complex SAC.

Water and Groundwater:

- The inclusion of a swimming pool within the proposals would likely impact upon groundwater and indirectly impact upon the European sites given the groundwater vulnerability within a karstic area.
- The site is underlain by a regionally important aquifer within a highly sensitive groundwater environment, classification X, rock at or near surface or Karst.
- The site is located approximately twenty metres from the GSI recorded Roscarn Karst spring.
- A number of dwellings have been constructed in the Roscarn area since the dwelling on the appeal site was originally permitted, all in close proximity to the Roscarn spring and none were subjected to Stage 1, Appropriate Assessment screenings.
- The appeal site is located on a fractured karst bedrock, which is characterised by its permeability.
- The karstic nature of the aquifer indicates that there is potential for an indirect Source-Pathway-Receptor connectivity between the appeal site and Galway Bay.
- No details of the swimming pool have been provided, in terms of the type of water (unsalted or not) or pool operation and maintenance have been submitted.
- Surface water run-off from soils during construction could result in sediment and suspended solids entering the water system and contaminating it and adversely affecting water quality downstream and adversely impact qualifying interests associated with nearby European sites.
- Hydrocarbons could also enter the groundwater network from spillages from machinery on site during construction and adversely impact water quality.

Other Issues:

- No details of the location of the heat pump have been provided in terms of its location and the noise that it would generate.

- The two extensions, comprising 189 square metres are disproportionately large compared to nearby dwellings and not in keeping with the rural character of the area.
- The proposals represent an intensification of the site, at variance with its zoning and setting and contrary to the sustainable development of the area.
- The design and external finishes are in sharp contrast with the established vernacular.
- The proposals would not accord with the proper planning and sustainable development of the area.
- Request that the Board reverse the planning decision made by Galway City Council.

6,2 **Planning Authority Response**

No comments in relation to the appeal were received from the Planning Authority.

7.0 **Assessment**

7.1 The main issues raised within the third-party appeal are considered to include the following:

- Principle of development
- Wastewater/Water Supply/Surface Water/Groundwater
- Design and layout
- Appropriate Assessment
- Other Issues

7.2 Principle of Development

- 7.2.1 The appeal site is unzoned as per the provisions of the current City Development Plan 2023.
- 7.2.2 The appeal site comprises an established and permitted two storey dwelling house, with a single storey attached wing to its south (a converted garage). The Rosshill Road area is characterised by a pattern of established residential development. There is no particular dwelling type that prevails in the area, The dwelling typology varies from single-storey cottage type structures to bungalow dwellings, to larger two-storey dwellings. To the rear (west) of the appeal site are a number of large contemporary two storey dwellings have been constructed over the last few years.
- 7.2.3 The applicant is seeking to carry out modifications and alterations to the dwelling in the form of a single storey extension incorporating an internal mezzanine area to the side and rear of the dwelling, with a floor area of 135 sq. m that would comprise an ensuite bedroom area, a swimming pool, sauna and gymnasium areas. It is also proposed to convert the attic space to bedroom accommodation and an ensuite and to make modifications to the front facade. It is proposed to replace the existing metal garden shed within the rear garden area with a permanent structure, with a floor area of 51 square metres.
- 7.2.4 In conclusion, I consider that the principle of the extensions and conversion as being acceptable in this instance, subject to the design and layout being acceptable. These will be specifically addressed later within my assessment. I note that a number of domestic extensions have been completed in the Roscarn area to date and that the appellant acknowledges that the principle of the development as being acceptable.

7.3 Wastewater/Water Supply/Surface water/Groundwater

Wastewater

7.3.1 A Site Characterization Report (SCR) was submitted as part of the planning documentation which observed that bedrock was encountered at a depth of 2.3 metres below ground level and that the watertable was not encountered within the trial holes. Topsoil was recorded within the top 400 millimetres within the trial holes and boulder clay was recorded below the 400 millimetre mark. This free draining soils recorded within the trial holes would support the average t-value of 19.94 which was recorded during the soil tests, conducted on the 16th day of November 2022. The SCR acknowledges that the site is underlain by a regionally important aquifer that is classified as being of extreme vulnerability and that a Groundwater protection scheme is in place and that the site is located within a Source Protection Area. The site was also recorded as being approximately 375 metres back from the Galway Bay coast and approximately 53 metres from the nearest spring.

7.3.2 Given the depth of free draining soils and the depth of soils before the bedrock is encountered and the fact that the watertable was not encountered within the trial holes, noting that the applicant is proposing to install a newer and higher specification site-specific wastewater treatment system and percolation area on site, than exists on site at present, I am satisfied that the proposals will result in a positive environmental impact in terms of public health. Therefore, I consider that it would be unlikely that the upgraded wastewater proposals would result in significant effects on the local groundwater system having regard to the favourable soil conditions recorded on site, as set out within the Site Assessors' Site Characterisation Report and the high standard of site specific wastewater treatment proposed on site, to be installed and maintained in accordance with current EPA Code of Practice for domestic wastewater treatment systems 2021, guidance standards. The issue of potential impact upon groundwater and connectivity to European sites will be addressed in greater detail within the Appropriate Assessment section of my assessment.

Water Supply:

7.4.1 The existing dwelling on site is connected to the public water mains system and the proposed extensions and conversion would similarly be connected to the public mains system. Therefore, I am satisfied that the works proposed will not adversely impact upon the water supply to the dwelling within the appeal site nor to any of the neighbouring dwellings.

7.4.2 Surface Water:

The applicant sets out within the planning application form that the surface water discharges to soakpits. The Site drainage drawing number 22/559-02(A) identifies the location of an existing storm/surface water soakpit to the east of the dwelling within the front garden area and identifies the location of two new storm/surface water soakpits to the north-west and south-west of the dwelling within the rear garden area. I am satisfied that the applicant has made adequate provision to cater for storm and surface water generated on site for the existing and proposed development. Final details of the surface water management system on site can be conditioned to be submitted to the Planning Authority in advance of commencing works.

7.4.3 Groundwater:

GSI Groundwater maps show that the site lies over a groundwater Aquifer Category of 'Regionally Important' (Rk), where the groundwater vulnerability is classified as 'Extreme.'

7.4.4 No karst features were specifically recorded within the appeal site; However, a karst spring is noted within the GSI mapping, located approximately 53 metres north-west of the appeal site and approximately 76 metres from the nearest part of the proposed percolation area. I note that groundwater flow is recorded as being in a south-westerly direction, towards Galway Bay and in the opposite direction from the local Roscarn Karst spring [Groundwater Data Viewer \(arcgis.com\)](https://arcgis.com). Given the proposals to upgrade the on-site wastewater treatment system in accordance with current EPA Code of Practice domestic wastewater treatment standards, and the groundwater flow direction,

I consider that it is unlikely that the proposals would adversely impact upon water quality within the local Roscarl karst spring.

7.5 Design and layout

- 7.5.1 The domestic extension would be constructed to the side and rear of the existing dwelling on site. The existing dwelling has a floor area of approximately 227 square metres (sq. m.). The domestic extension has a floor area of 135 sq. m. Due to the orientation of the dwelling on site, which is angled in a north-easterly direction and the location of the domestic entrance on the southern part of the site road frontage and the existence of mature screening within the appeal site, I am of the opinion that the domestic extension will not be particularly visible nor prominent from the public domain. The ridge height of the domestic extension will rise from 4.7 metres to 6.5 metres. The ridge height of the existing dwelling on site is 8.9 metres at its ridge. The extension is single storey nearest the public road and rises towards the rear providing the head height for the mezzanine area within the extension. The domestic extension will be attached to the dwelling via a single storey glazed link. The external finishes of the extension will comprise timber cladding and fibre cement cladding. I am satisfied that the extension will integrate appropriately with the existing dwelling in terms of scale and external finishes.
- 7.5.2 The front façade of the dwelling would also be altered with the introduction of some stone cladding, the removal of a window from the front elevation, the provision of a solid timber front door replacing the existing glazed door and of a seam roof to replace the existing roof tiles. The alterations are of a cosmetic nature and are considered to integrate well with the dwelling on site.
- 7.5.3 The applicant is proposing to demolish an existing metal garage shed structure with a floor area of 35 sq. m and replace it with permanent garage structure with a floor area of 51 sq. m. and a max ridge height of 4.7 metres to the rear of the dwelling on site. It would have a natural slate roof and comprise a stone cladding and render external finish. The scale, design and layout of the domestic garage is considered acceptable.

7.5.4 The appeal site is located in proximity to a Panoramic Protected view, V9: Views towards the sea at Roscarn as per the provisions within the current Development Plan. Having regard to the relatively modest scale of the development and the mature boundary treatment along the perimeter of the appeal site, relative to the protected view and the fact that a number of dwellings have been constructed recently west of the appeal site and more proximate to the coast, I do not consider the development would have an adverse impact on the protected view along the road towards the sea, identified as V9 in the City Development Plan.

7.5.5 In conclusion, I am satisfied that the extensions and alterations proposed will integrate appropriately with the existing dwelling on site in terms of scale, proportion and external finishes and are acceptable. They would accord with the policy objectives as set out within the current Development Plan, specifically section 11.3.1(i) in relation to extensions integrating with existing structures on site and using external finishes appropriate to an area. I am satisfied that the proposals will not adversely impact the residential amenities of neighbouring dwellings by reason of overlooking or overshadowing due to the generous separation distances and the existence of the mature screening on site, which will be conditioned to be retained.

7.6 Other Issues

7.6.1 In terms of outfall from the swimming pool, it is noted that no details of the water type to be used within the pool have been submitted, salinated or desalinated water, water containing chlorine or other cleansing chemicals. These details would be important and there would need to be certainty in terms of being no outfall of contaminated water from the pool to the groundwater network. Precise details of the water type and management and maintenance of the pool could be submitted for the written agreement of the Planning Authority, prior to the commencement of development, if the Board deem appropriate.

7.6.2 The appellant raised the issue of the potential for noise to emanate from the heat pump system which it is proposed to install. Heat pumps are modern heating systems installed in dwellings seeking to achieve a higher standard of energy efficiency in

dwellings. These systems are installed in accordance with Part L of the current Building Regulation Standards. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus is not a concern for the Board for the purposes of this appeal.

7.7 Appropriate Assessment Screening

- 7.7.1 The requirements of Article 6(3) 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.
- 7.7.2 This section of the report considers the potential for likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. No Appropriate Assessment screening (Stage 1) nor Stage 2 AA was submitted by the applicant as part of the planning documentation. I have conducted my own Appropriate Assessment screening in order to consider if there is potential for the development to result in likely significant effects on the relevant European sites.
- 7.7.3 The characteristics of the existing local environment including the habitats and/or fauna identified within the appeal site include: Improved Agricultural Grassland (GA1), stone walls and other stone work (BL1), Treeline (WL2) and Hedgerow (WL1). There are no watercourses within or adjacent to the appeal site, and none of the habitats within or adjacent to the works area correspond to those listed in Annex 1 of the EU Habitats Directive.

The Project and Its Characteristics

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

The European Sites Likely to be Affected.

Stage 1 Screening

- 7.7.5 In determining a zone of influence, I had regard to the scale and nature of the project and to the EPA Appropriate Assessment Mapping Tool¹. I consider that the only SAC that would be within the zone of influence would be the Galway Bay Complex SAC, which is located approximately 375 metres to the west of the appeal site. The only SPA within the zone of influence are the Inner Galway Bay SPA (004031) which is a distance of approximately 375 metres west of the appeal site.
- 7.7.6 I consider that the zone of influence of the project comprises the two nearest Natura 2000 sites noted above, namely the Galway Bay Complex SAC and the Inner Galway Bay SPA. Other sites are not hydrologically or ecologically connected to the appeal site or are such a distance from the appeal site, that there would not be any likely significant effects on them as a result of habitat loss and/or fragmentation, impacts to habitat structure, disturbance to species of conservation interest, mortality to species, noise pollution, emissions to air and emissions to water.
- 7.7.7 The two relevant European sites and their Qualifying Interests/Species of Conservation Interest are listed below:

Table 1:

European Site	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
Galway Bay Complex SAC 000268	Qualifying Interests: Mudflats and sandflats not covered by seawater at low tide. Coastal lagoons. Large shallow inlets and bays. Reefs.	Approximately 375 metres west of the appeal site.	Yes. Requires further assessment due to there being potential hydrological connectivity between the appeal site and the SAC via groundwater. Development works in the form of building excavations and wastewater treatment	Yes.

¹ www.epa.ie accessed 15/02/2024

	<p>Perennial vegetation of stony banks.</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts.</p> <p>Salicornia and other annuals colonising mud and sand.</p> <p>Atlantic salt meadows.</p> <p>Mediterranean salt meadows.</p> <p>Turloughs.</p> <p>Formations on heaths or calcareous grasslands.</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates.</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>.</p> <p>Alkaline fens.</p> <p>Limestone pavements.</p> <p>Otter</p> <p>Harbour Seal</p>		<p>installation works have the potential to cause deterioration in water quality by reason of increased sediment generation during construction works and to potentially result in significant impacts on habitats/species within the SAC. There is also the potential for hydrocarbons to enter groundwater from machinery that would be used during the construction phase. Of development.</p>	
--	---	--	---	--

Inner Galway Bay SPA 004031	Black-throated Diver (Gavia arctica) [A002] Great Northern Diver Cormorant. Grey Heron. Light-bellied Brent Goose. Wigeon. Teal. Red-breasted Merganser. Ringed Plover. Golden Plover. Lapwing. Dunlin. Bar-tailed Godwit. Curlew. Redshank. Turnstone. Black-headed Gull. Common Gull. Sandwich Tern. Common Tern. Wetland and Waterbirds.	Approximately 375 metres west of the appeal site.	Yes. Requires further assessment due to there being potential hydrological connectivity between the appeal site and the SPA via groundwater. Development works in the form of building excavations and wastewater treatment installation works have the potential to cause deterioration in water quality by reason of increased sediment generation during construction works and to potentially adversely impact bird species within the SPA. There is also the potential for hydrocarbons to enter groundwater from machinery that would be used during the construction phase. of development.	Yes.
--------------------------------------	---	--	--	------

I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

Identification of Likely Significant Effects

7.7.8 Given the location, nature and scale of the proposed project, it is apparent that a number of qualifying interests have the potential to be impacted upon within the following European sites:

- Galway Bay Complex SAC (Site Code: 000268)
- Inner Galway Bay SPA (Site Code: 004031).

7.7.9 In relation to Galway Bay Complex SAC (000268), I note that this European site is located approximately 375 metres from the appeal site at the closest point. The Conservation Objective pertaining to this site is to maintain or restore the favourable conservation condition of the Habitats and Species associated with Galway Bay. Given the location of the site in a limestone karst area, there is increased potential for a pathway by way of groundwater which could have a likely significant effect on the water based habitats and species associated with this European site. Information on the NPWS website states that maintenance of groundwater, surface water flows and water table levels within natural ranges is essential to maintain the integrity of the wetland habitats in Galway Bay. While surface water provides another potential pathway to the site, given the greenfield nature of the site where surface water would percolate to ground. However, on balance, given the separation distance to the nearest boundary of the SAC from the appeal site, the relatively modest extent of the development works proposed, the shallow nature of the excavations required, the depth of the free draining soils before the bedrock is encountered and the proposals to install a new site specific on site wastewater treatment system and percolation area in accordance with current EPA best practice standards. I consider that the works would be unlikely to have a significant impact upon the water dependent qualifying interests of the Galway Bay SAC, having regard to its conservation objectives.

7.7.10 In relation to Inner Galway Bay SPA (004031), I note that this is located approximately 375 metres west of the appeal site, at the closest point. Given the location of the site in a limestone karst area, there is increased potential for a pathway by way of groundwater which could have a potential significant impacts on the qualifying interests (bird

species). The conservation objective for this site is to maintain or restore the favourable conservation condition of the bird species and habitat associated with the site. However, on balance, given the separation distance to the nearest boundary of the SPA from the appeal site, the relatively modest extent of the development works proposed, the shallow nature of the excavation required, the depth of the free draining soils before the bedrock is encountered and the proposals to install a new site specific on site wastewater treatment system and percolation area, I consider that the works would be unlikely to have a significant effect upon the water dependent qualifying interests of the Galway Bay SPA, having regard to its conservation objectives. It is not considered that the habitat on site would be particularly suitable to serve the protected bird species for foraging purposes. It is unlikely the protected birds would use the appeal site for foraging purposes as these protected birds prefer more secluded sites where there is little or no human habitation/interaction.

7.7.11 In conclusion. having regard to the location of the development on a brownfield site, the relatively modest scale of the extensions, the proposals to install a new and improved wastewater treatment system on site in accordance with the EPA code of Practice of domestic wastewater treatment systems 2021, the lack of suitable habitat within the appeal site boundary and the separation distance from Natura 2000 sites and unlikelihood of ecological/hydrological connectivity to any European site via surface or groundwater. I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement, is not required in this instance..

8.0 Recommendation

I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the site within a rural area to the compliance with the policies and objectives of the Galway City Development Plan 2023-2029, to the appropriate scale and design of the extensions and conversion's, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or property in the vicinity nor adversely impact upon the integrity of any European sites. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be constructed in accordance with the plans and particulars lodged with the application on the 8th day of July 2022 as amended by further plans and particulars submitted to the Planning Authority on the 30th day of September 2022, the 22nd day of December 2022 and the 8th day of February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The domestic garage shall be used for domestic storage purposes only and shall not be used for human habitation or commercial purposes. The shed shall not be sold, let or other transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the property in the interest of residential amenity.

- 3 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) Within six months of this grant of planning permission details of two roadside gullies and a drainage channel to be installed at the vehicular entrance point shall be submitted for the written agreement of the Local Authority.
- (c) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of proper planning and sustainable development.

- 4 The mature trees, hedgerows, walled boundaries and fencing along the appeal site boundaries shall be maintained in situ.

Reason: In the interest of visual amenity.

- 5 Final details of the surface water management within the appeal site shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. Details of water supply and disposal shall be submitted.

Reason: In the interest of public health.

6 (a) The proposed effluent treatment and disposal system and percolation area shall be located, installed and maintained in accordance with the details submitted to the Planning Authority on the 8th day of February 2023. and in accordance with the requirements of the document entitled: Code of Practice - Wastewater Treatment and Disposal Systems Serving Rural Dwellings (p.e .≤ 10) – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

(b) Within three months of the completion of the works, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

c) The existing wastewater treatment system and soak holes shall be removed off-site, and the area shall be chemically sterilised.

Reason: In the interest of public health.

7 Precise details of the maintenance of the swimming pool and sauna area shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. Details of water supply and disposal shall be submitted.

Reason: In the interest of public health.

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.

Fergal Ó Bric

Planning Inspectorate

12th day of March 2024.