



An
Bord
Pleanála

Inspector's Addendum Report **ABP-317360-23**

Development	Construction of house, effluent treatment system and associated site works
Location	Saint Clerans, Craughwell, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	221222
Applicant	Lorna Bradley
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Edel and Winifred Slevin
Observer(s)	None
Date of Site Inspection	17 th January 2024
Inspector	Ian Campbell

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-317360-23 (dated 30th May 2023).
- 1.2. On the 10th of June 2024 the Board decided to defer consideration of this case and to issue a Section 132 notice as follows;
 1. Having regard to the excavation depth of the trial hole, which is less than the minimum required in the EPA Code of Practice 2021 for areas identified as being underlain by regionally important aquifers, the subsequent requirement as set out in Paragraph 5.4.2 of the above code for the vulnerability classification to be upgraded to 'extreme and the resultant Ground Water Response of R2(2), it has not been demonstrated to the Board in the information submitted that the required depth of unsaturated soil/subsoil as set out in Table 6.3 of the above code has been provided.
 2. The site location is on lands attendant to the St. Clerans Estate which is a designed landscape housing a protected structure. Section 12.5.7 of the Galway County Development Plan 2022 - 2028 requires development proposals in these designed landscapes to be accompanied by appraisals and surveying of these sensitive sites including historic gardens, demesnes, estates and their settings in order to evaluate any possible impact on the heritage value. The Board is of the view that this requirement has not been satisfactorily addressed by the applicant.
- 1.3. This report considers the submission made on foot of the request for further information.

2.0 Applicant's Response to the Board's Decision to Request Further Information

- 2.1. The applicant made the following points in their submission to the Board (received by the Board on the 16th of July 2024).

Re. Wastewater Treatment:

- The required depth under Table 6.3 for a response category of R22 is 1.2 meters.

- Sectional drawing of the proposed tertiary system and polishing filter (*Drawing No. PL(04)01*) confirms a depth of 1.4 meters beneath the sand bed and the existing bedrock. There is a natural depth of 250 mm bringing the overall depth of 1.65 meters (450 mm in excess of the requirement).

Re. St. Clerans Estate:

- An Architectural Heritage Impact Assessment has been submitted demonstrating the impact of the proposed development on St. Clerans Estate. The Assessment sets out the structures in the vicinity which form St. Clerans Estate and their historical background. The Assessment notes that St. Clerans Manor House, a Protected Structure, is rated by Galway County Council and by the NIAH/NBHS as being of national importance because of its Architectural, Artistic, and Historical interest. The other buildings within the context of the Manor House, namely the Farmyard complex, the Steward's house, and the Gate / Angelica's lodge, whilst not Protected Structures, are rated by the NIAH/NBHS as being of regional importance because of their Architectural interest. The Assessment notes that collectively these buildings form a fine and important architectural grouping, originally with a functional relationship existing between them, which is now more historical in nature with the various buildings under differing ownerships.
- The Assessment notes that whilst the proposed development site was historically part of the wider demesne associated with St. Clerans Manor House, the site is no longer within the same ownership as the main house, which is itself no longer in the same ownership as the other group of buildings. Additionally, it is noted that there is no longer a functional connection between the Manor House and the attendant buildings, but rather a historical connection. The connection of the buildings to the wider demesne, which historically was recorded as being of over 600 acres of untenanted land around the Manor House at St. Clerans as part of a wider estate of over 4,000 acres, related more to ownership rather than a functional relationship. The current land ownership related to St. Clerans Manor house is c. 85 acres, and does not include the attendant building, or the proposed development site.
- Galway County Council determined the curtilage of the Manor House to be c. 5.1 acres, and excluded the associated outbuildings and the farmyard access

driveway which extends south and west from the bridge to the gateway adjacent to the proposed development site.

- It is noted that during pre-planning and through the planning application process, Galway County Council did not consider the development site as being within the attendant grounds of the Manor House, or the associated buildings and sites.
- In relation to the proposed dwelling, the Assessment notes;
 - although noticeable within the landscape and the wider setting of the buildings, the dwelling will not directly impact on the architectural structure or feature;
 - the proposed dwelling is located outside of the curtilage of the Manor House, on land without associations with the estate;
 - there are no views of or from the Protected Structure that could be damaged by the proposed dwelling;
 - while the development would be visible from the public road, it would not impact the approach to the Manor House.
- In relation to the proposed access, the Assessment notes;
 - although noticeable within the landscape and the wider setting of the buildings, it will not directly impact on the architectural structure or feature;
 - the proposed dwelling is located outside of the curtilage of the Manor House, on land without associations with the estate;
 - the construction of the proposed access to the site necessitates the removal of some of the planting to the roadside however removal of mature trees is avoided;
 - while the proposed access would be visible from the public road, it would not impact the approach to the Manor House.
- In relation to the proposed treatment system and associated site works, the Assessment notes;

- although noticeable within the landscape and the wider setting of the buildings, it will not directly impact on the architectural structure or feature;
 - the proposed dwelling is located outside of the curtilage of the Manor House, on land without associations with the estate;
 - historic maps indicate that the site was formerly the location of a small wooded area, which is no longer in existence save for the trees adjacent to the public road, however the construction of the effluent treatment system and other associated site works in themselves would not require the removal of any established planting or trees.
- The Assessment concludes - the proposed construction of the dwelling house and associated site works, whilst within the vicinity of the group of historic buildings and sites, is not within or does not affect the curtilage of the Protected Structure, and will not affect the attendant grounds or setting of any of the structures. The proposal to retain the trees and planting along the public road will retain the character of the existing public road, formerly an estate road that led to the farmyard access lane entrance.

3.0 Assessment

3.1. Wastewater Treatment:

- 3.1.1. As the depth of the trial hole in the Site Characterisation was less than the minimum required in the EPA CoP 2021 for areas identified as being underlain by a Regionally Important Aquifer the vulnerability classification must be considered to be 'extreme', and the commensurate Ground Water Protection Response (GWPR) adhered to, which in the case of a vulnerability classification of 'extreme' results in a R2(2) Ground Water Response.
- 3.1.2. In relation to a R2(2) Ground Water Protection Response, Table 6.3 of the EPA CoP 2021 requires a minimum depth of unsaturated soil and/or subsoil of 1.2 metres for polishing filters following secondary systems and infiltration area following tertiary systems. The applicant has submitted a sectional drawing of the proposed tertiary system and polishing filter (see *Drawing No. PL(04)01*) which indicates that the

proposal meets the minimum requirement in relation to the depth of unsaturated soil and/or subsoil between the point of infiltration and bedrock/water table. Having regard to the additional submission received I conclude that the applicant has adequately addressed the issue as raised by the Board in relation to the treatment of wastewater on the site.

3.2. St. Clerans:

- 3.2.1. Having reviewed the Architectural Heritage Impact Assessment submitted by the applicant, which examines the impact of the proposed development on St. Clerans Estate, and noting its methodology and conclusions, and in particular that the proposed dwelling is located outside of the curtilage of the Manor House, on land without associations to the estate, and that while the development would be visible from the public road, it would not impact the approach to the Manor House, and that there are no views of or from the Protected Structure that could be damaged by the proposed dwelling, I am satisfied that the proposed development would not adversely affect the character or setting of St. Clerans Estate. Having regard to the additional submission received I conclude that the applicant has adequately addressed the issue as raised by the Board in relation to the requirements of Section 12.5.7 of the Galway County Development Plan 2022 - 2028 regarding the submission of appraisals for development proposals in designed landscapes.

4.0 **Recommendation**

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions. This recommendation supersedes the recommendation in my report dated 30th May 2024, that being to refuse permission.

5.0 **Reasons and Considerations**

Having regard to the provisions of the Galway County Development Plan 2022-2028, and to the siting, scale and design of the proposed development, 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 of property in the vicinity, would not adversely affect the character or setting of St. Cleran's Estate, would

not be prejudicial to public health, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Planning Authority on the 24th of April 2023 and to An Bord Pleanála on the 16th of July 2024, 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 with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the Planning Authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the Planning Authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the Planning Authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p>

	<p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the Planning Authority on the 9th December 2022, and as revised in the submission to An Bord Pleanála on the 16th of July 2024, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (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 commencement of development.</p> <p>(b) Within three months of the first occupation of the dwelling, 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 in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The external finishes to the proposed development shall be as indicated on <i>Drawing no. PL(02)01</i>, unless otherwise agreed with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The landscaping scheme shown on <i>Drawing No. PL(01)01</i>, as submitted to the Planning Authority on the 24th day of April, 2023 shall be carried out within the first planting season following substantial completion of external</p>

	<p>construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be</p>

	<p>referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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

28th August 2024