



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317432-23

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<b>Development</b>	Construction of a dwelling house and a garage with treatment plant and percolation area. A Natura Impact Statement (NIS) submitted with Planning Application.
<b>Location</b>	Quarry Road, Menlo, Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	2313
<b>Applicant(s)</b>	Labhaoise Hutchinson
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refused
<b>Type of Appeal</b>	First
<b>Appellant(s)</b>	Labhaoise Hutchinson
<b>Observer(s)</b>	No.
<b>Date of Site Inspection</b>	31/11/23
<b>Inspector</b>	Darragh Ryan

## 1.0 Site Location and Description

- 1.1. The proposed site is located on Quarry Road, in Menlo, Galway City. The site is approx. 400m to the east of Menlo village centre. The appeal site is located within a rural area, on agricultural land. The road in question is a local rural country road.
- 1.2. The site is a greenfield site with some agricultural buildings located to the very west of the site. The neighbouring land to the north, south and east consists of low-density residential development. There is an extensive level of residential development on this stretch of road, with 6 houses within 250m distance from each other.
- 1.3. The site sits below the public road by approx. 1m. There is an existing mature scrub ditch to the front of the site. A site area of .32ha is taken from the larger landholding at this location. There are mature boundaries around all boundaries of the site.

## 2.0 Proposed Development

2.1. The proposed development comprises;

- Construction of a single storey, four-bedroom, detached dwelling:
  - stated floor area c. 234.2 sqm.
  - ridge height c. 5.37 metres.
  - material finishes to the proposed house comprise of render and timber cladding for the external walls. The roof covering comprises of slate/tile.
  - positioned c. 30 metres from the public road.
- Construction of a single storey garage:
  - stated floor area c. 44 sqm.
  - ridge height c. 5.48 metres.
  - material finishes to the proposed garage comprise of render for the external walls. The roof covering comprises of slate/tile.
- The installation of a packaged waste water treatment system and a raised percolation area.

- A new splayed vehicular entrance and stone front boundary wall. The front boundary wall is set back 3 metres from the road edge.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority issued a decision to refuse permission for the following reason:

The proposed development is located on lands which are zoned G – to provide for the development of agriculture and protect areas of visual importance and/ or areas of high amenity of these lands in the City Development Plan 2023 -2029, as reinstated under Ministerial Direction issued under Section 31 of the Planning and Development Act 2000 (as amended) regarding Galway City Development Plan 2023 – 2029. It is considered the proposed development is not compatible with or contributes to the land zoning policies and objectives as set out in the Galway City Development Plan for G Zoned Lands, Section 11.2.4 Agricultural Areas G land Use zoning Objective, and the Ministerial Direction 2023. The proposed development if permitted would materially contravene the land use zoning objectives for the City Development Plan and would therefore, be contrary to the proper planning and sustainable development of the area.

#### **3.2. Request for Further Information**

Prior to the decision of the Planning Authority to REFUSE permission for the proposed development, the Planning Authority requested Further Information.

##### **3.2.1. Further Information was requested on the 22<sup>nd</sup> of March 2023 as follows:**

- Item 1- the lands which are subject to this application are included in a Ministerial notice for the deletion of the adopted zoning objective of R2 and to render these lands unzoned. As the lands are subject to a draft direction the zoning cannot be considered to have come into effect, meaning the lands in this instance do not have the benefit of a residential land use. The applicant is invited to make a submission as to how the proposed development is open for

consideration in light of the draft ministerial direction issued to Galway City Council.

- Item 2 –submit further technical information with respect to proposed treatment plant and percolation area.
- Item 3 – submit an exemption certificate from the provisions of Section 96 of the Planning and Development Act.

**3.2.2. Further Information submitted on the 18<sup>th</sup> of April 2023 as follows:**

- The current zoning on the lands is R2 residential
- Section 11.2.8 indicates the site has a specific zoning objective – which indicates the zoning shall be reserved for use of immediate family members
- NPF sets out that 40% of all future residential development should be within and close to the footprint of built up areas.
- Revised detail submitted with respect to site suitability assessment.

**3.3. Planning Authority Reports**

**3.3.1. The basis for the Planning Authority decision is as follows:**

The first report of the Planning Officer includes the following comments;

- The subject lands are subject to a Draft Ministerial Direction to revert to Agriculture and High Amenity (G) from Residential R2 (R2)
- The draft direction has the consequence of rendering this specific development objective ineffective and with no capacity of implementation.
- The current planning application is premature pending the final Ministerial Direction regarding the land use zoning objective
- The site suitability assessment is lacking in technical information

Further Information recommended.

**3.3.2. The second report of the Planning Officer includes the following comments;**

- The assertion made by the applicant and the submission of the OPR is incorrect i.e Zoning Objective G – does not allow for the building of a family

home. Residential development, including for landowners or famers family dwellings is not open for consideration under the G land use zoning. This has been long established over several City Development Plans.

- The proposed development would materially contravene the G land use zoning objective.

### 3.3.3. Other Technical Reports

- Report received from Environment Department- Galway City Council.

The proposed wastewater treatment system is in line with EPA Code of Practice for Wastewater Treatment and Disposal Systems – conditions are recommended.

- Report received from Transportation Department recommending conditions with respect to proposed entrance and management of surface water.

### 3.4. Prescribed Bodies

- Uisce Eireann – Confirmation of Feasibility – A water supply connection feasible without upgrade by Irish Water
- Development Applications Unit, Department of Housing, Local Government and Heritage – recommend condition to attach that “All mitigation measures as outlined in Chapter 2.2, “Best Practice Measures of the NIS be implemented in full.

### 3.5. Third Party Observations

None

### 4.0 Planning History

None

### 5.0 Policy Context

#### 5.1. Development Plan

The proposed development was considered by the Planning Authority under the Galway City Development Plan 2023 – 2029.

5.1.1. **Section 5.9** - The Agricultural G zoning objective are lands, that in addition to agricultural uses have an important landscape and aesthetic value, which distinguishes them from less visually sensitive A zoned agricultural lands.

5.1.2. **Section 11.2.4 – Agricultural Areas G – Land Use Zoning Objective**

Zoning Objective G - To provide for the development of agriculture and protect areas of visual importance and/or high amenity.

Residential development is not open for consideration under G land use.

5.1.3. **Section 11.2.8 Residential R2** - Land Use Zoning Objective

Zoning Objective R2 To provide for sensitive residential infill where such infill will not have an impact on the environmental and visual sensitivities in the area, including those in particular the subject of Policy 5.2 and where such infill can be assimilated satisfactorily through design, layout and amenity impact in a manner that does not detract from the character of the area.

(R2 zoning removed following Ministerial Direction – Agricultural G zoning relevant zoning)

## 5.2. National Planning Framework

### National Policy Objective 3a & 3b

Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints

National Policy Objective 19 states –

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

#### **5.2.1. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021**

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

### **5.3. Natural Heritage Designations**

Lough Corrib SAC 240m to the west of the site boundary

Lough Corrib SPA 240m to the west of the site boundary

### **5.4. EIA Screening**

See completed form 2 on file. Having regard to the limited nature and scale of the proposed development, 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 of appeal can be summarised as follows:

#### 6.1.1. Rezoning in the Development Plan Process

- Following adoption of the plan, the minister issued a Direction which sought to have the lands at the subject site dezoned- therefore reverting to Agricultural High Amenity from Residential R2.
- The lands to the north of Quarry road are zoned Agricultural “G”- Agriculture and High Amenity, while all the lands to the south of Quarry Road are zoned Agricultural “A” lands. As there is existing residential development surrounding the site, located in both zonings, there is clear precedent of allowing dwellings on both zonings.

#### 6.1.2. National Planning Policy

- The proposed development was entirely compliant with planning policy at the time of lodgement of the application, it is now considered that due consideration should be given to national policy in the determination of the appeal. The proposed development as set out is in compliance with National Policy Objectives as set out in the National Planning Framework.

#### 6.1.3. Housing Demand

- The increased demand for residential development in the administrative boundary and Metropolitan area of Galway city will worsen in time. The need for a dwelling outweighs the councils concerns that the dwelling would negatively impact upon the perceived high amenity value of the surrounding area.

#### 6.1.4. Local Planning Policy

- As per the planner’s report findings that the development would be contrary to land use zoning and objectives of the CDP, Section 11.2.4, there is no section



of the GCDP outlining that the development of a dwelling would materially contravene the plan in any way.

- The proposed development is on a site classed as infill, in an area characterised by a significant level of one-off units, the construction of a further single dwelling at this location would not materially impact the character of the area.

#### **6.1.5. Correspondence with the OPR**

- The applicant has supplied a letter from the Office Planning Regulator in response to the downzoning of the land from residential “R2” to Agricultural “G”. An extract from the letter states: “With regard to the specific site you are concerned with, the office notes that the predominant zoning objective in the immediate vicinity of the site is Agriculture and High amenity zoning. These zoning objectives do not preclude an application for family home under the plan’s rural housing policy.

#### **6.1.6. Grievance with the Planning Authority**

- The planning authority have acted erroneously and unfairly within the application process. The OPR’s recommendation to the remove the “R2” zoning from the subject site was public information for some time, having being included in the Ministerial direction. Despite this and one refusal reason on the basis of principle of development, the planning authority issued a further information request of a technical nature along with a request to readvertise the submission of further information.

#### **6.1.7. Material Contravention**

The following justification is provided to demonstrate to the board that there is a case to materially contravene this application as follows:

- When the current planning application was made to planning authority the extant zoning on the site was residential “R2”.
- In accordance with Section 37 (2) of the Planning and Development Act, An Bord Pleanála have the scope to materially contravene a development plan when making a decision on an application at appeal.

- All residential development should be considered of utmost importance strategically and nationally.

## 6.2. Planning Authority Response

- None

## 6.3. Observations

- None

## 7.0 Assessment

7.1.1. 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 guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- National Policy
- Wastewater
- Other Issues
- Appropriate Assessment

### 7.1.2. Principle of Development

Site is zoned Agriculture High Amenity “G” in the Menlo area of Galway City. Section 11.2 of Land Use Zoning sets out Zoning Objective - to “provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity.”

Residential development is not outlined as a compatible use or a use that contributes to the land use zoning objective.

7.1.3. The applicant sets out that when the planning application was made to Galway City Council the lands were zoned Residential “R2” and the Board should be mindful of this in its assessment. This “R2” zoning permitted sensitive residential infill on specifically zoned lands, on lands that shall be reserved for immediate family

members of the landowner. Following the Section 131, Ministerial Direction the lands of the subject site were zoned Agricultural “G”. Therefore I consider the Agricultural “G” zoning to be the only zoning relevant to the site.

7.1.4. Notwithstanding first party argument, I do not agree that there is a clear precedent set for permitting residential development on lands zoned agricultural “G”. The most recently permitted residential development in the vicinity of the site is within a different zoning with different policy objectives. The appeal does not provide any evidence of granting a permission for a dwelling on the “G” zoning to justify an argument for precedent. I am therefore in agreement with the planning authority decision that the proposal would be contrary to Section 11.2.4 of the Galway City Development Plan.

7.1.5. Having regard to correspondence with the applicant and the Office of the Planning Regulator, I agree with the planning authority assessment that the OPR was in error in its statement that residential development may be permitted on lands zoned Agricultural “G”. Section 11.2.4 of the City Development Plan clearly sets out compatible uses or uses that contribute to the zoning objective, residential development is not outlined as compatible as set out under point 7.1.3 above.

## **7.2. National Policy**

### National Planning Framework

7.2.1. Having regard to the National Planning Framework and policies as set out in the appeal, I note that there is allowance within the framework for residential one-off development. The focus of the applicant’s appeal in this regard is that in order to achieve population target for Galway as set out within the NPF, infill development such as the one proposed is necessary and in compliance with NPO 35 of the NPF. I do not agree with the applicant that the provision of a one -off rural dwelling in this instance would be in compliance with NPO35. NPO 35 makes a clear reference with respect to increasing residential density in settlements through a range of different measures. The site is not located within any settlement, it is located within a rural area of Galway City and has an Agricultural Zoning. The purpose of the Agricultural High Amenity Zoning is to provide a greenbelt and green spaces at city level. I do not agree that the proposal as set out is in compliance with NPO35.

7.2.2. As per the Ministerial Direction with respect to zonings on the site, I note the “statement of reasons” as set out with respect of the decision to reverse the zoning on the lands from Residential “R2” to Agricultural High Amenity “G”. The statement of reasons states that the Development Plan as made includes extensive areas of land zoned Residential R in a piecemeal manner in un-serviced and peripheral locations, and more often in areas otherwise zoned Agriculture or Agriculture and High Amenity. This would undermine the potential of the city to deliver its 50% compact growth target in NPO 3 (a-b) of the NPF and National Policy Objective 62 to strengthen the value of greenbelts and green spaces at city level. The ministerial direction on this element of the plan was to ensure that the 50% target of new housing in the city would be achieved and not undermined through the provision of residential development in peripheral areas. Having regard to the NPF and OPR guidance, permission to permit a residential development in this instance would be contrary to NPO 3 (a-b) as set out in the National Planning Framework. I therefore conclude that the development would not be in compliance with the provisions of the National Planning Framework.

### **7.3. Waste Water**

7.3.1. I note Appendix A of Site Suitability Assessment Form references EPA code of practice 2000 and not 2021. I have referred to the updated EPA code in my assessment. It is considered the incorrect reference is an administrative error and not material to the assessment carried out on site.

7.3.2. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a Regionally Important Aquifer where the bedrock vulnerability is Extreme. A ground protection response to R2<sup>2</sup> is noted. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice, i.e. system selection, construction, operation and maintenance). The applicant’s Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.

7.3.3. The trail hole depth referenced in the Site Characterisation Report was 1.1 metres. Bedrock was encountered in the trail hole at a depth of 1.1 metres, the water table was not encountered in the trial hole. A T value/sub-surface value of 3.89 was

recorded and a P value/surface test was subsequently carried out and a value of 6.67 recorded.

- 7.3.4. It is proposed to install a secondary wastewater treatment system and a raised percolation area/polishing bed. Based on the results of the site characterisation report based on EPA CoP 2021 (Table 6.4) the site is suitable for a secondary treatment system and a soil polishing filter. I note the Planning Authority and Environment Department of Galway County Council concluded that the site is suitable for the treatment of wastewater. BAs

#### **7.4. Other Issues**

##### Material Contravention

The applicant has put forward the case that the provision of residential development is of the utmost importance strategically and nationally, along with other arguments set out above, the applicant is of the opinion that the Board could use the provisions of the Planning and Development Act to materially contravene the Galway City Development Plan.

Having regard to Section 37 (2) of the Planning and Development Act

The Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

- i. the proposed development is of strategic or national importance,
- ii. there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- iii. permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

- iv. permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Having regard to the above provisions I see no validity in the appeal to material contravene the Galway City Development Plan for the following reasons:

- i. The development of a single rural dwelling is not considered to be of strategic or national importance.
- ii. The objectives in the development plan are clear with the zoning clearly outlined as Agricultural High Amenity, where residential development is not open for consideration.
- iii. There are Section 28 or Section 29 Guidelines which indicate that planning permission should be granted in this instance.
- iv. There is no evidence provided that other dwelling houses have been granted on the G Agricultural High amenity zoning since the introduction of the Galway City Development Plan 2023 – 2029.

Based on this assessment, it is my opinion that a material contravention is not warranted in this instance.

## **7.5. Appropriate Assessment**

### Stage 1 Screening

7.5.1 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.

7.5.2 Background. The applicant submitted a Natura Impact Statement report for the proposed development (prepared by MKO) to the Planning Authority in January 2023. In Section 4 a stage 1 screening is undertaken to identify any European sites within a 15km zone of influence of the appeal site. Following this screening exercise, 4 no. European sites were identified on the basis of proximity/potential hydrological connectivity with the appeal site, specifically Galway Bay Complex SAC , Inner Galway

Bay SPA, Lough Corrib SAC and Lough Corrib SPA. The Stage 1 Appropriate Assessment Screening report notes potential for a deterioration of water quality potentially impacting these sites. The applicant's Stage 1 Appropriate Assessment Screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Having reviewed the document, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Supplementary Studies/Reports:

A Site Characterisation Form prepared by Robert Design (dated 25<sup>th</sup> of September 2021) was submitted with the planning application. The plan contains an assessment the suitability of the soil for septic tank/ waste water treatment system and percolation qualities of the soil for discharge.

The proposal involves the installation of a secondary treatment system and soil polishing filter and discharge to ground water. A Tricel Novo wastewater treatment system is proposed with a population equivalent capacity of 8. Full details and breakdown of sizing of percolation area have been provided.

7.5.3 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.

7.5.4. The Proposed Development. The development consists of the construction of a single storey 4 bedroom dwelling on a flat site. Installation of packaged waste water treatment system, entrance and all associated site works.

7.5.5. 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 ground water and surface water (e.g. run-off, silt, fuel, oils, etc.) and subsequent impacts on water quality sensitive habitats of Galway Bay Complex SAC, Inner Galway Bay SPA, Lough Corrib SAC and Lough Corrib SPA
- Disturbance to bird species which are Special Conservation Interests (SCI) of Inner Galway Bay SPA & Lough Corrib SPA.
- Should any bird species which are Special Conservation Interests (SCI) of Inner Galway Bay SPA, or another European site use the site for resting, foraging, breeding etc., then the proposed development would have the potential to result in habitat fragmentation and disturbance to bird species (i.e. ex-situ impacts).

7.5.6 Submissions and Observations – Development Applications Unit, Department of Housing, Local Government and Heritage – recommend a condition to attach that “All mitigation measures as outlined in Chapter 2.2, “Best Practice Measures of the NIS be implemented in full”

7.5.7 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.

<b>Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.</b>				
<b>European Site (code)</b>	<b>List of Qualifying interest /Special conservation Interest</b>	<b>Distance from proposed development (Km)</b>	<b>Connections (source, pathway receptor)</b>	<b>Considered further in screening Y/N</b>
Galway Bay Complex SAC (Site Code 000268)	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Coastal lagoons [1150]</li> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Perennial vegetation of stony banks [1220]</li> </ul>	c. 3.8 km south of appeal site	The site is completely outside of the SAC. The site is a greenfield site, surface water shall be managed on site and wastewater shall be managed using waste water treatment system. There will be no direct effects as the project footprint is located entirely	<b>N</b>



	<ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</li> <li>• Mediterranean salt meadows (Juncetalia maritimi) [1410]</li> <li>• Turloughs [3180]</li> <li>• Juniperus communis formations on heaths or calcareous grasslands [5130]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Phoca vitulina (Harbour Seal) [1365]</li> </ul>		<p>outside of the designated site. Given the separation distance from the SAC, scale of development, intervening land uses, and the degree of dilution any potential effects are not likely to be significant.</p>	
Inner Galway Bay SPA (Site Code 004031)	<ul style="list-style-type: none"> <li>• Black-throated Diver (Gavia arctica) [A002]</li> <li>• Great Northern Diver (Gavia immer) [A003]</li> <li>• Cormorant (Phalacrocorax carbo) [A017]</li> </ul>	c. 3.8 km south of appeal site	The site is completely outside of the SPA. The site is a greenfield site, surface water shall be managed on site and wastewater shall be managed using wastewater treatment system.	<b>N</b>

	<ul style="list-style-type: none"> <li>• Grey Heron (<i>Ardea cinerea</i>) [A028]</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Wigeon (<i>Anas penelope</i>) [A050]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</li> </ul>		<p>There will be no direct effects as the project footprint is located entirely outside of the designated site. Given the separation distance from the SPA, scale of development, intervening land uses, and the degree of dilution any potential effects are not likely to be significant.</p>	
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	<ul style="list-style-type: none"> <li>• Common Tern (Sterna hirundo) [A193]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>			
Lough Corrib SAC (Site Code 000297)	<ul style="list-style-type: none"> <li>• Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</li> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</li> <li>• Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>• Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> </ul>	237m North of the site	The site is completely outside of the SAC. The site is a greenfield site, surface water shall be managed on site and wastewater shall be managed using wastewater treatment system. There will be no direct effects as the project footprint is located entirely outside of the designated site. Given the scale of development, intervening land uses and degree of dilution any potential effects are not likely to be significant.	N

	<ul style="list-style-type: none"> <li>• Active raised bogs [7110]</li> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> <li>• Depressions on peat substrates of the Rhynchosporion [7150]</li> <li>• Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae [7210]</li> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Alkaline fens [7230]</li> <li>• Limestone pavements [8240]</li> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91A0]</li> <li>• Bog woodland [91D0]</li> <li>• <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</li> <li>• <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</li> <li>• <i>Petromyzon marinus</i> (Sea Lamprey) [1095]</li> <li>• <i>Lampetra planeri</i> (Brook Lamprey) [1096]</li> </ul>			
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	<ul style="list-style-type: none"> <li>• Salmo salar (Salmon) [1106]</li> </ul>			
Lough Corrib SPA (Site Code 004042)	<ul style="list-style-type: none"> <li>• Gadwall (Anas strepera) [A051]</li> <li>• Shoveler (Anas clypeata) [A056]</li> <li>• Pochard (Aythya ferina) [A059]</li> <li>• Tufted Duck (Aythya fuligula) [A061]</li> <li>• Common Scoter (Melanitta nigra) [A065]</li> <li>• Hen Harrier (Circus cyaneus) [A082]</li> <li>• Coot (Fulica atra) [A125]</li> <li>• Golden Plover (Pluvialis apricaria) [A140]</li> <li>• Black-headed Gull (Chroicocephalus ridibundus) [A179]</li> <li>• Common Gull (Larus canus) [A182]</li> <li>• Common Tern (Sterna hirundo) [A193]</li> <li>• Arctic Tern (Sterna paradisaea) [A194]</li> <li>• Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>	237m north of the site	The site is completely outside of the SPA. The site is a greenfield site, surface water shall be managed on site and wastewater shall be managed using wastewater treatment system. There will be no direct effects as the project footprint is located entirely outside of the designated site. Given the scale of development, intervening land uses and degree of dilution any potential effects are not likely to be significant	N

## **Screening Conclusion**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. I note the proximity of the site to the, Galway Bay Complex SAC and Inner Galway Bay SPA, Lough Corrib SPA and Lough Corrib SAC, I am satisfied that all development related to the project is located entirely outside of the designated sites. There are no surface water bodies on site with a direct connection to either the SAC's or SPA's.

Notwithstanding the findings of the applicant screening assessment with respect to potential for a deterioration of ground water quality potentially impacting the SAC's & SPA's as a result of wastewater, the provision of a wastewater treatment system is a standard measure for the provision of a dwelling in a rural area. I do not consider the provision of domestic wastewater treatment system to be a mitigation measure but a standard best practice approach for the provision of a single domestic dwelling in a rural area. The site characterization form and supporting documentation indicate that the site is suitable for the treatment of wastewater on site. The site is at a sufficient distance from the SAC's and SPA's to conclude that significant negative effects on groundwater and surface water quality are not likely.

The other mitigation measures outlined under Section 2.2 of the Natura Impact Statement are considered to be best practice construction methodologies and not specific or necessary for the protection of Qualifying Interests of the SAC's or SPA's.

Having regard to the nature and limited scale of the proposed development, the project footprint is located entirely outside of the designated site. Given the separation distance from the SAC's and SPA's, scale of development, degree of dilution with respect to waste water treatment unit, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site or on the Qualifying Interests of the identified sites above or any other European site.

## **8.0 Recommendation**

Having regard to the above it is recommended that planning permission be refused for the proposed development based on the following reasons and considerations:

## **9.0 Reasons and Considerations**

The proposed residential development is located on lands which are zoned G- to provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity of these lands in the Galway City Development Plan 2023 -2029. It is considered that the proposed development is not compatible with or contributes to the land zoning policies and objectives as set out in the Galway City Development Plan for “G” zoned lands, Section 11.2.4 Agricultural Areas G Land Use Zoning Objective, and NPO 19 of the National Planning Framework. The proposed development, if permitted, would materially contravene the land use zoning objectives of the City Development Plan and 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.

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Darragh Ryan  
Planning Inspector  
16<sup>th</sup> of January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	317432 -23		
<b>Proposed Development Summary</b>	Construction of a dwelling house, installation of on site waste water treatment system		
<b>Development Address</b>	Quarry Road, Menlo, Galway.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	X	N/A	<b>Conclusion</b> No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4



**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	317432 -23	
Proposed Development Summary	Construction of a dwelling house and onsite waste water treatment system	
Development Address	Quarry Road, Menlo, Co. Galway	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located in a predominately rural location interspersed with one -off type rural dwellings. The proposed development is not exceptional in the context of existing environment.</p> <p>No not exceptional in the context of constructing a single dwelling</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development. The site area is .32ha.</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>	No
Location of the Development	The proposed development is located 240m east	No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>of Lough Corrib SAC and Lough Corrib SPA. The proposal includes standard best practices methodologies for the control and management of surface water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<b>Conclusion</b>		
<p>Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development.</p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)