



An
Bord
Pleanála

Inspector's Report ABP-319000-24

Development	House and domestic garage
Location	Carrowshanbally, Gurtymadden, Loughrea, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2361148
Applicant(s)	Barry Kinsella & Claire Kelly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Transport Infrastructure Ireland
Observer(s)	None
Date of Site Inspection	8 th of July 2024
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The proposed site is located adjacent to a vacant dwelling house and farm buildings off the N65 in the townland of Carrowshabally, Gurtymadden, approx. 10km east of Loughrea Co Galway. The site is accessed off an existing access and private passageway. There is a vacant dwelling on site and farm buildings to the rear of the site.
- 1.2. There is an existing mature boundary along the N65, along with mature boundaries to the North and West of the site. The point of the site location on the N65 a speed limit of 100kmph applies. The site area is stated at .20ha.

2.0 Proposed Development

- 2.1. As part of the development the applicant proposes the following:
 - Construction of a dwelling house,
 - Domestic Garage
 - Waste Water treatment system
 - Utilise existing shared access

Total works 299.2m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a decision to grant permission subject to 13 conditions.

C2 – The house shall be used by the applicant, applicants family, heirsfor a period of 7 years. The applicant to enter into a Section 47 agreement with respect to same.

C6 – Sight distance triangle shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

C12 – Site perimeter planting consisting of tree and shrub species native to the area shall be carried out in the first planting season following commencement of development on site.

C13- The applicant/developer shall pay €2,721.60 to the Planning Authority. The charge has been calculated using the Development Contribution Scheme adopted by Galway County Council in accordance with the provisions of Section 48 of the Planning and Development Act.

3.2. Planning Authority Reports

3.2.1. There are two planning reports on file which can be summarised as follows:

3.2.2. 1st Planning Authority report:

- The subject site is located in the local rural area, outside any settlement, in Class 1 landscape value, outside the GCTPS Area with access off the N65 National Secondary Road where the speed limit of 100kph applies. The applicant is required to demonstrate compliance with Rural Housing Policy including DM standard 26 and Policy Objective RH15- Direct access to National Road
- The planning authority has serious concerns regarding the proposal to construct a new dwelling house off the N65 National Secondary Road. There is an existing vacant dwelling house on the adjoining site which appears to be unoccupied. The planning authority require a comprehensive justification for the construction of a new dwelling on the landholding and clear intentions for the existing dwelling house immediately east of the subject site.

3.2.3. 2nd Planning Authority Report

- A cover letter from the applicant's agent outlining the circumstances of the existing dwelling on the landholding was received
- A sworn affidavit from Barry Kinsella prepared and sworn by John Nash solicitors

- A copy of folio no. GY32212 for the existing house which shows item 7 of the Burdens and particulars that Mary Kinsella (applicant's aunt) has a right to reside in this dwelling house during her life

The planning report concludes that the applicant has demonstrated that it is not possible for the applicant to have the existing house transferred into his name due to a burden on the property. It is considered the applicant complies with the policies and objectives of the Galway County Development Plan and therefore the proposed development is in accordance with proper planning and sustainable development of the area.

3.2.4. Other Technical Reports

Report on file from the Director of Infrastructure and Operations Galway County Council dated 26th of October 2023 as follows:

- The Spatial Planning and National Roads Guidelines set out planning policy “considerations” relating to development affecting national roads outside the 50/60 kmph speed limit zones for cities, towns and villages. The Minister for the Environment, Community and Local Government has issued these guidelines under section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines in the performance of their functions under the Planning Acts.
- Notwithstanding the submission received from Transport Infrastructure Ireland in relation to this application, I am confirming that the Roads and Transportation Unit has no objection to this development proceeding for the following reasons:
 1. There is no intensification of the existing entrance.
 2. Drawing number 107 titled “Sightlines Section” and the associated report clearly demonstrates compliance with section 5.6.2.2 Minor Road/Direct Access TII Publications DNGeo-03060 Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) May 2023 (tables 5.4 and 5.5) and

DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads contained in Galway County Council Development Plan.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland - the development is at variance with official policy in relation to the control of development on/affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines (2012). The proposed development, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and if approved, and would be at variance with national policy in relation to control of frontage development on national roads.

3.4. **Third Party Observations**

None

4.0 **Planning History**

PA reg ref 22/60534 – Barry Kinsella – permission refused on 20/07/2022 for the construction of a new Dwelling House, Domestic Garage, Sewage Treatment System, and creating new shared Entrance/ Driveway through existing adjacent dwelling house entrance and all Associated Site Development Works. Gross floor space of proposed works 299.20sqm. -Refused

PA reg ref 22/60874 – Barry Kinsella – permission refused on 25/10/22 for the construction of a new Dwelling House, Domestic Garage, Sewage Treatment System, and creating new shared Entrance/ Driveway through existing adjacent dwelling house entrance and all Associated Site Development Works. Gross floor space of proposed works 299.20sqm. - Refused

PA reg ref 23/60525 - for construction of a new dwelling house, domestic garage, sewage treatment system, and creating new shared entrance/driveway through existing adjacent dwelling house entrance and all associated site development works – Withdrawn

PA reg ref 17/1311 – existing dwelling house on site - for (a) Retention of dwellinghouse on site with revised boundaries. (b) Restoration of existing dwellinghouse with new windows and roof. (c) Permission sought for new extension to side and rear of existing dwellinghouse. (d) Permission sought for wastewater treatment system. Gross floor space of proposed works House 176sqm, retention 79sqm

5.0 Policy Context

5.1. National Policy

Section 28 DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities

Section 2.5:

Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Section 2.6:

Exceptional Circumstances Notwithstanding the provisions of Section 2.5 above, planning authorities may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted and taken on board the advice of the NRA and having followed the approach outlined below

5.2. Development Plan

Galway County Development Plan 2022 - 2028

NR 1 Protection of Strategic Roads

To protect the strategic transport function of national roads and associated national road junctions, including motorways through the implementation of the 'Spatial Planning and National Roads Guidelines for Planning Authorities' DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

NR 4 New Accesses Directly on National Roads

The policy objective of the Planning Authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision, in accordance with the relevant TII Guidelines, applies to all categories of development'. Consideration will be given, where appropriate, for the facilitation of regionally strategic projects and utility infrastructure.

Policy Objective RH15

Residential development along National Roads will be restricted outside the 50-60kmp speed zones in accordance with the DoECLG *Spatial Planning and National Road Guidelines* (2012).

Consideration shall be given to the need of farm families to live on the family holding on a limited basis and a functional need to live at this location must be demonstrated. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. Where there is an existing access, the combined use of same must be considered and shown to be technically unsuitable before any new access can be considered. Access via local roads shall always be the preferred access and in all cases, it must be demonstrated that this is not possible. An Enurement condition will be attached to grants of planning permission for the above.

- DM Standard 26
- DM standard 28

5.3. Natural Heritage Designations

- Slieve Aughty SPA – 7km south of proposed site
- Lough Rea SAC – 9km east of the proposed site

5.4. EIA Screening

See completed form 2 on file. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning &

Development Regulations 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

6.1.1. National Policy

- The Spatial Planning and National Roads guidelines for Planning Authorities (DoECLG, 2012) state, in relation to lands adjoining national roads to which speed limits greater than 60 kmph apply, the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads. This provision, it is stated applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.
- The proposal will inevitably bring about additional vehicular movements resulting in intensification of access onto and off the N65, national secondary road.

6.1.2. Road Safety

- Official policy identifies that the creation of new accesses to an intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users. Restricting direct access and intensification of use of direct access to the high-speed national road network can and does, contribute to a reduction in collisions and fatalities.

6.1.3. Local Development Plan Policy

- TII note the Policy Objective RH 15 and DM Standard 26 of the County Development Plan outline exceptions to the general restriction of accesses to national roads, i.e consideration shall be given to the need of farm families to

live on the family holding on a limited basis and a functional need to live at this location must be demonstrated. Such exceptions are not considered to be in accordance with section 2.6 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities.

- The Board shall be aware of the provisions of the Planning and Development (Amendment Act) 2015 Section 34 (2) (b) states the following:

“(ba) Where specific planning policy requirements of guidelines referred to in subsection (2) (aa) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan”

Having regard to the above it's the TII position that the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities should be considered to supersede the provisions of the Development Plan.

- In any case TII consider the development does not align with the provisions of the Galway County Development Plan in particular Policy Objective NR1 and policy Objective NR4 of the adopted development plan. No exceptional reason has been put forward which would justify a departure from standard policy and road safety considerations in this instance.

6.1.4. Planning Precedence

- The Board should be aware of the planning history of the site and the previous refusal reasons issued by the County Council citing conflict with official policy and access to national roads and access to national roads and potential for road user safety arising from a traffic hazard as reasons for refusal. The Board should note the planning precedence established by the appeal decision under PL 07/302543 for residential development in Dromatober approx. 3km east of the subject site similarly accessing the N65.

6.1.5. Protecting Public Investment

- The Board are made aware of the priority to ensure adequate maintenance of the national road network in order to protect the value of previous investment

6.2. Applicant Response

6.2.1. National Policy

The proposal will not result in an intensification of an existing access onto the National Road for the following reasons:

- It is essential for the applicant to be located at the location of the proposed site as he is actively involved in farming a farm holding of 33 acres. The applicant has 30 cattle and attends the farm at the location of the proposed site daily to carry out farm chores. From March to May the applicant has to visit the farm on numerous occasions often up to 5 times a day to check on cattle for the purposes of animal husbandry.
- In a “no development” scenario the amount of trip generation and turning movements in and out of the access will continue in any event, due to the ongoing use of the farm. The current baseline situation is critical to the assessment of the appeal. The proposal as outlined therefore is consistent with the principles of sustainable development as well as integration of land use and transportation. The proposal will result in reduced trip generation to and from the existing site entrance onto the N65.

6.2.2. Road Safety Considerations

- The proposed development will result in the reduction of trip generation to and from the existing site entrance onto the N65, and therefore not an intensification of the existing access, it follows that the proposed development will enable an improvement of Road Safety at this location.
- The Sightline Visibility Report which accompanies the application demonstrates, inter alia that sightlines in excess of 215m are available in each direction from the existing entrance onto the N65.
- The technical report was reviewed by the head of the Roads Section of Galway County council who raised no objection on road safety grounds.

6.2.3. Local Development Plan Policy

- As the proposed development is not resulting in an intensification of an existing access the proposal is in accordance with Policy RH15 and DM

Standard 26 of the County Development Plan. Policy RH15 strikes a balanced and reasoned approach between control of development on national roads and acknowledging the exceptional need of farm families to live on the farm landholding. The issues raised by TII are a policy review issue of the CDP rather than consideration for the subject application.

- As the development does not result in an intensification of existing access the development proposal is consistent with Policy Objective NR1 and Policy Objective NR4 of the County Development Plan.

6.2.4. Planning Precedence

- The example of planning precedence offered by TII is not relevant as it relates to a new access onto the N65. Moreover the decision of the Board to grant permission under ABP PL 07/247556 is the most relevant case to the assessment of this application.

6.2.5. Protecting Public Investment

- As the proposed development will result in the reduction in the amount of traffic movements utilising the existing access onto the N65. The development is consistent with a number of NPF objectives namely NPO 15 and NPO 23 which seeks the sustainable development of rural areas and facilitation of the rural economy.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

6.5. **Further Responses**

None

7.0 Assessment

7.1. 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:

- Policy and Road Safety
- Site Suitability Assessment
- Other Issues
- Appropriate Assessment

7.2. Policy and Road Safety

7.2.1. The appellant expresses serious concerns regarding the proposed development's potential to increase activity at the entrance to the N65, which is deemed to be conflicting with national policy outlined in the Spatial Planning and National Road Guidelines for Planning Authorities (DoECLG 2012). Exceptions under Section 2.6 of the guidelines provide a mechanism for a less restrictive approach which may be applied to the control of development accessing national secondary roads. This should be done through the development plan process in consultation with TII. The Policy RH 15 as set out in the current county development plan is not considered to be in accordance with section 2.6 of the above guidelines. Furthermore, it is contended that the proposal contradicts the Galway County Development Plan 2022-2028, specifically Policy Objective NR1 and Policy Objective NR 4. These objectives aim to limit new accesses along national and certain protected regional routes to preserve their capacity, lifespan, and traffic safety. Finally, it is stated that there is no justification for a departure from standard policy and road safety considerations in this instance.

7.2.2. The applicant contends that the proposal will result in a reduction in traffic entering and leaving the site. The applicant is a farmer and currently attends the site several times every day to engage in farming activities, therefore the proposal does not result in an intensification of an existing access. It is set out that the proposal accords with Spatial Planning and National Road Guidelines for Planning Authorities (DoECLG 2012) and Policy Objectives within the Galway County Development Plan.

7.2.3. I note the presence of an existing dwelling to the east of the proposed site. The planning authority considered this to be significant and as part of the further information request sought clarification with respect to this dwelling. The further information states that there is a legal right of residence for the applicant's aunt at this dwelling house, therefore the house could not be legally transferred to the applicant in this instance. Attached is an Affidavit to this effect along with a copy of a folio under GY32212 which shows Burdens and particulars that Mary Kinsella has a right to reside in this dwelling house during her life. Having regard to the above, the planning authority consider the construction of a dwelling in this instance to be in accordance with Policy RH 15 of the County Development Plan.

7.2.4. I consider the existing dwelling house onsite and potential for the intensification of the existing access to be central issues in this appeal. The main justification for permitting development is that the development is in accordance with Policy RH 15 of the Galway County Development Plan. The objective RH15 states:

“Consideration shall be given to the need of farm families to live on the family holding on a limited basis and a functional need to live at this location must be demonstrated...” TII states that the above objective is not in accordance with Section 2.6 of National Guidelines and therefore DoECLG guidelines takes precedence.

I also note objective NR4 of the County Development Plan which states:

“The Planning objective will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmph apply. This provision, in accordance with the relevant TII Guidelines, applies to all categories of Development”

7.2.5. I concur with TII's assessment that the addition of a new dwelling on this site will intensify the use of the existing access onto the N65. Despite the current burden on the existing dwelling, it is anticipated that the applicant will eventually have full control over it. Although the existing dwelling is currently vacant, it is not derelict, and renovations to modernise it can proceed under exempted development regulations.

7.2.6. Permitting the proposed new dwelling is likely to result in two residences and a farm accessing the site via a single access point, which clearly constitutes an intensification of use. While the applicant argues that the overall traffic movements in

and out of the site will be reduced if the development is permitted, it is my view that an increase in use is more probable given the potential for a dual residential access. Additionally, the agricultural activities associated with the site will contribute to the traffic flow in and out of the access point.

- 7.2.7. In considering the County Development Plan Policy Objective RH 15, which provides for exceptional circumstances for farm families, it is important to highlight that the first line of this objective states: "Residential development along National Roads will be restricted outside the 50-60 km/h speed zones in accordance with the DoECLG Spatial Planning and National Road Guidelines (2012)." This is particularly pertinent to the current development proposal as the proposal is within a 100kmph speed limit. Although the above policy does not full restrict residential development, it is clear that the assessment of accesses for development should be done in the context of DoECLG guidelines. Given this policy context, it is my opinion that there is no justification for deviating from national policy in this instance. Furthermore, Objective NR4 of the County Development Plan explicitly seeks to prevent the creation of additional traffic from existing access points on National Roads. Therefore, permitting this development would contravene established policy objectives aimed at minimising traffic impacts on national roadways.
- 7.2.8. Section 2.6 of the DoECLG Guidelines allows for a less restrictive approach to be designated for specific stretches of national roads, subject to review or variation of the relevant development plan and in consultation with the NRA (TII). There is no evidence of consultation between TII and Galway County Council regarding the application of exceptional circumstances in this case, which is essential for a planned approach. The appellant also refers to Section 34(2)(ba) of the Planning and Development (Amendment) Act 2015, which states: "*Where specific planning policy requirements of guidelines referred to in subsection (2)(aa) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.*"
- 7.2.9. While it may be argued that the impact of the proposed development, when considered in isolation, would be minimal, the strategic policy objectives for the national road network must be prioritised. The proposed development is in direct conflict with these objectives. Any deviation from these restrictions undermines the strategic policies and sets a precedent for flexibility, which could lead to significant

cumulative adverse impacts on the operational capacity and safety of the national strategic road network where the maximum speed limit applies. Considering the above provisions within the DoECLG guidelines, Planning and Development Act and Objective RH15 and Objective NR4 of the County Development Plan, I agree with the appellant that the proposal as set out would be a departure from the National and Local Policy.

- 7.2.10. Therefore, I recommend that the planning authority's decision be overturned, and permission refused on the grounds that the proposed development would lead to an intensification of use of an existing entrance directly onto a national road. The site and access already has a dwelling house, although the applicant has stated it's not possible to reside at this dwelling at present, the longer term view is that there is an existing dwelling house on site that can be resided in. The proposal as set out in my view would conflict with the Department of the Environment Guidelines regarding Spatial Planning and National Roads (January 2012), and Policy Objective NR4 of the County Development Plan which seeks to curtail development along national roads to safeguard the strategic role of the National Road Network and avoid intensification of existing accesses to national roads.

7.3. Site Suitability Assessment

- 7.3.1. The applicant has completed a Site Characterisation Form that concludes the site is suitable for a secondary treatment system and soil polishing filter (Klargester BioFicient + 1 Gravity). A trial hole was dug to a depth of 800mm only, it is not stated the reason for same or is it immediate evident from on site photographs. Having consulted Geological Survey Ireland mapping for the area I note the presence of shallow bedrock. The vulnerability of the site is High R21 with a Locally Important Aquifer. The soil profile as described includes a gravely clay with abundant cobbles and boulders.

It is stated that a T test was conducted at depths between approximately 400mm and 800mm below ground level, resulting in a value of 10.83. Additionally, a P test yielded a value of 13.03. Both results are within the parameters specified in the EPA Code of Practice document.

- 7.3.2. The applicant proposes to install a mechanical aeration system (secondary treatment system) and soil polishing filter. Soil polishing filter consists of a low pressure pipe

distribution to ensure even distribution across the filter. The filter size is based on a PE of 6 and a loading rate of 20l/m²/d. The sizing corresponds with Table 6.4 of the EPA code of practice. The percolation area is proposed to be installed .100mm above the existing ground level, which gives a vertical separation distance of 0.9m above the bottom of the trial hole. This depth meets the requirements of minimum unsaturated soils as set out in Table 6.3 of the EPA code of practice. Based on the submitted information it has been demonstrated that the proposed wastewater treatment system, complies with EPA Code of Practice guidance in terms of ground conditions and separation distance. I note the Planning Authority conclude that the site is suitable for the treatment of wastewater. I consider the proposal to install a packaged wastewater treatment system in this instance to be acceptable.

7.4. Other Issues

- 7.4.1. The appellant references precedent case PL07.302543, in which a development was refused due to the intensification of use of an existing access point, which would have resulted in additional turning movements for access and egress onto the national road. This was determined to have an adverse impact on the operational capacity, efficiency, connectivity, and free flow of traffic on the strategic national road network. However, the applicant contends that this case is not applicable, as the current proposal involves a new access point, and the applicant has not demonstrated a functional need to reside in the area.
- 7.4.2. The applicant offers an alternative precedent case, PL07.247556, where the development of a single dwelling house using an existing access was deemed acceptable by the Board. This decision was based on the applicant's established rural housing need and the consideration that the traffic generated by the applicant living away from the farm would be greater than if they resided on-site. Thus, the Board considered the development proposal acceptable in this instance.
- 7.4.3. Upon reviewing both cases, it is evident that each has merits. However, the presence of the existing dwelling on the site is a critical factor in the assessment of the current proposal, as highlighted in Section 7.2 of this report. This factor distinguishes the current case from the cited precedent cases, rendering the direct comparison less relevant. The existing dwelling on the site implies that there is already a degree of residential activity associated with the access point, which

complicates direct comparisons with cases involving purely new developments or those without existing residential use.

8.0 AA Screening

I have considered the proposal to construct a dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within a rural location 7km North of Slieve Aughty Mountains SPA and 9km east of Lough Rea SAC. The development proposal consists of construction of a single dwelling.

Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- scale and nature of the development
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission be refused for the following reason:

Reasons and Considerations

Access to the subject site is proposed via an existing entrance off the National Secondary Road N65 where the posted speed limit is 100kmph. It is considered that the proposed development would:

- Involve the intensification of use of an existing entrance directly onto the National Secondary, N65 Route by reason of the additional traffic likely to be generated by the new development proposed,

- would conflict with the Council's Policy, as expressed in the specific policy NR4 of the Galway County Development Plan 2022 - 2028 and conflict with the Department of the Environment Guidelines with respect to Spatial Planning and National Roads (January, 2012) which seek to curtail development along National Roads, to safeguard the strategic role of the National Road Network and to avoid intensification of existing accesses to national roads, therefore, the traffic movements likely to be generated by the proposed intensified use of an existing entrance onto the N65 would interfere with the safety and free flow of traffic on the national road, and would, be contrary to Section 28 Guidelines, would set an undesirable precedent for similar such development and would 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.

Darragh Ryan
Planning Inspector

16th of July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319000 - 24		
Proposed Development Summary	Construction of a dwelling house		
Development Address	Carrowshanbally, Gurtymadden, Loughrea, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
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?			
Yes			
No	X		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No			
Yes	X	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	319000-24	
Proposed Development Summary	Construction of a dwelling house, with onsite waste water treatment system,	
Development Address	Carrowshanbally, Gurtymadden, Loughrea, 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 on a site of agricultural land. The proposed development is not exceptional in the context of existing environment.</p> <p>No the proposal is to construct a dwelling house. All waste can be managed through standard construction management measures.</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 0.2ha.</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 9km east of Lough Rea SAC and 7km north of North of Slieve	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>Aughty Mountains SPA. The proposal includes standard best practices methodologies for the control and management of wastewater and surface water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

