



An  
Bord  
Pleanála

**Inspector's Report**

**ABP-319308-24**

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<b>Development</b>	Construction of a dwelling house, treatment unit and all associated services.
<b>Location</b>	Craughwell, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2361573
<b>Applicant(s)</b>	Liam Bermingham
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First
<b>Appellant(s)</b>	Liam Bermingham
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> of July 2024
<b>Inspector</b>	Darragh Ryan

## **1.0 Site Location and Description**

- 1.1. The appeal site is situated on the northern side of the narrow local access road (L8577), approximately 350 meters west of the centre of Craughwell, Co. Galway. It is located within a rural area, outside of any designated settlement.
- 1.2. The site is 'L'-shaped, covers an area of 0.255 hectares, and is currently used for grazing animals. The roadside boundary consists of wire and timber fencing, the originally boundary appears to have been recently setback. There is a gated field entrance at the southeast corner of the site. The terrain rises from the road, with topographical levels indicating a 4m level difference between the public road and the northern most portion of the site.
- 1.3. The Dunkellin River is situated around 50 meters south of the appeal site, separated by a road and a wooded area. The site is elevated relative to the river. To the west of the appeal site, there is a cluster of detached dwellings. The Grenage Rail Bridge crosses the local access road about 150 meters east of the appeal site.

## **2.0 Proposed Development**

### **2.1. Construction of a two storey, four-bedroom, dormer dwelling:**

- stated floor area c. 179.35 sqm.
- ridge height c. 7.1 metres.
- The roof covering comprises slate/tile (blue/black colour). - positioned 30 metres from the public road.
- The installation of a packaged waste water treatment system and a soil polishing filter.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority issued a decision to refuse permission on the 22<sup>nd</sup> of February 2024 for two reasons:

1. Having regard to the horizontal and vertical alignment of the local road, the site entrance is deemed unsatisfactory owing to the restricted sight distances. It is also considered that additional remedial works required to provide visibility sightlines from the entrance of the site, would constitute significant intervention due to the proposed vehicular arrangement positioned on the inside radius of a bend on the local route, L-8577. The applicant has not satisfactorily demonstrated that the proposed site entrance on the public road has sufficient sightlines in accordance with the requirements of DM Standard 28 of the Galway County Development Plan 2022-2028. In this regard, it is considered that turning movements generated by the proposed development from the site would interfere with the safety and free flow of traffic on the public road would endanger public safety by reason of a traffic hazard, or obstruction of road users, or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.
2. Based on the information submitted with the application and having regard to DM standard 7 and Policy Objective RH2 of the Galway County Development Plan 2022-2028, and on the basis of the documentation received, it is considered the applicant has not satisfactorily demonstrated that they meet the housing need criteria as set out in the Galway County Development Plan. Therefore the proposed development is considered contrary to the rural housing provisions of the said county Development Plan. Accordingly, to grant the proposed development would contravene materially DM Standard 7 and Policy Objective RH2 contained in the Galway County Development Plan 2022-2028, would be contrary to the Sustainable Rural Housing Guidelines, and would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.

### 3.2.Planning Authority Reports

3.2.1. There is a single planning report on file which can be summarised as follows:

- The applicant is required to demonstrate a rural housing need in accordance with the relevant policy objectives of the County Development Plan which include Policy Objective RH2.
- The applicant has received planning permission for a dwelling house under planning reference 02/2514 and received retention permission for a dwelling house under planning reference 06/21129.
- The applicant has been recently refused planning permission on the site by An Borad Pleanála under planning ref no 22/329 on the grounds of housing need, road safety and house design. Notwithstanding all supporting documentation submitted, the applicant has not satisfied Policy Objective RH2 of the Galway County Development Plan 2022 – 2028.
- Details of technical report from roads department are noted – site entrance is deemed unsatisfactory owing to restricted sight lines.
- Satisfied that there should be no impact from the development on any SAC or SPA.
- Having regard to the site specific flood risk assessment submitted - the development will not increase flood risk at site or elsewhere

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

- Roads and Transportation Dept report received 19<sup>th</sup> of February 2024.  
*Having regard to the horizontal and vertical alignment of the local road, the site entrance is deemed unsatisfactory owing to the restricted sight distances. It is also considered that additional remedial works required to provide visibility sightlines from the entrance of the site, would constitute significant intervention due to proposed vehicular arrangement positioned on this inside radius of a bend on the local route, L-8577. The applicant has not*

*satisfactorily demonstrated that the proposed site entrance on the public road has sufficient sightlines in accordance with the requirements of DM Standard 28 of the Galway County Development Plan 2022-2028. In this regard, it is considered that turning movements generated by the proposed development from the site would interfere with the safety and free flow of traffic on the public road and would endanger public safety by reason of traffic hazard, or obstruction of road users, or otherwise, and therefore would be contrary to the proper planning and sustainable development of the area.*

### 3.2.3. Conditions

- None – refusal

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

None

## 4.0 Planning History

ABP 313674-22 (PA reg ref – 22/329) – Permission refused by AN Bord Pleanála on the 24<sup>th</sup> of August 2023 for the construction of a dwelling at this location. There were three reasons set out for refusal:

1. The site of the proposed development is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework,

to 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. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location.

2. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.
3. Having regard to the design, height and massing of the proposed dwelling, it is considered that the proposed development would seriously injure visual amenities of the area and would be contrary to the proper planning and sustainable development of the area

## **5.0 Policy Context**

### **5.1.1. Development Plan**

#### **National Planning Framework (NPF) – Project Ireland 2040 (2018)**

##### National Policy Objective 19 states -

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.

### **5.1.2. 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.

**5.1.3. Galway County Development Plan 2022 – 2028**

Policy Objective RH2: Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1)

It is policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the following criteria:

- 1(a) Those applicants with long standing demonstrable economic and/or social Rural Links\* or Need to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

- 1(b) Those applicants who have no family lands, or access to family lands, but who wish to build their first home within the community in which they have long standing demonstrable economic and or social Rural links\* or Need and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Having established a Substantiated Rural Housing Need\*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management.
- To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Definitions applied above:

- Rural Links: For the purpose of the above is defined as a person who has strong demonstrable economic or social links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life. To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.
- Substantiated Rural Housing Need: Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a strong demonstrable economic or social need for a dwelling for their own permanent occupation. In addition, the applicants will also have to demonstrate their rural links as outlined above.

#### DM Standard 28 – Sightline distances required for access onto National, Regional, Local and Private Roads

In terms of Landscape Character Type, the appeal site is located within the 'Central Galway Complex Landscape' (see Appendix 4 of CDP), which has a low landscape sensitivity. The appeal site is not affected by any protected views (see Map 08, Appendix 4) or scenic routes (see Map 09, Appendix 4).

#### TWHS 1 – Trees, Hedgerows, Natural Boundaries and Stone Walls.

Protect and seek to retain important trees, tree clusters and tree boundaries, ancient woodland, natural boundaries including stonewalls, existing hedgerows particularly species rich roadside and townland boundary hedgerows, where possible and replace with a boundary type similar to the existing boundary. Ensure that new development proposals take cognisance of significant trees/tree stands and that all planting schemes developed are suitable for the specific site and use suitable native variety of trees of Irish provenance and hedgerows of native species. Seek Tree Management Plans to ensure that trees are adequately protected during development and incorporated into the design of new development.



## **5.2. Natural Heritage Designations**

- Rahasane Turlough SAC – 525 to the west
- Rahasane Turlough SPA – 600m to the west

## **5.3. 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 of Galway County Council to refuse permission. The grounds of appeal directly address the reasons for refusal. The appeal can be summarised as follows:

- The entrance to the development has been moved East to achieve the minimum 70m sightlines required for a country road. The traffic on the road is slow moving due to the width and alignment of the road and as the required sightlines are achievable this development cannot be seen as a traffic hazard. The applicant has supplied a report that demonstrates the 70m sightline is achievable in compliance with DM standard 28 of the County Development Plan.
- The applicant states that there is precedent for permitting residential development on this road with a sight distance views of 70m been available.
- The applicant sets out a list of all the documentation submitted to the planning authority indicating attachment to the local rural area and the applicants

housing need. The applicant clarifies that although permission was granted for a dwelling to the applicant and the house was largely constructed it was never resided in by the applicant and the applicant was required to sell same due to financial difficulties. A letter from the applicants solicitor has been provided indicating same. Based on the above its put forward that because of decisions made over 21 years ago it is unfair of the planning authority to not permit development in this instance.

## **6.2. Planning Authority Response**

None

## **6.3. Observations**

None

## **6.4. 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 the appeal are as follows:

- Policy Context and Rural Housing Need
- Sightlines
- Waste Water Treatment
- Other Issues
- Appropriate Assessment

## 7.2. Policy Context and Rural Housing Need

### 7.2.1. Site Location and Zoning

The appeal site is identified in the Galway County Development Plan 2022-2028 (Map 4.2) as being within Zone 2 - Galway County Transport & Planning Study (GCTPS), which corresponds to an 'Area Under Strong Urban Influence'. The site is within easy reach of urban settlements, particularly Galway City.

7.2.2. Policy Objective RH2 of the Galway County Development Plan 2022-2028 (applicable to rural areas under strong urban pressure – GCTPS – outside rural metropolitan area Zone 1) outlines specific circumstances under which applicants may be eligible for a dwelling in a rural area. Depending on the criteria of Objective RH2, applicants are required to demonstrate their 'Rural Links' and/or 'Substantiated Rural Housing Need' to the area. The applicant has provided documentation to support their application, demonstrating their rural links, including:

- **Land Registry and Folio:** The site is owned by Kinport Homes Limited, with a letter of consent from Gary Bermingham, Director of Kinport Homes, allowing the applicant to seek planning permission and carry out remedial works. Gary Bermingham is stated to be the applicant's brother.
- **Employment:** The applicant works as a plasterer and general operative with Kinport Homes.
- **Education:** A letter from Craughwell local school indicating the applicant attended school in the area.
- **Folio Map:** Indicates the home farm relative to the proposed site.

This documentation demonstrates that the applicant grew up in and has a connection to the local area.

7.2.3. The planner's report references that the applicant has previously obtained planning permission to construct a dwelling in the local rural area, citing permissions 02/2514 and 06/21129. As the applicant had previously benefitted from planning permission and constructed a dwelling in the local rural area, it was determined that the applicant does not qualify for another dwelling within the local rural area.

In response, the applicant has provided a letter from their solicitor outlining the following:

- The property constructed under permissions 02/2541 and 06/2129 was sold in 2012 as required by AIB Bank, which held a mortgage on the property.
- The property was unfinished and never resided in by the applicant or any family members.
- The sale contract stipulated that the dwelling was sold without a connected water supply and in an unfinished condition (no kitchen or bathrooms fitted).
- A Declaration of Unsuitability for use as a dwelling, along with relevant photographs, was submitted to Galway County Council on 10th September 2012.

The applicant contends that, given these circumstances, it is unreasonable for the planning authority to refuse planning permission based on non-compliance with rural housing policy, arguing they are being penalised for decisions made 21 years ago.

- 7.2.4. Upon examining Policy Objective RH2 and DM Standard 7 of the County Development Plan, I concur with the Planning Authority's assessment of the applicant's rural housing need. The rural housing policy clearly refers to individuals *"who wish to build their first home within the community in which they have long-standing, demonstrable economic and/or social rural links or need and where they have spent a substantial, continuous part of their lives."* As the applicant has already received planning permission to construct their first home in the rural area, they do not comply with this aspect of Policy Objective RH2.

Policy Objective RH2 does provide for "exceptional circumstances" under which an applicant may seek to construct a second dwelling in the local rural area. These exceptional circumstances are in reference to the definition of a "substantiated rural housing need" as set out within the definitions of the RH2 Policy Objective. The applicant must demonstrate an economic or social need to reside at this specific location to be considered for "exceptional circumstances."

Having reviewed all submitted documentation, I do not consider that the applicant has provided sufficient evidence of an economic or social need to reside at this location. The planning application indicates that the applicant is employed as a plasterer, with work locations varying from 0-50km from their current residence. This does not necessitate residing at the proposed site. While the applicant has provided

a letter indicating involvement in volunteering and activities with Craughwell GAA, these do not substantiate a requirement to construct a dwelling at this location. Community involvement alone does not satisfy the criteria for establishing an exceptional rural housing need under Objective RH2.

- 7.2.5. Based on the above points, it is my assertion that the applicant has not demonstrated a substantiated rural housing need to reside at this location. The applicant has previously had the benefit of a planning permission to construct a dwelling at this location. The Rural Housing Policy RH2 does not make provision for the construction of a second dwelling in the local rural area except in exceptional circumstances in the form of a substantiated rural housing need. In my view the applicant has not put forward an argument that demonstrates an exceptional need to reside at this location.

Consequently, I concur with the original assessment of the planning authority and conclude that the applicant has not demonstrated compliance with Objective RH2. Therefore, I do not consider the application should be granted permission based on the current evidence and arguments presented. It is recommended that the Bord uphold the decision of the planning authority and refuse the application on the grounds of non-compliance with Policy Objective RH2 of the Galway County Development Plan.

### **7.3. Sightlines**

- 7.3.1. The planning authority concluded that the applicant had not satisfactorily demonstrated that exit sightlines could be provided in accordance with DM Standard 28 of the County Development Plan. In response, the applicant submitted a road safety report and a revised site layout with a new location for the entrance, indicating sightlines of 70 meters. The revised layout includes remedial works to the neighbouring boundary to the east, which is owned by the applicant's brother. During the site inspection, it was noted that the entire front boundary of the site (approx. 54m) had been entirely removed and a post-and-wire fence erected set back from the original boundary. These works were completed between the planning authority's decision and the date of the site inspection.

- 7.3.2. The site is located on local road L8577, which varies in width from 2.5 meters to 3 meters. This road services a significant number of one-off houses and agricultural developments further west of the site. The local road network is considered substandard and under considerable pressure from one-off housing developments in the area. The poor condition of the road network underscores the need to carefully manage and limit development to ensure road safety.
- 7.3.3. Regarding the details submitted by the applicant, I note the detail supplied with regard to the exit visibility check. I agree with the Road Safety report submitted with the appeal that realistic traveling speeds of 60 km/h are most likely for this stretch of road. The applicant has supplied details of sightlines to the east and west when exiting the site. As a result of significant front boundary works completed by the applicant prior to the site inspection, I consider that sightline details exiting the site to the west are now acceptable.
- 7.3.4. However, achieving sightlines to the east of the site entrance requires more significant works to the roadside boundary, which is on the applicant's brother's land. These works involve setting back a stone wall and mature hedgerow. I do not consider the further removal of natural front boundary and stone wall to be prudent to achieve sightlines. Policy Objective TWHS1 of the Natural Heritage Chapter of the County Development Plan seeks to protect and retain trees, hedgerows, natural boundaries, and stone walls. In my view, the applicant cannot achieve adequate sightlines without seriously undermining this policy objective.
- 7.3.5. There are also significant concerns regarding the adequacy of the proposed sightlines for entry visibility - this refers to a vehicle turning into the proposed development being visible to an approaching vehicle for a distance of "Y" to avoid a rear-end collision. DM Standard 28 of the County Development Plan requires a "Y" distance of 90 meters for a design speed of 60 km/h. The applicant has not adequately demonstrated that entry visibility sightlines are achievable at this location. The detail submitted indicates that entry visibility sightlines of 70 meters are achievable, not the 90 meters required by the standard. Therefore, the applicant has not complied with DM Standard 28 of the County Development Plan.

- 7.3.6. Given the constraints posed by the local road conditions and the inadequacy of the proposed sightlines, it is recommended that the application be refused on the grounds of non-compliance with DM Standard 28 of the County Development Plan. The proposed development does not provide sufficient evidence to ensure the safe and efficient operation of the local road network.

#### **7.4. Site Suitability Assessment**

- 7.4.1. The applicant has completed a Site Characterisation Form that concludes the site is suitable for a secondary treatment system and soil polishing filter (Euro Tank BAF PE 6 Package Plant and Pumped Soil Polishing filter). The vulnerability of the site is High R21 with a Regionally Important Aquifer. I note that within the trial hole excavated to 2.4m no ground water or bedrock was encountered. 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 19.42. Additionally, a P test yielded a value of 14.72. Both results are within the parameters specified in the EPA Code of Practice document.

- 7.4.2. The applicant proposes to install a mechanical aeration 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  $20\text{l/m}^2/\text{d}$ . The sizing appears to correspond with Table 6.4 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.

## 7.5. Other Issues

### Flooding

- 7.5.1. A Flood Risk Assessment report for the site has been prepared by Hydro-S. The primary flood risk mechanism for this specific site is fluvial flooding from the Craughwell River, which is located to the south of the subject site. The Preliminary Flood Risk Assessment (PFRA) map suggests that the subject site may be in a fluvial flood risk area, although this map's low resolution makes it difficult to identify individual sites accurately. The medium priority CFRAM (Catchment-based Flood Risk Assessment and Management) flood risk map indicates that the southeast corner of the subject site is within a flood risk area.
- 7.5.2. The design floods of the Craughwell River at the subject site were estimated using the OPW's Flood Studies Update (FSU) method. The estimated flood level for a 0.1% chance (1000-year return period) flood in the river is 21.34 m AOD, rising to 21.68 m AOD when accounting for a 20% allowance for climate change. The finished floor level of the proposed dwelling house is 24.2 m AOD, providing a freeboard of 2.86 m above the 0.1% chance flood level and 2.56 m above the 0.1% chance flood level including climate change allowance. The ground level at the entrance is 21.206 m AOD, placing this section in Flood Zone B. However, the proposed dwelling house is in Flood Zone C as per the DoEHLG guidelines on Flood Risk Management (2009), since it is above the 0.1% chance (1000-year return period) flood level.
- 7.5.3. Coastal and pluvial flooding are not relevant flood mechanisms at the subject site. The risk of groundwater flooding from rising groundwater levels is also low. The proposed wastewater system is located north of the proposed dwelling house. The top of the treatment unit is at 24.55 m AOD and the top of the soil polishing filter is at 24.95 m AOD. Given that the estimated 0.1% chance fluvial flood risk level, including a 20% climate change allowance, is 21.68 m AOD, the risk of submergence of the wastewater system is low.
- 7.5.4. According to the sequential approach outlined in the Planning Systems and Flood Risk Management guidelines, the entire development site is in Flood Zone C. The proposed development is classified as a highly vulnerable category of development, which is appropriate for Flood Zone C. The guidelines define the categories based



on the specific structures rather than the site itself. The local road infrastructure falls under a less vulnerable category, meaning that the driveway can be in Flood Zone B. Therefore, a justification test is not required. The sequential approach next considers surface water management. As a justification test is not needed, the proposed development includes soak areas to manage surface runoff from the roof, ensuring that the development will not obstruct flow paths or increase flood peaks in the river. Consequently, the development will not elevate flood risk at the site or elsewhere.

- 7.5.5. In conclusion, the proposed development is suitable under the Planning Systems and Flood Risk Management guidelines (OPW, 2009) and will not have adverse effects on flood risk to adjacent properties, as detailed in the report.

## 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 525m east of the nearest European Site, Rahasane Turlough SAC and 625m from Rahasane Turlough SPA. 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 Material Contravention

The planning authority in issuing a reason for refusal determined that the proposed development would “materially contravene” the development plan with regard to Policy Objective RH2. The Galway County Development Plan Policy Objective RH2, sets out rural housing policy for the provision of single residential developments in strong urban pressure. The planning authorities’ reason for refusal states that the proposed development “materially contravenes” Policy Objective RH2 of the County 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.

- the proposed development is of strategic or national importance,
- there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- 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
- 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 County Development Plan for the following reasons:

- The development of a single rural dwelling is not considered to be of strategic or national importance.
- The objectives in the development plan are clear with regard to Rural Housing Policy, where residential development is restricted in areas of strong urban pressure.

- There are no Section 28 or Section 29 Guidelines which indicate that planning permission should be granted in this instance.
- There is no evidence provided that other dwelling houses have been granted on this stretch of road or surrounding area since the introduction of the Galway County Development Plan 2022 – 2028

## 10.0 Recommendation

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

### Reasons and Considerations

1. Based on the information submitted with the planning application, the Board is not satisfied that the Applicant satisfactorily demonstrated compliance with Policy Objective RH 2 of the Galway County Development Plan 2022-2028 to construct a dwelling in a rural area which is under strong urban pressure. Therefore, the proposed development is considered contrary to the rural housing provisions of the said county development plan. Accordingly, to grant the proposed development would be at variance with Policy Objective RH 2 contained in the Galway County Development Plan 2022-2028, would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the horizontal and vertical alignment of the local road, the site entrance is deemed unsatisfactory owing to restricted sight distances.. The applicant has not satisfactorily demonstrated that the proposed site entrance on the public road has sufficient sightline entry visibility in accordance with the requirements of DM Standard 28 of the Galway County Development Plan 2022 to 2028. In this regard, it is considered that turning movements generated by the proposed development from the site would interfere with the safety and free flow of traffic on the public road and would endanger public safety by reason of a traffic hazard, or obstruction of road users. Furthermore, it is also considered that the additional remedial works required to provide visibility sightlines from the entrance of the site would

constitute a significant intervention that would undermine the principles of the Policy Objective TWHS1 of the Natural Heritage Chapter of the County Development Plan 2022 – 2028 which seeks to protect and retain trees, hedgerows, natural boundaries, and stone walls. Therefore, the proposed development 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.

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Darragh Ryan

Planning Inspector

9<sup>th</sup> of July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála</b> Case Reference	319308 - 24			
<b>Proposed Development Summary</b>	Construction of a dwelling house			
<b>Development Address</b>	Craughwell, Co Galway			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X	
		No		
<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>				
Yes				
No	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>				
		Threshold	Comment (if relevant)	Conclusion
No				
Yes	X	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	319308-24	
Proposed Development Summary	Construction of a dwelling house, with onsite waste water treatment system,	
Development Address	Craughwell Co. Galway	
<p>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.</p>		
	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</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 0.25ha.</p> <p>There are no other developments under construction in proximity to the site. All other</p>	No

considerations having regard to other existing and/or permitted projects?	development are established uses.	
<p>Location of the Development</p> <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>The proposed development is located 525 to the west of Rahasane Turlough SAC and 600m to the west of Rahasane Turlough SPA.</p> <p>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>	No
Conclusion		
<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)