



An
Bord
Pleanála

Inspector's Report ABP-320604-24

| | | | |
|--------------------------------|---|--------------------|---|
| Development | <i>Construction of a house and all associated site works.</i> | | |
| Location | <i>Inishroo, Kinvara, Co. Galway.</i> | | |
| Planning Authority Ref. | <i>24/60742.</i> | | |
| Applicant(s) | <i>Martin Linnane.</i> | | |
| Type of Application | <i>Permission.</i> | PA Decision | <i>Grant Permission.</i> |
| Type of Appeal | <i>Third Party</i> | Appellant | <i>Transport Infrastructure Ireland (TII)</i> |
| Observer(s) | <i>None</i> | | |
| Date of Site Inspection | <i>02-11-2024</i> | Inspector | <i>Adam Kearney</i> |

Context**1. Site Location/ and Description**

The subject site measuring circa 0.5 Hectares is located in the townland of Inishroo, approximately 3.5km west of Kinvara in south County Galway. It consists of a greenfield plot in agricultural use bounded by low limestone walls. The site is accessed via a private laneway which, in turn accesses directly onto the N67 National Secondary Road. The laneway currently provides access to the applicant's family home and farm immediately east and rear (north) of the site and there is a detached bungalow adjacent to the west. The rural area surrounding the site is within a high value coastal landscape area proximate to the Burren and Galway Bay, with limestone walled fields a feature.

2. Description of development

Construction of a detached single storey house and all associated site works accessed from a private farm driveway that in turn is directly accessed from the N67 National Secondary Road.

3. Planning History

Planning Reference 22/60919 - Permission sought to erect dwelling house, wastewater treatment system, polishing filter and all associated services. Gross floor space of proposed works 179.00sqm

Refused for 2 no. Reasons as follows

1. The proposed development is located along the N67 national secondary road. Based on the Planning Authority's site inspection, Galway County Council's Road and Transportation Department's and Transport Infrastructure Ireland's consultation responses and the plans and particulars received, and having regard to the horizontal alignment of the national road and the absence of satisfactorily demonstrated sightlines in accordance with DM Standard 28 of the Galway County Development Plan 2022-2028, the proposed access arrangement utilising the existing site entrance on to the N67 is deemed unsatisfactory owing to the forward sight distance of right-

turning vehicles entering the site for vehicles approaching from the east and the additional traffic-turning movements generated by the proposed development onto/off this road which would interfere with the safety and free flow of traffic on this heavily trafficked strategic route. It is considered that, if permitted as proposed, the development would endanger public safety by reason of traffic hazard, obstruction of road users, or otherwise, and would set an undesirable precedence for similar development, would contravene materially Policy Objectives NR1 and NR4 and DM Standard 26 of the Galway County Development Plan 2022-2028 and thus be contrary to the proper planning and sustainable development of the area.

2. It is considered the proposed development by reason of its siting in this rural coastal setting along the Galway Bay Scenic Route, a Class 3 'Special' designated landscape, would result in a built form that would not fit appropriately or integrate effectively into this visually prominent location and would contravene materially Policy Objective LCM1, Policy Objective LCM3, Policy Objective PVSR1 and DM Standard 8 of the Galway County Development Plan 2022-2028. Accordingly, to grant the proposed development would set an undesirable precedence for similar development along this scenic route, and the potential deterioration of the same, interfere with the unique character of the coastal landscape, would detract from the visual amenity of the area, would contravene materially a policy objective and a development management standard contained in Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

Subsequent Appeal **ABP-315246-22**

Refusal upheld but for alternative reasons to those given by PA:

1. Having regard to the ground conditions encountered on the site, which included a heavy presence of rock within the percolation area trial hole and associated spoil heap, the Board is not satisfied, on the basis of the information on file, that the minimum thickness of 0.3 metres unsaturated soil/subsoil in addition to the polishing filter, with be a minimum depth of 0.9

metres, beneath the invert of the polishing filter (that is, 1.2 metres in total for a soil polishing filter) is achievable on site. Accordingly, and noting that a regionally important aquifer underlies the site where groundwater vulnerability is designated as "Extreme", it has not been demonstrated that the site is suitable for the safe disposal of treated effluent by reference to Table E1 (Response matrix for DWWtSs) of the EPA Code of Practice: Domestic Waste Water Treatment Systems (population equivalent \leq 10) (2021) notwithstanding the proposed use of a secondary wastewater treatment system and raised soil polishing filter. Accordingly, the proposed development would not be supported by Policy Objective WW 6 (Private wastewater treatment plants) of the Galway County Development Plan 2022-2028 and would be prejudicial to public health and the protection of water quality. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal, including an Appropriate Assessment Screening Report, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site Numbers 000268 (Galway Bay Complex Special Area of Conservation) and 004031 (Inner Galway Bay Special Protection Area), in view of the sites' conservation objectives, by reason of a possible hydrological link to these sites via groundwater and the failure of the application to demonstrate that there is an adequate depth of suitable soil available on the site in which to safely dispose treated effluent on-site, notwithstanding the proposed use of a secondary wastewater treatment system and raised soil polishing filter. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. National/Regional/Local Planning 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 kph 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 kph 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

Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020- 2032

The capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome No.2 and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

Development Plan - Galway County Development Plan 2022 - 2028

The appeal site is located in a Class 3 Landscape area inside the **Galway County Transport and Planning Study (GCTPS)** area, and Policy Objective RH 2 of the Galway County Development Plan refers. RH 2 seeks to facilitate rural housing in

this rural area under strong urban pressure subject to a variety of criteria regarding demonstrable economic and/or social rural links or need

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 kph 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 50-60kph 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 Access to National and Other Restricted Roads for Residential Developments

- DM standard 28 Sight Distances Required for Access onto National, Regional, Local and Private Roads

EPA

Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021.

5. Natural Heritage Designations

The specific site is not located within or adjacent to any designated European site, Adjacent in close proximity:

- Galway Bay Complex SAC (Site Code 000268), c 0.1km north,
- Inner Galway Bay SPA (Site Code 004031), c.0.1km north, and
- East Burren Complex SAC (Site Code 001926), c.1.4km west.

Development, Decision and Grounds of Appeal

6. PA Decision

Planning Authority Granted permission subject to 15 conditions

In terms of the previous reasons for refusal by the PA, these specific issues/elements were not considered in detail in their deliberations as evidenced by the Planning Report with reference made to the recent decision by the board on what was a similar application (ABP-315246-22)

7. Third Party Appeal.

Transport Infrastructure Ireland (TII) grounds for appeal are as follows:

- 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 N67, national secondary road.
- 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.
- 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 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 where specific planning policy requirements of guidelines referred to in subsection (2) (a) 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.
- It should be highlighted that the appeal under ref. ABP-315246-22 was not referred to TII by the Board with respect to not only national road policy

consideration but also technical roads matters related including road safety where there was an apparent absence of County Council roads related technical reports on file.

- 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.
- TII reiterates that it is strongly of the opinion that the proposed development the subject of this appeal, by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements, that would be generated onto the national route N67 at a point where a speed limit of 80 km/h applies and would interfere with the free flow of traffic on the national road.
- An Bord Pleanála has previously concurred with TII and national roads policy with respect to the circumstances of similar intensification of existing private access in the following appeal cases references: ABP-316001-23, ABP-316000-23, ABP-314435-22, ABP-313834-22, ABP-312632-22 and ABP-312404-22
- The Board will be aware of National Strategic Outcome 2 of the National Planning Framework, page 140, which includes the objective; *Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements* in addition, Chapter 7 'Enhanced Regional Accessibility' of the National Development Plan, 2021 - 2030, sets out the key sectoral priority of maintaining Ireland's existing national road network to a robust and safe standard for users
- The Board will also be aware that the Northern and Western Regional Assembly Regional Spatial and Economic Strategy, 2020- 2032, also outlines the Regional Policy Objective to maintain the strategic capacity and safety of the national road network in Objective RPO 6.5

'The capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to

National Strategic Outcome No.2, and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements

7.1 First Party Response

- Applicant was born and raised in the area
- Applicant is working part-time with a company based in Briarhill Business Park but is mainly employed working on the family farm
- Provides supporting letter from IFA, dept of Agriculture etc
- Substantiated functional and economic need to work at this location
- Full owner of the family farm and farms it on a part time basis
- Previous application 22/60919 refuses for reasons based on National Road and visual impact on a sensitive coastal landscape
- ABP-315246-22 refusal differed and was based on environmental concerns around the wastewater proposal
- Applicant argues that the previous reasons for refusal around the wastewater proposal are resolved and that the previous reasons for refusal from the PA have been dealt with by the Board.
- The trial hole excavated in a new location contained free draining unsaturated soil/subsoil with small stones. Bedrock was encountered at a depth of 2.2m below ground level
- Revised appropriate assessment screening report prepared which further deals with the wastewater treatment concerns from the previous ABP refusal
- In response to the TII appeal the applicant's trips following construction of a new dwelling will not vary significantly beyond the current scenario
- If applicant lived elsewhere the number of trips would increase
- Will result in reduced trip generation and therefore is not contrary to the S28 Guidelines

- As per ABP-315246-22 the board are satisfied that no intensification of use of the junction is likely to arise
- Refers to PA planning report that in turn refers to most recent ABP decision as grounds for granting permission
- Cites Galway County Development Plan policy RH15 that supports extenuating circumstances for access
- Question the TII assertion that there will be an intensification
- Cites an ABP precedent ABP-319000-24 at Loughrea, Co. Galway and provides an extract from the decision
- Design of dwelling is modest and follows the rural design guidelines.

8. PA Response

- None

Environmental Screening

9. EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001(as amended), I have concluded at preliminary examination that 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. See Form 1 and Form 2 attached to this report.

2.0 Assessment

2.1. I have visited the site and reviewed the application, planning history and the grounds of appeal and summarise the relevant planning issues as follows

- Local Needs Eligibility
- Access, Road Safety and National Policy

- Design & Siting
- Drainage
- Appropriate Assessment

2.2. Local Needs Eligibility

2.3. The site is located in an area designated in the CDP as the 'Galway County Transport & Planning Study (GCTPS) area' and is an area under strong urban pressure. Development Plan policy RH2 is the applicable rural housing policy for this area, and it requires applicants to comply with specified criteria, relating to longstanding and/or family connections to the area or an economic need to live in the area. Policy RH4 also applies, and it states that applicants for housing proposals in landscape classification areas 2, 3 and 4 are required to demonstrate their economic or social rural links or need. The applicant has satisfied the Local Authority and the Board previously of his eligibility to construct a dwelling on the site and these circumstances have not changed.

2.4. Access, Road Safety & National Policy

2.5. The substantive issue in this appeal revolves around the access and interaction with a National Secondary Road. Currently the family dwelling and farm are accessed via a private laneway that accesses directly onto the N67 National Secondary Road. The appellant/prescribed body (TII) has offered a detailed appraisal focusing on Section 28 DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012. These guidelines were compiled to address applications for development that seek to access or intensify the traffic that will interact directly with the national road network. The appellant highlights the provisions of the Planning and Development (Amendment Act) 2015 Section 34 (2) (b) where S28 guidance supersedes the provisions of the Development Plan.

2.6. The agent for the applicant has attached the details of another appeal from a similar type of application elsewhere in Loughrea (ABP-319000-24) which was recommended as a Refusal by the planning inspector and granted by the Board. The applicant's agent also refers to the previous Board determination on the subject site (ABP-315246-22) which was refused on grounds other than roads and access which

formed the basis of the original Local Authority refusal under Planning Ref. 22/60919.

- 2.7. Having visited the site my first impression was the level and velocity of traffic passing the site. I note a speed survey was conducted on behalf of the applicant in 2022, but I would have reservations about the siting of the survey equipment and the duration of the reporting window. I travelled both directions in traffic during my visit and travelled at an average speed for the conditions at 75 – 80kph.
- 2.8. The sight distance to the west is currently restricted and hazardous with utility poles and a stone boundary wall obstructing the view. I also noted a dip in the road which presents a horizontal alignment concern that was raised as an issue by the PA in their 2022 planning report. In addition, there is foliage inside the front boundary of the adjacent property to the west that is also obstructing the sightline and where no consent to maintain or cut back this overgrowth is included with the application or appeal.
- 2.9. While I acknowledge that the applicant is proposing to setback the stone boundary wall, I feel the horizontal alignment and neighbouring foliage have not been addressed on the sightline west of the access.
- 2.10. A more serious concern is forward visibility for traffic travelling west who encounter vehicles attempting a right turn onto the farm lane/access. The forward visibility sightline is given as 100m and below minimum requirements even if one accepts the stated reduced design speed of circa 70 kph that stemmed from the traffic survey. A letter from Alan Lipscombe acknowledged the issue with this sightline but pointed to the low level of turning movements for the proposed development and anecdotal collision data as mitigation.
- 2.11. The sightline required given the ambient speed should be 140m based on circa 75-80kph speed observed during my visit. I submit that after interacting with the road that the sightline calculations should have used the stated maximum road speed and this being the case the forward visibility sightline is substantially deficient.
- 2.12. The argument offered that the applicant already lives on the lane is an irrelevance. A second dwelling will likely house a family and this in turn will generate additional trips from deliveries, visitors and adult occupant drivers. The house may also be sold or

leased in time and extended and there is no impediment to the number of cars movements that will be generated by the dwelling.

2.13. While I understand the predicament of the applicant and sympathise with their efforts to seek a dwelling at this location, I feel the greater good is being compromised and the national road network is at risk of piecemeal erosion. S28 guidance exists for this reason explicitly states that the policy should be observed regardless of the housing circumstance of the applicant.

2.14. In conclusion I believe the existing junction is deficient in terms of achievable sightlines and that the addition of another dwelling at this location irrespective of the National Secondary Road status would endanger public safety by way of a serious traffic hazard.

2.15. Design and Siting

The proposed dwelling in and of itself is modest in size and is single storey. The design is acceptable for a rural dwelling albeit over elaborate on the front elevation due to the inset stonework on the east side of the front elevation. The siting of the dwelling and associated works to alter the limestone wall front boundary in close proximity to the national secondary road would likely have an impact on a coastal scenic route at a location where landscape screening is not an option as it would not integrate with the prevailing landscape and would serve to inhibit views and prospects. The dwelling would benefit from being setback further into the plot given the single storey design, but this is a matter that could have been addressed by way of condition.

2.16. Drainage

2.17. The Site Characterisation Report submitted with the application concludes that the site is suitable for the treatment of wastewater. The previous application consisted of a trial hole that encountered shallow rock. The revised Site Characterisation is based on a new trial hole location that was available for inspection during my visit and found to have c. 1.2m of free draining unsaturated soil/subsoil and a revised site characterisation report was compiled. The applicant has also submitted an updated/revised Appropriate Assessment Screening Report prepared by Moore Group, which further deals with the wastewater treatment concerns raised in the previous Board refusal.

- 2.18. However, concerns with the new proposal remain. The new trial hole was excavated on the site in an area immediately southwest of the dwelling footprint as per the Site Layout Plan but this new location is circa 12m from the proposed tertiary unit and distribution layer and circa 20m from the previous trial hole. The proposed waste treatment area (tertiary unit and distribution layer) remains in the same general location to the previous application.
- 2.19. The location of the trial hole previously was closer to the proposed treatment circa 6m east and this trial hole revealed shallow soils over limestone in a vulnerable groundwater area proximate to protected sites. I believe it is safe to assume given the landscape of the area, that the Karst sub strata that was evidenced in the previous test in closer proximity to the waste treatment area is representative of the prevailing conditions across the site save for some pockets that may offer additional soil cover.
- 2.20. I am not satisfied that the new trial hole and 'T' test holes are sufficiently close to the site of the proposed wastewater treatment to be reflective of the characteristics and projected ability of the subsoil at this location to adequately treat the waste from the dwelling and more importantly to prevent contamination of ground water. I am not therefore convinced that wastewater can be safely treated (irrespective of the tertiary treatment proposals) at this location and where environmental documentation provided with the application is considered insufficient to preclude definitively a hydrological link with nearby European sites.

2.21. Appropriate Assessment

2.22. AA Screening

I have considered the proposal in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located beside the local public road and adjacent and partially within the shoreline and within 2 No. European Sites, namely Galway Bay Special Area of Conservation and Inner Galway Bay Special Protection Area.

The proposed development seeks a 5-yr temporary permission for 4 no. timber structures mounted on concrete paving to be used as changing rooms and saunas on an area of land that is proximate to/within the shoreline area.

European Sites

2 No. of European sites are located within a potential zone of influence of the proposed development. These are:

| European Site | Qualifying Interests | Distance | Connections |
|---|--|----------|--|
| Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268) | Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco- Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Turloughs [3180] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates | 0.1km | Yes. Potential to cause deterioration in water quality when dwelling is occupied due to wastewater treatment system sited within a karst landscape in close proximity to 2 no. European Sites that could adversely impact upon habitats/species within Galway Bay. |

| | | | |
|---|---|-------|--|
| | (Festuco-Brometalia) (* important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230] Limestone pavements [8240] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] | | |
| Inner Galway Bay (Special Protection Area) (Site Code: 004031) | Black-throated Diver (Gavia arctica) [A002] Great Northern Diver (Gavia immer) [A003] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Red-breasted Merganser (Mergus serrator) [A069] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] | 0.1km | There is the potential for the water quality pertinent to this European Site to be negatively affected by wastewater from the proposed dwelling |

| | | | |
|--|---|--|--|
| | Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999] | | |
|--|---|--|--|

I have only included those sites with any possible ecological connection or pathway in this screening determination.

There is the potential for the water quality pertinent to these European Sites to be negatively affected by contaminants, from wastewater treatment within a karst landscape in close proximity to 2 No. European Sites.

Likely significant effects on the European site(s) in view of the conservation objectives

- Impacts on water quality.
- Reduction in habitat area, habitat degradation or fragmentation

- Disturbance to species, reduction in species population and density
- Changes in ecological functions or features necessary for qualifying interests e.g. decreased water quality and effects on freshwater species
- Interference with key interactions that define the structure and function of the site e.g., spread of invasive species

In the absence of further detailed information / analysis it is not possible to come to a finding of no significant effects and therefore further detailed assessment is required i.e. appropriate assessment.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the details submitted with the application, I conclude that the proposed development has the potential to impact on the integrity of Galway Bay Complex SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code and due to insufficient environmental reporting there is uncertainty as to significance of effects which therefore require further detailed assessment as part of AA

3.0 Recommendation

- 3.1. I recommend that permission for the development be Refused for the following Reasons and Considerations.

4.0 Reasons & Considerations

- 4.1. Having regard to Policy Objectives NR1 and NR4 and DM Standard 26 of the Galway County Development Plan 2022-2028, Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of Environment, Community and Local Government in 2012, specifically Sections 2.5 and 2.6 which accentuates the importance of the national route network; to ensure that the strategic traffic function of national roads is maintained by limiting the extent of development on national routes; that proper planning is central to ensuring road safety and capacity and that the intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users, it is therefore considered that the proposed development would

be in conflict with the stated guidance, would endanger public safety by reason of a traffic hazard and would be an obstruction to road users by limiting the safety and free flow of traffic on the N67 National Secondary Route arising from the additional traffic movements generated onto the route at a point where an 80kph speed limit applies. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.2. On the basis of the information provided with the application and appeal, including an Appropriate Assessment Screening Report, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site Numbers 000268 (Galway Bay Complex Special Area of Conservation) and 004031 (Inner Galway Bay Special Protection Area), in view of the sites' conservation objectives, by reason of a possible hydrological link to these sites via groundwater and the failure of the application to demonstrate that there is an adequate area available with a depth of suitable soil on the site in which to safely dispose treated effluent on-site, notwithstanding the proposed use of a secondary wastewater treatment system and raised soil polishing filter. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 4.3. 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.

Name: Adam Kearney

Planning Inspector

Date: 08-11-2024

Form 1

EIA Pre-Screening

| | | | |
|--|---|--|---|
| An Bord Pleanála Case Reference | | ABP-320604-24 | |
| Proposed Development Summary | | <i>Construction of a house and all associated site works</i> | |
| Development Address | | <i>Inisroo, Kinvara, Co. Galway</i> | |
| 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 No further action required |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | X | Class 10, (b), (i) (threshold is 500 dwelling units) | EIA Mandatory EIAR required |
| No | | | Proceed to Q3. |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | X | N/A | No EIAR or Preliminary Examination required |

| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
|---|----------|--------------------|---|
| Yes | X | 500 dwelling units | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? | | |
|--|---------------------|---|
| No | X | Screening determination remains as above (Q1 to Q4) |
| Yes | Tick/or leave blank | Screening Determination required |

Inspector: _____

Date: _____

1.0 Form 2

EIA Preliminary Examination

| | |
|---|---|
| An Bord Pleanála Case Reference Number | ABP-320604-24 |
| Proposed Development Summary | Construction of a house and all associated site works |
| Development Address | Inisroo, Kinvara, Co. Galway. |
| <p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | The development is the construction of a single storey dwelling, it does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. |
| Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites | Having regard to the limited nature and scale of development as well as the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); there is no real likelihood of significant effects on the environment arising from the proposed construction of a dwelling. The need for Environmental Impact Assessment can, |

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| of historic, cultural or archaeological significance). | therefore, be excluded at preliminary examination and a screening determination is not required | |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | There is the potential for a hydrological link between the site and the European sites in close proximity emanating from the proposed wastewater treatment system. This can be dealt with through Appropriate Assessment. | |
| Conclusion | | |
| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
| There is no real likelihood of significant effects on the environment. | EIA is not required. | |
| | | |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)