



An
Coimisiún
Pleanála

Inspector's Report

ABP-320994-24

Development	Construct a dwelling, domestic garage, wastewater treatment system, and all associated site works.		
Location	Ballyboy, Gort, County Galway.		
Planning Authority Ref.	2460941		
Applicant(s)	Caroline Dolan.		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party	Appellant	Gerard Shaughnessy
Observer(s)	None		
Date of Site Inspection	6/03/25	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

The site is located on the eastern side of a local county road linking the settlements of Gort and Tubber in south-west County Galway. The site is located approximately 5.3 kilometres south-west of Gort and west of the M18 Motorway linking Galway with Ennis and Limerick. Site levels within the appeal site rise from 28.5 metres AoD at the site entrance to 36.5 metres AoD at the location of the proposed dwelling. The dwelling would be located on an elevated part of the site, albeit consistent in elevation with two established dwellings located immediately north of the appeal site. There are low voltage electricity cables traversing the site

in a north-east and south-west direction. The subject lands are currently in pasture. The Dolan family home is stated located on the western side of Lough Cutra, approximately four kilometres east of the subject site. The landscape is broadly flat with some gentle undulations. Field boundaries comprise a ditch, trees, and hedgerow to the west along the county road, a post and rail fence to the north adjoining the neighbouring residential property and open to the field along the eastern and southern site boundaries. There is no public footpath nor streetlighting located along this local roadway.

2.0 Proposed development.

Planning permission is sought for the construction a two-storey dwelling house with a stated gross floor area of 299 square metres (sq. m.), with a maximum ridge height of 7.14 metres, domestic garage/store with a floor area of 40 sq. m., a wastewater treatment system and percolation area.

3.0 Planning Authority's Decision:

Planning permission was granted by the Planning Authority subject to fourteen planning conditions. The relevant planning conditions are considered to include the following:

Condition number 2: Occupancy clause.

Condition number 3: external finishes.

Condition number 4: Surface Water Management.

Condition number 5: Roadside parking space.

Condition number 6: Sight distance triangles

Condition number 8: Wastewater.

Condition number 10: Construction hours.

Condition number 12: landscaping.

Condition13: Use of the domestic garage to be ancillary to the dwelling house on site and not be used for habitable or commercial purposes.

Condition number 14: Development Contributions.

4.0 Planning History: Planning Authority reference numbers 06/4783. In 2006, Galway County Council granted planning permission for the construction of a dwelling house (floor area of 327 sq. m), domestic garage, septic tank, and percolation area. This permission was not implemented.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022. It has regard to national and regional policies in respect of rural housing and access to national routes. Chapters 4, 6 and 15 of the Plan refer.

Relevant policies and objectives include:

Policy Objective RC 2 Rural Housing in the Countryside

To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3.

Policy Objective RH 2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1), criteria 1(a) to 1(g) and 2.

Criterion 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.

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case-by-case basis.

*** 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.

Policy Objective RH 13 Rural Housing Capacity

Policy Objective WS8: Proliferation of individual wastewater treatment systems.

Policy Objective WW6: Private wastewater treatment systems.

Policy Objective WW 10: Surface Water Drainage.

Chapter 15: Development Management Standards

DM Standard 6: Domestic Garages (Urban and Rural)

DM Standard 7: Rural Housing

DM Standard 8: Site Selection and Design

DM Standard 28: Sight distances

DM Standard 38: Effluent Treatment Plants

Appendix 5: Design Guidelines for the single rural houses.

5.2 Natural Heritage Designations

The closest designated European Site is the Termon Lough SAC (site code 001321) which is located approximately 410 metres west of the appeal site. The East Burren Complex SAC (site code 001926) is located approximately 2.77 kilometres south-west of the subject site.

6.0 The Appeal

6.1 Third Party Appeal.

The issues within the third-party appeal raised the following issues:

- He states that he did not notice or see any well drilling machinery within the subject site.
- The applicant has submitted conflicting information in relation to the type of water supply that would serve the proposed dwelling.
- That a number of private bored wells in the area have had to drill to a deeper level in order to safeguard their water supplies.

- Water supply is critical to his farm enterprise which is located adjacent to the subject site and permitting another dwelling could jeopardise the local water supply.
- The watercourse on the opposite side of the public road from the appeal side is not mentioned by the applicant nor within the Planning report.
- This watercourse has flooded on a number of occasions in recent years. The flooding would be exacerbated if another dwelling is to be permitted in this area.
- The Site Characterisation Report states that there is no bored well on the site and that there are six dwellings within a 250-metre radius of the appeal site.
- Lurga National School is the most proximate school to the appeal site. There are a number of other national schools located further removed from the appeal site, including Lough Cutra where the appellant attended. The current proposals would establish a planning precedent for former pupils who attended these other national schools, when seeking planning permission for a rural dwelling.
- Condition number 5 of the PA decision in relation to provision of a car parking space along the roadside would require the unnecessary removal of hedgerow.
- Ribbon development is not referenced in the Planners Report.
- The Planners report states that the proposal will have no adverse environmental impact, however, there have been a number of instances of flooding on this road as a result of the watercourse on the opposite side of the road overtopping. The provision of soakaways will not overcome this issue. The development would exacerbate the risk of flooding locally.
- The Gort Area office did not make any comments in relation to the proposals.

- The dwelling if permitted, would be the largest in the area and this would impact the local environment.

6.2 Planning Authority Response

- None received.

6.3 First Party response to issues raised within third party appeal submission.

- The applicant discovered that the local Group Water Scheme (GWS) did not serve the appeal site subsequent to submitting the planning application.
- The applicant commissioned a local water technology firm who tested the existing bored well on site and the results/yields were submitted to the Local Authority by means of unsolicited further information in advance of the planning decision being made.
- The existing bored well on site was to serve the dwelling previously permitted on the site under planning reference 06/4783.
- The location of the bored well on site was illustrated on a revised Site Layout Plan.
- Class 44 of the Planning and Development Regulations 2001 provides for the sinking of a bored well for the purpose of providing a domestic water supply, and, therefore, planning permission would not be required in this instance.
- The appellant has set out his concerns regarding water supply as part of his appeal submission to the Coimisiún and, therefore, his third-party rights have not been curtailed by reason of the unsolicited further information submitted by the applicant to the Planning Authority.
- The depth of the bored well is the same as originally drilled on site and, therefore, no well boring rig was required to enter the site.
- The existing bored well was deemed suitable to provide a potable and robust source of water supply which would independently serve the proposed dwelling house.

- There are nine dwellings within a 250-metre radius of the dwelling house. There are other agricultural structures within this same radius.
- The dwelling is located within a large site area with the benefit of good soil cover and percolating qualities. The number of dwellings in the wider area does not have a bearing on the assessment of this particular case.
- There is no watercourse within the bounds of the appeal site. There is a field drain on the opposite side of the local road, but this has no relevance to the current proposals.
- All surface water will be managed within the site curtilage by means of soakaways. The proposals will not generate any additional flows/discharges outside of the appeal site.
- As per the details available on floodinfo.ie, the OPW have no record of any flood events recorded at the location of the proposed dwelling house.
- Six soakaways are proposed along the length of the driveway, and this is considered sufficient to manage surface water run-off from the hard surface areas within the site.
- The size of the dwelling is proportionate to the site area. The proposed dwelling is compliant with the requirements of DM Standard 9 within the current Galway County Development Plan 2022-28 in terms of site sizes for single houses using on-site wastewater treatment systems. The house previously permitted on the site under planning reference 06/4783 had a larger floor area comprising 327 square metres.
- The appellant attended Lough Cutra National School which serves this catchment area. This catchment overlaps with the catchment of Lurga National School, and this is normal within rural areas. Lough Cutra remains a local national school serving this rural catchment area.
- The applicant is in agreement with the appellant as regards the requirements of the Planning Authority within condition number 5 of its decision, where the hedgerow along the full road frontage would be removed to provide for a car pull-in area. The applicant would instead propose a 15 metre long by 3-metre-wide parking bay and is happy for this area to be back planted with a native hedgerow as an alternative.

- Sightlines of 70 metres in each direction has been demonstrated within the revised Site Layout Plan.
- The current Galway County Development Plan 2022-28 does not contain any policies/objectives relating to ribbon development.

7.0 EIA Screening – Please see Appendix 1 at the back of this report. Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - The subject site is located approximately 410 metres east of the Termon Lough SAC (site code 001321) and approximately 2.77 kilometres east of the East Burren Complex SAC (site code 001926). Having regard to the scale and nature of the proposed rural house development and to the location removed from any European Sites, it is considered that no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on this or any other European site, their qualifying interest species, or conservation objectives. Appropriate Assessment will be addressed in greater detail later within my assessment.

9.0 WFD Screening: The nearest water body to the appeal site is Termon Lough which is located approximately 410 metres west of the appeal site.

The development would comprise the construction of a dwelling, domestic garage, proprietary wastewater treatment system and percolation area and all associated site works. The detailed development description is set out within Section 2.0 of my report above.

Surface water discharge to an adjacent field drain (located on the opposite side of the local road from the appeal site) was raised as an issue within the third-party appeal.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the relatively minor 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the development
- The separation distance between the appeal site and the Termon Lough SAC.
- The on-site surface water management proposals.

Conclusion

I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

2.0 Assessment

2.1 Introduction

2.1.1 The key issues in this appeal are those raised in the third-party grounds of appeal, and I note that the proposals in relation to design and layout, access and wastewater treatment were considered acceptable by the Planning Authority and that no other substantive issues arise. The issues can be dealt with under the following headings:

- Rural Housing Policy
- Other Matters

2.2 Rural Housing Policy

2.2.1 Policy Objective RH2 of the Galway County Development Plan 2022-2028 (which applies to rural areas under strong urban pressure – GCTPS – outside rural metropolitan area zone 1) sets out specific circumstances where applicants may be considered eligible to construct a new dwelling in a rural area. Depending upon which criteria within Objective RH2, where an application for a dwelling is being made, an applicant is required to demonstrate their 'Rural Links' and/or 'Substantiated Rural Housing Need' to the area. Criterion 1 (b) sets out the following '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 where the applicant has lived for a substantial continuous part of their life, subject to normal development management criteria; 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; Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis’.

- 2.2.2 The appellant has raised issues in terms of the applicants compliance with the Local Rural Housing Policy criteria as set out within the Current Galway County Development Plan 2022-28 stating that the appeal site is located within an area that is under strong urban influence where there are nine dwellings within a 250 metres radius of the appeal site and that the site is located within the GCTPS area, as designated within the current Galway County Development Plan 2022-2028. The applicant has submitted correspondence to support her need to reside at this location and this includes the fact that she was born and reared in the Gort area, at Lakefield, Lough Cutra which is located approximately four kilometres east of the appeal site, that she attended primary school in Scoil Áine Naofa , Loch Cutra which is stated to be located approximately 3.2 kilometres south-east of the appeal site, and is stated as being one of the two local national schools that serve this rural hinterland and secondary school in Gort and is currently socially linked to the Ballyboy area by virtue of her place of residence at Lakefield, Gort and she has submitted a financial statement (dated July 2024) which confirms her address at this location as does the documentation from her former schools.
- 2.2.3 The appellant states that the appeal site was purchased by the applicant and her husband from an unrelated third party in 2023. The Planning Authority set out that the site is located within a class 1 landscape (with a low sensitivity rating) and is required to demonstrate compliance with the Rural Housing Policy objectives as set out within the current Galway County Development Plan 2022-2028, which include policy objective RH2. An applicant is required meet the criteria for a genuine rural generated housing need when seeking to develop a dwelling house. The Planning Authority were satisfied that the applicant had adequately demonstrated compliance with Policy Objective RH 2, albeit they did not explicitly state under which criterion within RH2 that they considered the applicant had demonstrated compliance with the Rural Housing Policy as set out within Galway County Development Plan 2022-2028. Consequently, permission was granted on this basis.

- 2.2.4 Land registry documentation has been submitted demonstrating that the land of her homeplace was transferred to her dad from her grandfather back in 1976. Therefore, the applicant is considered to be at least the third generation of the Dolan family to have resided in this rural area. Land registry documentation has also been submitted outlining that the subject lands were purchased in 2023. I consider that the applicant has demonstrated familial and social links to the area in general and the applicant is considered to have substantiated her rural links and a rural housing need to reside at this location in accordance with the RH2 policy objective as set out within the current Galway County Development Plan (GCDP) 2022-2028. Her family home is located in this area as per the land registry mapping which dates back to 1976, when the family home plot was transferred to the appellants' father name from her grandfather. The applicant attended both national and secondary schools locally in the Gort area.
- 2.2.5 Given that the applicant has demonstrated that she was schooled in this area, is a daughter of a long standing resident within the area, the appeal site is located within an 8km radius of her family home, where she presently resides and that she has demonstrated that she has resided in this area for a continuous period of at least 7 years, Based on the planning documentation submitted, the applicant is considered to have familial and social links to the area in general and this is acknowledged within the planning report prepared by the Planning Authority. The Planning Authority considered that the applicant had satisfactorily demonstrated a site-specific requirement to reside at this location.
- 2.2.6 I am satisfied that a demonstrable social rural link/need as per the requirements of policy objective RH2 1(b) of the Development Plan has been established in this instance. I am satisfied that intrinsic social reasons to reside at this specific location have been established. Having regard to the foregoing, I consider that the applicant has demonstrated that she meets the criteria of demonstrable familial social need to live in this rural area as set out within Policy Objective RH 2 of the Galway County Development Plan 2022-2028.
- 2.2.7 Policy objective RH2 also sets out that assessment of housing need is subject to the usual development management criteria. These criteria include the extent of

development already developed and permitted in an area. The Ballyboy area is identified as an area under strong urban influence as per the current Galway Development Plan. The appellant raised the issue of ribbon development. The definition of ribbon development was clearly set out within the Sustainable Rural Housing Guidelines (SRHG's) in 2005 and defined it as 'Where 5 or more houses exist on any one side of a given 250 metres of road frontage'. I note that the appellants response to the issues raised within the third-party appeal sets out that there are nine dwellings located within a 250-metre radius of the appeal site. From the mapping submitted as part of the planning documentation, I am satisfied that the proposed dwelling would not constitute ribbon development, albeit that the area is identified 'as an area under strong urban influence' as designated within the current Galway County Development Plan 2022-2028.

2.2.8 In conclusion, I consider the current proposals would accord with the provisions of policy objective RH2 of the Development Plan. I note the location of the appeal site in the Galway County Transport and Planning Study (GCTPS) area, a rural area under strong urban pressure. I would concur with the Planning Authority, and I consider that the applicant has established demonstrable rural links to this area and substantiated a rural housing need at this location in accordance with Policy Objective RH2 within the current Galway County Development Plan 2022-28.

2.3 Other Matters

Access and Traffic

2.3.2 Access to the appeal site is proposed via a proposed new domestic entrance which is to be developed on the western side of a local county road at a point where the sixty kilometre per hour speed control zone applies. The Site layout Plan submitted to the Planning Authority as unsolicited further information on the 12th day of September 2024 includes details of sightlines, whereby unobstructed visibility of 70 metres in each direction would be achieved at the entrance point from a setback distance of 2.4 metres back from the edge of the carriageway, with the setting back of part of the roadside boundary. Technically, the minimum sightline requirement for

this category of road is 90 metres, as per DM Standard 28 of the current County Development Plan 2022-28. The applicant has demonstrated sightlines where the design speed of the road is taken to be 50 kilometres per hour, which I consider is reasonable for this particular local road. I am satisfied that the sightlines achievable are adequate for safe access/egress onto this local road.

- 2.3.3 I also consider that there is no particular need for the provision of a parking bay along the roadside frontage in this instance. No report from an Area Engineer nor the Transportation Department within Galway County Council requesting the inclusion of same was recorded within the Planners' Report. Therefore, I do not consider it necessary that condition number 5 be upheld in this instance, if permission is being granted. The setting back of the roadside boundary for the achievement of sightlines is a matter that could be conditioned in the event that the Board deem it appropriate and are mindful to a grant of planning permission.

Water Supply/Surface water management and wastewater treatment.

- 2.3.4 The applicant is proposing to use a bored well within the appeal site which was originally bored to serve the dwelling permitted under planning reference number 06/4783. The applicant has submitted details from a local firm who engage in well boring and testing. The existing bored well on site was deemed adequate to serve a rural dwelling by the water technology company who conducted water quality tests for various stated environmental parameters in August 2024. The results set out that the water quality recorded within the bored well on site is within acceptable environmental standards for water quality. Therefore, I am satisfied that in principle the use of the existing bored well on site is feasible.
- 2.3.5 The appeal site is 0.36 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing, such as driveway, house, and domestic garage footprint. The applicant has illustrated the location of seven rainwater soakaways within the appeal site which would manage the surface water run-off from the hard surfaced areas. The response to the third-party appeal sets out that all surface water run off would be managed within the appeal site boundary and would not outfall to the watercourse on the opposite side of the local county road. I am satisfied that this matter can be adequately addressed by means of an appropriate planning condition.

- 2.3.6 In terms of wastewater, the applicant is proposing to install a proprietary wastewater treatment system and soil polishing filter to serve the proposed dwelling. The applicant's Site Characterisation Report identifies that the appeal site overlies a regionally Important Aquifer where the bedrock vulnerability is classified as being 'high.' A Ground Protection Response of R2(1) is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice) and subject to condition: (1) That there is a minimum depth of 2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) A secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter).
- 2.3.7 The trial hole depth referenced in the Site Characterisation Report (SCR) was 1.6 metres. It is stated within the SCR that neither bedrock nor the water table was encountered within the trial hole. The soil conditions found in the trial hole were stated as comprising a loamy brown, crumb type clay to a depth of 0.3 metres with a silt/gravel brown/grey granular subsoil beneath that to a stated depth of 1.6 metres. Percolation test holes were dug and pre-soaked. An average T value of 16.03 was recorded. The EPA CoP 2021 (Table 6.4) confirms that the site is suitable for a secondary treatment system and soil polishing filter discharging to groundwater. The applicant has submitted photographic images of the trial holes, and the soil conditions are consistent with those as described within the SCR.
- 2.3.8 The Site Characterisation Report submitted with the application concludes that the site is suitable for the treatment of wastewater. It is proposed to install a packaged wastewater treatment system and polishing filter.
- 2.3.9 The applicant submitted a typical layout of the percolation area and wastewater treatment system and details of separation distances from site boundaries. The PA outlined no objections to the wastewater proposals. I am satisfied that the proposed wastewater treatment system as submitted would accord with the EPA Code of Practice (2021) in relation to wastewater treatment systems serving single houses in the Countryside.

Design and Layout

2.3.10 The applicant has submitted details of a four-bedroom dwelling which provides for a two-storey gable ended dwelling with a floor area of 299 square metres and a maximum ridge height of 7.14 metres with a two-storey wing on the northern side of the main dwelling set back behind the front building line. The building line of the dwelling would be consistent with that of the neighbouring dwellings to the north of the appeal site. The dwelling would have an overall length of approximately 19.7 metres and a depth of approximately 13.3 metres. The elevations comprise a mixture of vertical fenestration detailing and door opes with a strong vertical emphasis. Precise details of the external finishes have been provided and are stated to comprise a napp plaster finish and natural stone facing within one of the two storey projections on the front elevation and within the two -storey wing. The main part of the dwelling itself would comprise a traditional narrow plan form, albeit that the side and rear returns provide for bulky features, not typical within a rural dwelling design. I note that the two established and permitted two storey dwellings located immediately north of the appeal site are also significantly elevated above the level of the adjoining public road.

2.3.11 I note that the Local Authority Planner in their report stated that the proposed dwelling 'is considered acceptable in form and design.' I am of the opinion that the design is somewhat over complicated with its massing providing for a bulky design that would benefit from some architectural relief and/or intervention. I consider that the side wing (on the northern elevation) should be reduced to single storey in height with a pitched roof in order to reduce the overall bulk and provide for a more gradual step up in ridge height towards the main body of the dwelling. This would also eliminate the horizontal shaped window which is at variance with the remaining fenestration details on the front elevation which display a strong vertical emphasis. I consider that the omission of this second storey feature from the side (northern) elevation which would have comprised a fifth bedroom would not alter the functionality of the dwelling and provide adequate space to meet existing and future family demands. I note that the neighbouring dwelling to the north has a single storey side extension on its southern (side) elevation, that nearest the appeal site which assists in breaking down the mass and scale of that dwelling. I am of the opinion that the proposed design modification as suggested above would provide for a more integrated design more consistent with the core design principles as set out with the

Galway Design Guidelines for the Single Rural House, and specifically Section E in relation to rural dwelling house design and built form.

- 2.3.12 Policy Objective RH9 seeks to encourage new to encourage new dwelling that respect the character, pattern and tradition of existing places require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings. The existing elevated site is exposed from the public road to the west, notwithstanding the existing hedgerow along the existing roadside boundary. A comprehensive landscaping scheme would benefit the integration of the dwelling within the local landscape. This is a matter that can be addressed by means of an appropriate planning condition.
- 2.3.13 I note that there are low voltage electricity cables traversing the site in a south-east to north-west direction at the location of the proposed dwelling. The site Layout Plan as submitted to the Planning Authority on the 12th day of September 2024 states that an existing ESB pole would be diverted to allow for the construction of the dwelling. This is a matter that would be subject to agreement between the applicant and the Electricity Supply Board and is not considered to be a matter that would preclude the Coimisiún from granting planning permission for the development.
- 2.3.14 In conclusion, I consider that the dwelling design as presented to be overly bulky however, with some modification, the massing and scale could be broken down and would then conform with the core guiding principles as set out within the current Galway Design Guidelines for the Single Rural House, and specifically Section E in relation to rural dwelling house design and built form. This is a matter than can be dealt with by means of an appropriate planning condition, in the event that the Coimisiún are minded to grant planning permission.

Appropriate Assessment

- 2.3.15 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 410 metres east of the Termon Lough Special Area of Conservation (SAC-site code 001321). The development description was set out within Section 2 of the report above. The appellant did not specifically mention the issue of Appropriate Assessment nor the existence of a pathway between the subject site

and the SAC. The applicant did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA conducted an AA screening exercise and concluded that the proposed development 'by itself or in combination with other developments in the vicinity would not likely have a significant effect on European sites, their qualifying interests or conservation objectives. Therefore, no further assessment is required'.

- 2.3.16 There are no watercourses nor drainage ditches located within the confines of the appeal site. There is a drainage ditch located on the opposite side of the public road from the appeal site. I am satisfied that the appeal site is not hydrologically connected to the adjacent field drain and that surface water generated within the subject site would be managed through the use of rainwater soakaways. This is a matter that can be addressed by means of an appropriate planning condition.
- 2.3.17 One European site was identified within a two-and-a-half-kilometre radius of the appeal site, as referenced in Section 3.1.1 above. I consider that this site can be screened out due to the absence of surface water hydrological or ecological pathways from the appeal site to this European site, the single qualifying interest feature being a Turlough. Therefore, I am satisfied that the appeal site does not contain any habitat that would be of particular interest in terms of feeding or roosting for qualifying interest species associated with any European site.
- 2.3.18 I am satisfied that once the proposed wastewater treatment system would be installed, commissioned, operated and maintained in accordance with best practice standards as set out within the EPA Code of Practice for domestic wastewater Treatment Systems, 2021, that no adverse impacts on water quality, or the qualifying interest(s) or conservation objective(s) of European sites would arise.
- 2.3.19 I am satisfied that the implementation of the standard control construction measures including those of surface water management, referenced within Section 2.3.5 of my report above will not result in the development of the dwelling adversely impacting upon surface nor ground water quality within the area. I consider that even in the unlikely event that the standard construction control measures should fail, an indirect hydrological link to the Termon Lough SAC represents a weak ecological connection, given the separation distance to the nearest European site. As such any pollutants from the site that should enter groundwater during the construction stage, via

spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Termon Lough SAC, unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'the proposed development 'by itself or in combination with other development in the vicinity, would not likely have a significant effect on European sites, their qualifying interests or conservation objectives. Therefore, no further assessment is required'.

2.3.20 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 these two or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to the construction of a rural dwelling, domestic garage, and wastewater treatment system.
- The separation distance from the nearest European site and the absence of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

2.3.19 I conclude that on the basis of objective information, that the proposed development would not have a 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 (as amended) is not required.

3.0 **Recommendation**

3.1 I recommend that planning permission be granted subject to the following conditions.

4.0 **Reasons & Considerations**

Having regard to the location of the site within an area designated as being under strong urban influence as set out within the current Galway County Development

Plan 2022-2028, and to the policies and objectives and the development standards in the Plan, it is considered that, subject to compliance with conditions set out below, the applicant has substantiated a Rural Housing need due her specific personal circumstances and has demonstrated compliance with policy objective RH2 within the Plan. Neither would the development interfere with the safety and free flow of traffic nor endanger public safety nor adversely impact upon water quality nor any European sites in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 25th day of July 2024 and as revised on the 12th day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under Section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of

confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 3 Within three months of this grant of planning permission the applicant shall submit a revised dwelling design for the written agreement of the Planning Authority. The two-storey wing on the northern elevation shall not be permitted. A revised single storey design with a pitched slated roof shall be proposed.

Reason: In the interest of rural dwelling design and proper planning and sustainable development.

- 4 Prior to the commencement of development, boundary treatment details for the site boundaries shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of residential and visual amenity.

- 5 The entrance shall be as set out within the Site layout Plan drawing submitted to the Planning Authority on the 12th day of September 2024. Final details of the roadside boundary set back within the red line application site boundary shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 6 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the

development, including hours of working, noise management measures, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 7 Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 8 (a) The proposed effluent treatment and disposal system shall be located, constructed, and maintained in accordance with the detail submitted to the Planning Authority on the 25th day of July 2024. and in accordance with the requirements of the document entitled: Code of Practice - Wastewater Treatment and Disposal Systems Serving Rural Dwellings (p.e .≤ 10) – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

(b) Within three months of the occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 9 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 10 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 11 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 12 The proposed domestic garage shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.

Reason: In the interest of proper planning and sustainable development.

- 13 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows and stone walls, specifying which are proposed for retention as features of the site landscaping
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
 - (iv) Details of screen planting which shall not include cupressocyparis x leylandii
 - (v) Details of roadside planting which shall not include prunus species
 - (vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) The landscaping works shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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.

Fergal Ó Bric

Planning Inspectorate

26th day of November 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320370-25		
Proposed Development Summary	Permission for construction of a dwelling, domestic garage, proprietary wastewater treatment system, and all associated site works.		
Development Address	Ballyboy, Gort, 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)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	The construction of a dwelling does not fall within a class of development as per the P & D Regulations.	X
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		X

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the construction of a dwelling, domestic garage, wastewater treatment system, and percolation area.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ Date: _____