



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321418-24

<b>Development</b>	Construction of house with garage and all associated site works. Natura Impact Statement submitted with application.
<b>Location</b>	Cluain Bú, Corrandulla, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2461238
<b>Applicant(s)</b>	Evan Lenihan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Evan Lenihan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> May 2025
<b>Inspector</b>	Ian Boyle

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision.....	5
3.1. Decision.....	5
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies.....	7
3.4. Third Party Observations .....	7
4.0 Planning History .....	7
5.0 Policy Context .....	8
5.1. Galway County Development Plan 2022-2028.....	8
5.2. Natural Heritage Designations .....	10
5.3. EIA Screening.....	10
6.0 The Appeal.....	11
6.1. Grounds of Appeal.....	11
7.0 Assessment.....	12
7.1. Vehicular access.....	13
7.2. Design, Siting and Visual Impact .....	16
7.3. Wastewater Disposal .....	18
7.4. Water Supply .....	20
8.0 AA Screening .....	22
9.0 Recommendation .....	23
10.0 Reasons and Considerations .....	23

## List of Appendices

Appendix A - Form 1: EIA Pre-Screening.....	26
Appendix B - Form 2: EIA Preliminary Examination .....	28

## **1.0 Site Location and Description**

- 1.1. The appeal site is rural townland of Cluain Bú, Corrandulla, Co. Galway. Claregalway and Tuam are roughly 10km and 21km to the northeast and southeast, respectively. Galway City is approximately 16km to the south via the N84 (National Route).
- 1.2. The site is currently used for agriculture purposes and comprises grassland. There are small humps and hollows across the property meaning it has a slightly undulating topography. There is some existing scrub and trees in the centre of the site. There is also evidence of rocky outcrops on the site and throughout the surrounding area. Access to the property is via a private agricultural track and narrow road. The route leads off the Annaghdown Road (Local Road) which is to the south of the site.
- 1.3. The existing pattern of residential development in the area is focused on a location south of the appeal site around the junction (crossroads) between the N84 and Annaghdown Road and Castlequarter Road. The land to the north of the site becomes increasingly boggy and peaty and can become water-laden, particularly during times of heavy rain, as evidenced from aerial photography of the site. Online mapping shows a lake is present in this area, which is called Lough Afoor.
- 1.4. The character of the surrounding area is rural countryside with mainly intermittent one-off housing. Most of this comprises detached houses on spacious plots. As noted above, the pattern of development is mainly linear and orientated towards the public road network south of the site.
- 1.5. There are some commercial uses in the wider locality, which include a service station, public house and some bed and breakfasts.
- 1.6. The site has a stated area of 0.94ha.

## **2.0 Proposed Development**

- 2.1. The proposed development is for the construction of a house and garage and associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused permission in November 2024 for five reasons relating to unsatisfactory means of access (Reason 1), impact on the character of the landscape (Reason 2), disposal of domestic effluent onsite and risk to water quality (Reason 3), inappropriate design and siting (Reason 4), and that in the absence of documentary evidence from a local group water scheme, or confirmation of feasibility from Uisce Éireann, the proposed development would pose a serious risk to the public health of persons occupying the proposed dwelling house (Reason 5).

[Note: See the Council's 'Notification of Decision to Refuse Permission', dated 13<sup>th</sup> November 2024, for full reasons of refusal.]

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The general area is defined by agricultural and rural residential landuses.
- A proposal for an individual house in the open countryside can be considered where the Applicant can demonstrate compliance with Policy Objectives 'RH 2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure - GCTPS - Outside Rural Metropolitan Area Zone 1)' and 'RH5 Rural Housing Zone 5 (An Gaeltacht)' of the Galway County Development Plan 2022-2028.
- The Applicant has submitted supporting documentation to demonstrate long-established links to the area (see Page 5 of the Planner's Report and file for further details).
- The Council's Roads Department has raised concerns regarding the proposed means of access to the site, including in relation to the existing deficiency of the private road network which would serve the proposed

development in terms of its capacity, width, alignment and surface condition and the future maintenance of same.

- No letter from any group water scheme or CoF from Uisce Éireann has been included with the application.
- The site overlies a regionally important aquifer, with extreme groundwater vulnerability, and is overlain by what appears to be very shallow soil and with very high bedrock present. The Applicant has failed to submit documents to adequately demonstrate the required minimum depths of soil as per the requirements of the EPA CoP. Therefore, it is considered that the proposal would be prejudicial to public health and potentially would have adverse impacts on the European sites in the zone of influence.
- The site is in an area with a Landscape Sensitivity Category of 'Low' with a Value of '1' and is within the Central Galway Complex Character Area (as per Section 4.6.1 of the Galway County Development Plan 2022-2028).
- The proposed dwelling house is 2 storeys (over basement) requiring extensive cut and fill.
- The proposed siting of the house is setback roughly 360m from any public road edge. This, combined with size of the house, is not in accordance with the Single Rural House Design Guidelines in terms of the design, scale and character.
- The subject site is not located within an identified flood risk area and the applicant has indicated that the site has not been known to flood in the past.
- The Applicant has submitted an NIS document. The European Sites considered most at risk at the Lough Corrib SAC and Lough Corrib SPA.
- No EIA issues arise.
- Recommendation is to refuse permission.

### 3.2.2. **Other Technical Reports**

Roads Department: Objects; states that the proposed development would endanger public safety by reason of traffic hazard and set an undesirable precedence for similar development and, thus, is contrary to the proper planning and sustainable development of the area.

### 3.3. **Prescribed Bodies**

Dept. Housing, Local Government & Heritage:

Recommends that all the measures outlined in the Applicant's NIS be included as a condition of planning in the event permission is granted.

### 3.4. **Third Party Observations**

The Planning Authority received a single third party objection. It raises concerns regarding the substandard condition of the existing access road proposed to serve the proposed development.

## 4.0 **Planning History**

### **Subject Site**

Reg. Ref. 18/272: The Planning Authority **refused** permission in May 2018 for the construction of an agricultural building and associate services.

Reg. Ref. 01/2439: The Planning Authority **refused** permission in October 2001 to develop lands for pony trekking.

### **Surrounding Area**

There are other previous planning applications in the area for the construction of a dwelling and related works, some of which were permitted, others refused (see Pages 1 – 2 of Planner's Report).

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2022-2028

#### Background

The Galway County Development Plan 2022-2028 ('Development Plan' / 'CDP') was adopted by the Elected Members of Galway County Council on the 9<sup>th</sup> May 2022 and came into effect on the 20<sup>th</sup> of June 2022.

The following chapters and sections are considered particularly relevant in the assessment of this appeal case are outlined below.

#### Chapter 4: Rural Living and Development

The site is within the 'Rural Area Under Strong Urban Pressure-GCTPS'<sup>1</sup> for the purposes of rural housing (Map 4.1 'Rural Area Types').

The site is also subject to Landscape Sensitivity Category 'Low' which has a value rating of 1 within the Central Galway Complex character area (as per Map 8.1 of the CDP), and within the GCTPS (as set out in Section 4.6.1).

Individual housing development in the open countryside can be considered where the applicant can demonstrate their compliance with:

- RH 2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure - GCTPS - Outside Rural Metropolitan Area Zone 1), and
- RH5 Rural Housing Zone 5 (An Gaeltacht) of the Galway County Development Plan 2022-2028.

Other relevant Policy Objectives:

- RC 2 Rural Housing in the Countryside is 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.

---

<sup>1</sup> GCTPS – Galway County Transport & Planning Study.



- RH 9 Design Guidelines is to have regard to Galway County Council's Design Guidelines for Single Rural Houses with specific reference to the following:
  - a) It is the policy objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
  - b) It is the policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout.
  - c) It is the policy objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.

## **Chapter 7: Infrastructure, Utilities and Environmental Protection**

- Policy Objective WW 6: Private Wastewater Treatment Plants seeks to ensure that private wastewater treatment plants, where permitted, are operated in compliance with Environmental Protection Agency (EPA) Code of Practice for Domestic Waste Water Treatment System 2021 (Population Equivalent  $\leq 10$ ).
- Policy Objective WS 4: Requirement to Liaise with Irish Water – Water Supply seeks to ensure that new developments are adequately serviced with a suitable quantity and quality of drinking water supply and require that all new developments intending to connect to a public water supply liaise with Irish Water with regard to the water (and wastewater) infrastructure required.

## **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 9: Site Sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems
- DM Standard 11: Native species landscaping to site boundaries.

- DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads
- DM Standard 29: Building Lines
- DM Standard 30: Developments on Private Roads
- DM Standard 36: Public Water Supply and Wastewater Collection
- DM Standard 38: Effluent Treatment Plants
- DM Standard 46: Compliance with Landscape Sensitivity Designations

#### **Other Relevant Chapters:**

- Chapter 6: Transport and Movement
- Chapter 11: Community Development and Social Infrastructure

#### **Other planning policies**

Note: The Planner's Report (Page 2) cites further policies and standards.

## **5.2. Natural Heritage Designations**

The subject site is not directly affected by, or adjacent to, any European Site.

The closest designated sites include:

- Lough Corrib SAC (Site Code: 000297), which is roughly 2.4km to the southwest at its nearest point.
- Lough Corrib SPA (Site Code: 004042), which is roughly 1.6km to the southwest at its nearest point.

The subject is roughly 1.4km from the pNHA Lough Corrib (Site Code: 000297), which is to the southwest.

## **5.3. EIA Screening**

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed

development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.

- 5.3.2. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The main grounds of appeal are as follows:

#### Response to Refusal Reason No. 1

- The proposed access is an existing roadway serving both the existing family dwelling and the Applicant's wider landholding.
- It is in good structural condition and repair and is regularly maintained.
- The road would be able to carry the increased traffic resulting from the proposed development.
- If the proposed development is granted permission, the roadway will be fully surfaced and maintained. The details regarding its width and alignment can be provided to the Planning Authority under condition post planning.

#### Response to Refusal Reason No. 2

- The proposed development has been designed sympathetically and correctly and would assimilate into the local landscape. A professional architect was retained to do this.
- The dwelling would be located to the rear of the existing family home and is compliant with Policy Objectives LCM 3, DM Standard 8 and DM Standard 29 of the Galway County Development Plan 2022-2028 ('CDP').
- The Planning Authority has incorrectly assessed the proposal against these standards.

### Response to Refusal Reason No. 3

- The proposed method of effluent treatment exceeds the requirements of the relevant EPA Code of Practice (CoP).
- The trial hole was dug to a depth of 1.8m before meeting bedrock and not at the surface as stated by the Planning Authority.
- The application is accompanied by a Site Assessment Form, Flood Risk Assessment, Natura Impact Statement (NIS) and Construction Environmental Management Plan (CEMP), which screen out any potential negative impact on the environment.

### Response to Refusal Reason No. 4

- The proposed development has been designed sympathetically and correctly and would assimilate into the local landscape.
- The dwelling would be located to the rear of the existing family home and is compliant with Policy Objectives RH 9, LCM 1 and DM Standards 6 and 8 of the CDP.

### Response to Refusal Reason No. 5

- An application for a confirmation of feasibility from Uisce Éireann has been applied for and is currently in train.
- Once the CoF has been received, this will be forwarded to An Bord Pleanála.
- The Board could apply a condition requiring that no development should take place onsite until an agreement with Uisce Éireann has been reached.

## **7.0 Assessment**

The main planning considerations relevant to this appeal case are:

- Vehicular access
- Design, Siting and Visual Impact
- Wastewater Disposal
- Potable Water Supply

## **7.1. Vehicular access**

- 7.1.1. The Planning Authority's first reason for refusal is that the proposed means of accessing the site via a deficient and substandard private roadway and agricultural track would be unacceptable due to its width, alignment, surface condition and lack of detail in the application regarding same. The Planning Authority also raises concerns regarding ongoing future maintenance requirements of the accessway, if the proposed development were permitted, and notes that adequate sightlines were not demonstrated as part of the application for where the accessway meets the public road network further south.
- 7.1.2. The Planning Authority's Decision cites CDP DM Standard 28 (Sight Distances Required for Access onto National, Regional, Local and Private Roads) and DM Standard 31 (Developments on Private Roads) of the Development Plan. The overall intention of each standard is to ensure road safety and capacity.
- 7.1.3. The appeal site is currently served by an existing private laneway and narrow agricultural access track. The access leads off the L-2117 (Annaghdown Road) and runs between two existing residential properties. At this point it is surfaced and travels northwards towards the appeal site which is roughly 300m away. The laneway passes the Applicant's original family home before turning westwards and becoming a narrow agricultural access track. It then travels northwards again before reaching the site. An area of hardstand and footings for an outbuilding have been constructed near the end of the track. The majority of the site is mainly given over to thick swathes of scrub and undergrowth.
- 7.1.4. In their appeal, the Applicant states that the drawings submitted with the application demonstrate adequate visibility splays are achievable at the road junction in question and the proposal is compliance with the relevant CDP policies and standards. They also point out that the track will be fully surfaced as part of the future works phase. The track, however, does not form part of the red line boundary and the Applicant has provided no details for upgrading the track and how it would function safely and be acceptable in terms of capacity, width, surface condition and alignment, which is a requirement under DM Standard 30 of the County Development Plan.
- 7.1.5. I note that no technical information has been provided in the form of a specific drawing, report, or otherwise. The Applicant's appeal only states that the spec of

works could be sent to the Planning Authority for their appraisal, post planning, and prior to commencement of development, if permission is granted.

- 7.1.6. As part of my assessment, I have had regard to the findings set out in the technical report completed by the Council's Roads Department (email dated 4<sup>th</sup> November 2024). The report states the proposed development would endanger public safety by reason of traffic hazard and, in the absence of sufficient details regarding the capacity, width, alignment, and structural condition of the access, that it would be unsuitable to carry traffic generated by the proposed development.
- 7.1.7. In this regard, I would highlight for the Board the specific wording of DM Standard 30 which expressly states that where an 'applicant proposes development on a private road, they shall satisfactorily demonstrate to the Planning Authority ... works along the proposed access route for the purpose of installing, repairing and/or upgrading infrastructure so as to render the development site adequately equipped to serve the proposed development'. The standard goes on to say that in general, where the capacity, width, surface condition or alignment of the private road is deemed inadequate development will not be favoured. To reiterate, the northern part of the proposed accessway is an unsurfaced and narrow agricultural access, which was never intended to function as a private roadway to a house. Its purpose was likely to facilitate farm machinery and related vehicles only. It is possible the accessway could be upgraded to function as an appropriate domestic driveway. However, such details have not been provided as part of the application.
- 7.1.8. In relation to the issue of sightlines, I note that DM Standard 28 requires vehicular entrances and exit points must be designed by the developer to have adequate visibility. This is so that drivers emerging from the access have good visibility of oncoming vehicles, cyclists and pedestrians. It also says that where substantial works are required to facilitate adequate sight distances the lands within the sight distance triangles shall be within the control of the applicant and subject to a formal agreement with the adjacent landowner to ensure the applicant can comply with the relevant condition and/or standard.
- 7.1.9. The sight distances required for access onto national regional and local roads are set out under Table 15.3 of the Development Plan. However, the speed limit in this area is 80 km/h before entering a 50 km/h a short distance to the east. In this regard,

the CDP states that on narrow Local Roads with poor horizontal and vertical alignment, where the 80 km/h speed limit applies, the design speed applied for access visibility requirements should be the speed (km/h) that one can safely drive the road. This can be assessed as the 85<sup>th</sup> percentile speed drivers travel on the road – this speed is typically determined by undertaking a traffic and transport assessment of vehicles using the stretch of road in question. The visibility is then assessed on the 85<sup>th</sup> percentile speed for that road. The standard states that in general, where the capacity, width, surface condition or alignment of the road is deemed inadequate, development will not be favoured.

- 7.1.10. The Applicant has not provided any transport or traffic assessment examining the speed drivers travel along this part of the public road. However, notwithstanding this, I note that the access is already in situ and that it currently serves two dwellings. During my physical inspection, I also observed that the road did not appear to be heavily trafficked. The construction of a single dwelling would therefore be to result in any significant additional vehicular movements and, in my opinion, that this section of Annaghdown Road is relatively straight with no acute bends, corners or curvatures in its alignment. Furthermore, there are no apparent bumps or dips which might otherwise impair visibility for vehicles exiting the site or impede vehicle stopping distances. There are no large physical features, such as trees, lamp standards, walls, utility structures or sheds/outbuildings falling within the splay areas. I would note too that my own experience of exiting the laneway was not particularly difficult or dangerous in terms of meeting oncoming traffic.
- 7.1.11. In summary, I consider that safe access and egress can be obtained where the existing access road meets the Annaghdown Road. The proposed development would not pose an unacceptable traffic hazard from this perspective, in my opinion, for the reasons outlined above. However, the existing agricultural track further north is a concern, in my view, due to its existing poor condition and a lack of information included as part of the application in terms of how it would be upgraded to function safely and appropriately as a private access road serving a domestic dwelling.
- 7.1.12. Therefore, and in my opinion, the proposed development is not in accordance with DM Standard 30 'Developments on Private Roads' which states that where the capacity, width, surface condition, or alignment of a private road is deemed inadequate, then development will not be favoured.

## **7.2. Design, Siting and Visual Impact**

- 7.2.1. The Planning Authority's second and four reasons for refusal are in relation inappropriate design and siting and impact on the character of the landscape. The Decision states that there are concerns regarding the site configuration and siting of the proposed development and that this, in conjunction with the proposed substandard accessway, would mean the development would not assimilate into the local landscape and detract from the visual amenity of the area.
- 7.2.2. Other concerns raised include inappropriate bulk and massing of the proposed dwelling and that it is not in accordance with the 'Design Guidelines for Single Rural Houses', such that it would interfere with the character of the landscape and be a visually obtrusive feature. I note that the reason for refusal (no. 2) states that the proposed development would materially contravene Policy Objective LCM 3 and DM Standards 8 and 29 of the Galway County Development Plan 2022-2028, whilst the reason for refusal (no. 4) states that it would contravene Policy Objectives RH 9 and LCM 1 and DM Standards 6 and 8.
- 7.2.3. The appeal site is currently used for agriculture purposes and is mainly grassland and scrub. There are small humps and hollows across the property meaning it has a slightly undulating topography. It is designated as being within the Central Galway Complex Landscape. This landscape class has a value of '1' and sensitivity of 'low' which means this area is unlikely to be adversely affected by change. However, notwithstanding this, the proposed dwelling would be situated in a relatively prominent location, away from other forms of development, including dwellings, and would be setback a significant distance from the public roadside (c. 350m).
- 7.2.4. The proposed dwelling is two storeys over basement with a domestic garage. The total GFA of the proposed works is 450sqm. The dwelling has an overall height of c. 8m to top of roof pitch. The basement level is 3.2m below surface. The roof has a low profile and uses natural slate whilst the walls are a combination of painted render and stone. The drawings do not show the proportion of stone vrs render, however, and the only reference to these materials is a brief notation under the schedule of materials. The proposed windows are uPVC double glazed frames. The dwelling would be a sizeable structure and be quite visible in the landscape, in my view.



- 7.2.5. I have referred to the Single Rural House Design Guidelines as per the County Development Plan 2022-2028 as part of my assessment. The document includes specific guidance for the design of a rural house in terms of location, siting, landscape design, house design, and use of traditional detailing and finishes. The Applicant has provided no information demonstrating how the proposed development would be in accordance with these guidelines, as is required under Policy Objective RC 2 'Rural Housing in the Countryside' of the Plan. This policy objective specifically states that it seeks 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 (emphasis added).
- 7.2.6. Policy Objective RH 9, which is referenced under Section 4.6.3, also states that it is a policy objective to have regard to Galway County Council's Design Guidelines for Single Rural Houses with specific reference to the following:
- a) It is a policy objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
  - b) It is a policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout.
  - c) It is a policy objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.
- 7.2.7. In addition, I would refer the Board to Page 28 of the Guidelines for Single Rural Houses which provide examples of suburban housing typologies with specific characteristics to be avoided in designing a new dwelling in a rural setting. The proposed development shares many of the features identified by the guidelines as being inappropriate for a rural context. Furthermore, I note that DM Standard 8 provides detailed guidance for site selection and design issues for a rural housing proposal and that this has not been covered by the application.
- 7.2.8. The Applicant notes in their appeal that a professional architect was appointed to design the house. However, whilst that might be the case, there is no detailed design statement, rationale, or planning report demonstrating how the dwelling would

be appropriate in this rural context, or how the relevant provisions of the County Development Plan or Rural House Design Guidelines have been taken into account.

- 7.2.9. In conclusion, I consider that the proposed development has not adequately shown how it would be capable of assimilating into this rural area, that it would be likely to detract from the visual amenity of the area and visually obtrusive. Therefore, I consider that it would contravene Policy Objectives RC 2 and RH 9 and of DM Standard 8 of the County Development Plan 2022-2028 and should be refused for this reason.

### **7.3. Wastewater Disposal**

- 7.3.1. The Planning Authority's third reason for refusal is that they are not satisfied that the site can adequately treat and dispose of domestic effluent on the property in accordance with the EPA Code of Practice : Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) and, as such, the proposed development would be prejudicial to public health and contrary to Policy Objective WW 6 of the County Development Plan.
- 7.3.2. The Decision also states that the development would pose an unacceptable risk to water quality and has the potential to adversely affect the qualifying interests and conservation objectives of protected European sites for flora and fauna and that this would materially contravene CDP Policy Objectives NHB1 and NHB3. [This issue is further examined under Section 8.0 of my report where it is concluded that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.]
- 7.3.3. The proposed dwelling is to be served by onsite domestic wastewater treatment system (DWWTS). The relevant guidance for assessment purposes is the EPA Code of Practice (2021) (CoP), which applies to site assessments and associated wastewater treatment installations. DM Standard 38 'Effluent Treatment Plants' is also relevant in the assessment of this particular issue.
- 7.3.4. The Applicant notes in their Site Characterisation Form that the excavated percolation trial hole dug onsite was to a depth of 1.8m (see Section 3.2). The EPA CoP 2021 requires that a trial hole should have a minimum depth of 3m for regionally

important aquifers. As the aquifer in this area is identified as being 'regionally important', the trial hole testing procedure is not in accordance with this particular test and should not be relied upon for accurate test results.

- 7.3.5. The form also states that good soil conditions exist for the safe disposal of effluent to ground. However, during my physical inspection of the site, evidence of bare bedrock and small outcrops were visible across the property. Some of this was lying exposed, above the soil, indicating shallow soil cover. This included around the southern section of the property, near the location for the proposed DWWTS. The surrounding area was also pockmarked with large outcrops some of which were substantial in size.
- 7.3.6. I have reviewed the Geological Survey Ireland (GSI) and EPA Mapping as part of my assessment. This information confirms the subject site is in an area with a regionally important aquifer. Such aquifers are significant because they can support entire towns or settlements with drinking water and are therefore critical for the provision of a regional water supply.
- 7.3.7. I note also that the groundwater vulnerability is described as 'extreme'. According to the EPA, this indicates a high risk of groundwater contamination due to rapid infiltration of contaminants and minimal filtration by the soil and subsoil. It signifies that groundwater in such areas is susceptible to pollution from human activities or other sources. In such areas, contaminants can reach the groundwater quickly, with little or no opportunity for natural attenuation to help with the removal of pollutants. Furthermore, I would note that information released by the EPA in May 2025 confirmed that 56% of DWWTS surveyed had failed inspection with a significant number identified as being a risk to human health and the environment. This is a marked increase compared with the 45% of domestic effluent treatment systems which were found to be defective by the EPA in 2024.
- 7.3.8. According to the GSI online mapping system the subsoil types in the area are likely to be a combination of Limestone till (Carboniferous) and Karstified limestone bedrock as surface. The CoP recognises that the presence of outcrops and karst features may mean an insufficient depth of subsoil to treat wastewater, thus, allowing it to enter the groundwater too rapidly. I note that this corresponds with the groundwater vulnerability being classified as 'extreme', as noted above. I note also

that the underlying rock is Skeletal Limestone and that large quantities of this were extracted during the trial hole test indicating very high bedrock is prevalent on the site. Whilst woodrush was noticeable on the site, and can thrive in a wet and damp environment, it can tolerate a range of moisture conditions and as such is not seen as a useful indicator species of poor land drainage.

- 7.3.9. The CoP states that in the case of the high or exposed bedrock, the minimum depth to the bedrock (i.e., the point in the trial hole where the bedrock is closest to the surface) is taken to be the relevant depth to the bedrock. If the bedrock and/or water table are at a level above 500mm below ground throughout the area of the site, it is usually unacceptable for discharge to ground.
- 7.3.10. Therefore, in having regard to my onsite observations, the findings of the Planner's Report – which also states there is evidence of a very high level of bedrock on the site overlain by a very shallow depth of soil – and the 'extreme' groundwater vulnerability of the site overlying a 'regionally important' aquifer, I am not satisfied that effluent generated by the proposed development would be appropriately attenuated and disposed of in a manner that would not be prejudicial to public health.
- 7.3.11. The proposed development is not in accordance with the provisions of the County Development Plan regarding private wastewater treatment plants, including that of Policy Objective WW6, and should be refused on this basis, in my opinion.

#### **7.4. Water Supply**

- 7.4.1. The Planning Authority's fifth reason for refusal is that a source of potable water has not been made clear as part of the planning application. The Planning Authority states that in the absence of documentary evidence from a local group water scheme, or confirmation of feasibility from Uisce Éireann, the proposed development would pose a serious risk to the public health of persons occupying the proposed house.
- 7.4.2. In their Decision, the Planning Authority cites non-compliance with CDP Policy Objectives WS4 ('Requirement to Liaise with Irish Water – Water Supply') and DM Standards 36 ('Public Water Supply and Wastewater Collection') and 37 ('Group Water Scheme and Private Wells'). I note that the Applicant chose not to engage

with these particular objectives and standards as part of their appeal, or indeed, as part of their original application to the Council.

- 7.4.3. The application does not set out a clear method for connecting to the public water mains network to serve the proposed dwelling. The Applicant states in their appeal that they have recently made an application for a Confirmation of Feasibility (CoF) to Uisce Éireann and that this is currently in train. [No copy of the application was provided as part of the appeal submission, however.] In addition, they also state that as soon as the CoF has been received from Uisce Éireann, this documentation will be forwarded to the Board for their attention post-planning. However, there is nothing to suggest that a CoF letter will be forthcoming, or that a connection to the existing public water supply is even possible.
- 7.4.4. I do not consider such an approach satisfactory and would note the requirements of DMS Standard 36 of the Development Plan in this regard. The standard clearly states that ‘in the first instance, the Applicant should make a pre-connection enquiry to Irish Water in order to establish the feasibility of a connection in advance of seeking planning permission’.
- 7.4.5. Furthermore, the general advice from Uisce Éireann is to contact them and to make a Pre-Connection Enquiry as early as possible in the project. This is so that initial contact can be established – before an application for planning permission has been made to the relevant Planning Authority. This would have allowed the Applicant to obtain a Confirmation of Feasibility (CoF) from UÉ, which could then have been submitted as part of the application, or even at appeal stage, but this has not occurred. This procedure has been in existence for several years now and is widely considered standard practice.
- 7.4.6. In conclusion, the Applicant has failed to ensure that the proposed development would be connected to, or adequately served, by a suitable quantity and quality of drinking water. I do not consider that it would be appropriate to address this issue via condition for the reasons outlined above and due to potential public health risks to the future occupant(s) of the proposed dwelling.
- 7.4.7. The proposed development should be refused permission for this reason.

## 8.0 AA Screening

- 8.1. I have considered the proposed development, which is for a single dwelling, garage and related works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not directly affected by, or adjacent to, any European Site. The closest designated sites include:
- Lough Corrib SAC (Site Code: 000297), which is roughly 2.4km to the southwest at its nearest point.
  - Lough Corrib SPA (Site Code: 004042), which is roughly 1.6km to the southwest at its nearest point.
- 8.3. I note that the Applicant's AA Screening Report and NIS includes a greater number of European sites in their initial screening consideration. However, there is no ecological justification for such a wide consideration of sites, and I have only included those sites which have a possible ecological connection or pathway in my screening determination.
- 8.4. While the general topography of the surrounding area is undulating with small humps and hollows, both European Sites are situated upgradient relative to the appeal site.
- 8.5. Therefore, if in the event there is groundwater contamination caused by the proposed domestic wastewater treatment system leaking, failing, or due to unsuitable ground conditions, the flow of effluent would not be in the direction of these Natura 2000 Sites. [This is not to say there would not be other potential environmental impacts arising, or public health issues, however. See Section 7.3 above in this regard.]
- 8.6. I note that the Applicant completed a Stage 2 Appropriate Assessment and that the Planning Authority found there would be potentially adverse impacts on the European sites in the zone of influence of these sites. However, having considered the nature, scale and location of the project, I am satisfied that they can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.7. The reason for this conclusion is as follows:

- the proposed nature of works, which are small in scale and nature and comprise a single dwelling only.
- the location and distance from the nearest European site and lack of any ecological connection(s), including a waterbody, such as a river, stream, drainage channel, or ditch, and
- the upgradient location of the nearest European Sites relative to the subject site.

8.8. I therefore conclude, 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.

8.9. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

9.1. I recommend that planning permission be refused for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

10.1. Having regard to the deficiency of the existing northern section of the accessway serving the site, including in relation to its width, alignment, and surface condition, and in the absence of adequate details submitted as part of the application, there are concerns in terms of how the accessway would function safely as a private access road serving a dwelling. It is therefore considered that the proposed development would not be in accordance with the provisions of the Galway County Development Plan 2022-2028, including DM Standard 30 regarding development on private roads and which states where the capacity, width, surface condition, or alignment of a private road is deemed inadequate, then development will not be favoured and that, if permitted as proposed, the development would endanger public safety by reason of traffic hazard and set an undesirable precedence for similar development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 10.2. It is considered that by reason of its design, layout, height and siting (including its overall bulk, massing and scale), the resulting extensive driveway and significant setback distance from the public roadside, and in having regard to the provisions of the Galway County Development Plan 2022-2028, and in particular of Policy Objective RH 9, DM Standard 8, and DM Standard 29, and notwithstanding the low landscape sensitivity classification for the site, the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 10.3. Having regard to the 'extreme' groundwater vulnerability overlying a 'regionally' important aquifer, and the presence of high bedrock and outcrops on the property as observed during the physical inspection of the site, the Board cannot be satisfied that effluent from the proposed development would be satisfactorily treated and disposed of onsite and that this would not give rise to an unacceptable risk of groundwater pollution, notwithstanding the proposed use of a tertiary wastewater treatment system. The proposed development would, therefore, not be in accordance with the provisions of the Galway County Development Plan 2022-2028 regarding private wastewater treatment plants, including that of Policy Objective WW 6, and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 10.4. In the absence of a Confirmation of Feasibility from Uisce Éireann, it is considered that the proposed development would not be in accordance with the provisions of the Galway County Development Plan 2022-2028, including Policy Objective WS 4, which requires the applicant to liaise with Irish Water (Uisce Éireann) in relation to securing a water supply and DM Standard 36, which states the applicant should make a pre-connection enquiry to Uisce Éireann to establish the feasibility of a connection in advance of seeking planning permission. In the absence of this information, the proposed development would pose a serious risk to the public health



of person(s) occupying dwelling would, therefore, be contrary to the proper planning and sustainable development of the area.

[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

---

Ian Boyle

Senior Planning Inspector

26<sup>th</sup> May 2025

## Appendix A - Form 1: EIA Pre-Screening

<b>Case Reference</b>	ABP-321418-24
<b>Proposed Development Summary</b>	The proposed development is for the construction of a house and garage and associated site works
<b>Development Address</b>	The appeal site is rural townland of Cluain Bú, Corrandulla, Co. Galway. Claregalway and Tuam are roughly 10km and 21km to the northeast and southeast, respectively. Galway City is approximately 16km to the south via the N84.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	10. Infrastructure Projects  (b)(i) Construction of more than 500 dwelling units.  (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

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

## Appendix B - Form 2: EIA Preliminary Examination

<b>Case Reference</b>	ABP-321418-24
<b>Proposed Development Summary</b>	The proposed development is for the construction of a house and garage and associated site works
<b>Development Address</b>	The appeal site is rural townland of Cluain Bú, Corrandulla, Co. Galway. Claregalway and Tuam are roughly 10km and 21km to the northeast and southeast, respectively. Galway City is approximately 16km to the south via the N84.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<p>The proposed development is for a single one-off house in a rural location. The nature of the proposed development is not exceptional in the context of its existing environment.</p> <p>During the construction phase the proposed development would create a relatively small amount of waste from the removal of spoil and due to groundworks required to level the site and other works.</p> <p>Given the relatively small scale and size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is a residential dwelling.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in	The site is currently used for agriculture purposes and comprises grassland. There are small humps and hollows across the property meaning it has a slightly

<p>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 of historic, cultural or archaeological significance).</p>	<p>undulating topography. Access to the property is via a private agricultural track and narrow road. The route leads off the Annaghdown Road (Local Road) which is to the south of the site.</p> <p>The character of the surrounding area is rural countryside with mainly intermittent one-off housing. Most of this comprises detached houses on spacious plots. As noted above, the pattern of development is mainly linear and orientated towards the public road network south of the site.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The potential for significant impacts for the purposes of EIA are limited given the characteristics of proposed development (a single dwelling) and the low environmental sensitivity associated with its receiving environment and surrounding geographic area.</p>
<p style="text-align: center;"><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p> <p>The proposed development has been subject to preliminary examination for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p>

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	NA
There is a real likelihood of significant effects on the environment.	NA

**Inspector:** Ian Boyle

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

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

(only where Schedule 7A information or EIAR required)