



An
Coimisiún
Pleanála

Inspector's Report

ABP-322370-25

Development	Permission to construct a two-storey dwelling, domestic garage, wastewater treatment system, percolation area and all associated site works.		
Location	Toghergar and Shanballeybeg, Ballinamore Bridge County Galway.		
Planning Authority Ref.	24254		
Applicant(s)	Daniel Smith.		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party	Appellant	John Doorly & Aisling McDonagh
Observer(s)	None		
Date of Site Inspection	17/06/25	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

The site is located approximately three kilometres southwest of the settlement of Ballygar and is accessed off a local county road, the L-3212. The county road accesses onto the N63, a National Secondary Route, further north of the site that links the rural settlement of Ballygar with the settlement of Mountbellew in north-

east County Galway. Site levels within the appeal site are consistent with those of the adjoining public road and the dwelling location would be consistent with the building line of adjoining two storey dwelling located immediately north of the appeal site. The subject site is currently in pasture and open to the public road. There are a number of rural dwellings located further north-east and south-east along the L3212 in the vicinity of the appeal site. There is a forested area on the opposite side of the road from the appeal site. The landscape is broadly flat with some gentle undulations. Field boundaries comprise post and wire fencing along the south-western (side) and western (rear) boundaries, open to the road along the eastern boundary and the northern boundary comprises a mature hedgerow, adjoining the neighbouring dwelling. There is a watercourse located at the south-eastern corner of the appeal site, but its channel flows in a south-westerly direction, away from the subject site.

2.0 Proposed development.

Permission is sought for the construction of a two-storey dwelling house with a stated area of 236 square metres (sq. m), domestic garage (40 sq. m) and wastewater treatment system, percolation area and all associated site works.

2.1 Further information was submitted by the applicant to the Planning Authority on the 20th day of March 2025 in relation to the following: A report detailing water levels within the trial holes and adjoining watercourse over a three-month period including photographic images supporting same. The trial hole has been left exposed for inspection by the Local Authority. A longitudinal section of the percolation area and the location of the neighbouring wastewater treatment system and percolation area illustrating the required separation distances. The ridge height of the dwelling has been reduced. The location of the soakpits within the subject site have been illustrated and the location of the existing bored well on site (to be decommissioned) and correspondence from Uisce Eireann (UE) confirming the feasibility of connecting to the public watermains.

2.2 Two observations were received by the Planning Authority from neighbouring residents in relation to the development. The main issues raised within the observations related to the following matters:

- Sightline standards are not achieved.
- Proposals would exacerbate a pattern of ribbon development.
- No Appropriate Assessment not environmental assessments were conducted.
- Proposals would overlook and overshadow the neighbouring dwelling.
- Builders' rubble has been deposited on the site.
- The soils in this area are not suitable for percolation in proximity to a watercourse.
- Proposals would be contrary to the policies of compact growth and regeneration of urban settlements in Galway.
- The applicant has not demonstrated a housing need in accordance with planning policy.

3.0 PA's Decision:

The Planning Authority granted planning permission for the development following the receipt of the further information response subject to fourteen planning conditions. The following are considered to be the pertinent planning conditions:

Condition number 3 and 4: External finishes and dwelling/domestic garage detailing.

Condition number 6: Surface water management.

Condition number 7: Sightlines and set back at entrance point.

Condition number 8: Landscaping.

Condition number 9: Roadside boundary treatment.

Condition number 10: Wastewater installation, commissioning and maintenance.

Condition number 12: Construction hours.

Condition number 14: Development contributions.

4.0 Planning History.

On site:

Planning authority reference number 03/6831-Permission granted by Galway County Council to construct a fully serviced dwelling house. This permission was not enacted.

On site immediately north of appeal site:

Planning authority reference number 03/6482-Permission granted by Galway County Council to construct a fully serviced dwelling house. This permission relates to the dwelling located immediately north of the subject site.

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 2.3 4, 6 and 15 of the plan refer.

Relevant policies and objectives include:

Policy Objective RH 3 Rural Housing `Zone 3 in the Countryside-Structurally Weak Areas ‘To facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the *Development Management Standards* outlined in Chapter 15 and other applicable standards with the

exception of those lands contained in Landscape Classifications 2,3 and 4 where policy objective RH4 applies.

Considering the landscape sensitivity classification (low) housing need is not required to be demonstrated by the applicant for the proposed residential development.

Policy objective RH9 Design Guidelines

Policy Objective RH 13 Rural Housing Capacity

Policy Objective WS4: Requirement to liaise with Irish Water regarding water supply.

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 house

5.2 Natural Heritage Designations

The closest designated European Site is the River Suck Callows SPA (site code 004097) which is located approximately 2.68 kilometres east of the appeal site.

6.0 The Appeal

6.1 Third Party Appeal.

- The locality of Ballinamore Bridge has seen significant development of one-off rural dwellings in recent times.
- The development would exacerbate a pattern of ribbon development in the area.
- The Regional Spatial and Economic Strategy (RSES) does not favour low scale one-off housing and supports compact, high density and connected growth.
- Proposals would be contrary to Chapters 2 and 3 within the current Galway County Development Plan regarding one off rural housing that is serviced and the promotion of urban living, compact growth and regeneration
- The definition of the Toghergar area as a 'Structurally Weak Area' is outdated and incorrect.
- The Planning Authority have permitted nine one off rural dwellings along this county road within a 1 kilometre of the subject site.
- This is eroding the rural character of the area.
- No Appropriate Assessment (AA) screening has been submitted, in an area known for supporting the 'Hen Harrier' species and the site being within 2.5 kilometres of the River Suck Callows SAC.
- There is no wastewater, social nor public transport infrastructure available in this area to serve the development.
- No environmental assessment has been conducted by the Planning Authority (PA) in relation to the proposed development.
- The appeal site has been raised using concrete and builders' rubble without the benefit of planning permission and the floor levels submitted are incorrect.
- There are inaccuracies with the information submitted to the PA as part of the planning documentation in relation to details of the adjacent

watercourse, sightlines and percolation tests and these matters were not properly investigated by the PA.

- The development would generate noise and vibration during its construction.
- Sightlines are not in accordance with the relevant Development Plan standards.
- The results of the soil and percolation tests have not been independently verified.
- There is potential risk to the underlying aquifer and a risk to public health arising from the proposed development
- No resolution has been passed by the Planning Authority in accordance with Section 34 (6) (a) of the Planning and Development Act 2000, (as amended) to alter the zoning from agriculture /greenbelt to rural residential/ribbon development use. The development would materially contravene the provisions of the Development Plan.
- Permitting additional one-off rural housing will only increase the derelict nature of small growth towns such as Ballygar.

6.2 P.A. Response

- None.

6.3 First party response to third party appeal submission

- Ballinamore bridge is a rural area located between the rural settlements of Ballygar and Newbridge and comprises a rural school, church and public house all located dispersed from each other.
- The most common type of development in this area is one-off rural housing.
- The Planning register confirms that no new houses have been constructed within one kilometre of the appeal site over the last decade. This is indicative of an area that is structurally weak.

- It is imperative that some level of new development is permitted in structurally weak areas so as to maintain the viability and sustainable development of infrastructure and services in the area.
- The applicant has imported inert fill onto the site along the road edge to provide structural support along the road edge and the Council have never raised any concerns in this regard.
- The speed limit along this stretch of road is 60 kilometres per hour and this reduces the sightline requirements for safe entry and exits to/from the site.
- In any event, the adjoining road has good vertical and horizontal alignment and sight distances are more than adequate.
- The proposed wastewater treatment system has been professionally designed in accordance with current Environmental Protection Agency (EPA) standards. The groundwater table has been monitored in accordance with the request from the local authority.
- The results of the ground water monitoring are that the underlying soils have adequate capacity to cater for the wastewater effluent generated on site.
- There is no evidence of peat within the trial holes as suggested with the appeal submission.
- The groundwater flow is most likely in a north-west to south-east direction. The water level monitoring would support this assertion the appellants have not illustrated the location of their bored well, however, it is more likely to be impacted by their own on-site wastewater treatment system. The proposed wastewater treatment system is located downstream of the neighbouring bored well and the slow percolation rates recorded would indicate there would not be any increased risk to the neighbouring bored well. A public water supply is available to the applicant and confirmation of feasibility has been confirmed in correspondence from Uisce Eireann.
- There is not big demand for rural one-off dwellings in this area. The development is typical of this area and will integrate appropriately into this area.
- The Board are requested to uphold the decision of the PA to grant planning permission as the proposals are consistent with the provisions of the

Development Plan and with the proper planning and sustainable development of the area.

7.0 EIA Screening - 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 2.68 kilometres west of the River Suck SPA (site code 004097). 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.

9.0 WFD Screening- The nearest part of the subject site is located approximately 2.68 kilometres west of the River Suck watercourse.

The development would comprise the construction of a dwelling, connection to the public piped water services and ancillary site works. The detailed development description is set out within Section 2.0 of my report above.

Impact upon water quality within the adjacent stream (located at the south-east corner of 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 River Suck watercourse.
- The flow of the adjacent stream in a south-westerly direction, away from the River Suck.
- The serviced nature of the lands with access to public watermains

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 grounds of appeal, and I am satisfied that no other substantive issues arise. The Planning Authority were satisfied that the issues of Design and layout and wastewater disposal had been satisfactorily addressed. The issues can be dealt with under the following heading:

- Rural Housing Policy
- Design and layout
- Access and sightlines
- Site servicing
- Other Matters
- Appropriate Assessment

2.2. Rural Housing Policy

2.2.1 National Planning Objective 28 within the revised National Planning Framework (2025) requires that in rural areas elsewhere (those not under urban influence), planning authorities should facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans and having regard to the viability of smaller towns and rural settlements.

2.2.2 The subject site is located in an area designated as being within 'A Structurally Weak Area' within the current Galway County Development Plan 2022-2028 and, therefore, not under Strong Urban Influence as defined in the Sustainable Rural Housing Guidelines for Planning Authorities. The relevant local planning policy document is the Galway County Development Plan (GCDP) 2022-2028, which was adopted on the 29th day of June 2022 and became operational on the 10th day of

August 2022. Therefore, this assessment will make reference to the policies and objectives of the current GCDP 2022-2028.

2.2.3 Section 2.4.3 of the GCDP outlines a settlement hierarchy with the three tier 1 towns of Baile Chláir, Oranmore and Bearna, all within the Metropolitan Area (MASP area0. being the main focus for development. Ballinasloe s identified as a tier 2-Key Town, Gort and Loughrea as tier4-self-sustaining towns and Ballygar is identified as a tier 6-small growth village. However, Toghergar is not identified as being either a Rural Village or settlement within the Development Plan. The nearest designated settlements to the appeal site are the rural village settlement of Ballygar located approximately three kilometres to the north of the appeal site and the rural settlement of Mountbellew located approximately thirteen kilometres south-west of the appeal site. The Development Plan states that it will 'Focus on protecting and consolidating existing settlements'.

2.2.4 I note that the current Development Plan within Policy Objective RH 3 sets out the following: The appeal site is located in a 'Structurally Weak Area' as opposed to an 'Area under strong Urban influence' As per the Development Plan, there is no specific requirement to demonstrate one's intrinsic social/economic ties to a rural area or a requirement to demonstrate that one is part-time or full-time employed within the particular rural area. The requirements set out within RH 3 are that applicant(s) demonstrate 'compliance with normal planning and environmental criteria and the *Development Management Standards* outlined in Chapter 15 and other applicable standards with the exception of those lands contained in Landscape Classifications 2,3 and 4 where policy objective RH4 applies'. The appeal site is located within landscape sensitivity Area 1 as per map 4.2 within the Development Plan. There is no requirement for the applicant in this instance to demonstrate their local social and economic ties to the Toghergar/Shanballeybeg areas. The Development Plan facilitates people with urban based backgrounds to reside in the 'Structurally Weak Areas' which includes the Toghergar/Shanballeybeg area. The

issue of siting and design will be addressed below in detail within Section 2.3 of this assessment.

2.2.5 Rural Housing Policy objective RH3 is applicable in this instance where 'there is a presumption in favour of facilitating the provision of single housing in the countryside, based on compliance with normal planning and environmental criteria and the *Development Management Standards* outlined in Chapter 15 and other applicable standards with the exception of those lands contained in Landscape Classifications 2,3 and 4 where policy objective RH4 applies' The appeal site is not located along any of the designated scenic routes nor views nor within a coastal nor lakeshore area as designated within the Development Plan.

2.2.6 In conclusion, it is considered that the proposed development would accord with the provisions of the RH3 policy objective as set out within the current Development Plan, would be in accordance with the proper planning and sustainable development of the area. However, the specific issues of access and traffic, siting and design, wastewater treatment as well as Appropriate assessment will be considered in detail within the assessment below.

2.3. Design and Layout

2.3.1 The applicant has submitted details of a four-bedroom dwelling which provides for a two-storey gable ended dwelling with a floor area of 236 square metres and a maximum ridge height of 8 metres with a single storey wing on the southern side of the main dwelling set back and providing a lower ridge height pitched roof with a maximum ridge height of approximately 4.9 metres. The dwelling would have an overall length of 15.5 metres and a depth of approximately 9.9 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 the front porch feature. The main part of the dwelling itself would comprise a bulky feature with little or no relief provided within its design.

2.3.2 I note that the Local Authority Planner in their report raised issues in relation to the design and layout and specifically in relation to the ridge height and orientation of the dwelling. The PA sought a revised dwelling height as part of the revised plans. The

applicant responded and submitted revised plans and reduced the ridge height by 200mm as part of the response to the PA, and this was deemed acceptable by the PA. I am of the opinion that the design is suburban in character with its massing providing for a bulky design that would benefit from some architectural relief and/or intervention. The depth of the house does not demonstrate the narrow plan form as recommended within the provisions of Section E-Design within the Galway Design Guidelines for the Single Rural House pertaining the building form, as included within Appendix 5 of the Galway County Development Plan. This section of the guidelines encourages more traditional narrow plan designs but also provides for high quality contemporary architectural design. The optimum depth of a dwelling within the design guidelines is stated to be approximately six to seven metres, with the current proposals having a depth of in excess of approximately ten metres. I am of the opinion that the non site-specific dwelling design would not be 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.

2.3.3 Policy Objective RH9 seeks to encourage new to encourage new dwelling house design 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 site is totally exposed to the east, along the L3212 by the absence of any screening or fencing. It is in this context that I consider that the dwelling would be obtrusive within the local landscape.

2.3.4 In conclusion, I consider that the dwelling design as presented is considered to be overly bulky in its massing and deep form plan and would not 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. The design as presented would establish an undesirable precedent and would be contrary to the proper planning and sustainable development of the area and would not be in compliance with the provisions of RH9 in relation to complying with the core principles of design and landscaping within the Galway Design Guidelines for the Single Rural House.

2.4. Access and Traffic

- 2.4.1. Access to the appeal site is proposed via a proposed new domestic entrance which is to be developed on the northern side of the site road frontage of the L-3212 at a point where the sixty kilometre per hour speed control zone applies. The Site layout Plan submitted to the Planning Authority on the 30th day of August 2024 includes details of sightlines, whereby unobstructed visibility of 215 metres in each direction would be achieved at the entrance point. 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.
- 2.4.2. The appellant set out that the sightlines in a northerly direction have not been correctly demonstrated in accordance with best practice road safety standards, I would agree with this viewpoint as the sightlines are only demonstrated to the near roadside edge, and not both sides of the carriageway. However, the Planning Authority were satisfied that adequate sightlines are achievable from the access point and have conditioned that any obstruction to the sightlines be removed (condition number 7 (e)). I note that there is an ESB pole located at the north-eastern corner of the appeal site that obstructs the achievement of sightlines in a northerly direction. The planning documentation was not referred to the Electricity Supply Board (ESB) for comment. I consider that it would be prudent to liaise with the ESB in advance of granting planning permission in this instance.
- 2.4.3. In conclusion, I am of the opinion that sightlines are currently not available in a northerly direction from the proposed entrance point in accordance with DM Standard 28 within the current Development Plan. Neither has the applicant demonstrated that he has adequate consent to set back the ESB pole that currently restricts the northerly sightlines. The sightlines in a southerly direction may also be impeded by the existence of the forestry plantation immediately south of the appeal site and may require to be breasted back in order to provide for a clear line of sight in a southerly direction. The Coimisiún could seek further information from the applicant, if they deem appropriate in relation to this particular matter.

2.5 Site Services

- 2.5.1 Wastewater- The applicant's Site Characterisation Report identifies that the appeal site overlies a regionally Important Aquifer which is described as being 'poorly

productive' where the bedrock vulnerability is classified as 'moderate'. A Ground Protection Response of R1 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).

- 2.5.2 The trial hole depth referenced in the Site Characterisation Report (SCR) was 2.8 metres. It is stated within the SCR that bedrock was not encountered within the trial hole. The water table was encountered at a depth of 2.1 metres within the trial hole. The soil conditions found in the trial hole were stated as comprising a dark brown, crumb type clay to a depth of 0.3 metres with a brown/yellow granular subsoil beneath that to a stated depth of 3 metres Percolation test holes were dug and pre-soaked. An average T value of 19.67 was recorded. A P test was carried out and an average P value of 21 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.
- 2.5.3 The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of wastewater, it is proposed to install a packaged wastewater treatment system and polishing filter
- 2.5.4 The Planning Officer did raise a number of concerns in relation to monitoring of water levels within the percolation area having regard to the high water table in the area. Following the receipt of the further information request, the applicant conducted monitoring of water levels over a period of three months with water levels within the percolation holes being recorded and photographed once every fortnight over the period between the 8th of November 2024 and concluded on the 14th day of February 2025.
- 2.5.5 The applicant also submitted a longitudinal section of the percolation area and wastewater treatment system and details of separation distances from site boundaries as well as an approximate location of the neighbouring wastewater treatment system. The PA outlined no objections to the wastewater proposals

following the submission of the water level monitoring report and response to the other matters set out within the first, second and third points of the further information request. I would concur that the proposals as submitted within the Site Characterisation Report and I note the results from the water level monitoring report, and I am satisfied that the proposed wastewater treatment system as submitted would accord with the EPA code of Practice in relation to wastewater treatment systems serving single houses in the Countryside.

2.5.6 In terms of surface water management, the applicants have illustrated the locations of two soakaways into the eastern part of the appeal site. Their location is included within the site layout Plan. submitted as part of the further information response to the PA. No specific details of these soakaways have been provided. However, these are matters that could be conditioned in the event that a grant of permission is being considered.

2.5.7 Water Supply – The applicant is proposing to connect into the public watermains. Correspondence from Uisce Eireann has been submitted confirming the feasibility of a connection to the public watermains. The applicant has confirmed that the existing borehole on site is to be decommissioned, as per the information included in response to item 6 in the further information response. This is considered acceptable.

2.6 Other Matters

2.6.1 Impact upon neighbouring residential property: The appellants raised the issue of the potential to adversely impact their residential amenity be reason of overlooking and/or overshadowing. There are no first-floor windows on the northern (side) gable, that closest to the appellant' property. The propose dwelling would be located 21.5 metres from the party (northern) boundary which comprises a three-metre belt of leylandii planting. The appellate state that their dwelling is located 4 metres from the party boundary. I consider that given the generous separation distances between the two properties, the existence of the mature boundary planting that neither undue overshadowing nor overlooking would arise in this instance.

2.6.2 Builders rubble on site: I note the matters raised in relation to the disposal of building/inert material within the appeal site. This is a matter that the Local Authority

could address under the waste legislation and is, therefore, the subject of a separate legal code

2.6.3 Ribbon development: The appellants have raised the issue of the development creating a pattern of ribbon development in the area. I note that the nearest dwelling on the same side of the L3212 to the north (apart from the adjoining dwelling) is located approximately 365 metres further north of the appeal site and the nearest dwelling on the same side of the L3212 to the south (is located approximately 760 metres further south of the appeal site. I consider that the proposals would not exacerbate a pattern of ribbon development in this instance.

3.0 Appropriate Assessment

3.1.1 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 2.68 kilometres west of the River Suck Callows Special Protection Area (SPA-site code 004097). The development description was set out within Section 2 of the report above. The appellant stated that the applicant failed to submit an Appropriate Assessment (AA) of the development and referenced specifically the 'Hen Harrier' species and the location of the River Suck Callows further east of the appeal site. The appellants did not specifically mention the existence of a pathway between the subject site and the SPA. 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 'due to its locations outside of any designated European sites.....the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these or any other European site, their qualifying interest or conservation objectives and Stage 2 appropriate assessment is not, therefore, required'.

3.1.2 There are no watercourses nor drainage ditches located within the confines of the appeal site. There is a watercourse located at the south-eastern corner of the subject site, which flows in a south-westerly direction. There was a low level of water within the stream on the day of my site inspection. The applicant stated that the stream

runs dry in the Summer months. The flow of the stream is from north-east to south-west, away from the River Suck Callows SPA. Therefore, I am satisfied that the appeal site is not hydrologically connected to the west or south of the site by means of a surface water pathway.

- 3.1.3 One European site was identified within a three-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. Neither does the appeal site contain any habitat that would be of particular interest in terms of feeding or roosting for the qualifying interest species associated with the SPA. Neither is the Hen harrier is not identified as one of the qualifying interest species associated with the River Suck Callows SPA.
- 3.1.4 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 and given that the site would be connected to a watermain system, that no adverse impacts on water quality, or the qualifying interests or conservation objective of these particular European sites would arise.
- 3.1.5 I am satisfied that with the implementation of the standard control construction measures including those of surface water management, referenced within Section 2.5 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 River Suck Callows SPA represents a weak ecological connection, given the separation distance to the nearest European sites. 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 River Suck Callows SPA, s unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'the proposed development,

individually or in combination with other plans or projects would not be likely to have a significant effect on these or any other European site, their qualifying interest or conservation objectives and Stage 2 appropriate assessment is not, therefore, required”.

3.1.6 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 lack 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.

3.1.7 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.

4.0 Recommendation

4.1 I recommend that planning permission be refused for the reasons set out below.

5.0 Reasons

- 1 The site of the proposed development is located within a 'Structurally Weak Area' as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Galway Design Guidelines for the Single Rural House. which Guidelines are considered to be reasonable. Having regard to the excessive depth and bulk and form, the

exposed nature of the appeal site which is entirely open and exposed along its eastern boundary along the L3212, it is considered that the proposed development would form a discordant and obtrusive feature within the landscape at this location, would be contrary to policy objective RH9 regarding dwelling design, the provisions of Section E of the current Galway Design Guidelines for the Single Rural House, 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 establish an undesirable precedent for other such located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 Sightlines in a northerly direction are obstructed by the existence of a utilities wooden pole structure. The applicant has not demonstrated that he has consent to set the pole back in order to achieve sightlines from the entrance point. The development would therefore not be in compliance with DM Standard 28 of the current Galway County Development Plan 2022-28 regarding sightlines. The development would, therefore, result in the creation of a traffic hazard, would establish an undesirable precedent and 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.

Fergal Ó Bric

Planning Inspectorate

31st day of July 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	Houndswood North, Cong, Co. Mayo		
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: _____