

Substitute Consent: Planning Report

Dwelling house at An Formna,
Inis Oírr, Co. Galway





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Table of Contents

1.	INTRODUCTION	1
2.	BACKGROUND	2
2.1	Site Location	2
2.2	Planning History Assessment	2
2.2.1	Site Planning History	2
2.2.2	Planning History – Surrounding Area	5
3.	DESCRIPTION OF DEVELOPMENT	7
4.	PLANNING POLICY CONTEXT	12
5.	APPROPRIATE ASSESSMENT	14
5.1	Remedial Natura Impact Statement	14
6.	CONCLUSION	16

TABLE OF FIGURES

<i>Figure 1. Aerial Imagery of Site Location.....</i>	<i>2</i>
<i>Figure 2. Existing Elevations and Sections of the Subject Development.....</i>	<i>7</i>
<i>Figure 3. Subject Development in the context of An Formna, Inis Oírr, County Galway.</i>	<i>8</i>
<i>Figure 4. Subject Development in the context of surrounding residential development, An Formna, Inis Oírr, County Galway.....</i>	<i>8</i>
<i>Figure 5. Elevations granted under PI Ref. 15/1313</i>	<i>9</i>
<i>Figure 6. Existing Residential Dwelling Houses on Inis Oírr – Incorporation of Dormer Windows</i>	<i>10</i>
<i>Figure 7. Proposed alterations to ground level fenestration set out under PI Refs. 18/1822 and 19/1236</i>	<i>11</i>

APPENDIX

<i>Appendix 1.....ABP-306153-19: An Bord Pleanála Order Granting Leave To Apply For Substitute Consent</i>	
<i>Appendix 2.....PI Ref. 15/1313 – Supporting Application Documentation, Planning Report, Final Grant of Permission and Submitted Planning Drawings</i>	
<i>Appendix 3..... PI Ref. 17/1265 – Supporting Documentation: Planning Report And Decision For Refusal</i>	
<i>Appendix 4..... PI Refs. 18/1822 & 19/1236 – Supporting Documentation: Refusal to Consider Notice and Planning Drawings</i>	

1.

INTRODUCTION

On behalf of our client Ms. Olive Faherty (nee Flaherty), hereafter referred to as the Applicant, MKO are lodging this Substitute Consent application with An Board Pleanála ('the Board') in relation to a 4 no. bedroom residential dwelling with a ridge height of c. 7.9m and gross floor space of 244m², which represents a change of house type/design from that previously granted permission under Galway County Council Planning Register Reference Number 15/1313, and all associated site development works at An Formna (Furmina), Inis Oírr (Inisheer), Oileáin Árann (Aran Islands), Chontae na Gaillimhe (County Galway).

The Applicant lodged an application seeking leave to apply for substitute consent (ABP Ref. PL07.306153 – **Appendix 1**) to the Board under the provisions of Section 177C (2)(b) of the Planning and Development Act 2000 (as amended) ('the Act') on the 13th December 2019. Upon consideration of the application, the Board decided to *grant* leave to apply for substitute consent under section 177D of the Act on the 19th May 2020 for the following reasons:

1. *An appropriate assessment was required in respect of the development concerned; and*
2. *Exceptional circumstances exist such that the Board considers it appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent*

The existing dwelling house is the current and sole residence of the Applicant and their family. The Applicant, born and reared on Inis Oírr, applied for permission to construct a new dwelling house in order to move back to the island permanently from Australia and to allow her children to attend school on the island, and subsequently, strengthen familial bonds. The Applicant is the sole provider for their family and has recently been appointed as the principal of the local primary school. Native to Inis Oírr and having family land on the island, Galway County Council (the Planning Authority) positively regarded the Applicant as meeting the necessary thresholds for housing need on the island, and furthermore, deemed the provision of a dwelling house at this location to be appropriate in principle, subject to the implementation of the mitigation measures (set out within the previously submitted Appropriate Assessment) and conditions attached to the grant of planning permission under Pl Ref. 15/1313.

This Substitute Consent application, in accordance with Section XA of the Act, is seeking to regularise the current planning situation of the existing dwelling, which will effectively seek to retain all the works to date, to ensure that the Applicant and their family can maintain their livelihoods and enjoyment of communal and familial connections on Inis Oírr. This Planning Report, as well as the submitted remedial Natura Impact Statement (rNIS), have been prepared to ensure that the Board has comprehensive details to inform its consideration of this matter in full.

2. BACKGROUND

2.1 Site Location

The residential dwelling house ('subject development') is located within the environs of An Formna, c. 1km south of Inis Oírr Airport, on the island of Inis Oírr, Aran Islands, Co. Galway. The subject development is situated on a site comprising 0.270ha (2703.1m²) and is accessed by an existing entrance on to the local road network. The site is bordered by traditional stone walls enclosing grassland and limestone fields with an existing shed located immediately to the north and residential dwellings to the south and east, c. 125m and c. 177m respectively. There are no watercourses identified within the development site boundary with the nearest waterbody, An Loch Mór, located c. 350m east of the site boundary.



Figure 1. Aerial Imagery of Site Location

2.2 Planning History Assessment

2.2.1 Site Planning History

The following section sets out a summary of the subject site's planning history and the planning applications considered pertinent to the existing dwelling house site:

➤ Planning Ref. 14/366 (Withdrawn)

Planning application submitted by the Applicant to Galway County Council on the 7th April 2014 for (a) proposed new 4 bedroom house (b) Envirocare Mechanical aeration system or similar approved system and percolation areas (c) all associated site development works (gross floor space 136.64sqm). The Planning Authority issued a Request for Further Information (RFI) on the 29th May 2014 on 4 no. items regarding ecology and the EU Habitats Directive, consideration of alternative development sites, housing need and

the design and structural orientation of the proposed dwelling. In the context of the EU Habitats Directive, the Planning Authority requested the following:

“(1) The proposed site is located within the Inisheer Island candidate Special Area of Conservation and proposed Natural Heritage Area, Site Code 001275. The Planning Authority and Department of Arts, Heritage and the Gaeltacht is concerned regarding the potential for the proposed development to have adverse effects on this designated European site that form part of Natura 2000 protected under the EU Habitats Directive (Council Directive 92/43/EEC) and the European Communities (Natural Habitats) Regulations 1997 (as amended). In accordance with Article 6(3) of the Habitats Directive, the proposed development must therefore be screened for the need to undertake an Appropriate Assessment and a full Appropriate Assessment undertaken should the screening show that significant effects are likely on designated site/s or where there is uncertainty regarding the potential for, or significance of, impacts on the designated site/s.”

The Applicant submitted a Screening for Appropriate Assessment to the Planning Authority on the 18th of November 2014 which concluded that no significant effects are expected on the qualifying interests or conservation objectives of the Inisheer Island SAC, as a result of the proposed development, alone or in combination, with the other plans and projects in the area. Therefore, a NIS was not required in this case. The Planning Authority undertook their own Screening for Appropriate Assessment in relation to the potential effects of the proposed development on European designated sites, including the Inisheer Island Candidate Special Area of Conservation (cSAC) (Site Code: 001275), which determined that a Stage 2 Appropriate Assessment could not be screened out. Following subsequent correspondence with the Planning Authority, the Applicant withdrew PI Ref. 14/366 on the 15th December 2014 as the Planning Authority had raised concerns in relation to whether a NIS would be more appropriate in this instance.

➤ **Planning Ref. 15/1313 (Planning Decision - Conditional Permission)**

Planning application submitted by the Applicant to Galway County Council on the 28th October 2015 for (a) Proposed new 4 bedroom house (b) Envirocare mechanical aeration system or similar approved system and percolation area (c) All associated site development works. Gross floor space of proposed works: 136.64sqm.

The site characterisation assessment was undertaken by Cyril J. Kelly and Associates Consulting Engineers in 2014 to determine the suitability for the treatment of wastewater arising from the subject development within the site. The assessment found that the site was suitable for the treatment of wastewaters in accordance with the requirements of the EPA Code of Practice. Due to these site conditions, the Consulting Engineers recommended that a PE 6 Envirocare mechanical Aeration system be installed on-site which would discharge to a peat bed polishing filter and then pumped into a raised soil filter.

The Applicant submitted a NIS, as part of the planning package lodged to the Planning Authority, which identified and assessed several potential impacts on the Inisheer Island SAC, including potential run-off of pollutants to groundwater and the disturbance / change of management to calcareous grassland. Mitigation measures were outlined within the report in order to eliminate potential significant effects. The report concluded that there would not be any significant effects on the SAC as a result of the construction of the proposed development, either individually or in combination with other projects. The Authority issued a RFI on the 21st December 2015 requiring further details in relation to ecology and the submitted NIS and landscaping of the proposed development, as set out below:

“(1) The Planning Authority have concerns over the Species List for Dry Neutral Grassland, set out in Table 2.7 of the NIS report, as the report states that the ‘species list may be considered incomplete given the nature of a one days survey for the site’, and therefore, lacunae exist, especially as the necessary orchid species may potential exist to correspond with the Annex 1 habitats Calcareous grasslands. The NIS report should include a completed list of habitats species on and surrounding the site, that cover both the winter and summer seasons. Furthermore, given the surface limestone rock exposures, the minimal soil/subsoil overburden above karstified limestone and the location of Lough More, a coastal lagoon. Please address the Planning Authority’s concerns.”

The Applicant submitted an updated NIS to the Planning Authority on the 16th of June 2016 which addressed both concerns on habitats and species and potential groundwater connections between the

proposed development site and Lough Mor. The updated NIS concluded that, as the site does not contain any protected orchid species or any Annex I habitat, the proposed development will not have any significant effects on the Inisheer Island SAC as a result of the construction. The Planning Authority accepted the findings of this report, as summarised below:

“Following completion of the Appropriate Assessment, it was concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on the Inisheer Island cSAC, subject to the adherence to the mitigation measures set out in Section 6 of the NIS.”

The Planning Authority, accepting both the findings of the Site Characterisation Assessment and NIS, issued a final grant of permission for the development on the 15th August 2016 with an expiry date of 14th August 2021. Please refer to **Appendix 2** for copies of the Site Characterisation Assessment Planner’s Report, Decision to Grant Permission as issued by the Planning Authority in respect of the application.

➤ **Planning Ref. 17/1265 (Planning Decision - Refused)**

Planning application submitted by the Applicant to Galway County Council on the 22nd August 2017 for development that will consist of: (a) the retention of the change of house type (which is a change of house type from the previously granted permission (granted under planning register reference number 15/1313); (b) completion of minor internal works and (c) all associated site development works (gross floor space 244sqm). The Applicant included the revised NIS submitted at part of Pl Ref. 15/1313 and an ecological letter by Deborah Tiernan, Consultant Ecologist, which provided a screening opinion of the unauthorised works in the context of the Habitats Directive.

“The site size of 0.27ha is very small relative to the Inisheer SAC which totals 551.71ha. At this size, the potential for any negative effects on the SAC are very limited and this is reflected in the 2015 Natura Impact Statement. A walk over of the site on August 8th 2017 concluded that the changes to the dwelling construction in terms of its size and height do not affect the integrity of the site in any way, other than the potential impacts as previous assessed in the 2015 report.

In as much as the construction and operational phases of the development continue to be cognisant of the mitigation measures previously outlined, there is no requirement for a further Natura Impact Statement to be carried out in the site at this time.”

In assessing this matter, the Planning Authority agreed in principle with the above conclusions and stated within their Planning Report that:

“Having reviewed the submitted NIS and had regard to the minor scale of the development (retention of change of house type approved under 15/1313) the Planning Authority are satisfied that significant impacts on habitats within Natura 2000 sites can be ruled out. No further assessment is required in relation to habitats.”

Permission was refused by the Planning Authority on the 15th January 2018 on design and structural grounds; specifically, the design, scale and siting of the existing dwelling was considered to interfere with landscape character, detract from the visual amenity, mitigate against the preservation of the rural environment contravene development objectives and management standards of the county development plan and set an undesirable precedent for similar future development in the area. The Planning Authority did not, however, cite any ecological grounds within its refusal of permission.

Please refer to **Appendix 3** for the copies of the Planner’s Report and Decision to Refuse Permission as issued by the Planning Authority in respect of the application.

➤ **Planning Ref. 18/1822 (Planning Decision - Incomplete)**

On the basis of the Planning Authority’s refusal in relation to Pl Ref. 17/1265, the Applicant lodged a planning application to Galway County Council on the 17th December 2018 for the “retention of the change of house type which has been built on this site (which is a different dwelling to the development which was previously granted permission under Planning Register Ref. No. 15/1313) along with the retention of all associated site development works. The structure which has been erected on this land contains a gross floor

space of 244 sqm.) The application also proposes to change the fenestration pattern on the façade of the house. Gross floor space of work to be retained 244.0sqm.”. This planning application was not accompanied by any documentation relating to AA or ecological reporting, as based on the previous decision of the Planning Authority, it was considered that the fact that the works would have no impact was accepted by all.

The Planning Authority refused to consider the application (decision dated 18th of February 2019) on the basis that the works to the dwelling house did not screen out for Appropriate Assessment and required a full Appropriate Assessment notwithstanding the decision that issued under Pl Ref. 17/1265.

➤ **Planning Ref. 19/1236 (Planning Decision - Incomplete)**

The Applicant lodged a planning application to Galway County Council on the 8th of August 2019 for the “retention of the change of house type which has been built on this site (which is a different dwelling to the development which was previously granted permission under planning register reference number 15/1313, along with the retention of all associated site development works. The structure which has been erected on this land contains a gross floor space of 244sqm). The application also proposes to change the fenestration pattern on the front façade of the house. The application is accompanied by a Natura Impact Statement. Gross floor space of work to be retained: 244.0 sqm.” The planning application package included the updated NIS submitted under Pl Ref. 15/1313 and a letter from Deborah Tiernan, Consultant Ecologist, dated the 15th of July, 2019 which reconfirms the conclusions submitted under Pl Ref. 17/1265 (i.e. the documentation that had been considered acceptable and appropriate previously) and includes the additional screening statement:

“I now note that the intended ground level changes to the properties fenestration do not affect the findings of the original Natura Impact Statement and a further ecological survey is not needed at this time.”

The Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife – NPWS) made a submission on the file which noted that the submitted NIS, relating to the original permission works (Pl. Ref. 15/1313), contained a suite of mitigation measures to ensure that the development would not negatively impact the Inisheer Island SAC. As such, the NWPS requested that the Planning Authority ensure the development within the site has not or will not negatively impact the SAC. It should be noted that the NWPS did not raise any further issues with either the retention or permission aspect of the application.

Notwithstanding that Pl Ref. 19/1236 was for the same retention of the change of house type and all associated site development as Pl Ref. 17/1265, and included a copy of the original NIS with a revised ecological letter prepared by Deborah Tiernan, Consultant Ecologist, effectively screening out AA, the Planning Authority determined that it was precluded from considering the application (decision dated 30th September 2019) on the basis that the works to the dwelling house did not screen out for Appropriate Assessment and required a full Appropriate Assessment. This is contrary to their position and decision issued on Pl. Ref. 17/1265, within which they acknowledged that the subject retention works would not necessitate AA and issued a decision in this regard.

Please refer to **Appendix 4** for the copies of the Planning Authority’s ‘Refusal to Consider’ notice issued to the Applicant in respect of Pl Ref. 18/1822 and Pl Ref. 19/1236.

2.2.2 **Planning History – Surrounding Area**

The majority of planning applications in the immediate vicinity of the subject development are related to the provision and/or alteration of one-off housing. Between 1999 to 2019, nine valid applications were lodged and assessed by Galway County Council in the immediate vicinity of the subject development by both the Applicant (Pl Ref. 08/589 – an application on a different site within the vicinity) and other residents of An Formna as summarised below:

- **Pl Ref. 99/1114** – Planning application lodged on the 25th March 1999 for proposed dwelling and percolation area. The Planning Authority **refused** a grant of permission on the 19th November 1999 due to the absence of substantial housing need;

- **Pl Ref. 01/3234** - Planning application lodged on the 27th July 2001 for proposed dwelling and septic tank. The Planning Authority **refused** a grant of permission on the 25th September 2001 due to the absence of substantial housing need;
- **Pl Ref. 04/274** - Planning application lodged on the 22nd January 2004 for construction of dwellinghouse septic tank and percolation area. The Planning Authority **refused** a grant of permission on the 22nd September 2004 on the basis of potentially adverse effects on the SAC / NHA of Inisheer Ireland and the potentially adverse visual effects on the character of the receiving landscape;
- **Pl Ref. 05/745** - Planning application lodged on the 28th February 2005 for the construction of a dwelling house, treatment unit and all associated services. The Planning Authority **granted** permission on the 31st October 2005;
- **Pl Ref. 07/2927** - Planning application lodged on the 27th July 2001 for proposed dwelling and septic tank. The Planning Authority **refused** a grant of permission on the 25th September 2001 due to the absence of substantial housing need;
- **Pl Ref. 08/539** - Planning application lodged on the 28th February 2008 for construction of a new 4 bedroom house, bison treatment system and all associated site development works. The Planning Authority **refused** a grant of permission on the 21st October 2008 on the basis of potentially adverse visual effects on the character of the landscape (Unique Landscape Sensitivity (Class 5) and Landscape Value Rating of Outstanding);
- **Pl Ref. 11/369** - Planning application lodged on the 16th March 2011 for the construction of a fully serviced dwelling house and domestic garage. The Planning Authority **granted** permission on the 22nd August 2011;
- **Pl Ref. 19/1648** - Planning application lodged on the 24th October 2019 for construction of a fully serviced dwelling house and domestic garage. The Planning Authority **refused** a grant of permission on the 12th December 2019 on the following grounds: absence of substantial housing need, inadequate foul drainage proposals , potentially adverse effects on the SAC / NHA of Inisheer Ireland and the potentially adverse visual effects on the character of the receiving landscape; and
- **Pl Ref. 19/1742** - Planning application lodged on the 7th November 2019 for construction of a fully serviced dwelling house and domestic garage. The Planning Authority **refused** a grant of permission on the 8th January 2020 on the following grounds: absence of substantial housing need, inadequate foul drainage proposals, potentially adverse effects on the SAC / NHA of Inisheer Ireland and the potentially adverse visual effects on the character of the receiving landscape.

As indicated by the above planning applications and the subsequent decisions made by the Planning Authority, obtaining planning permission for new residential development on Inis Oírr is a rigorous process with only two of the nine applications cited above obtaining permission by the Council. The subject development's previous grant of permission under Pl Ref. 15/1313 is therefore a significant consideration as it establishes the precedent, as supported by planning policy and Appropriate Assessment, that the Applicant has substantiated a comprehensive housing need and the subject site can accommodate a dwelling house without significant adverse effects to the receiving environment. These matters are considered in greater detail below within their respective sections.

3. DESCRIPTION OF DEVELOPMENT

Analysis of the subject development has been set out under two headings, Design and Structure, and Appropriate Assessment, which are key considerations to this current application for substitute consent. Design & Structure

The subject development is located in the townland of An Formna, on the eastern side of Inis Oírr, County Galway. The constructed dwelling house erected on site has a ridge height of 7.893m, a gross floor area of 244m² and incorporates 3 no. dormer windows to the front elevation.

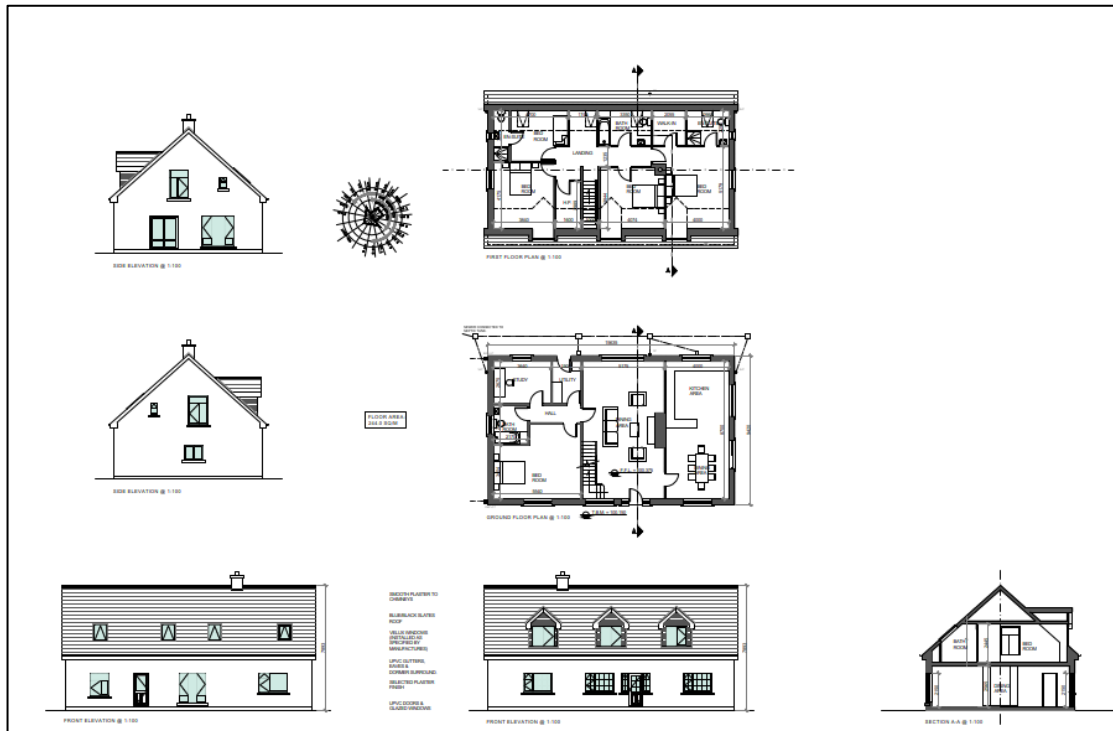


Figure 2. Existing Elevations and Sections of the Subject Development

Photographs of the subject development are provided below in Figures 3 and 4.



Figure 3. Subject Development in the context of An Formna, Inis Oírr, County Galway.



Figure 4. Subject Development in the context of surrounding residential development, An Formna, Inis Oírr, County Galway

It was acknowledged that the subject development was not constructed in accordance with the conditions attached to the grant of permission under Pl Ref. 15/1313. The original design of the dwelling house granted by the Planning Authority under Pl Ref. 15/1313 consisted of a 4 no. bedroom house with a proposed roof height of 6.5m and a gross floor area of 136.64m². The siting of the dwelling house was to be set back 19.05m from the roadway at its closest point. The Executive Planner within their report described the proposed dwelling as being a ‘*traditional style low impact dormer house type based on a long and narrow floor plan*’. The elevations of the permitted dwelling house are shown below and a complete set of drawings which accompanied Pl Ref. 15/1313 are included in **Appendix 2**.

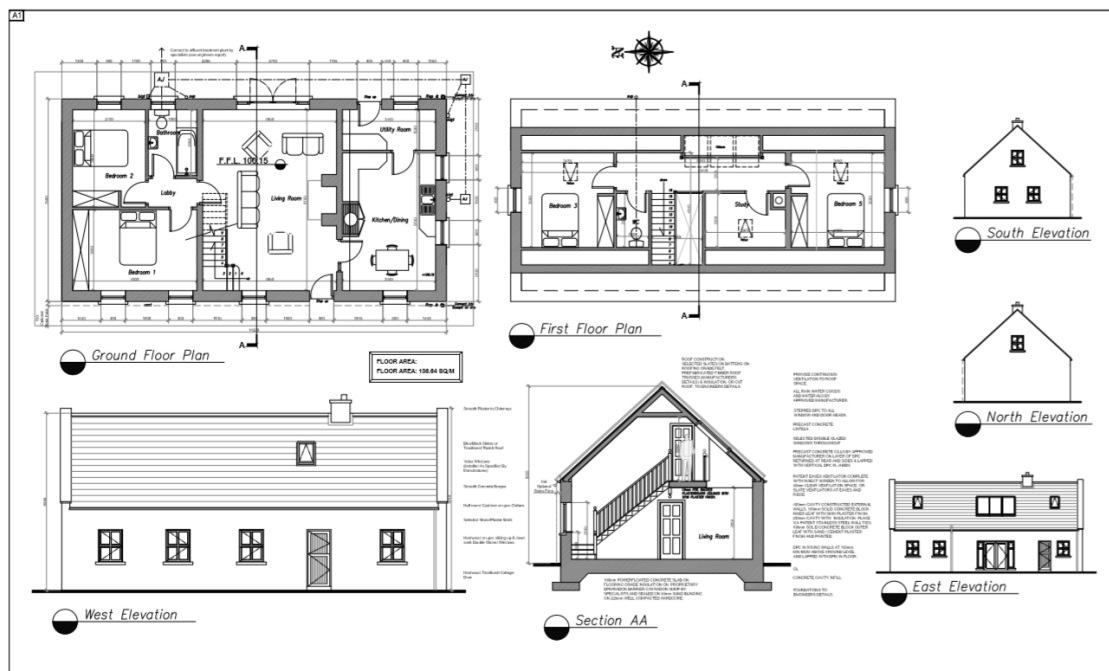


Figure 5. Elevations granted under PI Ref. 15/1313

The Applicant submitted an application to the Planning Authority (PI Ref. 17/1265) on the 5th of September 2017 for the retention of the change of house type from the previously granted permission, completion of minor internal works and all associated site development works. The Planning Authority issued a decision to refuse this application on the 15th June 2018 for the following reason (**Appendix 3**):

1. *Having regard to the design, scale and siting of the proposed suburban house type located on a Class 4 rural (unique) landscape, it is considered that the proposed development would result in a dominant and overbearing built form that would not fit appropriately or integrate effectively into this rural location. Furthermore, the proposed house type would be contrary to the design principles set out in Galway county council's Design Guidelines for the Single Rural House', and would contravene materially Objective RHO 9, Objective LCM 1, Objective LCM 2 and DM Standard 6 contained in the Galway County Development Plan 2015-2021. Accordingly to grant the proposed development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would contravene materially a development objectives and a development management standard contained in the current county development plan, would set an undesirable precedent for similar future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.*

O'Flynn Architects, commissioned by the Applicant, submitted a professional architectural assessment of the dwelling house, having regard to PI Refs. 15/1313 and 17/1265 and their corresponding decisions. Within the architectural assessment, it was put forward that the key issues within the Planning Authority's refusal to grant retention under PI Ref. 17/1265 were the alterations to the height, scale and fenestration of the dwelling. The siting of the dwelling house was also referenced in the Planning Authority's reasoning for refusal; however, this is not elaborated upon within the Planning Officer's report. As stated by O'Flynn Architects, this change is more representative of a reorientation rather than a material re-design of the site layout. It was concluded by O'Flynn Architects that minor alteration has not resulted in any specific loss of amenity relative to the permitted arrangements under PI Ref. 15/1313.

- **Height:** The increase in height of the dwelling house to 7.89m, an increase of 1.33m relative to the permitted height of 6.55m, was highlighted within the Planner's Report on PI Ref. 17/1265; however, the Report did not provide a qualitative or quantitative assessment as to how the increase of 1.3m in height would result in a specific loss of visual or rural amenity. It is noted by O'Flynn Architects that many contemporary dwellings in the Irish country side exceed this dimension. Furthermore, there are no height limitations within either Objective RH09 and Policies LCM1

and LCM2 of the Galway County Development Plan 2015 – 2021 (as varied) or Galway County Council’s Design Guidelines for Single Rural Houses which were cited in the grounds for refusal.

On review of the planning applications lodged within the immediate vicinity of the subject development (Section 2.2.2), it worth highlighting that PI Refs. 05/745 and 11/369, both granted within the locale, have heights between 6.5m – 7m which is not significantly lower than what has been constructed. Recent applications for residential development in the general area (e.g. PI Ref. 19/1742 and 19/1648) also incorporated c. ridge heights of c. 6.5m – 6.9m.

- **Scale:** The existing dwelling house has a gross floor space of 244m² which is larger than the 136m² consented under 15/1313; however, most of this additional floor space is located within the enlarged attic and structural areas which would have contained a void. As such, it is the opinion of O’Flynn Architects that this increase in floor space does not constitute a case where the house is proportionally larger than the permitted development.
- **Fenestration:** The Planning Authority in their assessment of PI Ref. 17/1265 emphasised the alteration of fenestration on the ground floor level and the inclusion of the 3 no. dormer structures as significant changes to the permitted development under 15/1313. O’Flynn Architects notes that dormer windows are relatively commonplace on Inis Oírr (*please refer to Figure 6 below*), and more generally, are considered acceptable in a number of other rural housing design guides across the country, including County Cork, County Meath and County Mayo. As demonstrated by Figure 6, the subject development is in keeping with a common architectural style established on the island and is not considered sufficiently harmful to the amenity of the surrounding landscape.



Figure 6. Existing Residential Dwelling Houses on Inis Oírr – Incorporation of Dormer Windows

With regard to the ground level fenestration, Pl Ref. 18/1822 and Pl Ref. 19/1236 included a proposal to change the fenestration pattern to include for the installation of the originally permitted openings as granted under Pl Ref. 15/1313. While the subject development is considered acceptable in its current form, as discussed above, the Applicant acknowledges the concerns expressed by the Planning Authority under Pl Ref. 17/1265 that the ground floor window styles are significantly different from what was originally proposed. As such, should the Board consider these alterations to the ground level fenestration necessary by way of condition (Figure 7 below), the Applicant will fully comply in order to regularise the development to the satisfaction of all parties.

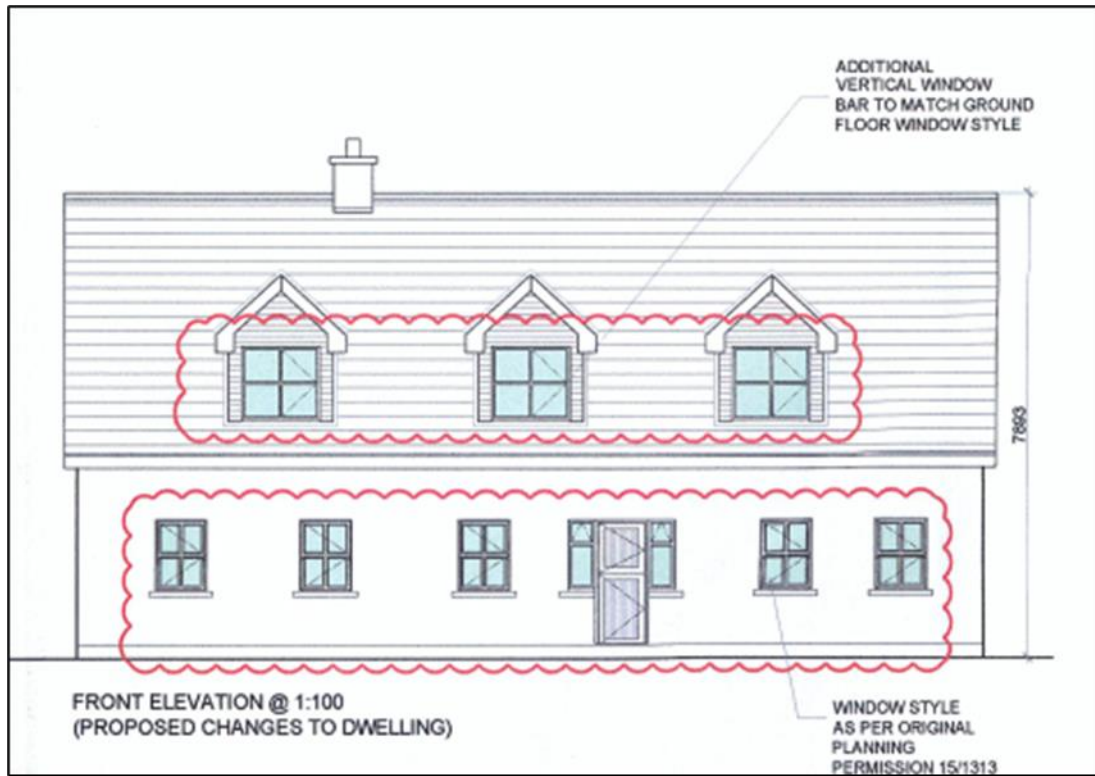


Figure 7. Proposed alterations to ground level fenestration set out under Pl Refs. 18/1822 and 19/1236

4. PLANNING POLICY CONTEXT

The application site is located in the townland of An Formna, on the eastern side of Inis Oírr, Aran Islands, County Galway. The current statutory planning policy documents for the subject site are the Galway County Development Plan 2015-2021 (GCDP) and Variation No. 2(b) in the Galway County Development Plan 2015-2021 (Gaeltacht Plan).

The Aran Islands – Community Development Framework Guidance, as set out within the Gaeltacht Plan, is an advisory document that expands on how the sustainable development for island communities could be achieved in compliance with the provision of the GCDP. The Framework sets out 3 no. key considerations for residential housing development on Inis Oírr:

- Supporting the housing needs of Islanders;
- Encouraging effective use of housing land including use of brownfield sites; and
- New housing to be of a high quality energy efficient construction, making use of wind and solar resources and comprehensive insulation.

With regard to the first point above, the Applicant was born and reared on the island and has engaged with the Planning Authority and statutory planning process as early as 2007 in order to obtain permission to construct a new dwelling house in order to relocate themselves and their family back to Inis Oírr. The Applicant is the sole provider for their family and has recently been appointed as the principal of the local primary school. The Planning Authority has already agreed to the housing need of the Applicant, and furthermore, that the existing site (Class 5 rural (Unique) landscape) in principle can accommodate a dwelling house. The following policies were cited within the Planning Authority's decision to grant permission for Pl Ref. 15/1313.

- **Objective RHO 3 - Rural Housing Zone 3 (Landscape Category 3, 4 and 5):** Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their rural links to the area and are required to submit a Substantiated Rural Housing Need.
- **Objective RHO 4 - Rural Housing Zone 4 (An Ghaeltacht):** Those applicants within An Ghaeltacht which are located in Zone 1 (Rural Area Under Strong Urban Pressure-GTPS) and Zone 3 (Landscape Category 3, 4 and 5) shall comply with the objectives contained in RHO1 and RHO3 as appropriate
- **Objective IS 2 - Development Proposals on the Islands**
 - Support sustainable development proposals that contribute to the long term economic and social development of the islands;
 - Priority shall be given to development that contributes to retention of the year-round population on the islands, that has a clear and identifiable economic and social benefit and that is compatible with the capacity of the local community to accommodate it;
 - Ensure that new development of any kind is sympathetic to the individual form and character of the islands landscapes and traditional building patterns.
- **DM Standard 39 - Compliance with Landscape Sensitivity Designation:** It is accepted that the Islands around our coastline are special and require protection while at the same time accommodating local needs. Currently the landscape sensitivity rating for all of the Islands is Class 5 - Unique. However, consideration will be given to accommodating local housing needs, where the development would be in conformity with the provisions of the plan.

In refusing to grant retention under Pl Ref. 17/1265 for the subject works, the Planning Authority stated that proposed house type would be contrary to the design principles set out in Galway County Council's *Design Guidelines for the Single Rural House* and would contravene Objective RHO 9, Objective LCM 1, Objective LCM 2 and DM Standard 6 as contained in the GCDP. These policies are set out below and have already been discussed in the context of the existing dwelling in Section 3.

- **Objective RHO 9 - Design Guidelines:** It is an objective of the Council to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following:

- It is an 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;
 - It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout; and
 - It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.
- **Objective LCM 1 - Landscape Sensitivity Classification:** The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/ Visual Impact Assessment to accompany such proposals
 - **Objective LCM 2 - Landscape Sensitivity Ratings:** Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations
 - **DM Standard 6 - Assimilation of Development into Landscape:** All permissible buildings should avoid locally obtrusive elevated locations and should be located on mid slopes or lower slopes of rising ground where possible. Development should seek to preserve traditional field patterns and established hedgerow and woodland. A visual impact assessment may be required where the proposal is located in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 4 and 5 designated landscape sensitivity areas.

As noted, the grant of permission by the Planning Authority under Pl Ref. 15/1313 established the appropriate nature of residential use on this site in that it can accommodate a dwelling house. As indicated in Pl Ref. 17/1265, the Planning Authority has accepted in principle various design and structural elements of the subject development including internal layout and features, treatment of the rear elevation and external arrangements and services. MKO is of the opinion that the material alterations to the dwelling house permitted under Pl Ref. 15/1313 are not so significant that a grant of permission for the subject development would be contrary to the above policies and to the proposed planning and sustainable development of the area.

5. APPROPRIATE ASSESSMENT

The Planning Authority, when assessing the initial application for the retention of the subject development (PI Ref. 17/1265), stated within their Planning Report (as noted in Section 2.2.1) that, having regard to the updated NIS (previously submitted under PI Ref. 15/1313 and the accompanying screening letter) and the minor scale of the subject development, the Authority was satisfied that significant impacts on habitats within Natura 2000 sites could be ruled out and that no further assessment was required in relation to habitats. This position is consistent with that held by ecologist Deborah Tiernan and MKO ecologists (as articulated in the accompanying remedial NIS). The Planning Authority's position on this screening conclusion changed, however, when the Planning Authority assessed PI Ref. 18/1822 and 19/1236 and determined that it was precluded from considering the applications on the basis that the unauthorised works to the dwelling house did not screen out for Appropriate Assessment and require a full Appropriate Assessment.

It is acknowledged that the subject development was not subject to a full Appropriate Assessment under PI Refs. 17/1265, 18/1822 and 19/1236. As noted previously, the alterations to the house type consented under PI Ref. 15/1313 were not considered to represent a significant alteration to the original grant of permission. A Screening for Appropriate Assessment was undertaken in December 2019 by MKO in support of the Applicant's Application to Seek Leave to Apply for Substitute Consent (ABP Ref. PL07.306153). The AA Screening assessed the potential impact on Natura 2000 sites arising from the works which have been completed to-date and the continued use of the dwelling. The AA Screening concluded, beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on Natura 2000 sites.

The Board, however, restricted itself to only considering whether there was sufficient merit to grant leave to apply for substitute consent under ABP Ref. PL07.306153 and did not evaluate the planning and environmental merits of the subject development (e.g. the submitted Appropriate Assessment Screening Report). The Board's Inspector did note that previous decisions made by the Planning Authority indicate that the subject development *may have no actual or likely effects* on the environment or adverse effects on the integrity of a European site, and therefore, warrants further investigation:

*"I am not in a position to determine the likelihood of actual or likely effects on the environment in the absence of a detailed and robust assessment of the potential and likely anticipated impacts and the mitigation measures proposed to address these impacts. However having regard to the fact previous decisions made in relation to the original permission for a dwelling under ref no. 15/1313 and a subsequent application for retention under ref no. 17/1256 (refused on design/visual amenity grounds) indicate that the proposed development would have no significant effects on any Natura 2000 sites, there is evidence to indicate that the development subject to this application **may have no actual or likely effects** * on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of development and merits an assessment to determine whether this is the case under a substitute consent application."*

* emphasis added

The Applicant supports the Inspector's insight on this matter and has prepared a remedial NIS, as requested by the Board, to demonstrate that the subject development has not individually or in combination with other plans or projects, adversely affected the integrity of any designated European Site.

5.1 Remedial Natura Impact Statement

MKO has prepared Remedial Natura Impact Statement (rNIS) to provide the information necessary to allow the competent authority (An Bord Pleanála) to conduct an Appropriate Assessment of the subject development located at An Furmina, Inisheer, Aran Islands, County Galway. The NIS submitted in support of PI Ref. 15/1313, prepared by John Curtin and James O' Donnell of Planning Consultancy Services in 2014/2015, was reviewed and considered in the preparation of this assessment

This report has been prepared in accordance with the European Commission guidance document Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on

the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2001), European Communities (2018) Managing Natura 2000 Sites: the provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission and the Department of the Environment’s Guidance on the Appropriate Assessment of Plans and Projects in Ireland (December 2009, amended February 2010).

The remedial NIS’s remedial impact assessment found that there is no potential for adverse effects on the identified European sites, their QIs/SCIs and associated targets and attributes. Specifically, all identified pathways for effect have been robustly blocked through measures to avoid impacts and the incorporation of best practice/mitigation measures into the project design. Taking cognisance of measures to avoid impacts and best practice/mitigation measures incorporated into the project design, the subject development has not nor will have an adverse effect on the integrity of any European site. The subject development has not prevented the QIs/SCIs of European Sites from achieving/maintaining favourable conservation status in the future as defined in Article 1 of the EU Habitats Directive.

The remedial NIS therefore objectively concluded that the subject development, individually or in combination with other plans or projects, has not nor will adversely affect the integrity of any European Site for the following reasons:

- There were no Annex I listed habitats associated with the Inisheer Island SAC identified on-site during the site visit which remains consistent with the previous NIS submitted. Non-native invasive species were not found within the development site boundary during the 2019 site visit;
- The habitats immediately surrounding the dwelling have low conservation value. The dry calcareous and neutral grassland (GS1) habitat, although slightly disturbed immediately behind the dwelling, has moderate local conservation value. The subject development has not nor will impact on these habitats;
- No evidence of Annex II species associated with any EU sites were recorded within the site boundary;
- No watercourses have been identified within the site boundary or the immediate vicinity of the development;
- The design alternations to the development, including the increase in ridge height, increased floor space and addition of 3 no. dormer window to the dwelling will not impact on the Qualifying Interests of the Inisheer Island SAC. Pollution prevention measures have been included in the project design, including the permitted means of foul drainage as set out in the previous NIS and expanded upon, to robustly block the identified pathway for impacts associated with the construction phase. Therefore, no potential for adverse impact associated with the operational phase of the development exists.
- Inishmaan Island SAC [000212] is physically separated from the subject development and there is no connectivity between the subject development and this European Site. There will be no direct effects as the development is located entirely outside the designated site;
- Inishmore Island SAC [000213] is physically separated from the subject development and there is no connectivity between the subject development and this European Site. No complete source-pathway-receptor chain for effect was identified. There will be no direct effects as the development is located entirely outside the designated site;

6.

CONCLUSION

This Report is in support of an application for substitute consent by Ms. Olive Faherty, the Applicant, in connection with their existing dwelling in the townland of An Formna, on the eastern side of Inis Oírr, County Galway. Whilst planning permission was granted for a dwelling house at this location in 2016 (PI Ref. 15/1313), the consented design of the house was materially altered by the incorporation of new design and structural elements which did not form part of the original or any subsequent permission.

This application for substitute consent, in accordance with Section XA of the Act, is seeking to regularise the planning status of their dwelling house in order to maintain their livelihood and enjoyment of communal and familial connections on Inis Oírr which cannot be ensured without the regularisation of the dwelling house's current planning status.

The grant of permission by the Planning Authority under PI Ref. 15/1313 established the appropriate nature of residential use on this site in that it can accommodate a dwelling house. As indicated in PI Ref. 17/1265, the Planning Authority has accepted in principle various design and structural elements of the subject development including internal layout and features, treatment of the rear elevation and external arrangements and services. In the context of the planning history and subsequent analysis of the architectural merits of the subject development, MKO is of the opinion that the material alterations to the dwelling house permitted under PI Ref. 15/1313 are not so significant that a grant of permission for the subject development would be contrary to the proposed planning and sustainable development of the area.

This Planning Report, the accompanying rNIS and the other reports and supplementary documentation that form part of this application, have been prepared to ensure that the Board has comprehensive details to inform its consideration of this matter in full.

We trust all the above and the enclosed documentation is in order and await the Board's determination on this matter.



APPENDIX 1

***ABP-306153-19: AN BORD PLEANÁLA
ORDER GRANTING LEAVE TO APPLY FOR
SUBSTITUTE CONSENT***



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Application for Leave To Apply For Substitute Consent, by Olive Faherty care of MKO of Tuam Road, Galway.

Development: House at An Formna, Inis Oírr, Aran Islands, County Galway.

Decision

GRANT leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to section 177D of the Planning and Development Act, 2000, as amended, the Board considered that:-

- (a) an appropriate assessment was required in respect of the development concerned, and
- (b) exceptional circumstances exist such that the Board considers it appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

In this regard, the Board considered that –

- the regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment or Habitats Directive; and
- the ability to carry out an environmental impact assessment and an appropriate assessment and provide for public participation has not been substantially impaired.

Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.



APPENDIX 2

*PL REF. 15/1313 – SUPPORTING
APPLICATION DOCUMENTATION,
PLANNING REPORT, FINAL GRANT OF
PERMISSION AND SUBMITTED
PLANNING DRAWINGS*

Cyril J Kelly & Associates

Consulting Engineers

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Tel/ Fax 091 758530 Mobile 086 8578708 Email cyril_kelly@eircom.net

Planning Department,
Galway County Council,
Áras na Chontae,
Prospect Hill,
Galway

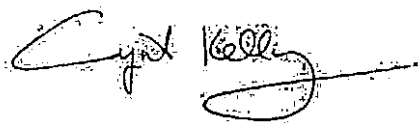
28-Aug-2015

Re: Planning Application for Olive Flaherty
Previous ref. no. 14/366 - withdrawn

Dear Sir/Madam,

In relation to the abovementioned withdrawn planning application, we confirm that we carried out the original site suitability report in 2014. Under this new application, the sewage treatment system and polishing filter has moved slight to the west of the site. The ground conditions in this field are very consistent as it is all limestone with a layer of topsoil over. The original test was carried out approx. 10m away from the new location for the sewage system and so carrying out the same tests again would be counterproductive as it would yield the same results. Therefore, the original report is being submitted with this application.

Yours Sincerely;



Cyril J Kelly
B.E. M.I.E.I



SITE CHARACTERISATION FORM

COMPLETING THE FORM

Step 1:



Goto Menu Item **File**, **Save As** and save the file under a reference relating to the client or the planning application reference if available.

Use the **Clear Form** button to clear all information fields.

Notes:

All calculations in this form are automatic.

Where possible information is presented in the form of drop down selection lists to eliminate potential errors.

Variable elements are recorded by tick boxes. In all cases only one tick box should be activated.

All time record fields must be entered in twenty hour format as follows: HH:MM

All date formats are DD/MM/YYYY.

All other data fields are in text entry format.

This form can be printed out fully populated for submission with related documents and for your files. It can also be submitted by email.

Section 3.2

In this section use an underline _____ across all six columns to indicate the depth at which changes in classification / characteristics occur.

Section 3.4

Lists supporting documentation required.

Section 4

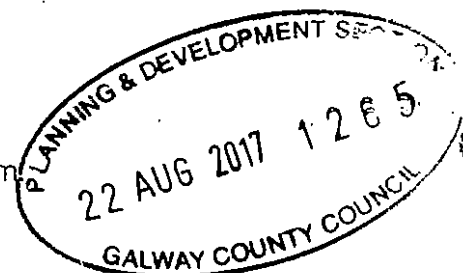
Select the treatment systems suitable for this site and the discharge route.

Section 5

Indicate the system type that it is proposed to install.

Section 6

Provide details, as required, on the proposed treatment system.



info @ cyrilkellyengineers.com

APPENDIX B: SITE CHARACTERISATION FORM

File Reference:

1.0 GENERAL DETAILS (From planning application)

Prefix: First Name: Surname:

Address:

Site Location and Townland:

Telephone No: Fax No:

E-Mail:

Maximum no. of Residents: No. of Double Bedrooms: No. of Single Bedrooms:

Proposed Water Supply: Mains ☒ Private Well/Borehole ☐ Group Well/Borehole ☐

2.0 GENERAL DETAILS (From planning application)

Soil Type, (Specify Type):

Aquifer Category: Regionally Important ☐ Locally Important Poor ☐

Vulnerability: Extreme ☐ High ☐ Moderate ☐ Low ☐ High to Low ☒ Unknown ☐

Bedrock Type:

Name of Public/Group Scheme Water Supply within 1 km:

Groundwater Protection Scheme (Y/N): Source Protection Area: SI ☐ SO ☐

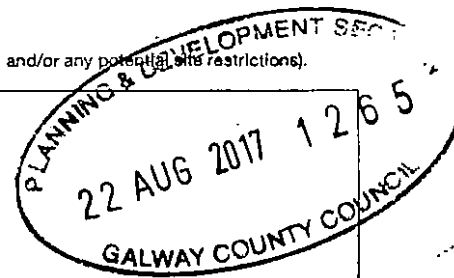
Groundwater Protection Response:

Presence of Significant Sites
(Archaeological, Natural & Historical):

Past experience in the area:

Comments:

(Integrate the information above in order to comment on: the potential suitability of the site, potential targets at risk, and/or any potential site restrictions).



Note: Only information available at the desk study stage should be used in this section.

3.0 ON-SITE ASSESSMENT

3.1 Visual Assessment

Landscape Position:

Slope: Steep (>1:5) ☐ Shallow (1:5-1:20) ☐ Relatively Flat (<1:20) ☒

Surface Features within a minimum of 250m (Distance To Features Should Be Noted In Metres)

Houses:

Existing Land Use:

Vegetation Indicators:

Groundwater Flow Direction:

Ground Condition:

Site Boundaries:

Roads:

Outcrops (Bedrock And/Or Subsoil):

Surface Water Ponding: Lakes:

Beaches/Shellfish: Areas/Wetlands:

Karst Features:

Watercourse/Stream*:

Drainage Ditches*:

Springs / Wells*:

Comments:

(Integrate the information above in order to comment on: the potential suitability of the site, potential targets at risk, the suitability of the site to treat the wastewater and the location of the proposed system within the site).

The site is very rocky and the main problem will be the depth of soil. The main targets at risk are the ground water



*Note and record water level

3.2 Trial Hole (should be a minimum of 2.1m deep (3m for regionally important aquifers))

To avoid any accidental damage, a trial hole assessment or percolation tests should not be undertaken in areas, which are at or adjacent to significant sites (e.g. NHAs, SACs, SPAs, and/or Archaeological etc.), without prior advice from National Parks and Wildlife Service or the Heritage Service.

Depth of trial hole (m):

Depth from ground surface
to bedrock (m) (if present):

Depth from ground surface
to water table (m) (if present):

Depth of water ingress: Rock type (if present):

Date and time of excavation: Date and time of examination:

Depth of P/T Test*	Soil/Subsoil Texture & Classification**	Plasticity and dilatancy***	Soil Structure	Density/ Compactness	Colour****	Preferential flowpaths
0.1 m	<input type="text"/> Sand/stone	<input type="text"/> no	<input type="text"/> granular	<input type="text"/> low	<input type="text"/> grey	<input type="text"/> stones
0.2 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
0.3 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
0.4 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
0.5 m	<input type="text"/> Bedrock @ 0.45m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
0.6 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
0.7 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
0.8 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
0.9 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.0 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.1 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.2 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.3 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.4 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.5 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.6 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.7 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.8 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1.9 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.0 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.1 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.2 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.3 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.4 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.5 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.6 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.7 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.8 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.9 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
3.0 m	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Likely T value:

Note: *Depth of percolation test holes should be indicated on log above. (Enter P or T at depths as appropriate).

** See Appendix E for BS 5930 classification.

*** 3 samples to be tested for each horizon and results should be entered above for each horizon.

**** All signs of mottling should be recorded.



3.2 Trial Hole (contd.) Evaluation:

A "P" test will be carried out as rock was encountered to close to the surface to do a "T" test, also the porosity of the rock should be checked

3.3(a) Percolation ("T") Test for Deep Subsoils and/or Water Table

Step 1: Test Hole Preparation

Percolation Test Hole

	1	2	3
Depth from ground surface to top of hole (mm) (A)	0	0	0
Depth from ground surface to base of hole (mm) (B)	0	0	0
Depth of hole (mm) [B - A]	0	0	0
Dimensions of hole [length x breadth (mm)]	x	x	x

Step 2: Pre-Soaking Test Holes

Date and Time pre-soaking started

--	--	--	--	--	--

Each hole should be pre-soaked twice before the test is carried out. Each hole should be empty before refilling.

Step 3: Measuring T_{100}

Percolation Test Hole No.

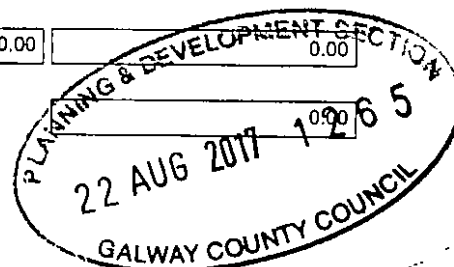
	1	2	3
Date of test			
Time filled to 400 mm			
Time water level at 300 mm			
Time to drop 100 mm (T_{100})	0.00	0.00	0.00

Average T_{100}

If $T_{100} > 300$ minutes then T-value > 90 – site unsuitable for discharge to ground

If $T_{100} \leq 210$ minutes then go to Step 4;

If $T_{100} > 210$ minutes then go to Step 5;



3.2 Trial Hole (contd.) Evaluation:

A "P" test will be carried out as rock was encountered to close to the surface to do a "I" test, also the porosity of the rock should be checked

3.3(a) Percolation ("T") Test for Deep Subsoils and/or Water Table

Step 1: Test Hole Preparation

Percolation Test Hole

	1	2	3
Depth from ground surface to top of hole (mm) (A)	0	0	0
Depth from ground surface to base of hole (mm) (B)	0	0	0
Depth of hole (mm) [B - A]	0	0	0
Dimensions of hole [length x breadth (mm)]	x	x	x

Step 2: Pre-Soaking Test Holes

Date and Time pre-soaking started

--	--	--	--	--	--

Each hole should be pre-soaked twice before the test is carried out. Each hole should be empty before refilling.

Step 3: Measuring T_{100}

Percolation Test Hole No.

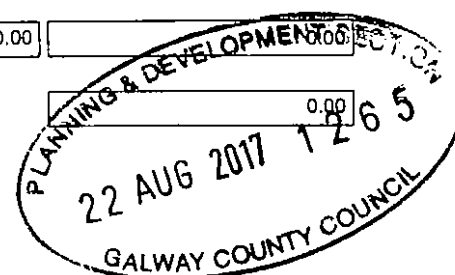
	1	2	3
Date of test			
Time filled to 400 mm			
Time water level at 300 mm			
Time to drop 100 mm (T_{100})	0.00	0.00	0.00

Average T_{100}

If $T_{100} > 300$ minutes then T-value > 90 – site unsuitable for discharge to ground

If $T_{100} \leq 210$ minutes then go to Step 4;

If $T_{100} > 210$ minutes then go to Step 5;



Step 4: Standard Method (where $T_{100} \leq 210$ minutes)

Percolation Test Hole	1			2			3		
Fill no.	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δt (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δt (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δt (min)
1			0.00			0.00			0.00
2			0.00			0.00			0.00
3			0.00			0.00			0.00
Average Δt Value			0.00			0.00			0.00
	Average $\Delta t/4 =$ [Hole No.1] 0.00 (t_1)			Average $\Delta t/4 =$ [Hole No.2] 0.00 (t_2)			Average $\Delta t/4 =$ [Hole No.3] 0.00 (t_3)		

Result of Test: $T =$ 0.00 (min/25 mm)

Comments:

Step 5: Modified Method (where $T_{100} > 210$ minutes)

Percolation Test Hole No.	1				2				3			
Fall of water in hole (mm)	Time Factor $= T_1$	Time of fall (mins) $= T_m$	$K_{10} = T_1 / T_m$	T-Value $= 4.45 / K_{10}$	Time Factor $= T_1$	Time of fall (mins) $= T_m$	$K_{10} = T_1 / T_m$	T-Value $= 4.45 / K_{10}$	Time Factor $= T_1$	Time of fall (mins) $= T_m$	$K_{10} = T_1 / T_m$	T-Value $= 4.45 / K_{10}$
300 - 250	8.1				8.1				8.1			
250 - 200	9.7				9.7				9.7			
200 - 150	11.9				11.9				11.9			
150 - 100	14.1				14.1				14.1			
Average T-Value	T-Value Hole 1 = (t_1) 0.00				T-Value Hole 1 = (t_2) 0.00				T-Value Hole 1 = (t_3) 0.00			

Result of Test: $T =$ 0.00 (min/25 mm)

Comments:



3.3(b) Percolation ("P") Test for Shallow Soil / Subsoils and/or Water Table

Step 1: Test Hole Preparation

Percolation Test Hole

	1	2	3
Depth from ground surface to top of hole (mm)	0	0	0
Depth from ground surface to base of hole (mm)	400	400.00	400
Depth of hole (mm)	400	400	400
Dimensions of hole [length x breadth (mm)]	300 x 300	300 x 300	300 x 300

Step 2: Pre-Soaking Test Holes

Date and Time

pre-soaking started

20/02/2014	08:30	20/02/2014	08:32	20/02/2014	08:34
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Each hole should be pre-soaked twice before the test is carried out. Each hole should be empty before refilling.

Step 3: Measuring P_{100}

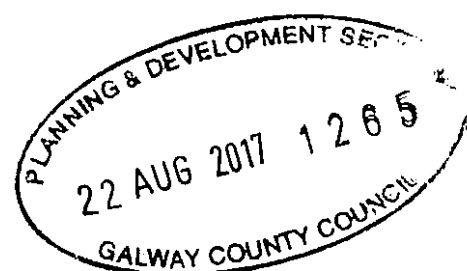
Percolation Test Hole No.

	1	2	3
Date of test	21/02/2014	21/02/2014	21/02/2014
Time filled to 400 mm	10:30	10:31	10:32
Time water level at 300 mm	10:48	10:50	10:53
Time to drop 100 mm (P_{100})	18.00	19.00	21.00
Average P_{100}			19.33

If $P_{100} > 300$ minutes then P-value > 90 – site unsuitable for discharge to ground

If $P_{100} \leq 210$ minutes then go to Step 4;

If $P_{100} > 210$ minutes then go to Step 5;



Step 4: Standard Method (where $P_{100} \leq 210$ minutes)

Percolation Test Hole	1			2			3		
Fill no.	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)
1	10:48	11:07	19.00	10:50	11:10	20.00	10:53	11:15	22.00
2	11:07	11:27	20.00	11:10	11:31	21.00	11:15	11:39	24.00
3	11:27	11:48	21.00	11:31	11:52	21.00	11:39	12:04	25.00
Average Δp Value	20.00			20.67			23.67		
Average $\Delta p/4 =$ [Hole No.1] 5.00 (p_1)				Average $\Delta p/4 =$ [Hole No.2] 5.17 (p_2)				Average $\Delta p/4 =$ [Hole No.3] 5.92 (p_3)	

Result of Test: $P = 5.36$ (min/25 mm)

Comments:

The rate of percolation is fast but the test past. the treated effluent will have a route away from the site

Step 5: Modified Method (where $P_{100} > 210$ minutes)

Percolation Test Hole No.	1				2				3			
Fall of water in hole (mm)	Time Factor $= T_f$	Time of fall (mins) $= T_m$	$K_{100} = T_f / T_m$	P-Value $= 4.45 / K_{100}$	Time Factor $= T_f$	Time of fall (mins) $= T_m$	$K_{100} = T_f / T_m$	P-Value $= 4.45 / K_{100}$	Time Factor $= T_f$	Time of fall (mins) $= T_m$	$K_{100} = T_f / T_m$	P-Value $= 4.45 / K_{100}$
300 - 250	8.1				8.1				8.1			
250 - 200	9.7				9.7				9.7			
200 - 150	11.9				11.9				11.9			
150 - 100	14.1				14.1				14.1			
Average P- Value	P- Value Hole 1= (p_1)			0.00	P- Value Hole 1= (p_2)			0.00	P- Value Hole 1= (p_3)			0.00

Result of Test: $P = 0.00$ (min/25 mm)

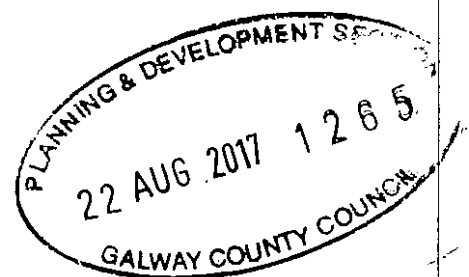
Comments:

PLANNING & DEVELOPMENT SECTION
22 AUG 2017 12 65
GALWAY COUNTY COUNCIL

3.4 The following associated Maps, Drawings and Photographs should be appended to this site characterisation form.

1. Discovery Series 1:50,000 Map indicating overall drainage, groundwater flow direction and housing density in the area.
2. Supporting maps for vulnerability, aquifer classification, soil, bedrock.
3. North point should always be included.
4. (a) Sketch of site showing measurements to Trial Hole location and
(b) Percolation Test Hole locations,
(c) wells and
(d) direction of groundwater flow (if known),
(e) proposed house (incl. distances from boundaries)
(f) adjacent houses,
(g) watercourses,
(h) significant sites
(i) and other relevant features.
5. Cross sectional drawing of the site and the proposed layout¹ should be submitted.
6. Photographs of the trial hole, test holes and site (date and time referenced).

¹ The calculated percolation area or polishing filter area should be set out accurately on the site layout drawing in accordance with the code of practice's requirements.



4.0 CONCLUSION of SITE CHARACTERISATION

Integrate the information from the desk study and on-site assessment (i.e. visual assessment, trial hole and percolation tests) above and conclude the type of system(s) that is (are) appropriate. This information is also used to choose the optimum final disposal route of the treated wastewater.

Not Suitable for Development ☐

Suitable for ¹

1. Septic tank system (septic tank and percolation area)

No

2. Secondary Treatment System

a. septic tank and filter system constructed on-site and polishing filter; or

No

b. packaged wastewater treatment system and polishing filter

Yes

Discharge Route

Discharge to Ground Water

5.0 RECOMMENDATION

Propose to install:

Packaged wastewater treatment system and polishing filter

and discharge to:

Ground Water

Trench Invert level (m):

Site Specific Conditions (e.g. special works, site improvement works testing etc.

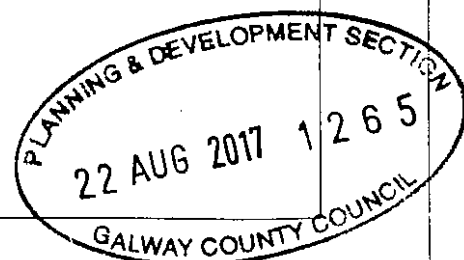
Due to the site conditions special care shall have to be taken with this system, I propose to install a PE 6 Envirocare mechanical Aeration system then discharge to a peat bed polishing filter. from which I will then pump the treated effluent into a raised soil filter with a "P" value of 10-15, I have located this soil on the island and tested same.

I enclose a photocopy of the soil which is located up all along the coast road in a mound.

see attached drawing of exact layout of system to be installed.

¹ note: more than one option may be suitable for a site and this should be recorded

² A discharge of sewage effluent to "waters" (definition includes any or any part of any river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial) will require a licence under the Water Pollution Acts 1977-90. Refer to Section 2.6.2.



7.0 SITE ASSESSOR DETAILS

Company:

Prefix: First Name: Surname:

Address:

Qualifications/Experience:

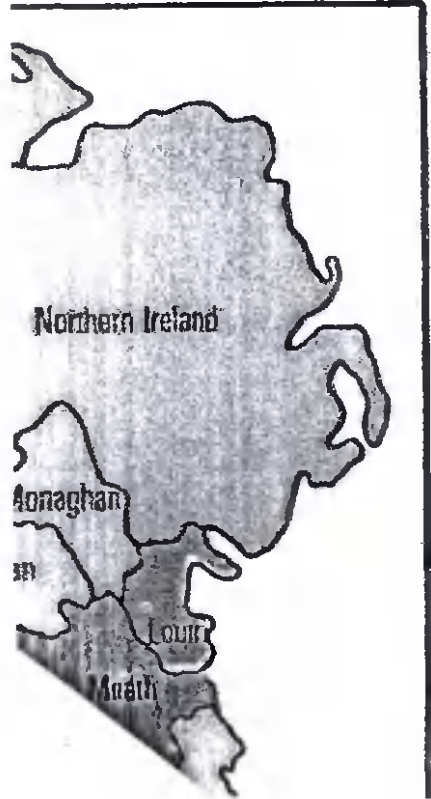
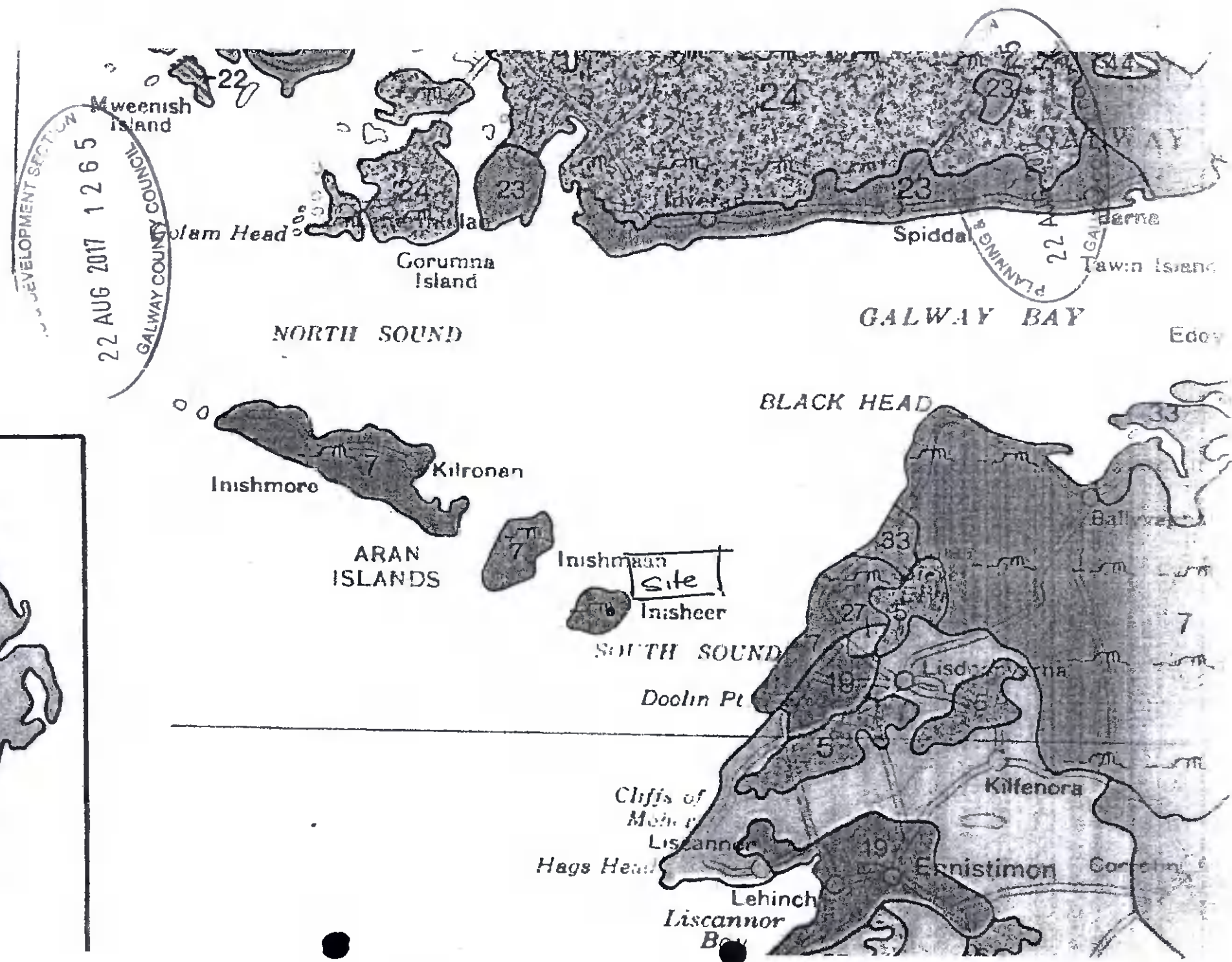
Date of Report:

Phone: Fax: e-mail:

Indemnity Insurance Number:

Signature: _____





Irad Physiographic Divisions	Soil Association			Parent Material	Per cent of total area
	Nos.	Principal Soil	Associated Soils		
Mountain and Hill	1	Peaty Podzols (75%) ¹	Lithosols (15%), Blanket Peat (10%)	Mostly granite – sandstone	7.31 ² 6.39 ³
	2	Peaty Gleys* (70)	Blanket Peat (20) Peaty Podzols (10)	Mostly mica schist, gneiss, quartzite and sandstone	.30 1.41
	3	Blanket Peat (75)	Shallow Brown Earths ⁴ (25)	Mostly basalt	— 1.02
	4	Lithosols and Outcropping Rock (70)	Blanket Peat (25) Peaty Podzols (5)	Mostly sandstone, granite, quartzite or mica schist	2.30 1.91
	5	Blanket Peat (High level)			5.67 5.11
Hill	6	Brown Podzolics (80)	Gleys (15) Podzols (5)	Mostly sandstone	1.88 2.12
	7	Rendzinas (15) with Outcropping Rock (75)	Lithosols (5) Shallow Brown Earths(5)	Limestone	.81 .68
	8	Brown Podzolics (60)	Gleys (20), Podzols (10) Blanket Peats (10)	Mainly granite	.52 .43
	9	Brown Podzolics (80)	Gleys (15) Podzols (5)	Ordovician – Silurian – Cambrian shales and mica schist	1.85 1.54
	10	Grey Brown Podzolics (75)	Gleys (15), Brown Earths (10)	Mostly limestone and shale	.37 .31
	11	Gleys* (90)	Brown Earths (10)	Mostly Silurian shale	.35 .29

HILL
 22 AUG 2017 12
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* influenced by surface – water impendence.
 * influenced by ground water, seepage or springs.

1. Percentage (approximately) of the soil association area.
 2. "Total area" refers to area of Republic of Ireland minus major lake and urban areas.

3. "Total"

Surveyed 2000
Revised 2009
Levelled

Rural PLACE Map



202090

17th CENTRE PT. COOM.
498447.701909

DESCRIPTION

MAP SHEETS



Area shown agrees with details of Ordnance Survey
Ordnance Survey of Ireland, 1:50,000 Scale, 1:50,000
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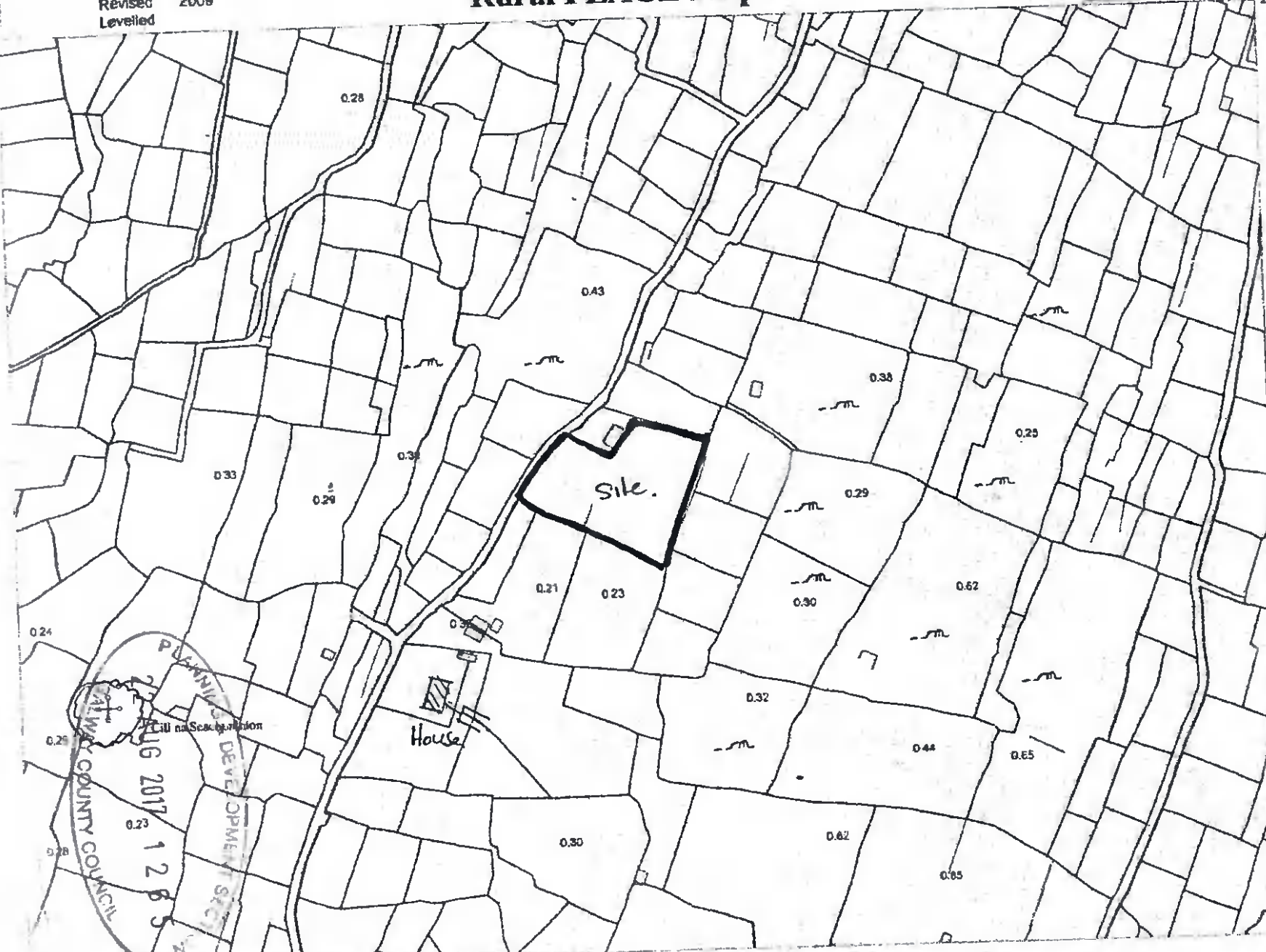


201070

Plot Ref. No. 25181837_1_6
Plot Date 15-JAN-2014

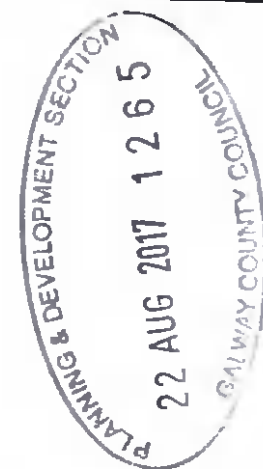
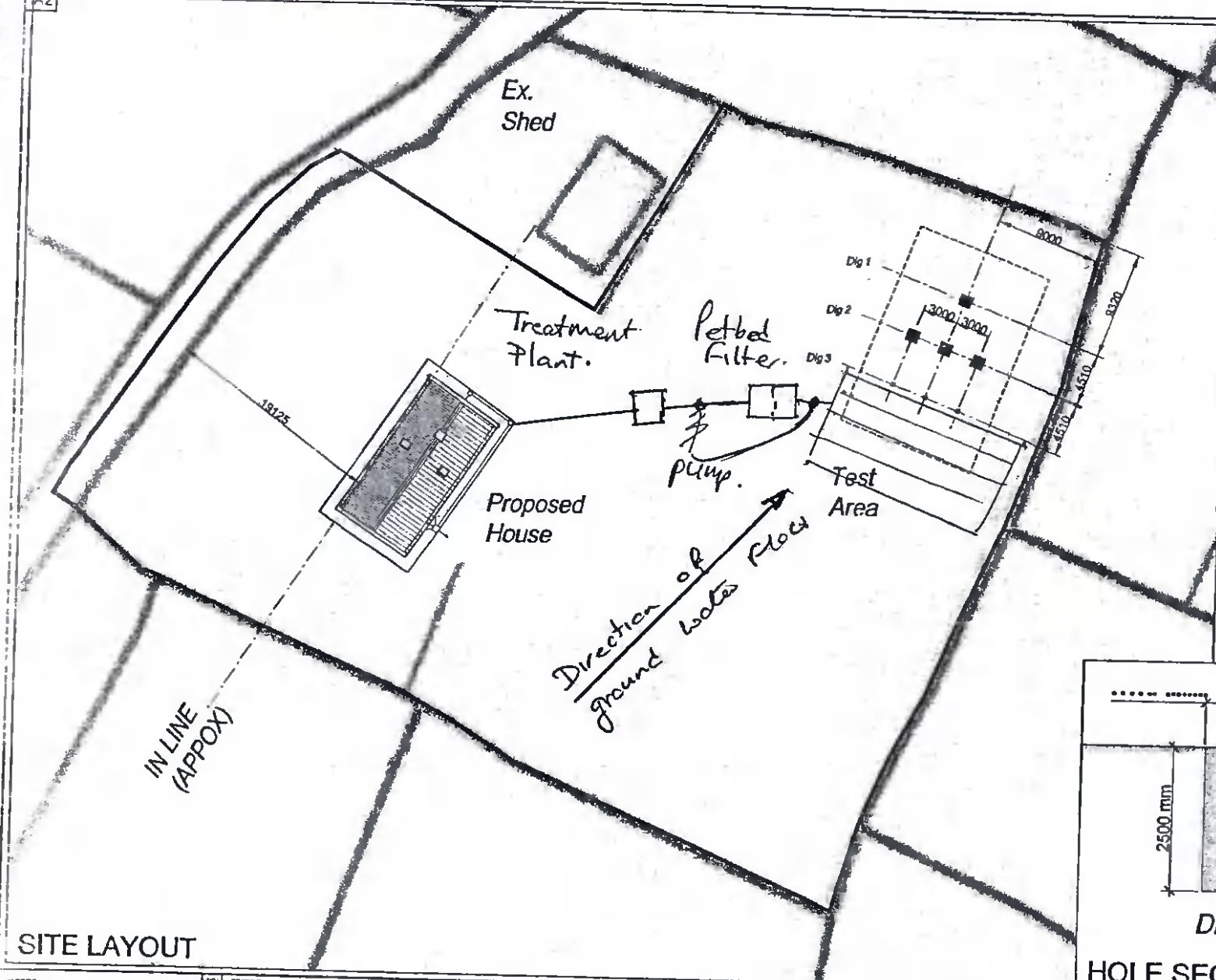


Scale- 1:2,500
Scála- 1:2,500

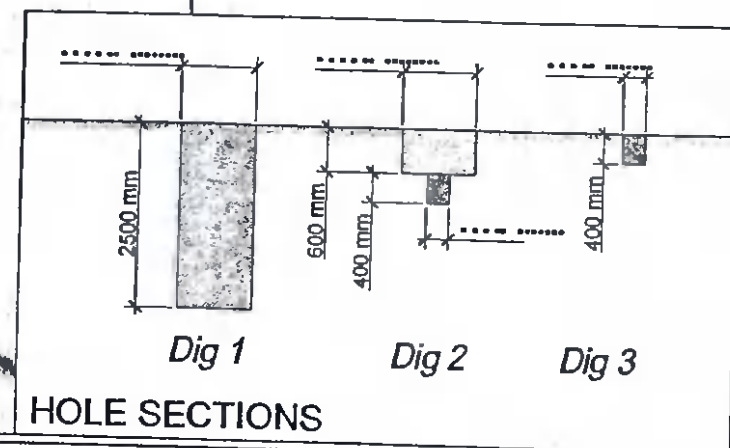


20/053

20/053



TO BE READ IN CONJUNCTION
WITH "JMG ENGINEERING
SERVICES LTD" DOCUMENT.



NOTES:

1:1000 SCALE, USE ONLY POLISHED DIMENSIONS WHICH
WOULD BE PROVIDED BY THE SUPPLIER'S WORK.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH
THE LATEST BUILDING REGULATIONS.

DESIGN TO STRUCTURAL ENGINEERS' SPECIFICATIONS AND
INSTRUCTIONS FOR ALL STRUCTURAL WORK.

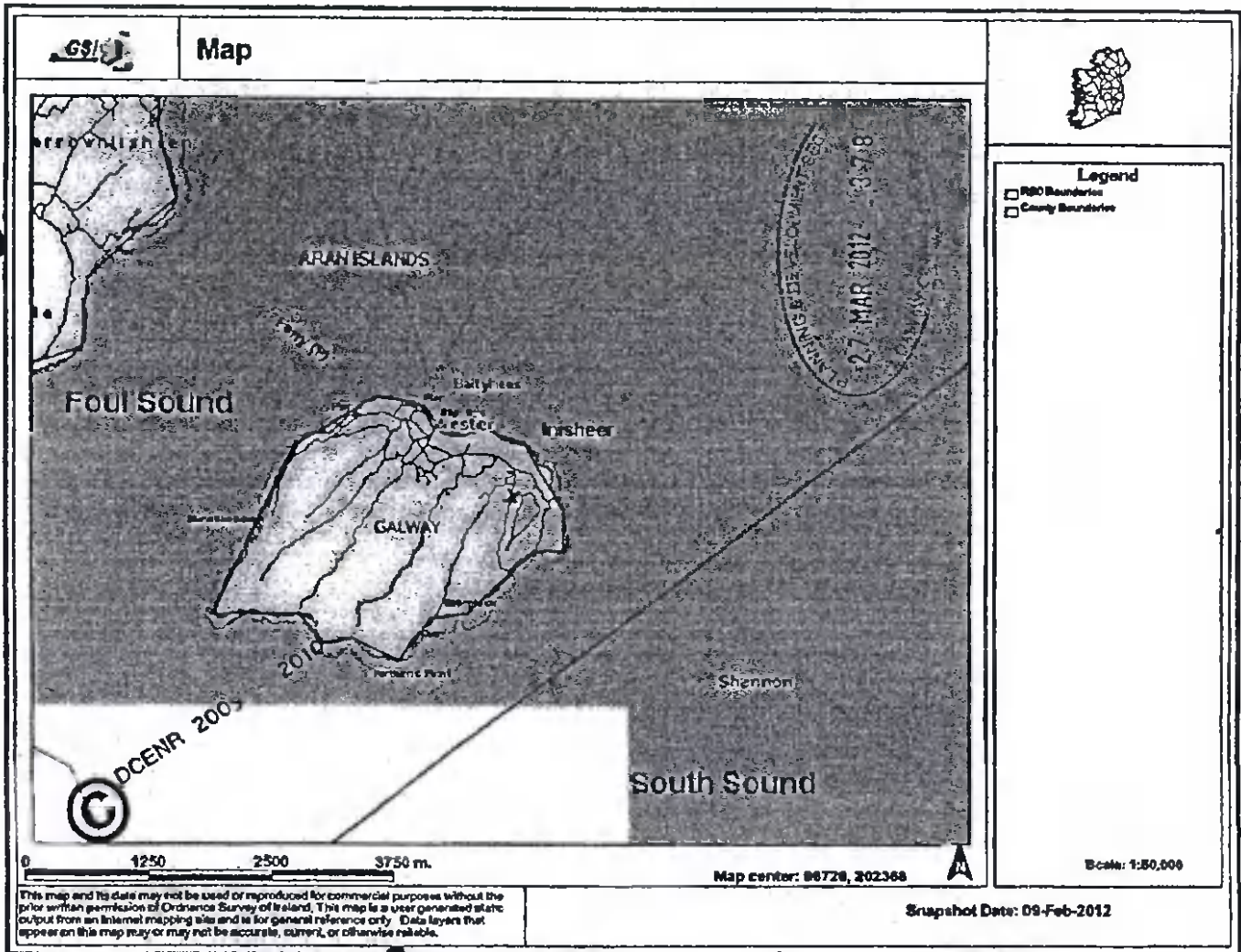
For completion by contractor

NO.	REVISIONS	DATE	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			

LEGEND:

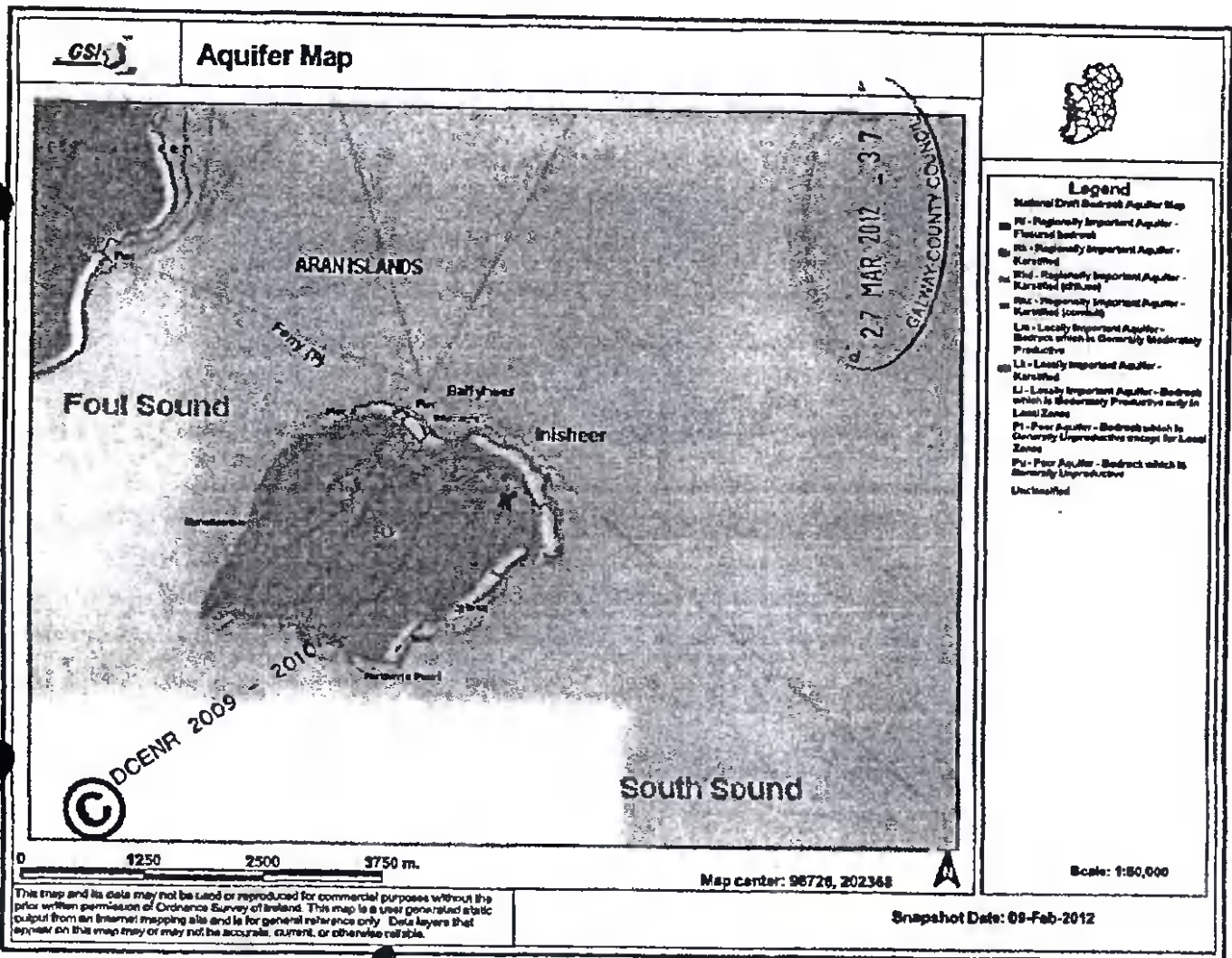


PROJECT: PROPOSED DEVELOPMENT @ FYNBARR, BOWEN, CO. GALWAY.	DATE: 22 AUG 2017
CLIENT: GALWAY CITY COUNCIL	SCALE: 1:1000
PROJECT NO: 1777	DATE: 22 AUG 2017
DESIGNER: JMG ENGINEERING SERVICES LTD	DATE: 22 AUG 2017
CHECKED: JMG ENGINEERING SERVICES LTD	DATE: 22 AUG 2017
APPROVED: JMG ENGINEERING SERVICES LTD	DATE: 22 AUG 2017



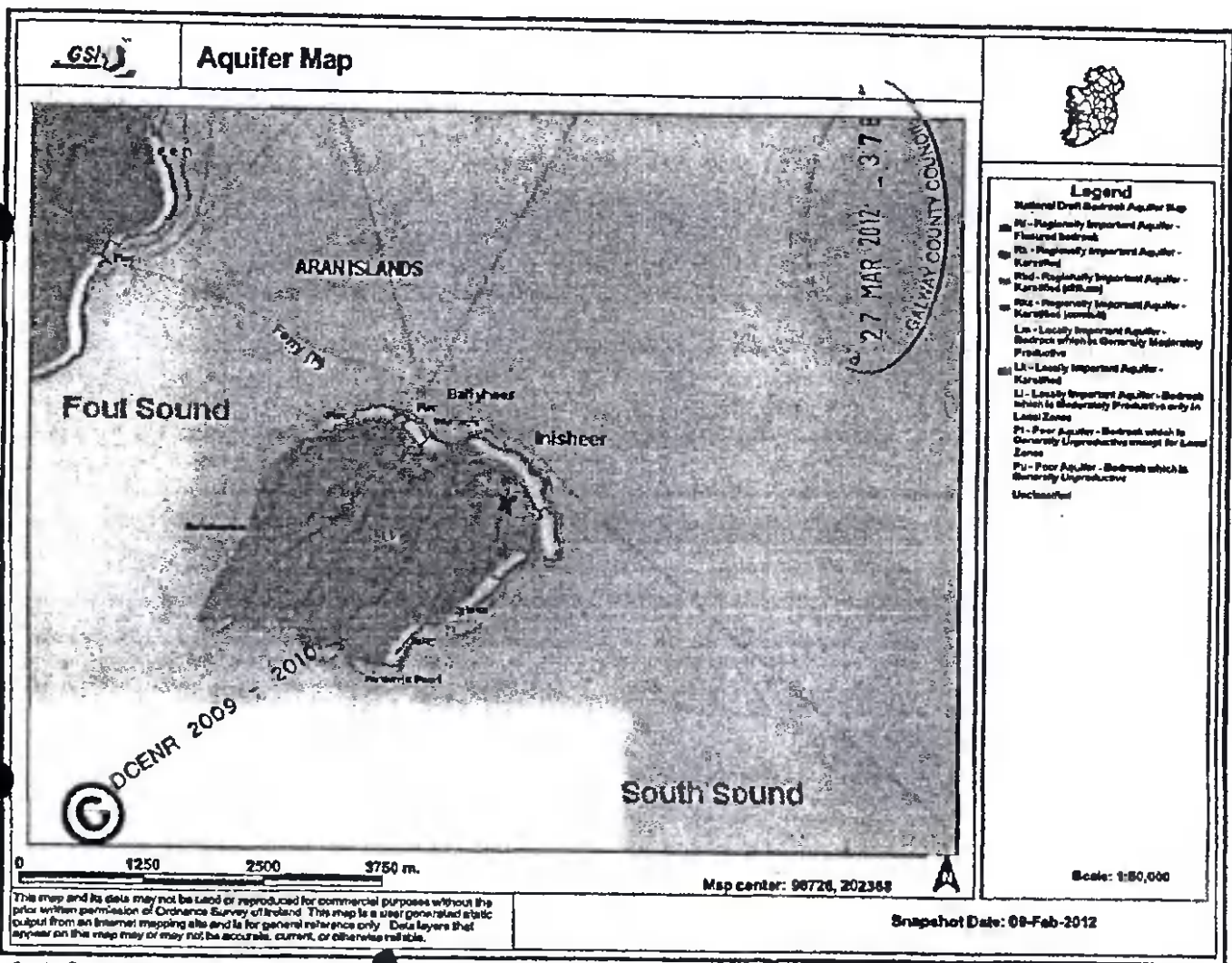
X → Indicates location of site

PLANNING & DEVELOPMENT SECTION
22 AUG 2017 1265
GALWAY CITY COUNCIL



X - Indicates location of site





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X - Indicates location of Site

PLANNING & DEVELOPMENT SECTION
22 AUG 2017 12 65
GALWAY COUNTY COUNCIL



Subsoils Map

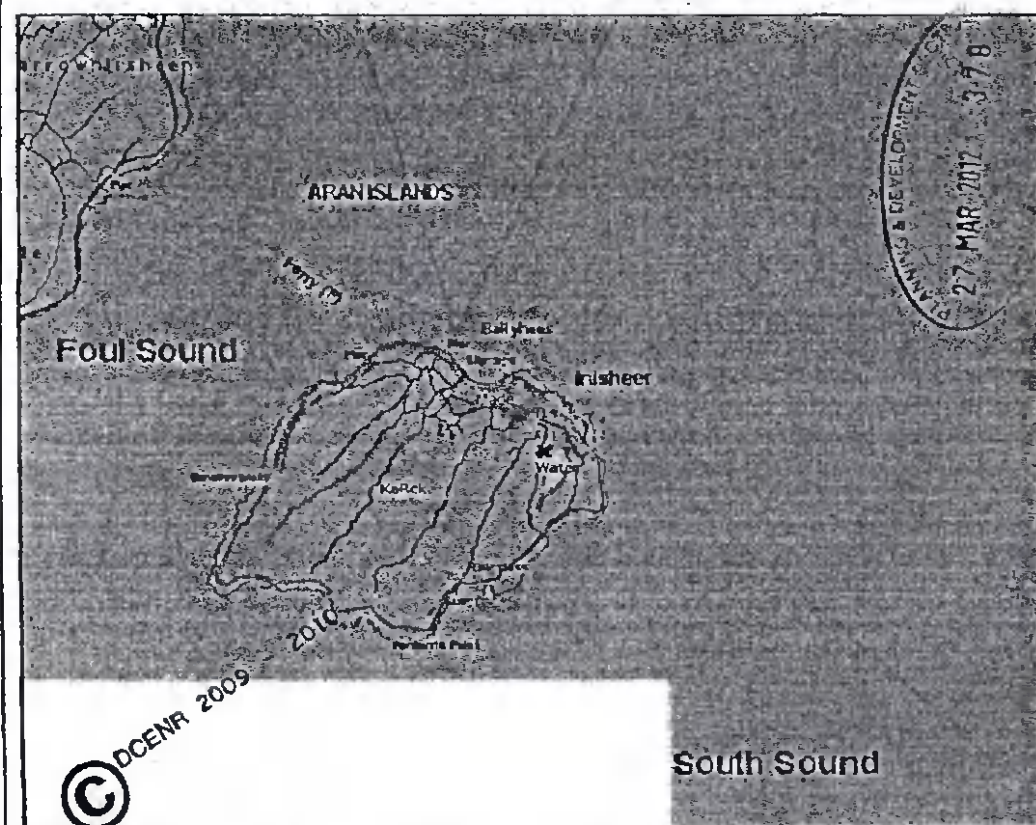


Legend

PEO Subsoils

- Alluvium
- Beach sands and gravels
- Bedrock outcrop and outwash
- Clay or sands and gravels
- Glacial till sands and gravels
- Lignite
- Marine ground
- Marine terrace sands and clays
- Marsh
- Peat
- Sand
- Till derived chiefly from Devonian sandstones
- Till derived chiefly from Lower Palaeozoic rocks
- Till derived chiefly from Massonian rocks
- Till derived chiefly from granite
- Till derived chiefly from Silurian
- Till derived chiefly from metamorphic rocks
- Till derived from metamorphic rocks
- Till derived from mixed Devonian and Carboniferous rocks
- Water
- Wooded areas

Scale: 1:50,000



0 1250 2500 3750 m.

Map center: 68726, 202368

Snapshot Date: 09-Feb-2012

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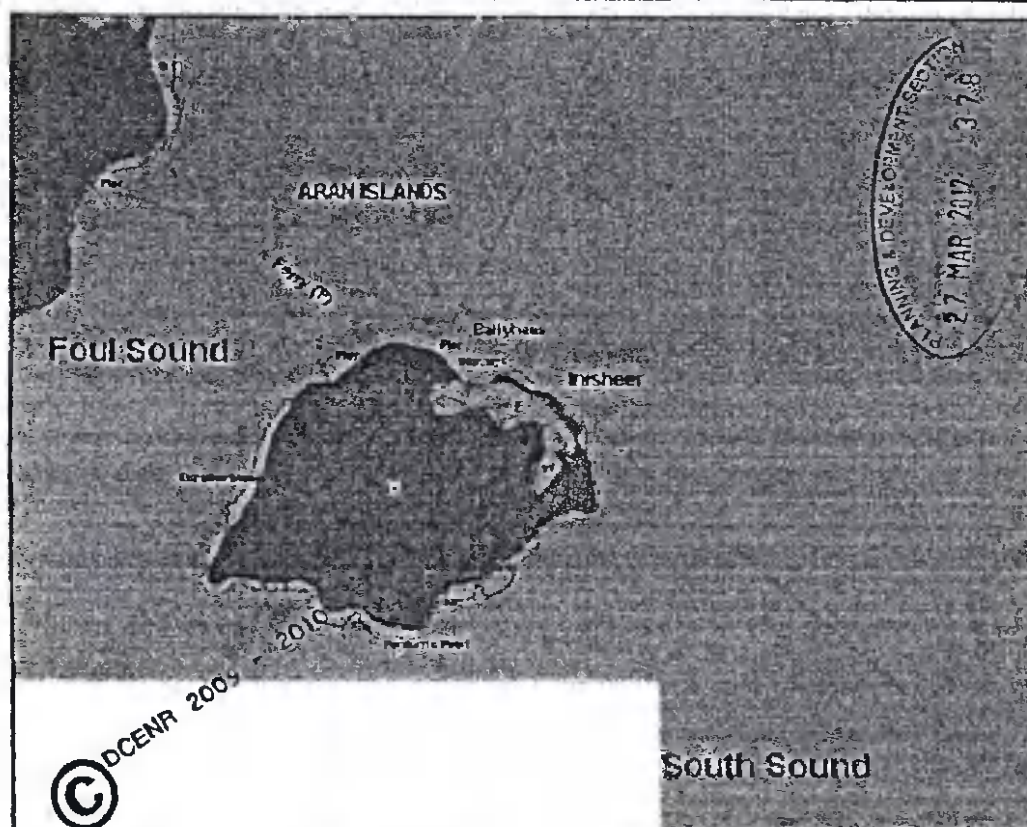
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X → Indicates location of site.





Vulnerability Map



Legend

- Vulnerability**
- H (Rock near Surface or Harb)
 - E - Extreme
 - H - High
 - M - Moderate
 - L - Low
 - HL - High to Low. Only on Interim study foot place.
 - Water
 - See Data Available

0 1250 2500 3750 m

Map center: 98726, 202368

Scale: 1:50,000

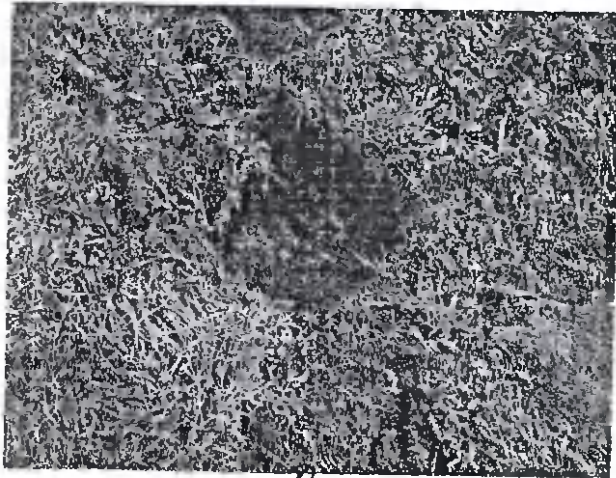
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Snapshot Date: 08-Feb-2012

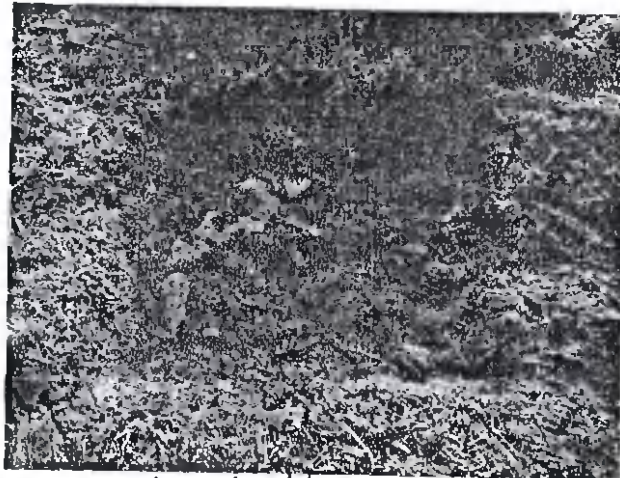
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X → Indicates Location of site





P1



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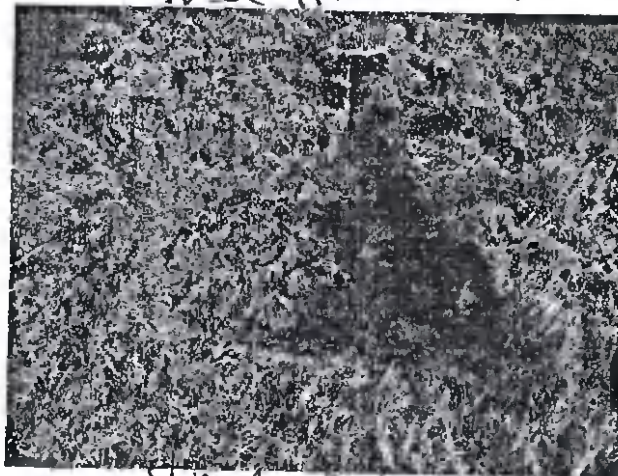


Scot

GALWAY COUNTY COUNCIL



P2



Truck here no 4



Truck here no 3



P3



P10



P11

Galway County Council

Local Government Planning and Development Acts 1963 - 2010

Planner's Report

Reference:	151313
Applicant:	Olive Faherty (Nee Flaherty)
Location of Proposed Development:	AN FORMNA
Nature and extent of development:	for (a) Proposed new 4 bedroom house (b) Envirocare mechanical aeration system or similar approved system and percolation area (c) All associated site development works. Gross floor space of proposed works: 136.64sqm

Received Date:	28/10/2015	Date Validated:	28/10/2015
Decision Date:	13/07/2016	Extended Date:	

Application Status:	New Application
Planning Area:	The application is located in the Connemara South planning area.
Development Charge Status:	

Date Inspected: The site was inspected on 20 June 2016
The site notice was not erected

Recommendation Prepared By: James Russell, Executive Planner

Recommendation Counter-signed By: Valerie Loughnane, A/Senior Planner

Decision Made By: Catherine Mc Connell, A/Director of Services

Sent for Decision Date:

06 July 2016

Plan Provisions:

The following general development plan provisions apply to this application on this date: 15/12/2015

The site is located in an area designated as Landscape Sensitivity Class 5 (where Class 1 is the least sensitive and Class 5 the most sensitive).

The site is located in the Gaeltacht (District E: Oileáin Árann).

The site is located in the Inisheer Island Proposed Natural Heritage Area (pNHA site code: 001275).

The site is located in the Inisheer Island Candidate Special Area of Conservation (cSAC site code: 001275).

No representations recorded in iPlan on 06/07/2016. The time for receipt of representations has elapsed.

2 submissions recorded in iPlan on 06/07/2016. The time for receipt of submissions has elapsed

Submission number 1 received from

An Taisce, The Tailors Hall, Black Lane, Dublin 8, Duhlin 8

Planning History Applications within 100 metres of this application. This does not include applications before 0

Name and Reference	Type of Application	Description	Date	Decision	Distance
151313 Olive Faherty (Nee Flaherty)	P	for (a) Proposed new 4 bedroom house (b) Envirocare mechanical aeration system or similar approved system and percolation area (c) All associated site development works. Gross floor space of proposed works: 136.64sqm	28/10/2015		0
14366 Olive Faherty (nee Flaherty)	P	for (a) proposed new 4 bedroom house (b) Envirocare Mechanical aeration system or similar approved system and percolation areas (c) all associated site	07/04/2014	W	11

development works (gross floor space
136.64sqm)

Site Location/Road Type:

The application site is located in the townland of Furmina, on the eastern side of Inisheer Island (i.e. Smallest of the Aran Islands), South Connemara. The site is accessed by a narrow local private road extending south from the L-5250 public road at the airport.

The site is located within a Class 5 'Unique' landscape within the Inisheer Island cSAC (site code: 001275), which is also a pNHA (site code: 001275).

Adjoining Development:

The site location map shows the adjoining developments in accordance with Article 23 (1)(a) of the Planning Regulations, 2001 as amended by Article 5 of the Planning Regulations, 2002.

Flood Risk Assessment

The site is located in the Aran Islands WFD Sub-Catchment within the Galway Bay North WFD Catchment, all within the Western River Basin District.

Following examination of the relevant GIS information in relation to flood risk assessment, the site of the proposed development is located outside a historical flood risk area or an indicative potential flood risk area (Fluvial, Pluvial, Coastal, groundwater), as identified in the OPW Preliminary Flood Risk Assessment (Stage 1 of CFRAMS).

All surface water run-off generated by the development on site is proposed to be collected and disposed of to a constructed storm soakaway system on site.

Appropriate Assessment

The Planning Authority considered the domestic nature and minor scale of the proposed new private residential development located on a rural site within the Inisheer Island cSAC (site code: 001275), the proposed use of a packaged on-site wastewater treatment system to current EPA standards, the acceptable percolation rates and trial hole assessment results contained in the EPA site characterisation assessment report and observed on site, the proposed use of on-site soakways, the underlying aquifer type & vulnerability, and the excavation works, emissions, excavations, transportation requirements & duration of construction associated with the proposal, in conjunction with the conservation objectives/qualifying interest of the Inisheer Island cSAC, the Natura Impact Statement Reports (2), including botanical surveys, submitted on the 28th of October 2015 & 16th of June 2016, the WFD catchment location and groundwater flow, as determined by the report submitted from Dr. Savithri Senaratne of HydroS Engineering Hydrological Consultants on the 16th of June 2016. The Planning Authority undertook an appropriate assessment screening exercise in relation to the potential effects of the proposed development on European Sites. In completing the screening exercise, the Planning Authority determined that a Stage 2 Appropriate Assessment could not be screened out, as a result of the proposed development (see attached report). Following completion of the Appropriate Assessment, it was concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on the

Inisheer Island cSAC, subject to the adherence to the mitigation measures set out in Section 6 of the NIS.

Sight Lines:

Access to the site is off a local roadway. A new vehicular site entrance is proposed onto the local road. Sight distance triangles have not been indicated from the site entrance onto the local road on the site layout map included with the planning application. However, having regard to the nature of the roadway and the minimal level of traffic utilizing this roadway, it is considered that there are sufficient sight lines available in both directions.

Effluent Treatment:

The applicant proposes to install an Envirocare PE 6 mechanical aeration plant discharging to a peat bed polishing filter, which is then pumped to a raised soil polishing filter system to collect, treat and disposed of wastewater generated from the proposed dwelling house on site.

The site has been tested in accordance with the requirements of the Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10):

An EPA site characterisation assessment report has been included with the planning application (not signed), which is a copy of the EPA site suitability report associated with the 14/366 planning application on site, which was withdrawn.

- The site is located above locally important aquifer (Visean Limestones and Calcareous Shales) with a vulnerability rating of 'Extreme with Bedrock at Surface'.
- The trial hole was excavated to a depth of 0.45 metres from GL.
- Bedrock was encountered in the trial hole at 0.45 metres.
- Watertable was not encountered in the trial hole.
- A P-value' of 5.36 minutes was recorded.
- No T-tests were conducted due to shallow soil/subsoil depth above bedrock.

The site is located within Outer Source Protection Areas of public water supplies.

Groundwater Protection Response: R2(1)

Manufacturer details for the recommended packaged wastewater treatment system have been included with the planning application.

Water Supply:

The applicant proposes to obtain a water supply from the public mains.

Design:

It is proposed to construct a traditional style low dormer house type incorporating roof lights on the front & rear roof elevations. The proposed roof height is stated as being 6.555 metres and the proposed gross floor area is stated as being 136.64 sqm. The dwelling is to be set back 19.05 metres from the roadway at its closest points (not parallel with the road). A landscaping plan has been indicated on the site layout plan.

Planners Assessment:

Proposal:

It is proposed to construct the following: (a) A new 4 bedroom detached house; (b) an Envirocare mechanical aeration system or similar approved system and percolation area; and (c) All associated site development works. The planning application is accompanied by a Natural Impact Statement (NIS). The site layout map included with the planning application shows a ground solar panel; however, the description of the proposed development did not include the proposed ground solar panel.

Site location:

The application site (0.270ha) is located in the town land of Furmina on Inisheer Island, the smallest of the three Aran Islands. The site is located to the southeast of the main settlement on the island and due south of the airport. Lough Mór is located to the immediate east of the site (i.e. less than 350m). The subject site is also located in close proximity to Cregganeel Fort and associated recorded monuments:

- GA120-028001: Leacht
- GA120-028002: Structure
- GA120-028003: Cross-slab
- GA120-028004: Church
- GA120-028005: Ringfort-CashellLeacht
- GA120-028006: Structure
- GA120-028008: Graveslab

The site is adjacent to a minor roadway that provides access to the south of the island. There is a shed in the neighbouring site and a dwelling and sheds to the south of the site. The site is bounded by natural local stone walls, which are typical on the island. This is a Class 5 designated rural landscape, which has a landscape sensitivity rating of 'Unique' and a landscape value rating of 'Outstanding'. The site is also located wholly within the Inisheer Island cSAC (001275), a designated European site for protected rare and threatened flora and fauna, which forms part of the Natura 2000 network of sites across the European Union.

Site planning history:

14/366 - Planning permission sought by Ms. Olive Faherty (nee Flaherty) for the construction of (a) proposed new 4 bedroom house (b) Envirocare Mechanical aeration system or similar approved system and percolation areas (c) all associated site development works (gross floor space 136.64sqm); however, this planning application was subsequently withdrawn pending a formal decision by GCC to refuse the proposal on the grounds of ecology.

Housing need:

The application site is located in a Class 5 'Unique' landscape on Inisheer, where new dwellings in this area are generally restricted to persons who have long standing intrinsic links to Inisheer. The site is located within Zone 4 (Gaeltacht) of the Rural Housing Section of the 2015-2021 Galway County Development Plan, where Objective RHO 3, Objective RHO 4 & Objective IS 2 apply. In addition to DM Standard 39. However, of particular importance are Objective IS 2 and DM Standard 39:

Objective IS 2 - Development Proposals on the Islands:

- a) Support sustainable development proposals that contribute to the long term economic and social development of the islands;
- b) Priority shall be given to development that contributes to retention of the year-round population on the islands, that has a clear and identifiable economic and social benefit and that is compatible with the capacity of the local community to accommodate it;
- c) Ensure that new development of any kind is sympathetic to the individual form and character of the islands landscapes and traditional building patterns.

DMStandard 39: It is accepted that the Islands around our coastline are special and require protection while at the same time accommodating local needs. Currently the landscape sensitivity rating for all of the Islands is Class 5 - Unique. However, consideration will be given to accommodating local housing needs, where the development would be in conformity with the provisions of the plan.

On the basis of the housing need documentation included with the planning application, the applicant is a native of Inisheer, as summarised below:

The applicant (and family) is currently living in Perth, Australia. The applicant was born and reared on Inisheer and wants to return to the island permanently. The applicant's family home is located approximately 1.8km away to the northwest of the subject site. The applicant went to both primary and secondary school on the island. The applicant worked as a teacher in the national school on Inisheer from 2006-2007. Due to economic circumstances, the applicant and her family had to emigrate to Australia and have now lived there for 5 years. The applicant's brother owns the subject site. A letter of consent from the applicant's brother has been submitted. The applicant wishes to return to the island and for her children to attend school thereon. A copy of the applicant's birth certificate has been submitted. School records and a utility bill for the applicant have been submitted. Land registry details for the family lands have been submitted.

A letter has been included on file from the applicants brother, who owns the local hotel, confirming that the applicant will be offered the full-time position of Assistant manager at his hotel should planning permission be granted.

The applicant has unsuccessfully applied to GCC for planning permission on a nearby site under planning reference numbers 07/2927, 08/539 & 09/538. The other lands in family ownership include fields to the south of the subject site, which are also within the SAC.

Design:

The applicant proposes to construct a low impact traditional style dormer house type based on a long and narrow floor plan, A-framed roof with barges and a chimney on roof ridge line and vertically emphasised windows. This house type was also proposed under the 07/2927, 08/539, 09/538 & 14/366. Photomontages of the house type on site have been included with the planning application. The design and scale is considered acceptable by the Planning Authority, as it complies with GCC's Design Guidelines for the Single Rural House (c2005) and Objective RHO9 of the Galway County Development Plan, 2015-2021.

Internal Reports (0):

No internal reports received.

Submissions (1):

A submission has been received from An Taisce, as follows:

This application must be determined with regard to:

1. The Rural Housing and Amenity Provisions of the Galway County Development Plan, 2011-2017.
2. The rural housing provisions of Section 5.3.2 of The National Spatial Strategy 2002, and the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 requires applicants to establish rural generated housing need and 'ensure that key assets in the rural area such as water quality, the natural and cultural heritage and the quality of the landscape are protected to support quality of life and economic vitality'. Section 4.5 of the Guidelines relates to the protection of water quality, referring to the protection of Irish water resources as a key national asset and requiring 'new dwellings and un-sewered rural area is to ensure that new development is to be guided towards sites where acceptable waste water treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities, for example, site prone to extremely high water tables and flooding or where ground water is particularly vulnerable to contamination.
4. The impact of the proposed effluent treatment system must have regard to both the individual and cumulative impact in conjunction with other existing, proposed and approved development on both surface and groundwater to comply with the EU Groundwater Directive (80/86/EEC).

Original Recommendation:

Having regard to the above, a request for further information is required on the NIS.







Request for Further Information:

The following further Information was requested by the Planning Authority on the 21st of December 2015:

1. Having regard to the location of the proposed project on a site wholly within the Inisheer Island Candidate Special Area of Conservation (cSAC site code: 001275), a European site, and the inclusion of a Natura Impact Statement with the current planning application, which mapped and classified the habitats of the site, the Planning Authority have concerns over the Species List for Dry Neutral Grassland, set out in Table 2.7 of the NIS report, as the report states that the 'species list may be considered incomplete given the nature of a one day survey for the site', and therefore, lacunae exist, especially as the necessary orchid species may potential exist to correspond with the Annex I habitats; Calcareous grasslands. The NIS report should include a completed list of habitats species on and surrounding the site, that cover both the winter and summer seasons. Furthermore, given the surface limestone rock exposures, the minimal soil/subsoil overburden above karstified limestone and the location of Lough More approximately 320 metres to the east, an examination is required of any potential groundwater connections between the application site and Lough More, a coastal lagoon. Please address the Planning Authority's concerns.

2. Please submit a comprehensive landscaping scheme for the site, which should consist of native indigenous species, and indicate a timeframe for the commencement and completion of the landscaping scheme.

A formal response to the further information request was received on the 16th of June 2016. Following a review of the further information response (revised NIS with groundwater flow report & Landscaping scheme for the subject site), it is recommended by the Planning Authority that the proposed development be granted, subject to conditions.

Planner's Recommendation:

Having regard to the nature and scale of the proposed private rural residential development, the planning history relating to the application site, the content of the planning application, including a Natura Impact Statement reports, and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not be injurious to the residential, visual or general amenity of the area, will not represent a significant public health issue or traffic hazard and would be an appropriate form of development. The proposed development would, therefore, be in accordance with the provisions of the current Galway County Development Plan, the provisions of the DoEHLG Sustainable Rural Housing Guidelines as they relate to rural housing, the EU Habitats Directive, as well as the proper planning and sustainable development of the area.

Schedule of Grant Conditions

1. The proposed development shall be commenced and completed in its entirety in strict accordance with the plans and particulars lodged with the application on the 28th of October 2015, as amended by the plans and particulars received by the Planning Authority on the 16th of June 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: - In the interest of clarity

2. Use of the proposed house shall be restricted to use as a house by the applicant, applicant's family, heirs, executors and administrators, unless otherwise agreed by the Planning Authority for a period of 7 years.

The period of restriction shall have effect from the date of first occupation of the house by the approved occupant.

Within 3 months of commencement of the development the applicant/developer shall enter into a legal agreement with the Planning Authority (under the provisions of Section 47 of the Planning and Development Act 2000-(as amended) the purpose of which shall be to give effect to the above restriction.

The house shall not be constructed and occupied until an agreement embodying a provision to give effect to the above restriction(s) has been entered into with the Planning Authority pursuant to Section 47 of the Planning and Development Acts 2000, as amended.

Reason:- To ensure that development in the area in which the site is located is appropriately restricted.

3. (a) The windows of the proposed house shall be of powder coated aluminum and/or timber framed and/or non white uPVC sliding sash window types.

(b) The external doors shall be of timber construction.

(c) The proposed dwelling house shall have a nap plaster and/or natural local stone external finish only.

(d) The roof shall have a blue/black natural slate or traditional thatch finish only.

(e) The colour of the soffit/fascia & rainwater goods shall be dark in colour.

Reason: In the interest of visual amenity.

4. (a) All surface water generated by the development shall be disposed of within the site to appropriately sized soakaways in accordance with BRE Digest 365 or equivalent, and shall not be discharged onto the road or the adjoining property. No house shall be occupied until the surface water collection and disposal system, as proposed, has been properly installed.

(b) Only clean uncontaminated storm water shall be discharged to soakaway system or surface waters.

(c) The development shall not impair existing land or road drainage.

(d) The proposed internal driveway shall have a graveled surface finish, unless otherwise agreed in writing with the Planning Authority prior to the occupation of the house.

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

5. (a) The proposed Envirocare PE 6 mechanical aeration plant, pumping chamber, intermittent peat filter modules and raised soil polishing filter system (minimum percolation trench length of 60 linear metres) shall be located, constructed and maintained in accordance with the details received by the Planning Authority on the 28th of October 2015, and shall be in accordance with the requirements of the document "Code of Practice (CoP) Wastewater Treatment and Disposal Systems Serving Single Houses (p.e<10)", Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority prior to installation.

(b) The proposed raised soil polishing filter system shall maintain a minimum separation distance of 10 metres from any house, existing or proposed land drain or watercourse.

(c) A separation of 1.2 metres shall be maintained between the invert level of the soil polishing filter and the bedrock/watertable on site

(d) Immediately following installation of the wastewater treatment system, the applicant shall submit a report prepared by a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency CoP manual 2009.

(e) A maintenance contract for the treatment system shall be entered into and paid for in advance and thereafter shall be kept in place at all times (provided further grants of permission are put in place for the development). Signed and dated copies of the contract shall be submitted to and agreed in writing with the planning authority within four weeks of the installation.

Reason: In the interest of public health.

6. (a) Any in-situ stonewalls; hedgerow and/or trees bounding the site shall be retained and made good, except for the provision of the site entrance works.

(b) Any new front boundary associated with the site entrance shall be of local, unplastered natural stone, which should match the existing stone boundary walls, in terms of height and composition.

(c) The proposed landscaping indicated on the revised site layout map received by the Planning Authority on the 16th of June 2016 shall be implemented prior to the occupation of the proposed dwelling house hereby permitted by this grant of permission, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and the protection of the general ecology of the area.

7. (a) The mitigation measures set out in Section 6.0 of the Natura Impact Statement report received by the Planning Authority on the 16th of June 2016 shall be fully implemented and adhere to by the applicants/developer. A report of compliance with the aforementioned mitigation measures shall be submitted to the Planning Authority following the completion of the proposed development.

(b) No development or storage of any materials shall take place within the calcareous grassland area demarcated by a new timber & rail fence on the site layout maps received by the Planning Authority on the 28th of October 2015 & 16th of June 2016.

Reason: In the interest of protecting the designated site of the Inisheer Island cSAC.

8. During the construction stage of the proposed development the following best practice mitigating measures must be employed to ensure that no possible adverse impacts arise on nearby European sites:

(a) Wash water from on-site mixers or lorries shall be disposed of appropriately off site.

(b) All machinery maintenance and re-fuelling shall be carried out off-site. Spill kits for contaminants such as fuels, oils and lubricants must be used.

(c) Works such as soil excavation, soil depositing or soil stripping will not be conducted during or immediately following periods of heavy or prolonged rainfall.

(d) All stockpile areas of sand, gravels and soils should be stored on level terrain and shall be covered during heavy rainfall periods in order to prohibit the mobilisation of sediments.

(e) Works with concrete shall be done during dry conditions for a period sufficient to cure the concrete (at least 48 hours).

(f) Concrete pours shall occur in contained areas.

(g) Washing out of concrete trucks should not be permitted within the site and should be conducted in hard standing areas.

(h) All petroleum products to be bunded during the construction stage of the development.

(i) If soil or other material such as gravel or handstand materials are being brought on site ensure that the source is free of invasive species such as Japanese Knotweed, Ragwort, Gunnera and Rhododendron.

Reason: In the interest of the protection of the Natura 2000 networks of sites.

9. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 hours to 17.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining road during the course of the works.

Reason: To protect the amenities of the area.

11. Before development commences the applicant shall enter into a Connection Agreement with Irish Water in respect of a new connection to the public water.

Reason: In the interest of public health.

12. Before any development commences on the site, the applicant shall pay ^{841.60} ~~€636.60~~ to the Planning Authority, unless a phased payment schedule has been agreed in writing with the Planning Authority. This charge has been calculated using the Development Contributions Scheme adopted by Galway County Council in accordance with the provisions of Section 48 of the Planning and Development Act 2000 (as amended):

The makeup of this sum is detailed in the list below:

Sub Area 2

Recreation & Amenity: €500.00

Roads: ^{341.60} ~~€636.60~~ (136.64 sq.m. x €2.50)

Reason: So that the developer shall pay an equitable portion of the cost of the facilities that are provided or that it is intended will be provided by or on behalf of Galway County Council, which will facilitate the proposed development.

James Russell EP 06/07/16

Prepared By: James Russell, Executive Planner

Counter-signed By: Valerie Loughnane, A/Senior Planner

Director's/Manager's Recommendation



Decided By: Catherine Mc Connell, A/Director of Services

PLANNING AND DEVELOPMENT ACTS 2000-2010**DECISION under SECTION 34 of the ACT of 2000**

Ref No. in Planning Register: 15/1313

Date of Receipt of Application: 28/10/2015

Olive Faherty (Nee Flaherty)
c/o Damian O'Flynn Associates Ltd.
Lower Eyre Street
Newbridge
Co. Kildare

15 AUG 2016

I hereby give you NOTICE that the Galway County Council has by order dated**granted PERMISSION****to the above named, for development of land, in accordance with documents lodged, namely:**

for (a) Proposed new 4 bedroom house (b) Envirocare mechanical aeration system or similar approved system and percolation area (c) All associated site development works. Gross floor space of proposed works: 136.64sqm **in the townland of An Formna**

and subject to the condition(s) set out in the schedule hereto.**Main reasons and considerations on which the decision is based:-**

The proposed development has been assessed, within the restrictions imposed by the principles of proper planning and sustainable development and having regard to the policies and objectives of Galway County Council as set out in the 2015 - 2021 County Development Plan. Based on this assessment it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area and with the provisions of the Development Plan.

Signed this 15 **day of** August 2016 **on behalf of Galway County Council**


pp COUNTY SECRETARY

SEE ATTACHED SCHEDULE**(CONDITION NO.'S 12)**

Please see attached sheet for important Notice

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 15/1313

1. The proposed development shall be commenced and completed in its entirety in strict accordance with the plans and particulars lodged with the application on the 28th of October 2015, as amended by the plans and particulars received by the Planning Authority on the 16th of June 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: - In the interest of clarity.

2. Use of the proposed house shall be restricted to use as a house by the applicant, applicant's family, heirs, executors and administrators, unless otherwise agreed by the Planning Authority for a period of 7 years.

The period of restriction shall have effect from the date of first occupation of the house by the approved occupant.

Within 3 months of commencement of the development the applicant/developer shall enter into a legal agreement with the Planning Authority (under the provisions of Section 47 of the Planning and Development Act 2000-(as amended) the purpose of which shall be to give effect to the above restriction.

The house shall not be constructed and occupied until an agreement embodying a provision to give effect to the above restriction(s) has been entered into with the Planning Authority pursuant to Section 47 of the Planning and Development Acts 2000, as amended.

Reason:- To ensure that development in the area in which the site is located is appropriately restricted.

3.
 - (a) The windows of the proposed house shall be of powder coated aluminum and/or timber framed and/or non white uPVC sliding sash window types.
 - (b) The external doors shall be of timber construction.
 - (c) The proposed dwelling house shall have a nap plaster and/or natural local stone external finish only.
 - (d) The roof shall have a blue/black natural slate or traditional thatch finish only.
 - (e) The colour of the soffit/fascia & rainwater goods shall be dark in colour.

Reason: In the interest of visual amenity.

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 15/1313

4. (a) All surface water generated by the development shall be disposed of within the site to appropriately sized soakaways in accordance with BRE Digest 365 or equivalent, and shall not be discharged onto the road or the adjoining property. No house shall be occupied until the surface water collection and disposal system, as proposed, has been properly installed.
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- (b) The proposed raised soil polishing filter system shall maintain a minimum separation distance of 10 metres from any house, existing or proposed land drain or watercourse.
- (c) A separation of 1.2 metres shall be maintained between the invert level of the soil polishing filter and the bedrock/watertable on site
- (d) Immediately following installation of the wastewater treatment system, the applicant shall submit a report prepared by a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency CoP manual 2009.
- (e) A maintenance contract for the treatment system shall be entered into and paid for in advance and thereafter shall be kept in place at all times (provided further grants of permission are put in place for the development). Signed and dated copies of the contract shall be submitted to and agreed in writing with the planning authority within four weeks of the installation.

Reason: In the interest of public health.

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 15/1313

6. (a) Any in-situ stonewalls; hedgerow and/or trees bounding the site shall be retained and made good, except for the provision of the site entrance works.
- (b) Any new front boundary associated with the site entrance shall be of local, unplastered natural stone, which should match the existing stone boundary walls, in terms of height and composition.
- (c) The proposed landscaping indicated on the revised site layout map received by the Planning Authority on the 16th of June 2016 shall be implemented prior to the occupation of the proposed dwelling house hereby permitted by this grant of permission, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and the protection of the general ecology of the area.

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Reason: In the interest of protecting the designated site of the Inisheer Island cSAC.

8. During the construction stage of the proposed development the following best practice mitigating measures must be employed to ensure that no possible adverse impacts arise on nearby European sites:
- (a) Wash water from on-site mixers or lorries shall be disposed of appropriately off site.
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- (d) All stockpile areas of sand, gravels and soils should be stored on level terrain and shall be covered during heavy rainfall periods in order to prohibit the mobilisation of sediments.
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- (f) Concrete pours shall occur in contained areas.
- (g) Washing out of concrete trucks should not be permitted within the site and should be conducted in hard standing areas.

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 15/1313

(h) All petroleum products to be bunded during the construction stage of the development.

(i) If soil or other material such as gravel or handstand materials are being brought on site ensure that the source is free of invasive species such as Japanese Knotweed, Ragwort, Gunnera and Rhododendron.

Reason: In the interest of the protection of the Natura 2000 networks of sites.

9. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 hours to 17.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining road during the course of the works.

Reason: To protect the amenities of the area.

11. Before development commences the applicant shall enter into a Connection Agreement with Irish Water in respect of a new connection to the public water.

Reason: In the interest of public health.

12. Before any development commences on the site, the applicant shall pay €841.60 to the Planning Authority, unless a phased payment schedule has been agreed in writing with the Planning Authority. This charge has been calculated using the Development Contributions Scheme adopted by Galway County Council in accordance with the provisions of Section 48 of the Planning and Development Act 2000 (as amended):

The makeup of this sum is detailed in the list below:

Reason: So that the developer shall pay an equitable portion of the cost of the facilities that are provided or that it is intended will be provided by or on behalf of Galway County Council, which will facilitate the proposed development.

Development Sub-Area	Development Sub-Type	Charge Code Description	Number of Units	Unit Charge	Line Charge
Sub Area 2	Residential	Recreation & Amenity	1	€500.00	€500.00
"	Residential	Roads	136.64sqm	€2.50	€341.60
				Total	€841.60

Outline Planning Permission

An Outline Permission is granted in principle for development of land subject to a subsequent application for Permission Consequent. Development shall not commence until Permission/Permission Consequent has been obtained.

Permission Consequent

Where Outline Permission is granted any subsequent application for permission must be made not later than 3 years beginning on the date of Grant.

Permission

The Local Government (Pl. & Dev.) Act 2000 imposes limitations on the duration of a planning permission in cases where a development (a) has been commenced (b) having been commenced has not been completed.

A grant of permission shall, on expiration of the period of 5 years beginning on the date of such grant, cease to have effect as regards

(a) In case the development to which the permission relates is not commenced during that period, the entire development and

(b) In case the development is commenced during that period, so much thereof as is not completed within that period.

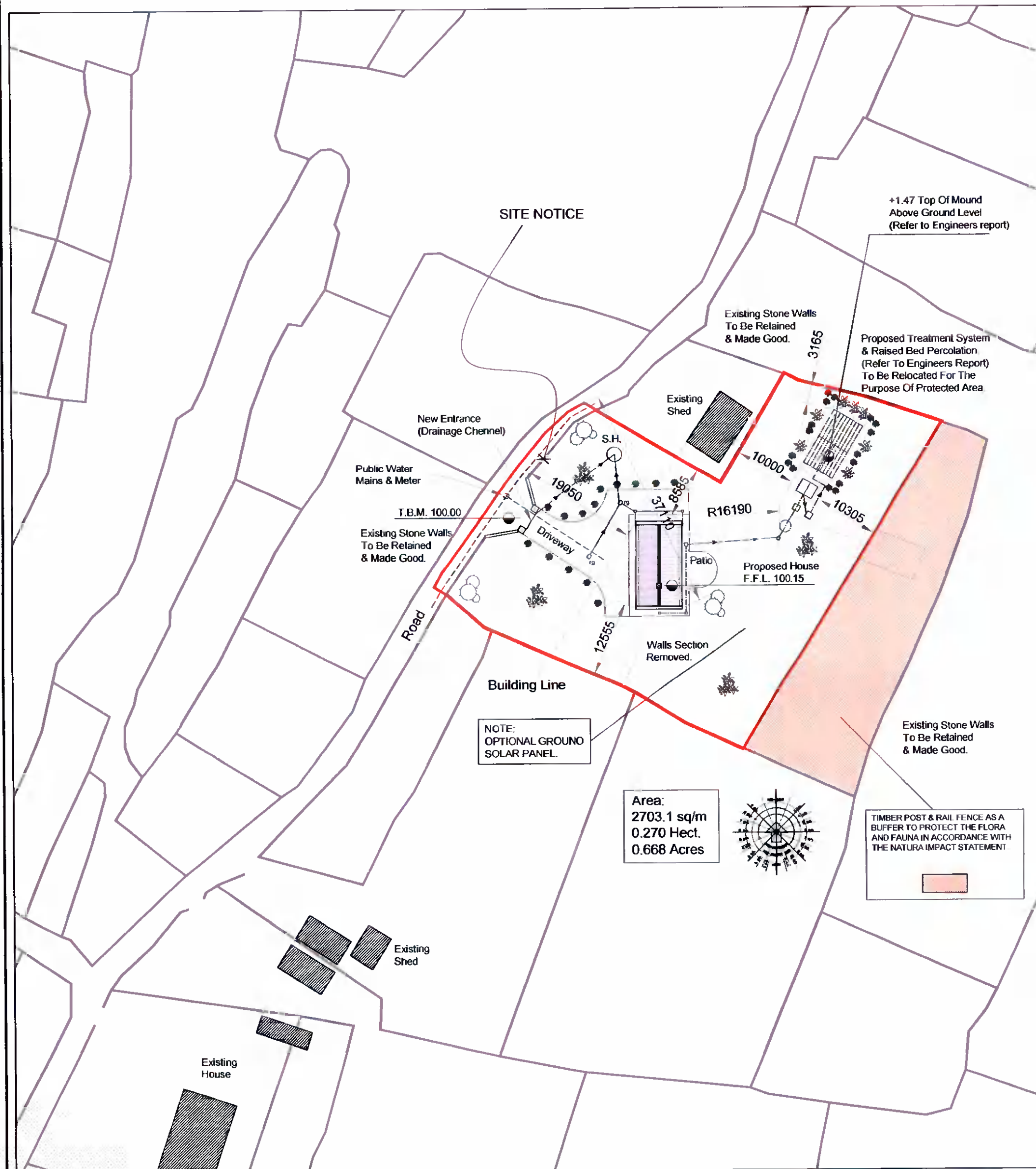
The Building Regulations 1997-2000 set out the requirements to be observed in the design and construction of buildings after 1 July 1998 and will apply to new buildings and to extensions, material alterations and certain changes of use of existing buildings subject to the exemptions as set out in the Regulations.

The Building Regulations 1997-2000 also places an obligation to provide facilities for people with disabilities in all new buildings including dwellinghouses. This does not refer to dwellings where planning application has been made on or before 31st December, 2000 or any other building where a Fire Safety Certificate has been granted before 1st January, 2001. Please refer to of Technical Guidance Document M of Building Regulations 2000.

The Building Control Regulations 1997-2000 provide for

(a) Submission of a "Commencement Notice" not less than 14 days or more than 28 days before works commence on buildings (to include dwellinghouses), or a material change of use takes place to any building and a fee of €30 per building must be lodged with the "Commencement Notice" from 1st July 1998.

(b) An obligation to apply for and obtain a "Fire Safety Certificate" before works commence on buildings (including flats but excluding dwellinghouses) or a material change of use takes place to any building.



SITE LAYOUT @ SCALE 1:500

NOTES:

DO NOT SCALE. USE ONLY FIGURED DIMENSIONS WHICH SHOULD BE CHECKED ON SITE BEFORE WORK COMMENCES.

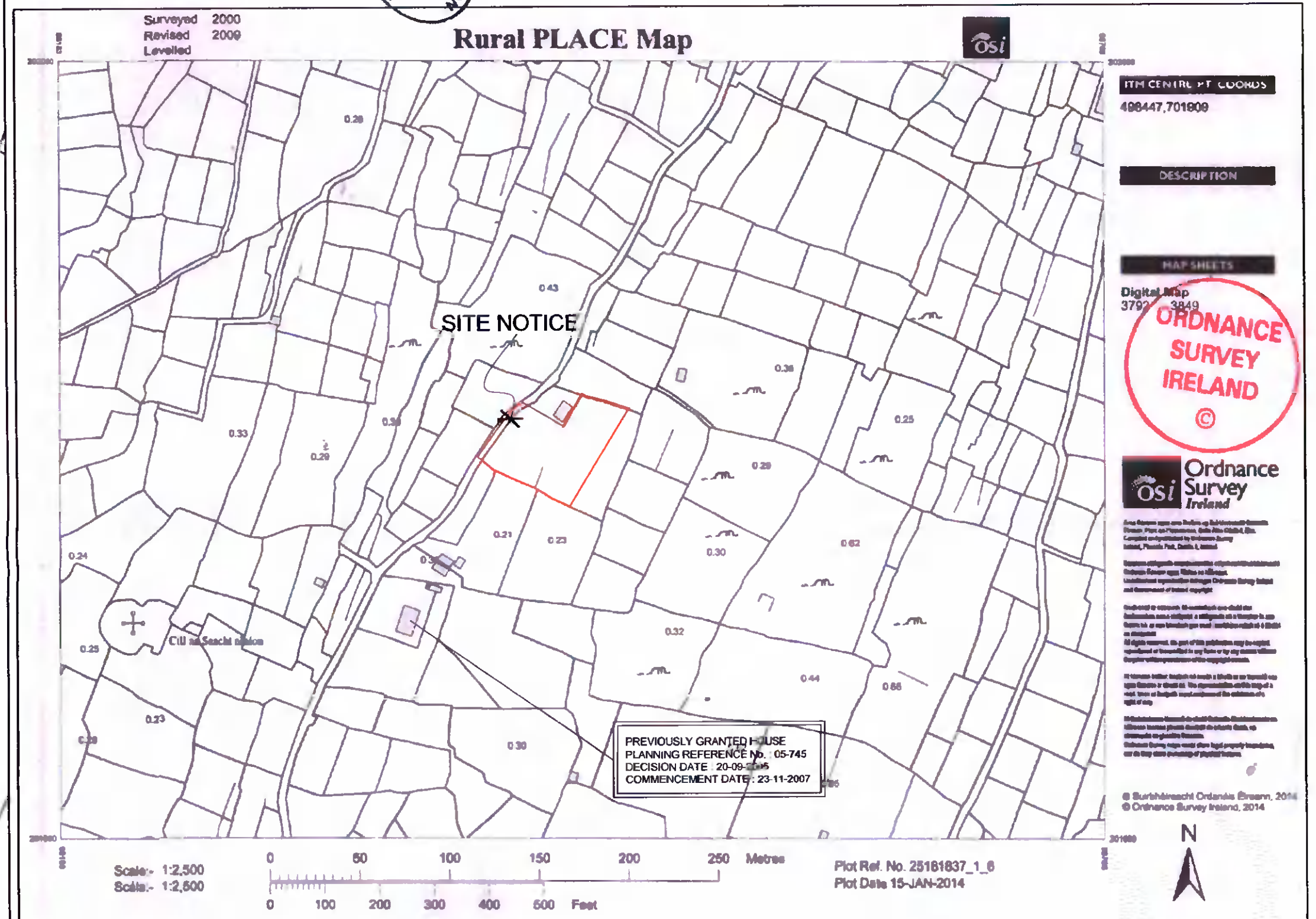
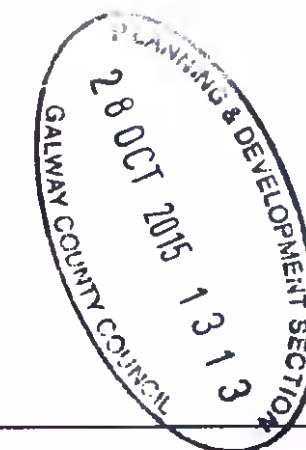
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST BUILDING REGULATIONS.

REFER TO STRUCTURAL ENGINEERS DRAWINGS AND SPECIFICATION FOR ALL STRUCTURAL WORK.

THIS DRAWING IS COPYRIGHT.

NO.	REVISIONS	DATE	H
A	ORIENTATION OF HOUSE ON SITE	18-9-14	I
B	PERCOLATION AREA MOVED FOR PROTECTED AREA	11-8-15	J
C	SITE BOUNDARY REVISED.	28-9-15	K
D			L
E			M
F			N

LEGEND:

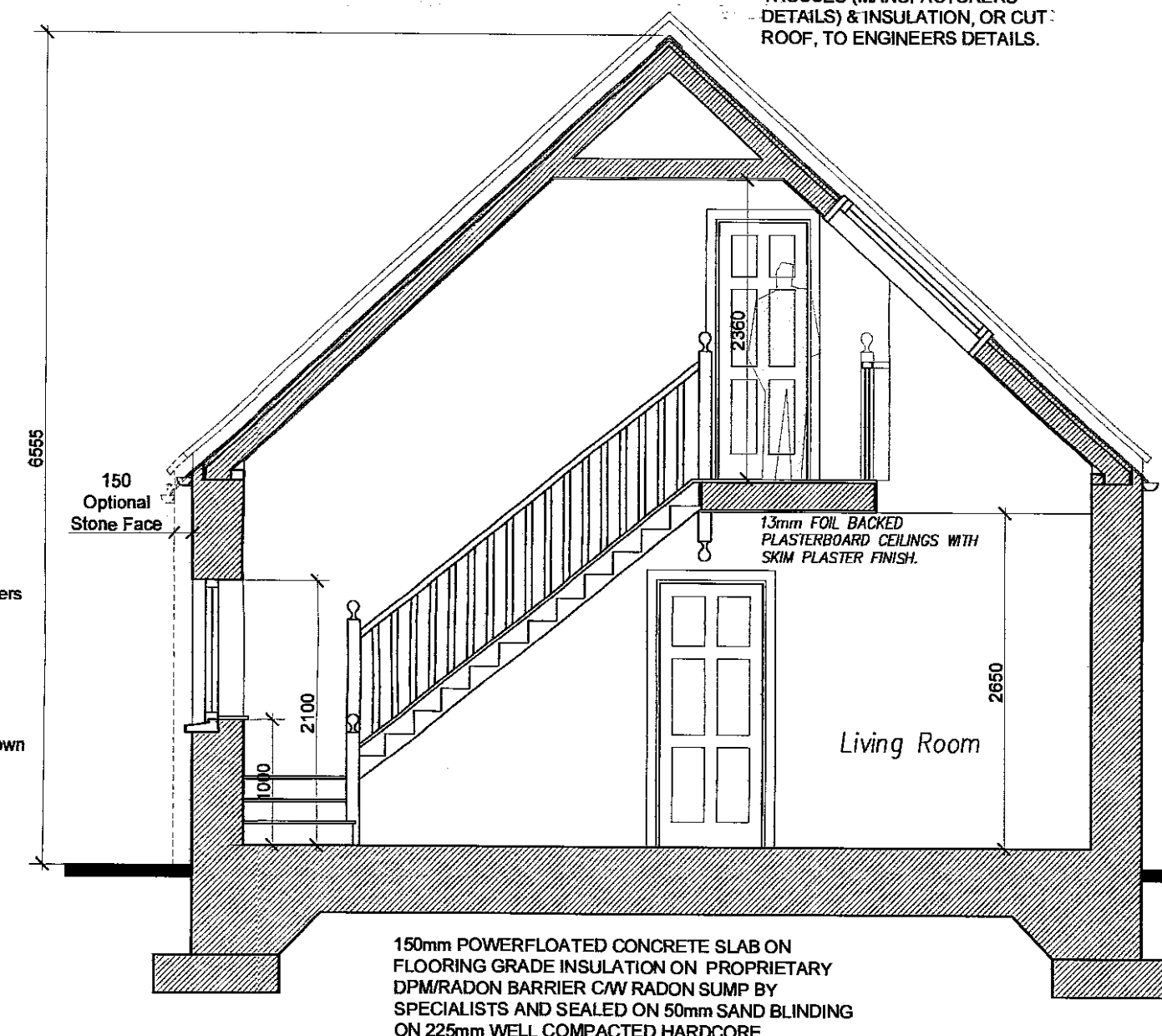
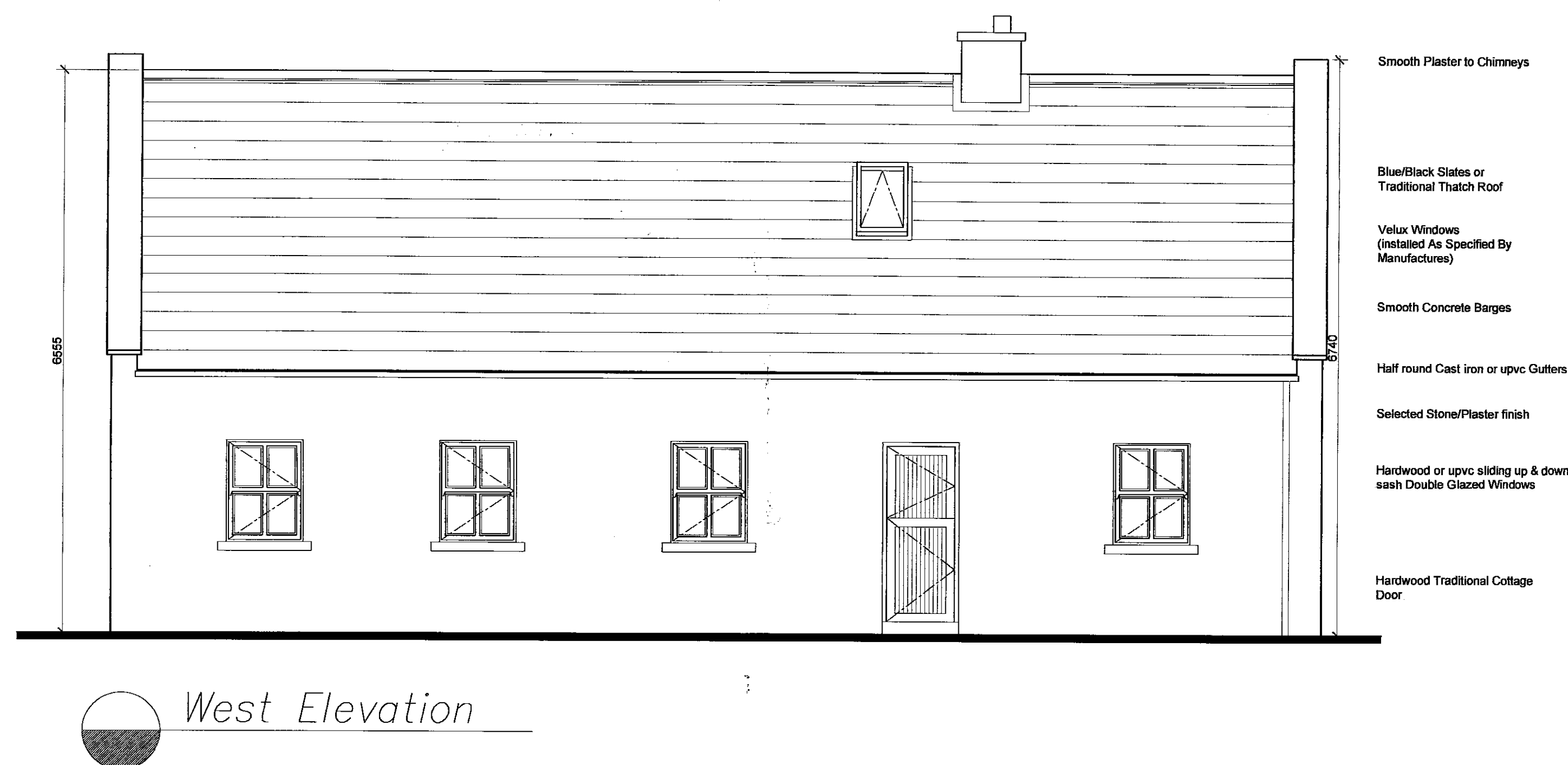
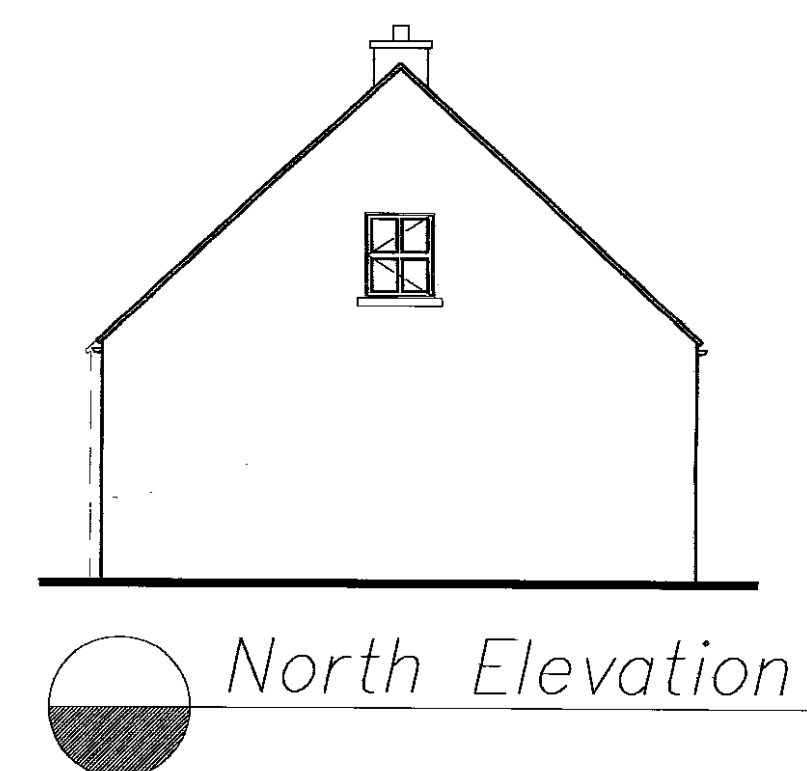
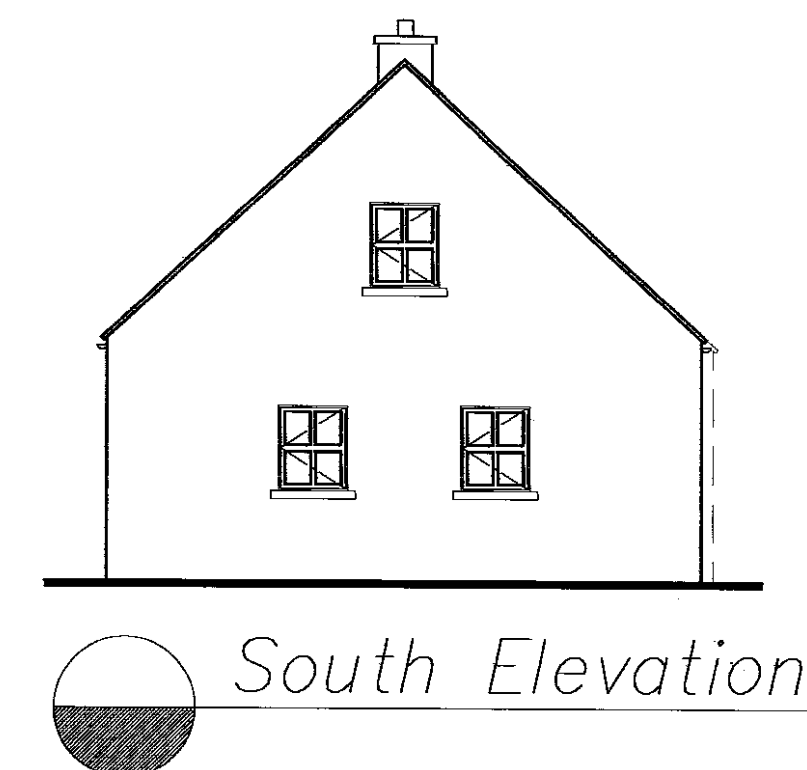
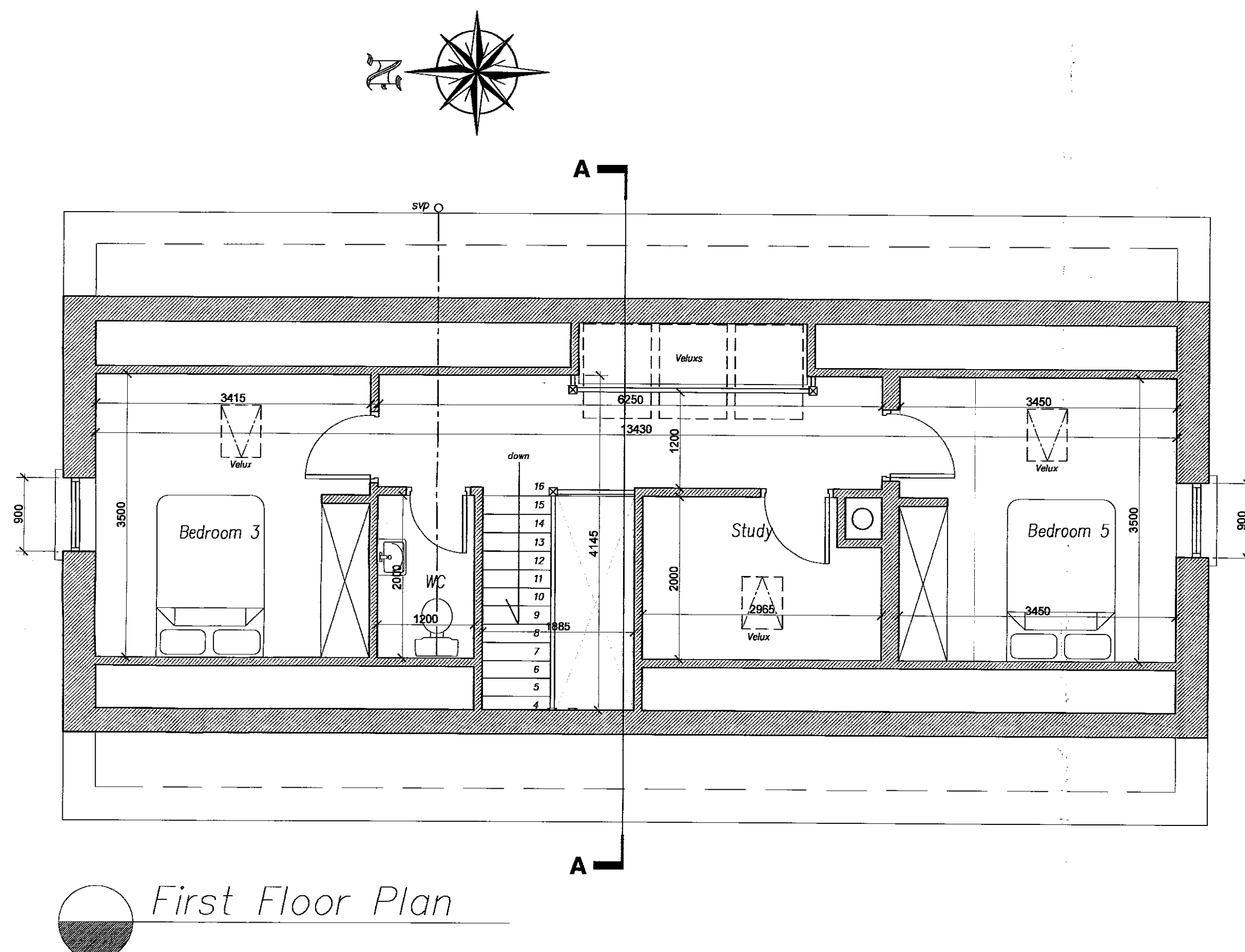
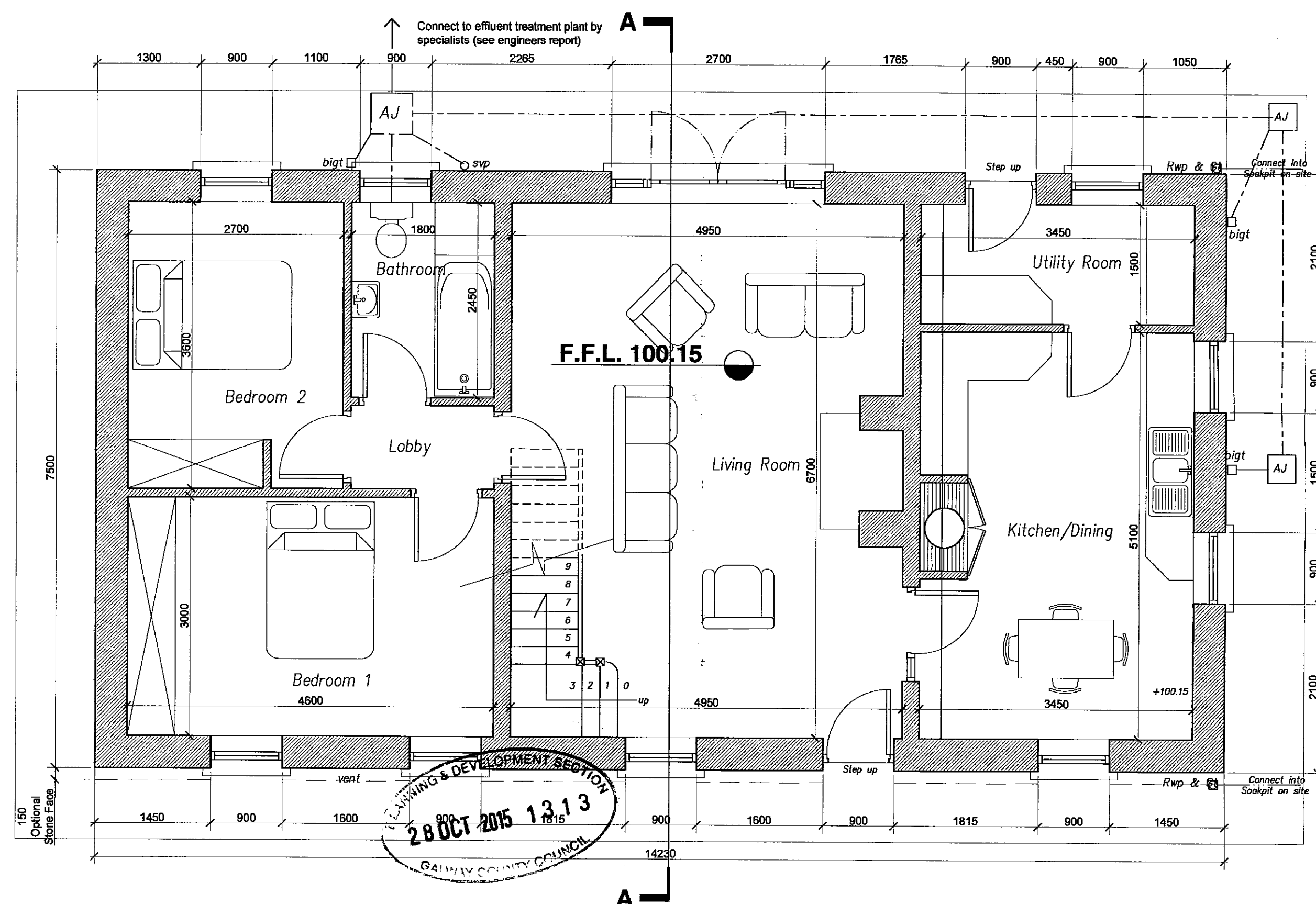


SITE LOCATION MAP @ SCALE 1:2500

OS LICENCE NUMBER
AR0109815



PROJECT	PROPOSED DEVELOPMENT @ FURMINA VILLAGE INSHEER, ARAN ISLANDS, CO GALWAY
TITLE	SITE LAYOUT PLAN & SITE LOCATION
CLIENT	OLIVE FAHERTY (NEE FAHERTY)
STAGE	PLANNING
PROJECT NO.	2014-002
DRG. NO.	PA-001 Rev C
SCALE	1:500 & 1:2500
DRAWN	DAMIAN O'FLYNN



- ROOF CONSTRUCTION:
SELECTED SLATES ON BATTENS ON
ROOFING GRADE FELT,
PREFABRICATED TIMBER ROOF
TRUSSES (MANUFACTURERS
DETAILS) & INSULATION, OR CUT-
ROOF, TO ENGINEERS DETAILS.
- PROVIDE CONTINUOUS
VENTILATION TO ROOF
SPACE.
- ALL RAIN WATER GOODS
AND MATERIALS BY
APPROVED MANUFACTURER.
- STEPPED DPC TO ALL
WINDOW AND DOOR HEADS.
- PRECAST CONCRETE
LINTELS
- SELECTED DOUBLE GLAZED
WINDOWS THROUGHOUT
- PRECAST CONCRETE CILLS BY APPROVED
MANUFACTURER ON LAYER OF DPC
RETURNED AT REAR AND SIDES & LAPPED
WITH VERTICAL DPC IN JAMBS.
- PATENT EAVES VENTILATOR COMPLETE
WITH INSECT SCREEN TO ALLOW FOR
50mm CLEAR VENTILATION SPACE. OR
SLATE VENTILATORS AT EAVES AND
RIDGE
- 400mm CAVITY CONSTRUCTED EXTERNAL
WALLS, 100mm SOLID CONCRETE BLOCK
INNER LEAF WITH SKIM PLASTER FINISH.
200mm CAVITY WITH INSULATION PLACE
VIA PATENT STAINLESS STEEL WALL TIES,
100mm SOLID CONCRETE BLOCK OUTER
LEAF WITH SAND/CEMENT PLASTER
FINISH AND PAINTED.
- DPC IN RISING WALLS AT 150mm
MINIMUM ABOVE GROUND LEVEL
AND LAPPED WITH DPM IN FLOOR.
- GL
- CONCRETE CAVITY INFILL.
- FOUNDATIONS TO
ENGINEERS DETAILS.



NOTES:

DO NOT SCALE, USE ONLY FIGURED DIMENSIONS WHICH
SHOULD BE CHECKED ON SITE BEFORE WORK
COMMENCES.

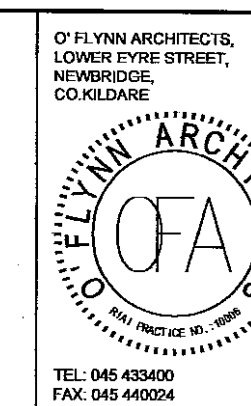
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SPECIFICATION FOR ALL STRUCTURAL WORK.

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NO.	REVISIONS	DATE	H
A			I
B			J
C			K
D			L
E			M
F			N
G			O

LEGEND:



TEL: 045 430400
FAX: 045 440024
EMAIL: info@oflynnarchitects.ie

PROJECT: PROPOSED DEVELOPMENT @ FURMINA,
INISHEER, CO GALWAY.

TITLE: PLANS SECTION & ELEVATIONS

CLIENT: OLIVE FAHERTY (NEE FLAHERTY)

STAGE: PLANNING

PROJECT NO.: 2014-002

DRG. NO.: PA-002

SCALE: 1:50 & 1:100
DATE: AUG 2015

DRAWN: DAMIAN O'FLYNN
CHECKED: DAMIAN O'FLYNN



APPENDIX 3

***PL REF. 17/1265 – SUPPORTING
DOCUMENTATION: PLANNING REPORT
AND DECISION FOR REFUSAL***

Galway County Council

Local Government Planning and Development Acts 1963 - 2010

Planner's Report

Reference:	171265
Applicant:	Olive Faherty (nee Flaherty)
Location of Proposed Development:	AN FORMNA
Nature and extent of development:	of development that will consist of: (a) the retention of the change of house type (which is a change of house type from the previously granted permission (granted under planning register reference number 15/1313); (b) completion of minor internal works and (c) all associated site development works (gross floor space 244sqm)

Received Date:	22/08/2017	Date Validated:	22/08/2017
Decision Date:	16/10/2017	Extended Date:	

Application Status:	New Application
Planning Area:	The application is located in the Connemara South planning area.
Development Charge Status:	

Date Inspected:

The site was inspected on 12 October 2017
The site notice was erected in accordance with regulations

Recommendation Prepared By:

Patrick O'Sullivan, Assistant Planner

Recommendation Counter-signed By:

Saoirse Kennedy, Senior Executive Planner

Decision Made By:

Catherine Mc Connell, Senior Planner

Sent for Decision Date:

12 October 2017

Plan Provisions:

The following general development plan provisions apply to this application on this date:
12/10/2017

The site is located in an area designated as Landscape Sensitivity Class 5 (where Class 1 is the least sensitive and Class 5 the most sensitive).

The site is located in the Gaeltacht

The site is located in, or straddles the border of, or is within 50 The site is located in, or straddles the border of, or is within Inisheer Island which is designated as a Natural Heritage Area. A screening process may have to be conducted to establish the need for an Appropriate Assessment in accordance with the Habitats Directive. "

The site is located in, or straddles the border of, or is within 50 The site is located in, or straddles the border of, or is within Inisheer Island SAC which is designated as a Special Area of Conservation. A screening process may have to be conducted to establish the need for an Appropriate Assessment in accordance with the Habitats Directive. "

No representations recorded in iPlan on 12/10/2017. The time for receipt of representations has elapsed.

No submissions recorded in iPlan on 12/10/2017. The time for receipt of submissions has elapsed.

Planning History Applications within 100 metres of this application. This does not include applications before 0

Name and Reference	Type of Application	Description	Date	Decision	Distance
171265 Olive Faherty (nee Flaherty)	R	of development that will consist of: (a) the retention of the change of house type (which is a change of house type from the previously granted permission (granted under planning register reference number 15/1313); (b) completion of minor internal works and (c) all associated site	22/08/2017		0

		development works (gross floor space 244sqm)			
151313 Olive Faherty (nee Flaherty)	P	for (a) Proposed new 4 bedroom house (b) Envirocare mechanical aeration system or similar approved system and percolation area (c) All associated site development works. Gross floor space of proposed works: 136.64sqm	28/10/2015	C	12
14366 Olive Faherty (nee Flaherty)	P	for (a) prooosed new 4 bedroom house (b) Envirocare Mechanical aeration system or similar approved system and percolation areas (c) all associated site development works (gross floor space 136.64sqm)	07/04/2014	W	10

Site Location/Road Type:

The application site is located in the townland of Furmina, on the eastern side of Inisheer Island (i.e. Smallest of the Aran Islands), South Connemara. The site is accessed by a narrow local private road extending south from the L-5250 public road at the airport.

The site is located within a Class 5 'Unique' landscape within the Inisheer Island cSAC (site code: 001275), which is also a pNHA (site code: 001275).

Adjoining Development:

The site location map shows the adjoining developments in accordance with Article 23 (1)(a) of the Planning Regulations, 2001 as amended by Article 5 of the Planning Regulations, 2002.

Flood Risk Assessment

Following examination of the relevant GIS information in relation to flood risk assessment, the site of the proposed development is not within a flood risk area (Fluvial, Pluvial, Coastal, groundwater).

Appropriate Assessment

SAC and SPA sites within 15km of selected application:17/1265

SAC:Black Head-Poulsallagh Complex SAC

SAC:Inisheer Island SAC

SAC:Inishmaan Island SAC

SAC:Inishmore Island SAC

SPA:Cliffs of Moher SPA

SPA:Inishmore SPA

The development is located within the Inisheer Island SAC. The application has been accompanied by a Natura Impact Statement which has been prepared by James O'Donnell Planning Consultancy Services. This report has concluded that there will not be any

significant effects on the Inisheer Island as a result of the construction of the proposed development in question, either individually or in combination with other plans or projects in the area. Having reviewed the submitted NIS and had regard to the minor scale of the development (retention of change of house type approved under 15/1313) the Planning Authority are satisfied that significant impacts on habitats within Natura 2000 sites can be ruled out. No further assessment is required in relation to habitats.

Sight Lines:

Access details addressed under planning reference 17/1265.

Effluent Treatment:

Wastewater treatment details addressed under planning reference 15/1313.

Water Supply:

Water Supply details addressed under planning reference 15/1313.

Design:

The original dwelling house on site as approved under planning reference no. 15/1313 had a stated floor area of 136.64 sqm and a ridge height of 6.555m.

The dwelling house as erected on site and for which retention is now being sought has a ridge height of 7.893m. in height with a stated floor area of 244 sq.m.

The dwelling as existing is located within a Class 5 designated 'Unique' landscape on Inisheer. The dwelling house for which retention has been sought exceeds the height of the originally approved dwelling house by 1.338m. , includes three dormer windows to the front elevation. The proposed window styles are also significantly different than the originally approved dwelling house. The design, scale massing of the dwelling house as partially constructed is considered totally inappropriate and unsympathetic to this rural island setting, particular in a Class 5 landscape, and would be contrary to Objective RHO 9, Policy LCM 1 , Objective LCM 1, Objective LCM 2 and DM Standard 6 of the current Galway CDP.

Planners Assessment:

The application proposes (a) the retention of the change of house type (which is a change of house type from the previously granted permission (granted under planning register reference number 15/1313); (b) completion of minor internal works and (c) all associated site development works (gross floor space 244sqm)

Recent Site History:

15/1313 - Olive Faherty (Nee Flaherty) - Permission granted for for (a) Proposed new 4 bedroom house (b) Envirocare mechanical aeration system or similar approved system and percolation area (c) All associated site development works. Gross floor space of proposed works: 136.64sqm

14/366 - Olive Faherty (nee Flaherty) - Application Withdrawn for (a) proposed new 4 bedroom house (b) Envirocare Mechanical aeration system or similar approved system and percolation areas (c) all associated site development works (gross floor space 136.64sqm).

The dwelling as constructed is a dormer house type in the sensitive Class 5 rural landscape approximately 330 metres from An Lough Mór on the island of Inisheer. The design, scale massing of the proposed amended house type is considered totally inappropriate and

unsympathetic to a rural island setting, particular in a Class 5 landscape, and would be contrary to Objective RHO 9, Policy LCM 1 , Objective LCM 1, Objective LCM 2 and DM Standard 6 of the current Galway CDP.

Furthermore, the proposed suburban house type would be contrary to the design principles set out in Galway County Council's Design for the Single Rural House (c2005).

Internal Reports (0):

No internal reports received.

Submissions (0):

None recieved.

Recommendation:

Having regard to the above and the preceding sections of the planner's report, a refusal of planning permission is recommended on house type/design.















Request for Further Information:

N/A

Planner's Recommendation:

The proposed development has been assessed, having regard to the policies and objectives of Galway County Council as set out in the 2015 - 2021 County Development Plan, the provisions of the DoEHLG Sustainable Rural Housing Guidelines as they relate to rural housing, the EU Habitats & Birds Directives, as well as the proper planning and sustainable development of the area. Based on this assessment, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area, the EU Habitats Directive and the provisions of the DoEHLG Sustainable Rural Housing Guidelines, and therefore, would be contrary to the objectives and policies as set out in the County Development Plan.

Schedule of Reason(s) for Refusal:

1. Having regard to the design, scale and siting of the proposed suburban house type located on a Class 4 rural (Unique) landscape, it is considered that the proposed development would result in a dominant and overbearing built form that would not fit appropriately or integrate effectively into this rural location. Furthermore, the proposed house type would be contrary to the design principles set out in Galway County Council's 'Design Guidelines for the Single Rural House', and would contravene materially Objective RHO 9, Objective LCM 1, Objective LCM 2 and DM Standard 6 contained in the Galway County Development Plan, 2015-2021. Accordingly to grant the proposed development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would contravene materially a development objectives and a development management standard contained in the current county development plan, would set an undesirable precedent for similar future

development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.

Pat O'Sullivan 12/12/17

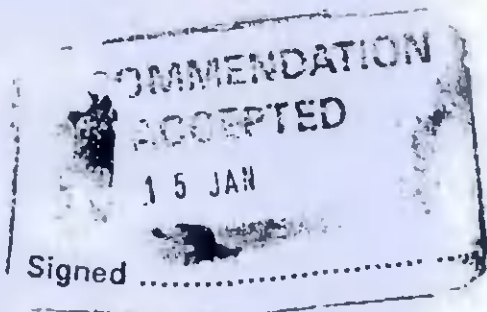
Prepared By: Patrick O'Sullivan, Assistant Planner

Counter-signed By: Saoirse Kennedy, Senior Executive Planner

Director's\Manager's Recommendation

MC

Decided By: Catherine McConnell, Senior Planner



GALWAY COUNTY COUNCIL**PLANNING AND DEVELOPMENT ACTS 2000-2010****DECISION under SECTION 34 of the ACT of 2000**

Reference Number: 17/1265

Date of Receipt of Application: 22/08/2017

Olive Faherty (nee Flaherty)
Damian O'Flynn Architects
Lower Eyre St.,
Newbridge
Co Kildare

I hereby give you **NOTICE** that the Galway County Council has by order
dated _____ decided to **REFUSE RETENTION**

to the above named, for development of land, in accordance with documents lodged, namely

of development that will consist of: (a) the retention of the change of house type (which is a change of house type from the previously granted permission (granted under planning register reference number 15/1313); (b) completion of minor internal works and (c) all associated site development works (gross floor space 244sqm) **in the townland of An Formna**

for the reasons set out in the Schedule hereto.

In deciding this Planning Application Galway County Council has, in accordance with section 34(3) of the Act, had regard to any submissions or observations received.

Main reasons and considerations on which the decision is based:-

The proposed development has been assessed, within the restrictions imposed by the principles of proper planning and sustainable development and having regard to the policies and objectives of Galway County Council as set out in the 2015 – 2021 County Development Plan. Based on this assessment it is considered that the proposed development would be contrary to the proper planning policies as set out in the County Development Plan.

Signed this 15 day of Jan 2018 on behalf of Galway County Council


pp COUNTY SECRETARY

SEE ATTACHED SCHEDULE

(REASON(S) 1)

Please see attached sheet for important Notice regarding Planning Appeals

SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 17/1265

1. Having regard to the design, scale and siting of the proposed suburban house type located on aa Class 4 rural (Unique) landscape, it is considered that the proposed development would result in a dominant and overbearing built form that would not fit appropriately or integrate effectively into this rural location. Furthermore, the proposed house type would be contrary to the design principles set out in Galway County Council's 'Design Guidelines for the Single Rural House', and would contravene materially Objective RHO 9, Objective LCM 1, Objective LCM 2 and DMStandard 6 contained in the Galway County Development Plan, 2015-2021. Accordingly to grant the proposed development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would contravene materially a development objectives and a development management standard contained in the current county development plan, would set an undesirable precedent for similar future development in the area, and therefore would be contrary to the proposed planning and sustainable development of the area.



APPENDIX 4

**PL REFS. 18/1822 & 19/1236 –
SUPPORTING DOCUMENTATION:
REFUSAL TO CONSIDER NOTICE AND
PLANNING DRAWINGS**

18 February 2019

Olive Faherty (nee Flaherty)
c/o O'Flynn Architects
Lower Eyre St.
Newbridge
Co. Kildare

Re: Planning Ref. No. 18/1822

A Chara,

The Planning Authority considers that the unauthorised works to the dwelling house, has not screened out for Appropriate Assessment and requires a full Appropriate Assessment.

Therefore, the Planning Authority under Part III, Section 34 (12) of the Planning and Development Act, 2000 (as amended) cannot consider the application in this instance. The legislation under that Part and Section states the following:

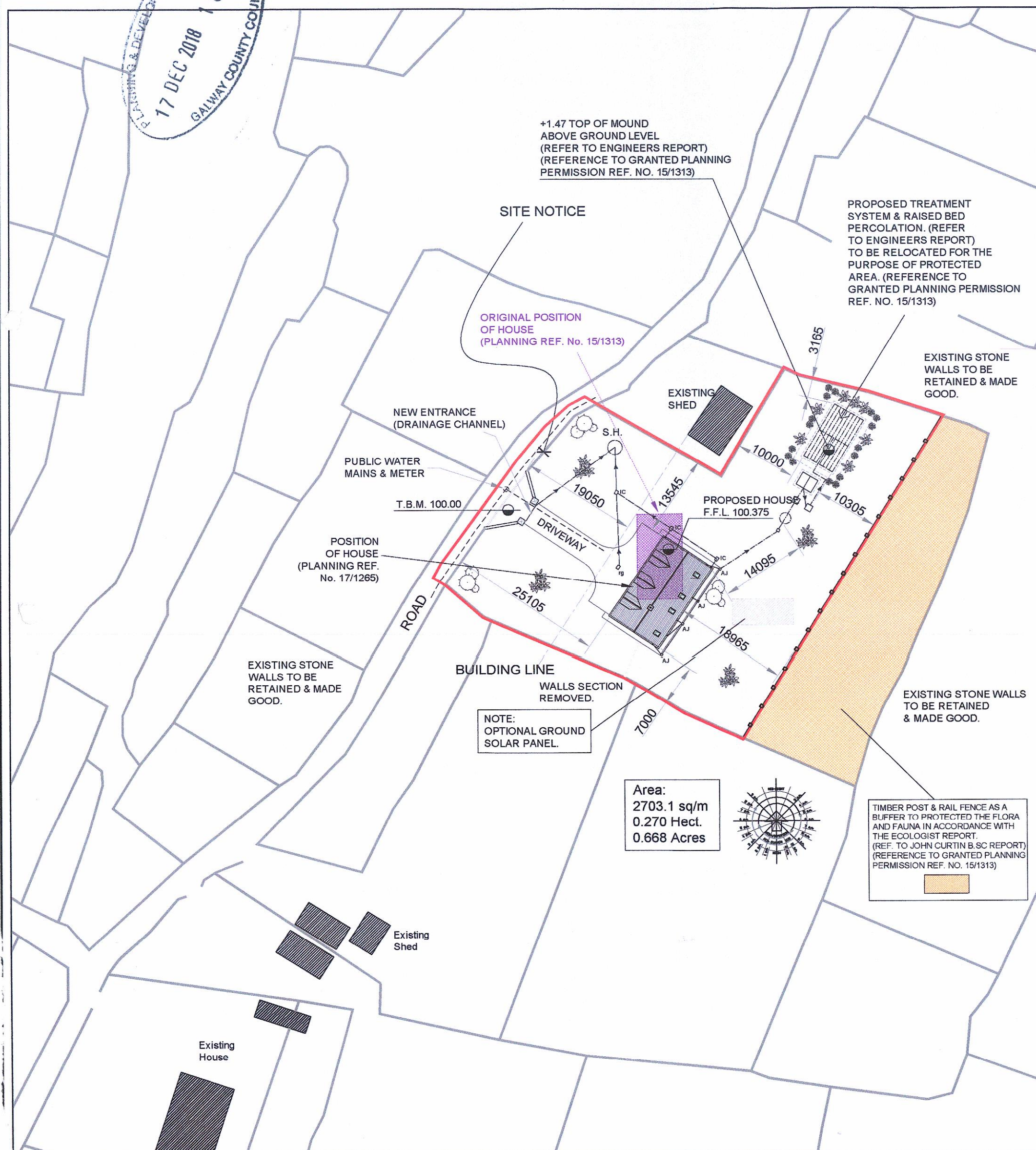
A planning authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more than one of the following was carried out:

- (a) An environmental impact assessment,
- (b) A determination as to whether an environmental impact assessment is required, or
- (c) An appropriate assessment.

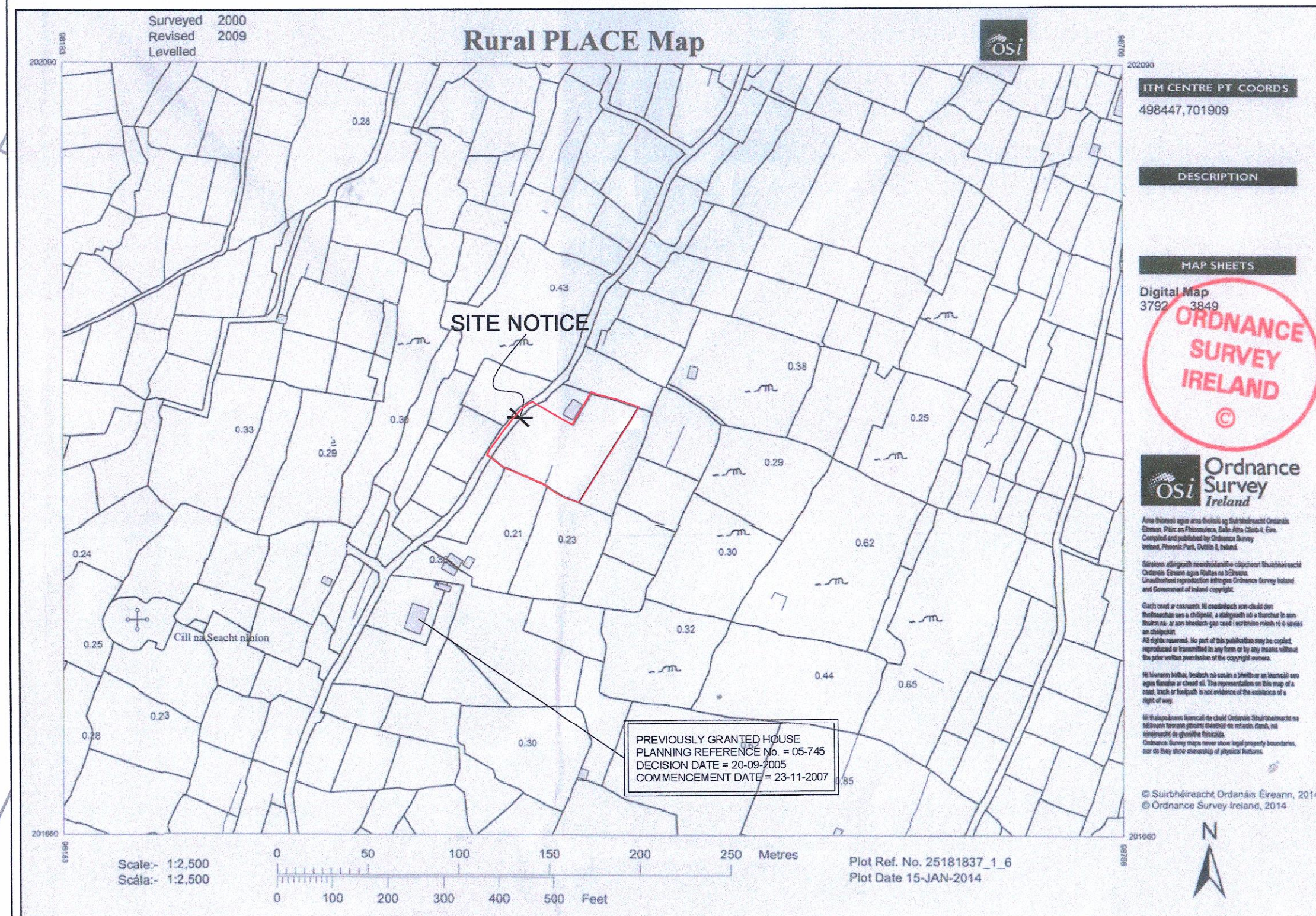
Mise le meas,



for COUNTY SECRETARY



SITE LAYOUT @ SCALE 1:500



SITE LOCATION MAP @ SCALE 1:2500

OS LICENCE NUMBER
AR0109818

NOTES:

DO NOT SCALE. USE ONLY FIGURED DIMENSIONS WHICH SHOULD BE CHECKED ON SITE BEFORE WORK COMMENCES.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST BUILDING REGULATIONS.

REFER TO STRUCTURAL ENGINEERS DRAWINGS AND SPECIFICATION FOR ALL STRUCTURAL WORK.

THIS DRAWING IS COPYRIGHT.

NO.	REVISIONS:	DATE:	H
A	ISSUED FOR PLANNING SUBMISSION	DEC 18	I
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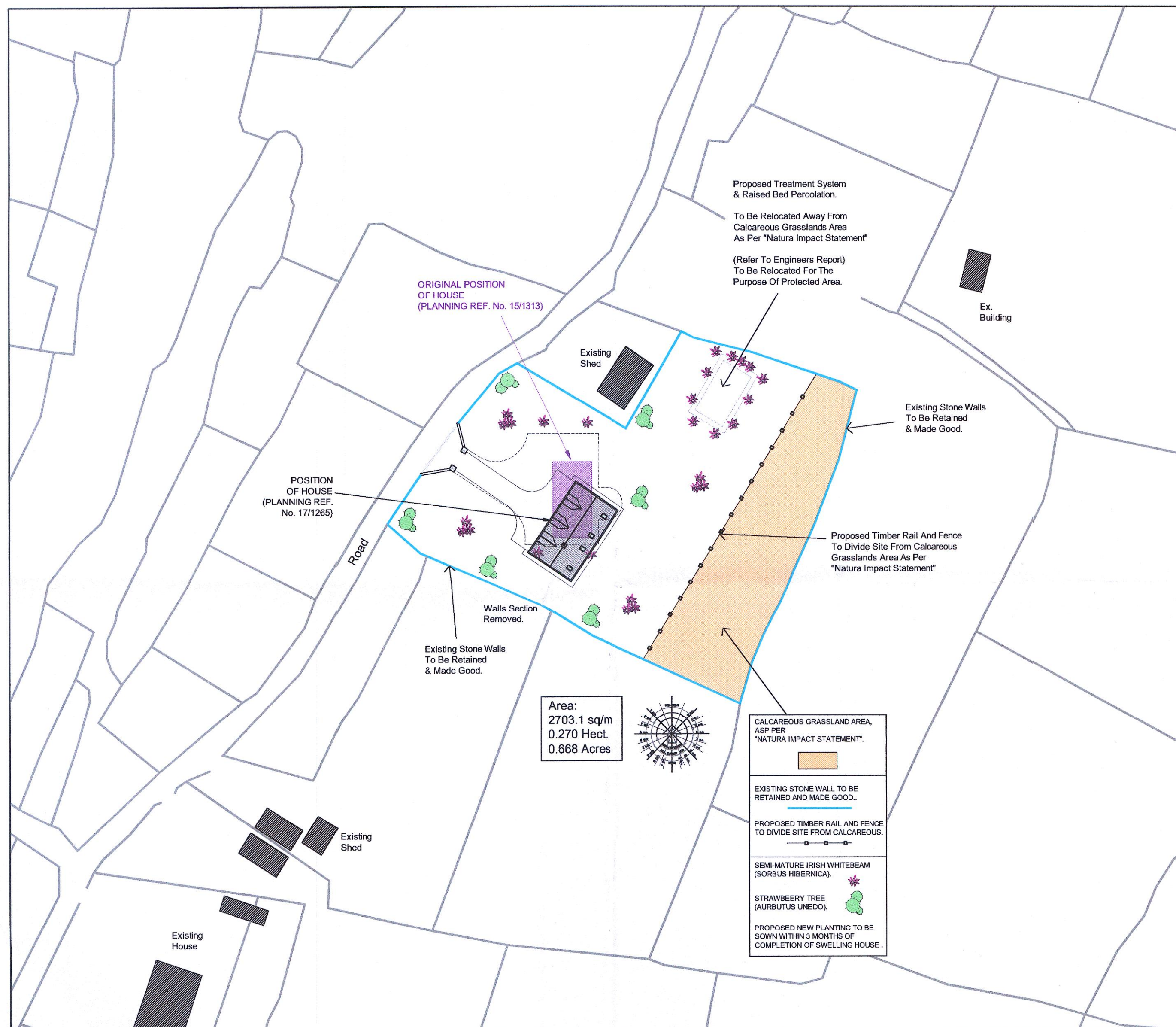
LEGEND:

NOTE:

PLEASE REFER TO PREVIOUSLY GRANTED PLANNING PERMISSION REF. NO. 15/1313 & 17/1265



PROJECT: RETENTION OF THE CHANGE OF HOUSE TYPE @ FURMINA VILLAGE INISHEER, ARAN ISLANDS, CO. GALWAY.	
TITLE: SITE LAYOUT PLAN & SITE LOCATION	
CLIENT: OLIVE FAHERTY (NEE FLAHERTY)	STAGE: PLANNING
PROJECT NO.: 2018-094	DRG. NO.: PA-001
SCALE: 1:500 & 1:2500	DRAWN: DAMIAN O'FLYNN
DATE: DEC 2018	CHECKED: DAMIAN O'FLYNN



LANDSCAPE PLAN @ SCALE 1:500

NOTES:

DO NOT SCALE, USE ONLY FIGURED DIMENSIONS WHICH SHOULD BE CHECKED ON SITE BEFORE WORK COMMENCES.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST BUILDING REGULATIONS.

REFER TO STRUCTURAL ENGINEERS DRAWINGS AND SPECIFICATION FOR ALL STRUCTURAL WORK.

THIS DRAWING IS COPYRIGHT.

NO.	REVISIONS:	DATE:	H
A	ISSUED FOR PLANNING SUBMISSION	DEC 18	I
B			J
C			K
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LEGEND:

NOTE:

AS PER PLANNING
PERMISSION
REF. No. 15/1313



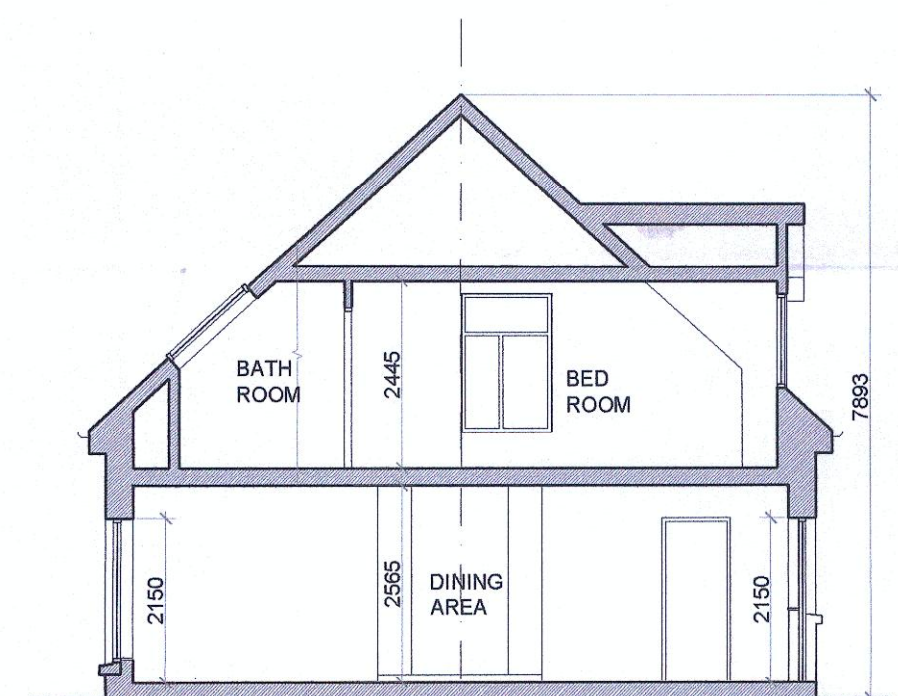
PROJECT: RETENTION OF THE CHANGE OF HOUSE TYPE @ FURMINA VILLAGE INISHEER, ARAN ISLANDS, CO GALWAY.	
TITLE: PROPOSED LANDSCAPING PLAN	
CLIENT: OLIVE FAHERTY (NEE FLAHERTY)	STAGE: PLANNING
PROJECT NO.: 2018-094	DRG. NO.: PA-003 REV A
SCALE: 1: 500	DRAWN: DAMIAN O FLYNN
DATE: DEC 2018	CHECKED: DAMIAN O FLYNN



SIDE ELEVATION @ 1:100



SIDE ELEVATION @ 1:100

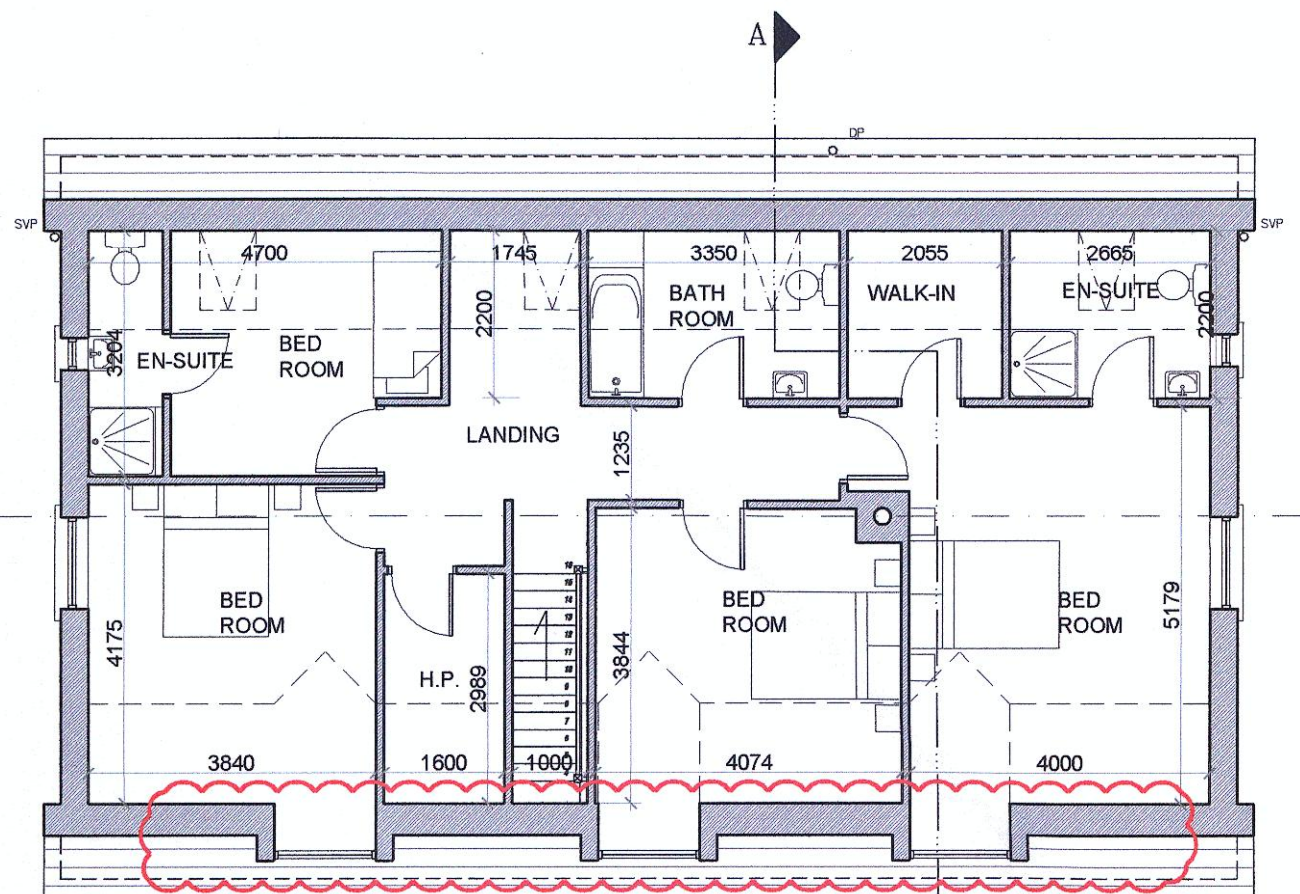


SECTION A-A @ 1:100

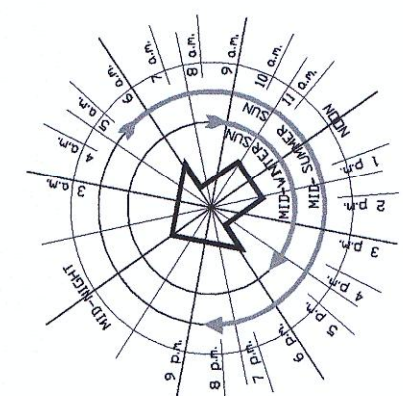
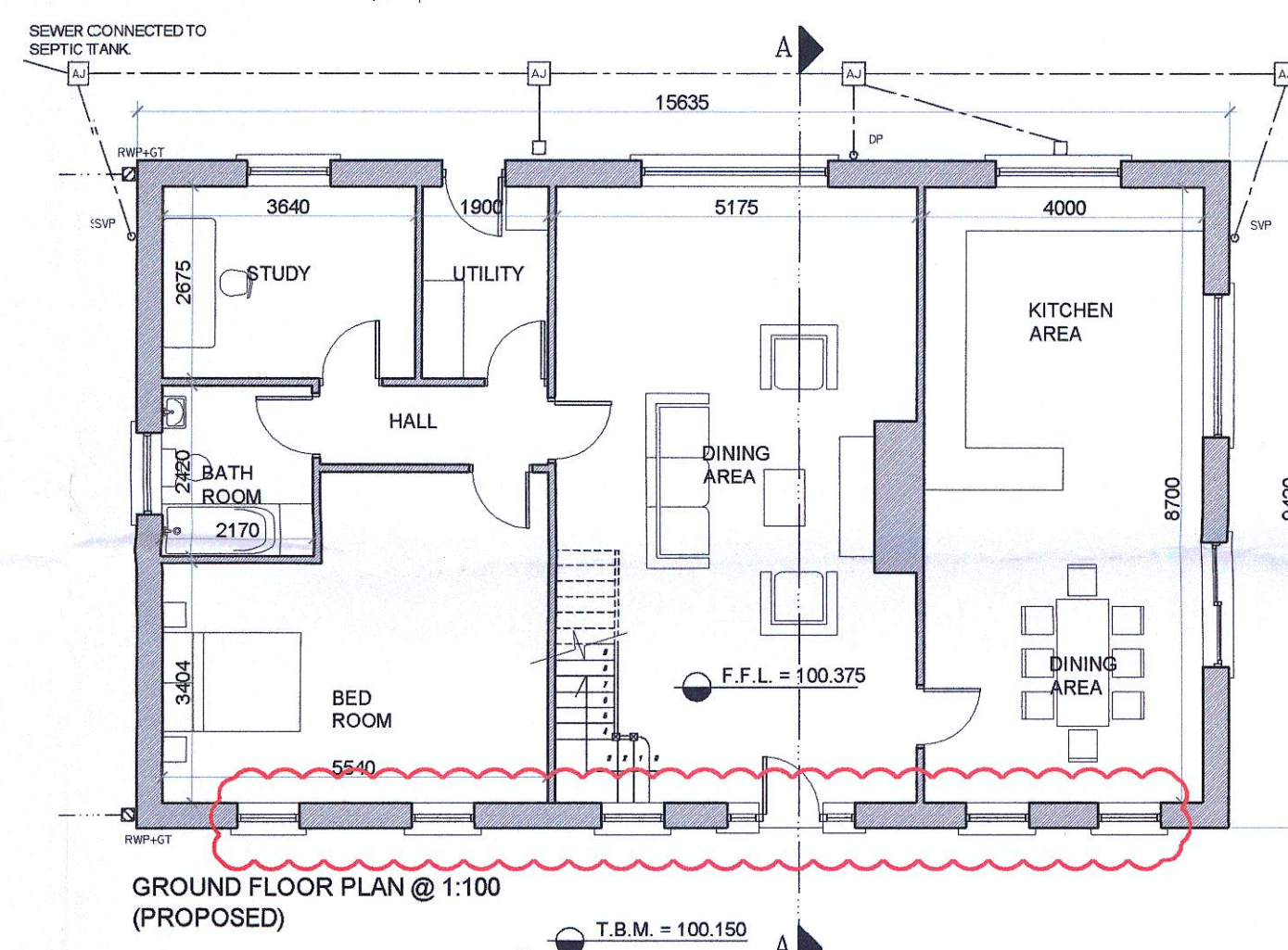
SMOOTH PLASTER TO CHIMNEYS
BLUE/BLACK SLATES ROOF
VELUX WINDOWS (INSTALLED AS SPECIFIED BY MANUFACTURES)
UPVC GUTTERS, EAVES & DORMER SURROUND.
SELECTED PLASTER FINISH
UPVC DOORS & GLAZED WINDOWS



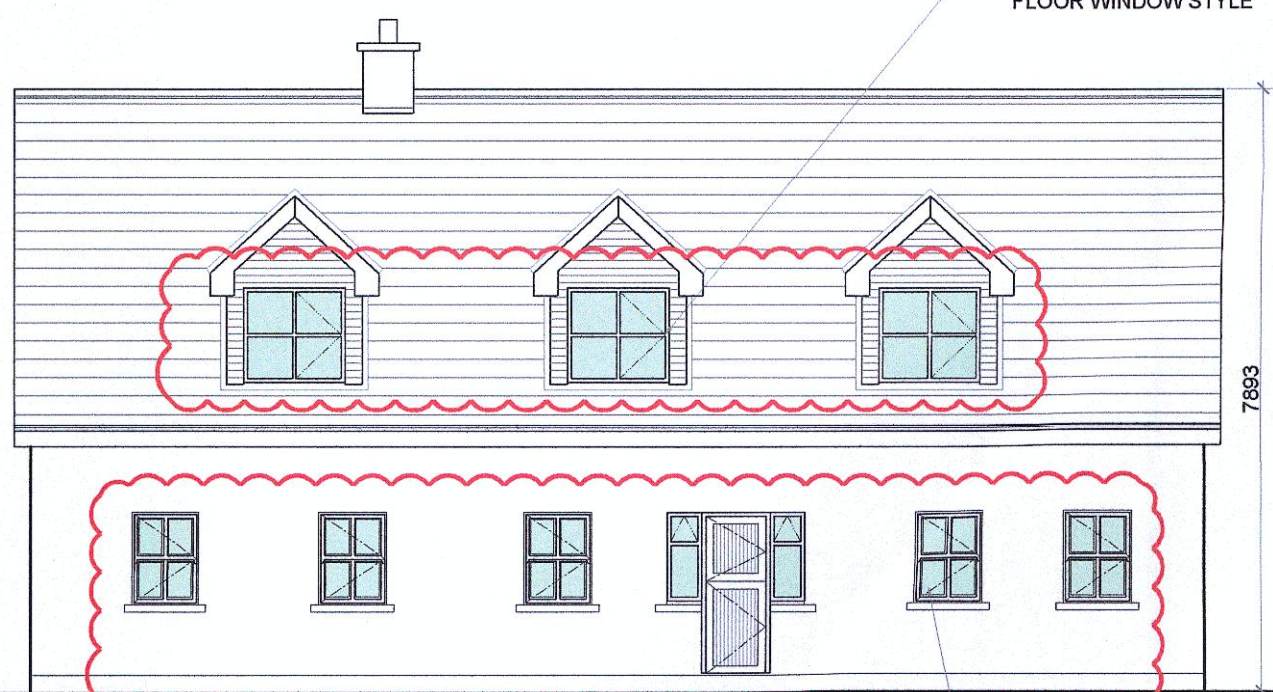
REAR ELEVATION @ 1:100



FIRST FLOOR PLAN @ 1:100

FLOOR AREA:
244.0 SQ/MGROUND FLOOR PLAN @ 1:100
(PROPOSED)

T.B.M. = 100.150

FRONT ELEVATION @ 1:100
(PROPOSED CHANGES TO DWELLING)ADDITIONAL
VERTICAL WINDOW
BAR TO MATCH GROUND
FLOOR WINDOW STYLEWINDOW STYLE
AS PER ORIGINAL
PLANNING
PERMISSION 15/1313

PROPOSED DWELLING AS PER CHANGE OF FENESTRATION PATTERN ON THE FACEDE

NOTES:

DO NOT SCALE, USE ONLY FIGURED DIMENSIONS WHICH SHOULD BE CHECKED ON SITE BEFORE WORK COMMENCES.
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST BUILDING REGULATIONS.
REFER TO STRUCTURAL ENGINEER'S DRAWINGS AND SPECIFICATION FOR ALL STRUCTURAL WORK.
THIS DRAWING IS COPYRIGHT.

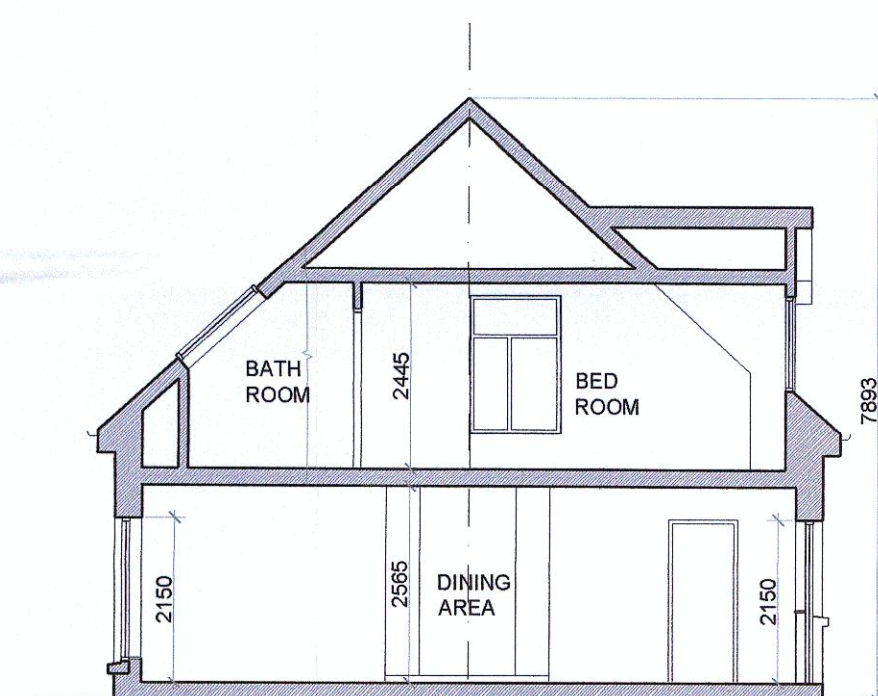
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SIDE ELEVATION @ 1:100



SIDE ELEVATION @ 1:100

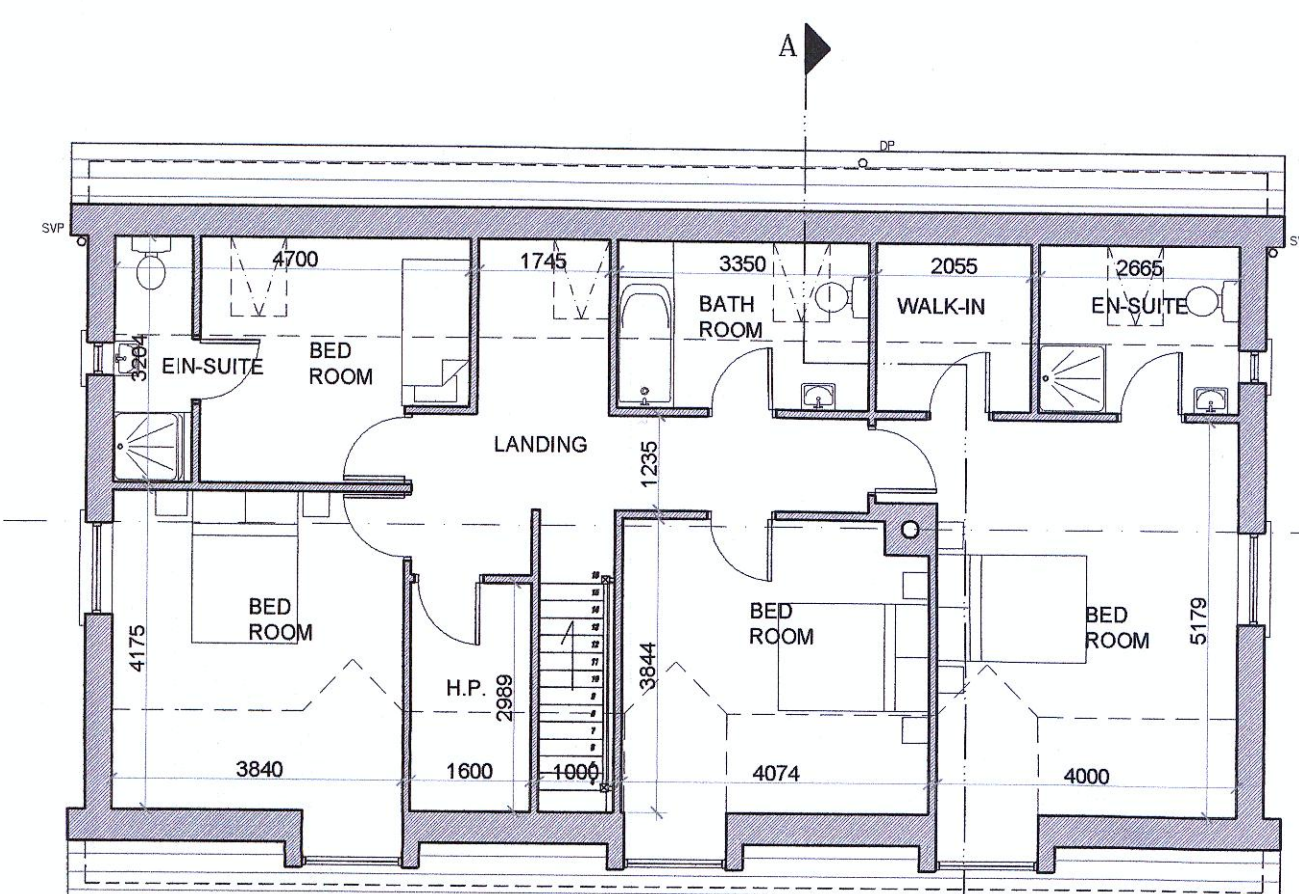


SECTION A-A @ 1:100

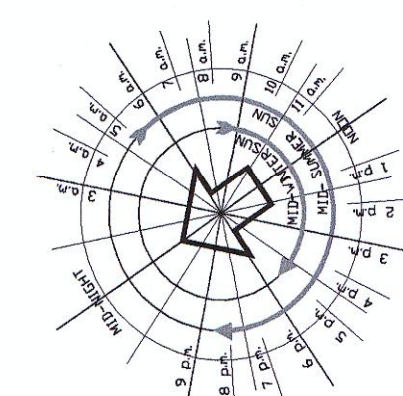
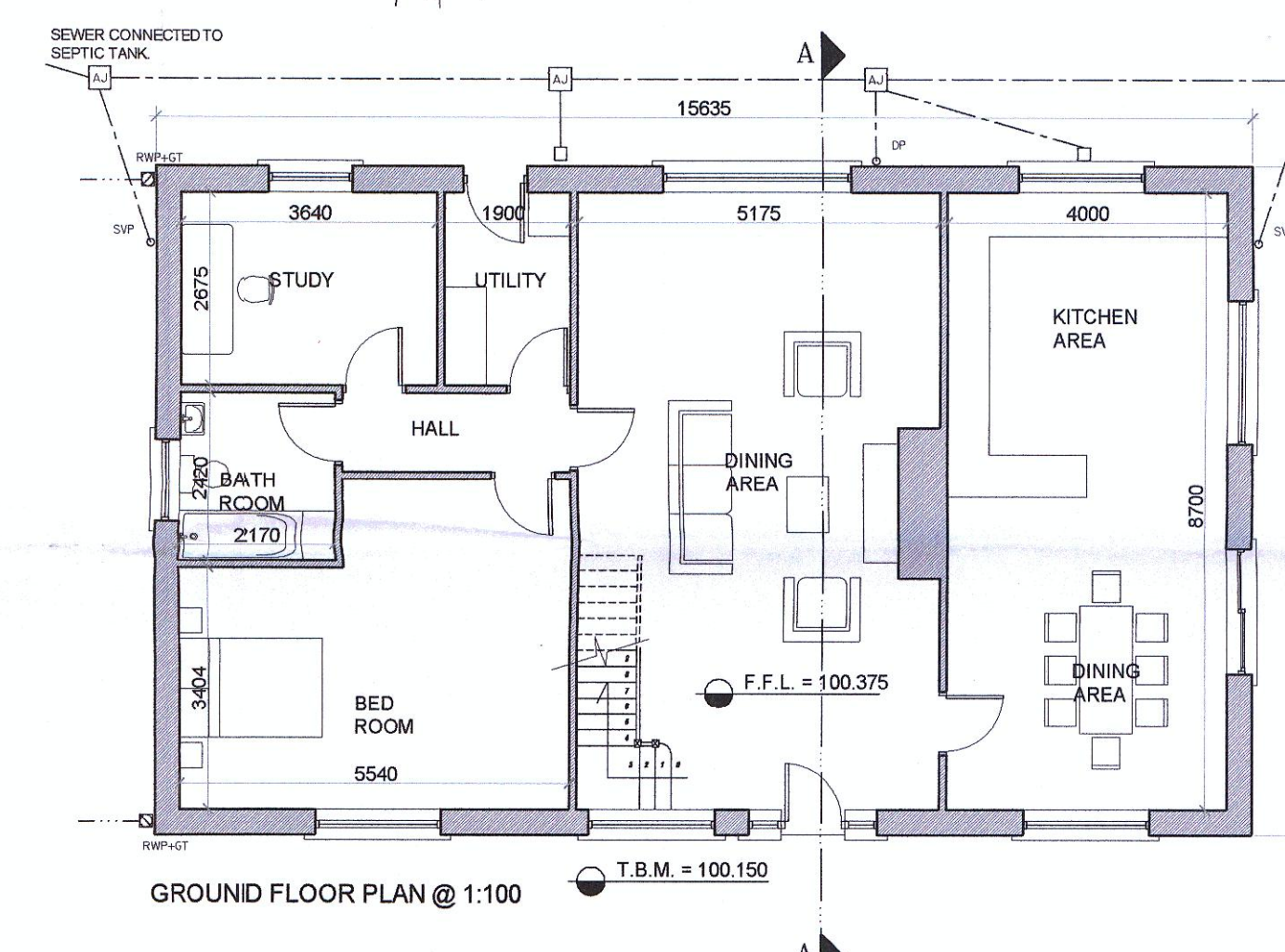
SMOOTH PLASTER TO CHIMNEYS
BLUE/BLACK SLATES ROOF
VELUX WINDOWS (INSTALLED AS SPECIFIED BY MANUFACTURES)
UPVC GUTTERS, EAVES & DORMER SURROUND.
SELECTED PLASTER FINISH
UPVC DOORS & GLAZED WINDOWS



REAR ELEVATION @ 1:100



FIRST FLOOR PLAN @ 1:100

FLOOR AREA:
244.0 SQ/M

GROUND FLOOR PLAN @ 1:100

T.B.M. = 100.150



FRONT ELEVATION @ 1:100

DWELLING AS PER PLANNING PERMISSION REF. No. 17/1265

LEGEND:

NOTE:

PLEASE REFER TO
PREVIOUSLY GRANTED
PLANNING PERMISSION
REF. No. 15/1313 & 17/1265



PROJECT: RETENTION OF THE CHANGE OF HOUSE TYPE @ FURMINA VILLAGE
INISHEER, ARAN ISLANDS, CO GALWAY.

TITLE: FLOOR PLAN, ELEVATIONS & SECTION A-A OF PROPOSED CHANGES.

CLIENT: OLIVE FAHERTY (NEE FLAHERTY)

STAGE: PLANNING

PROJECT NO.: 2018-094

DRG. NO.: PA-002 REV A

SCALE: 1:100
DATE: DEC 2018

DRAWN: DAMIAN O FLYNN
CHECKED: DAMIAN O FLYNN