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**Planning and Development Act 2000, as amended**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 25/60349**

**Appeal** by Anthony Lee against the decision made on the 15<sup>th</sup> day of December, 2025 by Galway County Council to grant subject to conditions a permission to Emma Carr and Daniel Ferns in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new dwellinghouse, packaged effluent treatment system with associated soil polishing filter, and all associated site works, all at Maigh Cuilinn, Homefarm, County Galway, as revised by the further public notices received by the planning authority on the 10<sup>th</sup> day of July, 2025 which included the submission of a Natura Impact Statement.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below**

## Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of the Galway County Development Plan 2022-2028, would not be out of character with the surrounding area, would not give rise to undue negative impacts upon the residential or visual amenity of the surrounding area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Appropriate Assessment: Stage 1:

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Corrib Special Area of Conservation (Site Code: 000297) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

### Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Lough Corrib Special Area of Conservation (Site Code: 000297) in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) the mitigation measures which are included as part of the current proposal.

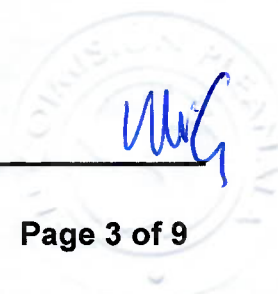
In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30<sup>th</sup> day of June, 2025 and on the 24<sup>th</sup> day of October, 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. (a) The mitigation measures set out in the Natura Impact Statement, as received by the planning authority on the 30<sup>th</sup> day of June, 2025 shall be implemented in full.
- (b) The management procedures, as set out in the Construction and Environmental Management Plan, shall be adhered to and strictly carried out in full as part of the proposed development.
- (c) An appointed qualified ecologist shall oversee the implementation of the mitigation measures of the Natura Impact Statement.

**Reason:** In the interest of proper planning and sustainable development and to protect European Sites.

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

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

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

4. (a) The proposed dwellinghouse shall have a nap plaster and/or natural local stone external finish.
- (b) The proposed windows shall be of powder-coated aluminium and/or timber-framed and/or non-white uPVC.
- (c) The external door(s) shall be of timber construction, unless otherwise agreed in writing with the planning authority.
- (d) The roof of the dwellinghouse shall be black/brown/grey slates/tiles.
- (e) The colour of any rainwater goods shall be dark in colour/match the colour of the roof.
- (f) Eaves and verges shall be flush.

**Reason:** In the interest of visual amenity.

5. Surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of public health.

6. Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

**Reason:** In the interest of public health and road safety.

7. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann in respect of the water supply to serve the proposed development.

**Reason:** In the interest of public health.

8. (a) The proposed development shall be served by a wastewater treatment plant and polishing filter area which shall be designed, located, constructed and maintained in accordance with the details received with the planning application, and shall be in accordance with the requirements of the document "Code of Practice Domestic Waste Water Treatment Systems (p.e<10) Environmental Protection Agency (2021).
- (b) Any change to an equivalent and equal system shall be agreed in writing with the planning authority prior to commencement of development and the system being installed and shall be in accordance with the Environmental Protection Agency publication "Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )".
- (c) The proposed polishing filter shall maintain a minimum separation distance of 10 metres from any dwellinghouse, existing or proposed land drain or watercourse.
- (d) Immediately following installation, the developer shall submit to the planning authority a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment plant has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the proposed polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

- (e) A maintenance contract for the treatment system shall be entered into and paid for in advance and shall be kept in place at all times. Signed and dated copies of the contract shall be made available to the planning authority on request.

**Reason:** In the interest of public health.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual and residential amenity.

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

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

11. All public roads and footpaths shall be maintained free from dirt and debris during construction stage of the proposed development. All necessary measures shall be undertaken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining lands during the course of the works.

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

12. Any in-situ stonewalls; hedgerow and/or trees bounding the site shall be retained, except for the provision of the site entrance works/sight distance triangles.

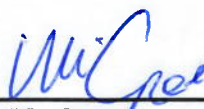
**Reason:** In the interest of visual amenity and in order to screen the proposed development and assimilate it into the surrounding area.

13. (a) The landscaping plan shall be carried out in accordance with the details submitted.
- (b) The lateral boundaries of the site shall be landscaped with native plant and tree species. In addition, the front boundary of the site shall be planted with semi-mature native indigenous deciduous trees and hedging species. Any plants/trees which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development, shall be replaced within the next planting season with others of similar size and species.

**Reason:** In the interest of visual amenity and in order to screen the proposed development and assimilate it into the surrounding area.

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

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



Liam McGree

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 27<sup>th</sup> day of April 2026.

