



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312862-22

---

<b>Development</b>	Restoration of cottage, construction of extensions and all associated site works. Accompanied by a Natura Impact Statement (NIS)
<b>Location</b>	Emlaghmore, Ballyconneely, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	212242
<b>Applicant(s)</b>	John & Frances Corless.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Nicholas Tinne.
<b>Observer(s)</b>	Peter Lee.
<b>Date of Site Inspection</b>	5 <sup>th</sup> October 2022.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. This appeal relates to a site .93 hectares located within the townland of Emlaghmore in Ballyconneely, west county Galway. The site lies circa 4km to the south east of Ballyconneely village and 7km to the north east of Roundstone. The site is accessed via a private laneway running to the south of a local access road which in turn runs to the east of the Regional Road R341.
- 1.2. The site is elevated and exposed gently sloping downwards from north to south and is occupied by a modest derelict cottage type structure located centrally within the northern part of the site and a ruinous structure to its east. The existing dwelling structure has external walls, windows and 2 chimneys with a galvanised roof. Maaumeen lake is located to the southeast with a watercourse circa 70km to the west of the site.
- 1.3. There is an existing single storey dwellinghouse to the east and a horse stables and exercise paddock development to the west. The landscape is undulating and characteristic of Connemara with small field patterns bounded by dry stone walls and rocky outcrops and a scattered pattern of residential development.

## 2.0 Proposed Development

- 2.1. The application involves permission for the restoration of the existing single storey cottage including elevational modifications (existing floor area 55sq.m) the provision of single storey extensions to side and rear (157sq.m). The development will include a new wastewater treatment system and new vehicular entrance from the existing private lane, along with associated site works.
- 2.2. The application is set out in detail in the drawings and documentation submitted which include:  
  
Architectural Drawings and 3D images Cantrell & Crowley, Architects and Interior designers.  
  
Planning Statement , James O Donnell, Planning Consultant.  
  
Structural Report, MJ Designs

Natura Impact Statement, Megan Lee and Collette Casey, in partnership with James O Donnell, Planning Consultancy Services.

Bat Inspection Survey, Collette Casey in partnership with James O Donnell, Planning Consultancy Services.

Construction Environmental Management Plan, Megan Lee and Collette Casey, in partnership with James O Donnell, Planning Consultancy Services.

Appropriate Assessment Screening Report. Megan Lee and Collette Casey, in partnership with James O Donnell, Planning Consultancy Services.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 1<sup>st</sup> February 2022 Galway County Council issued notification of the decision to grant permission and 14 conditions were attached which included Condition 12. No further development Class 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations on the site without prior grant of permission.

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

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

Planner's report considers the proposal to be acceptable in principle in the context of Objective RH07- Renovation of existing derelict dwelling / semi ruinous dwelling. Proposed extensions seek to replicate the existing rural form, scale and height of the existing dwelling and are considered acceptable. Permission recommended subject to conditions.

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

No other submissions.

### 3.3. Prescribed Bodies

No submissions.

### 3.4. Third Party Observations

Submission from the following third parties

Mrs Janet Coveney, Emlaghmore, Ballyconneely,

Mr Nicholas Tinne, Emlaghmore Lodge, Ballyconneely.

Alexandrina Tinne, Chuley Road, Ashburton, Devon.

Peter Lee, Emlaghmore, Ballyconneely.

Submissions raise common grounds of objection summarised as follows:

- Scale and design is out of character with the existing dwelling.
- Need for the development has not been demonstrated. Applicants already own a substantial new house in the townland and live elsewhere visiting only occasionally.
- Environmental and ecological impact given the sensitivity of the location.
- Retrospective permission was granted for arena. Concerns regarding past history of development on the land holding.
- Visual impact assessment is inaccurate.
- Public health concerns.
- Traffic safety and capacity concerns.
- Sensitive class 4 landscape.
- Threat to Connemara Bog Complex SAC and SPA. All waters from the site flow to the salmonid river.
- Potential use of ruin by bats. Negative impact on rich flora and fauna.

## 4.0 Planning History

No planning history on the appeal site. The following history referred to within the documentation on file in relation to development in the vicinity.

**17/203** Permission granted 11/12/2017 for retention of stables, paddock area, new entrance and internal roadway and permission to develop site landscaping and all associated site works.

**15/249** Permission granted to John Corless for development consisting retaining and remodelling of an existing earthen mound.

**EN14/229** Enforcement in respect to non-compliance with condition 4 of 15/249,

**04/839** Permission granted for demolitions and reconstruction of existing house with new single storey extensions and two storey extension to rear with separate living quarters boat house and garage to rear of property. Reopening of entrance off public laneway and relocation of existing rear entrance and replacement of septic tank with puraflo system.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 While the decision of the planning authority was made under the previous plan the Galway County Development Plan 2022-2028 now refers. The plan was adopted on 9<sup>th</sup> May 2022 and came into effect on 20<sup>th</sup> June 2022.

In terms of rural area type the site is located within a structurally weak area.

As set out in Rural Housing Policy Map 4.2 the site is within zone 4 – Landscape Sensitivity Category 2-4.

Policy Objective RC2 Rural Housing in the Countryside is “*To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3*”

In Chapter 8. Tourism and Landscape I note

Landscape Sensitivity Map 8.2 shows the site within Category 3 Special landscape with a High Sensitivity to Change.

## **Policy Objectives Landscape Conservation and Management**

### **LCM1 Preservation of Landscape Character**

*“Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.”*

### **RH4 Rural Housing Zone 4 (Landscape Classification 2, 3 and 4)**

*“ Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Classification 2,3 and 4 are required to demonstrate their demonstrable economic or social Rural Links or Need\* as per RH 2, i.e.*

*1(a) Those applicants with long standing demonstrable economic and/or social Rural Links or Need\* to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

OR

*1(b) Those applicants who have no family lands, or access to family lands, but who wish to build their first home within the community in which they have long standing demonstrable economic and or social Rural links or Need\* and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area.*

*Having established a Substantiated Rural Housing Need\*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management.*

*To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.*

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

*Or*

*1(c) Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

*OR*

*1(d) Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.*

*OR*

*1(e) Where applicants can supply land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links/need will not have to be demonstrated.*

*OR*

*1(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitat's Directive and normal planning considerations.*

*In addition, an Applicant may be required to submit a visual impact assessment of their development, where the proposal is in an area identified as "Focal*

*Points/Views” in the Landscape Character Assessment of the County or in Class 3 and Class 4 designated landscape areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.”*

### **RH 7 Renovation of Existing Derelict Dwelling**

*“It is a policy objective of the Planning Authority that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the County are generally dealt with on their merits on a case by case basis, having regard to the relevant policy objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi derelict dwelling must be structurally sound and have the capacity to be renovated or extended and have the majority of its original features in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed an Enurement Clause for seven years duration will apply.”*

### **Development Management Standards are set out at chapter 15.**

At 15.3.4 Other residential development (Rural and Urban) DM Standard 4: House Extensions (Urban and Rural).

*“Proposed extensions shall:*

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing;*



- *reflect the window proportions, detailing and finishes, texture, materials and colour unless a high quality contemporary and innovatively designed extension is proposed;*
- *not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact; and*
- *carefully consider site coverage to avoid unacceptable loss of private open space.”*

## 5.2. **Natural Heritage Designations**

The site is not itself within a designated area, however it is adjoins Maumeen Lake which is designated as part of the Connemara Bog Complex SPA and Connemara Bog Complex SAC.

## 5.3. **EIA Screening**

Having regard to the nature of the development comprising renovation and extension together with a new proprietary wastewater treatment system it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

## 6.0 **The Appeal**

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

6.1 The appeal is submitted by Nicholas Tinne, Emlaghmore Lodge, Ballyconneely, Grounds of appeal are summarised as follows:

- Location is within a designated sensitive landscape.

- Arena and stable were constructed here in 2016 without permission.
- Road bridge and access issues arose at the time,
- Environmental and ecological damage of concern.
- Concerns regarding removal of dry stone walls and replacement by wire fencing.
- No housing need has been demonstrated.
- Development Plan policy provides for restoration of the existing house without compromising the original character of the building.
- Proposed design and scale are inappropriate.
- Ridge height of the proposed extension will result in adverse visual impact Proposal will be visually obtrusive.
- Outstanding enforcement notice in relation to the lands.

## 6.2. Applicant Response

6.2.1 The response by James O Donnell, Planning Consultant on behalf of the first party is summarised as follows:

- Note that the appellant is the owner of a holiday home Emlaghmore Lodge circa 58m to the east of the site.
- Issues raised are vexatious and /or are of little relevance to the assessment of the appeal.
- Proposal is entirely appropriate at this location.
- Regarding landscape sensitivity, it is important to note that this is a brownfield site where principle of a dwellinghouse exists on the site.
- Architectural design respects the character of the existing dwelling while providing a contemporary standard for modern living requirements.
- Planning Officer correctly concluded that the proposed renovation and extension would not result in visually obtrusive development.

- Disingenuous for the appellant to question housing need given that he operates holiday homes in the area.
- Regarding impact on plants and wildlife the given the limited scope of the development and provision of modern treatment system which will result in a much higher grade of effluent disposal.
- AA Screening, NIS, CEMP and Bat report provided.
- It is noted that while the red line boundary is located close to the Natura 2000 network the proposed works are not contiguous with the designation.
- NIS concluded that with the implementation of best practice mitigation measures the proposed development will not give rise to any direct, indirect impacts on the Connemara Bog Complex SAC and Connemara Bog Complex SPA.
- Bat Inspection survey found no bats or roosts or feeding habitats on the site.
- No drains are proposed between the site and river via the intervening site PL17/203. No impact on watercourses will occur. Appellant appears concerned regarding associated neighbouring agricultural development which is not relevant to the current application.
- Extension is modest in scale. No adverse impact on adjoining residential amenity.
- Housing restrictions do not apply given that the proposal is an extension to an existing dwelling.
- Speculation and criticism regarding prospective use is somewhat hypocritical given that the appellant is the owner / operator of holiday homes in the area.
- Proposed design has taken great care to ensure that the original character of the existing structure will continue to be identifiable as part of the proposed development as demonstrated in CGIs accompanying the application.
- New living areas provided by way of pitched roof L shaped wing extension to the south eastern gable and flat roofed extension to the rear of the house will be shielded by the existing and proposed pitched roof sections of the house. Form is in keeping with Design Guidelines for Single rural houses.

- Regarding scale the existing house is 55sq.m while the proposal is 157 sq.m, which equates to 2.85 times the size of the existing house. A significant portion of the house will consist of a low flat roof which will be shielded by the existing and proposed pitched roof wings which greatly assists with assimilation and integration with the existing house.
- Matter of Enforcement Case on adjacent site is irrelevant to the current appeal.
- Proposal is in accordance with the Regional Spatial and Economic Strategy which sets target for 20% of rural housing to be delivered on brownfield sites.

### 6.3. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

### 6.4. **Observations**

Observations submitted by Peter Lee, Emlaghmore. Concerns arise regarding environmental impact. The public road accessing site crosses the Doohulla Fishery River by way of old stone bridge which is not fit for massive loads required for the construction. Roadway has insufficient carrying capacity due to its formation on bog. Negative impact on Connemara Bog Complex SAC and Connemara Bog Complex SPA. Having regard to the exposed and coastal rural setting within a class 4 designated landscape the proposal due to its elongated suburban form. Silt fence inappropriately designed. Appeal site comprises wetlands and soft marshy boggy land with rocky outcrops. Scale of extension is excessive. Waterlogged nature of the landscape would negate ability to provide adequate wastewater treatment.

## **7.0 Assessment**

- 7.1. I consider that the principal planning issues for assessment in this appeal are the development in the context of Development Plan provisions, the design and scale of the proposal and impact on the amenities of the area, access and servicing of the proposed development, environmental impact and appropriate assessment.
- 7.2. The first party response to the appeal suggests that the appeal is vexatious and apparently more concerned with previous development on the adjoining and adjacent sites (17/203 and 15/249). I would concur that matters raised in respect of previous development on the adjoining and adjacent sites and enforcement matters are not relevant to the current appeal and are beyond the remit of the board in terms of the assessment of the current case. I consider note that the appeal raises planning grounds specific to the proposed development and it is therefore appropriate to assess these matters and the proposal on its own planning merit.

### **7.3 Principle of Development in the context of Development Plan Policy, Configuration, scale and design of the proposal and impacts on the amenities of the area.**

- 7.3.1 As outlined at Section 5.0 Policy Context above, the current Galway County Development Plan 2022-2028 was adopted since the decision of the Planning Authority and came into effect on 20<sup>th</sup> June 2022.
- 7.3.2 I note that the third party appellant raises the question of housing need as the applicants have a holiday home in the area and live elsewhere and only visit occasionally. The potential for future use as a holiday home is also alleged. In terms of local housing need I note the relevant policies RH2 and policy RH4 of the current County Development Plan whereby applicants seeking to construct an individual house in the open countryside in areas located in landscape classification 2,3 and 4 are required to demonstrate their demonstrable economic or social rural links or need. The application was made however, and assessed by the local planning authority, on the basis of Policy RH07 regarding renovation of an existing

derelict dwelling. The relevant policy in the current County Development Plan is RH7 providing for renovation of existing derelict dwellings which is as follows:

*RH7 Renovation of existing Derelict dwelling*

*It is a policy objective of the Planning Authority that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the County are generally dealt with on their merits on a case by case basis, having regard to the relevant policy objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi derelict dwelling must be structurally sound and have the capacity to be renovated or extended and have the majority of its original features in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed an Enurement Clause for seven years duration will apply.*

7.3.3 It is apparent from documentation provided on the appeal file and from site inspection that the existing structure on the site was a former dwelling, though apparently not inhabited for some time and last used to house animals. While the structure is derelict its walls and roof are substantially intact. The structural report submitted with the application outlines the structure is in a good state of repair and is protected from the elements by a relatively new galvanised roof and windows and door. It is reasonable in my view based on the nature of the proposal to consider that the principle of development would be subject to the provisions of Objective RH7. The provisions of the objective, do not reference the need to demonstrate rural generated housing need. It is reasonable therefore to determine that the Development Plan provisions as they relate to rural generated housing need and urban generated housing RH2 and RH4 do not apply to this application and therefore it should be assessed as a “renovation (and extension) of an existing derelict dwelling” on its merit. I also note that there is no basis for restriction in terms of future use.

7.3.4 In considering the detail of the proposal, I note that the application involves an extension of 157sq.m to the extant property of 55sq.m. I note that the development management standards for house extensions, rural and urban, are set out at 14.2.4 of the Galway County Development Plan 2022-2028. This requires that extensions shall in general be subordinate to the existing dwelling in its size unless in

exceptional cases, a larger extension compliments the existing dwelling in its design and massing.

- 7.3.5 The proposed extension while substantial in the context of the small size of the extant structure respects the vernacular character of the existing dwellinghouse while providing a contemporary format and taking advantage of the south facing aspect on the site. While the proposal is clearly not subordinate to the existing dwelling, I consider that given the modest scale of the existing structure, a larger extension can be justified in this case in light of the need to provide for a modern standard of living. I consider that the proposed design constitutes a good quality sensitive design and respects the character of the existing structure.
- 7.3.6 As regards visual impact the site is located within a coastal category 3 special landscape area which has a high sensitivity to change. Policy LCM1 seeks to preserve and enhance the character of the landscape. I consider that the proposal would not give rise to a prominent or significant visual impact in the vicinity and is acceptable in terms of its landscape impact.
- 7.3.7 On the issue of impact on established residential amenity, I consider that given the distance to the appellant's dwelling, in excess of 50m, no significant negative impact on residential amenity arises.
- 7.3.8 Regarding impact on flora and fauna the issues of appropriate assessment on Natura 2000 sites is addressed below. I consider that due to the nature and scale of the proposal and subject to standard best practice construction methods no significant environmental impacts will arise. In relation to the potential use of the site by bats I note the bat inspection survey completed by Colette Casey Consultant Ecologist in partnership with James O Donnell Planning Consultancy found no evidence of bats or roosts or feeding habitats on the site and no impact is predicted on bat populations.

#### **7.4 Access and Servicing.**

- 7.4.1 On the issue of access and the carrying capacity of the road network I consider that the level of traffic arising from the construction of the proposed extension is not

significant and would not present as a barrier to the proposed development. Construction should be in accordance with best practice as outlined in the Construction and Environment Management Plan.

7.4.2 On the issue of effluent treatment I note that there is no indication of an existing wastewater treatment system on the site. Regarding site suitability for effluent treatment I note the details of the site suitability assessment which outlined that in the trial hole excavated on 11/10/2021 to 1.85m the watertable was encountered at 1.25m. The soil profile is described as a firm crumb topsoil with stiff gravelly silt /clat with a mixture of larger stones at 0.6m. A T value of 46 was recorded. It is proposed to install a tertiary treatment system and infiltration /treatment area namely a *Tricel Novo* wastewater treatment plant pumped by rising main to tricel puraflo modules discharging to a gravel distribution area. I note that the proposed system achieves the minimum separation distances as set out in the EPA Code of Practice.

## **7.5 Appropriate Assessment**

### **7.5.1 Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### **7.5.2 Background to the application**

On the issue of appropriate assessment, the application is accompanied by a Screening Assessment and Natura Impact Statement by Megan Lee and Colette Casey consultant ecologists in partnership with James O Donnell, Planning Consultancy Services. The appropriate assessment screening report provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential pathways and impacts, and assesses the significance of potential impacts.

The applicants AA screening report concluded that significant effects are expected on the qualifying interest or conservation objectives of the surrounding Natura 2000 sites Connemara Bog Complex SAC and Connemara Bog Complex SPA, as a result



of the proposed development, alone or in combination with other plans and projects in the area, and therefore a Natura Impact Statement is required

Having reviewed the documents, I am satisfied that the information allows for an examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

#### **7.5.3 Screening for Appropriate Assessment – Test of likely significant effects**

The proposed development is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European Site.

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas SAC and Special Protection Areas SPA to assess whether it may give rise to significant effects on any European site.

#### **7.5.4 Description of Development**

The applicant provides a description of the project in Section 2.1 of the AA Screening Report. In summary, the proposal comprises the renovation and extension of the existing derelict dwelling 55sq.m and single storey extensions to side and rear 157sq.m provision of a wastewater treatment system and new vehicular entrance from the private lane and all associated site works.

The Construction Environmental Management Plan describes best practice environmental Control measures to be employed during construction stage.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related – uncontrolled surface water silt / construction related pollution.
- Habitat loss / fragmentation
- Habitat disturbance / species disturbance (construction and or operational)

### 7.5.5 Submissions and observations.

Third party submissions raise concerns regarding surface water runoff to River and Connemara Bog Complex SAC and Connemara Bog Complex SPA.

### 7.5.6 European Sites

The development site is located within adjacent to Connemara Bog Complex SAC Site Code 002034 and within 10m of the Connemara Bog Complex SPA Site Code 004181. A number of other European sites occur within 15km of the site within a possible zone of influence. Where a possible connection between the development site and a European Site has been identified, these sites are examined in more detail. European sites within 15km possible zone of influence include :

Slyne Head to Ardmore Point Islands SPA Site Code 004159 2km

Murvey Machair SAC Site Code 002129 2km

Slyne Head Peninsula SAC Site Code 002074 3km

Dogs Bay SAC 001257 5km

Cregduff Lough SAC 002151 7km

Slyne Head Islands SAC 8km

West Connacht Coast SAC 002998 9km

The Twelve Bens / Garraun Complex 002031 SAC 8km

Rosroe Bog SAC 9km

Inisbofin Orney Island and Turbot Island SPA 004231 13km

Kilkieran Bay and Islands 002111 SAC 12km

Lough Nageeron SAC 14km

Kingstown Bay SAC 002265 13km

Barnahalia Lough SAC 002118 15km

### **7.5.7 Identification of Likely Effects**

The site of the proposed development comprises a derelict dwelling site. The proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. The site of the proposed development is not located in a European site however is immediately adjacent to the Connemara Bog Complex SAC and within 10m of the Connemara Bog Complex SPA. On the basis of absence of source pathway receptor connection to the remaining 15 sites above there is no likelihood of significant effects on these sites and they are screened out.

The range of activities arising from the construction and operation of the proposed development that would possibly have any potential effects on European sites would relate to pollution of surface water due to household sewage and wastewaters including during construction activities.

As regards In-combination effects the development on the adjoining site 17/203 is noted. There are no known development projects or plans with which significant in-combination effects would arise.

### **7.5.8 Mitigation Measures**

No measures designed or intended to avoid or reduce any harmful effects of the proposed development on a European site have been relied upon in this screening exercise.

### **7.5.9 Screening Determination**

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that there is no likelihood of significant effects to fourteen sites within the possible zone of influence. The potential for significant effects to European Site, the Connemara Bog Complex SAC and Connemara Bog Complex SPA, cannot be excluded due to proximity and surface and groundwater connectivity. As the project individually or in combination with other plans or projects would be likely to give rise to significant effects on Connemara Bog Complex SAC and Connemara Bog

Complex SPA in view of their Conservation Objectives, Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the proposed development, with emphasis placed on surface water discharges,
- The proximity to European sites, and
- The known pathways between the site and the European sites.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

Slyne Head to Ardmore Point Islands SPA Site Code 004159

Murvey Machair SAC Site Code 002129

Slyne Head Peninsula SAC Site Code 002074

Dogs Bay SAC 001257

Cregduff Lough SAC 002151

Slyne Head Islands SAC

West Connacht Coast SAC 002998

The Twelve Bens / Garraun Complex 002031 SAC

Rosroe Bog SAC

Inisbofin Orney Island and Turbot Island SPA 004231

Kilkieran Bay and Islands 002111 SAC

Lough Nageeron SAC

Kingstown Bay SAC 002265

Barnahalia Lough SAC 002118

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

#### 7.5.10 **The Natura Impact Statement**

The application included a Natura Impact Statement by Megan Lee and Collete Casey, Consultant Ecologists in Partnership with James O Donnell Planning Consultant dated October 2021 which examines and assesses the potential adverse effects of the proposed development on the following sites: Connemara Bog Complex SAC and Connemara Bog Complex SPA.

The NIS sets out an assessment of potential adverse effects on Connemara Bog Complex SAC and Connemara Bog Complex SPA arising from potential for surface water run off to Maumeen lake possibly resulting in water quality deterioration and sets out mitigation measures to address potential adverse effects arising from diffuse pollution to surface waters due to household sewage or wastewaters including during construction activities. The conclusion of the NIS was as follows:

“With the implementation of the best practice and mitigation measures described in section 2.3 of this report, it is not expected that the proposed development will give rise to any direct, indirect impacts on the Connemara Bog Complex SAC and the Connemara Bog Complex SPA. In particular it should be noted that a silt fence will be erected along the south easternmost boundary before commencement of works on site. The silt fence will remain in place for the entirety of the construction phase. The silt fence will be in place to prevent silt and sediment from entering into the SAC and SPA this will prevent disturbance to SSCO and key species associated with the Connemara Bog SAC and SPA.”

I note the considerations of the local authority Planner, outlined in the planning report, which was that taking account of mitigation measures significant adverse impacts on the Natura 2000 networks can be ruled out.

#### 7.5.11 Appropriate Assessment of Implications of the Proposed Development

This assessment considers aspects of the proposal which could result in significant effects. Mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has had due regard to the applicant's submitted AA Screening, the Natura Impact Statement, and the reports on file.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

#### 7.5.12 European Sites

The following sites are subject to Appropriate Assessment

Connemara Bog Complex SAC

Connemara Bog Complex SPA

A description of the sites and their conservation and qualifying interests / special conservation interests, including any relevant attributes and targets for these sites, are set out at Section 2 of the AA screening Report and Table 2.1 of the NIS.

Relevant Aspects of the Proposed Development

The main aspects of the proposed development that could adversely affect the conservation objectives of the European site are potential pollution from hydrocarbons, disposal of wastewater, wet cement and silt laden run off.

Pathways for significant effects on the Integrity of the qualifying habitats are identified in relation to the site specific conservation objectives of *Slender Naiad*, *Oligotrophic* to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and or the *Isoeto Nanojuncetea* and *Otter*.

Potentially Significant Cumulative Effects

There are no known development projects or plans with which significant in-combination effects would arise.

### Mitigation

The submitted NIS details the range of mitigation measures intended to be employed as part of the proposed development. These include:

- Installation of certified Tricel Nove PE6 Treatment Plant and puraflo tertiary treatment system to be desludged and maintained annually to ensure proper functioning.
- Mitigation measures to include the construction of a silt fence along the south eastern boundary of the site. Additional best practice mitigation measures to include the provision of spill kits, bunding of petroleum products, drip trays, carefully planned concrete pour and measures to contain contaminated water.
- Much of what is being proposed constitutes best practice construction and operation methodologies.

### Integrity Test

I have noted above the proposed mitigation measures aimed to ensure that significant effects would not result for the qualifying features of the Connemara Bog Complex SAC.

## Table 1 Appropriate Assessment Summary Matrix

### Connemara Bog Complex SAC site code 0002034:

Summary of Key issues that could give rise to adverse effects.

- Water Quality impact on aquatic downstream QIs
- Habitat degradation/loss.

**Conservation Objectives:** To maintain or restore the favourable conservation condition of the protected habitats and species within Galway Bay.

#### Summary of Appropriate Assessment

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded ?
1065 Marsh Fritillary Euphydryas aurinia	To restore the favourable conservation	Deterioration in water quality arising from sedimentation and	Best practice environmental control measures	No significant in	

1106 Salmon Salmo salar 1150 Coastal lagoons 1170 Reefs 1355 Otter Lutra lutra 1833 Slender Naiad Najas flexilis 3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletali a uniflorae) 3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto- Nanojuncete 3160 Natural dystrophic lakes and ponds 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation 4010 Northern Atlantic wet heaths with Erica tetralix 4030 European dry heaths 6410 Molina meadows on	condition of the protected QI	release of hydrocarbons to Maumeen Lake arising from construction operational activities on site and potentially adversely impacting upon protected habitat.	Silt fence Dust suppression Licensed waste disposal Pollution prevention Waste Management Best practice measures in respect of construction Measures outlined in Section 2.3 of NIS and CEMP  Installation & maintenance of waste water treatment plant in accordance with EPA Code of Practice.	combinatio n effects identified	Yes
--	----------------------------------	---	--	---------------------------------------	-----



calcareous,  
peaty or  
clayey-silt-  
laden soils  
(Molinion  
caeruleae)  
7130 Blanket  
bogs (\* if  
active bog)  
7140  
Transition  
mires and  
quaking  
bogs  
7150  
Depressions  
on peat  
substrates of  
the  
Rhynchospo  
rion  
7230  
Alkaline fens  
91A0 Old  
sessile oak  
woods with  
Ilex and  
Blechnum in  
the British  
Isles

**Overall conclusion: Integrity test**

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Connemara Bog Complex SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

**Connemara Bog Complex SPA Site Code 004181**

**Summary of Key issues that could give rise to adverse effects.**

- Water Quality impact on supporting habitat.
- Habitat degradation/loss.
- Disturbance of QI species

Conservation Objectives: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

**Summary of Appropriate Assessment**

<b>Qualifying Interest Feature</b>	<b>Conservation Objectives Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combinati on effects</b>	<b>Can adverse effects on integrity be excluded ?</b>
A017 Cormorant Phalacrocorax carbo A098 Merlin Falco columbarius A140 Golden Plover Pluvialis apricaria A182 Common Gull Larus canus	To maintain the favourable conservation condition of the species of community interest.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to Maumeen lake SCI Disturbance	Best practice environmental control measures Silt fence Dust suppression Licensed waste disposal Pollution prevention Waste Management Best practice measures in respect of construction Measures outlined in Section 2.3 of NIS and CEMP Installation & maintenance of waste water treatment plant in accordance with EPA Code of Practice.	No significant in combination effects identified	Yes

**Overall conclusion: Integrity test**

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Connemara Bog Complex SPA in view of the Conservation Objectives

of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

### 7.5.13 Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on the Connemara Bog Complex SAC and Connemara Bog Complex SPA. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European site Connemara Bog Complex SAC (002034) and Connemara Bog Complex SPA (004181), or any other European site, in view of the site's Conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt as to the absence of adverse effects.

The conclusion is based on

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Connemara Bog Complex SAC and Connemara Bog Complex SPA.
- Detailed assessment of in combination effects with other plans and projects and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Connemara Bog Complex SAC
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Connemara Bog Complex SPA .

## **8 Recommendation**

I recommend that planning permission be granted for the proposed development for the following reasons and considerations and subject to the following schedule of conditions.

### **Reasons and Considerations**

Having regard to the established structure on the site and the pattern of development in the area, to the provisions of the Galway County Development Plan 2022-2028, and to the nature, layout and design of the proposed restoration and refurbishment and extension of the existing cottage, the Board considered that, subject to compliance with the conditions set out below, the proposed development would accord with the requirements of Objective RH7 – Renovation of Existing Derelict Dwelling, would not seriously injure the residential or visual amenities of adjoining properties, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. All of the mitigation measure cited in Section 2.3 of the Natura Impact Statement and the CEMP shall be implemented in full.

Reason: In the interest of the natural heritage of the area and protecting the environment

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

Reason: In the interest of public health.

6. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

7. 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.

8 (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses (p.e. less than or equal to 10)", issued by the Environmental Protection Agency in 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling-house and thereafter shall be kept in place at all times. 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.

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

Reason: In the interest of public health.

9. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

---

Bríd Maxwell  
Planning Inspector  
27<sup>th</sup> January 2023