



Development

Permission to carry out works to existing cottage to minimise flood risk.

These works will involve:

- (a) external alterations to elevations of existing cottage including;
- (b) change of roof level and profile;
- (c) demolition of existing rear extension;
- (d) internal refurbishment to cottage;
- (e) raise existing finished floor level as set out per attached flood risk assessment report;
- (f) rebuild eroded sea wall existing on site;
- (g) installation of new proprietary sewage treatment system with filter area;
- (h) relocate existing entrance from public road, together with all associated site works.

This planning application is accompanied by a Natura Impact Statement.

Gross floor space of demolition: 8.34
sq. m.

Location	Emlaghmore, Ballyconneely, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	24/60875
Applicant	Adrian Breathnach
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Adrian Breathnach
Observers	None
Date of Site Inspection	27 th March 2025
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located on the west/seaward side of the R341, c. 4 km south-west of Ballyconneely. The appeal site is located in a rural area outside of a settlement.
- 1.2. The area is coastal and rugged in character with peninsulas and islands located close to the shore.
- 1.3. The appeal site is irregular in shape, has a stated area of 0.24 ha. and accommodates a derelict cottage (stated floor area c. 90 sqm). The cottage is located adjacent to the sea. The appeal site includes a concrete pier and sea wall. The particulars submitted with the planning application estimate that the cottage and pier date from the mid 1800's. Two extensions have been added to the cottage, a mono-pitch extension to the south and flat roof extension to the east. The dwelling is served by a septic tanks located close to the sea. The septic tank is described in the particulars submitted with the planning application as being eroded. The site is overgrown with vegetation.
- 1.4. Access to the appeal site is via a metal gate.
- 1.5. There are a number of detached dwellings located on either side along the R341.

2.0 Proposed Development

- 2.1. The development description contained in the public notices describes the proposed development as the carrying out works to existing cottage to minimise flood risk, specifically,
 - (a) external alterations to elevations of existing cottage;
 - (b) change of roof level and profile;
 - (c) demolition of existing rear extension (stated floor area c. 8 sqm);
 - (d) internal refurbishment to cottage;
 - (e) raise existing finished floor level as set out per attached flood risk assessment report;
 - (f) rebuild eroded sea wall existing on site;
 - (g) installation of new proprietary sewage treatment system with filter area;

(h) relocate existing entrance from public road, together with all associated site works.

The stated floor area of the existing cottage is c. 90 sqm. The applicant proposes to demolish an extension (stated floor area c. 8 sqm). No additional floor area is proposed, rather the proposal entails an overall reduction in the area of the cottage.

2.2. The particulars submitted with the planning application/appeal provides the background to the proposal and a detailed description of the proposed development. The following is pertinent.

- The house and pier date from the mid 1800's.
- The pier has been closed due to health and safety concerns.
- The proposal aims to restore the cottage, improve its appearance by removing ad-hoc additions and eliminate the risk of flooding.
- The existing site access is still in use, serving access to the pier. The proposal will relocate the access further south to improve sightlines, and ensuring that sightlines are not impaired by the neighbouring boundary wall.
- The proposed new on-site wastewater treatment system will be above Flood Zones A and B.
- The proposal incorporates supplementary landscaping to assist with the integration of the proposal.

2.3. The planning application/appeal was accompanied by the following reports;

- Cover Letter
- Letter of support from neighbour
- Design Statement
- Structural Report
- Site Suitability Assessment Report
- Screening for Appropriate Assessment & Natura Impact Statement (NIS)
- Construction Environmental Management Plan (CEMP)
- Site Specific Flood Risk Assessment (SSFRA)

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to REFUSE Permission on the 3rd of September 2024 for 4 no. reasons, summarised as follows;

1. Having regard to the deficiency of sightlines, the location of visibility splays outside the site boundary, and the poor alignment of the R-341, it is considered that the additional turning movements generated by the proposed access would endanger public safety by reason of traffic hazard, and that the proposed development would be contrary to DM Standard 28 of the Galway County Development Plan 2022-2028.
2. The Planning Authority cannot be satisfied that the site can dispose of wastewater given the proximity of the proposed wastewater treatment system to the foreshore. The proposed development is considered contrary to the EPA Code of Practice: Domestic Waste Water Treatment Systems, 2021, Table 6.2 (minimum separation distances), would be prejudicial to public health, contrary to EU Groundwater Directive (80/86/EEC), and would materially contravene Policy Objective WW6 and DM Standard 38 of the Galway County Development Plan 2022-2028.
3. The subject site is located in extreme proximity to the coastline, and taking account of climate change considerations, and the application of the precautionary principle as set out under the Planning System and Flood Risk Management Guidelines, the Planning Authority is not satisfied that the proposed development would not be at risk of flooding in the future. The proposed development would materially contravene DM Standard 68 of the Galway County Development Plan 2022-2028.
4. Having regard to the location of the proposed development on a locally exposed coastal Class 3 Special Landscape Sensitivity, and to the absence of specific elevation drawings of the proposed development, the Planning Authority is not satisfied that the proposed development would effectively assimilate into this sensitive coastal setting. It is considered that the proposed dwelling, would result in a built form that would not fit appropriately or integrate effectively into

this rural location, and would contravene materially Policy Objectives LCM 2 and LCM 3, Policy Objective RH 9 and DM Standard 46 and DM Standard 8 contained in the Galway County Development Plan 2022-2028.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer generally reflects the decision and the refusal reasons. The report also notes the following;

- The development includes dramatically redeveloping the site of the existing structure which appears to have been vacant for a considerable period.
- In the context of flood risk, the Planning Authority is not satisfied that the options of avoidance or substitution have been satisfactorily dismissed.
- If a vehicular entrance existed to serve the existing structure in the past there is no longer an established vehicular entrance.
- Sightlines traverse lands outside of the legal interest of the applicant and in any event are considered to be deficient in that the 90 metre distances as illustrated are insufficient for a roadway of regional status.
- The proposal does not entail replacement/upgrade works and the Planning Authority cannot be satisfied that the site can dispose of potential wastewaters generated on site given the proximity of the proposed wastewater treatment system to the foreshore.
- In the absence of clearly legible elevational drawings of the proposed development the Planning Authority cannot be satisfied that the proposed development will assimilate appropriately into this coastal and exposed setting.

3.2.2. Other Technical Reports

None on file.

3.3. **Prescribed Bodies/Government Departments**

Transport Infrastructure Ireland (TII) – submission recommends that the Planning Authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

Appeal Site

PA. Ref. 23/60270 – Permission REFUSED for a similar development to that proposed under the current application/appeal. Refusal reasons related to traffic safety, waste water, non-compliance with Objective RH7 of the Galway County Development Plan 2022 – 2028, visual impact and flood risk.

5.0 **Policy Context**

5.1 **National Policy**

5.1.1. **Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10)2021**

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.2. **Ministerial Guidelines**

5.2.1 Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

5.3. Development Plan

5.3.1. The Galway County Development Plan 2022-2028 is the relevant development plan. The appeal site is not subject to any specific land-use zoning under the Galway County Development Plan 2022-2028.

5.2.2. The provisions of the Galway County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Volume 1

Chapter 4: Rural Living and Development

Objective RH 7 - Renovation of Existing Derelict Dwelling

Chapter 8: Tourism and Landscape

Objective LCM 1- Preservation of Landscape Character

Objective PVSR 1 – Protected Views and Scenic Routes

Chapter 14: Climate Change, Energy and Renewable Resource

Objective FL 2 - Flood Risk Management and Assessment

Chapter 15: Development Management Standards

Objective DM Standard 28 – Sightline distances required for access onto National, Regional, Local and Private Roads

Objective DM Standard 38 - Effluent Treatment Plants

Objective DM Standard 68 – Flooding

5.2.3. In terms of Landscape Character Type, the appeal site is located within a 'Coastal Landscape' (see Appendix 4 of CDP), which has a 'Special' landscape sensitivity (i.e. the second highest). The appeal site is not affected by any protected views (see Map 08, Appendix 4). The appeal site is location along the R-341 Maritime Scenic Route (see Map 09, Appendix 4).

5.3 Natural Heritage Designations

- Ballyconneely Bay pNHA (Site Code: 001231) – c. 0.4 km south-east.
- Connemara Bog Complex SPA (Site Code: 004181) – c. 0.46 km east.
- Connemara Bog Complex pNHA (Site Code: 002034) – c. 0.46 km east.
- Connemara Bog SAC (Site Code: 002034) – c. 0.34 km east.
- Slyne Head to Ardmore Point Islands SPA (Site Code: 004159) – c. 1.2 km west.
- Slyne Head Peninsula SAC (Site Code: 002074) – c. 2.2. km north-west.
- Murvey Machair SAC (Site Code: 002129) – c. 2.5 km south.

5.4. EIA Screening

The proposed development is not a class for the purpose of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended (or Part V of the 1994 Road Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination for EIA. Refer to Form 1/Appendix 1 of report.

I consider that any issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse permission. The grounds of appeal may be summarised under the following headings;

General -

- The site is accessed from the public road via a long established gated entrance. Access to the site is evident from historic maps and from the local testimony.
- The cottage was renovated in the 1960's, at which time the septic tank at the property was installed.
- The dwelling on the site has been vacant in recent years but remains a dwelling, and has been deemed suitable for refurbishment by a structural engineer.

- The proposals seeks to improve the dwelling, addressing flood risk to the property, and provide for the installation of a new wastewater treatment system.
- The Planning Authority have not given due regard to the fact that the cottage is a 'habitable house' under the Planning and Development Act, 2000, as amended, or that internal works to the cottage are exempt development, and that restoration of the cottage could be carried out without improvements to flood risk, sightlines or wastewater.

Refusal Reason 1 (Access) –

- The site is served by an entrance from the public road, as evidenced by historic maps and Google Map imagery from 2009 (enclosed with appeal submission).
- The proposal seeks to improve access at the site in terms of sightlines.
- There will be no increase in occupancy and therefore no increase in traffic.
- Reference made to precedent case where sightlines could not be achieved but the proposal resulted in improvements (see ABP. Ref. 318002-23).
- There is no history of accidents at the site.
- Sightlines of 128 metres to the north (comprising lands both inside and outside the applicant's control), and in excess of 160 metres to the south are achievable. Sightlines are not affected by road alignment. There are no obstructions to achieving sightlines within or outside the applicant's control.

Refusal Reason 2 (Wastewater) –

- Contrary to the assertion of the Planning Officer, that the proposal does not entail the replacement/upgrade works, the cottage is served by an eroded septic tank (see photographs attached to appeal submission).
- Legal correspondence has been submitted in relation to rights to lay and maintain sewer pipes on adjoining lands.
- Section 1.3 of the EPA CoP 2021 allows for variances for existing systems, and provides that if existing systems are being upgraded consideration should be given where the proposed upgrade will protect human health and the environment. The existing situation risks contamination of the sea. The required 50 metres separation distance to the foreshore is not achievable however the

wwts has been located at the furthest possible distance from the foreshore on the site, is designed to consider proximity to the foreshore, with elements of the wwts sited above estimated flood levels.

Refusal Reason 3 (Flood Risk) –

- Avoidance of development or substitution cannot practically take place in this instance and therefore proposals are put forward in the application to carry out works that will mitigate the flood risk.
- The proposed floor level will be above the level of Flood Risk Zones A and B. The contours suggest that the Flood Zone extends to 4.5 metres AOD max., the dwelling floor level is 4.67 metres.
- The bottom of the saturation layer of the proposed wwts sand filter is above the level 4.03 metres, which is the estimated coastal flood risk level 0.1% chance (1000 year return period).
- There is no recorded flood event on or in close proximity to the site.
- The house and wwts are outside Flood Zones A and B and are at low risk of flooding.
- The proposed development will not cause or exacerbate flood risks at the site or elsewhere.
- Reference made to ABP-313311-22 where a dwelling house lay outside Flood Zones A and B and An Bord Pleanála determined that "the proposed development would have a mitigated flood risk of low" and "the proposed development would not therefore, be contrary policy objective E122, or the Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009".

Refusal Reason 4 (Visual Impact) –

- Elevations and visuals were submitted with the planning application.
- The proposal seeks to restore the cottage to how it would have appeared.
- Material finishes have been carefully selected and the removal of previous additions will improve the appearance of the cottage.

- The increase in height to address flood risk will have a negligible impact on visual amenity.
- There should be a presumption against the loss of such buildings.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Refusal Reason 1 (access)
- Refusal Reason 2 (wastewater)
- Refusal Reason 3 (flood risk)
- Refusal Reason 4 (visual impact)
- Impact on Water Quality
- Issues Arising
- Appropriate Assessment

7.2. **Refusal Reason 1 (Access)**

7.2.1. The first refusal reason concerns sightlines. The Planning Authority state that sightlines at the proposed entrance are deficient, that they are contingent on lands outside the ownership/control of the applicant and that the alignment of the R341 is poor. The report of the Planning Officer notes that if a vehicular entrance existed in the past there is no longer an established vehicular entrance.

7.2.2. In response the applicant notes that the site is/has been served by a vehicular entrance, as evidenced by Google Map imagery and historic maps (extracts of same submitted with appeal submission); that the proposal will improve the existing situation at the entrance in relation to sightlines; and that sightlines of 128 metres (north) and 160 metres + (south) are achievable and that there are no obstructions to sightlines within or outside the applicant's control. The applicant's submission acknowledges that the attainment of these sightlines relies on lands both inside and also outside his control. The applicant also notes that the proposal will not increase occupancy and contests the assertion of the Planning Authority that the proposal will result in an increase in traffic from the proposal.

7.2.3. The applicant proposes to relocate an existing entrance to a new location further south so as to improve visibility/sightlines. The report of the Planning Officer states that there is no longer a vehicular entrance serving the site. The applicant has submitted extracts from historical mapping indicating an entrance at the approximate location of the current gated entrance. Imagery from Google Maps also supports the applicant's position in relation to the existence of an established entrance at this location. I observed a gated entrance serving the site during my site inspection. Given the presence of a pier within the curtilage of the appeal property, it is in my opinion likely that the site was/is served by a vehicular entrance to facilitate boats, in addition to the dwelling on the site. On balance I am satisfied that the appeal site was served by an entrance, and that there is currently a vehicular entrance at the site. Achievable sightlines of 128 metres (north) and in excess of 160 metres (south) are indicated in the appeal submission (also annotated on *Drawing No. 300 Rev A*). The Planning Authority contend that sightlines at the relocated entrance are contingent on third party lands. The applicant states this to be the case in his appeal submission. From reviewing the site layout submitted it would appear that the achievement of sightlines in both directions is affected by third party lands. The posted speed limit in the vicinity of the appeal site is 80 kmph. Based on Table 15.3 in DM Standard 28, the corresponding sightline requirement is 160 metres. Having inspected the appeal site, and the location of the proposed relocated vehicular entrance, I am satisfied that there are currently no obstructions to sightlines in either direction. Notwithstanding that sightlines in both directions are dependant on third party lands, I consider that the proposal results in an improvement in the current situation, where sightline to the north

are the boundary wall and a utility pole on a neighbouring site, and on this basis I do not recommend that permission is refused on the basis of sightlines.

7.2.4. I note that TII made an observation to the Planning Authority in relation to the planning application. Having reviewed the submission, and the policy documents referred to, and noting the nature of the proposal as it relates to the traffic safety, and in particular noting that the proposal comprises a relocated entrance, I am satisfied that the proposal would not be at variance with national policy in relation to the protection of the road network.

7.3. Refusal Reason 2 (Wastewater)

7.3.1. The proposed development comprises the replacement of a septic tank with a new waste water treatment system and the second refusal reason cited by the Planning Authority relates to the disposal of wastewater, noting the proximity of the proposed wastewater treatment system to the foreshore. The Planning Authority states that the proposed development is contrary to the EPA CoP 2021, specifically Table 6.2 which sets out minimum separation distances, and the Planning Authority contend that the proposal would materially contravene Policy Objective WW6 and DM Standard 38 of the Galway County Development Plan 2022-2028.

7.3.2. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a 'Poor Aquifer - PI' (Bedrock which is Generally Unproductive Except for Local Zones) where the bedrock vulnerability is 'X' Rock at or near Surface or Karst. A ground protection response to R2(1) is noted. Accordingly, I note the suitability of the site for a treatment system subject to normal good practice¹. The applicant's Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.

7.3.3. The trial hole depth referenced in the Site Characterisation Report was - 0.94 metres. Bedrock was encountered in the trial hole at a depth of - 0.94 metres. The water table was encountered in the trial hole at a depth of - 0.755 metres. The soil conditions

¹ Where domestic water supplies are located nearby particular attention should be given to the depth of subsoil over bedrock such that the minimum depths in Chapter 6 are met and the likelihood of microbial pollution is minimised.

found in the trial hole are described as comprising clay, mix of stone and cobbles. Percolation test holes were dug and pre-soaked. A T value/sub-surface test was not carried out. A P value/surface test value of 31.67 was recorded. The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a tertiary treatment system and infiltration area, as proposed. I was unable to inspect the trial hole at the time of my site inspection.

7.3.4. Regarding the separation distances set out in Table 6.2 of the CoP 2021, I note that the proposed waste water treatment system is located less than 50 metres from the foreshore (c. 30 metres from the foreshore). The EPA CoP 2021 (page 30) notes that *'if any of these requirements cannot be met on a new site², the site is not suitable for the installation of a DWWTS. Refer to Sections 1.3 and 2.2 in relation to potential variances to the requirements set out within this CoP where existing DWWTSs are being upgraded and cannot meet requirements'*. Section 1.3 of the EPA CoP 2021 addresses variances with the CoP requirements, and provides that *'existing DWWTSs may not meet the performance requirements as set out in this CoP. If existing DWWTSs are being upgraded, variances to the requirements set out within this CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment'*. Having regard to the fact that the proposed new waste water treatment system replaces an existing septic tank which is eroded, located closer to the foreshore, and is within Flood Zone A (see para.7.4 below), I am satisfied that the proposal, which is a tertiary treatment system, will result in an improved situation as regards the treatment of waste water within the site, and that it will afford a higher degree of protection to human health and the environment compared to the existing septic tank on the site.

7.3.5. I am satisfied that the required depth of unsaturated soil/subsoil (i.e. 0.9 metres as per Table 6.3 of the EPA Cop) can be provided and in this regard it would appear that the applicant would be required to use a raised bed/sand polishing filter to achieve the

² My emphasis. I note that the site is not a 'new site', but rather the proposal comprises the upgrading of the existing treatment system.

required depth of unsaturated soil/subsoil, given that the water table was encountered in the trial hole at a depth of - 0.755 metres.

7.3.6. In summation, the proposed new waste water treatment system replaces an existing septic tank which is eroded, located closer to the foreshore and is within Flood Zone A. The proposed new waste water treatment system, which is located on the highest point of the site, at a location which is the furthest possible location away from the foreshore within the site and is outside Flood Zones A and B, and results in an improved situation as regards the treatment of waste water within the site. I am satisfied that the site can cater for the treatment of effluent without a threat to ground water quality or public health. I do not consider that the proposed development would warrant a refusal of permission on this basis.

7.3.7. The Planning Authority contend that the proposal would materially contravene Policy Objective WW6 and DM Standard 38 of the Galway County Development Plan 2022-2028. Policy Objective WW6 and DM Standard 38 require that waste water treatment systems comply with the EPA CoP 2021. The position of the Planning Authority in relation to material contravention of these objectives appears to be on the basis of the waste water treatment system being located less than 50 metres from the foreshore, as required under the EPA CoP 2021. As addressed above, Section 1.2 of the EPA CoP 2021 provides for variances with the requirements of the CoP in situations where an existing system is being upgraded. In my opinion the proposal would not therefore give rise to a material contravention of either Policy Objective WW6 or DM Standard 38 of the Galway County Development Plan 2022-2028 and I submit to the Commission that it is not constrained by the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000, as amended.

7.4. **Refusal Reason 3 (Flood Risk)**

7.4.1. The third refusal reason concerns flood risk. The Planning Authority is not satisfied that the proposed development would not be at risk of flooding in the future, taking account of climate change and the costal location of the site. The report of the Planning Officer refers to the applicant not having addressed avoidance or substitution, and to there being no history of planning approval on the site. The refusal reason states that

proposed development would materially contravene DM Standard 68 of the Galway County Development Plan 2022-2028.

7.4.2. The proposed development is for the refreshment of an existing dwelling on the site. I note that the proposal does not entail an increase in the footprint of the dwelling nor an increase in its floor area, but rather the proposal will result in a reduction in the overall floor area of the dwelling. The report of the Planning Officer notes the absence of planning consent on the site however I note that the dwelling on the site dates from the mid 1800's and as such I do not consider this issue to be pertinent to the assessment of the proposal. Additionally, given the nature of the proposal I note that there is clearly no possibility to consider the options of avoidance or substitution in the context of flood risk. I note that one of the main objectives of the proposal is to address flood risk, and that the applicant is seeking to increase the internal floor level of the dwelling in order to mitigate the potential impacts from flooding.

7.4.3. The applicant has submitted a Site Specific Flood Risk Assessment (SSFRA). The SSFRA identifies coastal flooding as the relevant flood risk mechanism affecting the site. Groundwater flood risk is noted as being linked to coastal flooding and therefore groundwater flooding is also deemed relevant to the assessment of flood risk within the site. The SSFRA notes that based on CFRAM³ mapping the site is located within a coastal flood risk area and that 2 no. incidences of flooding are recorded in the vicinity of the site arising from coastal flooding. The SSFRA uses sea level data to estimate coastal flooding extents. The SSFRA notes that;

- Based on estimated flood levels from Irish Coastal Wave and water level modelling study Phase 1, 2018, (ICWWS 2018), the estimated flood level for 0.1% chance (1000 year return period) flood is 4.03 metres AOD. The estimated flood level, for a 0.1% chance flood of future scenario of 500 mm sea water level rise by 2100, is 4.53 metres AOD.
- The waste water treatment system and sand filter are in Flood Zone C. The top of the tank is 4.4 metres and all pipe connections are water tight. The top of the sand filter is 5.4 metres AOD. The top of the wwts and the top of

³ Catchment Flood Risk Assessment Management.

the sand filter have a freeboard of 0.37 metres against 0.1% flood and 1.37 metres against 0.1% chance flood respectively.

- The minimum finished floor level (FFL) of the refurbished dwelling is 4.67 metres AOD, providing a freeboard of 0.64 metres against an estimated flood of 0.1% chance (1000 year return period), or 0.14 metres when the future scenario of sea level rise is taken account of.
- The site entrance is higher than the estimated 0.1 % chance food level.
- The wwts and the dwelling are ‘vulnerable development’ as per the Flood Risk Guidelines however both are within Flood Zone C and therefore are deemed appropriate and do not require a justification test.
- The following measures are recommended;
 - The walls on the sea side of the existing dwelling house need to be strengthened to withstand waves.
 - All windows should have a sill level higher than 5.0 metres AOD or those below that should be able to withstand water pressure.
 - All electrical outlets should be above 5.0 metres AOD.
 - All doors should be able to withstand water pressure.
 - The sewer manholes need to have water tight covers.
 - Surface water from the roof and any other paved areas to be disposed into shallow soak areas.

7.4.4. Having regard to the findings and conclusions of the SSFRA, and in particular noting that both the wwts and the dwelling are located within Flood Zone C, I am satisfied that the proposed development would not increase the risk or extent of flooding within the site, or on adjacent third party lands, and is acceptable from a flood risk perspective. I note that the SSFRA has considered climate change in the projected sea levels (i.e. 0.5 metres). Furthermore, I note that the proposal entails the refurbishment of the existing dwelling which will entail increasing the FFL of the dwelling, thereby resulting in the dwelling having a reduced risk of flooding when compared to the existing situation.

7.4.5. The refusal reason states that proposed development would materially contravene DM Standard 68 of the Galway County Development Plan 2022-2028. DM Standard 68 generally reiterates the requirements of the Flood Risk Management Guidelines, and

requires flood risk reduction measures in areas at risk of flooding. Having regard to the assessment above I am satisfied that the proposed development accords with the Planning System and Flood Risk Management (2009) and I note that measures are proposed to address flood risk. Accordingly I do not consider that the proposed development would materially contravene DM Standard 68 of the Galway County Development Plan 2022-2028 and I submit to the Commission that it is not constrained by the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000, as amended.

7.5. Refusal Reason 4 (Visual Impact)

- 7.5.1. The fourth refusal reason cited by the Planning Authority relates to the visual impact of the proposed development. The Planning Authority contend that the proposed development would not assimilate into this sensitive coastal setting, and that the proposal would contravene materially Policy Objectives LCM 2 and LCM 3, Policy Objective RH 9 and DM Standard 46 and DM Standard 8 contained in the Galway County Development Plan 2022-2028.
- 7.5.2. In response the applicant states that the proposal seeks to reinstate the cottage to its original state; that the increase in height is negligible; that the proposal will improve the appearance of the structure; and the proposal should be supported as it will result in the retention of the building.
- 7.5.3. The proposed development entails the renovation of an existing vernacular dwelling which is in state of disrepair, and the removal of an unsympathetic annex. The proposal results in an overall reduction in the floor area of the dwelling. The proposal entails an increase in the height of the dwelling, from 3.5 metres to c. 4.3 metres, which is not significant in my view and would not be overly perceptible in the wider landscape. In my opinion the design interventions proposed, including the material finishes, are sympathetic to the form and character of the existing dwelling and provide for the dwelling to be brought up to a modern standard, whilst also addressing the issue of flood risk through the raising of the FFL of the dwelling. I am satisfied that the proposal would not be incongruous with the character of the dwelling itself, the area, and would not adversely affect the wider sensitive coastal landscape. I note the requirements of Objective RH7 (renovation of existing derelict dwellings), including that the dwelling is

structurally sound. The applicant has submitted a structural report with the planning application demonstrating that the dwelling is structurally sound and capable of being renovated. I also note that the proposal seeks to retain the majority of the fabric of the dwelling. I do not consider that the attachment of a planning condition requiring an enurement clause is required on this basis.

7.5.4. The refusal reason refers to the absence of elevation drawings of the proposed development. I have reviewed the information submitted with the planning application and I note that elevation drawings have been furnished. In addition, I note that the applicant has also submitted photomontages of the proposed development which further assist with visualising the appearance of the proposal.

7.5.5. The refusal reason states that the proposed development would contravene materially Policy Objectives LCM 2 and LCM 3, Policy Objective RH 9 and DM Standard 46 and DM Standard 8 of the Galway County Development Plan 2022-2028. Policy Objectives LCM 2 and LCM 3 concern the preservation of landscape character, Policy Objective RH 9 relates to house design and landscaping, DM Standard 8 and DM Standard 46 relates to site selection/design and compliance with landscape sensitivity ratings respectively. I note that Policy Objective RH 9 and DM Standard 8 appear to relate to proposals for new dwellings and in my opinion are not directly relevant to the proposal, which entails the refurbishment of an existing dwelling. Having regard to my assessment set out at paragraph 7.5.3. (above) I do not consider that the proposed development would materially contravene the objectives/policies referred to, i.e. Policy Objectives LCM 2 and LCM 3, Policy Objective RH 9 and DM Standard 46 and DM Standard 8 of the Galway County Development Plan 2022-2028, and I submit to the Commission that it is not constrained by the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000, as amended.

7.6. **Impact on Water Quality**

7.6.1. The proposed development entails the upgrade of an existing dwelling, re-building of a sea wall and a new waste water treatment system on a site which is in close proximity to the coast. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive, which seek to protect and, where necessary, restore surface, ground water and coastal waterbodies

in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface, groundwater, lake, or coastal water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and extent of the proposed development.
- The mitigation measures proposed during the construction phase of the proposed development i.e. NIS.
- The measures proposed during the construction phase of the proposed development i.e. CEMP.
- The findings of the Site Specific Flood Risk Assessment.

7.6.2. I note that the replacement of the existing eroded septic tank will result in an improvement to the quality of the waste water treatment on the site.

7.6.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment. (See Appendix 4 for WFD Screening Matrix).

7.7. **Issues Arising**

7.7.1. Development Contributions – Part 4 of the Galway County Council Development Contribution Scheme 2016 (amended 1st August 2019) provides an exemption for house extensions from development contributions. Should the Commission be minded to grant permission for the proposed development I recommend that a condition requiring the payment of a development contribution is not attached.

7.8. Stage 1 - Appropriate Assessment Screening

- 7.8.1. In accordance with Section 177U of the Planning and Development Act, 2000, as amended, and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects Slyne Head Peninsula SAC (Site Code: 002074), Murvey Machair SAC (Site Code: 002129) and Slyne Head to Ardmore Point Island SPA (Site Code: 004159) in view of the conservation objectives of a number of qualifying features of these sites. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act, 2000] of the proposed development is required.

7.9. Stage 2 – Appropriate Assessment

- 7.9.1. Following screening for Appropriate Assessment it was determined that the proposed development could result in significant effects on Slyne Head Peninsula SAC (Site Code: 002074), Murvey Machair SAC (Site Code: 002129) and Slyne Head to Ardmore Point Island SPA (Site Code: 004159) in view of the conservation objectives of those sites, and Appropriate Assessment was deemed to be required. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects are also considered. A description of the proposed development is set out on page 7 of the NIS submitted by the applicant and the potential impacts from the construction and operational phases are set out on pages 26 - 27 of the NIS.
- 7.9.2. Following an examination, analysis and evaluation of the NIS, as set out within Appendix 3 of this report, and all associated material submitted, I consider that in light of the mitigation measures proposed, that adverse effects on the integrity of Slyne Head Peninsula SAC (Site Code: 002074), Murvey Machair SAC (Site Code: 002129) and Slyne Head to Ardmore Point Island SPA (Site Code: 004159) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.

8.0 Recommendation

8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The nature, scale and extent of the proposed development,
- (b) The conclusion of the Site Specific Flood Risk Assessment,
- (c) The provisions of the Galway County Development Plan 2022-2028,
- (d) The conclusion of the Appropriate Assessment,

it is considered that subject to compliance with the conditions set out below, the proposed development would not result in a traffic hazard, would not be prejudicial to public health or cause adverse impacts to water quality, would not result in flooding, would not be detrimental to the visual amenity of the area, would not have a significant impact on ecology or on European Sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, received by the Planning Authority on the 15 th day of July 2024. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority
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	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures contained in the Natura Impact Statement (NIS) submitted to the Planning Authority on the 15th day of July 2024 shall be implemented and shall be supervised by a suitably qualified ecologist.</p> <p>Reason: To protect the integrity of European Sites.</p>
3.	<p>The precautionary measures contained in the Flood Risk Assessment Report (para. 6.4.1) submitted to the Planning Authority on the 15th day of July 2024 shall be carried out in full.</p> <p>Reason: In the interest of environmental protection and to prevent flood risk to the property.</p>
4.	<p>The controls and measures contained in the Construction, Environmental Management Plan (CEMP) submitted to the Planning Authority on the 15th day of July 2024 shall be implemented in full.</p> <p>Reason: In the interest of environmental protection and nature conservation.</p>
5.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the Planning Authority on the 15th day of July 2024, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>(b) 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</p>

	<p>treatment system 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 EPA document.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The external finishes to the proposed development shall be as indicated on <i>Drawing no. 301</i>, unless otherwise agreed with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>

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

Ian Campbell
Senior Planning Inspector

17th December 2025

Appendix 1 - Form 1- EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320936-24		
Proposed Development Summary	<p>Permission to carry out works to existing cottage to minimise flood risk. These works will involve:</p> <p>(a) external alterations to elevations of existing cottage including;</p> <p>(b) change of roof level and profile;</p> <p>(c) demolition of existing rear extension;</p> <p>(d) internal refurbishment to cottage; (e) raise existing finished floor level as set out per attached flood risk assessment report;</p> <p>(f) rebuild eroded sea wall existing on site;</p> <p>(g) installation of new proprietary sewage treatment system with filter area;</p> <p>(h) relocate existing entrance from public road, together with all associated site works.</p>		
Development Address	Emlaghmore, Ballyconneely, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		No further action required. No Screening Required.

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	Proposed development is not of a Class.	No Screening Required.
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
No		Proposed development is not of a Class.	No Screening Required.

Inspector: Ian Campbell

Date: 17th December 2025

Appendix 2 - Appropriate Assessment Screening Determination

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Case file: ABP-320936-24

Brief description of project

Permission to carry out works to existing cottage to minimise flood risk.

These works will involve:

- (a) external alterations to elevations of existing cottage including;
- (b) change of roof level and profile;
- (c) demolition of existing rear extension;
- (d) internal refurbishment to cottage;
- (e) raise existing finished floor level as set out per attached flood risk assessment report;
- (f) rebuild eroded sea wall existing on site;
- (g) installation of new proprietary sewage treatment system with filter area;

	<p>(h) relocate existing entrance from public road, together with all associated site works.</p> <p>The NIS notes that the proposed development will use standard construction methods and that construction will take 12-18 months to complete.</p>	
<p>Brief description of development site characteristics and potential impact mechanisms</p>	<p>A detailed description of the development site is provided in Section 1.0 of the Inspector's report and detailed specifications of the proposal are provided in the Appropriate Assessment Screening Report, the NIS and other planning documents provided by the applicant.</p> <p>The site is located in proximity to a number of European Sites. Impact mechanisms include the release of polluted run-off (inc. silt, hydrocarbons etc.) to adjacent coastal waters during the construction phase of the proposed development and the release of effluent and hydrocarbons to adjacent coastal waters at operational phase.</p>	
<p>Screening report</p>	<p>Yes (prepared by Delichon Ecology)</p>	
<p>Natura Impact Statement</p>	<p>Yes (prepared by Delichon Ecology)</p>	
<p>Relevant submissions</p>	<p>No submissions regarding ecology were made in respect of the application.</p>	

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

15 no. European sites were identified by the applicant as being within a potential zone of influence of the proposed development. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Slyne Head Peninsula SAC (Site Code: 002074)	Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]	c. 2.2. km north-west of appeal site	Potential for hydrological connectivity via coastal waters	Y

	<p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p>			
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	<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>European dry heaths [4030]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Alkaline fens [7230]</p>			
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	<p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002074.pdf - dated 5th February 2015.</p>			
<p>Murvey Machair SAC (Site Code: 002129)</p>	<p>Machairs (* in Ireland) [21A0]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002129.pdf - dated 27th January 2017</p>	<p>c. 2 km south-east of appeal site</p>	<p>Potential for hydrological connectivity via coastal waters</p>	<p>Y</p>
<p>Slyne Head to Ardmore Point Island</p>	<p>Barnacle Goose (Branta leucopsis) [A045]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p>	<p>c. 1.3 km west of appeal site</p>	<p>Potential for hydrological connectivity via coastal waters</p>	<p>Y</p>

SPA (Site Code: 004159)	Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863] Little Tern (<i>Sternula albifrons</i>) [A885] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004159.pdf - dated 12 th October 2022			
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An ecological walkover survey of the site was carried out on the 17th of October 2022. Habitats were classified in accordance with The Heritage Council's 'A Guide to Habitats in Ireland' (Fossitt, 2000). Habitats present on the site are addressed at page 22 of the AASR. Predominate habitats on the site include Scrub (WS1) and Rank Wet Grassland (GS4). The southern boundary of the site supports a vegetation infilled stream of very low flow. This stream is not located within the proposed development footprint. There was no evidence of terrestrial mammals using the site or its environs during the survey. Mammals such as Irish Hare (*Lepus timidus hibernicus*) may use the site and the surrounding locality. The site does not appear to support suitable habitat for large burrowing mammals such as fox (*Vulpes vulpes*) and badger (*Meles meles*) due to the thin nature of the soil and the proximity of adjacent dwellings. The nearby foreshore areas of Ballyconneely Bay may provide suitable foraging habitat for otter (*Lutra lutra*).

The groundwater vulnerability of the site and its environs is classified "X – rock at or near the surface". There are no karst features within the site or its immediate surrounds. The site is located upon the 'Spiddal' Ground Water Body (GWB)

(IE_WE_G_0004). The Spiddal Ground Water Body is a Poor aquifer which is generally unproductive except for local zones (PI).

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development could result in indirect effects on the above 2 no. SACs and 1 no. SPA.

Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Slyne Head Peninsula SAC (Site Code: 002074)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to adjacent coastal waters (e.g. run-off, silt, fuel, oils, concrete and effluent etc.).	Subsequent impacts on water quality sensitive species/habitats.
	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects

Murvey Machair SAC (Site Code: 002129)	Indirect pathway to SAC: Water pollution arising from uncontrolled release of pollutants, to adjacent coastal waters (e.g. run-off, silt, fuel, oils, concrete and effluent etc.).	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		
	Impacts	Effects
Slyne Head to Ardmore Point Island SPA (Site Code: 004159)	Indirect pathway to SPA: Water pollution arising from uncontrolled release of pollutants, to adjacent coastal waters (e.g. run-off, silt, fuel, oils, concrete and effluent etc.).	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		
Step 4 Conclude if the proposed development could result in likely significant effects on a European Site		

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the following European Sites;

- Slyne Head Peninsula SAC (Site Code: 002074);
- Murvey Machair SAC (Site Code: 002129);
- Slyne Head to Ardmore Point Island SPA (Site Code: 004159).

I concur with the applicant's findings that such impacts could be significant in terms of the stated conservation objectives of the SACs and SPA when considered on their own in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

The Appropriate Assessment Screening report submitted by the applicant notes that the closest European Sites to the site are c. 430 metres east (i.e. Connemara Bog Complex SPA/SAC) however there is no connectivity between the site and these European Sites. The AASR also notes that the site does not support suitable habitat for QI associated with European Sites.

Having regard to the developed nature of the site and the nature of the proposed development, I do not consider that there is a potential likelihood of significant effects on bird species associated with Connemara Bog SPA in the context of ex-situ effects. Should birds associated with this SPA occasionally use the site for feeding, foraging etc. I note the availability of suitable alternative lands in the vicinity.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Slyne Head Peninsula SAC (Site Code: 002074), Murvey Machair SAC (Site Code: 002129) and Slyne Head to Ardmore Point Island SPA (Site Code: 004159) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development **is required**.

Appendix 3 - Appropriate Assessment – AA Determination

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination at Appendix 2 of the Inspector's report (above), the following is an Appropriate Assessment of the implications of the proposed development in view of the relevant conservation objectives of Slyne Head Peninsula SAC (Site Code: 002074), Murvey Machair SAC (Site Code: 002129) and Slyne Head to Ardmore Point Island SPA (Site Code: 004159) based on the scientific information provided by the applicant.

The information relied upon includes the following:

- Appropriate Assessment Screening Report, prepared by Delichon Ecology
- Natura Impact Statement, prepared by Delichon Ecology
- Site Specific Flood Risk Assessment (SSFRA)
- Site Suitability Assessment Report

- Construction and Environmental Management Plan (CEMP)
- Drawings

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

None relating to ecology.

Slyne Head Peninsula SAC (Site Code: 002074)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction and operation)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary) NIS Page 49 - 52 (see summary below)
Annual vegetation of drift lines [1210]	To maintain the favourable conservation condition of Annual vegetation of drift lines in	Release of sediment laden waters, wastes, or other pollutants during	<ul style="list-style-type: none"> - Prior to commencement of site work, a site compound will be secured on flat, level terrain. - Materials, plant and equipment shall be stored within the site compound. Plant

	Slyne Head Peninsula SAC	construction and operational phases of the proposed development to adjacent coastal waters, resulting in water quality degradation and/or alteration of habitat quality would undermine conservation objectives.	<p>and equipment will be parked in areas remote from any sensitive locations.</p> <ul style="list-style-type: none"> - Hazardous liquid materials or materials with potential to generate runoff shall only be stored in the site compound. - All oils, fuels and other hazardous liquid materials shall be clearly labelled and stored in an upright position in an enclosed bunded area within the proposed development site compound. The capacity of the bunded area shall conform with EPA Guidelines – hold 110% of the contents or 110% of the largest container whichever is greater. 	
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition of Perennial vegetation of stony banks in Slyne Head Peninsula SAC	As above	<ul style="list-style-type: none"> - Plant and equipment to be used during works, will be in good working order, fit for purpose, regularly serviced/maintained and have no evidence of leaks or drips. 	

			<ul style="list-style-type: none"> - Re-fuelling of machinery, plant or equipment will be carried out within the proposed dwelling site compound. - A silt fence will be installed along the western / foreshore boundary of the site (see Fig. 6.1 for map of proposed locations of silt fencing). - Where dewatering of excavations or foundations are necessary, appropriate measures will be undertaken to avoid overflow and run-off of over-pumped water to the surrounding environment. Standard construction phase filtering of surface water for suspended solids will be carried out. Where required, over-pumped water will be directed to a settlement tank or to pastoral lands to the south of the proposed dwelling footprint for percolation to ground. 	
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			<ul style="list-style-type: none"> - Groundworks such as large excavations and stockpiling of aggregate materials will only commence in favourable weather conditions when the potential for wind erosion and leaching from rainfall is minimal. - Temporary stockpiling of topsoil and other aggregates will be done on flat ground, 10m away from the edge of drainage channels and the foreshore area. All stockpiled soil and aggregate material shall be capped to prevent any ingress of water. Silt fences will be used wherever there is a danger of soil wash-out from stockpiled soil to the existing environment. <p>I note that the proposed wwts will be designed and installed to comply with applicable EPA standards,</p>	
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			thereby ensuring that waste water within the site is treated to an acceptable standard.	
Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	To restore the favourable conservation condition of Atlantic salt meadows (Glauco Puccinellietalia maritima) in Slyne Head Peninsula SAC	As above	As above	
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in Slyne Head Peninsula SAC	As above.	As above.	
Embryonic shifting dunes [2110]	To restore the favourable conservation condition of Embryonic shifting dunes in Slyne Head Peninsula SAC	As above.	As above.	

Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]	To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Slyne Head Peninsula SAC	As above	As above.	
Machairs (* in Ireland) [21A0]	To restore the favourable conservation condition of Machairs in Slyne Head Peninsula SAC	As above.	As above.	
<p>The above table is based on the documentation and information provided on the file, and publicly available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002074.pdf and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p> <p>The NIS submitted by the applicant notes that the proposed development will have no potential for adverse effects on the following QI of Slyne Head Peninsula SAC –</p> <ul style="list-style-type: none"> - Coastal lagoons [1150] 				

- Large shallow inlets and bays [1160]
- Reefs [1170]
- *Petalophyllum ralfsii* (Petalwort) [1395]
- *Najas flexilis* (Slender Naiad) [1833]
- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]
- Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp. [3140]
- European dry heaths [4030]
- *Juniperus communis* formations on heaths or calcareous grasslands [5130]
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites) [6210]
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]
- Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*) [6510]
- Alkaline fens [7230]

The NIS excludes the potential for potential adverse effects on these QI the basis of the location of the development site relative to the particular QI within the SAC/absence of Source-Pathway-Receptor and on the basis that the site does not support the particular QI.

The NIS does not include reference to 2 no. QI of Slyne Head Peninsula, specifically *Tursiops truncatus* (Common Bottlenose Dolphin) [1349] and Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130]. I note that Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or

<p>Isoeto-Nanojuncetea [3130] is not a habitat which is present on the site. Regarding Tursiops truncatus (Common Bottlenose Dolphin) [1349], given the minor nature of the proposed development and the distance between the site and the SAC significant adverse effects on these QI would not be likely. I am satisfied that adverse effects on these QI can also be excluded.</p>	
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p> <p>Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.</p> <p>Mitigation measures and conditions</p> <ul style="list-style-type: none"> • Standard and Best Practice Construction Procedures and specific mitigation measures set-out at pages 49 – 52 of NIS. <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.</p>	
<p>In-combination effects</p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Slyne Head Peninsula SAC (Site Code: 002074). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Slyne Head Peninsula SAC (Site Code: 002074). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Murvey Machair SAC (Site Code 002129)**Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Water quality degradation (construction and operation)****Qualifying Interest****Conservation****Potential adverse****Mitigation measures**

features likely to be affected	Objectives Targets and attributes (as relevant - summary)	Effects	(summary) NIS Page 49 – 52 (see summary below)	
Machairs (* in Ireland) [21A0]	To restore the favourable conservation condition of Machairs (* in Ireland) in Murvey Machair SAC	Release of sediment laden waters, wastes, or other pollutants during construction and operational phases of the proposed development to adjacent coastal waters, resulting in water quality degradation and/or alteration of habitat quality would undermine conservation objectives.	See mitigation measures above.	

Petalophyllum ralfsii (Petalwort) [1395]	To maintain the favourable conservation condition of Petalwort in Murvey Machair SAC	As above.	As above.	
The above table is based on the documentation and information provided on the file, and publicly available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002129.pdf and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
<p>Assessment of issues that could give rise to adverse effects:</p> <p>(i) Water quality degradation</p> <p>Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to water dependent qualifying interests of the SAC.</p> <p>Mitigation measures and conditions</p> <ul style="list-style-type: none"> Standard and Best Practice Construction Procedures and specific mitigation measures set-out at pages 49 – 52 of NIS. <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.</p>				
In-combination effects				

I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Murvey Machair SAC (Site Code: 002129). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Murvey Machair SAC (Site Code: 002129). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Slyne Head to Ardmore Point Island SPA (Site Code: 004159) Summary of Key issues that could give rise to adverse effects (from screening stage): (i) Water quality degradation (construction and operation)			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant - summary)	Potential adverse Effects	Mitigation measures (summary)
Barnacle Goose (Branta leucopsis) [A045]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Release of sediment laden waters, wastes, or other pollutants during construction and operational phases of the proposed development to adjacent coastal waters, resulting in water quality degradation and/or alteration of habitat quality with consequent potential for water sensitive habitat/habitat supportive of SCI associated with SPA to be negatively affected.	NIS Page 49 – 52 (see summary below) See mitigation measures above.

Arctic Tern (<i>Sterna paradisaea</i>) [A194]	As above.	As above.	As above.
Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863]	As above.	As above.	As above.
Little Tern (<i>Sternula albifrons</i>) [A885]	As above.	As above.	As above.

The above table is based on the documentation and information provided on the file, and publicly available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004159.pdf and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects:

(i) Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

The NIS notes that the site does not support suitable foraging, roosting, wintering or breeding habitat for the SCI associated with the Slyne Head to Ardmore Point and Islands SPA.

Mitigation measures and conditions

- Standard and Best Practice Construction Procedures and specific mitigation measures set-out at pages 49 – 52 of NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SPA by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Slyne Head to Ardmore Point Island SPA (Site Code: 004159). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Slyne Head to Ardmore Point Island SPA (Site Code: 004159). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix 4 - Water Framework Directive (WFD) Screening Matrix

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-320936-24	Townland, address	Emlaghmore, Ballyconneely, Co. Galway
Description of project		<p>The proposed development comprises,</p> <p>Permission to carry out works to existing cottage to minimise flood risk. These works will involve:</p> <ul style="list-style-type: none"> (a) external alterations to elevations of existing cottage including; (b) change of roof level and profile; (c) demolition of existing rear extension; (d) internal refurbishment to cottage; (e) raise existing finished floor level as set out per attached flood risk assessment report; (f) rebuild eroded sea wall existing on site; (g) installation of new proprietary sewage treatment system with filter area; 	

	(h) relocate existing entrance from public road, together with all associated site works.
Brief site description, relevant to WFD Screening	<p>The area is located on the coast, directly adjacent to Ballyconnelly Bay coastal waters. The groundwater vulnerability of the site and its environs is classified “X – rock at or near the surface”. There are no karst features within the site or its immediate surrounds. The site is located upon the ‘Spiddal’ Ground Water Body (GWB) (IE_WE_G_0004). The Spiddal Ground Water Body is a Poor aquifer which is generally unproductive except for local zones (PI).</p> <p>Maumeen Lough is located to the south-east of the site. A stream commencing from the north-west shore of the lake flows in a south-east to north-west direction and combines with a number of other streams from lakes in Emlaghmore and Doohulla. This stream flows under Callow bridge on the road R341, 250 metres north-west of the site entering the sea west of Callow Bridge.</p>
Proposed surface water details	Surface water drainage will be managed through use of permeable pavement, which meets the principles of SuDS. Soakaways are also proposed.
Proposed water supply source & available capacity	Existing (Dolan GWS).

Proposed wastewater treatment system & available capacity, other issues		Proposed tertiary treatment system and infiltration/treatment area.				
Others?		N/A.				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	c. 250 metres	Callow_010 IE_WE_31C2 50230	Good	Review	N/A	Surface water run-off (remote pathway)
Lake	c. 440 metres	Maumeen IE_WE_31_1 89	High	Not at Risk	N/A	Surface water run-off (remote pathway)

Transitional	N/A	N/A	N/A	N/A	N/A	N/A
Coastal	c. 30 metres	Aran Islands, Galway Bay, Connemara IE_WE_010_0000	High	Review	N/A	Surface water run-off and infiltration to groundwater (noting proximity to coast)
Groundwater	0	Spiddal IE_WE_G_0004	Good	Not at Risk	N/A	Infiltration to groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

Component

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measures	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	Callow_010 IE_WE_31C2 50230	Remote pathway	Hydrocarbon, concrete spillages etc.	Standard construction practice, mitigation measures in NIS and CEMP.	No.	Screened out.
2.	Lake	Maumeen IE_WE_31_1 89	Remote pathway	Hydrocarbon, concrete spillages etc.	Standard construction practice, mitigation measures in NIS and CEMP.	No.	Screened out.

3.	Transitional	N/A	N/A	N/A	N/A	N/A	N/A
4.	Coastal	Aran Islands, Galway Bay, Connemara IE_WE_010_0000	Pathway exists – via surface water run-off	Hydrocarbon, concrete spillages etc.	Standard construction practice, mitigation measures in NIS and CEMP.	No.	Screened out.
5.	Groundwater	Spiddal IE_WE_G_0004	Pathway exists – via infiltration to groundwater	Hydrocarbon, concrete spillages etc.	Standard construction practice, mitigation measures in NIS and CEMP.	No.	Screened out.
OPERATIONAL PHASE							
1.	River	Callow_010 IE_WE_31C2 50230	Remote pathway	Hydrocarbon spillages.	SuDS Features &	No.	Screened out.

				Effluent from WWTP.	Maintenance of WWTS		
2.	Lake	Maumeen IE_WE_31_1 89	Remote pathway	Hydrocarbon spillages. Effluent from WWTP.	SuDS Features & Maintenance of WWTS		
3.	Transitional	N/A	N/A	N/A	N/A	N/A	N/A
4.	Coastal	Aran Islands, Galway Bay, Connemara IE_WE_010_0000	Pathway exists – via surface water run-off	Hydrocarbon spillages. Effluent from WWTP.	SuDS Features & Maintenance of WWTS	No.	Screened out.
5.	Groundwater	Spiddal IE_WE_G_0004	Pathway exists – via infiltration to groundwater	Hydrocarbon spillages. Effluent from WWTP.	SuDS Features & Maintenance of WWTS	No.	Screened out.
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A