



An
Bord
Pleanála

Inspector's Report

ABP-321480-24

Development	House and garage with associated works.
Location	Cinn Uisce, Claregalway, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2461267
Applicant(s)	Patrick Cunningham
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party Appeal
Appellant(s)	Patrick Cunningham
Observer(s)	None
Date of Site Inspection	19 th May 2025
Inspector	Ian Boyle

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1.0 Site Location and Description

- 1.1. The appeal site comprises a small agricultural field in the townland of Cinn Uisce, Claregalway, Co. Galway. It is roughly 2km northeast of Baile Chláir and approximately 10km north of Galway City. The closest village centres of note are Claregalway to the southwest and Lackagh to the northeast.
- 1.2. The property has direct frontage onto the L7113, which runs in an east – west direction before meeting the N83 National Route (Galway - Tuam Road) roughly 1km away. The site lies between two existing residential properties and the surrounding area is characterised by sporadic one-off housing, mostly comprising large, detached houses on spacious plots.
- 1.3. The pattern of development in the area is mainly linear and faces directly onto the public road. There is a high concentration of clusters of residential properties in this rural node demonstrating a strong demand for rural one-off housing in this particular area. In some cases, this form of development has spread out into small local roads and laneways, many of which provide access to agricultural fields. In some cases, these lanes are narrow, winding and have a poor surface treatment.
- 1.4. The Clare River is to the west of the site. It flows in an east to west direction towards Lough Corrib which is approximately 9.2km away. A small stream runs along the rear of the site, against its northern boundary, before meeting the Clare River roughly 1.2km downstream. The river flows directly into the Lough Corrib SAC which is roughly 750m to the southwest.
- 1.5. The site has a stated area of roughly 0.3ha.

2.0 Proposed Development

- 2.1. The proposed development is for the construction of a house, garage and domestic wastewater treatment system.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused permission in November 2024 for four reasons relating to:

- poor drainage characteristics of the site, a high water table and significant waterlogging of the property, thus, giving rise to concerns over the safe disposal of domestic effluent on the site (Reason 1),
- concerns that surface water would not be disposed of satisfactorily within the site (Reason 2),
- potential impact on the integrity of a European Site and its conservation objectives (Reason 3), and
- inappropriate design and excessive scale and bulk of the proposed garage, which would be a haphazard and disorderly form of development and, therefore, seriously injure the residential amenity of the area (Reason 4).

3.1.2. [Note: See the Council's 'Notification of Decision to Refuse Permission' (dated 21st November 2024) for the full reasons of refusal.]

3.2. Planning Authority Reports

3.2.1. Planning Report

- A pre-planning meeting did not take place.
- There are no submissions/observations on file.
- The applicant has submitted sufficient documentation indicating long-standing intrinsic links to the area. The applicant's original family home is nearby, and they have demonstrated that they have lived a substantial and continuous part of their life in the area. The applicant therefore satisfies Policy Objective RH 2 of the Galway County Development Plan 2022-2028 (CDP).
- In relation to effluent disposal, it is noted that trial holes were open on the date of the site inspection and contained significant volumes of water. Ground conditions were very wet underfoot.

- The Planning Authority cannot be satisfied given the wet ground conditions on site, together with the extremely high volume of water observed in the trial holes, and the extensive water logging across the site and vegetative indicators observed in parts of the site, that the subject proposal would not be prejudicial to public health, notwithstanding the proprietary effluent treatment system proposed as a design solution.
- The Planning Authority is not satisfied that wastewater could be satisfactorily treated and disposed of onsite.
- The site is partially located within an identified flood risk area. During the site inspection, there was extensive water logging across the site and wet ground conditions underfoot.
- As per the provisions of DM Standard 36 (Public Water Supply and Wastewater Collection) of the CDP, the applicant is required to make a pre-connection enquiry to Uisce Éireann and enter into a Connection Agreement.
- The applicant has demonstrated adequate sightlines in both directions and a safe means of vehicular access in accordance with DM Standard 28 of the CDP.
- The proposed dwelling design is in accordance with Policy Objective RH 9 of the CDP. However, the proposed garage is excessive in size and not in accordance with DM Standard 6.
- There are concerns regarding disposal of surface water due to the naturally high-water table on the site and potential for direct run-off to the existing stream at the northern boundary of the site, which is hydrologically linked to the Lough Corrib SAC.
- Given the visible unsatisfactory drainage characteristics on the site for the purposes of providing adequate effluent treatment and drainage, surface water drainage via on-site soakaways, and having regard to the stream north of the subject site which provides a direct hydrological link to Lough Corrib SAC, and the identified flood risk to the northern section of the site, the Planning Authority is of the opinion that significant adverse impacts on the Natura network cannot be fully ruled out.

- No EIA issues arise.
- In conclusion, there are serious concerns in relation to the suitability of the site to treat wastewater satisfactorily. Furthermore, surface water drainage proposals cannot be successfully implemented where a high water table exists, the direct linkage of the site to the Lough Corrib SAC poses a threat to the Qualifying Interests of the designated site.
- The proposed garage is also excessive in floor area and scale and is not justified based on the evidence submitted with the application.
- It is recommended that permission be refused.

4.0 Planning History

Subject Site

Reg. Ref. 22/61013: The Planning Authority refused permission in November 2022 for the construction of a dwelling, domestic garage and associated works. The reasons for refusal were in relation to wastewater disposal (Reasons 1 and 2) and flood risk (Reason 3). The Applicant is the same as for the current application.

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

5.1.1. Background

The Galway County Development Plan 2022-2028 ('Development Plan' / 'CDP') was adopted by the Elected Members of Galway County Council on the 9th May 2022 and came into effect on the 20th of June 2022.

The following chapters and sections are considered particularly relevant in the assessment of this appeal case are outlined below.

5.1.2. Chapter 4: Rural Living and Development

The site is within the 'Rural Area Under Strong Urban Pressure – Metropolitan Area and GCTPS'¹ for the purposes of rural housing (Map 4.1 'Rural Area Types) and as set out in Section 4.6.1.

The site is also subject to Landscape Sensitivity Category 'Low' which has a value rating of 1. The site is located in the Gaeltacht.

Individual housing development in the open countryside can be considered where the applicant can demonstrate their compliance with:

- RH 2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure - GCTPS - Outside Rural Metropolitan Area Zone 1), and
- RH5 Rural Housing Zone 5 (An Gaeltacht) of the Galway County Development Plan 2022-2028.

Other relevant Policy Objectives:

- RC 2 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.
- RH 9 Design Guidelines is to have regard to Galway County Council's Design Guidelines for Single Rural Houses with specific reference to the following:
 - a) It is the policy objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
 - b) It is the policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout.

¹ GCTPS – Galway County Transport & Planning Study.

- c) It is the policy objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.

5.1.3. **Chapter 7: Infrastructure, Utilities and Environmental Protection**

- Policy Objective WW 6: Private Wastewater Treatment Plants seeks to ensure that private wastewater treatment plants, where permitted, are operated in compliance with Environmental Protection Agency (EPA) Code of Practice for Domestic Waste Water Treatment System 2021 (Population Equivalent ≤ 10).
- Policy Objective WS 4: Requirement to Liaise with Irish Water – Water Supply seeks to ensure that new developments are adequately serviced with a suitable quantity and quality of drinking water supply and require that all new developments intending to connect to a public water supply liaise with Irish Water with regard to the water (and wastewater) infrastructure required.

5.1.4. **Chapter 10: Natural Heritage, Biodiversity and Green/Blue Infrastructure**

- Policy Objective NHB 2: European Sites and Appropriate Assessment.
- Policy Objective NHB 3: Protection of European Sites.

5.1.5. **Chapter 15: Development Management Standards**

- DM Standard 6: Domestic Garages (Urban and Rural)
- DM Standard 7: Rural Housing
- DM Standard 8: Site Selection and Design
- DM Standard 9: Site Sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems
- DM Standard 11: Native species landscaping to site boundaries.
- DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads
- DM Standard 29: Building Lines
- DM Standard 30: Developments on Private Roads

- DM Standard 36: Public Water Supply and Wastewater Collection
- DM Standard 38: Effluent Treatment Plants
- DM Standard 46: Compliance with Landscape Sensitivity Designations

5.1.6. **Other Relevant Chapters:**

- Chapter 6: Transport and Movement
- Chapter 11: Community Development and Social Infrastructure

5.1.7. **Other planning policies**

Note: The Planner's Report (Pages 2 - 3) cites further planning policy objectives and standards.

5.2. **Natural Heritage Designations**

The subject site is not directly affected by, or adjacent to, any European Site.

The closest designated sites include:

- Lough Corrib SAC (Site Code: 000297), which is roughly 750m to the southwest at its nearest point.
- Lough Corrib SPA (Site Code: 004042), which is roughly 6.4km to the west at its nearest point.
- Galway Bay Complex SAC (Site Code: 000268), which is roughly 7.8km to the south at its nearest point.
- Inner Galway Bay SPA (Site Code: 004031), which is roughly 8.8km to the south at its nearest point.

There are no NHAs or pNHAs in the vicinity of the site.

5.3. **EIA Screening**

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed

development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment.

- 5.3.2. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal are as follows:

Response to Refusal Reason No. 1

- The subject site is an infill site positioned in the middle of seven dwellings on the north side of the Kiniska Road.
- There are approximately 40 to 50 dwellings within 500m of the site.
- Local residents say there are no adverse conditions regarding groundwater conditions.
- The trial hole was excavated to a depth of 2.5m with no signs of groundwater or bedrock.
- The proposed method of effluent treatment exceeds the requirements of the relevant EPA Code of Practice (CoP).
- The flood risk assessment has screened out any negative impacts on the environment.
- The proposal would not be prejudicial to public health or contrary to Policy Objective WW 6 or DM Standard 38 of the County Development Plan.

Response to Refusal Reason No. 2

- The proposed system of surface water disposal is via onsite soakaways.
- The Site Characterisation Form submitted with the application confirms there are appropriate subsoil conditions and permeability qualities to comply with DM Standard 67 of the CDP.

Response to Refusal Reason No. 3

- The proposed method of effluent treatment exceeds the requirements of the relevant EPA Code of Practice (CoP).
- The proposal is in accordance with Policy Objectives NHB 2 and NHB 3 and DM Standard 50 of the CDP.

Response to Refusal Reason No. 4

- The proposed garage has a floor area of 105sqm and height of 5.7m.
- The Planning Authority guidelines for a new garage are a floorspace of 60sqm and height of 5m.
- The applicant is a mechanic by trade and intends to restore vintage cars in the garage. They require a large space to complete this work.
- The planning authority could easily have conditioned the garage to be reduced in size and not use it as a reason for refusal.
- It is requested that the Board grant permission for the garage, but the applicant will agree to reduce it in size if directed to do so.

6.2. Planning Authority Response

- None received.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Wastewater Disposal
- Drainage
- Impact on a European Site (Appropriate Assessment)
- Design, Scale and Bulk of Proposed Garage

7.1. Wastewater Disposal

- 7.1.1. The Planning Authority's first reason for refusal is that the site has poor drainage characteristics, as observed during a site walkover, the presence of a high water table and due to significant waterlogging of the property. This gives rise to concerns over the safe disposal of domestic effluent which would be generated on the site. The Planning Authority also states that the proposed method of wastewater disposal cannot be guaranteed to be in accordance with the EPA Code of Practice : Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) and, as such, the proposed development would be prejudicial to public health and contrary to Policy Objective WW 6 and DM Standard 38 of the County Development Plan.
- 7.1.2. The Decision also states that the proposed development would result in an excessive concentration of development served by individual private effluent treatment systems in the area. In relation to this point, I note that the Applicant states of their own accord that there are approximately 40 to 50 dwellings within 500m of the site. I note also that the site is within the 'Rural Area Under Strong Urban Pressure – Metropolitan Area and GCTPS'² for the purposes of rural housing (Map 4.1 'Rural Area Types').
- 7.1.3. The proposed dwelling is to be served by domestic wastewater treatment system (DWWTS) which would discharge to groundwater. The relevant guidance for assessment purposes is the EPA Code of Practice (2021) (CoP), which applies to site assessments and associated wastewater treatment installations. The system intended to be installed onsite is a EuroTank BAF 8 PE secondary wastewater treatment unit fitted with a proprietary tertiary treatment system. The specific details of the treatment system are set out in Section 5.0 of the Site Characterisation Form (SCF). [Policy Objective WW 6 and DM Standard 38 of the CDP require that private wastewater treatment plants must be operated in compliance with the EPA CoP.]
- 7.1.4. I have reviewed the Geological Survey Ireland (GSI) and EPA Mapping as part of my assessment. The property is in an area with a 'regionally important' aquifer. Such aquifers are significant because they can support entire towns or settlements with

² GCTPS – Galway County Transport & Planning Study.

drinking water and, therefore, are critical for the provision of a regional water supply. The subsoil for the site and surrounding vicinity is mainly limestone till.

- 7.1.5. I note also that the groundwater vulnerability is described as 'extreme'. According to the EPA, this indicates a high risk of groundwater contamination due to rapid infiltration of contaminants and minimal filtration by the soil and subsoil. It signifies that groundwater in such areas is susceptible to pollution from human activities or other sources. In such areas, contaminants can reach the groundwater quickly, with little or no opportunity for natural attenuation to assist in removing pollutants and other impurities.
- 7.1.6. As part of my assessment, I have reviewed the SCF accompanying the application and information included in the first party appeal. I note that the SCF states that a trial hole was dug to a depth of 2.5m and that bedrock and the water table was not encountered as part of test. However, the EPA CoP 2021 requires that a trial hole should have a minimum depth of 3m for regionally important aquifers. As the aquifer in this area is recorded as 'regionally important', the trial hole testing procedure is not in accordance with this requirement and should not be relied upon for accurate test results.
- 7.1.7. The SCF also states that vegetation indicators are 'good grasslands' and that ground conditions are 'good' and 'dry'. The form goes on to say that no outcrops or bedrock are visible on the property and there is no surface water ponding. However, my own experience of visiting the site differs from the information recorded on the Site Characterisation Form. I noticed shallow rocky soil cover on the site which is an indicator of poor drainage. I also observed that the trial holes dug as part of the percolation test were filled with a significant amount of water, despite the particularly warm and dry weather conditions which preceded the day of my site inspection (19th May 2025).
- 7.1.8. I further note that the Planner's Report reported that on the day of their site visit wet ground conditions were prevalent across the property and that an extremely high volume of water remained in the trial holes. The Planning Authority observed extensive water logging across the site and that there was an identified flood risk in the northern section of the land holding.

- 7.1.9. In summary, I have reached a similar conclusion as the Planning Authority in that given the ground conditions observed on the site, the proposed development would likely be prejudicial to public health. This is notwithstanding the proprietary tertiary treatment system that is being proposed. I do not consider that the percolation test results can be relied upon in this case and that a revised Site Characterisation Report would be required to demonstrate that the proposed method of wastewater treatment is in accordance with the EPA CoP 2021.
- 7.1.10. I would further add that the water quality of the stream running along the northern boundary of the site is recorded only as 'moderate' under the River Waterbody WFD Status 2016-2021 (source: <https://gis.epa.ie>). In simple terms, this means the waterbody is not in its natural, pristine condition and while it may support some forms of life there are also signs of pollution. A 'moderate status' sits below the WFD target of 'good status'.
- 7.1.11. The main pressures on water quality in Ireland are due to poor agricultural practice, land drainage, dredging, certain forestry activities, and discharges from urban wastewater – the latter is relevant to this appeal case, in my opinion. These activities can lead to run-off of nutrients, sediment, and untreated effluent entering waterbodies. This can ultimately cause damage to fragile habitats and ecosystems through introducing contaminants and pollutants to land or water systems. Information released by the EPA in May 2025 confirmed that 56% of DDWTS surveyed failed inspection with a significant number identified as being a risk to human health and the environment. This is a marked increase compared with the 45% of domestic effluent treatment systems which were found to be defective by the EPA in 2024.
- 7.1.12. I would reiterate that the site is in a rural area which is not served by public sewerage facilities. This is a location where one-off housing is widespread. Existing houses in the area are dependent on their own private effluent treatment systems and it has been shown that the small stream north of the site is experiencing signs of pollution. It is my submission to the Board that it would be unsustainable to accommodate a further private wastewater treatment system in this location, particularly given the ground conditions of the site and the extreme groundwater vulnerability in the area.

- 7.1.13. There must be serious concerns about the pollution threat posed by permitting further dwellings, served only by domestic treatment systems in such an intensive manner, within a confined locality, and – as noted by the Applicant – where there is already a very dense concentration of houses in the area (approximately 40 to 50 dwellings within 500m of the site). During my site inspection, I observed that this development pressure has led to some houses overflowing onto small local roads and laneways, many of which were only originally intended as a means of access to agricultural fields. I am not satisfied that the proposed development would not contribute to this pollution risk.
- 7.1.14. In conclusion, and in having regard to my onsite observations, the findings of the Planning Officer's Report – which raises concerns over wet ground conditions, the high volume of water observed in the trial holes dug to inform the percolation soil test, and presence of extensive water logging on the property observed as part of the Council's site inspection –, the 'extreme' groundwater vulnerability of the site (overlying a 'regionally important' aquifer), and high prevalence of individual DWWTS's serving private dwellings, I am not satisfied that the effluent generated by the proposed development can be appropriately attenuated and disposed of in a manner that would not be prejudicial to public health.
- 7.1.15. Therefore, I do not consider that the proposed development is in accordance with the relevant provisions of the Galway County Development Plan 2022-2028 regarding domestic wastewater disposal, including that of Policy Objective WW 6 and DM Standard 38. The application should be refused on this basis.

7.2. Drainage

- 7.2.1. The Planning Authority's second reason for refusal is that surface water runoff would not be disposed of satisfactorily within the site. The Decision states that the proposed development would contravene DM Standard 67 of the County Development Plan which is in relation to sustainable drainage systems (SuDS).
- 7.2.2. The full text of this standard is set out above under Section 5.1 of my report. In summary, it requires new development (including amendments / extensions to existing developments) to incorporate SuDS as part of the design proposal. The purpose of this is to reduce flood risk, improve water quality and enhance

biodiversity and amenity. It states that the SuDS measures employed should aim to mimic the natural drainage of the site so as to minimise the effect of a development on flooding and pollution of existing waterways.

- 7.2.3. The Applicant includes a brief paragraph in their appeal which confirms that the application makes provision for disposing of surface water via onsite soakaways. A soakaway is a simple means of allowing surface water to infiltrate to ground mimicking natural drainage. Typically, they are filled with rubble or a plastic crate system to store water temporarily before letting it slowly soak into the soil. I note that DM Standard 67 specifically references as an acceptable SuDS device.
- 7.2.4. No other specific SuDS measures have been included as part of the application. However, the remaining site area comprises an expansive area of permeable surfaces, including a large front and rear garden, which would contribute to the 'greening' of the site and allow for surface water to discharge to ground naturally. I note the comment by the Planning Authority in relation to surface water ponding and the site being water logged during their site inspection. However, I do not consider that a more technical or engineered drainage response is required in this case, particularly given the open nature and spacious size of the property (c 0.3ha).
- 7.2.5. It is possible that the Applicant could have adopted a more integrated approach to surface water management. However, such an approach could be readily incorporated as part of the overall development proposal, if so required. This could be addressed via condition, if the Board were inclined to grant permission,
- 7.2.6. The condition would require the Applicant to submit a SuDS strategy to the Planning Authority for their written agreement prior to commencement of development.

7.3. Impact on a European Site (Appropriate Assessment)

- 7.3.1. The Planning Authority's third reason for refusal is in relation to potential impact on the integrity of a European Site and its conservation objectives.
- 7.3.2. As noted under Section 7.1 of my report above, I have concerns regarding the ability of the proposed development in terms of it being able to attenuate, treat and dispose of effluent in a safe and appropriate manner.

- 7.3.3. The Lough Corrib SAC (Site Code: 000297) is roughly 750m to the southwest at its nearest point. There is a direct hydrological connection between the subject site and this SAC. This is via a stream running along the northern portion of the property, which flows into the Clare River, before travelling in a westerly direction and meeting the Lough Corrib SAC.
- 7.3.4. I note that the application does not include an Appropriate Assessment (Stage 1) or Natura Impact Statement (Stage 2). This information would typically be expected where the source-pathway-receptor model indicates there is potential to impact significantly upon the water quality of a European Site. This, in turn, this could affect the conservation objectives of the site having regard to the characteristics and sensitivities of the QI's to changes in water quality and levels of potential contamination, such as ammonia, phosphorus and other pollutants.
- 7.3.5. I do not accept the Applicant's argument that the proposed method of effluent treatment would exceed the requirements of the relevant EPA CoP and for this reason a Stage 2 AA is not required.
- 7.3.6. In summary, I consider that the proposed development is not in accordance with Policy Objectives NHB 2 and NHB 3 of the County Development Plan which are in relation to the protection of European Sites and Appropriate Assessment.
- 7.3.7. Section 8.0 of my report below addresses the issue of Appropriate Assessment in further detail.

7.4. Design, Scale and Bulk of Proposed Garage

- 7.4.1. The Planning Authority's fourth reason for refusal is that the proposed domestic garage is of an inappropriate design and excessive scale and bulk such that it would seriously injure the residential amenity of the area.
- 7.4.2. The County Development Plan under DM Standard 6 'Domestic Garages (Urban and Rural)' provides specific guidance in this regard stating that the design, form and materials of such structures should be ancillary to, and consistent with the main dwelling on site. The garage is overly large in size and scale, in my opinion, with a floor area of 105sqm and height of 5.7m. It would present itself as an excessive and domineering feature, in my view, against the visual backdrop of the proposed new house and would also jar with the character of the surrounding area.

- 7.4.3. The stated use of the garage is for repairing and restoring vintage cars by the Applicant, who is a mechanic by trade. This draws into question whether a garage of this nature would be used exclusively for domestic purposes, and not as a form of commercial business, which is not supported by County Development Plan. DM Standard 6 requires that such storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing or industrial use in the absence of planning consent.
- 7.4.4. In conclusion, the proposed development is not in accordance with the provisions of the Galway County Development Plan 2022-2028, in my opinion, including DM Standard 6 'Domestic Garages (Urban and Rural)'.
- 7.4.5. I do not consider that it would be appropriate to condition a redesign of the proposed garage given the level of physical change that would likely be required.

8.0 AA Screening

8.1. Screening Determination - Finding of likely significant effects

- 8.1.1. 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 on the Galway Bay Complex SAC [000268] and the Inner Galway Bay SPA [004031] in view of the conservation objectives of certain qualifying interest features of those sites.
- 8.1.2. 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.

8.2. Significant effects cannot be excluded

- 8.2.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on Lough Corrib SAC (Site Code: 000297) in view of the sites conservation objectives.

8.2.2. This determination is based on:

- an assessment of the likely operational impacts in the absence of mitigation,
- the presence of a stream running along the northern part of the subject site, which provides a direct hydrological link to Lough Corrib SAC,
- the presence of the high water table on the site,
- the identified flood risk on the property, and
- that it is not possible to exclude the possibility of the proposed development resulting in significant effects on Lough Corrib SAC (Site Code: 000297) from effects associated with the poor drainage characteristics observed onsite and potential risk of contamination occurring through the discharge of untreated, or partially treated wastewater, to groundwater and/or surface water receptors.

8.3. **Conclusion**

8.3.1. On the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Lough Corrib SAC [Site Code: 000297] in view of the site's Conservation Objectives.

8.3.2. In such circumstances the Board is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

9.0 **Recommendation**

9.1. I recommend that planning permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the 'extreme' groundwater vulnerability overlying a 'regionally' important aquifer, and the presence of vegetative indicators of poor drainage on the property, the Board cannot be satisfied that effluent from the proposed development would be satisfactorily treated and disposed of onsite and that this would not give rise to an unacceptable risk of groundwater pollution, notwithstanding the proposed use of a tertiary wastewater treatment system. The proposed development would, therefore, not be in accordance with the provisions of the Galway County Development Plan 2022-2028 regarding private wastewater treatment plants, including that of Policy Objective WW 6, and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 10.2. On the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Lough Corrib SAC [Site Code: 000297] in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).
- 10.3. It is considered that by reason of its size, scale, height and massing, and in having regard to the provisions of the Galway County Development Plan 2022-2028, and in particular of Policy Objective RH 9 and DM Standard 6, and notwithstanding the low landscape sensitivity classification for the site, the proposed garage would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Ian Boyle
Senior Planning Inspector

26th May 2025

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	ABP-321480-24
Proposed Development Summary	The proposed development is for the construction of a house, garage and domestic wastewater treatment system.
Development Address	The appeal site comprises a small agricultural field in the townland of Cinn Uisce, Claregalway, Co. Galway. It is roughly 2km northeast of Baile Chláir and approximately 10km north of Galway City. The closest centres of note are Claregalway to the southwest and Lackagh to the northeast.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	10. Infrastructure Projects (b)(i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes ☐

No ☒

Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Ian Boyle

Date: 26th May 2026

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	ABP-321480-24
Proposed Development Summary	The proposed development is for the construction of a house, garage and domestic wastewater treatment system.
Development Address	The appeal site comprises a small agricultural field in the townland of Cinn Uisce, Claregalway, Co. Galway. It is roughly 2km northeast of Baile Chláir and approximately 10km north of Galway City. The closest village centres of note are Claregalway to the southwest and Lackagh to the northeast.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development is for a single one-off house in a rural location. The nature of the proposed development is not exceptional in the context of its existing environment.</p> <p>During the construction phase the proposed development would create a relatively small amount of waste from the removal of spoil and due to groundworks required to level the site and other works.</p> <p>Given the relatively small scale and size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is a residential dwelling.</p>
Location of development (The environmental sensitivity of geographical areas likely to	The site is currently used for agriculture purposes and comprises mainly grassland with shallow soils.

<p>be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The property has direct frontage onto the L7113, which runs in an east – west direction before meeting the N83 National Route (Galway - Tuam Road) roughly 1km away. The site lies between two existing residential properties and the surrounding area is characterised by sporadic one-off housing, mostly comprising large, detached houses on spacious plots.</p> <p>There is a high concentration of small clusters of residential properties in this rural node demonstrating a strong demand for rural one-off housing in this particular location.</p> <p>The pattern of development is mainly linear and orientated towards the public road network south of the site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The potential for significant impacts for the purposes of EIA are limited given the characteristics of proposed development (a single dwelling) and the low environmental sensitivity associated with its receiving environment and surrounding geographic area.</p>
<p style="text-align: center;">Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p> <p>The proposed development has been subject to preliminary examination for environmental impact assessment (Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that</p>

	<p>there is no real likelihood of significant effects on the environment.</p> <p>The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p>
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Inspector: Ian Boyle

Date: 26th May 2025

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix C: Standard AA Screening Determination Test for Likely Significant Effects

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development is for the construction of a house, garage and domestic wastewater treatment system.
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site has direct frontage onto the L7113, which runs in an east – west direction before meeting the N83 National Route (Galway - Tuam Road) roughly 1km away. The site lies between two existing residential properties. The surrounding area is characterised by sporadic one-off housing, mostly comprising large, detached houses on spacious plots.</p> <p>The ground conditions of the site as observed during the physical inspection indicated poor drainage qualities with trial holes containing a significant amount of water.</p> <p>There is a high concentration of small clusters of residential properties in this rural node demonstrating a strong demand for rural one-off housing in this particular location.</p> <p>The Clare River lies the west of the site. It flows in an east to west direction towards Lough Corrib which is approximately 9.2km away. A small stream runs along the rear of the site, against its northern boundary, before meeting the Clare River roughly 1.2km downstream. The river flows directly into the Lough Corrib SAC which is roughly 750m to the southwest. Therefore, there is a direct hydrological connection between the subject site and this European Site.</p> <p>The site has a stated area of roughly 0.3ha.</p>

Screening report	N
Natura Impact Statement	N
Relevant submissions	None.
<p>The Planning Authority stated that they could not be satisfied given the wet ground conditions on site, together with the extremely high volume of water observed in the trial holes, and the extensive water logging across the site and vegetative indicators of poor drainage observed in parts of the site, that the subject proposal would not be prejudicial to public health, notwithstanding the proprietary effluent treatment system proposed as a design solution.</p> <p>They also raised concerns regarding disposal of surface water due to the naturally high-water table on the site and potential for direct run-off to the existing stream at the northern boundary of the site, which is hydrologically linked to the Lough Corrib SAC.</p> <p>I note that the application does not include an Appropriate Assessment (Stage 1) or Natura Impact Statement (Stage 2).</p>	
<p>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</p> <p>One European Site was identified as lying within the potential zone of influence for the proposed development. The site is listed in Table 1 below.</p> <p>I note that the Council Planner's Report on Page 3 includes a greater number of European sites under within the Zone of Influence of the application site.</p> <p>However, there is no ecological justification for such a wide consideration of sites, in my opinion, and I have only included the site which has an ecological connection or pathway in my screening determination below.</p> <p>As noted above, the application is not accompanied by Appropriate Assessment report.</p>	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Corrib SAC (Site Code: 000297)	The full list of conservation objectives are available on the NPWS website at https://www.npws.ie/protected-sites/sac/000297 [information accessed on 15 th May 2025.]	Roughly 750m to the southwest of the subject site at its nearest point.	The subject site is outside of the SAC boundary. Therefore, there is no potential for direct effects. However, a stream runs along the rear of the site before meeting the Clare River roughly 1.2km downstream. The Clare River flows directly into the Lough Corrib SAC roughly 750m to the southwest. Therefore, there is a direct hydrological connection between the subject site and this European Site.	Y

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

There is a stream running along the rear of the site. The Site Location Map shows that the red line boundary for the site encompasses this waterbody. The stream meets the Clare River at a location that is roughly 1.2km downstream. The Clare River then flows directly into the Lough Corrib SAC roughly 750m to the southwest. Parts of the Corrib SAC include raised bog and grassland habitats. There is a direct hydrological connection between the site and this European Site.

The European Site contains several Qualifying Interests (QI's) where the conservation objectives is to restore favourable conservation conditions. Many of the QI's are water-based in nature and therefore susceptible to deterioration in water quality. This impact may be significant

due to the direct nature and proximity of the ecological pathway that exists between the appeal site and the SAC and the sensitivity of the QI's to changes in water quality.

The Clare River itself is also identified as important for Atlantic Salmon [1106] as a spawning ground. This species is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II of the E.U. Habitats Directive. Lough Corrib is also a well-known fishing lake with a very good Trout (*Salmo trutta*) fishery.

In the event surface water or groundwater pollution were to occur during the operational stage, this could result in harmful discharge(s) directly entering the local minor watercourse which in turn ultimately discharges directly into the Lough Corrib SAC. This has potential to impact significantly upon the water quality of the SAC which could, in turn, affect the conservation objectives of the site. This is having regard to the characteristics and sensitivities of the QI's to changes in water quality, including runoff and seepage of effluent.

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Name (code) Lough Corrib SAC (Site Code: 000297)	Direct pathway to the SAC via a stream running along the rear of the site and the Clare River.	A source pathway receptor chain has been identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NA	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Yes	

Further Commentary / discussion (only where necessary)

The application is not accompanied by Appropriate Assessment report.

The proposed development also does not propose any design or standard practice measures which would reduce the risk of impacts to surface water and wastewater other than the proposed domestic wastewater treatment plan (DWWTP) being a proprietary tertiary system.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Yes.

It is not possible to exclude the possibility that proposed development alone would result significant effects on Lough Corrib SAC (Site Code: 000297) from effects associated with the poor drainage characteristics associated with the site for the purposes of providing effluent treatment and drainage via the proposed DDWTP and in having regard to the stream running along the northern part of the subject site which provides a direct hydrological link to Lough Corrib SAC, and the identified flood risk on the property. Therefore, the Board is of the opinion that that significant adverse impacts on the Natura network cannot be fully ruled out.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Therefore, on the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Lough Corrib SAC [Site Code: 000297] in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).'