An Coimisiún Pleanála

Inspector's Report

ABP-322143-25

Development	Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended for alterations to and change of use of a domestic garage, previously permitted under planning reference number 67042, to private residential use on revised site boundaries and using a revised site entrance. The replacement of an existing septic tank and percolation area with a foul sewer connection. A Remedial NIS was submitted with this application.
Location	Rinville West, Oranmore, Co. Galway
Planning Authority	Galway County Council
Applicant(s)	Gerard and Margaret Mc Nulty
Type of Application	Substitute Consent S177E, Planning & Development Act 2000 (as amended)
Prescribed Bodies	1. An Taisce 2. Development Applications Unit DoHLGH 3. Inland Fisheries Ireland 4. Heritage Council 5. Department of Agriculture, Food and Marine

Observers	None
Date of Site Inspection	20th January 2026
Inspector	Sarah O'Mahony

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1.0 Introduction

1.1. Context

1.1.1. This is a direct application to the Coimisiún under Section 177E of the Planning and Development Act, 2000 seeking to retain the change of use of a domestic garage to residential use. The applicant is the owner of the land and the application is accompanied by a Remedial Natura Impact Statement (rNIS).

1.1.2. By way of providing a background to the application I note the applicant twice sought retention and completion permission from Galway County Council under refs. 23/61551 and 24/60676 for this development, and in both cases the Local Authority invalidated the applications referring to Section 34(12) of the Planning and Development Act 2000, as amended, as the Planning Authority considered that if an application for permission had been made in respect of the development concerned before it was commenced, the application would have required an Appropriate Assessment. As retention permission was sought for a development requiring Appropriate Assessment, the Planning Authority is required under Section 34(12) to refuse to consider the application.

1.2. Pre-Application Consultations

1.2.1. As provided for under Section 177(1A) of the Planning and Development Act 2000, as amended, the applicant entered into discussions with An Coimisiún, which are detailed on File Reference ABP-320854-24.

1.3. Site Location and Description

1.3.1. The 0.13ha site is situated southwest of Oranmore in County Galway. It comprises a detached dormer structure with a floorspace of 72m^2 situated to the rear of a cluster of agricultural buildings and dwellings. These structures are situated to the north, east and south of the site while the remaining adjoining land at the west comprises a large field. This cluster is situated at the end of a cul-de-sac which also serves a large number of private dwellings and is accessed from the L4101 Maree Road at the southeast.

1.3.2. The site is situated in a small sheltered bay at the east of Galway bay. The coastline wraps around the aforementioned cluster of structures to the west, north and northeast and at its closest is situated 60m west of the site. This area of the coastline comprises Loughanore which is a tidal lough cut off from the main coastline by a private vehicular causeway. The entire waterbody and some adjacent terrestrial habitat forms part of Galway Bay Complex Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA) and also Inner Galway Bay Special Protection Area (SPA). There is a 60m separation distance between the site and these protected habitats at the west where the works occur however, as the site includes the vehicular access via an existing farmyard at the east, it is noted that these designated sites also wrap around the farmyard and at the location of the vehicular access there is a 10m separation distance between the subject site's red line boundary and the habitats.

1.3.3. Cregganna Marsh SPA is situated 700m southeast of the site.

1.3.4. The detached structure on the site is in use as a single dwelling. Access is provided from the cul-de-sac at the east via the farmyard to a small enclosed yard at the front (south) of the dwelling. An area of the field to the west has been annexed with post and wire fencing to form a private amenity space which is finished with grass and slopes down gently towards the coast at the north. At the time of the site inspection there was no formal physical boundary in place at the southwest adjacent to a new dwelling under construction.

1.3.5. Timber post markers were also in place illustrating the full extent of the site's red line boundary which extends slightly beyond the post and wire fence at the west and into the construction area around the new dwelling at the south, approximately 2-3m from the dwelling itself.

2.0 Planning History

- 24/60676: Retention permission sought for i) Alterations to and change of use of domestic garage, previously permitted under planning register reference number 67042, to private residential use on revised site boundaries and using a revised site entrance. ii) The replacement of an existing septic tank and percolation area with a foul sewer connection. Permission for: i) The construction of a landscaped earthen

bund at the Western and Northern ends of the site. ii) Provision of demountable flood barriers at two other locations on the site. This planning application is accompanied by a Natura Impact Statement (N.I.S.). Gross floor space of work to be retained: 71.40 sqm. Application declared **incomplete/invalid**.

- 23/61551: Retention permission sought for alterations and change of use of domestic garage, previously permitted under permission Ref 67042, to (a) private residential accommodation use, (b) to disconnect from septic tank and percolation system and connection to public sewer, and (c) to retain revised site boundaries and alternative entrance. Gross floor space of work to be retained: 71.17 sqm. Application declared **incomplete/invalid**.

- 21/2206: Planning permission sought to demolish existing farmhouse dwelling, alter site boundaries, raise site levels and to construct a replacement dwelling house, new domestic garage, and carry out all associated site development works. Gross floor space of proposed works: 206.63 sqm. Gross floor space of any demolition: 211.25 sqm. Permission **granted** on 19th August 2022.

    - Note - further information was sought to clarify the proposed use of the existing garage, when permission was sought to construct a new garage also. The response states the original garage, subject of this current substitute consent application, was converted during the covid crisis to provide temporary accommodation for the applicant's family. It was then used as a craft room and play room and the response set out an intention to later seek retention permission for the conversion and ongoing use.

- 69277: Planning permission **granted** to retain and complete domestic garage and boiler house.

- 67042: Planning permission **granted** to retain percolation area, reconstruction of garage and to construct first floor dressing room and front dormer window.

3.0 Development Description

3.1. Description of Development

3.1.1. The development description published on the statutory notices states Substitute Consent is sought for:

- Alterations to and change of use of domestic garage, previously permitted under planning register reference number 67042, to private residential use on revised site boundaries and using a revised site entrance.

- The replacement of an existing septic tank and percolation area with a foul sewer connection.

3.2. Documents that accompany this application

- Cover letter and planning statement with exceptional circumstances.
- Remedial Natural Impact Statement.
- Flood Risk Assessment

3.3. The applicant has also submitted a Section 37L application for further development at the same site for the following works:

- Construction of a landscaped earthen bund at the western and northern ends of the site.

- Provision of demountable flood barriers at two other locations on site.

That application was accompanied by a Natura Impact Statement (NIS) and a decision has not been reached at the time of preparing this report.

4.0 Applicant's Statement of Exceptional Circumstances

4.1. The applicant's cover letter states the following:

> "*The exceptional circumstances in this application are that the Planning Authority cannot deal with this application (as per its letter dated 31.07.24) and the preparation of a remedial NIS is required.*

The development carried out only consisted of the conversion of an existing garage structure to residential use. The existing septic tank was decommissioned, and the property was connected to the foul sewer. The effluent is collected in a pump sump provided by Molloy Environmental Systems. The effluent is pumped to a manhole and then it discharges via a gravity sewer, eventually linking up with the public sewer (refer to site layout). Therefore, the environmental risks have been eliminated.

Furthermore, the converted garage is contained on residentially zoned lands, whereon it is the policy of the Planning Authority to allow residential development.

It is the conclusion of the rNIS prepared by Moore Group Environmental Services on the basis of the best scientific knowledge available, that the possibility of any adverse effects on the integrity of the European Sites considered in the rNIS (having regard to their conservation objectives), on the integrity of any other European Sites (having regard to their conservation objectives) arising from the development, either alone or in combination with other plans and projects, can be excluded beyond reasonable scientific doubt.

The garage was modified for residential use in 2020 during the first lockdown of the Covid 19 pandemic, and it was occupied on the 20.08.2020. It was not possible to make a planning application during this period, so the Applicants didn't foresee any difficulty in regularising it at a later date, because of the small scale of the works, the zoning of the site and the connection to the foul sewer, thereby eliminating any adverse effects on the environment.

CONCLUSION

- *Regularisation of this development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive.*
- *There was a lengthy and permitted history of use of the garage on the site that predated the Habitats Directive.*

- *The work was carried out during the first lockdown of the covid pandemic, and it provided an outlet for the Applicant when 'normal' activities in society were prohibited.*
- *The ability to carry out an assessment of the environmental impacts of the development were not substantially impaired.*
- *The rNIS confirms that there were no adverse effects of the European Sites.*
- *The applicants complied with previous permissions granted and had not previously carried out unauthorised development.*
- *In view of the exceptional circumstances that were outlined above, and the background to this application, it is considered that substitute consent should be granted for this development*."

5.0 Policy Context

5.1. The EU Habitats Directive (92/43/EEC)

5.1.1. This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. European Communities (Birds and Natural Habitats) Regulations 2011

5.2.1. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate

assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. Planning and Development Act 2000, as amended

5.3.1. Part XA of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives. The basis for substitute consent is set out in Part XA of the Planning and Development Act, 2000, as amended, and section 177E references application for substitute consent. Section 177K (1A)(a) 'Decision of the Commission' states the following:

> *The Commission shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent by the Commission.*
>
> *(1J) In considering whether exceptional circumstances exist under subsection (1A)(a) the Commission shall have regard to the following matters:*
>
> *(a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;*
>
> *(b) whether the applicant had or could reasonably have had a belief that the development was not unauthorised;*
>
> *(c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;*
>
> *(d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;*
>
> *(e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated*
>
> *(f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;*
>
> *(g) such other matters as the Commission considers relevant.*

5.4. **National & Regional Policy & Guidelines**

- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2010)
- OPR Practice Note PN01 'Appropriate Assessment Screening for Development Management' (Office of the Planning Regulator, March 2021)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)
- OPR Practice Note PN02 'Environmental Impact Assessment Screening' (Office of the Planning Regulator, June 2021)
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government, 2009)

5.5. **County Development Plan**

5.5.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2022-2028 (referred to hereafter as the CDP).

5.5.2. The following policy objectives apply:

- MCC 1 Environmental Values of the Coast
- MCC 2 Protection of Coastal Habitats
- MCC 3 Protection of Coastal Areas
- NHB 2 European Sites and Appropriate Assessment
- NHB 3 Protection of European Sites
- FL 1 Flood Risk Management Guidelines
- FL 2 Flood Risk Management and Assessment
- FL 3 Principles of the Flood Risk Management Guidelines
- FL 8 Flood Risk Assessment for Planning Applications and CFRAMS
- FL 14 Flood Vulnerable Zones

- FL 15 Flood Risk Management
- FL 18 Inappropriate Development on Flood Zones

5.5.3. Chapter 15 sets out development management standards and DM Standard 28 is specifically referenced in the Planning Authority's Chief Executive report. DM Standard 28 refers to *Sight Distances Required for Access onto National, Regional, Local and Private Roads* and requires '*Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians*.'

5.5.4. DM Standard 48 refers to Coastal Management and Protection as follows:

The following requirements shall be considered and applied where appropriate with respect to coastal management and protection:

a) Natural Processes

Where possible, developments shall ensure that the landward migration of coastal features, such as dunes and marshes, shall be facilitated as these features form an integral part of the coastal system – both physically and ecologically - and provide protection against wave energy through dissipation.

b) Sea Level Change and Flooding

New developments shall generally comply with the following approach to coastal management for sea level change:

- *No new building or new development within 100m of 'soft' shoreline;*
- *No further reclamation of estuary land;*
- *No removal of sand dunes, beach sand or gravel;*
- *All coastal defence measures to be assessed for environmental impact.*

c) Coastal Edge

In addition to the above, a general minimum horizontal setback of 30m from the foreshore field boundary line, for new development, or along the 3m natural contour line, whichever is the greatest, is to be created. Any planning applications within this setback must demonstrate that any development would not be subject to potential

rising sea levels as a result of climate change including global warming, and must address any issues with regard to rising sea levels, with regard to the siting of any development. New developments should not restrict opportunities for providing public access to the foreshore. The coastal edge and coastal habitats shall be protected from destruction and degradation to ensure their roles as ecological corridors, coastal flooding and storm surge buffers are retained and enhanced, and developers proposing developments in the vicinity of this area will be requested to carry out an ecological plan that incorporates the natural vegetation and topography of the area.

All plans and projects shall have regard to and be in accordance with the provisions of the National Marine Planning Framework.

5.5.5. DM Standard 68 sets out guidance regarding flood zones and appropriate uses as well as a basis for compliance with the flood guidelines and the justification test. It also sets out a detailed list of Structural and Non-Structural Risk Management Measures in Flood Vulnerable Zones.

5.6. Metropolitan Area Strategic Plan and Oranmore Land Use Zoning Map

5.6.1. Volume 2 of the CDP provides settlement plans for the county and section 2.0 relates to the metropolitan area around the city. Section 2.12 specifically refers to Oranmore and a land use zoning map is provided therein. As detailed below in the submissions, the applicant and Planning Authority disagree as to whether the site is situated within the development boundary and therefore subject to a land use zoning objective or not.

5.6.2. The site is situated at the southwest of the zoned lands and due to drawing quality and clarity and the resolution of the drawing when zoomed in, I note that the red line depicting the development boundary traverses the majority of the site obscuring much of the open space at the north and west. It is clear that the agricultural sheds to the northeast are not zoned while the residential properties to the southeast are.

5.6.3. Having regard to the width of the red development boundary line and associated land ‘underneath’ it, I consider the spirit and intent of the map is that the adjacent zoning at the east extends as far as the outer western edge of the red line, unless there is a clear property boundary in place representing the interface. In this case,

there is a physical boundary previously in place which, in my view, likely formed the basis of the zoning interface.

5.6.4. Having interrogated the zoning map, application drawings and aerial imagery and also having inspected the site, I have come to the following conclusion regarding zoning at the site:

- The garage structure is illustrated and is situated on zoned lands as well as some of the private open space to the north and the vehicular access to the east. This zoning is for existing residential use and the accompanying objective is as follows:

> *'To protect and improve residential amenities of existing residential areas.*
>
> *To provide for house improvements alterations, extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.'*

- The remainder of the open space situated to the west and southwest of the garage structure is situated outside of the development boundary and therefore represents unzoned lands and is not subject to policies and objectives of the Oranmore Settlement Plan.

6.0 Submissions & Observations

6.1. Planning Authority Submissions

6.1.1. Galway County Council (GCC) – Chief Executive's Report

6.1.2. The report states the following:

'*The Planning Authority note that the application site subject to this report is partially located within the settlement boundary of Oranmore on Existing Residential zoned lands and partially on unzoned lands outside the settlement boundary. The Planning Authority note that applicants were previously granted permission for a replacement dwelling house and new domestic garage to the south and to alter site boundaries which ultimately isolated the building subject to this report from its parent dwelling site.*

While the Planning Authority are supportive of the delivery of residential units on appropriately zoned lands, in this instance the majority of the application site,

comprising the curtilage and boundaries of the residential unit to be retained, are located on unzoned lands outside the settlement boundary of Oranmore. The Planning Authority has concerns that this would set a precedent for piecemeal and haphazard development on unzoned lands to the detriment of the rural landscape.

Notwithstanding the above, the Planning Authority note insufficient information in respect of water supply and sightlines have been provided. Prior to a determination on this application, the Planning Authority advise that the Coimisiún should be satisfied that the development would be acceptable from a vehicular access and water supply prospective and in accordance with DM standards DM28.

Should the Coimisiún be minded to grant permission for this development the Planning Authority request that the following conditions would be considered.'

	Galway County Council	**Included/ excluded in Schedule of Conditions in the event of a grant of permission**
1	Development to be retained in accordance with plans and particulars lodged	To be included
2	Permitted development is limited to that advertised in public notices	Included in no. 1
3	Surface water to be disposed of within the site, only clean water to dispose to soakways and no impairment of existing drainage.	To be included
4	Sightlines	Not included as no works or permission is sought for the existing access arrangements which predate conversion of the structure to residential use.
5	Development contribution	To be included

Table 1: Recommended Conditions - In/Exclusion in Schedule of Conditions

6.1.3. **Internal Reports**

- None

6.2. **Prescribed Bodies**

6.2.1. Of the following prescribed bodies notified, no submissions have been received.

- An Taisce

- Development Applications Unit DoHLGH
- Inland Fisheries Ireland
- Heritage Council
- Department of Agriculture, Food and Marine

6.3. Observations

6.3.1. No observations were received.

6.4. Applicant's Response

6.4.1. The applicant states that the Planning Authority's statement suggesting the majority of the site is situated on unzoned land and could set a precedent for piecemeal and haphazard development is erroneous. The applicant submitted maps with the site superimposed demonstrating the extent of the zoned lands in relation to the site and contends these illustrate that the majority of the site is situated within the zoned lands. The response states that the area of the site situated outside the development boundary was added to the site to facilitate the installation of flood protection measures in the form of earthen bunds as recommended in the Flood Assessment Report. It submits that conversion of the garage, which is situated on residentially zoned land, to a residential use would not set a precedent for haphazard development on unzoned land.

6.4.2. In response to the Planning Authority's statement that insufficient information was submitted regarding water supply, the applicant stated that the site has benefited from a connection to the public water supply from the time it served as a domestic garage.

6.4.3. Responding to the Planning Authority's statement that insufficient information was submitted regarding sightlines, the applicant stated that the entrance to the site is situated on private lands. The public road terminates in a cul-de-sac at the beginning of a private yard and the existing entrance is from this yard.

6.4.4. The response suggests that all flooding and environmental concerns are addressed in the Flooding Report and the Natura Impact Report and eliminate any concern of increased flooding or environmental risks.

6.4.5. The issues raised in the Planning Authority's report should not prevent the granting of substitute consent in this instance.

7.0 Assessment

7.1. Introduction

7.1.1. This assessment will consider the two tests for Substitute Consent. The assessment of this application considers whether the applicant complies with 'Exceptional Circumstances', as required under S177K of the Planning and Development Act, 2000, as amended and the appropriateness of the development having regard to the proper planning and sustainable development of the area. The assessment of the rNIS can be found in Appendix 2 of this report.

7.2. Assessment of Exceptional Circumstances

7.2.1. Whether the Regularisation of the Development would Circumvent the Purpose and Objectives of the EIA Directive or the Habitats Directive

Having regard to the characteristics of the proposed development and of the surrounding area there is no real likelihood of significant effects on the environment arising from the proposed development, such as to require an environmental impact assessment (EIA). A screening exercise is also presented in Appendix 1. Carrying out the development did not, therefore, circumvent the purpose and objectives of the Environmental Impact Assessment Directive.

As regards whether regularisation of the development concerned would circumvent the purpose and objectives of the Habitats Directive, this application process requires the preparation of a remedial Natura Impact Statement (rNIS) as submitted with the application and which did not recommend the undertaking of any additional mitigation measures. In my opinion the carrying out the development did not circumvent the purpose and objectives of the Habitats Directive.

7.2.2. Basis for a Reasonable Belief that the Development was not Unauthorised

The applicant stated that the works were carried out during the Covid 19 pandemic in a period when, according to the applicant's submission, it was not possible to

make a planning application, and therefore the applicants didn't foresee any difficulty in regularising the works at a later date. The submission states that works were carried out in 2020 and first occupied on 20th August 2020.

This implies, in my view, an awareness that the development required planning permission at the time the works were carried out.

The Government introduced measures during the Covid-19 pandemic which extended statutory timelines for decisions on planning applications however no measures or legislation were introduced preventing any party from lodging a planning application during that period. The planning system was effectively still operating and applications were lodged as normal throughout the entire pandemic period, albeit with a delayed decision date. Any matters regarding travel restrictions or health concerns which may have prevented the applicant from preparing and lodging such an application are outside the scope of this assessment which has a narrow focus addressing planning matters only.

I conclude that the documentation submitted with this application demonstrates that the applicant was aware planning permission was required for the proposed development, prior to the works being carried out and therefore, in my view, exceptional circumstances have not been demonstrated or justified as to why this was not sought prior to the commencement of development.

7.2.3. **Whether the carrying out of an assessment of the environmental impacts of the development, for the purposed of EIA or AA and to provide for public participation has been substantially impaired**

In my opinion the ability to carry out an appropriate assessment and to provide for public participation in such an assessment has not been substantially impaired. The applicant advertised their intentions by the appropriate form of public notices and submitted them to An Coimisiún. No observations were received.

7.2.4. **Actual or Likely Effects on the Environment or Adverse Effects on the Integrity of a European Site Resulting from the Carrying Out or Continuation of the Development**

These matters are addressed above and conclude that impacts on the environment or adverse effects on the integrity of a European site did not occur.

7.2.5. **Extent to Which Such Effects can be Remediated**

No remedial mitigation measures are identified / required.

7.2.6. **Compliance with Previous Planning Permissions or if Carried Out Other Unauthorised Development**

I note the applicant has complied with previous planning permissions and I am not aware of any other unauthorised development on the site.

7.2.7. **Other Relevant Matters**

There are no other relevant matters of which I am aware requiring highlighting to An Coimisiún**.**

7.2.8. **Overall Conclusion on Exceptional Circumstances**

I note the submissions received from the applicant and the exceptional circumstances as they have been set out. Given the foregoing, I am not satisfied that the applicant has adequately demonstrated there are exceptional circumstances with specific reference to section 177K of the Planning and Development Act 2000, as amended.

7.3. **Proper Planning and Sustainable Development Matters**

7.3.1. As set out previously, the garage structure itself is situated in a residentially zoned area and in this regard I consider the change of its use from domestic storage to residential purposes is acceptable in principle. The zoning objective provides for infill residential development *in accordance with principles of good design and protection of existing residential amenity.* With a total floorspace of 71.4m^2, I consider the small scale of the 1-bed structure, its pitched roof and narrow plan design and overall simple form and layout all comply with principles of good design while also sustainably repurposing and utilising the existing structure on the site. Further, the positioning of windows means no overlooking occurs to the adjoining dwelling to the southwest. I therefore consider that the portion of the development which is situated on zoned lands complies with the relevant zoning objective.

7.3.2. Part of the private open space of the site is situated in unzoned lands and in this regard is not subject to a zoning objective. Its change of use from agricultural to ancillary residential purposes is also not, in my view, subject to rural housing policy or objectives as no dwelling was constructed on this area of the site.

7.3.3. Similar to the zoning map issue, there is a legibility matter at hand when it comes to determining the landscape character in which the site is situated. The Planning Authority's report suggests it is situated in the Special inner Galway Bay Coastal Landscape however I disagree and consider it is located in the urban environs landscape and therefore while it is located in a scenic coastal location, its sensitivity is lowered by nature of the surrounding built environment.

7.3.4. The site is situated between a permitted dwelling and a historical farmyard and therefore is a liminal space in the first instance and I consider the principle of changing the use from agricultural to private open space is acceptable as it does not alter the overall green and open space nature of the landscape or affect the existing character of the area. In this regard I am satisfied that the change of use from agricultural to domestic private open space is acceptable.

7.3.5. Access is provided from a laneway through the adjacent farmyard and requires a right turn in/out of the farmyard before accessing the public cul-de-sac. The cul-de-sac terminates outside the farmyard such that the interface between the entrance to the applicant's overall property and the public road comprises a layout which does not require any turning movements or conflicts with oncoming traffic. The interface is situated directly at the end of the cul-de-sac and in this regard, sight lines to either side of the entrance are irrelevant. No alteration is proposed to this historical access arrangement which is noted on historical OS mapping and I consider it is adequate to serve the development without leading to the creation of a traffic hazard

7.3.6. Notwithstanding this matter, and addressing the matter of sightlines from the entrance itself within the farmyard, I note there are farmyard walls situated 9m to the west with no oncoming public traffic in this direction. While to the east there is forward visibility for over 100m on the cul-de-sac. In this regard I consider the arrangement complies with DM standard 28.

7.3.7. The application seeks retention permission for removal of a septic tank and percolation area and connection to the public sewer. A letter was submitted from the

Management Company associated with the nearby 'Bramley' gated housing estate which consented to the applicants connection to the foul pipe and pumping station associated with that housing estate. The letter confirms that the pumping station in question has adequate capacity to cater for the development.

7.3.8. It is not clear where the wastewater is ultimately pumped to and treated. I note however that the application documents state the development has been connected to the public sewer, and I therefore am of the opinion that the Bramley estate pumping station likely discharges to the public sewer.

7.3.9. Having regard to the scale of the 1-bed unit and quantity of wastewater generated by same, I consider it likely that such volumes of wastewater could be adequately treated in the public system.

7.4. **Flooding**

7.4.1. I note the site is situated in coastal flood zones according to the OPW's National Indicative Flood Mapping and National Coastal Flood Hazard Mapping. Under the 'current scenario', the site is entirely situated within the low probability flood zone (0.1% Annual Exceedance Probability (AEP) / flood zone C) while the garage structure and vehicular access areas southeast of the site are also situated within the medium (0.5% AEP, flood zone B) probability area. In the mid-range scenario the site is entirely situated within the low and medium probability flood zones while the same southeast area of the site, including the structure itself is situated in the high probability zone (10% AEP /flood zone A). The entire site is situated in all three flood zones in the high-end future scenario. Both future scenarios represent circa the end of the 21st century and their difference is the rate of sea level increase over that time with the mid-range allowing for a 0.5m increase and the high end allowing for a 1m increase.

7.4.2. I note the mapping states '*The flood extent and depth maps are suitable for the assessment of flood risk at a strategic scale only, and should not be used to assess the flood hazard and risk associated with individual properties or point locations, or to replace a detailed flood risk assessment*.' In this regard I also note that the applicant submitted a Flood Risk Assessment which assessed an array of gauged tide level readings around Galway Bay as well as relevant coastal flooding studies. It

concludes that the finished floor level of the garage structure is situated above the present day 200year flood zone (0.5% AEP, flood zone B) but that the structure is vulnerable to future sea level rises of 0.5m which represents the mid-range scenario and therefore flood defences will be required to provide protection for this scenario.

7.4.3. The aforementioned Section 37L application seeks permission for flood defences in the form of landscaped berms and demountable barriers however this substitute consent application seeks permission to retain the change of use of the site and should be assessed on its own merits, regardless of the proposed works.

7.4.4. I note the provisions of the 'Planning System and Flood Risk Management - Guidelines for Planning Authorities' (hereafter referred to as the flood guidelines) and table 3.1 therein which categorises residential uses as highly vulnerable development. The site is situated within flood zone B for the current scenario and zone A for the future scenario and therefore section 5.28 of the guidelines applies which refers to minor developments including the change of use of existing buildings. It states:

> '*Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal*.'

7.4.5. The FRA submitted with this application does not explicitly address the above matters however I am satisfied that the development would not *have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.* The application seeks to change the use of a permitted structure only and the development did not comprise any physical works external to the existing building beyond the aforementioned wastewater connections. Further, in terms of the health and safety of residents of the proposal, as the finished floor level is above the predicted flood extent for the current day scenario, I am satisfied that residents are protected from immediate risks of flooding. In this context, I am

satisfied that granting retention permission for the continued use of the building for residential purposes is acceptable in terms of flood risk and that the appropriate mechanism in this circumstance to seek permission for future flood defence works is via the Section 37L application.

7.4.6. I note the provisions of Development Management standard 48 and part (b) which generally requires no new development to be situated within 100m of the 'soft' shoreline. I am of the view that this refers to the construction or erection of new structures and therefore notwithstanding the 'generally' aspect of the objective, I consider this prohibition does not refer to existing structures. Part (c) requires developments within 30m of the foreshore field boundary line, for new development, or along the 3m natural contour line, to demonstrate resilience against rising sea levels and climate change. The garage structure is situated outside of both these thresholds and therefore part (c) is not applicable.

7.4.7. DM Standard 68 requires specific details to be provided in planning applications for development in flood zones such as finished floor levels, predicted flood levels, internal floor layout etc. The application has provided this information. It has not however provided information regarding construction methodologies and access and egress during flood events. I consider this to be acceptable however having regard to the retention nature of the application where no new works are proposed to the existing structure or access arrangements.

7.4.8. I note that the 37L application seeks to address future risks as a result of climate change and increasing sea levels and this is assessed in the Inspector's Report for that application.

7.5. Environmental Impact Assessment Screening Determination

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

7.6. **Appropriate Assessment**

Screening Determination

7.6.1. The Planning Authority's report sets out all European sites situated within 15km of the site but does not specify the zone of influence or specify which sites were screened in for Appropriate Assessment in order to rationalise the requirement for the applicant to obtain substitute consent.

7.6.2. The applicant's remedial Natura Impact Statement includes a screening exercise which identified 3no. sites as being situated in the zone of influence based on the source-pathway-receptor (SPR) model: Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142). The rNIS however continued to assess the impacts of the development on the former 2no. sites and did not specify why, Cregganna Marsh SPA (004142) was screened out. Having regard to the SPR conceptual model, I consider Cregganna Marsh SPA (004142) should be screened in. Please refer to the screening exercise set out in Appendix 2 and a summary of the determination below.

Appropriate Assessment Conclusion

7.6.3. Following an examination, analysis and evaluation of the rNIS all associated material submitted, I consider that adverse effects on site integrity of Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) 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.

7.6.4. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Brownfield nature of the site
- Limited scale and duration of groundworks and construction.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition.

7.7. **Screening Determination for WFD**

7.7.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

7.7.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

7.7.3. The development removed an on-site wastewater treatment system and connected the structure instead to the public system which reduced risks to both surface water and groundwater receptors.

7.7.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.

7.7.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

8.0 **Recommendation**

8.1.1. Having regard to the foregoing, I recommend that Substitute Consent should be REFUSED for the reasons and considerations set out below:

1. The Applicant’s submission refers to the Covid-19 pandemic period and alleged closure of the planning system prohibiting the lodgement of applications however it is noted that no legislative restrictions were put in place preventing the preparation and lodgement of a planning application during the time the works were carried out. Further, the applicant’s submission states ‘the applicants didn’t foresee any difficulty regularising it at a later date’ demonstrating an awareness that planning permission was required for the development now seeking substitute consent.

Section 177K(1A)(a) of the Planning and Development Act 2000, as amended, states 'The Commission shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent.'

Having regard to the applicant's awareness of a requirement to obtain planning permission prior to the commencement of the works, it is considered the applicant has not demonstrated that exceptional circumstances exist justifying the grant of substitute consent to retain the development.

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.

Sarah O'Mahony
Planning Inspector
16th September 2026

9.0 Draft Board Order

In coming to its decision, the Commission had regard to the following:

(a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA and the provisions of the Planning and Development Regulations, 2001, as amended;

(b) the applicable national, regional and local planning policy provisions including the Galway County Development Plan 2022-2028 and the Oranmore settlement plan.

(c) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the remedial Natura Impact Statement and the conservation objectives, qualifying interests and special conservation interests for Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142);

(d) the report and the opinion of the planning authority;

(e) the planning history of the site, as detailed in the Inspectors Report;

(f) the report and recommendation of the Planning Inspector;

(g) the planning history of the area;

(h) the nature, scale, characteristics and location of the development, and

(i) the case put forward by the applicant as part of the subject substitute consent application that exceptional circumstances do not exist that would justify the grant for substitute consent.

Appropriate Assessment: Stage 1

The Coimisiún considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Coimisiún noted that the development is not directly connected with or necessary for the management of any European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Coimisiún agreed with the screening exercise carried out by the Inspector and that an appropriate assessment of the implications

of the development for the 3no. identified European Sites required further investigation

The Coimisiún concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of connections to and distance between the application site and the European sites, they could be screened out from further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on these European Sites or any other European Site in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

Appropriate Assessment: Stage 2

The Coimisiún considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the development for Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142)

The Coimisiún considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment as well as the report of the Inspector. In completing the assessment, the Coimisiún considered the likely direct and indirect impacts arising from the development both individually or in combination with other plans or projects, the absence of proposed mitigation measures and the Conservation Objectives for these European Sites. In completing the Appropriate Assessment, the Coimisiún accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Coimisiún was satisfied that the development did not adversely affect the integrity of Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) or any other European Site in view of the sites' Conservation Objectives.

Likely Effects on the Environment/Environmental Impact Assessment

There are no likely effects on the environment and the requirement for EIA was screened out. The reasoned conclusion on environmental effects was up to date at the time of the decision.

Appendix 1 – Remedial EIA Pre-Screening

Case Reference	ACP-322143-25
Proposed Development Summary	Retention conversion of garage to dwelling, removal of septic tank and percolation area and connection to public sewer.
Development Address	Rinville West, Oranmore, Co. Galway
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, no further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	~~**EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**~~
☒ 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?	
☐ 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.**~~

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	~~**EIA is Mandatory. No Screening Required**~~
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Class 10 (b)(i) Construction of more than 500 dwelling units. Threshold = 500 units. Proposal = 1no. unit
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 ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Form 2 - EIA Preliminary Examination

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).	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by	The development is situated in a peri-urban area and does not comprise the construction of any new structures. It is in close proximity

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).	to existing residential properties which is not exceptional in the context of surrounding development. The development is situated 10-50m from 2no. European sites however impacts to same are addressed in the Appropriate Assessment. The development is removed from sensitive built heritage features and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its limited construction works and absence of new structures, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 2 – Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retain change of use from ancillary domestic storage to residential use including removal of on-site wastewater treatment system and connection to the public foul network.
Brief description of development site characteristics and potential impact mechanisms	The 0.13ha site is situated on zoned and unzoned lands, southwest of Oranmore in a coastal area adjacent to a farmyard and some detached dwellings. It comprises a detached 71.4m^2 structure in use as a dwelling. The site is situated in a small sheltered bay at the east of Galway bay. The coastline wraps around the aforementioned cluster of structures to the west, north and northeast and at its closest is situated 60m west of the site. This area of the coastline comprises Loughanore which is a tidal lough cut off from the main coastline by a private vehicular causeway. The entire waterbody and some adjacent terrestrial habitat forms part of Galway Bay Complex Special Area of Conservation (SAC) and Inner Galway Bay Special Protection Area (SPA). There is a 60m separation distance between the site and these protected habitats at the west where the works occur. As the site includes the vehicular access via an existing farmyard, it is noted that these designated sites wrap around the farmyard and at the location of the vehicular access there is a 10m separation distance between the subject site's red line boundary and the habitats. Cregganna Marsh SPA is situated 700m southeast of the site. The site is connected to the public mains and wastewater networks.

	The structure is situated in flood zone B while some of the external open space to the northwest is in flood zone C according to the current flood scenarios.
Screening report	Yes, within rNIS
Natura Impact Statement	Yes
Relevant submissions	GCC Chief Executive's report sets out all European sites situated within 15km of the subject site but does not specifically screen any in or suggest any connectivity.

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

The rNIS states the site is not connected to any European Sites other than those outlined below and I agree having regard to the SPR model. Following this identification however, I note the rNIS subsequently screens out Cregganna Marsh but does not specify why, and similarly does not specify why the remaining 2no. were screened in.

Lastly, the rNIS was prepared based on a previous edition of the Conservation Objectives associated with Galway Bay Complex SAC. This has since been updated with a revised version published in June 2026. This assessment has regard to the updated version.

European Site (code)	**Qualifying interests**	**Distance from proposed development**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
Inner Galway Bay SPA (004031)	20no. specific waterbird species as well as general 'wetland and waterbirds'	10m	Yes both in terms of surface water run off and human presence and disturbance.	Yes

	Conservation Objectives 01st May 2013			
Galway Bay Complex SAC (000268)	15no. aquatic, wetland and terrestrial habitats Otter Harbour Seal Conservation Objectives 19th June 2026	10m	Yes both in terms of surface water run off and human presence and disturbance.	Yes
Cregganna Marsh SPA (004142)	Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Conservation Objectives 27th January 2023	700m	Yes – the site comprises suitable grazing grassland situated within the foraging range of Greenland White-fronted Goose.	Yes

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

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
Site 1: Inner Galway Bay SPA (004031)	**Impacts**	**Effects**
Black-throated Diver Great Northern Diver Cormorant	**Direct:** None	Disturbance/displacement Changes to habitat quality/ function

Grey Heron Light-bellied Brent Goose Teal Red-breasted Merganser Ringed Plover Golden Plover Lapwing Dunlin Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Common Gull Common Tern Wigeon Sandwich Tern Wetland and Waterbirds	**Indirect:** Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation during works related to the wastewater collection system. Negative impacts from human presence and activity.	Habitat loss/ modification Possibility of significant effects cannot be ruled out without further analysis and assessment.
Likelihood of significant effects from proposed development (alone): Uncertain		
If no, is there likelihood of significant effects occurring in combination with other plans or projects? Uncertain		
Possibility of significant effects (alone) in view of the conservation objectives of the site? Uncertain		
Site 2: Galway Bay Complex SAC (000268)	**Impacts**	**Effects**
Mudflats and sandflats not covered by seawater at low tide. Coastal lagoons.	**Direct:** None	Disturbance/displacement Changes to habitat quality/ function Habitat loss/ modification

Large shallow inlets and bays. Reefs. Perennial vegetation of stony banks. Vegetated sea cliffs of the Atlantic and Baltic coasts. Salicornia and other annuals colonising mud and sand. Atlantic salt meadows. Mediterranean salt meadows. Juniperus communis formations on heaths or calcareous grasslands. Semi-natural dry grasslands and scrubland facies on calcareous substrates. Calcareous fens with Cladium mariscus and species of the Caricion davallianae. Alkaline fens. Limestone pavements. Otter. Harbour Seal.	**Indirect:** Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation during works related to the wastewater collection system. Negative impacts from human presence and activity.	Possibility of significant effects cannot be ruled out without further analysis and assessment
Likelihood of significant effects from proposed development (alone): Uncertain		
If no, is there likelihood of significant effects occurring in combination with other plans or projects? Uncertain		

Possibility of significant effects (alone) in view of the conservation objectives of the site? Uncertain		
Site 3: Cregganna Marsh SPA (004142)	**Impacts**	**Effects**
Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	**Direct:** None **Indirect:** Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation during works related to the wastewater collection system. Negative impacts from human presence and activity.	Disturbance/displacement Changes to habitat quality/ function Habitat loss/ modification Possibility of significant effects cannot be ruled out without further analysis and assessment.
If no, is there likelihood of significant effects occurring in combination with other plans or projects? Uncertain		
Possibility of significant effects (alone) in view of the conservation objectives of the site? Uncertain		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site.		
It is not possible to exclude the possibility that proposed development alone would result significant effects on Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) from effects associated with construction or from disturbance. 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.		

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

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 Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) in view of the sites conservation objectives. Appropriate Assessment is required.

++This determination is based on:

- The location of the site in close proximity to 3no. European Sites and the potential for construction and operational stage pathways and sources of pollutants.
- The qualifying interests and conservation objectives of those sites.
- The scale of the development and characteristics as well as the extent of works undertaken.

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development to retain change of use from ancillary domestic storage to residential use including removal of on-site wastewater treatment system and connection to the public foul network, and all associated development in view of the relevant conservation objectives of Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Moore Group Environmental Services,
- The conservation objectives prepared by NPWS 01st May 2013 for Inner Galway Bay SPA (004031), 19th June 2026 for Galway Bay Complex SAC (000268) and 27th January 2023 for Cregganna Marsh SPA (004142).

Submissions/observations

None

NAME OF SAC/ SPA (SITE CODE): Inner Galway Bay SPA (004031)

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

- Water quality degradation (construction and operation)
- Disturbance of mobile species

Please note the first column below only lists qualifying interests likely to be affected. All other QIs have been screened out due to reasons listed below:

- Works were undertaken in the summertime, were small in scale and likely resulted in little water contamination and therefore have little likelihood in affecting overwintering birds.
- Unsuitable habitat on the site for foraging or breeding including absence of wetland habitat on the site.

Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**
Grey Heron (Ardea cinerea) [A028]	Maintain favourable conservation condition.	No likely adverse impact to population or distribution of grey heron due to the small scale and duration of the works as well as the location of the site adjacent to an existing farmyard and dwellings.	rNIS Section 3.5 No mitigation measures specified as '*The likelihood of impacts on hydrologically connected environmental sites is low. The possibility of a flood*
Teal (Anas crecca) [A052]	Maintain favourable conservation condition.	No likely adverse impact to population or distribution of teal due to the small scale and duration of the works as well as the location	

		of the site adjacent to an existing farmyard and dwellings.	*event affecting the Project site is addressed in a separate application for the construction of defence berms*.'
Red-breasted Merganser (Mergus serrator) [A069]	Maintain favourable conservation condition.	No likely adverse impact to population or distribution of Red-breasted Merganser due to the small scale and duration of the works as well as the location of the site adjacent to an existing farmyard and dwellings.	
Ringed Plover (Charadrius hiaticula) [A137]	Maintain favourable conservation condition.	No likely adverse impact to population or distribution of ringed plover due to the small scale and duration of the works as well as the location of the site adjacent to an existing farmyard and dwellings.	
Lapwing (Vanellus vanellus) [A142]	Maintain favourable conservation condition.	No likely adverse impact to population or distribution of lapwing due to the small scale and duration of the works as well as the location of the site adjacent to an existing farmyard and dwellings.	
Dunlin (Calidris alpina) [A149]	Maintain favourable conservation condition.	No likely adverse impact to population or distribution of dunlin due to the small scale and duration of the works as well as the location of the site adjacent to an existing farmyard and dwellings.	
Black-headed Gull (Chroicocephalus ridibundus) [A179]	Maintain favourable conservation condition.	No likely adverse impact to population or distribution of Black-headed Gull due to the small scale and duration of the works as well	

		as the location of the site adjacent to an existing farmyard and dwellings.	
Common Tern (Sterna hirundo) [A193]	Maintain favourable conservation condition.	No likely adverse impact to breeding population abundance, productivity rate or distribution of common tern due to the small scale and duration of the works as well as the location of the site adjacent to an existing farmyard and dwellings. No likely impact to availability of prey biomass, no barriers to connectivity and no likely disturbance at a level which could have adversely affected the breeding population.	

NAME OF SAC/ SPA (SITE CODE): Galway Bay Complex SAC (000268)

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

- Water quality degradation (construction and operation)
- Disturbance of mobile species

Please note the first column below only lists qualifying interests likely to be affected. All other QIs have been screened out due to reasons listed below:

- Absence of habitat within the site
- Scale and duration of works meant any potential water contamination was low in volume, of short duration and highly unlikely to result in notable deterioration of water quality such that any hydrologically connected habitats via surface water runoff would have been negatively impacted.

Qualifying Interest features	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**

likely to be affected			
Coastal lagoons [1150]	Maintain favourable conservation condition.	The development would not have affected the habitat's area, distribution, hydrological regime, depth of macrophyte colonisation, plant or animal species or introduced any barriers. It may have had potential to impact the salinity regime and water quality however the small scale and duration of the works with limited groundworks and excavations means there was little likelihood that any surface water run off would have impacted these attributes. Similarly, it is not likely that the works contributed to any increase in negative indicator species.	rNIS Section 3.5 No mitigation measures specified as '*The likelihood of impacts on hydrologically connected environmental sites is low. The possibility of a flood event affecting the Project site is addressed in a separate application for the construction of defence berms*.'
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Maintain favourable conservation condition.	None. The development would not have affected the habitat's area, distribution, physical structure, vegetation structure or vegetation composition.	
Lutra lutra (Otter) [1355]	Maintain favourable conservation condition.	The development would not have affected the species distribution, extent of marine or freshwater habitats, couching sites and holts, the availability of fish biomass and	

		did not introduce barriers to connectivity. It may have had potential to impact the extent of terrestrial habitat during the construction phase however the small scale and duration of the works with limited groundworks and excavations means any such disturbance was temporary and of short duration.	
NAME OF SAC/ SPA (SITE CODE): Cregganna Marsh SPA (004142) Summary of Key issues that could give rise to adverse effects: • Water quality degradation (construction and operation) • Disturbance of mobile species			
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**
Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	Restore favourable conservation condition	None The scale of the site together with its mono-species domestic grass finish and its location adjacent to an existing farmyard and cluster of dwellings means the site is unlikely to provide any meaningful foraging or roosting potential for the geese. Therefore no habitat loss or fragmentation will occur. There is a sufficient separation distance between the subject site	rNIS Section 3.5 No mitigation measures specified as '*The likelihood of impacts on hydrologically connected environmental sites is low. The possibility of a flood event affecting the Project site is addressed in a*

		and SPA itself to prevent disturbance to the geese.	*separate application for the construction of defence berms*.'

The Water Framework Directive requires monitoring of water quality and a classification of their status in terms of water quality as well as their risk of failing to meet the terms of the directive. Monitoring is carried out in cycles and I note the following data regarding the Oranmore Bay (transitional waterbody):

2013-2018: High status

2016-2021: Unassigned status

2019-2024: Moderate status

In this regard the status of the adjacent waterbody in Oranmore has deteriorated since works were undertaken. However, having regard to the scale of the waterbody together with the scale of works undertaken, it is considered unlikely that the development was responsible for that deterioration.

In-combination effects

Plans and projects that could act in combination with the proposed development are detailed and assessed.

The list of plans and projects was prepared in March 2025 and I have assessed plans and projects published/announced in the interim as part of this assessment.

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 these European sites.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct or indirect impacts are predicted and I am satisfied that site specific mitigation measures are not required.

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 of the Conservation objectives of the Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of Sections 177U and 177V was required.

Following an examination, analysis and evaluation of the rNIS all associated material submitted, I consider that adverse effects on site integrity of Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) 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.
- Brownfield nature of the site
- Limited scale and duration of groundworks and construction.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition.

Inspector: _____ Date: _____

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