An Coimisiún Pleanála

Inspector's Report

ABP-322145-25

Development	Development of land pursuant to Section 37L of the Planning and Development Act 2000, as amended for 1. Construction of a landscaped earthen bund at the western and northern ends of the site. 2.Provision of demountable flood barriers at two other locations on site. This application is accompanied by a Natura Impact Statement (NIS).
Location	Rinville West, Oranmore, Co. Galway
Planning Authority	Galway County Council
Applicant(s)	Gerard and Margaret Mc Nulty
Type of Application	Section 37L, 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 37L of the Planning and Development Act, 2000, as amended, for proposed flood relief works at a domestic property. The applicant is the owner of the land and the application is accompanied by a Natura Impact Statement (NIS). The development description is set out in more detail later in this report however in summary, the applicant is seeking permission for flood defence works to protect a structure currently in residential use.

1.1.2. As provided for under Section 177(1A) of the Planning and Development Act 2000, as amended, (hereafter referred to as the PDA) the applicant entered into discussions with the Coimisiún, which are detailed on File Reference ABP-320854-24. The applicant subsequently lodged an application for Substitute Consent with a remedial Natura Impact Statement (rNIS) under Section 177E of the PDA. Ref. ABP-322143-25 applies and at the time of writing this report, that Substitute Consent application has not been decided upon. That application seeks retention permission 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.

1.2. Site Location and Description

1.2.1. The 0.13ha site is situated southwest of Oranmore in County Galway. It comprises a detached dormer structure 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 east.

1.2.2. 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. As the site includes the vehicular access via an existing farmyard, it is noted that the habitats 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.

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

1.2.4. The 71.4m^2 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 in a lawn type of grassland 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.

1.2.5. 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.

    - 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 on going 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 on the statutory notices states that permission is sought for:

- 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 the site.

3.2. Documents that accompany this application

- Cover letter and planning statement
- Natural Impact Statement.
- Flood Risk Assessment

4.0 Policy Context

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

4.1.1. 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).

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

4.2.1. 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.

4.3. Planning and Development Act 2000, as amended

4.3.1. Part 37L of the Planning and Development Act 2000, as amended, states:

(1) Where a person applies for substitute consent in respect of development of land under *section 177E*, the person may also apply for permission for the following:

(*a*) development of the land the subject of the application for substitute consent;

(*b*) development of land adjoining the land the subject of the application for substitute consent.

(2) An application for permission under *subsection (1)* shall be made to the Board.

(3) Development referred to in *paragraph (a)* or *(b)* of *subsection (1)* is not required to be the same as, or of the same description as, the development the subject of the application for substitute consent referred to in that subsection.

(4) Subject to *subsections (5)* and *(6)*, an application under *subsection (1)* may be made not later than 6 weeks after the date of receipt by the Board of the application for substitute consent.

….

(8) Where the Board receives an application for permission under *subsection (1)*, it shall consider that application in conjunction with the application for substitute consent referred to in *subsection (1)* and it shall be the duty of the Board to take all such steps as are open to it to ensure that the decision under *section 37N* is made as soon as possible after the decision on the application for substitute consent.

4.4. 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)

4.5. County Development Plan

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

4.5.2. 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
- LCM 4 Open/Unfenced Landscape

4.5.3. Chapter 15 sets out development management standards and 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.

4.5.1. 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.

4.6. Galway Metropolitan Area Oranmore Land Use Zoning Map

4.6.1. 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.

4.6.2. 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.

4.6.3. 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 extends as far as the outer 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 in situ which, in my view, likely formed the basis of the zoning interface.

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

- The garage structure is illustrated and situated on zoned lands as well as some of the private open space to the north and vehicular access arrangements. 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.

5.0 Submissions & Observations

5.1. Planning Authority Submissions

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

5.1.2. The report states the following:

'*The proposed development of a landscaped earthen Bund at the western and northern ends of the site and provision of demountable flood barriers are associated with, and intrinsically linked, to the residential use of the garage, as per the concurrent Section 177E application also before An Coimisiún.*

As such, the Planning Authority note that the proposed berm subject to this application is located on unzoned agricultural lands outside a settlement boundary. The Planning Authority note that the demountable flood barriers are located within the settlement boundary of Oranmore on Existing Residential zoned land. As per Galway County Council report on ABP-322143-25, the Planning Authority have concerns that, if granted, further development to facilitate a residential unit, could set a precedent for piecemeal and haphazard residential development on unzoned lands to the detriment of the rural landscape.

The Planning Authority note the contents of the Flood Risk Assessment prepared by Hydo Environmental Ltd as part of the application. As the competent authority, An Coimisiún should be satisfied the FRA is in accordance with the Planning System and Flood Risk Management - Guidelines for Planning Authorities (Nov 09). Where An Coimisiún Pleanála are minded to grant permission, then they should be satisfied that the development would not have a significant effect on the receiving environment.

The site is located within the designated Special Inner Galway Bay Coastal Landscape Area. The proposed earthen bunds are located at the western and northern ends of the site and would be 1.5 m in height, enclosing a 6.13 m high building. The demountable flood barriers would be located between existing farm and residential sheds/garage. The Planning Authority are satisfied that the proposed bund could assimilate into the receiving environment and note the demountable flood barriers would typically only be in place during times of flood. The Planning Authority

would advise that should An Coimisiún grant the permission then a condition requiring native species only to be planted. The Planning Authority do not consider that the proposed bunds, with native planting, would negatively impact on the receiving environment.

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	Landscaping	To be included.
4	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.

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

5.1.3. **Internal Reports**

- None

5.2. **Prescribed Bodies**

5.2.1. 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

5.3. Observations

5.3.1. No observations were received.

5.4. Applicant's Response

5.4.1. None

6.0 Assessment

6.1. Introduction

6.1.1. Planning permission is sought to erect a 1.5m high earthen berm around the north and western perimeter of the site in order to protect the existing structure from rising sea levels and associated flooding. The berm would be 63m in length and 3.5m wide at the base, providing a 45degree angle and landscaped with unspecified 'low growing shrubs'. Permission is also sought to erect two demountable flood barriers between existing walls and farm buildings within the farmyard to the east and northeast.

6.1.2. The works are all proposed to protect the existing garage structure which is in use as a dwelling. The accompanying substitute consent application is seeking permission to retain this use however as set out in the Inspector's report, exceptional circumstances have not been demonstrated and therefore a recommendation to refuse permission was made.

6.1.3. Table 3.1 of the 'Planning System and Flood Risk Management' Guidelines for Planning Authorities' (hereafter referred to as the guidelines) sets out categories of developments based on their vulnerability and compatibility with water. Dwellings are classed as highly vulnerable uses. Domestic garages are not specified however I consider it aligns with the 'less vulnerable' uses.

6.1.4. 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 southeast of the site is 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 (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.

6.1.5. 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.

6.1.6. The report concluded that the proposed flood defences would protect against the effects of both tidal surges and wave action in the event of a 1m increase in sea levels. It also clarifies that due to the short 3hr duration of tidal surges, no pumping would be required to remove surface water behind the flood defences. Lastly, it states that the proposed works '*will not impact tidal flooding elsewhere either through displacement of tidal waters or interference through diversion of the flowing tidal waters*.'

6.1.7. As the garage structure is situated in flood zone A for the mid-range future scenario, the guidelines state that the development must pass the justification test for both highly and less vulnerable land uses. However, the development seeking permission in this application comprises earthen berms and temporary barriers which in and of themselves are water compatible developments, seeking to prevent flood impacts, and therefore do not require the justification test.

6.1.8. I consider the principle of development is acceptable in both scenarios for full time residential use or ancillary domestic storage use, depending on the decision made on the substitute consent application. At 63m in length and 1.5m in height, I consider the scale of the development is low and therefore is justified even for the lower order use as a domestic garage.

6.1.9. I note the Planning Authority's reservations that '*if granted, further development to facilitate a residential unit, could set a precedent for piecemeal and haphazard residential development on unzoned lands to the detriment of the rural landscape'.* I do not agree that permitting the flood defence works on their own, as this permission seeks, would facilitate the residential unit or set a precedent for piecemeal and haphazard residential development. I consider the flood defence works are a stand alone development proposed to protect the garage structure, regardless of which use is permitted and, in my opinion, the only potential to set a precedent lies with the change of use proposal set out in the substitute consent application.

6.1.10. The CDP sets out development management standards regarding development in flood zones. DM Standard 48 refers to 'Coastal Management and Protection' and I note part (b) states '*New developments shall generally comply with the following approach to coastal management for sea level change* …' Two of those provisions comprise a prohibition on new development within 100m of the 'soft' shoreline and a requirement that new coastal flood defences must be assessed for 'environmental impact'. The proposed berm would be situated c.70m east of the soft shoreline in Loughanore tidal lough and is therefore within the 100m threshold, however I note use of the term 'generally' and therefore am of the opinion it is not an absolute threshold. In my view, the 70m setback is acceptable as it is along an existing field boundary and also ties into existing buildings, minimising the need for such defences.

6.1.11. The application does not provide any specific assessment of environmental impact however I note how the Flood Risk Assessment concludes there will be no increased flood risk to adjacent properties as a result of the proposed works, while the Natura Impact Statement concludes that the possibility of adverse effects on the conservation objectives of European sites as a result of the proposed development can be ruled out. Notwithstanding lacunae in the NIS and the overall recommendation below to refuse permission, I am satisfied that no additional

environmental assessments are required to be undertaken in the context of the scale of, and location of, the proposed works. I will assess landscape impacts later in this report.

6.1.12. Part (c) of DM 48 requires 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'.* It also requires that new developments do not restrict public access to the foreshore and that the coastal edge and habitats are protected. The development meets these requirements.

6.1.13. Lastly, part (c) also requires *'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'.* This has not been submitted with the application and I note the Planning Authority's report recommends *a condition requiring native species only to be planted*. I agree with this approach and consider a suitable condition should be attached, in the event of a grant of permission.

6.1.14. 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 however these additional criteria refer to built structures rather than the proposed earthen berms and therefore are not relevant to the development in my view.

6.1.15. The Planning Authority's report states the site is situated in the *Special Inner Galway Bay Coastal Landscape Area*. Section 8.13.1 of the CDP however provides a list of landscape character types which are illustrated on map 8.1 and in my opinion the site is situated in the Oranmore urban environs landscape and not the special Inner Galway Coastal landscape. The resolution of map 8.1 is not clear when zoomed in at higher scales to identify the exact location of the site, field boundaries and local roads etc. however I note that the site is situated to the south of a small inlet or sheltered bay and the grey colour illustrating urban landscapes extends to the southwest of this inlet/bay and therefore encapsulates the subject site. Urban areas are not provided with a class of sensitivity in the CDP.

6.1.16. The site is not visible from any scenic route or protected view.

6.1.17. Policy Objective LCM 4 seeks to '*Preserve the status of traditionally open/unfenced landscape. The merits of each case will be considered in light of landscape sensitivity ratings and views of amenity importance*.' The development would introduce a new physical barrier to the landscape however the landscape in this area is not traditionally open or unfenced, such as in upland areas or over bogs, as the site is associated with agriculture and adjacent to a farmyard. Such a setting means the site would likely have historically been subject to multiple fencelines and enclosures and therefore I do not consider the development would contravene policy objective LCM 4.

6.1.18. I note the Planning Authority's opinion that the *bund could assimilate into the receiving environment* and I agree with this conclusion. The scale of the proposed bund together with the contours of the immediate area, and the backdrop of a farmyard and dwellings means the area has a high degree of absorption and would not negatively impact the coastal setting, albeit a coastal setting with an urban character.

6.2. Environmental Impact Assessment Screening Determination

6.2.1. 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.

6.3. Appropriate Assessment

6.3.1. Screening Determination

6.3.2. 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.

6.3.3. The applicant's 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 NIS 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.

6.3.4. **Appropriate Assessment Conclusion**

6.3.5. 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.

6.3.6. Following an examination, analysis and evaluation of the NIS 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) cannot be excluded in view of the conservation objectives of these sites as and that reasonable scientific doubt remains as to the absence of such effects.

6.3.7. My conclusion is based on the following:

- No assessment of the proposed berm's construction methodology and associated surface water protection measures are set out in the NIS, particularly during flood events and in the interim period prior to establishment of unspecified 'low level shrubs'.
- No identification of the source of fill material to construct the berm or biosecurity measures associated with same to prevent the introduction of invasive species.
- No recommended timing of works having regard to the seasonality of species which may use the site or adjacent European sites.

6.4. **Screening Determination for WFD**

6.4.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

6.4.2. The receiving water environment has been identified and assessed, see Table 1 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures recommended by condition, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

6.4.3. Any residual risks are capable of being addressed through mitigation conditions requiring the implementation of a Construction Environmental Management Plan (CEMP).

6.4.4. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

7.0 **Recommendation**

7.1.1. Having regard to the foregoing, I recommend that permission should be refused for the reasons and considerations set out below:

8.0 **Reasons and Considerations**

1. Having regard to the information provided with the application, including the Natura Impact Statement, a description of the proposed development and works completed to date, the Commission noted that the Natura Impact Statement does not consider or assess impacts associated with construction and operation

of the proposed earthen berm. The Commission cannot be satisfied beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of Inner Galway Bay SPA (004031), Galway Bay Complex SAC (000268) and Cregganna Marsh SPA (004142) in view of the Site's conservation objectives and qualifying interests.

The proposed development therefore would contravene policy objectives NHB 2 and NHB 3 of the Galway County Development Plan 2022-2028 and would 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.

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 Oranmore Settlement Plan;

(c) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the 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; and

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

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.

The Coimisiún considered 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 other European sites were designated and in the absence of connections to and distance between the application site and those 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 not adequate to allow the carrying out of an Appropriate Assessment. In completing the assessment, the Coimisiún considered the likely direct and indirect impacts arising from the proposed 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 not satisfied that the development would 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 due to lacunae in the assessment including an absence of assessment on the impacts of the construction stage of the proposed berm, as well as identification of control measures for the imported material to construct the berm.

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-322145-25
Proposed Development Summary	1. Construction of a landscaped earthen bund at the western and northern ends of the site. 2.Provision of demountable flood barriers at two other locations on site.
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 (f)(ii) Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares or where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.
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 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).	The development is situated in a peri-urban area adjacent to a farmyard and residential properties which is not exceptional in the context of surrounding development. The development is situated 10m 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	1. Construction of a landscaped earthen bund at the western and northern ends of the site. 2.Provision of demountable flood barriers at two other locations on site.
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 71.4m2 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 NIS
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 NIS 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 NIS 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 or 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 Grey Heron	**Direct:** None **Indirect:**	Disturbance/displacement Changes to habitat quality/ function Habitat loss/ modification

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	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. Introduction of contaminated material or invasive species in fill material to construct berm.	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 **Indirect:**	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.	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. Negative impact from change of grassland habitat to berm landscaped with native shrubs.	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 proposed in close proximity to the European sites.

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

Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**
Black-throated Diver (Gavia arctica) [A002]	Maintain favourable conservation condition.	Disturbance/ displacement impacting distribution and breeding sites. Changes to habitat quality/ function impacting distribution, population trends and availability of prey biomass. Introduction of invasive species impacting breeding sites and availability of prey biomass.	NIS Section 3.5 No mitigation measures specified as '*The likelihood of impacts on hydrologically connected environmental sites is low and will be avoided by the construction of defence berms*.'
Great Northern Diver (Gavia immer) [A003]			
Cormorant (Phalacrocorax carbo) [A017]			
Grey Heron (Ardea cinerea) [A028]			
Light-bellied Brent Goose (Branta bernicla hrota) [A046]			
Teal (Anas crecca) [A052]			

Red-breasted Merganser (Mergus serrator) [A069]			
Ringed Plover (Charadrius hiaticula) [A137]			
Golden Plover (Pluvialis apricaria) [A140]			
Lapwing (Vanellus vanellus) [A142]			
Dunlin (Calidris alpina) [A149]			
Bar-tailed Godwit (Limosa lapponica) [A157]			
Curlew (Numenius arquata) [A160]			
Redshank (Tringa totanus) [A162]			
Turnstone (Arenaria interpres) [A169]			
Black-headed Gull (Chroicocephalus ridibundus) [A179]			
Common Gull (Larus canus) [A182]			

Common Tern (Sterna hirundo) [A193]			
Wigeon (Mareca penelope) [A855]			
Sandwich Tern (Thalasseus sandvicensis) [A863]			
Wetland and Waterbirds [A999]			
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 the absence of that habitat within the site or an absence of connectivity to same due to significant dilution and marine buffering in the event a contaminant entered the water.			
Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**
Mudflats and sandflats not covered by seawater at low tide [1140]	Maintain favourable conservation condition.	Sedimentation and potential contamination from construction phase run off or flooding events could change habitat area and community distribution.	NIS Section 3.5 No mitigation measures specified as '*The likelihood of impacts on hydrologically connected*
Coastal lagoons [1150]		Sedimentation and potential contamination from construction phase run off or flooding events	

		could change habitat area, salinity, the hydrological regime and water quality. Introduction of fill/berm construction soil could introduce invasive species, impacting on typical plant and animal species.	*environmental sites is low and will be avoided by the construction of defence berms*.'
Reefs [1170]		Sedimentation and potential contamination from construction phase run off or flooding events could change biological composition and subsequently the distribution, habitat area, community extent and community structure.	
Lutra lutra (Otter) [1355]		Sedimentation and potential contamination from construction phase run off or flooding events could change fish biomass availability. The berm could introduce barrier to connectivity and reduce the extent of terrestrial habitat affecting distribution. Introduction of invasive species may impact availability of prey biomass.	
Phoca vitulina (Harbour Seal) [1365]		Disturbance could impact use of suitable habitat in adjacent lough and general coast.	
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	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 and SPA itself to prevent disturbance to the night roost of the geese.	NIS Section 3.5 No mitigation measures specified as '*The likelihood of impacts on hydrologically connected environmental sites is low and will be avoided by the construction of defence berms*.'

The NIS does not assess the impact of the construction phase of the berm itself and therefore no subsequent water quality protection measures are specified during the earth works. No reference is made to water quality impacts from an exposed earthen berm before unspecified 'low level shrubs' are planted and established. In this regard, the impact of flood events and erosion from wave action on the conservation objectives of the European sites following construction of the berm is also not identified.

No reference is made to the source material to construct the berm or biosecurity measures to prevent the introduction of invasive species. Disturbance to mobile species during the construction phase is not assessed nor any recommendations made regarding the timing of works. Creation of a barrier to connectivity has not been assessed.

In this regard, I consider key aspects of the proposed development have not been assessed.

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-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 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 not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No assessment of the construction stage was undertaken or identification of site specific mitigation measures to prevent siltation or the introduction of contaminants to the adjacent waterbody.

Reasonable scientific doubt

I am satisfied that reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development may 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 cannot be excluded and 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 NIS 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) cannot be excluded in view of the conservation objectives of these sites as and that reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- No assessment of the proposed berm's construction methodology and associated surface water protection measures are set out in the NIS, particularly during flood events and in the interim period prior to establishment of unspecified 'low level shrubs'.
- No identification of the source of fill material to construct the berm or biosecurity measures associated with same to prevent the introduction of invasive species.
- No recommended timing of works having regard to the seasonality of species which may use the site or adjacent European sites.

Appendix 3 – Water Framework Directive Screening

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-322145-25	**Townland, address**	Rinville West, Oranmore, Co. Galway
Description of project		1. Construction of a landscaped earthen bund at the western and northern ends of the site. 2.Provision of demountable flood barriers at two other locations on site	
Brief site description, relevant to WFD Screening,		The site is situated in a small, sheltered bay at the east of Galway Bay. The coastline wraps around a cluster of dwellings and a farmyard 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. As the site includes the vehicular access via an existing farmyard, it is noted	

	that the habitats 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. The site slopes gently down from south to north towards the coast and is situated in a flood zone.
Proposed surface water details	None specified/proposed.
Proposed water supply source & available capacity	N/A
Proposed wastewater treatment system & available capacity, other issues	N/A
Others?	A Flood Risk Assessment was submitted with this application.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective**	**Identified pressures on that water body**	**Pathway linkage to water feature**	**Mitigation Measures proposed**	**Is mitigation sufficient? Will there be any residual impacts?**

Oranmore Bay Transitional waterbody	IE_WE_170_0500	Moderate	Not at risk	None	Surface water run off during construction stage and prior to establishment of landscaping.	None	A condition should be attached requiring the preparation of a CEMP Detailing: 1. Surface water management measures during construction. 2. Surface water management measures during flood events following completion of construction and prior to the establishment of stabilising planting. 3. Identification of the source of fill material to create the berm.

Clarinbridge groundwater body	IE_WE_G_0008	Good	Not at risk	None	Surface water run off during construction stage and prior to establishment of landscaping.	None	As above.

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