



An
Bord
Pleanála

Inspector's Report ABP-322147-25

Development	Permission to construct a single storey dwelling, domestic gym/store, new access, installation of a wastewater treatment system, percolation area and all associated site works. An NIS accompanied this planning application		
Location	Marshallspark, Oranmore, County Galway.		
Planning Authority Ref.	2560017		
Applicant(s)	Linda Dooley Burke.		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party	Appellant	Philip Turner
Observer(s)	None		
Date of Site Inspection	18/04/25	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

The site is located approximately three-kilometre south-west of the settlement of Oranmore and is accessed off a local county road, the L-8104. The county road links the urban settlement of Oranmore with Galway Bay. Site levels within the appeal site rise gradually from the adjoining public road and the levels fall again further north-west and west of the appeal site towards Galway Bay. The subject lands are currently in pasture and form part of a larger land holding which appears to be divided up into a number of individual sites, all fronting onto the L8104. A considerable number of individual rural dwellings have been constructed further east and west of the appeal site and on the opposite side of the L8104. The landscape falls off in a northerly, southerly and westerly direction, all towards Galway Bay. Site boundaries comprise post and wire fencing along the eastern and western boundaries, a natural stone wall along the roadside (southern) boundary and open to the field along the rear (northern) northern site boundaries.

2.0 Proposed development.

Permission is sought for the construction of a single storey dwelling house, domestic gym/store, new domestic access, wastewater treatment system, percolation area and all associated site works.

A letter of consent from the landowner, Sinead Millard has been submitted consenting to the applicant making a planning application on her lands.

3.0 PA's Decision:

The Planning Authority granted planning permission for the development subject to eighteen planning conditions. The pertinent planning conditions are considered to include the following:

Condition number 2: Enurement agreement

Condition number 3; Implementation and oversight of mitigation measures included in Natura Impact Statement (NIS).

Condition number 4; External finishes.

Condition number 5: Sightlines

Condition number 6: Surface water management.

Condition number 8: Watermains connection agreement with Uisce Eireann.

Condition number 9: Construction, installation and maintenance of wastewater treatment system and percolation area.

Condition number 11-Submit a revised Site Layout whereby the domestic gym/store is not located forward of the dwelling house footprint on site.

Condition number 13: Use of domestic gym/store shall not be for habitable or commercial purposes.

Condition number 14; Construction hours.

Condition numbers 15 and 16: Boundary treatment.

Condition number 17: landscaping,

Condition number 18: Development contributions.

4.0 Planning History.

Appeal site:

Planning reference 22/61298-In 2022 the current applicant was refused planning permission for the development on a dwelling, domestic garage, wastewater treatment system and percolation area and all associated site works. The two reasons for refusal related to: 1) Failure to comply with the rural housing policy objective RH2 as set out within the Galway County Development Plan 2022 and 2) that the development located within a class 3 landscape classified as 'special' with a high sensitivity to change, that the development would fail to integrate effectively and contravene policy objectives LCM 2 and 3 and RH9 within the Development Plan.

On adjacent lands

Planning reference 23/61105-In 2023, Elise Fleming was granted planning permission for the development on a dwelling, domestic garage, wastewater treatment system and, percolation area and all associated site works.

Planning reference 24/61750-In 2024, Sinead Dooley sought planning permission for the development on a dwelling, domestic garage, wastewater treatment system and, percolation area and all associated site works. Further information response

submitted to PA and a decision is due from the PA no later than the 1st of July 2025.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022. It has regard to national and regional policies in respect of rural housing and access to national routes. Chapters 4, 6 and 15 of the plan refer.

Relevant policies and objectives include:

Policy Objective RC 2 Rural Housing in the Countryside

To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3.

Policy Objective RH 1 Rural Housing Zone 1 (Rural Metropolitan Area).

It is policy objective to facilitate rural housing in this Rural Metropolitan Area subject to the following criteria:

Those applicants with long standing demonstrable economic and/or social Rural Links* or Need to the area through existing and immediate family ties, seeking to develop their first home on the existing family holdings or lands.

OR

Applicants who have long standing demonstrable economic and/or social Rural Links or Need* to the area, i.e., who have grown up in the area, schooled in the area or who have spent a substantial, continuous part of their lives in the area and/or have or have had, immediate family connections in the area e.g., son or daughter of longstanding residents of the area seeking to develop their first home within the Rural Metropolitan Area.

Applicants will be requested to establish a substantiated Rural Housing Need* and only this category of persons will be allowed to construct a dwelling on a greenfield site in these areas. To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area

OR

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case-by-case basis. An enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

Definitions applied above:

*** Rural Links**

For the purpose of the above is defined as a person who has strong demonstrable economic or social links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life. To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

*** Substantiated Rural Housing Need:**

Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a strong demonstrable economic or social need for a dwelling for their own permanent occupation. In addition, the applicants will also have to demonstrate their rural links as outlined above.

Policy Objective RH 13 Rural Housing Capacity-Development will be limited where there is a history of development through the sale or development of sites, notwithstanding an applicant's compliance with local need criteria.

Policy Objective WS4: Requirement to liaise with Irish Water regarding water supply.

Policy Objective WS8: Proliferation of individual wastewater treatment systems.

Policy Objective WW6: Private wastewater treatment systems.

Policy Objective WW 10 - Surface Water Drainage.

Chapter 8: Tourism and landscape

Section 8.1.3.2 Landscape sensitivity

Class 3-Special. High sensitivity to change

Policy objectives LCM 1-3-preservation of landscape character, landscape sensitivity ratings and classification.

Chapter 15: Development Management Standards

DM Standard 6: Domestic Garages (Urban and Rural)

DM Standard 7: Rural Housing

DM Standard 8: Site Selection and Design

DM Standard 28: Sight distances

DM Standard 38: Effluent Treatment Plants

Appendix 5: Design Guidelines for the single rural house

5.2 Natural Heritage Designations

The closest designated European Sites are the Galway Bay Complex SAC (site code 000268) and the Galway Bay SPA (site code 004031) both of which are located approximately 100 metres west of the appeal site.

6.0 The Appeal

6.1 Third Party Appeal.

- The development would constitute an incongruous element on the shoreline of Galway Bay in an area classified as a Class 3 special landscape designation in an area of high amenity and designated scenic viewpoint and would detract from the visual and recreational amenities of the area.
- The Planning Authority previously refused planning permission on this site.
- The sites' elevated position, overlooking Galway Bay makes it unsuitable for development as it could not be effectively integrated within this rural landscape.
- The granting of planning permission in this instance would establish an undesirable precedent and be contrary to policy objectives LCM;s 1-3 regarding landscape sensitivities and classification, DM Standard 46 and Rural housing objectives RH3 and RH9.
- Development at this location would be visually obtrusive and could not be assimilated into the landscape when combined with other proposals for development on adjacent sites, presently under consideration by the Planning authority.
- The scale, design and mass of the dwelling contains many suburban characteristics and provides for inappropriate fenestration detailing and would conflict with the requirements of RH9 and the Design Guidelines for single rural housing.
- The applicant has not demonstrated that the development would not materially and adversely affect the character, heritage value and setting of the adjacent Natura 2000 sites.
- Having regard to the nature, scale and location of the development, the hydrological connectivity to Galway Bay, that adverse impacts on the integrity of the Galway Bay European sites in view of their conservation objectives cannot be excluded.

- If permitted, the development would materially contravene policy objectives NHB1-3 and DM standard 50 within the current Galway County Development Plan relating to natural heritage and biodiversity, European sites and Appropriate Assessment and protection of European sites and conducting environmental assessments.
- The appeal site forms part of a larger land holding on which a consortium is seeking to develop a number of large suburban style houses. This is evident from the number of trial holes that have been excavated within the lands adjoining the appeal site and a number of planning applications submitted to Galway County Council relating to these lands.
- The land holding has been divided up into six separate sites all fronting onto the local county road and exacerbating the pattern of ribbon development in this area, which would have a detrimental effect on the vista over Galway Bay.
- The adjoining public roadway onto which the appeal site would access is narrow where two cars cannot pass simultaneously. Any increase in traffic volume would generate significant safety risks, increase the potential for accidents and/or obstruct emergency vehicle access.
- The proposed development in combination with other permitted/planned development could lead to traffic congestion and an increased likelihood of traffic collisions.
- The narrow access road does not allow vehicles to safely park or turn around. The development would result in an endangerment of public safety and increased traffic hazard.
- The proposals would not provide for a safe, well managed access to the development as required under the Development Plan provisions.
- The development should not be permitted without significant improvements being made to the local road infrastructure.

- The applicant has not substantiated a rural housing need in accordance with the Rural housing policy objectives as set out within the current Galway County Development Plan 2022-28.
- The development would contribute to the encroachment of random rural housing and militate against the preservation of the rural environment and lead to an increased demand for the provision of public services and infrastructure and be contrary to the proper planning and sustainable development of the area.

6.2 P.A. Response

- None.

6.3 Applicant response to the content of the third-party appeal submission

- There is no designation of scenic viewpoints in this area as per the current Galway County Development Plan and neither is the site located along the Galway Bay scenic route.
- The dwelling design which the Planning Authority have permitted is of a high standard and is respectful of the immediate and wider landscape.
- Development to serve local needs can be permitted within landscape sensitivity class 3 areas.
- The Planning Authority assesses and determines an individual's links/ties to an area and not any third party.
- Policy objective RH3 does not apply in this instance, as the appeal site is not located within a structurally weak area.
- A design statement was submitted as part of the planning documentation and accepted by the Planning Authority who approved the development.
- The proposal will assimilate effectively within the local landscape and will not be incongruous as stated by the appellant.
- The dwelling design does not incorporate 'many suburban characteristics and the design was informed by the provisions of the Design guidelines for Single Rural Housing as included within the Development Plan.
- A Site Characterisation Report and a Natura Impact Statement were prepared and submitted by suitably qualified professionals and concluded

that no adverse impacts upon the surrounding area nor the Galway Bay Natura 2000 sites would arise.

- These reports were accepted by the Planning Authority and the Board are urged to accept the content of these reports rather than unsubstantiated claims by the appellant.
- The site and the adjacent lands have been purchased by a number of local residents to facilitate the development of homes for local family members.
- The road access has been assessed by the Roads Engineers within Galway County Council and adequate sightlines will be provided at the access point. Access is onto a local road with many opportunities to pass at the existing entrance points along its length.
- Seeking that the Board uphold the decision of the Planning Authority to grant planning permission for the development as proposed.

7.0 EIA Screening – *Please see Appendix 1 at end of this report.* Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening – Please see appendices 2 and 3 at the end of this report. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Galway Bay Complex SAC and the inner Galway Bay SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of Section 177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account the water quality issues raised within the third-party appeal submission and the comments received by the Planning Authority from the department, of Housing, Local Government and

Heritage, I consider that adverse effects on site integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA 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.

9.0-WFD Screening- The subject site is located approximately 100 metres east of Galway Bay.

The development would comprise the construction of a dwelling, domestic gym/store, new access, proprietary wastewater treatment system and percolation area. The detailed development description is set out within Section 2.0 of my report above.

Impact upon water quality within the adjacent Galway Bay was raised as one of the issues within the third party appeal.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the relatively minor nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the development proposed
- The location removed from the nearest waterbody.

Conclusion

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

2.0 Assessment

2.1. Introduction

2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The Planning Authority were satisfied that the issues of Design and layout and wastewater disposal had been satisfactorily addressed. The issues can be dealt with under the following heading:

- Rural Housing Policy
- Other Matters

2.2. Rural Housing Policy

2.2.1. The grounds of appeal are based around and strongly reference the applicants' rural housing need. The applicant has submitted documentation to support her need to reside at this location and this includes the fact that she was born and reared in the area, at Kilcaimin, Oranmore, which is located approximately 1.15 kilometres (as the crow flies) and approximately 2.2 kilometres (by road) south-east of the appeal site, that she attended the local primary and secondary schools in Oranmore and is currently socially linked to the Oranmore area by virtue of her involvement in the local church.

2.2.2. The applicant states that the site would be purchased from a third party, Sinead Millard, stated to be one of the landowners of the lands incorporating the appeal site and the adjoining lands (stated to comprise 1.2 hectares) subject to a grant of planning permission being forthcoming. The Planning Authority set out that the site is located in Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure – GCTPS - Outside Rural Metropolitan Area Zone 1) and Rural Housing Zone 4 (Landscape sensitivity Classification 2, 3 and 4) where an applicant must meet the criteria for a genuine rural generated housing need when seeking to develop a dwelling house. The Planning Authority were satisfied that the applicant had adequately demonstrated compliance with Policy Objective RH 2 as set out in the current Galway County Development Plan 2022-28. Consequently, permission was granted on this basis.

- 2.2.3. I consider that the appeal site is located within the Rural Housing Zone 1 (Rural Metropolitan Area), given the location of the site, being approximately three kilometres west of the Metropolitan settlement of Oranmore. Therefore, the criteria set out under Policy objective RH1 would apply.
- 2.2.4. Policy Objective RH1 of the Galway County Development Plan 2022-2028 (which applies to the Rural Metropolitan Area) sets out specific circumstances where applicants may be considered eligible to construct a new dwelling in a rural area. Depending upon which criteria of Objective RH1, an application for a dwelling is being made, applicants are required to demonstrate their 'Rural Links' and/or 'Substantiated Rural Housing Need' to the area.
- 2.2.5. The applicant has submitted a variety of planning documentation including a birth certificate stating her place of birth as at Kilcaimin, Oranmore, land registry documentation and folio mapping of the family home at Kilcaimin and detailing her previous addresses at Rinvile, Garraun Lower adjacent to Oranmore and more recently at Roscarn, stated to be due to the unavailability of rental accommodation on the Oranmore area. The applicant has also submitted documentation from the schools she attended in Oranmore and the secondary school in Oranmore where her daughter is currently attending and a letter of support from the local church. It is stated that the family do not own any land, other than the plot of the family home and her sister has constructed a dwelling on that same plot of land at Kilcaimin. The applicant states that she does not have access to any family lands. At present the applicant is stated to be renting in Roscarn, as her previous rental property in Oranmore was being sold and that she could not source another rental property in Oranmore area due to the shortage of available rental properties in that area.
- 2.2.6. From the information submitted in the response to the third party appeal submission, the applicant states that a plot of 1.2 hectares was bought at Marshallspark by a number of local residents in order to provide sites for family members. It is apparent from the planning history in the area that one dwelling has already been permitted by Galway County Council on this modest holding and that another proposal for a single rural dwelling is presently under consideration by the PA (decision due no later than the 1/7/25). The current proposals, if permitted could represent a third dwelling on this modest 1.2 hectare holding and with potential for additional rural housing development, given the number of trial holes that have been excavated within the

holding. The applicant states that the appeal site would be acquired from Sinead Millard subject to the granting of planning permission. It is unclear from the documentation submitted, if there is any familial relationship between the applicant and the landowner. Thus, the applicant is considered to have familial and social links to the Oranmore area would appear to have demonstrated a housing need in accordance with policy objective RH1 within the Development Plan, given that she states that she does not own a dwelling, states that she never obtained planning permission for a dwelling. Based on the information submitted, I am satisfied that the applicant is originally from the Oranmore area (Kilcaimin) and has resided in the Oranmore area for in excess of seven years consecutively and the original family home is within eight kilometres of the appeal site, it being approximately 1.15 kilometres south-east of the appeal site. Therefore, I consider the applicant would comply with the requirements as set out within Rural Policy Objective RH 1 in relation to local housing needs.

2.2.7. However, Policy objective RH2 also sets out that assessment of housing need is subject to the usual development management criteria. These criteria would also include the extent of development already developed and permitted in an area. The Marshallspark area is identified as a Rural area within the Metropolitan Area of Galway and, therefore, under strong urban influence as per the current Galway Development Plan. I note from the GIS mapping within the area and as was evident from my site inspection there are a considerable number of rural unserviced dwellings constructed in the Marshallspark area, approximately twenty seven dwellings within a 450 metre radius of the appeal site and at least one other dwelling permitted immediately (and another under consideration by the PA) immediately adjacent to the appeal site. Notwithstanding the fact that the applicant has demonstrated a local housing need, the Marshallspark area is designated as an area under strong urban influence and is also located within the Galway County Transport and Planning Area (GCTPA) and is under severe pressure from the development of rural dwellings.

2.2.8. The Marshallpark area is unserviced, in that there is no foul sewer infrastructure nor surface water sewer infrastructure available. The urbanised pattern of development in this area is evident from the GIS mapping and permitting an additional unserviced rural dwelling would exacerbate this situation. One individual rural dwelling has

already been permitted on this modest holding comprising 1.2 hectares and another is presently under consideration by the Planning Authority. By permitting an additional dwelling would add to the pressure for the provision of additional infrastructure and facilities within this rural area, which is located approximately three kilometres west of the metropolitan urban settlement of Oranmore.

- 2.2.9. Policy objective RH13 is in relation to Rural housing Capacity which sets out that landholdings in Zones 1,2,4 and 5 will be limited where there is a history of development through the sale or development of sites, notwithstanding an applicant's compliance with local need criteria. There are approximately twenty seven dwellings within a 450 metre radius of the appeal site. Given the Marsallspark area, including the current appeal site and the adjacent land holding from which the appeal site is part of, has been subject to considerable pressure from the development of unserviced rural dwellings, its location within Rural housing Zone 1, that development should be limited in accordance with policy objective RH13. I consider that the current proposal, given the recent planning history associated with the holding from which the appeal site has been taken from, through the sale of individual sites would contribute to the unsustainable pattern of random rural housing in this rural unserviced area within the Galway Metropolitan area.
- 2.2.10. I consider that the development would contribute to the provision of random rural housing in an unserviced area that has experienced significant development pressure. The proposals would be contrary to the RH13 policy objective of the Development Plan regarding Rural Housing capacity and would exacerbate the pattern of urban type development within this rural area outside of, but in proximity to the Metropolitan Settlement of Oranmore. I also note that a consolidation of development is encouraged as per specific policies CS2-compact growth, CS3 population growth and CS5 population within tiers, within the current Galway Development Plan. Marshallspark is not identified as either a Rural Village or Settlement within the current Development Plan and, therefore, its consolidation and development is not specified as an objective within the Plan.
- 2.2.11. The applicant is proposing to build a new dwelling house on a greenfield site which is not within her ownership, Therefore, the development would be considered to be speculative in nature. The Development Plan facilitates people to reside in the designated Rural villages and settlements specifically identified within the Core

Strategy within the current Development Plan and would include the settlement of Oranmore. The appeal site is located approximately three kilometres removed from the Metropolitan settlement of Oranmore and, therefore, would not contribute towards the consolidation of this settlement. I consider that the development would contribute to and exacerbate the pattern of suburban type development in the area. The development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

- 2.2.12. In conclusion, I consider the current proposals would be contrary to the provisions of policy objective RH13 of the Development Plan. I note the location of the appeal site within the Rural Metropolitan Area, a rural area under strong urban pressure and that to permit an additional rural unserviced dwelling would exacerbate this pattern of random rural housing within an area classified as being under strong urban influence within the current Galway Development Plan and therefore, would be contrary to the proper planning and sustainable development of the area.

2.3. Other Matters

Access and Traffic

- 2.3.1. Access to the appeal site is proposed via a proposed new domestic entrance which is to be developed on the northern side of road frontage along the L-8104 at a point where the sixty kilometre per hour speed control zone applies. The Site layout Plan submitted to the Planning Authority includes details of sightlines, whereby unobstructed visibility of 70 metres in each direction would be achieved at the entrance point from a set back (x-distance) of 2.4 metres. The applicant has demonstrated sightlines where the design speed of the road is taken to be 50 kilometres per hour, as per DM Standard 28 and Table 15.3 of the current County Development Plan 2022-28, which I consider is reasonable for this category of local road.
- 2.3.2. However, in order to achieve the sightlines, sections of the roadside boundary to the north-west and south-east of the appeal site, and outside of the re line application site boundary would be required to be set back. A letter of consent from the adjoining landowner to the south-west has been submitted, consenting to same. In addition, the entirety of the existing roadside walled natural stone boundary within the appeal site boundary would also be removed. In total., existing natural dry stone wall

boundary over a distance in excess of one hundred metres would be removed and set back in order to achieve sightline standards. I consider that the removal of this extent of roadside natural dry stone walled boundary is excessive and would erode the local rural character and built heritage of this area. The applicant has not submitted consent from the landowner to the north-east, consenting to the setting back of the existing dry stone walled boundary.

- 2.3.3. The access is onto a local county road, with a carriageway width of approximately 3.5 metres. It is not possible for two vehicles to pass simultaneously along the road at this particular point. The development would result in the generation of additional traffic during the construction phase and subsequently in terms of traffic coming and going to and from the site, visitors, service utilities, bin and oil lorries, household deliveries etc. Although, this may not form a reason for refusal, I would have concerns regarding the capacity of the local road network at this point to cater for the additional traffic that the development would generate.
- 2.3.4. Wastewater- The applicant's Site Characterisation Report identifies that the appeal site overlies regionally Important Aquifer where the bedrock vulnerability is classified as 'moderate'. A Ground Protection Response of R1 is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice) and subject to condition: (1) That there is a minimum depth of 2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) A secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter).
- 2.3.5. The trial hole depth recorded in the Site Characterisation Report (SCR) was three metres. It is stated within the SCR that bedrock was not encountered within the trial hole at 1.2 metres. No water was observed in the trial hole. The soil conditions found in the trial hole were stated as comprising loamy and crumbly uncompacted brown clays at a depth of 0.1/0.2 metres and silt gravel at a depth of 0.6/0.7 metres. Percolation test holes were dug and pre-soaked. An average T value of 28 was recorded. A P test was carried out and an average P value of 12.08 was recorded. The EPA CoP 2021 (Table 6.4) confirms that the site is suitable for a secondary treatment system and soil polishing filter discharging to groundwater.

- 2.3.6. The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of wastewater, it is proposed to install a packaged wastewater treatment system and polishing filter.
- 2.3.7. The Planning Officer did not raise any particular issues in relation to the wastewater treatment proposals. I would concur that the proposals as submitted within the Site Characterisation Report, and I am satisfied that the proposed wastewater treatment system as submitted would accord with the EPA code of Practice in relation to wastewater treatment systems serving single houses in the Countryside.
- 2.3.8. However, given the considerable extent of suburban type development that has occurred in the Marshallspark area and its location within the Rural Metropolitan Area which is under strong urban influence, that to permit an additional individual wastewater treatment system in this area, given its proximity to the shoreline of Galway Bay, being approximately 100 metres to the west of the appeal site and given that ground levels fall towards Galway Bay, there is potential that the development could adversely impact groundwater by virtue of the cumulative impact of existing and permitted development in this area.
- 2.3.9. The appeal site is underlain by a regionally important aquifer with a moderate vulnerability rating. The EPA Code of Practice allows for a density of up to six treatment systems per hectare. There are already approximately twenty seven dwellings within a 450-metre radius of the appeal site. Therefore, there is a possibility that the underlying aquifer could be adversely impacted upon, given the high concentration of individual treatment systems in this area where there is no public sewer network. However, the NIS submitted by the applicant has addressed the matter of groundwater protection and provides details of mitigation to protect the underlying aquifer in the event that planning permission is granted by the Board.
- 2.3.10. Water Supply – The applicant is proposing to connect into the public watermains. The Planners report states that a letter of feasibility from Uisce Eireann (UE) was submitted as part of the planning documentation received by the PA under planning reference 22/61298. In that correspondence UE stated that there is capacity available within the network and that in principle a connection to the watermains is feasible. That development was deemed to be in compliance with DM standard 36 in relation to connecting to the public watermains, where possible.

- 2.3.11. Landscape-I note from the planning history on pertaining to the subject site, that the appeal site is located with Class 3 of the landscape characterisation set out within Section 8.13.2 of the current Development Plan. Class 3 areas are designated as 'special landscapes' which have a 'high sensitivity to change'. The second refusal reason set out by the PA under planning reference 22/61298 related to potential adverse impact of the development in this highly sensitive coastal landscape. I would concur with this view, given the cumulative extent of development that has occurred in the Marshallspark area and having regard to the additional permitted and proposed development on the wider land holding from which the current appeal site has been taken from.
- 2.3.12. I consider that the cumulative impact of an additional dwelling and the opening of a new access within the existing dry stone all boundary and the setting back of in excess of 100 metres of the dry stone wall boundary within the appeal site boundary and further east and west of the appeal site would adversely impact upon this 'highly sensitive landscape' would adversely impact the visual amenities in this area, where there are extensive views over Galway Bay. I consider that the proposal would contravene policy objectives LCM 1, LCM 2 and LCM 3 in relation to preserving and enhancing the character of the landscape, having particular regard to the specific landscape classification in this instance as 'special' and as having a 'high sensitivity to change'.
- 2.3.13. The appeal site is 0.32 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing, such as driveway, house and domestic gym/store footprint. I note that there are two soakaways proposed on site in order to manage the surface water run-off from the hardstand areas. It is stated by the applicants' Consultant Engineers that the surface water proposals would be BRE Digest 365 compliant. I note from the Site Characterisation Form completed by the applicant that they did not encounter groundwater during the percolation testing. Therefore, I am satisfied that the proposed development will not result in a risk of flooding within the site or on lands within the vicinity of the appeal site.

3.0 Recommendation

- 3.1. I recommend that planning permission be refused for the reasons set out below.

4.0 Reasons

- 1 It is a policy objective of the Planning Authority as set out within RH13 the current Development Plan to limit development on rural land holdings in Rural Zone 1, which includes the Marshallspark Area where the appeal site is located, and to limit development where there is a history of the sale or development of sites, notwithstanding an applicant's compliance with the local need criteria. I consider this policy objective to be reasonable. The proposed development would be in conflict with this policy as, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of random suburban type development in this area under strong urban influence. The development would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2 The site of the proposed development is located within a landscape that is classified as Class 3-Special which has a 'high sensitivity to change'. within the Galway County Development Plan 2022-2028 for the area, where emphasis is placed on the importance of designing within the landscape and of siting of development to minimise visual intrusion as set out in the current Galway Rural Housing Design Guidelines. It is considered that, having regard to the topography of the site, the positioning of the dwelling within the site, and the removal and setting back of an extensive length of the front dry stone wall boundary, the proposed development would conflict with the provisions of policy objectives LCM 1 , LCM 2 and LCM 3 within the Development Plan in relation to preserving and enhancing the landscape character having regard to the landscape sensitivity ratings and classification. The development would, therefore, militate against the preservation of the rural environment and would establish an undesirable precedent for other such located development in

the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Fergal Ó Bric

Planning Inspectorate

24th day of June 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	322147-25		
Proposed Development Summary	Permission for construction of a dwelling, domestic gym/store, new access, proprietary wastewater treatment system and percolation area and all associated site works.		
Development Address	Marshallspark, Oranmore, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	The construction of a dwelling does not specifically fall within a class of development as per the Planning & Development Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		

No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the construction of a dwelling, domestic gym/store, new access, proprietary wastewater treatment system and percolation area and all associated site works.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____

Appendix 2: AA Screening Determination
Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	See Section 2 within the Planning Report for the full development description. Permission for the construction of a dwelling, domestic gym/store, new access proprietary wastewater treatment system and percolation area and all ancillary site works.
Brief description of development site characteristics and potential impact mechanisms	The proposals would comprise the development of the construction of a dwelling, domestic gym/store, new access proprietary wastewater treatment system and percolation area and all ancillary site works on a total site area of 0.32 hectares. The subject site is located in an unserviced rural area where there is no public foul nor surface water sewer available to service the proposed dwelling and is located approximately 100 metres west of the Galway Bay Complex SAC and approximately 106 metres west of the Inner Galway Bay SPA. Given the appeal site shares the same groundwater catchment as Galway Bay, the possibility for indirect impacts upon Galway Bay in the form of deterioration of water quality via percolation of silt and/or contaminants through the bedrock underlying the site during construction and operational phases of the development cannot be ruled out without further analysis and assessment. A deterioration in water quality could result in adverse impacts on the aquatic and groundwater dependent qualifying interest features with Galway Bay in the absence of mitigation measures.

Screening report	Yes
Natura Impact Statement	yes
Relevant submissions	N/A.

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

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Galway Bay Complex (site 000268)	Galway Bay Complex SAC National Parks & Wildlife Service 2013	100 metres west of the appeal site	The subject site is an unserviced rural greenfield site west of the urban settlement of Oranmore. Given the proximity of the appeal site to Galway Bay, the possibility for hydrological pathways between the appeal site and Galway Bay. via the underlying	yes

			aquifer cannot be discounted.	
Inner Galway Bay SPA (site code 004031)	Inner Galway Bay SPA National Parks & Wildlife Service 2013	106 metres west of the appeal site	The subject site is an unserviced rural greenfield site west of the urban settlement of Oranmore. Given the proximity of the appeal site to Galway Bay, the possibility for indirect hydrological pathways between the appeal site and Galway Bay, via the underlying aquifer cannot be discounted.	yes
Cregganna Marsh SPA (site code 004142).	CO004142.pdf 2023	1.6 kilometres south of the appeal site	The subject site is an unserviced rural greenfield site west of the urban settlement of Oranmore. There is no potential hydrological or ecological connectivity from the appeal site to this particular SPA.	No

			Therefore, there is no pathway for indirect effects on the qualifying interest features or the conservation objective(s) associated with this site.	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites:

- (a) No direct impacts are anticipated to arise from the development on site given the location of the appeal site outside of any boundary associated within the Galway Bay European sites. Given the greenfield status of the subject site, vegetative clearance would be required in terms of stripping the soil to provide for dwelling foundations and for the installation of the proprietary wastewater treatment system. There is potential for indirect hydrological pathways connecting the subject site to Galway Bay, via the underlying aquifer, a regionally important aquifer which is of moderate vulnerability. Therefore, the possibility for adverse impacts to arise upon the Marine habitat within the Galway Bay SAC cannot be ruled out.
- (b) Standard best practice construction measures will be used in order to minimise any significant impact arising from the construction methods proposed. These matters would be managed as part of a Construction and Environmental Management Plan (CEMP), which could be conditioned by the Board and agreed in writing with the PA prior to the commencement of development.
- (c) The site-specific conservation objective associated with the Galway Bay Complex SAC site is 'To maintain the favourable conservation condition of habitats and species identified as qualifying interest species within The Galway Bay Complex SAC. The site-specific conservation objectives associated with the Inner Galway Bay SPA site is 'To maintain or restore the favourable conservation condition of habitats and species identified as qualifying interest species within the Inner Galway Bay SPA. In terms of in-combination effects, the applicants have identified a number of developments permitted within the immediate area of the appeal site. These relate to relatively small scale development in the form of agricultural

developments, domestic extensions, single rural dwellings, replacement dwellings and the development of community facilities including a playground, playing pitches, floodlighting, retractable netting, car and bicycle parking spaces. The significant effects identified are indirect ones that could arise during construction of the proposed development.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Galway Bay Complex SAC (site code 00268).</p> <p><u>Qualifying Interests:</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Coastal lagoons</p> <p>Large shallow inlets and bays</p> <p>Reefs</p> <p>Perennial vegetation of stony banks</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Otter</p> <p>Harbour Seal</p> <p>Mediterranean salt meadows</p> <p>Turloughs</p> <p>Juniperus communis formations on heaths or calcareous grasslands</p>	<p>Direct:</p> <p>No direct construction impacts are likely given the location of subject site removed from the Galway Bay SAC boundary.</p> <p>Indirect:</p> <p>There is potential for indirect impacts to arise during the construction and operational phases where the possibility for contaminated surface water to infiltrate to the underlying groundwater system and underlying aquifer and a possibility for the outfall from the wastewater treatment system to adversely impact the groundwater system.</p>	<p>It is not anticipated that disturbance or displacement of species within the SAC will arise as a result of the works. However, the possibility of habitat loss, modification or fragmentation cannot be ruled out as a result of groundwater contamination arising from the construction and operation of the development without further analysis and assessment.</p>

<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</p> <p>Calcareous fens</p> <p>Alkaline fens</p>		
	Likelihood of significant effects from proposed development (alone): No	
	<p>If No, is there a likelihood of significant effects occurring in combination with other plans or projects? The Marshallspark area has experienced considerable pressure from the development of random rural unserviced housing and continues to be under significant urban influence from development, by virtue of its location within the Rural Metropolitan area. I consider that the proposals on their own would be unlikely to adversely affect water quality within the adjacent European sites, however there is potential for in combination impacts upon water quality with other proposed/permitted development, to adversely impact on the qualifying interests or on the conservation objectives associated with the Galway Bay Complex SAC by reason of deterioration of water quality and adversely impact upon protected marine habitat. Further analysis and assessment in this regard would be required.</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site. The subject site is located in proximity to the Galway Bay SAC and shares the same underlying groundwater catchment. Therefore, there is a possibility of an indirect risk of habitat loss or fragmentation or adverse impact upon marine habitat and water-based species identified as qualifying interest features within the Galway Bay Complex SAC will arise as a result of the development works. I am satisfied that there is no particular habitat</p>	

	of interest located within the appeal site that would be suitable to serve for any of the protected species as protected by the SAC designation in terms of foraging/feeding.	
	Impacts	Effects
<p>Site 2: Inner Galway Bay SPA (site code 004031).</p> <p>Qualifying Interest features:</p> <p>Great Northern Diver</p> <p>Cormorant</p> <p>Grey Heron</p> <p>Brent Goose</p> <p>Wigeon</p> <p>Teal</p> <p>Shoveler</p> <p>Red-breasted Merganser</p> <p>Ringed Plover</p> <p>Golden Plover</p> <p>Lapwing</p> <p>Dunlin</p> <p>Bar-tailed Godwit</p> <p>Curlew</p> <p>Redshank</p> <p>Turnstone</p> <p>Black-headed Gull</p> <p>Common Gull</p> <p>Sandwich Tern</p> <p>Common Tern</p> <p>Wetlands.</p>	<p>Direct:</p> <p>No direct impacts are likely given the location of subject site removed from the Galway Bay SPA boundary.</p> <p>Indirect:</p> <p>There is potential for indirect impacts to arise during the construction and operational phases where the possibility for contaminated surface water to infiltrate to the underlying groundwater system and underlying aquifer and a possibility for the outfall from the wastewater treatment system to adversely impact the groundwater system.</p>	<p>It is not anticipated that disturbance or displacement of species within SPA will arise as a result of the works. It is noted that the appeal site comprises improved agricultural grassland, but that it would not provide supporting habitat for the protected winter bird species and that there are other improved grasslands located in closer proximity to the SPA boundary, that remain undeveloped. However, the possibility of marine habitat loss, modification or fragmentation cannot be ruled out as a result of groundwater contamination arising from the construction and operation of the development without further analysis and assessment.</p>

	Likelihood of significant effects from proposed development (alone): No
	<p>If No, is there a likelihood of significant effects occurring in combination with other plans or projects? The Marshallspark area has experienced considerable pressure from the development of random rural unserviced housing and continues to be under significant urban influence from development, by virtue of its location within the Rural Metropolitan area. I consider that the proposals on their own would be unlikely to adversely affect water quality within the adjacent European sites, however there is potential for in combination impacts upon water quality with other proposed/permitted development, to adversely impact on the qualifying interests or on the conservation objectives associated with the Inner Galway Bay Complex SPA by reason of deterioration of water quality and adversely impact upon protected marine wetland habitat and protected winter bird species. Further analysis and assessment in this regard would be required.</p>
<p>A number of the QI's associated with the Galway Bay SPA site have site specific conservation objectives to 'restore the conservation status' of the particular winter bird species. Given the possibility for in combination impacts upon water quality with other proposed/permitted development, to adversely impact on the qualifying interests or on the conservation objectives associated with the Inner Galway Bay Complex SPA by reason of deterioration of water quality and adversely impact upon protected marine wetland habitat and protected winter bird species, further analysis and assessment in this regard would be required in this instance.</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>	
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on the Galway Bay Complex SAC nor the Inner Galway Bay SPA from effects associated with a deterioration in groundwater quality arising from the proposed construction and operation of the development. An appropriate assessment is required on the basis of the possible</p>	

effects of the project 'alone'. Further assessment in-combination with other plans and projects would also need to be considered.

Proceed to AA.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of 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 the Galway Bay Complex SAC or the Inner Galway Bay SPA. in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The location of the appeal site in proximity to the Galway Bay Natura 2000 sites and the potential for an indirect hydrological connection to the waterbody,
- A full and detailed assessment of all aspects of the proposed project including the Conservation Objectives of the aforementioned designated sites.
- An assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- Reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA.

Appendix 3: Appropriate Assessment

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 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 of a rural dwelling, domestic gym/store, new access, and proprietary wastewater treatment system in view of the relevant conservation objectives of the Galway Bay Special Area of Conservation and the Inner Galway Bay Special Protection Area based on scientific information provided by the applicant

The information relied upon includes the following:

- Natura Impact Statement prepared by MKO Planning and Environmental Consultants.
- The sources of information included the websites of the National Parks and Wildlife Service, npws.ie and the Environmental Protection Agency, epa.ie

I am satisfied that the information provided is adequate to allow for Appropriate Assessment.

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

Submissions/observations

The third party appellant raised the issue of hydrological connectivity between the appeal site and Galway Bay and that adverse impacts on the integrity of the Galway Bay European sites in view of

their conservation objectives cannot be excluded. The appellant also set out that the development would contravene policy objectives NHB1-3 and DM Standard 50 within the current Galway County Development Plan relating to natural heritage and biodiversity, European sites and Appropriate Assessment and protection of European sites and conducting environmental assessments.

The Department of Housing, Local Government and Heritage make an observation to the PA where they noted the appeal site is within 100 metres of the Galway Bay Complex SAC and 106 metres of the Inner Galway Bay SPA site and that the applicant had submitted a Natura Impact Statement. The Department stated that prior to granting consent, the PA should satisfy itself that the proposed development will not have a significant impact on the nearby European sites qualifying interest species, habitats and/or water quality.

Site 1:

Name of European Site, Designation, site code: Galway Bay Complex SAC (Site code 000268)

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

- Water Quality and water dependant habitats
- Habitat degradation
- Disturbance of QI species

Conservation Objective: To maintain or restore the favourable conservation status of habitats and species within the Galway Bay Complex SAC.

Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?

Mudflats and sandflats not covered by sea water at low tide.	To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide in the Galway Bay Complex SAC.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to ground water arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Possibility for the discharge from the proprietary wastewater treatment system to result in a deterioration in water quality.	Development site works would be fenced off, works would cease during periods of heavy rainfall, dewatering in the event that groundwater is encountered, spill kits would be available on site and an emergency spillage plan in the event of an accidental spillage, designated refuelling area on site would be provided, no batching of wet cement on site, no washing of plant or concrete transport on site, appointment of environmental officer on site, that the	With the implementation of the mitigation measures as set out within the NIS and having regard to the modest scale of the proposed development in this rural area and the modest extent of other development in the Marshalls park area in the form of agricultural development, domestic extensions, rural dwellings, replacement dwellings and provision of a playground, playing pitches, floodlights and retractable netting, that it is unlikely that contamination of groundwater will occur and, therefore, no significant adverse in-combination	Yes	
--	--	--	--	--	-----	--

			wastewater treatment system would be installed and operated in accordance with EPA code of practice standards and that soakaways would be installed to manage surface water on site	affects in water quality within Galway Bay will arise.	
Coastal lagoons	To restore the favourable conservation status of Coastal lagoons in the Galway Bay Complex SAC.	As above	As above.	As above.	Yes
Perennial vegetation of story banks	To maintain the favourable conservation conditions of Perennial vegetation of story banks in the Galway Bay Complex SAC.	As above	As above.	As above.	Yes
Reefs	To maintain the favourable conservation	As above.	As above.	As above.	Yes

	status of Reefs in the Galway Bay Complex SAC.					
Atlantic salt meadows	To restore the favourable conservation condition of Atlantic salt meadows in the Galway Bay Complex SAC.	As above.	As above.	As above.	Yes	
Turloughs	To maintain the favourable conservation condition of Turloughs. in the Galway Bay Complex SAC.	As above	As above.	As above.	Yes	
Large shallow inlets and Bays	To maintain the favourable conservation condition Large shallow inlets and Bays in the Galway Bay Complex SAC.	As above.	As above.	As above.	Yes	
Harbour Seal	To maintain the favourable conservation condition of the Harbour Seal in	As above.	As above.	As above.	Yes	

	the Galway Bay Complex SAC.					
Otter	To restore the favourable conservation condition of the Otter in the Galway Bay Complex SAC.	As above.	As above.	As above.	yes	
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of the mitigation measures, the construction and operation of this proposed development will not adversely affect the integrity of this European site, and no reasonable doubt remains as to the absence of such effects.</p>						

Table 4.

Site 2:

<p>Name of European Site, Designation, site code: Inner Galway Bay SPA (Site code 004031)</p> <p>Summary of Key issues that could give rise to adverse effects:</p> <ul style="list-style-type: none"> • Water Quality and water dependant habitats • Habitat degradation/loss • Disturbance of QI species <p>Conservation Objective: To maintain or restore the favourable conservation status of habitats and species within the Inner Galway Bay SPA.</p>					
		Summary of Appropriate Assessment			
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity

					be excluded?	
Wetlands.	To maintain the favourable conservation condition of wetlands in the Inner Galway Bay SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to ground water arising from construction activities on site and potentially adversely impacting upon protected habitat and species. Possibility for the discharge from the proprietary wastewater treatment system to result in a deterioration in water quality.	Development site works would be fenced off, works would cease during periods of heavy rainfall, dewatering in the event that groundwater is encountered, spill kits would be available on site and an emergency spillage plan in the event of an accidental spillage, designated refuelling area on site would be provided, no batching of wet cement on site, no washing of plant or concrete transport on	With the implementation of the mitigation measures as set out within the NIS and having regard to the modest scale of the proposed development in this rural area and the modest extent of other development in the Marshallspark area, in the form of agricultural development, domestic extensions, rural dwellings , replacement dwellings and provision of a playground, playing pitches, floodlights and retractable netting, that it is unlikely that contamination of	Yes	

			site, appointment of environmental officer on site, that the wastewater treatment system would be installed and operated in accordance with EPA code of practice standards and that soakaways would be installed to manage surface water on site.	groundwater will occur and, therefore, no significant adverse in-combination affects in water quality within Galway Bay will arise.		
Great Northern Diver	To maintain the favourable conservation status of the Great Northern Diver in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Cormormant	To maintain the favourable	As above.	As above.	As above.	Yes	

	conservation conditions of the Cormorant in the Inner Galway Bay SPA.					
Grey Heron	To maintain the favourable conservation status of the Grey Heron in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Brent Goose	To maintain the favourable conservation condition of the Brent Goose in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Wigeon	To maintain the favourable conservation condition of the Wigeon in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Teal	To maintain the favourable	As above.	As above.	As above.	Yes	

	conservation condition of Teal in the Inner Galway Bay SPA.			.		
Red Breasted Merganser	To maintain the favourable conservation condition of the Red Breasted Merganser in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Ringed Plover	To maintain the favourable conservation condition of Ringed Plover in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Golden Plover	To maintain the favourable conservation condition of Golden Plover in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	

Lapwing	To maintain the favourable conservation condition of Lapwing in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Dunlin	To maintain the favourable conservation condition of the Dunlin in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Bar-tailed Godwit	To maintain the favourable conservation condition of Bar tailed Godwit in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Curlew	To maintain the favourable conservation condition of the Curlew in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	

Redshank	To maintain the favourable conservation condition of Redshank in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Turnstone	To maintain the favourable conservation condition of Turnstone in the Inner Galway Bay SPA.	As above.	As above.	As above.		
Black Headed Gull	To maintain the favourable conservation condition of the Black Headed Gull in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Common Gull	To maintain the favourable conservation condition of the Common Gull in the	As above.	As above.	As above.	Yes	

	Inner Galway Bay SPA.					
Sandwich Tern	To maintain the favourable conservation condition of the Sandwich Tern in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Common Tern	To maintain the favourable conservation condition of the Common Tern in the Inner Galway Bay SPA.	As above.	As above.	As above.	Yes	
Shoveler	To maintain the favourable conservation condition of the Shoveler in the Inner Galway Bay SPA.	As above.	As above.		Yes	

The above table is based on the documentation and information provided on the file and I am satisfied that the NIS submitted has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note that the NPWS [Galway Bay Complex SAC | National Parks & Wildlife Service](#) have identified that in relation to the habitats and species identified as qualifying interest associated with the Galway Bay Complex SAC

that they are stable and that there has been no decline or no significant decline and in terms of the and the Inner Galway Bay SPA [ConservationObjectives.rdl](#) that the long-term trend for the population of winter birds is stable or rising and that no significant decline in winter bird species has been observed.

Assessment of issues that could give rise to adverse effects view of conservation objectives

- (i) Water quality degradation could possibly occur from contamination of ground water from sediment arising from construction activities and from outfall arising from the operation of the proprietary wastewater treatment system.

Mitigation measures and conditions

Within the NIS submitted by the applicant, a range of mitigation measures to protect groundwater quality degradation have been set out. These include: Development site works would be fenced off, works would cease during periods of heavy rainfall, dewatering in the event that groundwater is encountered, spill kits would be available on site and an emergency spillage plan in the event of an accidental spillage, a designated refuelling area on site would be provided, no batching of wet cement on site, no washing of plant or concrete transport on site, the appointment of environmental officer on site, that the wastewater treatment system would be installed and operated in accordance with EPA code of practice standards and that soakaways would be installed to manage surface water. In the event that grant of planning permission is being recommended, a condition could be included whereby the mitigation measures set out within Section 6.2.1 of the NIS are implemented in full.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is, therefore, no potential for in-combination effects.

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 within Galway Bay.

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 impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are proposed to prevent ingress of silt laden water to the groundwater network as well as compliance with the EPA code of practice standards are proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

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 Galway Bay Complex SAC nor the Inner Galway Bay SPA. 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 the Galway Bay Complex SAC and the inner Galway Bay SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of Section 177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account the water quality issues raised within the third-party appeal submission and the comments received by the Planning Authority from the department, of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA 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:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA.