



An
Coimisiún
Pleanála

Inspector's Report

ACP-322858-25

Development	Revisions of previously permitted development under Pl. Ref No.2263/0184 to 5 no. residential units. A Natura Impact Statement was submitted to the planning authority with this application.
Location	Deerpark, Headford, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2560361
Applicant(s)	Breda Joyce
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party vs Conditions of Permission
Appellant(s)	None
Observer(s)	None
Date of Site Inspection	27 th August 2025
Inspector	Peadar McQuaid

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.298ha and is located on the southern side of the N84 (Bridge Street), on the eastern approach to Headford town centre, Co Galway. The brownfield/infill site consists of an existing single storey commercial building on the front portion of the site fronting onto Bridge Street with a large gravel yard area to the rear. A car washing and valeting business is currently operating from the commercial building. The remaining part of the site is underutilised with a number of vehicles abandoned/parked to the rear of the building within the yard. The Annacurta Stream flows along the site's southwestern boundary. The appeal site is relatively flat with topographical levels indicated as c.14.8 – 14.0 metres (OD Malin), save for an area to the southeast where ground levels fall c 13.26 metres (OD Malin).
- 1.2. The immediate area surrounding the site is predominantly residential in character. A row of terraced houses and commercial garage adjoin the appeal site to the south. 'The Stables' multi-unit residential development bounds the appeal site to the north.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
- For revisions and additions to the previously permitted residential development approved under Pl. Ref. No. 22/60184. Permission was granted Under Pl. Ref. No. 22/60184 for the demolition of the existing single storey commercial building and the construction of 4 no. two storey townhouses with a consolidated new entrance onto Bridge Street. The proposed development will consist of -
 - The construction of 5 no. additional residential units, to the south-east (rear) of the 4 no. permitted townhouses comprising of
 - 4 no. two-storey three-bedroom terrace houses (92 sq.m).
 - 1 no. two-storey two-bedroom terrace house (90 sq.m).
 - Revisions to the previously permitted layout to include for alterations to shared surface access road/homezone, parking, communal open space, and

riverside linear park. (Proposed site area 0.298ha - previous site area 0.164ha)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway County Council (The Planning Authority) issued a notification of decision to GRANT permission for the above-described proposed development on the 28th May 2025, subject to 25 no. conditions:

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The Planning Officer's Report dated 28th May 2025 recommended a GRANT of permission and provides the rationale for the Planning Authority decision. The main points were as follows:
- 3.2.3. The Planning Authority are satisfied that the proposal would be acceptable from a flood risk perspective and would be in accordance with the Flood Risk Management Planning guidelines (Nov 2009).
- 3.2.4. The proposed development is hydrological connected to the Lough Corrib SAC and SPA. A submitted NIS is supported by a Construction Environmental Management Plan (CEMP) and details mitigation measures. The planning authority having considered the contents of the planning application, the NIS, the Preliminary Construction Environmental Management Plan, and Flood Risk Assessment, are satisfied that proposed development subject to the suite of mitigation being in place would ensure adverse impacts on Natura 2000 sites can be ruled out.
- 3.2.5. The site is zoned 'Residential Infill'. Having considered the planning history on site in conjunction with the land use zoning on site the proposed development is considered acceptable in the context of the land use zoning and zoning matrix considerations.
- 3.2.6. The proposal for 5 units would not represent an in-combination exceedance of the Core Strategy Allocation.

- 3.2.7. The site area is stated as 0.298ha with 5 units are proposed, resulting in a density of c.30.2 units to the hectare. The Core Strategy sets out an overall density provision of 16 units per hectare for Headford. DM Standard 2 of the GCDP 2022-2028 recommends a density of 10-12 dwellings per hectare at edge of centre/greenfield sites.
- 3.2.8. The development as proposed would significantly reduce the area of useable public open space approved under 22/60184 (170 sq.m. to 45 sq.m). The increased density now proposed and the central location of this aforementioned useable public open space the reduction of same is considered to result in a development which would not provide adequate recreation and amenity space to the occupiers of the development. The open space is noted but is considered residual and would not justify the reduction in the central public open space as previously approved under 22/60184. A condition is recommended to omit residential unit no 5.
- 3.2.9. The omission of unit 5 would ensure this important central public open space could be retained as part of the development whilst also providing a density on site of 26.8 per hectare which is in exceedance of the Core Strategy but considered acceptable having regard to the location and brownfield nature of the site.
- 3.2.10. The proposed development is considered acceptable in relation to landscape/visual impact, lighting and transportation.
- 3.2.11. A confirmation of feasibility response letter from Uisce Eireann has confirmed that the development can be served from both a wastewater and water supply perspective.
- 3.2.12. Other Technical Reports

- None

3.3. **Conditions**

- 3.3.1. The Planning Authority granted permission for the proposed development subject to compliance with 25 no. conditions. I note the following conditions:
- Condition No 2 - Prior to commencement of development the applicant shall submitted a revised site layout plan which shall omit Unit 6 and relocate unit 5 to connect with unit 7 which shall reduce the development to 4 units and detail

an enhanced central public open space in line with the previously approved development under planning reference number 22/60184 for the written agreement of the Planning Authority. No development subject to this application shall commence on site until such time as the applicant has received the written agreement to the amended details.

Reason: In the interest of proper planning and sustainable development and in the interests of visual and residential amenity.

- Condition No 11 - (a) The development works shall be adequately supervised by a Consulting Engineer who shall, prior to the occupation of any of the associated dwellings, issue a certificate as to the adequacy of the standard of the works which shall be submitted for the written agreement of the Planning Authority. Details of the consulting engineer's full professional indemnity insurance shall be forwarded to the Planning Authority for confirmed written approval prior to any works commencing on site.
- Condition No 11 - (b) Prior to the pouring of foundations the approved Consulting Engineer shall certify that the individual units have been set out in accordance with Condition 1 above.

Reason: To ensure an adequate standard of development.

- Condition No 12 - The standard of construction shall be in accordance with the provisions of the Department of the Environment and Local Government publication "Recommendations for Site Development Works for Housing Areas" 1998 and/or Galway County Councils Taking in Charge of Developments (September 2008) or any amended version of these documents. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure an adequate standard of development.

3.4. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – Report requests the planning authority has regard to the DoECLG Spatial Planning and National Roads Guidelines

for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system

3.5. Third Party Observations

- No submissions.

4.0 Planning History

4.1.1. Appeal Site

- PA. Ref. 22/60184 – Permission GRANTED for (1) the demolition of existing single storey commercial building, (2) the construction of 3 no. two-storey two-bedroom townhouses, and 1 no. two-storey three-bedroom townhouse, (3) revised access arrangements including closure of existing vehicular entrance / exit to the north-east and upgrading of entrance / exit to the south-west, (4) the provision of shared surface access road / home-zone and surface parking, together with all associated site development works and services.
- PA. Ref. 01/5146 – Permission REFUSED for the construction of 4 no. townhouses.
- PA. Ref. 01/812 – Permission GRANTED for extension to previously granted development (98/2478) for construction of 1 no. dwellinghouse and 8 no. apartments.
- PA. Ref. 00/3971 / ABP PL07.123398 – Permission GRANTED for the construction of 18 no. apartments/houses as extension to previously granted development under ref 98/2478.
- PA. Ref. 98/2478 – Permission GRANTED to 1) reconstruct, extend and convert house into 4 no. apartments. 2) convert stables into 2 no. townhouses, 3) construct apartments/townhouse block comprising 4 no. ground floor apartments and 5 no. townhouses.

5.0 Policy Context

5.1. Development Plan

5.1.1. Galway County Development Plan 2022 - 2028

5.1.2. Headford is identified as a 'Small Growth Town' in the Core Strategy. The appeal site is zoned 'Residential (Infill)'.

5.1.3. The appeal site is located within an 'Urban Environs Landscape' (see Map 1, Appendix 4) for the purpose of landscape type. Urbanised areas are described as having a low sensitivity to change.

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

- Volume 1 – Written Statement
- Chapter 2 - Core Strategy, Settlement Strategy and Housing Strategy
- Chapter 3 – Placemaking, Regeneration and Urban Living
- Chapter 6 – Transport and Movement
- Chapter 7 - Infrastructure, Utilities and Environmental Protection
- Chapter 8 - Tourism and Landscape
- Chapter 12 - Architectural, Archaeological and Cultural Heritage
- Chapter 15 – Development Management Standards
- Volume 2 – Small Growth Towns
- HSGT 2 - Sustainable Residential Communities
- SGT 2 - Residential Infill Development
- SGT 16 - Constrained Land Use
- SGT 17 - Flood Risk Areas and Land Use Zones

5.2. Ministerial Guidelines

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

- Sustainable Residential Development in Urban Areas Guidelines 2009.
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 (DoECLG)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, (2010).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

5.3. Natural Heritage Designations

5.3.1. The nearest designated Natura 2000 sites are the Lough Corrib Special Area of Conservation (SAC) (Site Code: 000297) located c.1.8km kilometres to the north-west. Lough Corrib Special Protection Area (SPA) (Site Code: 004042), is located c.4.1 kilometres to the south-east of the appeal site.

5.3.2. The nearest Natural heritage site is the Rostaff Turlough pNHA (Site Code: 000385) which is located c 1.9 kilometres north-east of the appeal site boundary.

5.4. EIA Screening

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix 1 & 2 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been lodged by Enviroplan Consulting Limited on behalf of Breda Joyce (Appellant). The appeal is in respect to condition numbers 2, 11 and 12 only. The main grounds of appeal can be summarised as follows:

6.1.2. Condition number 2

- The Appellant has stated the proposed density of 30.2 dwellings per hectare (dph) is appropriate on this small infill and centrally located site. The imposition of condition number 2 would result in the reduced site density of 26.8 dph and represent a sub optimum density within this serviced and brownfield site.
- Under the provisions of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), Headford would be categorised as a *'Rural Town'* and a key priority for this type of settlement is *'provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into, or can be integrated into the existing built up footprint of the settlement and can be serviced by necessary supporting infrastructure'*. The proposal is consistent with the guidelines given the locational context of the appeal site.
- The appellant notes that whilst the 'central open space/shared garden area' has been reduced, the extent of the proposed riverside 'linear park area' has been significantly increased. The proposed riverside 'linear park area' provides for an improved widened configuration and 446sqm of open space. It is contended that the current application has higher amenity value in qualitative terms compared to the permitted layout under PI Ref No 22/60184. The communal open space permitted layout under PI Ref No 22/60184

equates to 372sqm. In the current application this amounts to 491 sqm which equates to 16.47% of the site and exceeds the standard 15% open space requirement.

- The proposed central open space area would be complemented by a generously proportioned shared surface/home zone area as supported by policy objectives PM1 and PM13 of the Development Plan and section 4.3.4 of DMURs.
- The imposition of condition no 2 would be contrary to Policy Objectives UL 1 'Infill Sites' and PM9 (b) 'Vitality in Towns and Villages'.
- The condition is requested to be omitted along with references to it within the wording of condition no 1.

6.1.3. Condition number 11

- The appellant is concerned the wording of the condition appears to deviate into Building Control Legislation and would appear unnecessary. The requirements for an Assigned certifier are set out in the Building Control Amendment Regulations 2014 and provides a greater range of 'suitable qualified professional's'. Clear advice is provided in the Section 28 Development Management Guidelines for Planning Authorities June 2007 with regards to conditions relating to other codes. The condition should be removed.

6.1.4. Condition number 12

- The appellant has concerns that the provisions of the said condition could conflict with condition number 6. The proposed scheme has been designed in compliance with DMURS. The requirements for minimum road widths and turning heads as set out in the Department of the Environment and Local Government publication "Recommendations for Site Development Works for Housing Areas" 1998 are somewhat outdated and have been superseded by the requirements set out in DMURS. It is requested that the condition be reviewed and potentially amended to ensure that it does not conflict with DMURS and the provision of condition no 6.

6.2. Planning Authority Response

6.2.1. No response was received from the Planning Authority.

6.3. Observations

6.3.1. No observations were received.

7.0 Assessment

7.1. Having examined the application details, all appeal documentation on file and having inspected the site, and having regard to national/local policies and guidance, I consider that the only planning matters at issue in this appeal are in relation to Condition numbers 2, 11 and 12. I am satisfied that the proposed development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Commission of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the subject Conditions, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended) and are assessed below.

7.2. Condition Number 2

7.2.1. In their assessment of the planning application, the Planning Authority raised concerns that the development as proposed would reduce the area of useable central public open space and increase the density from the scheme permitted under Pl. Ref. No 22/60184. The Planning Authority deem the omission of dwelling unit no 6 would ensure a larger central public open space could be retained as part of the proposed development whilst also providing for a reduced density provision on site of 26.8 dwellings per hectare (dph). The proposed riverside linear park open space is deemed to be residual and would not justify the reduction in the central public open space as previously approved under Pl. Ref. No 22/60184 (170 sq.m to 45sq.m).

7.2.2. In the grounds of the appeal, the appellant states that the proposal consisting of 5 no residential units in addition to the 4 no units previously permitted under Pl. Ref. No. 22/60184 would equate to an overall density of 30.2 dph that is appropriate on this urban infill and centrally located site.

- 7.2.3. The appellant has referenced recent decisions under ABP 320253-24 and 321704-25 where permission for residential developments have been granted for densities ranging from 28.12 dph to 29.8 dph within the settlement boundary of Headford. It is argued that the proposed development would be consistent with the principle of compact growth and the established urban context of Headford town centre.
- 7.2.4. It is further stated by the appellant that the total open space provision has been increased from the scheme permitted under Pl. Ref. No. 22/60184, from 372 sq.m to 491sq.m. The new revised open space provision and site layout now includes an increased area of a riverside 'linear park' (446 sq.m) notwithstanding the 'central open space area' (45sq.m) is to be reduced in area. Furthermore, the 'central open space area' will be complemented by a generously proportioned shared surface/homezone area that is supported by policy objectives PM11 and PM13 of the Development Plan and section 4.3.4 of DMURS. The riverside 'linear park' could be extended into neighbouring lands to the south-east in the future if required. The appellant contends that the site layout proposed has a higher amenity value in qualitative and quantitative terms compared to that permitted under Pl. Ref. No. 22/60184.
- 7.2.5. Having reviewed all the application and appeal documentation and visited the appeal site, it is my opinion the two pertinent issues in determining whether to remove the condition relate to the proposed density and the quality of the public open space provision within the scheme.
- 7.2.6. Density
- 7.2.7. Headford falls under the settlement category of '*Small Growth Town*' in the Development Plan. A '*Small Growth Town*' is defined as '*small towns with local service and employment potential. There is a need to promote regeneration and revitalisation of towns and support local enterprise and employment opportunities to ensure their viability as service centres for surrounding rural areas*'.
- 7.2.8. The Core Strategy table (table 2.11) of the Development Plan allocates a density provision to Headford of 16 dwellings per hectare (dph). Table 15.1 of DM Standard 2 also defines the residential density for each settlement in more specific terms. For '*small growth towns*' a density of 16 dph has been allocated to new

residential development on town centre and infill /brownfield sites. For other locations such as edge of centre/greenfield 10 – 12 dph is applicable.

- 7.2.9. Under Section 15.2.3 of Development Plan all proposals shall be in accordance with the Sustainable Residential Development in Urban Areas Guidelines 2009 and Circular 02/2021 with regards to residential density levels. Reference has not been made in the Development Plan under Section 15.2.3 to allow for the consideration of any update/revision of the Section 28 Ministerial Guidelines in relation density. Therefore the 2009 guidelines are considered applicable to this appeal.
- 7.2.10. The guidance contained in the Chapter 6, Section 6.11 of the Sustainable Residential Development in Urban Areas Guidelines 2009 provides for densities in the range of 25dph to 35 dph for edge of centre sites in small towns. Small towns are defined as those with a population ranging from 400 to 5,000 persons. The 2022 Census data show the population of Headford to be 1,235. I note general advice contained in Section 6.3 promotes the prioritisation of development that either re-uses brown-field development land such as central area/backlands sites and also seeks to significant enhancement of the scale and density of development in small towns that are located close to 'gateways' (i.e. Galway City) under the now superseded National Spatial Strategy.
- 7.2.11. In my opinion the appeal site location could accommodate a density within the 25dph to 35 dph range having regard to the location of the appeal site within the built-up footprint of Headford adjoining the town centre. The site is within easy walking/cycling distance of the town's amenities/services and importantly can be serviced by supporting infrastructure. I note correspondence from Uisce Éireann and the issuing a confirmation of feasibility letter dated June 2024. A review of Uisce Éireann's capacity registers confirms capacity is available for both water supply and wastewater treatment.
- 7.2.12. On balance, I am satisfied the proposed density of 30.2 dph and the provision of an additional 5 residential units (9 no residential units in total) is appropriate at this site location and would be in keeping with the existing character and pattern of the surrounding urban context. I note the multi-unit development (The Stables/An Chearnóg) adjoining the appeal site to the north is of similar scale/character and has suitably integrated into the existing urban fabric.

- 7.2.13. I consider the current proposal for revisions to an extant permission whereby an additional five residential units (nine units in total) would be provided at this urban infill/brownfield site to be the optimal use of this serviceable land which promotes the principles of compact growth and provides a suitable housing choice alternative for persons who might otherwise construct rural one-off housing in the surrounding countryside. Furthermore, I am satisfied that the proposed site layout of the residential units would not have a negative impact upon the amenities or privacy of adjoining properties.
- 7.2.14. The Planning Authority whilst accepting the density of 26.8 dph was an exceedance of the Core Strategy density standard, consider a density in excess of 16 dph to acceptable at the appeal site. I note the Planning Authority did not consider the current proposals to represent a material contravention of the Development Plan. I note the primary purpose of the omission of dwelling unit no 6 was based on the reinstatement of central open space approved under file ref 22/60184.
- 7.2.15. I consider the increase in residential units from four units (26.8 dph) to five units (30.2 dph) to be a modest increase from that permitted by the Planning Authority under condition number 2 and notwithstanding its exceedance of the Core Strategy density standard is acceptable in relation to the density range set out for small towns in the Residential Development in Urban Areas Guidelines 2009, its location proximate to Headford town centre on a serviceable brownfield/infill site and the pattern of development in the area. While I do not consider that the proposal would constitute a material contravention, should the Commission consider that it does, I draw the attention of the Commission to Section 37 (2)(a) of the Planning and Development 2000 Act as amended, whereby it can grant permission where a material contravention of the Development Plan arises.

7.3. Public Open Space

- 7.3.1. From reviewing the proposal as depicted on the site layout plan (Drawing no. P 04 03) and landscaping plan, the public open space provision comprises of mainly two areas, one to the centre of the site and another along the southwestern boundary in the form of a riverside linear park. The central open space (45 sq.m.) is positioned to the east of residential unit no 3 and has a mix a hard and soft landscaping.

Planting is proposed along the edge of the space to provide a buffer to the adjoining car parking/homezone area to the south.

- 7.3.2. The larger open space (446 sq.m.) forms a linear park that runs along the site boundary with the Annacurta Stream. Its configuration is relatively narrow from the site entrance and gradually increases in width until it widens considerably at the southwestern corner of the appeal site. The space is overlooked by the residential units to the north and is accessible via dedicated paved crossing point. An amenity path runs the length of the linear park connecting with the public footpath at Bridge Street. Tree planting and amenity seating are indicated on the site layout plan.
- 7.3.3. Notwithstanding the encroachment of car parking and turning bay into this area, I am satisfied that the functionality of this open space would provide a suitable useable area for active and passive recreation. The widened configuration towards the southeastern corner of site could facilitate a degree of formalised play. I consider this space also makes sufficient use of and benefits from the amenity/biodiversity value of the Annacurta Stream which future residents could enjoy.
- 7.3.4. I am satisfied all of the public open space (491sq.m) within the scheme which equates to 16.47% of the appeal site is useable and of sufficient quality. Furthermore, I consider the public open space accords with Policy Objective UL 5 of the Development Plan which seeks *'to provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area'*.
- 7.3.5. I do not consider the reduction in the centrally located public open space of 125 sqm from that approved under file ref 22/60184 (170 sq.m to 45sq.m) or the general layout of open space to be such a concern or substandard as to warrant the omission of a residential unit having regard to the challenges in the current housing market with respect to affordability and supply. In my opinion the proposed public open space is an acceptable response to the specific characteristics of this urban infill/brownfield site and would provide adequate recreation/amenity space to the future occupiers of the development.

7.4. Conclusion

- 7.4.1. On balance I consider the imposition of condition number 2 is not warranted having regard to the rationale of the attachment of the condition, the quality and quantity of proposed open space, the residential density and the policy framework provided by national and local policy in particular the following Policy Objectives, PM 9 'Vitality in Towns and Villages', CGR1 'Compact Growth', UL1 'Infill Sites', UL2 'Layout and Design', UL 5 'Open Space' and HSGT 2 'Sustainable Residential Communities' of the Galway County Development Plan 2022 – 2028. I recommend amending the subject condition to allow for the provision of 5 no residential units. Accordingly, condition numbers 1, 24 and 25 will also need to be amended to reflect the increase of residential units.

7.5. **Condition Number 11 (a) & (b)**

- 7.5.1. The Appellant has appealed condition number 11 (a) and (b) which stipulates the requirement of a consulting engineer to supervise the development works and certify that the individual units prior to the pouring of foundations have been set out in accordance with Condition 1.
- 7.5.2. The appellant's grounds of appeal, argues that the wording of the condition deviates into Building Control legislation. There is no such requirement for the condition given the role of the assigned certifier as set out in the Building Control Amendment Regulations 2014. Furthermore, to limit the supervision of construction to a consulting engineer would also conflict with the Regulations.
- 7.5.3. The Development Management Guidelines (2007) is of relevance to this appeal and provides clear guidance on conditions relating to other codes. Under section 7.8 of the guidelines, it states that *'it is inappropriate, however, in development management, to deal with matters which are the subject of other controls unless there are particular circumstances'*. Furthermore, it outlines that *'the imposition of conditions in relation to matters that are the subject of other controls is an undesirable duplication. In practice, such an approach can give rise to conflict and confusion if the effect of a condition on a development is different from that of the specific control provision. In this context, it should be remembered that the Building Regulations require certification by the developer's design team'*.

7.5.4. Having examined the provisions of the Building Control (Amendment) Regulations 2014 and the role of the assigned certifier within said Regulations and the associated Building Control Management System (BCMS). I consider the subject condition does impinge on a separate regulatory code and may give rise to conflict. The role of the consulting engineer to supervise the development works appears to conflate with that of assigned certifier role under the Building Regulations code and may lead to undesirable duplication.

7.5.5. I note the Planning Authority has not put forward any justification or outlined any particular circumstances for the requirement of this condition. As such, I consider condition number 11 to be unwarranted and therefore recommend it be removed.

7.6. Condition Number 12

7.6.1. In the grounds of the appeal, the appellant contends that the provisions of condition number 12 could conflict with the wording of condition number 6. The appellant requests the wording of the condition be amended to avoid conflict with condition number 6 and DMURS.

7.6.2. For clarity, the wording of condition number 6 is as follows:

‘The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.’

7.6.3. Having reviewed the wording of both conditions and the relevant guidance documents, I note the Design Manual for Urban Roads and Streets (DMURS) (2013) and amended through various advice notes, has updated and replaced certain sections of the 1998 publication entitled ‘*Recommendations for Site Development Works for Housing Areas*’ document, such as relating to carriageway widths, corner radii and junction design etc. Furthermore, Circular RW 6/2013 issued by the Department of Transport state that DMURS is mandatory for all urban roads and streets within the 60km/h urban speed limit zone.

- 7.6.4. I am satisfied that condition 12 is reasonable and necessary to ensure the standard of construction carried out would accord with Galway County Councils 'Taking in Charge of Developments' (September 2008) document which takes guidance from the technical specifications contained in the "Recommendations for Site Development Works for Housing Areas"(1998) document.
- 7.6.5. I consider it appropriate that the design guidance or standards contained within DMURS would take precedence where any potential conflict or confusion may arise between the two guidance documents. I recommend that condition number 12 be retained and amended accordingly.

7.7. AA Screening and Appropriate Assessment

- 7.7.1. The proposed development consisting of 5 no. additional residential units to a previously permitted residential development under PI. Ref No.2263/0184 has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Please see Appendices 3 and 4 of this report.
- 7.7.2. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Corrib SAC, and Lough Corrib SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 7.7.3. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Lough Corrib SAC and Lough Corrib 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.
- 7.7.4. 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.
 - Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations the eventual contractor.

- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lough Corrib SAC and the Lough Corrib SPA.
- No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Lough Corrib SAC and the Lough Corrib SPA.

8.0 Water Framework Directive Screening

- 8.1.1. The subject site within the urban settlement of Headford, adjoins the waterbody Annacurta Stream (EPA name Pollacullare, code IE_WE_30H010200) with a status of '*Moderate*' and the relevant groundwater body is Clare-Corrib (Code IE_WE_G_0020) with an overall status of '*good*'. The proposed development comprises of the construction of 5 no. additional residential units to a previously permitted residential development under PI. Ref No.2263/0184.
- 8.1.2. No water deterioration concerns were raised in the planning appeal.
- 8.1.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, location of the project and local topography, 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

- Nature and scale of the development.
 - The proposed mitigation measures contained within submitted documentation such as the NIS and the preliminary CEMP.
- 8.1.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 Recommendation

9.1.1. Having regard to the nature of the conditions the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to

a) REMOVE condition number 11 (a) and (b) and the reason therefor.

b) AMEND condition numbers 1, 2, 12, 24 and 25 as follows:

1. *The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.*

Reason: In the interest of clarity.

2. *This permission is for a total of 5 number houses.*

Reason: in the interest of clarity.

12. *The standard of construction shall be in accordance with the provisions of the Department of the Environment and Local Government publication "Recommendations for Site Development Works for Housing Areas" 1998 and/or Galway County Councils Taking in Charge of Developments (September 2008) or any amended version of these documents except as may otherwise be required in order to comply with the conditions above. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.*

Reason: To ensure an adequate standard of development.

24. *Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.*

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. *The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.*

Reason: it is a requirement of the Planning and Development Act 2000, as amended , that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10.0 Reasons and Considerations

10.1.1. Having regard to the extant planning permission pertaining to the site, to the classification of Headford as a Small Growth Town within Chapter 2 of the Galway County Development Plan 2022-2028, and to the development management standards set out in the Development Plan, it is considered that, subject to compliance with the conditions set out below, the revisions to the proposed development, namely the additional five dwelling units and associated site works, would make efficient use of an appropriately zoned site, would positively contribute to an increase in housing stock, would be appropriate in terms of design and layout, quantum and quality of open space provision and the particular characteristics of the site would integrate appropriately with the established and permitted built environment of the surrounding area, would be capable of being appropriately connected to the public water and wastewater network. The proposed development would not result in an excessive residential density, would not adversely impact on any European Site, would not interfere with the safety and free flow of traffic or endanger public safety in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	This permission is for a total of 5 number houses. Reason: in the interest of clarity.

12.	The standard of construction shall be in accordance with the provisions of the Department of the Environment and Local Government publication "Recommendations for Site Development Works for Housing Areas" 1998 and/or Galway County Councils Taking in Charge of Developments (September 2008) or any amended version of these documents except as may otherwise be required in order to comply with the conditions above. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. Reason: To ensure an adequate standard of development.
24.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.
25.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the

	application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme. Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Peadar McQuaid

Planning Inspector

6th October 2025

Appendix 1 - EIA Pre-Screening

Case Reference	ACP-322858-25
Proposed Development Summary	Revisions of previously permitted residential development under Pl. Ref No.2263/0184 to provide for 5 no. additional residential units (9 no units in total). A Natura Impact Statement was submitted to the planning authority with this application.
Development Address	Deerpark, Headford, 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? (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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ 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)	Part 2, Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units. 5 no houses on a site area of 0.298ha. (4 no units previously permitted under PI. Ref. No. 22/60184)

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)

Inspector: _____ Date: 6th October 2025

Appendix 2 - EIA Preliminary Examination

Case Reference	ACP-322858-25
Proposed Development Summary	Revisions of previously permitted residential development under PI. Ref No.2263/0184 to provide for 5 no. additional residential units (9 no units in total). A Natura Impact Statement was submitted to the planning authority with this application.
Development Address	Deerpark, Headford, Co. Galway.
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 proposed development comprises revisions to a previously permitted residential development. The revisions would comprise the provision of an additional five dwelling units and is located within an urban area. The infill site can be connected to public water and wastewater network subject to agreement with Uisce Eireann and the Local Authority. The proposed development will not give rise to the production of significant waste, emissions or pollutants.
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 brownfield/infill site located within the urban settlement of Headford is not located within or near any Natura 2000 or ecological sites. The Annacutra stream runs along the southwest boundary of the appeal site provides a hydrological link with both the Lough Corrib SAC and Lough Corrib SPA. An Appropriate Assessment has been undertaken which has determined that there would be no adverse impact on the Conservation Objectives of the relevant European sites.
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).	The scale of the proposed development (5 no residential unit) is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. The proposal is not considered exceptional in the context of the existing urban environment.

	There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area. In the absence of construction phase mitigation, indirect impacts/effects cannot be ruled out during the construction phase of development due to potential silt-laden surface water run-off entering the Annacutra stream and due to the presence of the small Flood Zone area in the southern corner of the appear site. This could potentially result in water quality deterioration in the Natura 2000 sites. A silt trap is to be erected along the South/Southwestern boundary of the site which will remain in place for the entirety of the construction phase. Other mitigation measures regarding site set up, drainage/water quality, Groundwater Contamination etc have been detailed in section 6 of the submitted NIS and section 5 of the associated Preliminary CEMP. No disturbance on the QI bird species associated with the Lough Corrib SPA is predicted due to the distance between the application site and the SPA and the lack of suitable habitats on site.
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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No.
There is a real likelihood of significant effects on the environment.	EIAR not required.

Inspector: _____ Date: 6th October 2025

Appendix 3 - AA Screening Determination Template 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	Revisions of previously permitted residential development under PI. Ref No.2263/0184 to provide for 5 no. additional residential units (9 no units in total). A Natura Impact Statement was submitted to the planning authority with this application.			
Brief description of development site characteristics and potential impact mechanisms	The site consists of a brownfield/infill site adjoining the town centre of Headford. Total site area is 0.298ha. The connection to the public water and wastewater treatment system is integral to the design. There is a watercourse bordering the site with pathways to European sites of the Lough Corrib SAC and Lough Corrib SPA.			
Screening report	Y			
Natura Impact Statement	Y			
Relevant submissions	None			
The appeal site lies approximately 1.84km from the Lough Corrib SAC (site code: 000297), 4.15km from Lough Corrib SPA (site code 00402). The Annacutra stream flows south ward along the southwest boundary of site and provides a hydrological link to both the Lough Corrib SAC and Lough Corrib SPA. The southern corner of the appeal site is within Flood Zone B.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Corrib SAC - (Site code 000297)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae	1.8km (straight line measurement)	No direct impacts/effects are predicted during the construction phase of development. The Annacutra Stream is located along the southwest boundary of the	Y

	and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Limestone pavements [8240]		appeal site. Indirect impacts/effects cannot be ruled out during the construction phase of development due to potential silt-laden surface water run-off entering the stream. This may result in water quality deterioration in the Lough Corrib SAC. Residual Flood Risk can be ruled out, the potential for associated indirect impact on European Sites can also be ruled out at operational stage. The Lesser Horseshoe Bat is a qualifying interest of the Lough Corrib SAC. The proposed development is not located within a known Lesser Horseshoe Bat foraging range and therefore, no direct or indirect impacts/effects are predicted during the construction phase of development. There are no direct or indirect impacts/effects predicted on the Lough Corrib SAC during the operational phase of development.	
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	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Bog woodland [91D0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]			
Lough Corrib SPA (Site code 004042)	Pochard (Aythya ferina) [A059] Tufted Duck (Aythya fuligula) [A061] Common Scoter (Melanitta nigra) [A065] Hen Harrier (Circus cyaneus) [A082] Coot (Fulica atra) [A125] Golden Plover (Pluvialis apricaria) [A140]	4.1km (straight line measurement)	The application site is located entirely outside of the Lough Corrib SPA. Therefore, no direct impacts/effects are predicted during the construction phase of development. There is a very small but identifiable flood zone to the southern corner of the site, impacts cannot be ruled out during the construction stage in	Y

	Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Shoveler (Spatula clypeata) [A857] Gadwall (Mareca strepera) [A889] Wetland and Waterbirds [A999]		the absence of mitigation. The Annacutra Stream is located to the southwest of the proposed development. Therefore, indirect impacts/effects cannot be ruled out during the construction phase of development due to potential silt-laden surface water run-off entering the stream. This may result in water quality deterioration in the Lough Corrib SPA. No direct impacts/effects are predicted during the operational phase of development.	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

- (a) Indirect impacts/effects cannot be ruled out during the construction phase of development due to the presence of the small Flood Zone B area on site, and the potential for silt-laden surface water run-off entering the Annacutra Stream, which may result in water quality deterioration in Lough Corrib SAC and SPA. No direct or indirect impacts/effects are predicted during the operational phase of development on the SAC.

Due to the distance between the appeal site and the SPA and the lack of suitable habitats onsite, there are no direct or indirect impacts/effects expected, in terms of disturbance, on the QI bird species associated with the Lough Corrib SPA during the construction or operational phase of development.

- (b) Standard best practice construction measures will be used in order to minimise any significant impact arising from the construction methods proposed such as SUDs, a petrol interceptor, silt trap etc. These matters would be managed as part of a Construction and Environmental Management Plan (CEMP), which could be conditioned by the Coimisiún and agreed in writing with the PA prior to the commencement of development.

(c) Deterioration of water quality can indirectly affect the conservation objectives for a number of the qualifying interests, particularly the aquatic and bird species, of the SAC and SPA respectively

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Corrib SAC (site code 000297). Lough Corrib SPA (site code 004042)	Direct: None Indirect: Surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	Deterioration of water quality can indirectly affect the conservation objectives for a number of the qualifying interests, particularly the aquatic and bird species, of the SAC and SPA respectively.
Yes	Likelihood of significant effects from proposed development (alone):	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	

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 Lough Corrib SAC and Lough Corrib SPA from effects associated with deterioration water quality during the construction stage of the development. 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.

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 will give rise to significant effects on Lough Corrib SAC and Lough Corrib SPA in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Direct potential pathways to the European sites via the Annacutra stream which adjoins the appeal site.

- The location and distance to the European sites.
- The nature of the type of construction proposed and the operational characteristics of the development.
- A full and detailed assessment of all aspects of the proposed project including the Conservation Objectives of the aforementioned designated sites and all submitted documentation with the application and appeal.

Appendix 4 - Appropriate Assessment

Appropriate Assessment				
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 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 5 no. additional residential units for a previously permitted residential development under PI. Ref No.2263/0184 in view relevant conservation objectives of Lough Corrib SAC and SPA based on scientific information provided by the applicant. The information relied upon includes the following: • Appropriate Assessment Screening Report prepared by Enviroplan Consulting Ltd. • Natura Impact Statement prepared by prepared Enviroplan Consulting Ltd. • Preliminary CEMP prepared by Enviroplan Consulting Ltd. • Flood Risk Assessment (FRA) prepared by Hydro Environmental. • Sources of publicly available information from websites of the National Parks and Wildlife Service, Environmental Protection Agency, Geological Survey Ireland and Galway County Council. I am satisfied that the information provided is adequate to allow for an 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 No submissions or observations were received.				
NAME OF SAC/ SPA (SITE CODE): Lough Corrib SAC (Site code: 000297) & SPA (Site code: 004042) Summary of Key issues that could give rise to adverse effects (from screening stage): (i) Water quality degradation (construction stage)				
Qualifying Interest features likely to be affected	Conservation Objectives - Targets and attributes	Potential adverse effects	Mitigation measures	
			Mitigation Measures and best practise measures are outlined in section 6 of the NIS.	

			Environmental control measures in section 5 of the pCEMP.	
Lough Corrib SAC (Site code: 000297) Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*)	Maintain / restore favourable conservation condition	Water quality degradation	Silt and pollution control measures. Best practice construction management measures. All works along the Annacutra stream to comply with the requirements detailed in the Inland Fisheries Board's publication – 'Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites'. A suitably qualified ecologist/ ecological clerk of works (ECoW) to be appointed to monitor proposed works.	

important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Limestone pavements [8240] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]				
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Bog woodland [91D0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]				
Lough Corrib SPA (Site code: 004042) Pochard (Aythya ferina) [A059]	Maintain / restore favourable conservation condition	Water quality degradation	Silt and pollution control measures. Best practice construction management measures including	

Tufted Duck (<i>Aythya fuligula</i>) [A061] Common Scoter (<i>Melanitta nigra</i>) [A065] Hen Harrier (<i>Circus cyaneus</i>) [A082] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Shoveler (<i>Spatula clypeata</i>) [A857] Gadwall (<i>Mareca strepera</i>) [A889] Wetland and Waterbirds [A999]			via the preliminary Construction and Environmental Management Plan (pCEMP). All works along the Annacutra stream shall comply with the requirements detailed in the Inland Fisheries Board's publication – 'Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites'. A suitably qualified ecologist/ ecological clerk of works (ECoW) to be appointed to monitor proposed works.	
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.	
Assessment of issues that could give rise to adverse effects view of conservation objectives. (i) Water quality degradation Water quality degradation is the main risk from unmanaged site works where silt laden surface water may reach the SAC/SPA via the hydrological connection of the Annacutra stream that runs along the southwestern boundary of the appeal site. Furthermore, a section of the site is within Flood Zone B. During the construction period there is also the possibility of spillage such as fuels, oils, chemicals and cement material which gives rise to the possibility of indirect negative impacts on downstream water quality. Fuels, oils and chemicals have a number of hazardous properties, and the constituents of concrete are alkaline and corrosive, with potential impacts on water quality and aquatic life. The NIS notes that given the potential effects to water quality during the construction phase and the potential route for indirect effects/impacts on the Natura 2000 site, mitigation measures required. Mitigation measures and conditions Mitigation measures to avoid reductions in water quality on site and to ensure the protection of Natura 2000 habitats and species are to be implemented, the majority of which are considered to represent industry best practice. These are set out in the NIS, the accompanying preliminary Construction Environmental Management Plan', and will include, in summary, the following: Construction Phase: <u>Site Set Up</u> • A solid fence shall be erected around the perimeter of the proposed development site prior to the commencement of construction works. This will create a solid boundary between the site and the surrounding area. • All works shall be located within the confines of these fences. No works will take place outside the fences to prevent damage to areas outside the necessary development footprint. • The construction phase compound will be located outside of Flood Zone B. • No construction works will take place during orange, or red rain weather warnings issued by Met Éireann.	

- A silt fence shall be erected prior to any construction, earthworks, or groundworks on site, along the South west / west boundary of the site. This silt fence shall remain in place for the entirety of the construction phase.
- All works along the Annacutra stream shall comply with the requirements detailed in the Inland Fisheries Board's publication – 'Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites';

Refuelling, fuel and hazardous materials storage

- All machinery maintenance and re-fueling shall be carried out off-site. Spill kits for contaminants such as fuels oils and lubricants must be used.
- All petroleum products are to be bunded during the construction stage of the development

Drainage and Water Quality

- The works shall be planned and executed in accordance with Environmental Protection Agency Guidelines.
- Wash water from on-site mixers or lorries shall be disposed of appropriately off site.
- The contractor should ensure that operations do not give rise to the discharge of large quantities of dirty water into the water courses. Measures must be in place to ensure that silt will not be allowed to enter the water system.
- To prevent run off from stripped ground, banks are to be placed on the downstream side of stockpiles.
- Water from excavations shall be pumped to land and allowed to settle, or passed through silt traps, before returning into the watercourse.
- Good site management will ensure that surface water and groundwater will be protected from accidental contamination.
- Washing out of concrete trucks should not be permitted within the site and should be conducted in hard standing areas.
- Works with concrete shall be done during dry conditions for a period sufficient to cure the concrete (at least 48 hours).
- Concrete pours shall occur in contained areas.
- Portable toilets and sanitary facilities will be provided for site use.
- Plant will be re-fueled away from watercourses.
- All site operatives will have immediate access to spill kits when machinery is being used.
- No uncontrolled runoff to the public road from dewatering/pumping carried out during construction activity.

- Works shall comply with the requirements detailed in the Inland Fisheries Board's publication – 'Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites';

Groundwater Contamination

- All direct discharges of pollutants into groundwater are prohibited.
- Drip trays shall be utilized for all machinery on site and monitoring undertaken to ensure that there is no risk of overflowing and that they are adequately sized to deal with the specific element of machinery that they are protecting against.
- Site storage will be on an impervious base within a secondary containment system such as a bund.
- A spill kit with sand or earth shall be kept close to storage areas. Staff will be trained on how to use spill kits correctly.
- Damaged, or leaking drums shall be removed from site immediately and disposed of via a registered waste disposal contractor.
- No concrete or cleaning water should enter soil or the adjacent waterway.
- Construct systems to collect, convey, treat, and attenuate the surface water runoff generated by the proposed development.
- All construction shall be carried out in line with the Inland Fisheries Ireland 2016 Guidelines.

Monitoring

- A suitably qualified ecologist/ ecological clerk of works (ECoW) will be contacted prior to the commencement of any construction works.
- The ECoW will conduct regular site visits, at a rate they deem fit dependent on the works being carried out.
- The ECoW will complete a report confirming that mitigation measures outlined in this document were adhered to, this will be submitted to the Local Authority.

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, will not adversely affect the integrity of this European site.

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 described to prevent ingress of silt laden surface water and other contaminants. Monitoring measures are also 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 Lough Corrib SAC and 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 Lough Corrib SAC, and Lough Corrib SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated application /appeal material submitted, I consider that adverse effects on site integrity of the Lough Corrib SAC and Lough Corrib 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.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations the eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lough Corrib SAC and the Lough Corrib SPA.
- No reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Lough Corrib SAC and the Lough Corrib SPA.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ACP – 322858 -25	Townland, address	Deerpark, Headford, Co. Galway
Description of project		Revisions of previously permitted development under PI. Ref No.2263/0184 to 5 no. additional residential units. A Natura Impact Statement was submitted to the planning authority with this application.	
Brief site description, relevant to WFD Screening,		The appeal site has a stated area of 0.298ha and is located on the southern side of the N84 (Bridge Street), on the eastern approach to Headford town centre. The appeal site is relatively flat with topographical levels indicated as c.14.8 – 14.0 metres (OD Malin), save for an area to the southeast where ground levels fall c 13.26 metres (OD Malin). The Annacurta Stream flows along the site's southwestern boundary. The immediate area surrounding the site is predominantly residential in character. A row of terraced houses and commercial garage adjoin the appeal site to the south. 'The Stables' residential development bounds the site to the north. Headford town centre is just to the west of site. Filtrations tests carried by the appellant have found that the infiltration rates to the sub soils are very low.	
Proposed surface water details		SUDs system proposed with hydrocarbon interceptor. Surface water from the impermeable surfaces like roofs and roadways will be collected by means of gullies and a piped collection system. It will be in turn discharged to an attenuation chamber, and it will be released at a controlled rate to the Annacurta Stream. The hydrocarbon interceptor can treat up to an area of	

	1944 square metres, which is well in excess of the hard surfaces of the scheme (Access Road and parking: 425 square metres - Dwelling house roofs: 765 square metres).					
Proposed water supply source & available capacity	Uisce Eireann mains water connection. The proposed development will be serviced by extending the 100mm water main that was granted under PI. Ref No.2263/0184. Confirmation of feasibility letter provided.					
Proposed wastewater treatment system & available capacity, other issues	Uisce Eireann Wastewater connection. There is currently a 350mm diameter main passing through the site along the south-western boundary from the Town to the treatment plant. It is proposed to connect within the confines of the development site to this main, under gravity. Confirmation of feasibility letter provided.					
Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody - Annacurta Stream	1m	Pollacullare IE_WE_30H010 200	Moderate	Under Review	No pressures	Yes – surface run off.

Groundwater Waterbody		Underlying site	Clare-Corrib IE_WE_G_0020	Good	Not at risk	No pressures	No – poorly draining clay soils offer protection to groundwaters
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Surface	(Annacurta Stream) Pollacullare IE_WE_30H 010200	Surface water discharge	Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction - Siltation, pH (Concrete), hydrocarbon spillages	A number of standard construction phase mitigation measures are set out in, for example, the NIS and pCEMP including the installation	No	Screened out

					of hydrocarbon interceptor.		
2.	Ground	Clare-Corrib IE_WE_G_0 020	Pathway exists but poor drainage characteristics	Hydrocarbon spillages	Relevant measures set out in the NIS and pCEMP include spill kits, surface water management, silt fencing, protection of stockpiles, and appropriate fuel storage/bunding/refuelling.	No	Screened out
OPERATIONAL PHASE							
3.	Surface	(Annacurta Stream) Pollacullare IE_WE_30H 010200	Surface water discharge	Hydrocarbon spillage	SuDS measures are proposed as part of the proposed development, include a restricted greenfield runoff rate, and the ongoing monitoring and maintenance of same is referenced. Installation of hydrocarbon interceptor.	No	Screened out

4.	Ground	Clare-Corrib IE_WE_G_0 020	Pathway exists but poor drainage characteristics	Hydrocarbon spillage	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	Decommissioning is not anticipated as this is a permanent residential development.						

Inspector: _____ Date: 6th October 2025