

An
Coimisiún
Pleanála

Inspector's Report ACP-322867-25

Development

Construction of a new dwelling house incorporating the existing stone structure of an original family dwelling along with the construction of a new wastewater treatment system and all associated site works. Gross floor area of works: 70.60 sqm (extension). This application is accompanied by a NIS.

Location

Aughrus beg, Cleggan, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2560409

Applicant(s)

Tommy Conneely

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Tommy and Catherine Conneely

Observer(s)

None

Date of Site Inspection

27th 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 1.080ha and is situated on the southern side of the L5117 in the townland of Aughrus Beg, in West Connemara, approximately 95km northwest of Galway City Centre. The nearest villages are Cleggan 3.7km to the east and Claddaghduff 2.5km to the southeast. The site is within a sparsely populated exposed coastal area.
- 1.2. There is an existing stone ruin situated in the centre of the site and is connected to the public road via a driveway that has been recolonised by local flora. The stone ruin is situated on the raised area and localised high point within the site. The rest of the site has an undulating terrain with small humps and hollows across the property. There is significant granite rock outcrop throughout the site with areas of dry and wet heath. The site boundaries are defined by low natural stone walls and post & wire fencing. Electricity poles transverse the northern section of the site. The appeal site enjoys panoramic coastal views.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
 - Construction of a new single storey dwelling house incorporating the existing stone structure. Gross floor area of existing structure 56.70 sqm and proposed works 70.60 sqm providing 3 no bedrooms, kitchen / living room, utility, and bathroom. The proposed dwelling would have a max ridge height of c. 5.3m and an external material finish of smooth plaster render and local natural stone.
 - An area of private open space is proposed to the rear of the dwelling including a patio area.
 - New wastewater treatment system and all associated site works.
 - This application is accompanied by a NIS.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway County Council (The Planning Authority) issued a notification of decision to REFUSE permission for the above-described proposed development on the 28th May 2025, for the following reasons:

- 1. The proposed development is sited within the Aughrusbeg Machair and Lake SAC which is a designated European Site of ecological importance forming part of the Natura 2000 network of sites of highest biodiversity importance for rare and threatened natural habitats and flora and fauna species across the European Union. The Planning Authority, by virtue of the aforementioned and the potential for the proposal to have an undue impact upon or diminution of wet heath habitat (HH3) which corresponds to 'northern Atlantic wet heaths with Erica tetralix (4010)' and is a qualifying feature/interest of the said designation, the absence of a botanical survey of the subject site and having regard to the precautionary principle, is not satisfied based on the information received that significant negative effect on the integrity and conservation objectives of the said designation can be ruled out. Therefore, the development if permitted has potential to have significant negative adverse impact on the integrity and qualifying interests/conservation objectives of the Aughrusbeg Machair and Lake SAC, would contravene materially objectives NHB 1, 2 & 3 and development management standard 50 contained in the current Galway County Development Plan, and therefore would be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development is sited within a designated Class 3 Special landscape defined as 'High Sensitivity to Change'. A landscape's capacity to absorb new development, without exhibiting a significant alteration of character or change of appearance is referred to as it's 'sensitivity'. The proposed development in the absence of a comprehensive justification for the site selection, a thorough visual impact assessment and having regard to the planning history on site under file reference numbers 97/1915 & 00/1154 would constitute an obtrusive feature on this exposed and sensitive landscape*

and if permitted would adversely impact on the visual amenity of area, would seriously injure the localized unspoilt topography of the area southwards of the L5117 public road and thus in light of the aforementioned would be contrary to Policy Objective RH9 pertaining to the Galway County Rural Design Guidelines for the Single Rural House given the sensitive site context in an Special Landscape Designation, be at variance with DM Standard 8 of the Galway County Development Plan 2022 – 2028 with respect to Site Selection and Design and be contrary to the proper planning and sustainable development of the area.

- 3. Having regard to observations onsite inspection not corroborating satisfactorily with the contents of the site characterisation form and the application being assessed outside the height of the winter water table, the Planning Authority is not satisfied that the safe disposal of domestic effluent can be guaranteed on site in perpetuity in strict accordance with the EPA Code of Practice Manual 2021 for Wastewater Treatment and Disposal Systems Serving Single Houses ($PE \leq 10$), notwithstanding the proposed use of a packaged wastewater treatment system. Accordingly, to grant the proposed development would be prejudicial to public health, would be contrary to Objective WW6 and DM Standard 38 of the Galway County Development Plan 2022- 2028, would pose an unacceptable risk to surface water and be contrary to the proper planning and sustainable development of the area.*
- 4. In the absence of pre connection enquiry response and comprehensive details in relation to consent required to connect to the public water supply to serve the proposed development, the Planning Authority is not satisfied based on submissions received that the development if permitted as proposed would not pose a serious risk to the public health of persons occupying the proposed dwelling house. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planner's Report is dated 28th May 2025 had regard to the material submitted with the application, local planning policy, planning history and the referral (Internal consultees and prescribed bodies) response received. The report recommended refusal and made the following main points:

- The applicant is deemed to comply with Policy Objective RH3 with respect to rural housing need.
- The site of the proposed development is not within a flood risk area (fluvial, pluvial, coastal, or groundwater). Flood risk assessment not required.
- The visibility splays are illustrated as per the requirements of DM Standard 28 of the plan on layout and the roadside verge in the vicinity of the subject site is devoid of any vegetation cover to hinder visibility distances.
- Conditions pertaining to surface water can be applied in the event of a grant of planning permission.
- The applicant has indicated the water supply is to be obtained from a public mains supply but no evidence of any pre connection enquiry response from Irish Water on file nor does GIS data indicate this infrastructure to be present at roadside frontage.
- The planning authority is not satisfied that the subject site can dispose potential wastewaters generated therein in a safe and environmentally sustainable manner in perpetuity. No trial hole excavation observed on the day of site inspection and photographs in site characterization assessment report were lacking site specific context.
- The site boundary is identified as being within the Aughrusbeg Machair and Lake SAC. The proposed wastewater has the potential to have an undue impact upon or diminution of a qualifying feature/interest of the SAC. In the absence of a botanical survey undertaken by a suitably qualified botanist/ecologist, the planning authority cannot be certain that the project will

not adversely affect the integrity of Aughresbeg Machair & Lake SAC in light of their conservation objectives.

- The subject site is located with an open and exposed Class 3- Hard Shore Coastal Unit designated landscape with sensitivity rating of special and is outside a designated focal view. The photomontage furnished is not appropriate for the purposes of enabling the local authority to evaluate fulsomely the integrative capacity of the project. Hard regard to the site planning history and the localized landscape for circa half a linear kilometre along the L5117 in the vicinity of the proposed development constitutes an unblemished vista. It considered that to permit the development in a visually exposed and prominent setting would detract from the scenic amenity of the area.

3.2.3. Other Technical Reports

- None

3.3. Prescribed Bodies

- Development Applications Unit (DAU) – The Department recommends that a botanical survey is undertaken.

3.4. Third Party Observations

- No submissions.

4.0 Planning History

4.1.1. Appeal Site

- PA. Ref. 00/1154 - Permission REFUSED for the construction of a dwellinghouse and septic tank. Applicant Justin King.
- PA. Ref. 97/1915 – Permission REFUSED for the construction of a dwellinghouse and septic tank. Applicant T Conneely.

4.1.2. Other applications by the applicant.

- PA. Ref. 23/60916 - Permission REFUSED to construct a dwellinghouse with septic tank & wastewater treatment plant. Address - Aughrusmore, Claddaghduff, Co. Galway.
- PA. Ref. 22/1182 - Permission refused to construct a dwelling house with septic tank and wastewater treatment plant. An NIS and a CEMP will be included in the application. Address - Aughrusmore, Claddaghduff, Co. Galway.
- PA. Ref. 21/2332 - Permission refused to construct a dwelling house with septic tank and wastewater treatment plant. An NIS will accompany the application. Address - Aughrusmore, Claddaghduff, Co. Galway.

5.0 Policy Context

5.1. Development Plan

5.2. Galway County Development Plan 2022 - 2028

- 5.2.1. The following chapters and sections are considered particularly relevant in the assessment of this appeal case and are outlined below.
- 5.2.2. The appeal site is within the 'Structurally Weak Area' (Map 4.1, Rural Area Types) and Zone 4 (Landscape Sensitivity Category 2-4, Map 4.2) for the purposes of rural housing policy.
- 5.2.3. The appeal site is also subject to Landscape Sensitivity Category 'Special' which has a class rating of 3 within the Coastal landscape character area (as per Map 8.1 and 8.2 of the CDP).
- 5.2.4. Individual housing development in the open countryside can be considered where the applicant can demonstrate their compliance with: RH 4 Rural Housing Zone 4 (Landscape Classification 2,3 and 4).
- 5.2.5. Other relevant Policy Objectives:

- 5.2.6. 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.
- 5.2.7. RH 9: Design Guidelines -a). It is the policy objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape; b). It is the policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout; c). It is the policy objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.
- 5.2.8. RH 13: Rural Housing Capacity - Residential Development on 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 the local need criteria.
- 5.2.9. RH 18: Lands in Family Ownership – Where applicants can supply land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links will not have to be demonstrated.
- 5.2.10. NHB 1: Natural Heritage and Biodiversity of Designated Sites, Habitats and Species - Protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI 94 of 1999).
- 5.2.11. NHB 3:Protection of European Sites - No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be

permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).

- 5.2.12. LCM 3: Landscape Sensitivity Ratings - Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.
- 5.2.13. PVSR 1: Protected Views and Scenic Routes - Preserve the protected views and scenic routes as detailed in Maps 8.3 and 8.4 from development that in the view of the Planning Authority would negatively impact on said protected views and scenic routes. This shall be balanced against the need to develop key infrastructure to meet the strategic aims of the plan.
- 5.2.14. WW 6: Private Wastewater Treatment Plants - Ensure that private wastewater treatment plants, where permitted, are operated in compliance with Environmental Protection Agency (EPA) Code of Practice for Domestic Wastewater Treatment System 2021 (Population Equivalent ≤ 10).
- 5.2.15. WW10: Surface Water Drainage -To require all new developments to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems where appropriate in new development and the public realm.
- 5.2.16. Relevant Development Management Standards (Chapter 15):
- DM Standard 7: Rural Housing
 - DM Standard 8: Site Selection and Design
 - DM Standard 9: Site Sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems
 - DM Standard 11: Landscaping
 - DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads
 - DM Standard 29: Building Lines
 - DM Standard 36: Public Water Supply and Wastewater Collection

- DM Standard 38: Effluent Treatment Plants
- DM Standard 46: Compliance with Landscape Sensitivity Designations
- DM Standard 47: Field Patterns, Stone Walls, Trees and Hedgerows
- DM Standard 50: Environmental Assessments
- DM Standard 63: Sustainable Design and Climate Action

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is partially located within the designated Natura 2000 site of Aughrusbeg Machair and Lake SAC (Site Code: 001228) and Aughrusbeg Machair and Lake pNHA. The other nearest designated Natura 2000 sites within 5km are West Connacht Coast SAC (Site Code: 002998) 300m to the north, Omey Island Machair SAC (Site Code: 001309) 2.2km to the southeast, Inishbofin, Omey Island and Turbot Island SPA (Site Code: 004231) 3km to the south, High Island, Inishshark and Davillaun SPA (Site Code: 004144) 4.9km to the west and Cruagh Island SPA (Site Code: 004170) 4km to the south west.

5.4. EIA Screening

- 5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment. Concerns have been expressed in an observation received from the Development Applications Unit (DAU) that the proposed development may have a significant environmental effect on Annex I habitat of the Aughrusbeg Machair and Lake SAC. Impacts on the SAC are considered by the applicant in the NIS & associated Construction Environmental Management Plan (CEMP) and are addressed in Section 7.6 of this report.
- 5.4.2. Further, in Appendix 1 & 2 of this report, the proposed development has been screened for environmental impact assessment. 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. It is concluded, therefore, that the issues raised in respect of Annex I habitat and water quality can be addressed within the report and there is, otherwise, no real likelihood of significant effects on the environment. The proposed

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

- 5.4.3. It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for environmental impact assessment (Appendix 1 & 2), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts. On this basis I am satisfied that there is no potential for significant effects on any other environmental factor, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 7.6 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as following:
- The application was submitted considering the current Galway County Development Plan policies of RH 6: Replacement Dwelling, RH 7: Renovation of Existing Derelict Dwelling and RH 9: Design Guidelines.
 - Refusal Reason no 1 –North Atlantic wet heath does not occur within the build area or along the existing access route. The area surrounding the ruined building is not within the conserved area and does not support any of the habitats or species for which the adjacent Natura areas have been designated for. There is no implication that any measures are to be taken to avoid or reduce any harmful effects on the Natura sites and their qualifying interests. The fact that a Botanical Survey is not presented is not a lacuna in the analysis/assessment process. All matters of significance have been considered. The matter could have been dealt with via a request for further information.
 - Refusal Reason no 2 – House and similar renovation projects have been granted planning permission along this stretch road in recent times. The

appellant is trying to integrate a contemporary and very high quality designed low level extension onto an existing structure while maintaining vernacular features and existing natural stone finishes.

- Refusal Reason no 3 – The site characterisation report was carried out in the middle of October 2024 which can be considered as very wet time of year. To carry out the report only in the rainiest part of the year is impractical and an onerous request. This issue could have been addressed via a further information request. The trial hole is still excavated and can be still inspected. No water has been witnessed in the trial hole indicating that there is not an elevated water table on site.
- Refusal Reason no 4 – The appellant has made an application to Uisce Eireann for a water connection and stated that public mains are in existence given the recent developments along this roadway.

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 and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, prescribed body, and having inspected the site, and having regard to the relevant national, regional, local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design, Siting and Visual Impact
- Wastewater Disposal
- Water Supply

- AA Screening and Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The Development plan is specific about one off rural dwellings in areas categorised as having high sensitivity landscape value. The appeal site is located within a 'Structurally Weak Area' and Rural Housing Zone 4 (RH 4 - Landscape Sensitivity Category 2-4, Map 4.2) for the purposes of rural housing policy.
- 7.2.2. The applicant has met the criteria for eligibility for a dwelling in the general area and accordingly the principle of development is established. Pursuant to this, the site has to be assessed under standard planning considerations.

7.3. Design, Siting and Visual Impact

- 7.3.1. The Planning Authority's second reason for refusal state that in the absence of a comprehensive justification for the site selection, a thorough visual impact assessment and having regard to the site planning history, the proposed development would constitute an obtrusive feature on this exposed and sensitive landscape and if permitted would adversely impact on the visual amenity of area.
- 7.3.2. Furthermore, the planning officer in making their recommendation for refusal raised further concerns regarding the proposals negative impact on the unblemished vista for circa half a linear kilometre along the L5117 in the vicinity of the proposed development. I note that the reason for refusal also states that the proposed development would contrary to Policy Objective RH 9 and DM Standard 8 of the Galway County Development Plan 2022 – 2028.
- 7.3.3. For clarity, Policy Objective RH 9 of the Development Plan sets out that it is a policy objective of the Planning Authority to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following:
- a) It is the policy objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
 - b) It is the policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout.

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

- 7.3.4. DM Standard 8 of the Development Plan provides detailed guidance for site selection and design issues for the assessment of planning applications for rural housing.
- 7.3.5. The grounds of the appeal state that the appellant is not trying to impose an entirely new structure on a virgin site but is trying to integrate a contemporary and high quality designed low level extension onto an existing structure while maintaining vernacular features and existing natural stone finishes.
- 7.3.6. The appeal site is open and exposed with no natural screening. Centred in the middle of the appeal site is an existing stone ruin. The partial outer stone walls of what was once a cottage are remaining. The appellant proposes to restore the existing stone ruin along with constructing a modern extension to the rear to create a new T- shaped dwelling. The total GFA of the proposed works is stated as 70.60sqm. The renovated stone structure and new extension would both have a max pitched roof height of 5.3m. The highest gable wall of the existing ruinous entity is stated as 4.8m high. The proposed external finishes are a smooth plaster render on all elevations on the proposed extension with significant glazing on the northern/roadside elevation. The stonework of the existing ruin is to be retained and restored. Natural slate is to be used on both roofs. The contents of the Restoration and Landscape Impact Report are noted.
- 7.3.7. Having regard to the Appendix 5, Single Rural House Design Guidelines of the Development Plan, I would consider the proposed design (shape/ rural form), and external material finish of the proposed dwelling is generally in compliance with guidelines. I note the Planning Authority did not specifically raise the design of the proposed dwelling to be an issue.
- 7.3.8. It is my opinion that the proposed dwelling would be situated in a prominent location, away from other forms of development. The nearest dwelling along the southern side of the L5117 road is circa 293m to the east, with the nearest dwelling to the west being circa 230m away. The existing ruinous entity is visible from views along the

L5117 given the elevated nature of the site above the public road and a lack of any enclosing natural vegetation on the surrounding landscape.

- 7.3.9. The appeal site is located within a 'Coastal' landscape character area (LCA) and has a landscape sensitivity rating of Class 3 - Special (The 2nd highest landscape sensitivity). The Landscape Character Assessment contained in Appendix 4 of the Development Plan describes Coastal landscapes as being 'highly sensitive to change in appearance and character by new development of scale'.
- 7.3.10. Policy Objectives LCM1, LCM2 and LCM3 of the Development Plan are of relevance to this appeal. These objectives require that in assessing proposals for development consideration is given to the landscape character of the area and the sensitivity of the receiving landscape.
- 7.3.11. In my opinion, the appellant has not provided a robust Landscape/Visual Impact Assessment to accompany the application as required by Policy Objective LCM2 and DM Standard 8. I do not consider the submitted photomontage showing a single viewpoint of the proposal to be satisfactory to evaluate the potential visual impact of the proposed development on the landscape. Having reviewed all the application and appeal documentation and visited the appeal site, I am not satisfied that the proposed development has not been adequately illustrated how it would be capable of assimilating into this exposed sensitive coastal area.
- 7.3.12. Furthermore, I do not agree with the appellants assertion in the appeal response that they are not trying to impose an entirely new structure on a virgin site or that the proposal can be assessed under Policy Objectives RH6 – 'Replacement Dwelling' or RH 7 – 'Renovation of Existing Derelict Dwelling'. The existing stone ruin on site in my opinion cannot be deemed as a habitable, derelict or a semi-derelict dwelling given its ruinous condition. It is apparent from the site inspection that the existing ruin has not been inhabited for a substantial period of time. Therefore, I do not consider Policy Objective RH 6 and RH7 be applicable in assessment of the application. What remains of the ruined entity while visible has been largely subsumed into the receiving environment and blends into the local landscape in the context of the surrounding rock outcrops. To establish a new rural dwelling at this location, I consider would be visually obtrusive and discordant on the existing landscape.

- 7.3.13. The submitted restoration and landscape impact report including design statement does not provide a detailed rationale on site selection, consideration of alternative sites within the appellants landholding, extent of landholding, how the proposed development would visually integrate with the receiving landscape, any planting/landscaping proposals or how the relevant provisions of the County Development Plan or Rural House Design Guidelines have been considered. It is noted that the appellants landholding extends northwards to lands on the northern side of the L5117 road on lower terrain.
- 7.3.14. DM Standard 8 of the Development Plan recommends clustering with existing rural buildings in preference to stand alone locations. In addition, it also requires new buildings respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads. I consider given the locational context of the appeal site away from other forms of development on the southern side of the L5117 road, it would be standalone location that does negatively impinge on scenic views of the natural beauty of the surrounding landscape from views along the L5117 road. I do acknowledge the appeal site is not situated on a Scenic Route or would impact upon any Protected Views.
- 7.3.15. In my opinion the proposal does not represent an appropriate site selection and would be likely to detract from the visual amenities of the area and be visually obtrusive. Therefore, I consider the proposed development would contrary to policy objectives RH 9, LCM1, LCM2 and LCM3 and of DM Standard 8 of the Galway County Development Plan 2022-2028 and should be refused.

7.4. Wastewater Disposal

- 7.4.1. The Planning Authority's third reason for refusal states they are not satisfied that the safe disposal of domestic effluent can be guaranteed on site in perpetuity in strict accordance with the EPA Code of Practice Manual 2021 for Wastewater Treatment and Disposal Systems Serving Single Houses (PE ≤10) and as such to grant the proposed development would be prejudicial to public health, would be contrary to Objective WW6 and DM Standard 38 of the Development Plan.
- 7.4.2. The Planner in making their recommendation for refusal also stated that there was no trial hole excavation observed on the day of site inspection in the general area envisaged to accommodate for the percolation area. The photograph of the trial hole

is lacking site specific context, with photographed trial excavation not appearing to be 1.5 metres deep as per Section 3.2 of the site characterization report.

Furthermore, the planning authority considers it necessary that the subsoil characteristics of the subject site are examined during the height of the winter period.

- 7.4.3. The proposed dwelling is to be served by an onsite domestic wastewater treatment system (DWWTS). The relevant guidance for assessment purposes is the EPA Code of Practice (2021) (CoP), which applies to site assessments and associated wastewater treatment installations. Policy Objective WW 6 'Private Wastewater Treatment Plants' and DM Standard 38 'Effluent Treatment Plants' are relevant to this appeal. The Coimisiún will note that the location of the proposed wastewater treatment system is located within the Aughrusbeg Machair and Lake SAC boundary. In addition, EPA Mapping at the appeal site indicate that the groundwater vulnerability is described as 'X - Rock at or Near Surface'.
- 7.4.4. The Site Characterisation Form submitted with the application is set out in the superseded 2009 CoP format, states that the excavated percolation trial hole dug onsite was to a depth of 1.5m. Bedrock was encountered in the trial hole at a depth of 1.5 metres, the water table was encountered at 1.5m. A P value/surface test was carried out and a value of 7.25min/25mm was recorded. No sub-surface percolation testing carried out. The trial hole presoaks were carried out just prior to the commencement of the percolation testing. The form also comments that depth of bedrock and lack of wet ground would suggest potential good drainage characteristics.
- 7.4.5. During the inspection of the site, evidence of bare bedrock and small outcrops were visible across the appeal site. Some of this was lying exposed, above the soil, indicating shallow soil cover. This included the northern section of the site, near the location for the proposed DWWTS. The surrounding area was also pockmarked with large outcrops some of which were substantial in size. Poor drainage indicators in the form of an area of reeds and rushes are evident in the vicinity of the proposed percolation area and throughout the depressed areas of the appeal site. The location of the trial hole was not identified during the inspection of the site.
- 7.4.6. A technical assessment by the Commission's Environmental Scientist (Appendix 5 to this Inspector's report), has reviewed the appellant's information and site

characterisation form and concluded that the wastewater treatment system as described in the site characterisation report does not accord with the requirements of the EPA (2021) Code of Practice and would lead to the significant potential of impacts to groundwaters given the nature of the site.

- 7.4.7. Having regard to my observations during the site inspection, the environmental sensitivities of the appeal site, the results of the site characterisation report and the findings of both reports from the Coimisiún's Environmental Scientist and PA's Planning report, I am not satisfied that effluent generated by the proposed development would be appropriately attenuated and disposed of in a manner that would not be prejudicial to public health. Therefore, the proposed development would be contrary to Objective WW6 and DM Standard 38 of the Development Plan and should be refused on this basis.

7.5. Water Supply

- 7.5.1. The Planning Authority's fourth reason for refusal is that a source of water supply has not been made clear as part of the planning application. Due to the absence of documentary evidence or pre connection enquiry response from Uisce Éireann, the proposed development would pose a serious risk to the public health of persons occupying the proposed house.
- 7.5.2. The application documents do not set out a clear method for connecting to the public water mains network to serve the proposed dwelling. The appellant states in their appeal that they have made a Pre-Connection Enquiry to Uisce Éireann.
- 7.5.3. DM Standard 36 of the Development Plan states '*In the first instance, the applicant should make a pre-connection enquiry to Irish Water in order to establish the feasibility of a connection in advance of seeking planning permission*'. In addition, Policy Objective WS4 requires that all new developments intending to connect to a public water supply liaise with Irish Water.
- 7.5.4. Based on the lack documentation submitted with the application and appeal, there is no evidence of the appellant liaising with Uisce Éireann (pre connection enquiry reference number etc) or that a connection to the public water supply is even feasible.

- 7.5.5. Furthermore, the general advice from Uisce Éireann is to contact them and to make a Pre-Connection Enquiry as early as possible in the project. This is so that initial contact can be established – before an application for planning permission has been made to the relevant Planning Authority. This would have allowed the Appellant to obtain a Confirmation of Feasibility (CoF) from Uisce Éireann, which could then have been submitted as part of the application, or at appeal stage, but this has not occurred. This procedure has been in existence for a number of years now and is considered standard practice.
- 7.5.6. The Appellant has failed to ensure that the proposed development would be connected to, or adequately served, by a suitable quantity and quality of drinking water. I do not consider it appropriate to address this issue via condition due to potential public health risks to the future occupant(s) of the proposed dwelling. The proposed development is therefore contrary to DM standard 36 and Policy Objective WS4 should be refused permission for this reason.

7.6. AA Screening and Appropriate Assessment

- 7.6.1. The proposed development consisting of the construction of a new dwelling house incorporating the existing stone structure of an original family dwelling along with the construction of a new wastewater treatment system 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.
- 7.6.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Aughrusbeg Machair and Lake SAC (Site Code: 001228). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.
- 7.6.3. Following an examination, analysis and evaluation of the NIS, all associated material submitted with the application and appeal and taking into account observations of the Department of Housing, Local Government and Heritage - Development Applications Unit (DAU) and in the absence of a botanical survey, I consider that adverse effects on site integrity of the Aughrusbeg Machair and Lake SAC cannot be excluded in view of the conservation objectives of these sites and that reasonable

scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- The proposed development may result in the loss/fragmentation of Annex I habitat being the Northern Atlantic wet heaths with *Erica tetralix* within the SAC and the deterioration in groundwater quality. The evidence provided in the NIS and ecological consultant report does not sufficiently demonstrate a detailed scientific assessment of effects taking into account the targets and attributes necessary to support the site-specific conservation objectives for the Annex I habitat. As a result, I am of the view that the mitigation measures contained within the NIS and associated Construction Environmental Management Plan (CEMP) are not sufficiently informed to determine that no reasonable scientific doubt remains as to the absence of adverse effects. Furthermore, significant issues have been identified in the submitted site characterisation report (SCR) as outlined in section 7.4 of this report. The safe disposal of domestic effluent following treatment cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems ($PE \leq 10$) and therefore the possibility of habitat loss, modification or fragmentation cannot be ruled out as a result of groundwater contamination.

8.0 Water Framework Directive Screening

- 8.1.1. The subject site is located circa 173m away from the nearest waterbody Aughrusbeg Lough (Code IE_WE_32_436) with a status of '*At Risk*' and the relevant groundwater body is Clifden Castlebar (Code IE_WE_G_017) with an overall status of '*Not At Risk*'. The proposed development comprises of the construction of a new dwelling house incorporating the existing stone structure of an original family dwelling along with the construction of a new wastewater treatment system.
- 8.1.2. 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.
- Distance from nearest water bodies and lack of hydrological connections.
- Local topography.

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

10.0 Reasons and Considerations

1. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in the absence of botanical survey, definitive findings and conclusions, with regard to the implications of the proposed development for the Conservation Objectives and integrity of a European Site, and having regard that the safe disposal of domestic effluent following treatment cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems ($PE \leq 10$) as set out in reason number three of this schedule, the Coimisiún is not satisfied that the proposed development, individually or in combination with other plans or projects, would not be adversely affect the integrity of the Aughrusbeg Machair and Lake Special Area Conservation (Site Code: 001228). In such circumstances, the Coimisiún is precluded from granting permission for the proposed development.

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' in the Galway County Development Plan 2022-2028, 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 positioning of the dwelling within the site on the highest point, away from other forms of development and in the absence of consideration of alternative sites and solutions within the landholding. The proposed development would form a discordant and obtrusive feature on the landscape at this location and would seriously injure the visual amenities of the area and conflict with DM Standard 8 and Policy Objectives LCM 1, LCM 2 and LCM 3, as set out in the Development Plan, in relation to site selection and design, preserving and enhancing the landscape character having regard to the landscape sensitivity ratings and classification. The proposed development would, therefore, militate against the preservation of the rural environment and would establish an undesirable precedent for the location of similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the ground conditions encountered on the site, which included the presence of rock outcrop, poor drainage indicators in the form of rushes and other vegetation within and adjoining the proposed percolation area, the Commission cannot be satisfied that the appellants submitted site characterisation assessment or trial hole photograph accurately reflect the site conditions and in particular noting the absence of a subsurface percolation test ('T-Test') and having regard to proximity to sensitive environmental features. The Coimisiún cannot therefore be satisfied that the safe disposal of domestic effluent following treatment can be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems ($PE \leq 10$), notwithstanding the proposed use of a packaged wastewater treatment system and polishing filter. The proposed development would not, therefore, be in accordance with the provisions of the Galway County Development Plan 2022-2028 regarding

private wastewater treatment plants including that of Policy Objective WW6 and DM Standard 38 and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. In the absence of evidence of an available potable water supply at the location of the proposed dwelling, it is considered that the proposed development would not be in accordance with the provisions of the Galway County Development Plan 2022-2028, wherein Policy Objective WS 4, which requires the applicant to liaise with Irish Water (Uisce Éireann) in relation to securing a water supply and DM Standard 36, which states the applicant should make a pre-connection enquiry to Uisce Éireann to establish the feasibility of a connection in advance of seeking planning permission. 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.

Peadar McQuaid

29th September 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ACP 322867- 25		
Proposed Development Summary	Construction of a new dwelling house incorporating the existing stone structure of an original family dwelling along with the construction of a new wastewater treatment system and all associated site works.		
Development Address	Aughrus beg, Cleggan, 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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	X		
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes		Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units	
			Conclusion
			No EIAR or Preliminary Examination required
			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: 29th September 2025

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ACP 322867- 25
Proposed Development Summary	Construction of a new dwelling house incorporating the existing stone structure of an original family dwelling along with the construction of a new wastewater treatment system and all associated site works.
Development Address	Aughrus beg, Cleggan, Co. Galway.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. 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 is for the construction of a single storey detached dwelling house with wastewater treatment system and polishing filter and all associated site works. The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance. The construction of the proposed development may have potential to cause significant effects on the environment due to water quality degradation and its potential impact on Annex I habitat. The project characteristics may also pose risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated	The appeal site is partially within the boundary of the Aughrusbeg Machair and Lake Special Area Conservation (Site Code: 001228). It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS.

areas, landscapes, sites of historic, cultural or archaeological significance).	Impacts on European sites are addressed under Appropriate Assessment, in Section 7.6 and Appendix 3 & 4 of this report. It is considered that, having regard to the limited nature and scale of the development there is no real likelihood of significant effect on other significant environmental sensitivities in the area.
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 (1 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. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area. The potential for significant impacts for the purposes of EIA are limited given the characteristics of proposed development. It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken. The potential impacts on European sites are addressed in Section 7.6 and Appendix 3 & 4 of this report. Potential water quality degradation impacting a European site are considered possible having regard to significant discrepancies identified in the submitted site characterisation report and is assessed in Section 7.4 of this report and the technical assessment by the Commission's Environmental Scientist included in Appendix 5. Overall, I am satisfied that there is no potential for significant effects on flora and fauna or any other environmental factor, or

		any requirement, therefore, for an environmental impact assessment.
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.		
There is a real likelihood of significant effects on the environment.		

Inspector:

Date: 29th September 2025

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 – 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	Construction of a new dwelling house incorporating the existing stone structure of an original family dwelling along with the construction of a new wastewater treatment system and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	The subject site is an un-serviced rural greenfield site in a coastal location. It is proposed to construct of a new dwelling house incorporating the existing stone structure along with the construction of a new wastewater treatment system and all associated site works. The ground conditions of the appeal site as observed during the site inspection indicated poor drainage qualities with bare bedrock and small outcrops were visible across the appeal site. Areas of reeds and rushes are evident in the vicinity of the proposed percolation area and throughout the depressed areas of the appeal site. The appeal site habitats are classified in the submitted NIS as dry heath (HH1), associated with granite rock outcrops intermixed with areas of wet heath (HH3). The area is enclosed with stone walls (BL1) and earth mounds (BL2) forming the field boundaries.
Screening report	N
Natura Impact Statement	Y
Relevant submissions	Department of Housing, Local Government and Heritage – Development Applications Unit (DAU). Issues raised include the following related to the appropriate assessment process: - The proposed application occurs partly within the Aughrusbeg Machair and Lake Special Area of Conservation (SAC) (Site Code: 001228) for which the Annex I habitat <i>Northern Atlantic wet heaths with Erica tetralix</i> is a qualifying interest (QI). - The Department recommends that a botanical survey is undertaken by a suitably qualified botanist / ecologist for the purposes of ensuring that the

	proposed development does not result in a loss of this habitat within the Aughrusbeg Machair and Lake SAC.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Section 2.6.2 and Figure 2 contained in the submitted NIS identifies two possible European sites proximate to the subject site.

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
Aughrusbeg Machair and Lake SAC (Site code – 001228)	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Northern Atlantic wet heaths with Erica tetralix [4010]	Within the SAC and immediately adjacent.	Direct connection. The location of the proposed wastewater treatment system and driveway is located within the SAC boundary.	Y
West Connacht Coast SAC (Site code – 002998)	Tursiops truncatus (Common Bottlenose Dolphin) [1349] Phocoena phocoena (Harbour Porpoise) [1351]	250m northwest of the appeal site.	The subject site is outside of the SAC boundary. There is no potential hydrological or ecological connection between the subject site and this European Site.	N

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

- (a) Potential direct impacts may arise from the development on site given the location of the appeal site partially within the boundary of the SAC. It is noted that the area around the existing stone ruin is outside of the SAC where works to restore of the stone ruin and extension are proposed to occur. The positioning of the wastewater treatment system, percolation area and driveway is within the SAC boundary. Given the greenfield status of the subject site, vegetative clearance would be required in terms of stripping the soil to provide for the new dwelling foundations and for the installation of the wastewater treatment system. Improvement works to the existing driveway may also have impact. Percolation of effluent to groundwater within SAC via the wastewater treatment system may affect water quality given the groundwater vulnerability is described by EPA mapping as 'X - Rock at or Near Surface' and significant issues have been identified in the submitted site characterisation report (SCR).

- (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 Coimisiún and agreed in writing with the PA prior to the commencement of development.
- (c) The site-specific conservation objective associated with the Aughrusbeg Machair and Lake SAC site is '*to maintain the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanojuncetea*' and '*to maintain the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix*'. In terms of in-combination effects, the appellant has deemed that there are no other plans or projects which are relevant to the development of this project.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Aughrusbeg Machair and Lake SAC (Site code – 001228)	Direct / Indirect Impacts: Vegetation clearance. Surface water runoff from soil excavation. Dust emissions. Storage of excavated/construction materials. Surface water runoff containing contaminant or sediment. Increased human disturbance at this site, during the construction/ installation and operational phase. Potential spread or importation of invasive species during construction/ installation phase. Possibility for the effluent outfall from the wastewater treatment system to adversely impact the groundwater system and Annex I habitat.	Potential habitat loss, modification or fragmentation of the <i>Northern Atlantic wet heaths with Erica tetralix</i> a qualifying interest of the SAC. 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 particularly from the wastewater treatment system. Possibility of significant effects cannot be ruled out without further analysis and assessment.

	Likelihood of significant effects from proposed development (alone): Yes
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?
	Possibility of significant effects (alone) in view of the conservation objectives of the site*
Further Commentary / discussion An ecological consultant report submitted with the application found that, the underlying bedrock at the site is granite and predominant habitats present include dry heath and Equisetum beds. Other plant genera recorded included Caluna, Erica, Rubus, Ulex, Euphrasia, Juncus, Pteridium, Senecio and Urtica. Except for the Aughrusbeg Machair and Lake SAC all the other Natura sites are either too far away or lack connectivity with the proposed construction site due to topography or isolation by sea water to allow for any interaction with the proposed development. With regard to the Aughrusbeg SAC the proposed site is too far away from the machair habitat to allow for any impact to occur either from the construction of the dwelling house or its operation. In relation to Aughrusbeg Lake, no impact on its conservation status is predicted as the location of the septic tank and percolation area are located to the north of the site where the land falls away from the lake thereby making it impossible for any flows to occur in the direction of the lake. In conclusion, the report stated that the proposed construction and use of a dwelling at a site in Aughrusbeg will have no impact on the ecological functioning of the Aughrusbeg SAC, the proposed development should be permitted on ecological grounds. It is noted that the author of the report is not referenced nor the time/date of when the site walkover survey was conducted. A map showing what areas of the site have been surveyed or what methodology was used is also not included.	
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 Aughrusbeg Machair and Lake SAC from effects associated with the installation of the wastewater treatment system/driveway and the potential reduction /fragmentation of habitat area and deterioration in groundwater quality. An appropriate assessment is required on the basis of the possible effects of the project 'alone'.	

Screening Determination

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 the Aughrusbeg Machair and Lake SAC European Site in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The location of the appeal site within and proximate to the Aughrusbeg Machair and Lake SAC site and the potential for direct impacts on a qualifying interest habitat.
- A full and detailed assessment of all aspects of the proposed project including the Conservation Objectives of the aforementioned designated site and all submitted documentation with the application and appeal.
- Reasonable scientific doubt as to the potential for likely adverse effects on the integrity of the Aughrusbeg Machair and Lake SAC.

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 a new dwelling house incorporating the existing stone structure along with the construction of a new wastewater treatment system and all associated site works in view of the relevant conservation objectives of Aughrusbeg Machair and Lake SAC based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement and CEMP prepared by Corrib Environmental Services.
- Ecological consultant report.
- Submission made by the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage.
- 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 Appropriate Assessment. I am not 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

A summary of the submissions/observations is provided below:

Department of Housing, Local Government and Heritage (DAU)

- The proposed application occurs partly within the Aughrusbeg Machair and Lake Special Area of Conservation (SAC) (Site Code: 001228) for which the Annex I habitat *Northern Atlantic wet heaths with Erica tetralix* is a qualifying interest (QI).
- The Department recommends that a botanical survey is undertaken by a suitably qualified botanist / ecologist for the purposes of ensuring that the proposed development does not result in a loss of this habitat within the Aughrusbeg Machair and Lake SAC.
- Any such survey should aim to document the relative species abundance with the intention of identifying the plant communities present using the Irish Vegetation Classification (IVC) system. A map of these communities should be provided within the

application site, particularly within the footprint of any proposed works within the Aughrusbeg Machair and Lake SAC

- Botanical surveys should be conducted during the flowering season to ensure accuracy of the results.

NAME OF SAC/ SPA (SITE CODE): Aughrusbeg Machair and Lake SAC (Site Code: 001228)

Summary of Key issues that could give rise to adverse effects

- (i) **Potential habitat loss, modification or fragmentation.**
- (ii) **Water quality degradation (construction and operation).**

See Table 1 & 2 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures
Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	To maintain the favourable conservation condition of Northern Atlantic wet heaths with <i>Erica tetralix</i> in Aughrusbeg Machair and Lake SAC Habitat area - Area stable or increasing, subject to natural processes. Ecosystem function: soil nutrients - Maintain soil pH and nutrient status within natural ranges.	Potential habitat loss, modification or fragmentation of the <i>Northern Atlantic wet heaths with Erica tetralix</i> a qualifying interest of the SAC	Minimise the area of disturbance and replace soil and vegetation where possible. No building material should be mixed with soil. Excavation machinery should be refuelled off site. Concrete truck washing to be taken off site. Excavation machinery should be free of soil to reduce risk of importing any Invasive species. Where at all possible, soil excavation will be completed during dry periods. Replace as much soil as possible. Reduce sealing. No soil should be removed from the site.

			A dust minimisation plan is prepared and implemented by the building contractor during the construction phase of the project. Measures are to be put in place to avoid any construction material, wastewater and especially concrete entering the local surroundings. Groundwater to be protected with the installation of a Tertiary wastewater treatment system and polishing filter as per Site Characterisation Report.
		Possibility of habitat loss, modification or fragmentation as a result of groundwater contamination arising from the construction and operation of the development particularly from the wastewater treatment system.	

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS associated CEMP and ecological consultant report 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) Habitat loss, modification or fragmentation

I do not accept the findings of the ecological consultant report in which it states that habitats identified on the subject site are not Qualifying Interest (QI) habitat of the SAC, given the identified deficiencies in the report. Having regard to the submission by the DAU and in the absence of a botanical survey undertaken by a suitably qualified botanist / ecologist using the Irish Vegetation Classification (IVC) system. I am not satisfied the appeal site has been suitable surveyed to identify potential Annex I habitats, primarily the Annex I habitat Northern Atlantic *wet heaths with erica tetralix* to inform the NIS, CEMP and proposed mitigation measures.

Mitigation measures and conditions

As above.

(ii) Water quality degradation (Changes in key indicators of conservation status value)

Figure 3 (Habitat Map) in the NIS shows the habitat of Wet heath (HH3) within the vicinity of the proposed percolation area of the wastewater treatment system. Significant issues have been identified in the submitted site characterisation report (SCR) as outlined in section 7.4 of this report. The safe disposal of domestic effluent following treatment cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic

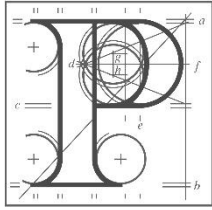
Waste Water Treatment Systems ($PE \leq 10$) and therefore the possibility of habitat loss, modification or fragmentation cannot be ruled out as a result of groundwater contamination and unfavourable soil pH and nutrient levels. Mitigation measures and conditions As above.	
In-combination effects I am not satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has not 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 appellant 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 this European site. Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Reasonable scientific doubt I am not satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. Site Integrity The proposed development may affect the attainment of the Conservation objectives of the Aughrusbeg Machair and Lake SAC (Site code – 001228). Adverse effects on site integrity cannot be excluded, and a 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 Aughrusbeg Machair and Lake SAC (Site code – 001228) 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 material submitted with the application and appeal and taking into account observations of the Department of Housing, Local Government and Heritage - Development Applications Unit (DAU) and in the absence of a botanical survey, I consider that adverse effects on site integrity of the Aughrusbeg Machair and Lake SAC cannot be excluded in view of the conservation objectives of these sites and that reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- The proposed development may result in the loss/fragmentation of habitat being the Northern Atlantic wet heaths with *Erica tetralix* within the SAC and deterioration in groundwater quality. The evidence provided in the NIS and ecological consultant report does not sufficiently demonstrate a detailed scientific assessment of effects taking into account the targets and attributes necessary to support the site-specific conservation objectives for the coastal habitat. As a result, I am of the view that the mitigation measures contained within the NIS and associated Construction Environmental Management Plan (CEMP) are not sufficiently informed to determine that no reasonable scientific doubt remains as to the absence of adverse effects. Furthermore, Significant issues have been identified in the submitted site characterisation report (SCR) as outlined in section 7.4 of this report. The safe disposal of domestic effluent following treatment cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems ($PE \leq 10$) and therefore the possibility of habitat loss, modification or fragmentation cannot be ruled out as a result of groundwater contamination.



An
Coimisiún
Pleanála

Technical Note

ACP-322867-25

To: Peadar McQuaid
From: Emmet Smyth
Re: ACP-322867-25 - Wastewater
Date: 12th September 2025

Development description:

The subject site is located in the townland of Aughrus Beg c. 4 kilometres to the northwest of the village of Claghaghduff and c. 4m to the West of Claddagh village. The site is served by a local secondary road L5117. The topography of the lands is gently undulating and exposed. The general area is defined by limited agricultural uses with some dispersed rural residential dwellings served by onsite wastewater systems.

Galway County Council Comments:

The Local Authority expressed concerns with regard to the ability of the site to adequately attenuate and dispose of effluent from the proposed development in a manner that would not be prejudicial to public health. Concern was raised due to absence of trial hole on the date of site inspection and the quality of the picture of the trial hole submitted. The Local Authority asserted that the site should have been examined during winter period, I can only infer from this the period of the year with the most precipitation.

Site Hydrogeological overview:

The site is described and mapped under the Geological Survey of Ireland mapper as an area of Extreme Vulnerability with Rock. Vulnerability is a term used to represent the intrinsic geological and hydrogeological characteristics that determine the ease with which groundwater may be contaminated by human activities. In areas of this vulnerability the likelihood of groundwater contamination from human activities is at the extreme end. The subsoil or Quaternary sediment is listed as rock with bedrock outcrop and sub-crop. The aquifer description is of a poor classification with bedrock generally unproductive except for local zones. The recharge co-efficient over the site is 85%, this essentially mean that 85% of the Effective rainfall (760.5mm/year) at the site over a year infiltrate to groundwater. The soils at the subject site are predominantly shallow and derived from non-calcareous rock and gravels ranging from peaty podzols lithosols and peats. Generally categorised as shallow rocky peaty and non-peaty mineral complexes. Contours at the site would likely indicate groundwater flow towards the lake at this site with the lake located some c.100m from the site boundary.

Site Characterisation report.

The subject development is a 4-bedroom house with a maximum potential occupancy of 6 proposing to connect to existing water infrastructure. This would generate 900 litres of effluent per day to be treated by the polishing filter.

Soil type referenced correlates to that of the GSI mapper for the area. The assessor reports that the site is underlain by a poor aquifer productive only in local zones, but also ticked the Locally important aquifer, the latter being correct. The site assessor has ticked the site vulnerability as high this is incorrect and is indeed the highest vulnerability rating there is at extreme with Rock as referenced above. The groundwater protection response matrix is R2₁ which requires the following response, *Acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required (EPA, 2021) are met and that the likelihood of microbial pollution is minimised.*

The assessor has referenced passed experience in the area and suggests 'depth of bedrock and lack of wet ground suggestive of potential good drainage' this would appear to be at complete odds to observations of the inspector onsite (based on photos taken by inspector). No reference to poor drainage indicators, reference to some rock outcrops to the south of the site. The site assessor references no watercourses/springs or surface water ponding and no wetland areas.

Trial Hole: The trial hole log stated that the trial hole was dug to a depth of 1500mm BGL and remained open for the requisite period of time of 48 hours. The trial hole log made no reference to bedrock outcrop or sub crop in the trial hole, no mention of watertable and or mottling. A photograph of the trial hole was submitted in support of the site assessment. The assessor expressed expected percolation values of the subsurface of 20 mins/25mm (Just to note there were no subsurface percolation tests carried out).

Percolation tests: Surface percolation tests pre-soaking was carried out on the 10th of October 2024 with percolation testing commencing a couple hours after this. Percolation results for the surface of 7.25mins/25mm were returned with no sub-surface percolation testing carried out and trench invert level of 98.76 given and a polishing filter with a surface area of 40m².

Drawings provided showing a side profile of the polishing filter which appear to have the levels mixed up. In addition to this and these do not correlate with the aforementioned level in the Site Characterisation form and as such it is extremely unclear what levels the polishing filter would be relative to existing ground levels, bedrock and or watertable. Proposed hydraulic loading rate of 20l/m²/day.

Comments

The site characterisation form used is in the previous form format pre-2019. In the site characterisation report the assessor has referenced past experience in the area and suggested 'depth of bedrock and lack of wet ground suggestive of potential good drainage' this would appear to be at complete odds to observations of the inspector onsite (based on photos taken by inspector). There are profuse indicators of poor drainage in the area rushes, there is water evident at the roadside in and around ground level suggestive of elevated watertable supported by the presence of the indicators of poor drainage. There is rock outcrop

in the area of the site and the surrounding lands and likely the presence of rock sub crop in line with the Geological Survey of Ireland mapper. Firstly, the assessor submitted a picture of the trial hole which appears to be material from an external location deposited onsite and the trial hole was dug here and tested and as such is no way representative of the in-situ material. The trial hole was dug to 1500mm, but this cannot be verified in the picture. The trial hole is required to be dug to a minimum of 2100mm but no rationale for this was offered. The only conclusion that can be reached here is that this imported material was assessed for the purposes of the trial hole log hence no reference to rock outcrop subcrop or mottling or elevated watertable all of which would be expected at this location. This is not in keeping with the requirements of the EPA (2021) Code of Practice.

The presoaks are to be carried out prior to the percolation test are required to be done so 4-24 hours prior to the commencement of the percolation tests. This was not the case, presoaks were carried out just prior to the commencement of the percolation testing. Presoaks are carried out so as to mimic extreme precipitative events. The validity of the percolation tests here **cannot** be relied upon for the design of the polishing filter. Were this design to proceed as described the likely outcome would be effluent breakout at ground level with the potential for overground run-off towards the Aughrusbeg Machair and Lake SAC. Given the elevated watertable and the extreme vulnerability, the risk to groundwaters at this location is at the extreme end. The SAC's groundwater inputs are likely to be important for the deep-water zone in the lake substratum quality which is required to maintain the chemistry to support the vegetation. The groundwater can also have a bearing on the sediments and water chemistry. Particular reference to nutrients P and N which are required to be maintained at sufficiently low levels to support habitat and its typical species. For the following attribute Attached Algal biomass the target is to maintain trace or absent attached algal biomass (<5% cover) with nutrient enrichment leading to the development of algal species that can outcompete submerged vegetation. The proposed wastewater treatment system as designed has the potential to impact on this delicate balance.

The subject site is located within Hydrometric area 32- Erriff-Clew Bay. Lough Aughrusbeg and the surrounding lands are not under threat from agricultural activities and have been

assigned a white flag to protect the measures to protect water quality. However, this lake is currently at Poor Status. This status was determined following surveys carried out by Inland Fisheries Ireland of the fish populations present in the lake. These surveys determined that the presence of the non-native fish species Rudd is negatively impacting the lake's native brown trout population. This waterbody is therefore not meeting its Good Status objective requirement as specified under the Water Framework directive.

Conclusion

The wastewater treatment system as described in the site characterisation report does not accord with the requirements of the EPA (2021) Code of Practice. Ultimately this will lead to the significant potential of impacts to groundwaters given the nature of the site.