



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-322962-25

|                                |                                                                                                                                                                                                                                           |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>             | Retention of a storage shed adjacent to house, with floor area of approx. 40sqm A remedial Natura Impact Statement (rNIS) was submitted with this application.                                                                            |
| <b>Location</b>                | Bunowen, Ballyconneely, Co. Galway                                                                                                                                                                                                        |
| <b>Planning Authority</b>      | Galway County Council                                                                                                                                                                                                                     |
| <b>Applicant(s)</b>            | Terri Conroy                                                                                                                                                                                                                              |
| <b>Type of Application</b>     | Substitute Consent S177E, Planning & Development Act 2000 (as amended)                                                                                                                                                                    |
| <b>Prescribed Bodies</b>       | <ol style="list-style-type: none"><li>1. An Chomhairle Ealaíon</li><li>2. An Taisce</li><li>3. Development Applications Unit (DoHLGH)</li><li>4. Fáilte Ireland</li><li>5. The Heritage Council</li><li>6. Údarás na Gaeltachta</li></ol> |
| <b>Observers</b>               | None                                                                                                                                                                                                                                      |
| <b>Date of Site Inspection</b> | 21 <sup>st</sup> January 2026                                                                                                                                                                                                             |
| <b>Inspector</b>               | Sarah O'Mahony                                                                                                                                                                                                                            |

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## 1.0 Introduction

### 1.1. Background and Context

- 1.1.1. This is a direct application to the Coimisiún under Section 177E of the Planning and Development Act, 2000. The applicant is the person who carried out the development and is the occupier of the land. A letter of consent from the landowner is submitted with the application and a Remedial Natura Impact Statement was also submitted with the application.
- 1.1.2. Construction work commenced in 2016 for a 40m<sup>2</sup> domestic shed without the benefit of planning permission. The applicant made two applications for retention permission for the shed on revised site boundaries to Galway County Council in June 2023 and March 2024 both of which included Appropriate Assessment Screening Reports while the latter also included an Ecological Assessment. Both applications were invalidated by the Planning Authority due to the provisions of Section 34 (12) of the Planning and Development Act 2000, as amended, and the Planning Authority's opinion that they *'cannot be satisfied that the development to be retained, individually or in combination with other plans or projects would not be likely to have a significant effect on the Slyne Head Peninsula SAC or any other European Site'*.
- 1.1.3. The development is subject of an enforcement notice as set out later.
- 1.1.4. As provided for under Section 177(1A) of the Planning and Development Act 2000, as amended, the applicant entered into discussions with the Coimisiún, which are detailed on File Reference ACP-321340-24.

### 1.2. Site Location and Description

- 1.2.1. The 0.456ha site is situated in west Co. Galway, 1.8km southwest of Ballyconneely village and 1km west of The Lodge beach. Access is provided from a narrow single carriageway and tertiary cul-de-sac which terminates at the coast edge 600m south of the site.
- 1.2.2. The site comprises a single storey dwelling and a number of domestic sheds including one 40m<sup>2</sup> circular shed situated to the rear (east) of the dwelling which is

subject of this application for retention permission. It has no electrical or water services and is used for domestic and horticultural storage.

- 1.2.3. Boundaries comprise a mix of hedgerows, ditches, berms, treelines, stone walls and timber post and rail fencing. There are no watercourses or drainage ditches on or adjoining the site.

### **1.3. Natural Heritage Designations**

- 1.3.1. The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

- The site and associated dwelling is fully situated within the Slyne Head Peninsula proposed Natural Heritage Area.
- The shed subject of this application and an area to the northeast and south where the original dwelling curtilage was extended to form a larger area of private open space are all situated within the Slyne Head Peninsula Special Area of Conservation however the main dwelling and its original curtilage is not.

- 1.3.2. Connemara Islands Special Protection Area is situated 400m to the south.

## **2.0 Development Description**

### **2.1. Description of Development**

- 2.1.1. Retention permission is sought for development which comprises the following:

- Retain a storage shed adjacent to dwelling house with floor area of approximately 40m<sup>2</sup>.

### **2.2. Documents that accompany this application**

- Remedial Natura Impact Statement (rNIS) prepared by OMC,
- Planning Report prepared by OMC including:

- Appendix A: statement of use, construction methodology, timeline and construction photographs prepared by the Applicant
- Appendix D: Appropriate Assessment Screening report prepared by Aster Environmental Consultants Ltd which was submitted with the 2023 and 2024 planning applications.
- Appendix E: Ecological Assessment prepared by OMC as submitted the 2024 planning application.
- Statutory drawings, notices, letters of consent and application form.

### 3.0 Planning History

- 66577: Planning permission granted for erection of dwelling house and septic tank.
- 23/60715: Permission sought for erection of existing storage shed on revised site boundaries. Application deemed invalid under Section 34(12) of the Planning and Development Act 2000, as amended. The Case Planner's report notes habitats present in the footprint of the development include exposed rock and grassland. It goes on to state: *'Some of the qualifying interests reproduced above are or may be sensitive to, inter alia, construction related activities. In the absence of satisfactory evidence to the contrary, the planning authority cannot be satisfied that the development to be retained, individually or in combination with other plans and projects would not be likely to have a significant effect on these or any other European site.'*
- 24/60236: Permission sought to retain existing storage shed on revised site boundaries. Application deemed invalid.
- EN22/024: Enforcement notice issued November 2023 required the applicant to cease use of the shed and remove it from the site. A Chief Executives Order dated October 2024 is provided directing legal proceedings to begin due to a failure to comply with the Enforcement Notice.

## 4.0 Applicant's Statement of Exceptional Circumstances

### 4.1. Would regularisation of the development circumvent the EIA or Habitats directive?

*'Having regard to the characteristics of the proposed development and of the area there is no real likelihood of significant effects on the environment arising from the proposed development, such as to require an environmental impact assessment (EIA). It is submitted that the carrying out the development did not, therefore, circumvent the purpose and objectives of the Environmental Impact Assessment Directive.'*

*As regards whether regularisation of the development concerned would circumvent the purpose and objectives of the Habitats Directive, a rNIS has been submitted with the application. This has concluded that there have been no adverse impacts on any European sites. Therefore, it is submitted that the development does not circumvent the purpose and objectives of the Habitats Directive.'*

### 4.2. Would the applicant had or could have a reasonable belief that the development was not unauthorised?

*'The applicants were genuinely not aware that the construction of the shed adjacent to their dwelling required planning permission and were not aware that they had constructed the shed on a European site. They only realised the seriousness of the situation once enforcement proceedings commenced.'*

### 4.3. Can an EIA/AA, which is open to public participation, be substantially impaired?

*'Given that the original AASR and EcIA carried out at the site concluded that there were no adverse effects, and given the nature of the works carried out at the site, it is difficult to conclude that the ability to carry out an Appropriate Assessment could have been impaired. The public will have full ability to participate during the course of the application.'*

### 4.4. What are the actual or likely effects resulting from the continuation of the development?

*'There are no likely significant effects on the environment or the integrity of a European site as a result of the continuation of the shed use at the site'.*

- 4.4.1. The conclusion of the rNIS submitted with the application is consistent with the above statement.

4.5. To what extent that significant effects on the environment or adverse effects on the integrity of a European site be remediated?

*‘The rNIS submitted concludes that there have been no significant effects on the European site and that no remediation works are required.’*

4.6. Has the applicant complied with other planning permissions or previously carried out unauthorised activities?

*‘The applicant, to my knowledge, has never carried out other unauthorised development.’*

4.6.1. The planning history set out above does not allude to any other unauthorised development on the site or otherwise as carried out by the applicant.

4.7. Any other relevant matters.

*‘We would like to point out that the development is small in scale and used ancillary to the applicant’s dwelling at the site. The applicant is of the opinion that the shed was constructed at the site using traditional non-invasive methods of natural materials and that it adds to the biodiversity in the area more than a conventional concrete block shed would.’*

## **5.0 Policy and Legislative Context**

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

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

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

5.2.1. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular



require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

### 5.3. Planning and Development Act 2000, as amended

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

*The Commission shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent by the Commission.*

*(1J) In considering whether exceptional circumstances exist under subsection (1A)(a) the Commission shall have regard to the following matters:*

- (a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;*
- (b) whether the applicant had or could reasonably have had a belief that the development was not unauthorised;*
- (c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;*
- (d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;*
- (e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated*

- (f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;*
- (g) such other matters as the Commission considers relevant.*

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

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

#### **5.5. County Development Plan**

5.5.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2022-2028 (referred to hereafter as the CDP). The site is situated in a rural area and as such is not subject to a land zoning objective. The site is in a coastal area subject to a class 3 special sensitivity landscape designation.

5.5.2. The following policy objectives apply:

- RH17 Log Cabins and Pods

The construction of log cabins and pods or wooden structures will be permitted in locations where they can be integrated into the existing landscape or where an application can demonstrate that an appropriate landscape will be designed around the structure.

- RD 3 Assimilation of Buildings

To ensure that all buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials and colour. The grouping of buildings will be encouraged in the interests of visual amenity. In general, the

removal of hedgerows to accommodate agricultural buildings will not be permitted.

- NHB 2 European Sites and Appropriate Assessment
- NHB 3 Protection of European Sites
- LCM 1 Preservation of Landscape Character
- LCM 2 Landscape Sensitivity Classification
- LCM 3 Landscape Sensitivity Ratings

## **6.0 Submissions & Observations**

### **6.1. Galway County Council (GCC) – Chief Executive’s Report**

- 6.1.1. The report highlights the context of the site which is situated in a Class 3 Special Landscape and also highlights a list of policy objectives regarding rural housing, design guidelines, log cabins and pods, agriculture, surface water, natural heritage and landscape protections. It states there is no local area plan pertaining to the subject lands.
- 6.1.2. It does not set out any opinion regarding AA or EIA but simply notes that An Coimisiún Pleanála is the competent authority in this regard,
- 6.1.3. It does not set out any opinion as to whether the Planning Authority considers the development to be acceptable or provide any consideration of the exceptional circumstances beyond the following paragraph:

*‘As noted above, the application site comprises a structure on agricultural lands. There is an existing house to the north of the structure. The Planning Authority note that the statutory notices do not refer to revised boundaries of the dwelling house. An Coimisiún Pleanála should have regard to the planning history, and policy objectives and designations contained in the Galway County Development Plan 2022-2028 and the proper planning and sustainable development of the receiving environment in determining this application.’*

6.1.4. It goes on to recommend 4no. standard conditions to be attached in the event that planning permission is granted which are assessed in Table 1 below.

|   | Galway County Council                                                                                                                                                                                                                                                                                      | Include/ exclude in Schedule of Conditions in the event of a grant |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1 | <p>The development shall be retained in accordance with the plans and particulars lodged with the application An Coimisiún Pleanála, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>                                  | Include but update to ACP standard wording for consistency.        |
| 2 | <p>The development hereby permitted is limited to that solely as advertised under the public notices of the planning application.</p> <p>Reason: In the interest of clarity.</p>                                                                                                                           | Exclude due to duplication of intent in Condition no. 1.           |
| 3 | <p>The structure shall not be used for habitable or commercial purposes or any other purpose than that incidental to the enjoyment of the dwelling house to the north.</p> <p>Reason: In the interest of orderly development.</p>                                                                          | Include but update to ACP standard wording for consistency.        |
| 4 | <p>All surface water generated by the development shall be disposed of within the site to appropriately sized soakways in accordance with BRE Digest 365 or equivalent and shall not be discharged onto the road.</p> <p>Only clean uncontaminated storm water shall be discharged to soakaway system.</p> | Include but update to ACP standard wording for consistency.        |

|  |                                                                                                                                                        |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | <p>The development shall not impair existing land or road drainage.</p> <p>Reason: In the interest of proper planning and sustainable development.</p> |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------|--|

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

## 6.2. Internal Reports

- 6.2.1. The Chief Executive's report does not refer to any internal reports and none were provided by the Planning Authority.

## 6.3. Prescribed Bodies

- 6.3.1. Of the prescribed bodies notified below, no submission/s have been received.

1. An Chomhairle Ealaíon
2. An Taisce
3. Development Applications Unit (DoHLGH)
4. Fáilte Ireland
5. The Heritage Council
6. Údarás na Gaeltachta

## 6.4. Observations

- 6.4.1. No observations were received.

## 6.5. Applicant's Response

- 6.5.1. The applicant did not respond to the Planning Authority's submission.

## **7.0 Screening Determinations**

### **7.1. Environmental Impact Assessment**

7.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Coimisiún to Form 1 in Appendix 1 of report.

7.1.2. I also note the provisions of Section 34(12) which states:

For the purposes of subsection (12), an application in respect of the following development shall be deemed not to have required, and not to require, a determination as to whether an environmental impact assessment is required:

- (a) development within the curtilage of a dwelling house, for any purpose incidental to the enjoyment of the dwelling house as a dwelling house;

For clarity, the shed in question was constructed outside the curtilage of the permitted house on extended boundaries and therefore Section 34(12)(a) does not apply.

### **7.2. Appropriate Assessment Screening Determination**

7.2.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the development has potential to have a significant effect of the following site 'alone' in respect of effects associated with construction within the nearby SAC in view of that site's Conservation Objectives;

- Slyne Head Peninsula SAC.

7.2.2. This conclusion is based on:

- Objective information presented in the Applicants RNIS which includes AA Screening,
- The location of the subject site and development works within the SAC,
- The absence of meaningful pathway to all other European Sites,

- Impacts predicted would not affect the conservation objectives of all other European Sites.

7.2.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

7.2.4. The application was accompanied by a remedial Natura Impact Statement (rNIS) which was prepared in line with current best practice and describes the development, the project site and the surrounding area. The rNIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. It concluded that direct impacts could not be ruled out due to the location of the development within the Slyne Head Peninsula SAC, however all other European sites were screened out due to a lack of source-pathway-receptor connections.

7.2.5. Please refer to Appendix 2 of this report for the full screening exercise.

### **7.3. Appropriate Assessment Conclusion**

7.3.1. The proposed development has been considered under the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 and having regard to:

- The scientific information on file in respect of the construction methodology and use of the shed,
- The available information as presented in the submitted documents regarding habitats, species, ground and surface water pathways between the application site and the European sites and other information available, (incl. the desktop studies and field surveys), NPWS website and aerial imagery,
- The nature and scale of the development and the nature of effects,
- The location of the works and development boundary within the Slyne Head Peninsula SAC and the lack of habitats and species which comprise qualifying interests of that SAC present within the subject site,
- The nature of the qualifying interests, special conservation interests and conservation objectives of the European sites,

- The absence of predicted impacts for all stages of the development.

- 7.3.2. This conclusion is based on a complete assessment of all aspects of the proposed project. I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site namely, Slyne Head Peninsula SAC or any other European site, in view of the site's Conservation Objectives.
- 7.3.3. I am satisfied that the development individually or in combination with other plans or projects does not adversely affect the integrity of any European sites in light of their conservation objectives. No mitigation measures are required to support this conclusion.
- 7.3.4. Please refer to Appendix 3 of this report for the full Stage 2 Appropriate Assessment.

#### **7.4. Water Framework Directive**

- 7.4.1. The site is situated close to the coastline of Galway Bay. The coast in this location comprises a rocky landscape of inlets and beaches and the closest point is situated 360m south of the site. The subject site is also located 600m east of the Keerhaun south\_010 river which discharges to the sea. The Spiddal aquifer underlies the site and is classified as poorly productive bedrock. The site is situated in the Galway Bay North catchment area and the Recess\_SC\_020 sub-catchment.
- 7.4.2. The proposed development comprises retention of a 40m<sup>2</sup> domestic shed. No water deterioration concerns were raised in the submissions or application documents.
- 7.4.3. I have assessed the shed 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 and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 7.4.4. The reason for this conclusion is as follows [insert as relevant]:



- The small-scale domestic nature of the works.
- The detailed construction methodology which did not comprise any significant groundworks.
- The distance from nearest water bodies and the lack of hydrological connections.

7.4.5. 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.

## 8.0 **Assessment**

### 8.1. **Introduction**

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

### 8.2. **Assessment of Exceptional Circumstances**

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

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

8.2.1.2. As regards whether regularisation of the development concerned would circumvent the purpose and objectives of the Habitats Directive, this application process requires the preparation of a remedial Natura Impact Statement (rNIS) which was submitted with the application and did not recommend the undertaking of any

additional mitigation measures. In my opinion the carrying out the development did not circumvent the purpose and objectives of the Habitats Directive.

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

8.2.2.1. There is nothing on the file to indicate otherwise than that the applicant had or could reasonably have had a belief that the development was not unauthorised. The applicant acted under the impression that the works were exempted and that no discharge to surface waters would take place. The planning history of the site is noted which permitted a dwelling and therefore the domestic use of the site. In my opinion, the applicant is making appropriate efforts to regularise the status of the existing development on the site through the substitute consent procedure and there is a reasonable belief that the development did not require planning permission.

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

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

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

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

8.2.5. Extent to Which Such Effects can be Remediated.

8.2.5.1. No remedial mitigation measures are identified / required.

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

8.2.6.1. The Planning Authority's Chief Executive's report notes that the development description did not seek retention of altered site boundaries forming an enlarged dwelling curtilage as was sought in the previous invalidated applications. The

drawings submitted with this application include those two extended areas in question within the red line boundary, one at the northeast and one at the south where the shed is located. The drawings do not refer to any intention to seek permission to retain these new boundaries enlarging the curtilage and the only reference on the site layout drawing to retention permission is the shed which is labelled as 'storage shed to be retained'.

8.2.6.2. I note that the enforcement notice issued by the Local Authority did not refer to the boundaries either and only referred to the shed in question. No other evidence is provided by the Planning Authority to suggest it has determined if the new boundaries comprise development which is exempt or unauthorised.

8.2.6.3. I note Class 5, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended in this regard which provides for the following:

| Class 5                                                                                                                                                                                                                              | Conditions and Limitations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete. | <ol style="list-style-type: none"> <li>1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</li> <li>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</li> <li>3. No such structure shall be a metal palisade or other security fence.</li> </ol> |

8.2.6.4. I also note article 9 (viiB) of the regulations which states that development shall not be exempt if it comprises:

*'development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the*

*development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,'*

8.2.6.5. I consider the ordinary interpretation of any interested party looking at the entire application documents would suggest that this application seeks to retain the shed and the boundaries. Retaining the shed intrinsically includes use of the land on which it is situated for domestic purposes and I consider enclosing that land with boundaries would comprise ancillary development associated with the change of use of the land.

8.2.6.6. I note the applicant has complied with previous planning permissions and I am not aware of any other unauthorised development on the site. I also consider that the presence of the boundaries does not preclude the regularisation or use of the shed for domestic purposes in isolation of the boundaries, and visa versa, however they are in my view complimentary and reflect the overall changed use of the land from agricultural to domestic purposes. In this regard I am satisfied that substitute consent could be granted for the shed and boundaries.

#### 8.2.7. Other Relevant Matters

8.2.7.1. There are no other relevant matters which I am aware which require highlighting to the Coimisiún.

#### 8.2.8. Overall Conclusion on Exceptional Circumstances

8.2.8.1. I note the submissions received from the applicant and the exceptional circumstances as they have been set out. Given the foregoing, I am satisfied that the applicant has adequately demonstrated that there are exceptional circumstances pertaining, with specific reference to section 177K of the Planning and Development Act 2000 as amended.

### 8.3. **Proper Planning and Sustainable Development Matters**

8.3.1. Policy Objective RH17 of the CDP permits 'log cabins and pods or wooden structures' in locations where they can be integrated into the existing landscape. The shed on the site is a log cabin type structure constructed by hand with natural or reclaimed materials including a timber frame, lime mortar render, wool insulation and

a grass roof. It is not habitable and has no water or electrical services and it is in this context that I consider it falls within the provisions of a log cabin, pod or wooden structure.

- 8.3.2. The 40m<sup>2</sup> circular structure is situated on a slightly lower ground level than the adjacent dwelling and is subsidiary to the dwelling. Its height above the finished floor level is 4.6m, however it is constructed on a raised platform above the surrounding ground level, meaning the total height above ground level is 5.4m.
- 8.3.3. It is situated adjacent to a dwelling and serves as ancillary domestic/horticulture storage. I consider this use is acceptable for a domestic property in a rural setting and complies with the requirements of RH17.
- 8.3.4. It is well screened from the public road due to the presence of berms, trees and hedgerows with little visibility achieved. Further, the external finishes including the grass roof and overall organic shape mean the layout and design of the structure complies with policy objective RD3 requiring rural structures to assimilate well into the rural area. In this regard it also complies with policy objectives LCM1, LCM2 and LCM3 in that the development does not negatively impact on the scenic and sensitive landscape which has an open character with long distance views.
- 8.3.5. Outside of the subject site, the closest dwelling is c.170m to the south and having regard to the stated use of the shed I do not consider the presence, use and operation of the structure is likely to result in any negative impacts to neighbouring residential amenity.
- 8.3.6. I therefore consider the principle of development is acceptable as it complies with local design guidance, does not impact residential amenity and as set out in the previous conclusions regarding appropriate assessment and in the rNIS, the development does not adversely affect the integrity of any European sites in light of their conservation objectives.

## 9.0 Recommendation

Having regard to the foregoing, I recommend that Substitute Consent should be GRANTED for the following reasons and considerations subject to conditions.

### 9.1. Reasons and Considerations

Having regard to the nature, scale and extent of the development, and noting that the integrity of European Sites were not adversely affected in view of the sites' conservation objectives as set out above, and subject to compliance with the conditions set out below, the Commission is satisfied that the development would be in accordance with policy objectives RH17, RD 3, LCM1, LCM2 and LCM3 of the Galway County Development Plan 2022-2028 and to grant substitute consent for the development is, therefore, in accordance with the proper planning and sustainable development of the area.

### 9.2. Recommended Conditions

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2. | <p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to ancillary domestic purposes (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>The structure shall not be used for habitable or commercial purposes or any other purpose than that incidental to the enjoyment of the dwelling house to the north.</p> <p>Reason: To protect the amenities of property in the vicinity and to protect the adjacent Slyne Head Peninsula Special Area of Conservation.</p> |
| 3. | <p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>Schedule 2, Part 1 of those Regulations shall be erected on the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the amenities of the area and to protect the adjacent Slyne Head Peninsula Special Area of Conservation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4. | <p>Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits. All surface water generated by the development shall be disposed of within the site. The development shall not impair existing land or road drainage.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5. | <p>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.</p> <p>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.</p> |

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Sarah O'Mahony

Planning Inspector

06<sup>th</sup> May 2026



## **10.0 Draft Board Order**

### **10.1. Reasons and Considerations**

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

- a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA and the provisions of the Planning and Development Regulations, 2001, as amended;
- b) the applicable national, regional and local planning policy provisions including the Galway County Development Plan 2022-2028;
- c) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the remedial Natura Impact Statement and the conservation objectives, qualifying interests and special conservation interests for the Slynne Head Peninsula SAC (Site code 002074);
- d) the report and the opinion of the planning authority under section 1771 of the Planning and Development Act 2000, as amended;
- e) the planning history of the site, as detailed in the Inspectors Report;
- f) the report and recommendation of the Planning Inspector;
- g) the planning history of the area;
- h) the nature, scale, characteristics and location of the development, the subject of this application for substitute consent including in relation to potential significant effects on the environment and on the integrity of European sites in the area, and
- i) the case put forward by the applicant as part of the subject substitute consent application that exceptional circumstances exist that would justify the grant for substitute consent.

### **10.2. Likely Effects on the Environment/Environmental Impact Assessment**

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

### **10.3. Appropriate Assessment: Stage 1**

The Coimisiún considered the remedial Natura Impact Statement submitted by the applicant, and all other relevant submissions on file and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Coimisiún noted that the development is not directly connected with or necessary for the management of any European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Slyne Head Peninsula SAC (Site Code 002074) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

### **10.4. Appropriate Assessment: Stage 2**

The Coimisiún considered the remedial Natura Impact Statement and all other relevant submissions on file and carried out an appropriate assessment of the implications of the development for Slyne Head Peninsula SAC (Site Code 002074) in view of the site's Conservation Objectives.

The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- ii. the site-specific Conservation Objectives for the European Site,
- iii. the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- iv. mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site. In overall conclusion, the Commission was satisfied that the proposed development

would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## Appendix 1 – Remedial Environmental Impact Assessment Screening

| Form 1 – rEIA Pre-Screening                                                                                                                                                                                                                                                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                                                                                                              | 322962-25                                                                   |
| <b>Development Summary</b>                                                                                                                                                                                                                                                                                                                                                         | Retain 40m <sup>2</sup> domestic shed                                       |
| <b>Development Address</b>                                                                                                                                                                                                                                                                                                                                                         | Bunowen, Ballyconneely, Co. Galway                                          |
| <b>In all cases check box /or leave blank</b>                                                                                                                                                                                                                                                                                                                                      |                                                                             |
| <b>1. Does the development come within the definition of a ‘project’ for the purposes of EIA?</b><br><br>(For the purposes of the Directive, “Project” means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q.2. |
|                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> No, no further action required.                    |
| <b>2. Is the development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                                                                                                                                             |                                                                             |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.                                                                                                                                                                                                                                                                                                                   | <del>REIA is mandatory. No Screening required. REIAR to be requested.</del> |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                                                                                                                                       |                                                                             |
| <b>3. Is the 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?</b>                                                                                                               |                                                                             |
| <input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of road development under Article 8 of the Roads Regulations, 1994.                                                                                                                                                                                 | No Screening required.                                                      |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.                                                                                                                                                                                                                                                                              | <del>REIA is Mandatory. No Screening Required</del>                         |

|                                                                                            |                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                            |                                                                                                                                                                    |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. | <del>Preliminary examination required. (Form 2)</del><br><br><del>OR</del><br><br><del>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</del> |

|                                                                                                                                                                 |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <b>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)?</b> |                                                                    |
| Yes <input type="checkbox"/>                                                                                                                                    | Screening Determination required (Complete Form 3)                 |
| No <input checked="" type="checkbox"/>                                                                                                                          | Pre-screening determination conclusion remains as above (Q1 to Q3) |

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Sarah O'Mahony

Planning Inspector

06<sup>th</sup> May 2026

## Appendix 2 – Appropriate Assessment Screening Determination (Stage 1 – Test for Likely Significant Effects)

| Step 1: Description of the project and local site characteristics                                                                                                                                                                                                                                                                          |                                                                                                                                                                        |                                                                                                                                                                                              |                                                                                                     |                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------|
| Brief description of project                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                        | Retain 40m <sup>2</sup> ancillary domestic shed.                                                                                                                                             |                                                                                                     |                                   |
| Brief description of development site characteristics and potential impact mechanisms                                                                                                                                                                                                                                                      |                                                                                                                                                                        | The shed is ancillary to an adjacent dwelling and is situated within the boundary of Slyne Head Peninsula SAC however the dwelling and its original curtilage does not form part of the SAC. |                                                                                                     |                                   |
| Remedial Screening report                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                        | Yes                                                                                                                                                                                          |                                                                                                     |                                   |
| Remedial Natura Impact Statement                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                        | Yes                                                                                                                                                                                          |                                                                                                     |                                   |
| Relevant submissions                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                        | N/A                                                                                                                                                                                          |                                                                                                     |                                   |
| Step 2. Identification of relevant European sites using the Source-pathway-receptor model                                                                                                                                                                                                                                                  |                                                                                                                                                                        |                                                                                                                                                                                              |                                                                                                     |                                   |
| I note the rNIS refers to 16no. European Sites as being situated within the Zone of Influence however I disagree having regard to the location of the site, its qualifying interests and conservation objectives, its distance from European sites and its connectivity to same. I have reduced this to 8no. sites as per the table below. |                                                                                                                                                                        |                                                                                                                                                                                              |                                                                                                     |                                   |
| European Site (code)                                                                                                                                                                                                                                                                                                                       | Qualifying interests                                                                                                                                                   | Distance from proposed development (km)                                                                                                                                                      | Ecological connections                                                                              | Consider further in screening Y/N |
| Slyne Head Peninsula SAC<br>002074                                                                                                                                                                                                                                                                                                         | 19 no. habitats including saltwater, freshwater and terrestrial<br>Bottlenose dolphin<br>Petalwort<br>Slender Naiad<br><br>NPWS Conservation Objectives dated Feb 2015 | 0                                                                                                                                                                                            | Yes – direct connection as subject site is situated within the SAC boundary.                        | Yes                               |
| Connemara Islands SPA<br>004159<br><br>and<br><br>Slyne Head to Ardmore Point                                                                                                                                                                                                                                                              | Barnacle Goose<br>Arctic Tern<br>Sandwich Tern<br>Little Tern<br>Common Tern<br><br>NPWS Conservation Objectives dated Feb 2026                                        | 4.6km<br><br><br><br><br><br>1.5km                                                                                                                                                           | No source-pathway-receptor connectivity noted.<br><br>The site does not support nesting or foraging | No                                |

|                                                        |                                                                                                                                                            |       |                                                |    |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------|----|
| Islands SPA<br>004159<br><br>(Note these SPAs overlap) |                                                                                                                                                            |       | habitat for any of the Qis.                    |    |
| Slyne Head Islands SAC<br>000328                       | Reefs<br>Common Bottlenose Dolphin<br>Grey Seal<br><br>NPWS Conservation Objectives dated Dec 2024                                                         | 4.6km | No source-pathway-receptor connectivity noted. | No |
| Connemara Bog Complex SAC<br>002034                    | 15no. terrestrial, aquatic and wetland habitats<br>Marsh Fritillary<br>Salmon<br>Otter<br>Slender Naiad<br><br>NPWS Conservation Objectives dated Oct 2015 | 3.2km | No source-pathway-receptor connectivity noted. | No |
| Connemara Bog Complex SPA<br>004181                    | Cormorant<br>Merlin<br>Golden Plover<br>Common Gull<br><br>NPWS Conservation Objectives dated Jan 2023                                                     | 3.2km | No source-pathway-receptor connectivity noted. | No |
| Murvey Machair SAC 002129                              | Machairs (* in Ireland)<br>Petalwort<br><br>NPWS Conservation Objectives dated Jan 2017                                                                    | 6km   | No source-pathway-receptor connectivity noted. | No |
| West Connacht Coast SAC<br>002998                      | Common Bottlenose Dolphin<br>Harbour Porpoise<br><br>NPWS Conservation Objectives dated Jan 2025                                                           | 4.5km | No source-pathway-receptor connectivity noted. | No |

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

**AA Screening matrix**

|                                           |                                                                                                       |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Site name<br/>Qualifying interests</b> | <b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b> |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Impacts                                                     | Effects                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <p><b>Site 1:</b> Slyne Head Peninsula SAC 002074</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>European dry heaths [4030]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510]</p> | <p>Direct:<br/>Works within SAC on terrestrial habitat.</p> | <p>Habitat loss<br/>Surface water discharges during the construction stage including sedimentation and contamination.</p> |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Alkaline fens [7230]                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |  |
| Tursiops truncatus (Common Bottlenose Dolphin) [1349]                                                                                                                                                                                                                                                                                                                                                                                                                          |  |  |
| Petalophyllum ralfsii (Petalwort) [1395]                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
| Najas flexilis (Slender Naiad) [1833]                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |  |
| <b>Likelihood of significant effects from proposed development (alone):</b> Potential                                                                                                                                                                                                                                                                                                                                                                                          |  |  |
| <b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> No                                                                                                                                                                                                                                                                                                                                                             |  |  |
| <b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b><br>Potential                                                                                                                                                                                                                                                                                                                                                             |  |  |
| <b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>                                                                                                                                                                                                                                                                                                                                                               |  |  |
| <p>It is not possible to exclude the possibility that the development alone resulted in significant effects on Slyne Head Peninsula SAC from effects associated with habitat loss, groundwater contamination and surface water contamination.</p> <p>A remedial appropriate assessment is required on the basis of the possible effects of the project 'alone'.</p> <p>Further assessment in-combination with other plans and projects is not required at screening stage.</p> |  |  |

## Appendix 3 – Remedial Appropriate Assessment (Stage 2)

### Introduction (Stage 2 Assessment)

The following is a Remedial Appropriate Assessment based on the conclusion of the Remedial AA Screening in Appendix 2 of this report, that the development is may have had a significant effect on Slyne Head Peninsula SAC, 'alone' in respect of effects associated with construction and operation of a domestic shed, specifically in relation to habitat loss and water contamination, which may have had an effect on the relevant qualifying interests of Slyne Head Peninsula SAC.

#### Remedial Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the development of a domestic shed in view of the relevant Conservation objectives of the Slyne Head Peninsula SAC based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by OMC Group.
- Conservation Objectives, NPWS, 05<sup>th</sup> February 2015.

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

#### Submissions/observations

None received

#### NAME OF SAC/ SPA (SITE CODE):

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

Direct habitat loss or modification

Water sedimentation or contamination

See Table 5 NIS

| Qualifying features likely to be affected                                                                                                                                                                                                                                                                                                                                                                   | Interest | Conservation Objectives<br>Targets and attributes<br>(summary-inserted) | Potential adverse effects | Mitigation measures<br>Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Machairs (* in Ireland) [21A0]</p> |          | <p>Maintain / restore favourable conservation condition.</p>            | <p>Habitat loss</p>       | <p>No mitigation is proposed as there are no terrestrial habitats listed as qualifying interests of the SAC present within or adjacent to the site and no hydrological connection was noted to be likely. The NIS considers the land on which the shed was constructed comprised of wet grassland which is not a qualifying interest of the SAC. Therefore, no habitat loss or modification occurred insofar as it related to the conservation objectives of the European site.</p> <p>The scale of works mean it is unlikely that significant sedimentation or contamination would have occurred to groundwater.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                              |                     |                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>European dry heaths [4030]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> |                                                              |                     |                                                                                                                                                                                                                                                                                                       |
| <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Alkaline fens [7230]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p>                                                                                                                                                                                                          | <p>Maintain / restore favourable conservation condition.</p> | <p>Habitat loss</p> | <p>No mitigation is proposed as there are no aquatic or wetland habitats listed as qualifying interests of the SAC present within or adjacent to the site and no hydrological connection was noted to be likely. Therefore, no habitat loss or modification occurred insofar as it related to the</p> |

|                                                                                                                                                                                                                        |                                                       |                          |                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoetes-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> |                                                       |                          | <p>conservation objectives of the European site.</p> <p>The scale of works mean it is unlikely that significant sedimentation or contamination would have occurred to groundwater</p>                                                                                                                                    |
| <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p>                                                                                                                                                           | N/A                                                   | Impact on water quality. | <p>Note this species is listed on the NPWS homepage for this SAC but is not listed in the conservation objectives document and therefore no attributes or targets etc are set out.</p> <p>The scale of works mean it is unlikely that significant sedimentation or contamination would have occurred to groundwater.</p> |
| <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>                                                                                                                           | Maintain / restore favourable conservation condition. | Loss of plant species.   | No mitigation is proposed as these plant species are not mapped as being present in the SAC present or adjacent to the site on the conservation objectives mapping. Further, they were not noted to be present during site inspections                                                                                   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|-------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  | carried out by the applicant's ecologist. |
| <p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted RNIS has identified the relevant attributes and targets of the Qualifying Interests.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |                                           |
| <p><b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b></p> <p>The habitat within the site and directly adjacent to it did not comprise a habitat type listed as a qualifying interest of the SAC and therefore no direct impacts occurred. Further, the scale of works undertaken, together with the low impact construction methodology utilised means it is highly unlikely that any sedimentation or release of pollutants and contaminants occurred which would have entered the groundwater body and subsequently affected water quality causing indirect effects at one of the listed habitats elsewhere in the SAC.</p> <p>None of the qualifying interest species were present on or adjacent to the site during the inspections and again water quality impacts are unlikely to cause indirect effects.</p> |  |  |                                           |
| <p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects has been assessed adequately in the RNIS. No mitigation is proposed and therefore no significant residual effects will remain and there is therefore no potential for in-combination effects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |                                           |
| <p><b>Findings and Conclusions</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |  |                                           |
| <p>The applicant determined that the construction and operation of the development alone, <b>or in combination with other plans and projects</b>, did not adversely affect the integrity of this European site. No mitigation measures were proposed.</p> <p>Based on the information provided, I am satisfied that adverse effects arising from construction and operation of the development can be excluded for the European sites considered in the Appropriate Assessment. No direct, indirect or in-combination or residual impacts are predicted.</p> <p><b>Reasonable scientific doubt</b></p>                                                                                                                                                                                                                                                               |  |  |                                           |

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 Slyne Head Peninsula SAC. 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 development could result in significant effects on Slyne Head Peninsula SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177 was required.

Following an examination, analysis and evaluation of the RNIS all associated material submitted, I consider that adverse effects on site integrity of the Slyne Head Peninsula SAC 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:

- The lack of qualifying interest habitat within the site,
- The lack of watercourses or surface water features within the site,
- The small scale of the development and low impact construction methodology resulting in low potential for groundwater impacts, and
- The low impact domestic use of the shed.

The development will not affect the attainment of conservation objectives for Slyne Head Peninsula SAC or prevent or delay the restoration of favourable conservation condition for same.

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Sarah O'Mahony

Planning Inspector

06<sup>th</sup> May 2026