



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323143-25**

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### Development

Permission for the reconstruction of Dalyston House (Protected Structure Ref. 398). Permission is also sought for the decommissioning of an existing septic tank and provision of an effluent treatment system and all associated services for the proposed development. Permission is sought for the demolition of an old structure/shack on the site. Permission is sought for the retention of concrete block support wall over part of the ground floor level of the structure. These walls serve to support the only remaining external wall of the structure. All other works previously carried out on this structure were carried out with the approval of and grant aided by Galway County Council. These works included – restorative work in the basement, the provision of a concrete slab at ground floor level, the repair and rendering of a two bay

section of the existing rear wall. The application is accompanied by an Architectural Heritage Impact Assessment.

<b>Location</b>	Dalystown Demesne, Kylebrack, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2560548
<b>Applicant(s)</b>	Flan Frawley.
<b>Type of Application</b>	Permission and Retention.
<b>Planning Authority Decision</b>	Grant Permission and Retention with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brian and Ann Gardiner.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> October 2025.
<b>Inspector</b>	Carol Hurley

## 1.0 Site Location and Description

- 1.1. The application site is located at Dalystown Demesne, Kylebrack, Co. Galway. The site has a stated area of 0.336 hectares and is occupied with the ruins of Dalyston House.
- 1.2. The site addresses the road with a northeast facing orientation. The site is predominantly open to the road with a hedging to the northeast of the front boundary. There is a large mature tree located within the southwest corner of the site.
- 1.3. There is an existing structure, described as an old shack located to the northwest of the ruins.
- 1.4. Dalyston Demesne appears to be fragmented with the red line of the application site solely around the existing western (rear) boundary and the southern (side) boundary being the side wall of the ruins.
- 1.5. On approach to the site from the west, along the narrow road to the southwest there are many elements which appear to have once formed part of the overall demesne, including high stone walls, complex of stone farm buildings which span both sides of the road.
- 1.6. The surrounding area can be characterised as being rural in nature with dwellings on individual sites.
- 1.7. The town of Loughrea is located to the northwest and the town of Portumna is the southeast.

## 2.0 Proposed Development

- 2.1. The proposed development consists of;
  - The reconstruction of Dalyston House, a Protected Structure (Ref.398).
  - Decommissioning of an existing septic tank and provision of an effluent treatment system and all associated services for the proposed development.
  - Demolition of an old structure/shack on the site.
- 2.2. The development seeking retention permission consists of;

- Concrete block support walls over part of the ground floor level of the structure. These walls serve to support the only remaining external wall of the structure.

2.3. It is stated that all other works previously carried out on this structure were carried out with the approval of and grant aided by Galway County Council which includes.

- Restorative work in the basement.
- The provision of a concrete slab at ground floor level.
- The repair and rendering of a two-bay section of the existing rear wall.

2.4. The application is accompanied by an Architectural Heritage Impact Assessment.

### 3.0 Planning Authority Decision

#### 3.1. Decision

On the 1<sup>st</sup> July 2025 Galway County Council issued a notification to Grant permission subject to 12 no. conditions.

Condition No. 3 (a) – requires that prior to commencement of the development a method statement be compiled and certified by a suitably qualified structural engineer.

Condition No. 3(b) – Requires that the continual monitoring of works shall be undertaken by an architect, engineer of building surveyor with conservation expertise and certification on completion that the works have been carried out in accordance with good conservation practice and made available to the Planning Authority on request.

Condition No. 5 – relates to the design requirements for the proposed on-site wastewater treatment system, in particular that the proposed polishing filter shall maintain a minimum separation distance of 10m from any house, other percolation area/polishing filter, existing or proposed land drain or watercourse or third party infiltration area.

Condition No. 7 – the dwelling house shall be used as single dwelling unit and cannot be subdivided, let or sold separately.

Condition No. 8 – Requires that the developer shall engage a suitably qualified Archaeologist to monitor all works.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The report of the Planning Officer set out the site description and development proposal, planning history, states that no pre-application consultations took place, referrals made, summary of the 3<sup>rd</sup> party submissions, relevant planning policy, environmental assessments and flood risk assessments.

The assessment raises no concerns regarding the development seeking permission and refers to the submission from the Department of Housing, Local Government and Heritage which reviewed the Architectural Heritage Impact Assessment. The review notes that there is potential to impact upon archaeological features/material and included a recommendation that licensed archaeological monitoring be included as a condition of any grant of permission.

It is acknowledged that the Conservation Officer reviewed the proposal and made recommendations. The report submits that the AHIA is in line with the requirements of DM Standard 59. The measures of intervention to the now derelict main structure are in line with DM Standard 58.

The site-specific assessment in relation to technical issues (roads, water and effluent disposal) raised no concerns.

No concerns were raised in relation to landscape and visual impact and design.

The assessment concluded with a recommendation to grant permission subject to 12 no. conditions.

It is noted that unsolicited additional information was submitted to the Planning Authority on 5<sup>th</sup> June 2025. This was received prior to the date of the Planning Officers report which is dated 27<sup>th</sup> June 2025. It is not clear if this was considered in the assessment by the Planning Authority as it is not referenced in the Planning Officers report or reflected in Condition No. 1 of the notification to grant permission.

### 3.2.2. Other Technical Reports

The report of the Conservation Officer dated 19<sup>th</sup> June 2025 can be summarised as follows;

- Illegal works were carried out on this site prior to submitting the planning application.
- The works were not instructed by the Structural Engineer or the Conservation Architect.
- The construction of the walls to the front elevation do not provide structural support to the ruin.
- The walls which form a juncture with the existing protected structure do not comply with conservation best practice and damage to the historic fabric.
- The Dalystown Demesne is not in the ownership of the applicant as indicated on the site location map.
- There is no structural appraisal provided clarifying the impact of the proposed new build construction onto the existing cellar / basement.
- The proposal in the planning application incorporates one existing ruinous elevation into a new build construction. The new build must comply with the current building regulations and are not exempt.

The Environment Section, Heritage Officer and Loughrea/Portumna Council Area Office were selected as internal consultees but reports were received.

### 3.3. Prescribed Bodies

Department of Housing Local Government and Heritage by report dated 10<sup>th</sup> June 2025 can be summarised as follows;

Heritage related observations / recommendations.

- Notes the SMR and RPS designation of the site.
- It is possible that previously unrecorded archaeological features/materials, including building fabric of archaeological significance, may be disturbed/altered/removed during the course of the works.
- Acknowledgement of the findings of the AHIA and the nature of the proposed development.
- Also notes that other interventions required for reconfiguration, drainage and other services have potential to impact on archaeological features/material.

- Department recommends that licensed archaeological monitoring be included as a condition of any grant of planning permission that may issue.

The application was referred to The Heritage Council, Failte Ireland and An Taisce. No response was received.

### 3.4. Third Party Observations

Third party submissions received by the Planning Authority can be summarised as follows;

- Undertaking of unauthorised works within and around the structure of Dalyston House. Reference to EN25/002 which relates to the enforcement associated with the site.
- Notwithstanding grants received, the works still require planning permission.
- Relevance of the Planning History of the site and the reasons for refusal.
- Information in previous application identified an old well c. 150m from the location of the proposed percolation area.
- Permission granted to the applicant under 024010 for the construction of a house. Concerns raised that this development has not been completed.
- Scale of the proposed dwelling at 3 storeys.
- Residential impact in terms of over-looking.
- Ambiguity regarding the intended use of the structure.
- WWTS and conflicting information regarding the anticipated PE and use of the phase 'Planned commercial peak' usage. If commercial use is proposed licensing related to the treatment of wastewaters must also be considered.
- Concerns regarding the location of the proposed treatment plant relative to 3<sup>rd</sup> party water supply connection with a fall of c. 4m.
- Water Supply and whether the existing connection to the Group Water Scheme would be sufficient.
- Rainwater and wastewater runoff from the site.
- Location of the site relative to Slieve Aughty Mountains SPA and that the development should be subject to screening for appropriate assessment.
- Impact to bats. Concerns that the recent plastering works may have already breached the Habitats Directive and adversely impacted bat roosting habitat.

- Impact to breeding birds and dedicated breeding bird surveys across the breeding season are required.
- CEMP should accompany the application.
- No landscaping details have been provided.
- Sightlines traverse the lands to the north which are not in control of the applicant.
- The site location map should identify lands within the family control outlined in blue in addition to the subject site being outlined in red.
- No pre-application consultation took place.
- Incomplete sections of the application form.

## 4.0 Planning History

**EN25/002** – No information is available in relation to this.

**053477** – Permission refused on 30<sup>th</sup> January 2006 for the reconstruction of Dalyston House (a protected structure), the proposed development included for the conversion into 6 no. luxury apartments, ancillary site works – car parking, bin stores and services in addition to the provision of a proprietary treatment system and constructed percolation area/polishing filter.

Permission was refused for reasons including contribution and consolidation of inappropriate housing in a rural area lacking public services, the housing development being unrelated to local essential need would injure the amenities of the area. The development by reason of its size, height and bulk would lead to an over concentration of development on a restricted site.

The development lacked adequate open space and an excessive density at this rural location.

Having regard to the design, layout and density the development would contravene the Settlement Strategy and would be incongruous with the existing pattern of development.

Lands to the southeast

**024010** – Permission granted on 30<sup>th</sup> June 2003 for the construction of a dwelling house and septic tank.

**PL07.220948** (064084) – Permission granted on 29<sup>th</sup> June 2007 by An Bord Pleanála for the construction of an extension to the existing dwelling.

**12770** - Grant extension of duration of 06/4084 up to and including 12<sup>th</sup> August 2017.

## 5.0 Policy Context

### 5.1. National Policy

National Planning Framework First Revision

National Policy Objective 90 – enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including historic buildings through appropriate and sensitive investment and conservation.

### 5.2. Regional Policy

Regional Spatial Economic Strategy

#### RPO 5.13

Protect and enhance the potential of the regions cultural and heritage assets.

#### RPO 5.14

Support the conservation of the regions National Monuments and built heritage.

#### RPO 5.17

Support the adaptation and reuse of heritage buildings and places.

### 5.3. Guidelines

#### 5.3.1. Architectural Heritage Protection Guidelines for Planning Authorities 2011

### 5.4. Galway Development Plan 2022-2028

The application site is not zoned but is located within a structurally weak area and is a Protected Structure.

**RPS 398** – Dalystown House, described as ‘Site of late 18th cent house with remains of vaulted basement and four bay three storey rear wall, c. 1790. Set on an elevated site’. The accompanying appraisal sets out that the ruins are of very limited heritage value.

Landscape Character Assessment – Central Galway Complex Landscape. (Value 1).

Landscape Sensitivity – low

SMR (Sites and Monument Register)

GA116-45 – Dalyston House

GA116-036 – Burial Ground (NIAH)

GA116-037 – Designed landscape feature

GA116-038 – Enclosure

GA116-039 – Icehouse (NIAH)

GA116-41 – Enclosure

GA116-042 – Ringfort

National Inventory of Architectural Heritage

Farmyard complex (Regional)

Walled Garden (Regional)

Burial Ground (Regional)

Icehouse (Regional)

Bridge (Regional)

There are several other Protected Structures associated with the original Dalystown Demesne located within the vicinity of the site but are not affected by the proposed development.

**RPS3626** – Dalyston House, outbuilding, described as ‘two yards of outbuildings, built c.1800, comprising three-sided main courtyard to north, to rear of Dalyston House, and three-sided courtyard to south’.

**RPS3627** – Dalyston House, walled garden, described as ‘Polygonal-plan walled garden, built c.1800. Rubble limestone walls with curved corners having red brick skin in facer bond and Flemish garden wall bond to inner elevations’.

**RPS3628** – Dalyston House, Bridge **RPS396** – Dalystown House Gateway.

**RPS397** – Dalystown Private Burial Ground.

**RPS881** – Dalystown Ice House.

Section 4.6.2 – Structurally Weak Rural Areas (East and West of GCTPS).

The key objectives for a designated structurally weak area consist of;

- The accommodation of residential development proposals as they arise (subject to satisfactory site suitability and technical considerations).
- Developments to be in accordance with Chapter 15 Development Management Standards.
- Maintain and strengthen existing towns and villages and to direct urban generated housing demand to these areas.
- Protect areas located in Landscape Categories 2,3, and 4.

Section 4.6.3 Rural Housing Development Strategy 2022-2028.

- Specific policy objectives for rural housing in the open countryside – Rural Housing Zone 3 (Structurally Weak Areas)

RH3 – Rural Housing Zone 3 (Structurally Weak Areas)

This objective seeks to facilitate development of individual houses in the open countryside, subject to compliance with normal planning and environment criteria and the standards set out in Chapter 15. An exception to this is on lands contained in Landscape Classifications 2,3, and 4 and Objective RH4 would apply. *For reference, the subject site is located within a designated 'low' landscape sensitivity.*

RH11 Wastewater treatment provision

Requirement to comply with the EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2009).

WW6 Private Wastewater Treatment Plants

Ensure that private wastewater treatment plants are operated in compliance with the EPA CoP 2021.

WS7 Water Quality

To require that new development would not pose an unacceptable impact on water quality and quantity.

#### WS8 Proliferation of Septic Tanks

Encourage the use of high standard treatment plants to minimise the risk of groundwater pollution.

#### WW10 Surface Water Drainage

The requirement to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems where appropriate.

#### Section 12.5.1 Protected Structures

...Protection is defined as including, in relation to a structure, or part of a structure, conservation, preservation and improvement compatible with maintaining the character and interest of the structure...

#### AH1 – Architectural Heritage

To ensure the protection of the architectural heritage of County Galway, having regard to the policy in the Architectural Heritage Protection Guidelines 2011.

#### AH2 Protected Structures

Sets out several points to be considered including;

Protection and enhancement of the structures including the curtilage and attendant grounds.

Review the Record of Protected Structures to provide a comprehensive schedule for the protection of structures of special importance in the County.

Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form and detrimental to the special character and integrity of the protected structure.

Ensure high quality of design.

Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

Prohibit proposals in whole or part for the demolition of protected structures (save in exceptional circumstances)

### AH8 Energy Efficiency and Traditionally Built Structures

Ensure that measures to upgrade energy efficiency of Protected Structures are sensitive to traditional construction methods, employ best practice and use appropriate materials and methods that will not have a detrimental impact on the material, functioning or character of the building.

### AH11 Custodianship

Promote an inter disciplinary approach to demonstrating best practice with regard to the custodianship of protected structures.

### AH13 Traditional Building Skills

Support and promote traditional building skills, training and awareness of the use of appropriate materials and skills within the Local Authority and owners of traditionally built structures.

### Section 12.6.11 Archaeology and Development

Developments which may have archaeological implications for archaeological heritage will be subject to an Archaeological Assessment.

### Arc 5 – Development Management

Planning applications for development, within areas of archaeological potential to take account of the archaeological heritage of the area and the need for archaeological mitigation.

### DM Standard 9: Site Sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems

- A minimum site size of 2000sqm is generally required.
- For house sizes with a floor footprint greater than 200sqm, the site shall be increased by 10sqm for each 1sqm of house footprint area above 200sqm.

### DM Standard 11: Landscaping

Landscaping proposals to be submitted with all planning applications and shall include a schedule of indigenous native plant species.

### DM Standard 37: Group Water Scheme and Private Wells

The provision of a safe and reliable water supply is a requirement of development. If water is supplied by a group water scheme, any planning application must be accompanied by a letter of consent to connection from the secretary of the scheme.

#### DM Standard 38: Effluent Treatment Plants

Requirement to comply with the EPA Wastewater Treatment Manuals – Treatment Systems for Single Houses 2009 (including any updated or superseding document) will apply.

The following will be a requirement of Planning Permission;

- Design details
- Maintenance Agreement
- Desludging in accordance with EPA Guidelines.

#### DM Standard 46: Compliance with Landscape Sensitivity Designations

Table 15.6 - Class 1 Low Sensitivity – all developments which are of appropriate scale and design and are consistent with settlement policies.

#### DM Standard 58: Protected or Proposed Protected Structures

As a minimum requirement, have regard to Galway County Council's Architectural Survey and Assessment Best Practice Guide and DAHG Architectural Heritage Protection Guidelines for Planning Authorities 2011.

The following requirements shall be applied to protected structures;

- Conservation measures to protect, conserve and enhance the character and appearance of the structure.
- Development works – proposals will be required to show that it is compatible with the special character of the structure and its setting, complements the design and character of the surrounding buildings and area, features of architectural interest and structural integrity shall be retained, architectural features shall match those or be in keeping with the traditional detailing of the structure, proposals for development that compromise the setting of protected structure, material alteration or demolition will only be permitted where the

structure is not capable of repair, there is no compatible or viable alternative use for the structure.

#### DM Standard 59: Architectural Heritage Assessment Report

Where deemed necessary an Architectural Heritage Assessment report will be required, to be prepared by a suitably qualified and experienced conservation architect. This shall include;

- Significance of the building
- Detailed survey of the building and photographic survey
- Detail the proposed works it is intended to carry out
- Contain a full assessment on the materials and method proposed to carry out these works, their impact on the character of structure and the reversibility of the proposed works.

All works to protected structure shall be carried out in accordance with best conservation practice.

#### DM Standard 61: Archaeological Conservation and Preservation (Urban and Rural Areas)

The requirement on applicants to consider archaeology and the need for archaeological mitigation.

### **5.5. Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site or other Natural Heritage Site. The site is located c. 5.4km to the southeast of the pNHA for Lough Rea (000304) and c. 4.5km to the northeast of the NHA for Slieve Aughty Bog (001229).

The site is located c.359m to the north of the Special Protected Area for Slieve Aughty Mountains (004168) and c.5.3km to the southeast of the Special Area of Conservation for Lough Rea (000304)

## 6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

See completed Form 1 and 2 on file.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The grounds of the third-party appeal on behalf of Brian and Ann Gardiner, can be summarised as follows;

- Lack of clarity about the nature of the proposal. Indicative of intended multiple occupancy / commercial residential or an institutional type use.
- Protection of architectural heritage is not an adequate rationale for the proposal. The RPS listing and appraisal are contradictory. The landscape of Dalyston Desmesne now only survives in a fragmented form. The surviving remnants no longer legible in a coherent form.
- The reconstructed building would be an incongruous feature in the contemporary rural landscape and would be visually obtrusive.
- The application includes elements which are not exempted development and for which retention permission has not been sought.
- Inadequate and conflicting information regarding the On Site Wastewater Treatment System.
- Deficiencies in information. A plan with detailed specifications drawn up by a suitably qualified conservation expert should have formed part of the

application. However, this would not have overcome the fundamental weakness of the proposal.

- Insufficient details regarding the design and construction details relevant to the sensitive reconstruction of an historic building and building design elements relevant to health and safety considerations (because of their relevance to external aesthetic treatments).
- No details of the existing mature beech trees at the southern end of the site.
- No design resolution for the main entrance to the basement which is via a private property.
- The western site boundary does not reflect the on-ground fence line.
- No assessment of impact on bat species which are likely to use the site.
- No landscape plan or construction management plan.
- Decision making of the Planning Authority.

## 7.2. Applicant Response

The applicant's response to the third-party appeal can be summarised as follows;

- Details included in relation to the works to the basement undertaken on grants awarded to the applicant.
- Contends that the proposal is not for the construction of a large one-off detached rural home.
- As restoration is not possible, the application proposes the reconstruction of a protected structure. To effectively reconstruct the structure, there is no other option but to maintain its original design, size and layout.
- The reconstruction of the dwelling would create an understanding and appreciation of the cultural, social and historical significance of both the Daly family, the Dalyston Estate and the architectural typography of the 18<sup>th</sup> century.
- The proposed development is not for a commercial- residential or institutional use.

- Protected status of the structure is not up for consideration as part of this appeal. Contends that the cultural significance of the property may have been underestimated by Galway County Council.
- Dalyston House was built in the 18<sup>th</sup> century, was evident on the 1<sup>st</sup> Edition Ordnance Survey Map and was always a dominant feature on the landscape. The construction of modern housing surrounding the site should not prevent the reconstruction of Dalyston House.
- The application did not include for works to the basement as it is contended that the provision of a concrete slab and repair and rendering to the existing rear wall as these works did not require planning permission. Galway County Council deemed that the works carried out under three different grant schemes constituted minor works.
- Contends that the proposed OSWWTP has been appropriately assessed and that Section 6 of the SCF clearly states the design parameters for the site and for the premises. The proposed OSWWTP was selected on the basis of design population, site testing and the ground water response for the area. The system is certified to EN-12566-3 Standards.
- Contends that detailed specifications would never be drawn up for any building project at the planning stage and would only be done so once the principle of the project is granted permission.
- The concerns regarding the trees, landscape plan and construction management plan could be dealt with by condition in the event of a grant of permission.
- The western site boundary outlined in red on the site location map corresponds with the map from Folio GY10379F and Folio GY77332F.
- Correspondence attached confirming an existing connection from the property to Loughrea Rural Group Water Scheme.
- Contends that design and construction details in addition to building design elements relevant to Health and Safety arise in advance of construction not prior to planning application.

- The Planning Authority did not require a bat survey. An investigation into bats was undertaken in 2005 prior to the commencement of works. Should a survey be required, the applicant would welcome the opportunity.
- Issue of Conservation Officer report and incorrect statement of site area is out of the applicant's control.
- The proposed development was assessed by the Planning Authority and by report concluded that there would be no impact to European Sites, the development was in accordance with DM Standard 59 and conditions were attached to reflect the requirements of the Department of Heritage and Local Government.

### 7.3. **Planning Authority Response**

None

### 7.4. **Observations**

None

## 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of the proposed development including Rural Housing Policy
- Conservation
- Water Supply
- Wastewater Disposal
- Wastewater Disposal New Issue
- Biodiversity

- Other Issues
- Water Framework Directive Screening
- Appropriate Assessment

For the purposes of clarity, I have undertaken my assessment based on the plans lodged with the original application on 7<sup>th</sup> May 2025. As noted above, unsolicited additional information was submitted to the Planning Authority on 5<sup>th</sup> June 2025. It is not clear whether this was considered in the assessment of the Planning Authority.

I note that the unsolicited submission appears to include a minor amendment to the wording of Section 10 of the Architectural Heritage Assessment in addition to an amendment to the ground floor plan to demonstrate 'minor changes to the current planning status of the ground floor walls'. The submission included a revised set of floor plans but did not include elevations. I acknowledge the plans submitted on the 5<sup>th</sup> June 2025, however from site visit there are visible remains of the plinth on the western section of the northern elevation which are not reflected on the plans. The Architectural Heritage Assessment submitted as part of the applicant's response to the 3<sup>rd</sup> party appeal reflects that submitted with the unsolicited additional information.

## 8.2. Principle of the Proposed Development including Rural Housing Policy

- 8.2.1. The subject site is not zoned but is located within a designated Structurally Weak Area of Galway.
- 8.2.2. Section 4.6.3 of the Galway Development Plan sets out the Rural Housing Development Strategy including for development within Rural Housing Zone 3 (Structurally Weak Areas). Furthermore, the site is located within a designated low value landscape. In this regard, Objective RH3 applies which sets out that the Council will facilitate development of individual houses in the open countryside subject to compliance with normal planning and environment criteria and standards contained within Chapter 15. In this regard, I do not consider that the applicant is seeking permission for this development to circumvent the Rural Settlement Strategy.
- 8.2.3. Concern has been raised within the appeal regarding the ambiguity surrounding the purpose of the proposed development. It is submitted by the appellant that the layout suggests intended multiple occupancy, commercial-residential or an institutional type use.

- 8.2.4. From the information provided, I note that the original use of Dalyston House was a single manorial dwelling, part of the overall Dalystown Demesne, which is now fragmented. The development description within the statutory notices, seeks to reconstruct Dalyston House only.
- 8.2.5. In the applicant's response to the 3<sup>rd</sup> party appeal, it is submitted that given the nature of the proposal, the layout must be in keeping with the original layout in order to constitute an accurate reconstruction.
- 8.2.6. In my opinion, the intention of the development does not propose any other use other than that of a dwelling. Where another use is proposed to be incorporated, this would require a change of use planning application. I am satisfied that the development description is sufficient in this regard, and I do not consider that permission should be refused in this regard.

### 8.3. Conservation

- 8.3.1. The appellant contends that the protection of architectural heritage is not an adequate rationale for the proposal under consideration and contends that the RPS listing and the associated appraisal which describes the property as being ruins of very limited heritage value are contradictory.
- 8.3.2. I note that the appellant contends that Galway County Council appears not to have met with the basic requirements of listing, i.e. that the house has not been appraised for being of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The appellant intimates that Galway County Council should consider the removal of the structure from the Record of Protected Structures.
- 8.3.3. Notwithstanding the contention, the property is a Recorded Protected Structure, and I would submit it has historical and cultural significance to the wider lands which contain several protected structures which were all once part of the overall Dalystown Demesne. In this regard, I would contend that the protection of architectural heritage is an adequate and acceptable rationale for advancing the application.
- 8.3.4. Dalystown Demesne was once a significant estate, while now fragmented, there are many surviving remaining elements associated with the Demesne which are also Protected Structures and listed on the Sites and Monuments Register and the National Inventory of Architectural Heritage. I would consider that the sensitive reconstruction

of Dalyston House could be warranted as a complementary contribution to the cultural significance of the original Dalyston Demense which is now fragmented.

- 8.3.5. I acknowledge the appellants reference to the Architectural Heritage Protection Guidelines which sets out that *'the principle of promoting minimum intervention in a protected structure is best summed up by the maxim 'do as much as is necessary and as little as possible' Dramatic interventions in a protected structure are rarely appropriate. The best work in conservation terms is often that which is low key, involves the least work and can be inexpensive'*.
- 8.3.6. In general, I would agree with this principle. I would also submit that the Architectural Heritage Protection Guidelines set out considerations of how ruins are dealt with.
- 8.3.7. I refer to Section 7.3.2 of the Architectural Heritage Protection Guidelines' which submits that *'Where a protected structure is a ruin and does not have an active use, it may nonetheless be of special interest. It maybe a local landmark or contribute to the character of an ACA. In such cases, it maybe more appropriate to allow it to continue to stand in a ruined state and be repaired or consolidated where necessary'*. In this instance, I would consider that the ruin of Dalyston House is a landmark and was the original house associated with Dalystown Demense, for which the area remains known as.
- 8.3.8. I would also note the Section 14.1 of the Architectural Heritage Protection Guidelines sets out guidance for Ruinous Buildings. Section 14.1.1 sets out three options for proposals concerning works to such structures; (a) demolition, (b), consolidate the ruin and (c) restore the ruin and bring it back into use.
- 8.3.9. Section 16.3 of the Architectural Heritage Protection Guidelines relates to 'Rebuilding after a Total loss'. I acknowledge that this section refers to the near total loss of a building arising from a disaster such as a fire but refers to the special interest which led to its inclusion in the RPS maybe considered irredeemably lost and the building of a replica replacement will generally serve little purpose. However, consideration is given to the appropriateness if the building formed part of a larger architectural design, then the reconstruction of a replacement of at least the exterior of the building maybe considered necessary in order to protect the setting of other historic structures.
- 8.3.10. Based on the above sections of the Architectural Heritage Protection Guidelines, I would consider these to be of relevance in the context of the subject site and the wider

fragmented Dalyston Demesne and given the presence of associated protected structures, there is compelling guidance that would warrant the consideration of the potential to reconstruct Dalyston House.

- 8.3.11. While I do accept the principle of the proposed development, I would consider that the reconstruction should be on the basis of complete and detailed documentation and to no extent to resort to and rely upon conjecture. If reconstruction cannot be undertaken in this manner then I would submit that the most likely appropriate option would be to consolidate the ruin and preserve in this manner.
- 8.3.12. The appellant contends that the reconstructed building would be an incongruous feature in the contemporary rural landscape, noting that a single storey dwelling is under construction to the north and there are other similar style dwellings in the vicinity. The structure would therefore be visually obtrusive and overbearing in character.
- 8.3.13. The applicant accepts that Dalyston House, built in the 18<sup>th</sup> Century was always a dominant feature in the landscape, and I would agree with this, regard being had to the original Demesne Status.
- 8.3.14. Should Dalyston House be reconstructed to represent the original and authentic state I do not agree that the structure would be incongruous within the landscape. I do not consider that the construction of surrounding modern housing should preclude the intent of the proposal.
- 8.3.15. However, I do note that the application has not been accompanied by any contiguous elevations, visual impact assessment or photomontages, which I consider would also aid in the understanding of how the reconstructed house would integrate within its setting.
- 8.3.16. I would contend that where it is not clear that the structure could be reconstructed in an appropriate and sensitive manner, then I would submit the structure would have the potential to appear intrusive on the landscape.
- 8.3.17. I note that the Galway County Development Plan 2022-2028 has two relevant objectives within Chapter 15, DM Standard 58 and DM Standard 59, in relation to works to a Protected Structure.
- 8.3.18. The report of the Planning Authority stated that the proposed development was in line with the requirements of these aforementioned objectives. The report indicates that

the Conservation Officer reviewed the proposal and made comments and recommendations. The Planning Officers report notes that the Architectural Heritage Assessment is in line with the requirements of DM Standard 59, that the history and cartographic assessment of the intervention to the structure are analysed and recorded. In addition, that a photographic and written description including method statements referring to various elements of a structure which are comprehensive and an appraisal of the proposed works to the structure has been made. Furthermore, the measures of intervention to the now derelict main structure are in line with DM Standard 58 by incorporating measures to protect, preserve and enhance the character of the structure and features of architectural interest are retained. I note that the report of the Conservation Officer received as part of the documentation from the Planning Authority does not include recommendations. The report of the Conservation Officer raises concern regarding the previously constructed walls to the front elevation do not provide structural support to the ruin and the juncture with the existing protected structure and new walls do not comply with conservation best practice and damage the historic fabric in addition to the lack of structural appraisal to determine the impact upon the basement.

- 8.3.19. The Architectural Heritage Impact Assessment (AHIA) report which accompanies the application has been prepared by Gerry McManus, Conservation Grade 2 Accredited. I have reviewed the AHIA and accompanying plans and details in relation to the Architectural Heritage Protection Guidelines.
- 8.3.20. I acknowledge that the report includes a detailed assessment in relation to the significance of the building. The elevations submitted demonstrate the existing and proposed development. The existing elevations demonstrate the walls seeking retention permission; however, this is only demonstrated on the northern elevation. I would consider that the walls constructed and visible on the eastern elevation should also be demonstrated on the elevations. Similarly, a photographic survey has been included. This survey appears to have been undertaken prior to the construction of the new walls which are seeking retention permission. I would consider that given the extent of works which have been undertaken, the photographic survey should have also included the current most up to date status of the building.
- 8.3.21. DM Standard 59 requires that a full assessment of the materials and method proposed to carry out these works are required in addition to their impact on the character of the

structure. The compilation of this information is contained within the Architectural Impact Assessment.

- 8.3.22. Remnants of the existing stone finish remains to the front (east) elevation and the sides (north and south). Section 8.1 of the AHIA suggested that it is proposed to fully reconstruct the stone facing on the front façade at ground level with a suggested option to render the façade above the string course for financial reasons. Section 8.2 then submits that it would be important for the front façade being the principal component in the architectural composition to be fully restored, stated 'This is proposed'. It is then submitted that the option to render the façade above string course level should only be considered as a last resort. It appears that it would not be proposed to reconstruct the east elevation in cut stone as per the original. Even if, a suitable rationale was to be provided that stone would not be continued above ground level, no details have been provided as to how the existing and proposed stone would join and consolidate appropriately or indeed the provision of examples that exist of similar reconstructions.
- 8.3.23. External features such as cornices and sills above ground level are indicated to be reproduced in concrete or cast stone (is suggested). The reasoned mitigation for acceptance of material finish is due to the fact this feature will not be viewed at close quarters. Similarly, no detail has been provided as to how the in-situ cornice detail would be restored and how it would be proposed to join with the new reproduction. No detail has been provided in relation to the reconstructed elaborate chimneys or in relation to the finishes to the steps at the front entrance. Details such as drainage pipes and other services, such as intended central heating etc. have not been provided. The provision of internal heating needs to be considered where traditional building methods are being proposed to ensure that they interact accordingly.
- 8.3.24. While likely an error, I note that within Section 8.2 of the AHIA, this refers to the existing north façade being already cement rendered and this is intended to remain. It is the west elevation which is already rendered. Given the significance of the building, care should be taken to ensure that each elevation is labelled and discussed appropriately to avoid ambiguity regarding the finishes.
- 8.3.25. The assessment further submits uncertainty regarding the design detail for the windows with a caveat reading '*further research to confirm if possible the exact date of construction would be useful*'. Section 7.8.2 of the Architectural Heritage Protection

Guidelines relates to the need to respect the contribution of different stages of a building's historical development and that concentration of whether or not certain parts are original can obscure the fact that later alterations may also contribute to the special interest of the structure.

- 8.3.26. From review of the elevations, it appears that the windows to the east and west elevation (front and rear) appear to be uniform in approach. The window opes to the north and south elevations are to have a less uniform approach and I would consider more discussion would be required in this regard to ensure the most authentic reconstruction of the elevations would occur.
- 8.3.27. I also note that precise finishes for all of the windows are unclear with the AHIA stating that *'windows on all floors on the front (east) and north sides and on the ground floor on other sides are proposed to be timber sliding sash of the patterns appearing in the c.1950 photograph. This will ensure the character of the main aspects of the house is reinstated when viewed by the general public on the approach roads...'*
- 8.3.28. Notwithstanding the applicant's contention in the response to the 3<sup>rd</sup> party appeal, having regard to the context of the application in addition to the wording of DM Standard 59, I would submit that a detailed Scope of Works and Conservation Method Statement which is written specifically for this property should be included with the planning application. Given the extent of the proposal, this should incorporate basic conservation principles such as the removal of the prominent vegetation from the remaining walls, unblocking of window opes and the dismantling of existing modern connections to the structure and the resulting impact of these works alone to stability, the cleaning of walls and surviving stone work, the extent of the repair works necessary to the west elevation in addition to the detail of the relevant expert craftsmanship and professionals that would undertake such works.
- 8.3.29. Clarity should be provided in relation to the need to include temporary support works or working platforms and how this would affect the existing remaining walls.
- 8.3.30. The consideration of the preparatory work should be comprehensively set out as this would ultimately determine if the proposed development would be possible and whether or not the preservation of the structure is most appropriate as its ruinous state.
- 8.3.31. At time of site visit I noticed that part of the newly built walls sits inside the remnants of the existing wall on the northwest section of the northern elevation. The proposed

external walls are indicated to be modern insulated cavity. No detail has been provided regarding the construction of the new walls around remnant walls, save for a statement to say 'care will be taken in the detailing to ensure no cold bridging or damp penetration'.

8.3.32. Section 10 of the AHIA includes a photograph of a junction between the protected structure and the new build. It is stated within this report that this junction should be carefully dismantled and rebuilt with lime mortar used at the interface between the old and the new. The accompanying assessment also states that modern block work should be isolated from the original fabric at the junction between the two elements. The report recommends that a slotted stainless steel connection plate or similar device should be used at these junctions. No further detail has been provided in relation to this, nor have any elevations / sections accompanied the application to demonstrate this junction. I note there are several locations where modern construction will be required to be connected to the protected structure. The report of the Conservation Officer raised this as a concern, and I would also agree.

8.3.33. As previously mentioned, there are substantial preparatory works to be undertaken that could impact upon stability. Furthermore, no detail has been provided to demonstrate the overall stability of the proposed development upon the existing basement. The report of the Conservation Officer raised this concern also.

8.3.34. Section 6 of the AHIA discusses the basement in respect of the installation of the concrete ground floor above the vaults but states, '*See report on works in Galway Co.Co. files*'. While the works may not form part of the subject application, I would consider that they are an intrinsic piece to understanding the overall reconstruction of the dwelling and all information should be included with the application.

8.3.35. The development description sets out the works which were undertaken to the basement are not included in this application. In addition to the concerns raised by the appellant in relation to the resolution of the southern entrance to the basement, I have also noted anomalies that I would consider should be required to be considered within the Architectural Heritage Impact Assessment in terms of the scope of works and their contribution to the character of the structure.

8.3.36. Section 8.1 of the AHIA sets out 'The basement is substantially intact and proposals include the full repair of the basement and its features'. From the information provided,

it is not clear that the proposed development includes for works within the basement, noting from the plan entitled 'Proposed Elevation and Sections', S Section Through Building which states 'Existing basement subject to conservation grant to remain intact and un-altered'.

8.3.37. The appellant raised the issue of the lack of information regarding the resolution of the main entrance to the basement. In response, the applicant submits that the basement is accessed from within the house. At time of site visit, I noted that the basement is open on a north-south axis which exists like a 'through route'. Having regard to the redline of the application site, the southern side of the dwelling demarcates that boundary. The proposed basement plan retains an opening within the basement on the southern elevation into 3<sup>rd</sup> party lands and demonstrates the closure of the northern elevation of the basement. Furthermore, comparison of the existing and proposed basement plans demonstrates an apparent new construction to surround the basement. This is demonstrated on the plans in a tan colour but has no accompanying legend. I note that there is an existing passage which surrounds the basement. It is unclear if this is a retaining feature to be added however the plans demonstrate this element would close off the existing sloped entrance to the basement on the northern elevation. The site layout plan also reflects this and also indicates the provision of an apparent external staircase which details 'proposed access stairs to basement'. The north and south elevations do not extend to demonstrate the basement nor is this element described in the accompanying particulars. This information is ambiguous, is not addressed in the AHIA and is contrary to the applicant's statement in their response.

8.3.38. Appendix B of the Architectural Heritage Protection Guidelines sets out the requirements of an Architectural Heritage Impact Assessment. Based on the information provided, I am not satisfied that the detail and extent of the assessment is appropriate for the nature and scale of the proposed development. I do not consider that the submitted report adequately describes how consideration has been given to the viability of the proposal and how it would affect the character of the protected structure, which is proposed to be reconstructed. As per Section B5.16 of the Guidelines which submits that an AHIA should contain a comprehensive assessment of the implications of the development for the character of the structure and the area in which it is located. I would submit that this would be important having regard to the

3<sup>rd</sup> party concerns raised in relation to the visual integration in addition to the potential impacts arising from the applicants suggested material finishes.

- 8.3.39. I do not consider that the extent of plans submitted are sufficient to clearly demonstrate how the existing ruins appropriately incorporate the walls seeking retention and how it could be reconstructed into the original form. I also consider that more visual aids should be provided, e.g. visual impact assessment, photo montages and in relation to the finishes and examples where similar methods have been used.
- 8.3.40. The redevelopment of a ruin has the potential to materially alter the character of the structure. I would have concerns regarding the passage of time in which this structure has stood as a ruin and the ability to reconstruct the dwelling which will require the replacement of substantial amounts of the original fabric.
- 8.3.41. The introduction of modern materials and techniques should only be considered where their appropriateness has been supported by effective evidence and sufficiently incorporated into the AHIA in terms of their impact.
- 8.3.42. The subject property is a Protected Structure but is in ruins and I note that the Architectural Heritage Protection Guidelines reference that where new alterations and additions are proposed to a protected structure, it should be remembered that these will in their turn become part of the structures history and so it is important that these make their own positive contribution by being well designed and constructed. *'Replacing original or earlier elements of a building with modern replicas only serves to falsify the historical evidence of the building'*.
- 8.3.43. The AHIA concludes that *'If the proposed reconstruction is done in a sympathetic and careful way as outlined above, the works would be deemed in line with good conservation practice. Detailed specifications should be drawn up following advice from a conservation advisor.'* I consider that the conclusion is not sufficient and in the absence of a Conservation Method Statement and Scope of Works specifically written for the subject property, the AHIA is inconclusive to determine that the works could be undertaken in a sensitive manner as per the requirements of DM Standard 58 and 59 of the Galway Development Plan 2022-2028.
- 8.3.44. Given the significance of the works, and the scale of the building itself, the deficiencies are, in my opinion too significant to deal with by condition attached to a grant of permission. The inclusion of Condition No. 3 by the Planning Authority which only

requires certification on completion of the works and to be made available to the Planning Authority on request is not sufficient to ensure that works have been properly carried out in accordance with good conservation practice. In my opinion upon completion is too late to guarantee the gravity of the works which this proposed development would entail.

8.3.45. In my opinion the documents lack clarity and raises ambiguity as whether the resulting reconstructed property would be an authentic reconstruction or would result in pastiche conjecture of a protected structure.

8.3.46. While I accept the principle of the proposed development, I would consider that the reconstruction should be on the basis of complete and detailed documentation. Where deviation is proposed, all instances should be appropriately justified and assessed in terms of the potential impact. If development cannot be undertaken in this manner then I would submit the most appropriate option would be to consolidate the ruin.

8.3.47. In my opinion, there is insufficient information to make an informed decision on the potential impact to the architectural heritage and to demonstrate that the building could be reconstructed to reflect that of the original building

8.3.48. Based on the information provided I am not satisfied that the applicant has demonstrated how the proposed development would accord with DM Standard 58 and DM Standard 59 of the Galway Development Plan 2022-2028 and Section 6.4 'Information to Accompany Planning Applications' of the Architectural Heritage Protection Guidelines.

8.3.49. I do not agree with the decision of the Planning Authority and I recommend that permission should be refused in this regard.

#### 8.4. Water Supply

8.4.1. The appellant raises concerns regarding the availability of an adequate water supply to the development.

8.4.2. In the applicant's response to the 3<sup>rd</sup> party appeal, documents have been submitted which confirm an existing connection from the property to the Loughrea Rural Group Water Scheme. The accompanying documents also set out an agreement that Loughrea Rural Group Water Scheme provided the applicant Flan Frawley with a water supply and on payment of the appropriate fee, Mr.Frawley would be provided

with six connections for domestic use. Having regard to the information provided by the applicant, I am satisfied that this demonstrates a confirmed water supply to the site.

#### 8.5. Wastewater Disposal

- 8.5.1. The development includes for the decommissioning of an existing septic tank and the replacement with an effluent treatment system.
- 8.5.2. The site overlies a Locally Important Aquifer – bedrock which is moderately productive only in local zones and moderate vulnerability.
- 8.5.3. The stated depth of the trial hole is 2.35m and the depth from ground surface to water table is 2.25m. The depth from ground surface to bedrock is 2.35m.
- 8.5.4. Soils can be described as clay/till and brown/grey in colour.
- 8.5.5. The Groundwater Protection Response is R1, where an on-site system is acceptable subject to normal good practice.
- 8.5.6. The appellant submits that there is inadequate and conflicting information about the proposed wastewater system and that it is reasonable to assume that a building with 10 double bedrooms would have a maximum occupancy of 20 people.
- 8.5.7. I am satisfied that the PE has been appropriately calculated in accordance with Table 3.2 of the EPA CoP 2021. As noted in the response by the applicant, it is stated that the SCR defaults to a minimum of 4 in the relevant drop-down menu but confirms that this has no bearing on the design of the system selected and recommended. I note that the assessment in no other place refers to an occupancy of 4 people.
- 8.5.8. Having regard to the T Value of 27.53, as per Table 10.1 and the information within the site assessment, the proposed infiltration area would be Option 2 with a stated required area of 180sqm. This information is set out in Appendix C of the Site Suitability Assessment which includes a recommended plan for this site as undertaken by Oliver Higgins Consulting Engineer with input from Molloy Environmental. In this regard I am satisfied that the information regarding the PE is correct.
- 8.5.9. Notwithstanding the foregoing, I note that the information within the Site Layout Plan indicates a polishing filter with stated measurements of 19.84sqm. I contend that the inclusion of the required infiltration area of 180-sq.m. may require design changes for surface water soakpits, separation to boundaries etc. The information is inconsistent

with the recommended plan set out in Appendix C of the Site Assessment Report. In this regard, I consider that the inconsistent information is significant, and it would not be appropriate to address this by condition.

#### 8.6. Wastewater Disposal New Issue

- 8.6.1. In addition to the above assessment, I note that the Galway County Development Plan 2022-2028 contains several objectives which relate to the provision of on-site waste water treatment systems.
- 8.6.2. I note that WW6 requires that private wastewater treatment plans be in compliance with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021, DM Standard 9 sets out that the minimum site area of 2000sqm is *generally* required and that for houses with a floor area above 200sqm, site shall be subsequently increased by 10sqm for every 1sqm of footprint area above 200sqm. Under the same Standard, special consideration is given to the existing and proposed houses that are below the 2000sqm site threshold but comply with the Rural Housing Need however the house footprint shall be decreased by 1sqm for every 10sqm below 2000sqm. DM Standard 38 also relates to Effluent Treatment Plants and to be in accordance with the EPA Manuals 1999, 2009 or any revision or replacement.
- 8.6.3. I note the requirements of DM Standard 9 and that having regard to the floor area and site size the proposed development would not accord with same. The development in this regard could be considered to be a Material Contravention of the Development Plan; however, I would submit that use of the word generally within the objective suggests an aspiration rather than a requirement. Furthermore, there are several objectives within the Plan that are not consistent in the wording in relation to the requirements set out in DM Standard 9 and as such, in my opinion would not be so specific to consider the development a material contravention of this objective. Each of these objectives set out the requirement to comply with the relevant EPA Code of Practice, which I am satisfied that the overarching requirement of each of these objectives is that the OSWWTS requires to comply with the EPA Code of Practice. The Planning Authority did not raise this as an issue. While it appears that the proposal could comply with the EPA Code of Practice, as noted above inconsistencies are have been identified. This is a new issue and the Commission may wish to seek the views

of the parties. However, having regard to the substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

## 8.7. Biodiversity

- 8.7.1. The appellant submits that there has been no assessment of the impact of the proposal on bat species.
- 8.7.2. I note the concerns raised however the appellant submits that bats are likely to use the site. No survey of has been undertaken in relation to the use of the site by roosting bats. I note that previous works have been undertaken to the basement. I would consider that a complete application would include a suitable survey for roosting potential.
- 8.7.3. I would submit that in the event of a grant of permission and during the construction works, that bats are discovered, the applicant is required to engage with the National Parks and Wildlife Service in this regard.

## 8.8. Other Issues

- 8.8.1. The 3<sup>rd</sup> party appeal raises concerns in relation to the works which have been undertaken within the basement. In response to the appeal, the applicant has included correspondence with Galway County Council between 2005-2006 with a letter dated 20<sup>th</sup> October 2005 stating that the works were considered to be of 'an urgent nature' and 'essentially repair' and 'do not constitute a material alteration to the character of the structure'. I acknowledge the correspondence however I would also contend that the works to the basement do not form part of the development description associated with this application and as such are outside the scope of this appeal.
- 8.8.2. I would consider that the concerns raised regarding the absence of a Landscape Plan, Construction Management Plan and the detail regarding the mature beech trees could be addressed as part of conditions requiring written agreement with the Planning Authority in the event of a grant of permission.
- 8.8.3. The appellant submits that the western site boundary does not accord with the on-ground fence line. Save for this statement within the appeal, no other contention is set out in this regard.
- 8.8.4. From site visit, given the constraints of the western portion of the site with open basement element and overgrowth, this area was not readily accessible.

- 8.8.5. The applicant in response to this claim states that western boundary of the site outlined in red on the site location map corresponds exactly with the map from Folio GY10379F (Registered Owner Flan Frawley) and Folio GY77332F (Registered Owner: Flan and Anne Frawley). While I note that the Tailte Eireann Map which accompanies the 1<sup>st</sup> party appeal response does not include Dalyston House, the copy which accompanied the application included for Dalyston House.
- 8.8.6. In terms of legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute regarding the boundaries is considered to be a civil matter and would be outside of the scope of this appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34 (13) of the Planning and Development Act 2000, as amended.

## 9.0 Water Framework Directive Screening

- 9.1. The application site is located at Dalystown Demesne, Kylebrack, Co. Galway.
- 9.2. The proposed development comprises permission for the reconstruction of the existing derelict Protected Structure. Development also includes for the demolition of an existing single storey structure and decommissioning of the existing septic tank to be replaced with a new OSWWTS. The development seeks retention for the construction of concrete support walls over part of the ground floor.
- 9.3. The application site is located c.392.5m to the north of the Cappagh (Galway)\_10 (IE\_SH\_25C030100). This river is located within Cappagh (Galway)\_010 river sub basin.
- 9.4. The site overlies the Tynagh (IE\_SH\_G\_236) ground water body for which the site within the moderate vulnerability range with a small portion to the northeast being within a designated low vulnerability area. Bedrock is poorly productive.
- 9.5. The site overlies a Locally Important Aquifer where the bedrock is moderately productive only in local zones.
- 9.6. The site is located c. 7.88km to the west of the Zone of Contribution for Tynagh Group Water Scheme (IE\_GSI\_ZOC\_104), c. 7.83km to the southeast of Borehole

IE\_GSI\_GW\_Well\_8605 and c. 9.51km to the southeast of the Zone of Contribution for Bullaun Loughrea Group Water Scheme (IE\_GSI\_ZOC-232).

- 9.7. As per Table E1 of the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) 2021, a Groundwater Repose of R1 is noted; 'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).
- 9.8. The existing septic tank is proposed to be decommissioned. Foul water is proposed to be disposed of via an onsite wastewater treatment system. The Site Characterisation Form concluded that the site is suitable for the installation of a septic tank system (septic tank and percolation area). I note that the Planning Authority raised no concern in this regard.
- 9.9. Concerns were raised in the appeal in relation to inaccurate and conflicting information regarding the proposed wastewater treatment system. These issues have been addressed above.
- 9.10. I have assessed the development seeking permission 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.
- 9.11. 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.
- 9.12. The reason for this conclusion is as follows:

- Nature of works e.g. modest scale and nature of the development
- Ground Water Protection Response R1.
- Location-distance from nearest surface Water bodies and/or lack of hydrological connections.
- Subject to compliance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )
- The development subject to adequate design of soakpits to industry best practice.

9.13. 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.

## 10.0 AA Screening

10.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The site is located c.359m to the north of the Special Protected Area for Slieve Aughty Mountains (004168) and c.5.3km to the southeast of the Special Area of Conservation for Lough Rea (000304).

The proposed development comprises permission for the reconstruction of the existing derelict Protected Structure. Development also includes for the demolition of an existing single storey structure and decommissioning of the existing septic tank to be replaced with a new OSWWTS. The development seeks retention for the construction of concrete support walls over part of the ground floor.

No further nature conservation concerns were raised in the planning appeal.

10.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

10.3. The reason for this conclusion is as follows

- The nature of the works
- The distance from the nearest European site and the lack of ecological connections to those sites.

10.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

10.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

## 11.0 Recommendation

11.1. Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the 3<sup>rd</sup> party appeal and the responses thereto, my site inspection and my assessment of the planning issues, I do not concur with the recommendation of the Planning Authority and I recommend that permission be refused for the reasons set out hereunder.

## 12.0 Reasons and Considerations

1. Having regard to the information which accompanies the planning application, it has been not satisfactorily demonstrated that the development seeking permission and retention could be undertaken in a manner that would ensure an authentic reconstruction of Dalyston House, a Protected Structure (Ref.398) and listed on the Sites and Monuments Register (Ref. GA116-045) and by reason of insufficient information it cannot be determined that the works would be carried out in a manner that would protect, conserve and enhance the remaining character of the structure. To permit the development in the absence of such deficiencies, would be contrary to DM Standard 58 and DM Standard

59 of the Galway County Development Plan 2022-2028 and to the provisions of the Architectural Heritage Protection Guidelines 2011 relating to such buildings. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

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Carol Hurley  
Planning Inspector

5<sup>th</sup> December 2025

## Form 1 - EIA Pre-Screening

### No EIAR Submitted

<b>Case Reference</b>	ACP-323143-25
<b>Proposed Development Summary</b>	Reconstruction of a Dalyston House (Protected Structure) including decommissioning of a septic tank and the installation of an OSWWTS. Retention permission is also sought for previously constructed walls.
<b>Development Address</b>	Dalystown Demesne, Kylebrack, Co. Galway
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed 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.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>S. 5 P.2 10(b)(i) construction of more than 500 dwelling units.</p>

<p><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></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323143-25
<b>Proposed Development Summary</b>	Reconstruction of a Dalyston House (Protected Structure) including decommissioning of a septic tank and the installation of an OSWWTS. Retention permission is also sought for previously constructed walls. Demolition of a shack/structure.
<b>Development Address</b>	Dalystown Demesne, Kylebrack, Co. Galway
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the demolition of an existing shack. The reconstruction of a dwelling which is a Protected Structure. The development would seek to reinstate the ruin of the dwelling, which would be inconsistent with the scale of the existing surrounding modern dwellings, but if undertaken correctly would be a reconstruction of a Demesne dwelling. The development of the site would remove the current risk of potential accident regard being had to the status of the site.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The subject site is a Protected Structure and is also listed on the Sites and Monuments Register. While not in designated sensitive landscape, the reconstruction of the dwelling in a non sensitive manner would likely be intrusive on the landscape. The development would be consistent with the historical character of the site. There are other surviving elements of Dalyston Demesne in the vicinity which are also protected structures. The site is removed from sensitive natural habitats, designated sites and landscapes of identified significance.
<b>Types and characteristics of potential impacts</b>	There are deficiencies in the information provided in relation to impacts on the protected structure, however, such impacts are localised and specific to this site.

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development which would seek to improve the foul water disposal on the site, the likely limited magnitude and spatial extent of effects and absence of in combination effects, there is no potential for other significant effects on the environmental factors listed in Section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<b>An Bord Pleanála ref. no.</b>	<b>ACP-323143-25</b>	<b>Townland, address</b>	Dalystown Demesne, Kylebrack, Co.Galway
<b>Description of project</b>	Reconstruction of a Dalyston House (Protected Structure) including decommissioning of a septic tank and the installation of an OSWWTS. Retention permission is also sought for previously constructed walls. Demolition of a shack/structure		
<b>Brief site description, relevant to WFD Screening,</b>	The application site is located c.392.5m to the north of the Cappagh (Galway)_10 (IE_SH_25C030100). This river is located within Cappagh (Galway)_010 river sub basin. The site overlies a locally important aquifer which is moderately productive in local zones and has moderate vulnerability. The groundwater body is Tynagh (IE_SH_G_236). The subsoil is Limestone Till Type and is poorly drained.		
<b>Proposed surface water details</b>	Surface waters can drain to soakpits.		
<b>Proposed water supply source &amp; available capacity</b>	Proposed connection to Group Water Scheme		

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Secondary Treatment System with Soil Polishing Filter				
<b>Others?</b>		Not applicable				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	395	IE_SH_25C030100) Cappagh (Galway)_10	Good	(Environmental Objective of 'High Status') At risk	Hydro morphology	Drainage
						Drainage

Groundwater waterbody		IE_SH_G_236 Tynagh	Good	Not at risk		Drainage	
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Site clearance and construction	IE_SH_25C030100 Cappagh (Galway)_10	None	None	None	No	Screened Out
3.	Site Clearance and Construction	IE_SH_G_236 Tynagh	Drainage	Seepage to ground water	Standard Construction Measures / Conditions	No	Screened Out

OPERATIONAL PHASE							
4.	Surface			None	Subject to detailed design of soakpits in accordance with industry best practice.	No	Screened out
5.	Ground			Seepage to ground water. Foul water to be disposed of by means of a Secondary Treatment System and Polishing Filter	Noting the Ground water Response of R1, the proposed Treatment System subject to design in accordance with EPA Code of Practice for Domestic Waste Water Treatment Systems	No	Screened out

					(Population Equivalent ≤10)		
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