



An
Coimisiún
Pleanála

Inspector's Report

ACP-323493-25

Development

Application for Substitute Consent pursuant of Section 177E of the Planning and Development Act 2000 (as amended) consisting of (1) Construction of a revised vehicular access and entrance to the property (2) construction of two replacement agricultural shed structures; and (3) provision of new polycarbonate roof to a refurbished agricultural building
A Remedial Natura Impact Statement (rNIS) was submitted with this application.

Location

Lugnaneach Cottage, Lettergesh East, Renvyle. Co. Galway.

Planning Authority

Galway County Council

Applicant(s)

Sean Harrington.

Type of Application

Application for approval made under Section 177E of the Planning and

Development Act, 2000, as amended
for Substitute Consent.

Prescribed Bodies

None.

Observer(s)

None.

Date of Site Inspection

6th February 2026.

Inspector

C. Daly.

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1.0 Introduction

- 1.1. This is an application for substitute consent under Section 177E of the Planning and Development Acts 2000-2011 as amended. This report provides an assessment of an application for substitute consent for the retention of the construction of a revised vehicular access and entrance to the property, construction of two replacement agricultural shed structures and the provision of new polycarbonate roof to a refurbished agricultural building. Part of the site is within the Twelve Bens/Garraun Complex SAC (site code 002031), a designated European site, and the remainder of the land based part of the site is adjacent to the SAC.
- 1.2. A remedial Natura Impact Statement (NIS) and application under Section 177E was lodged by the applicant Sean Harrington directly with the Commission on the basis of the proposed development's likely significant effect on a European site.
- 1.3. Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Commission before consent is given for the proposed development.
- 1.4. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 (Commencement of Certain Provisions) (No.2) Order 2023 (S.I. 645 of 2023) came into effect on 16th December 2023. The Commencement Order brings into operation sections 10 to 21, sections 23 to 40 and subsections (8) to (12) of section 41, of the Planning and Development, Maritime and Valuation (Amendment) Act 2022. Consequently, and as now required, my assessment of this application for substitute consent that follows includes consideration of 'exceptional circumstances'.

2.0 Proposed Development

- 2.1. Permission is sought for the regularisation of development which has been constructed consisting of a revised vehicular access and entrance to the property,

two replacement agricultural shed structures and the provision of new polycarbonate roof to a refurbished agricultural building.

- 2.2. The revised vehicular access at the east end of the site includes a splayed partial hard surface area with agricultural type gate set back and post and wire and net fencing and a single lane hardstanding agricultural track lead up to the historic access track and entrance. There was previously an established agricultural entrance at this point with limited splay area and no drive adjacent.
- 2.3. The replacement agricultural shed structures to the north side of the dwelling include two shed like wooden pitched roof structures with large shed like doors at the front (east) ends with 10.5m wide vegetable garden in between. Shed 1 (eaves height 3.2m and ridge 3.5m) to the south is wider than shed 2 of similar height to the north and it includes rear shed doors, side windows and side doors whereas the Shed 2 does not include a rear door and includes side windows and a side door only on the south elevation. These structures replaced a modest stone shed with flat roof, concrete block sheep pens and a modest barn with curved roof.
- 2.4. The refurbished agricultural stone walled building behind the existing dwelling includes a pitched roof polycarbonate roof and this structure to the rear is part set into the hillside where the ground rises up to its rear and there is a triangular glass elevation area above the rear and front walls. The eaves height is 2.2m and the ridge height is 4.47m. There is a door in both side elevations and windows in both side elevations. This replaces a ruined former stone cottage where low walls previously remained and there was no roof. The total floor area of the structures for retention is 61.44sqm.
- 2.5. Accompanying documents:
- Statement of Planning Compliance.
 - Land Management Plan (Appendix 1 of above report)
 - Construction Methodology Statement (Appendix 2 of above report)
 - Construction Environmental Management Plan.

- Report in relation to drainage from VESI Environmental.
- Professional opinion letter from Alan Kay BSc (Eng).
- Remedial Appropriate Assessment Screening and Remedial Natura Impact Statement.
- Public Notices.
- Drawings and photos.
- Application Form and Cover Letter.

3.0 Site and Location

- 3.1. The subject rural site, of area 2.4ha., consists of a pitched roof rural dwelling, rear shed structure, two horticultural sheds, gravel drive adjacent to dwelling leading to historic access to the north and new hardstanding access track which runs from west to east along the northern end of the site to an upgraded entrance adjacent to a laneway. There are low stone walls to the front of the dwelling and to its rear as well as between the dwelling and the first wooden shed and such walls line the driveway to the north of the house.
- 3.2. There are two elevated small grass fields behind the dwelling and the area around the sheds are bounded by similar stone walls in part and there is a low stone wall along the southern boundary opposite the new driveway. The site was formerly a sheep farm with an established agricultural gate from the lakeside laneway.
- 3.3. The site slopes uphill modestly from the adjacent laneway beside the lake. There are three reed beds adjacent to the new access track which are set in a grass area of the site and this is described in the submitted documentation as an integrated constructed wetland for wastewater treatment. An ESB line crosses the site in a

north-south direction between the front of the dwelling and the western most reed bed.

- 3.4. There is a stream adjacent to the northern site boundary which runs into the adjacent lake, which is designated as part of the Twelve Bens/ Garraun Complex SAC (site code 002031).
- 3.5. There is a detached rural dwelling and outbuildings adjacent to the west of the site and to the north the grassland was used mainly by grazing sheep on the date of my site visit.
- 3.6. The remote rural site overlooks Lough Fee from the western side and is accessed from a private gated laneway off the Connemara Loop road c.590m to the north. There is a steep hillside which begins to rise steeply c.50m to the rear of the dwelling.

4.0 Planning History

EN22/130 – Enforcement notice issued 6th June 2025.

ED 23/89 (ABP-318223-23): – Referral where the Board determined that the construction of a conservatory, replacing a lean-to to the side is development and is exempted development and the building up of external and internal walls and the removal of an internal wall is development and is exempted development, the provision of a Perspex roof on a ruinous structure is development and is not exempted development, the construction of two timber sheds is development and is not exempted development and the construction of a new access track is development and is not exempted development.

21/312 – Permission granted by the P.A. for replacement of the existing effluent treatment system by the installation of a new septic tank and integrated wetland treatment system.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 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:** 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. **National nature conservation designations:** 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.
- 5.4. **Planning and Development Acts 2000 (as amended):** 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.

Decision of the Board, Section 177K (1J) of the 2000 Act states as follows: (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 Board considers relevant.

(2) When making its decision in relation to an application for substitute consent, the Board shall consider the proper planning and sustainable development of the area, regard being had to the following matters: (a) the provisions of the development plan or any local area plan for the area; (b) the provisions of any special amenity area order relating to the area; (c) the F869[remedial environmental impact assessment report, or remedial Natura impact statement, or both that report and that statement, as the case may be, and, where section 177E(2A)(b) applies, the environmental impact assessment report or Natura impact statement or both that report and that statement] F870[, as the case may be,] submitted with the application F868[or in accordance with a requirement under subsection (2CA), (2CB) or (2CC)]; (d) the significant effects on the environment, or on a European site, which have occurred or which are occurring or could reasonably be expected to occur because the development concerned F871[was or is proposed to be carried out]; (e) the report and the opinion of the planning authority under section 177I; (f) any submissions or observations made in accordance with regulations made under section 177N; (g) any report or recommendation prepared in relation to the application by or on behalf of the Board, including the report of the person conducting any oral hearing on behalf of the Board; (h) if the area or part of the area is a European site or an area prescribed for the purposes of section 10(2)(c), that fact; (i) conditions that may be imposed

in relation to a grant of permission under section 34(4), F872[282(3) or 293(7)]; (j) the matters referred to in section 143; (k) the views of a Member State where the Member State is notified in accordance with regulations under this Act; (l) any relevant provisions of this Act and regulations made thereunder.

5.5. Policy Context

The Galway County Development Plan 2022-2028 (the CDP) is the operative statutory plan for the area. Relevant policies and objectives of the CDP include:

Chapter 4 – Rural Living and Development

RD 1 Rural Enterprise Potential

To facilitate the development of the rural economy through supporting a sustainable and economically efficient agriculture and food industry, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism. Development of Cafes, Art Galleries, Hot Desk Facilities etc. which are important to the rural economy.

Policy Objective 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.

Policy Objective AD 1 Sustainable Agriculture Practices

To facilitate the development of sustainable agricultural practices and facilities within the county, subject to complying with best practice guidance, normal planning and environmental criteria and the development management standards in Chapter 15 Development Management Standards.

Policy Objective AD 3 Modernisation of Agriculture Buildings

To facilitate the modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

Policy Objective AGD 1 Agri-Diversification

It is policy objective of the Planning Authority to favourably consider proposals for on farm based diversification, which are complementary to the agricultural operation on the farm such as: (a) Specialist farming practices, for example, flower growing, equine facilities, poultry, mushroom growing, and specialised animal breeding; (b) Farm enterprises such as processing, co-ops, farm supply stores and agri-business; (c) The production of organic and specialty foods to meet the increase in demand for such products; and (d) The conversion of redundant farm buildings of vernacular importance for appropriate owner-run enterprises such as agri-tourism, as a way of supporting a viable rural community, subject to the proper planning and sustainable development of the area.

Chapter 8

Per Map 8.1 the site is designated as being located within an uplands and bog landscape.

Per Map 8.2 the site is designated as having an iconic landscape sensitivity (class 4 – high sensitivity to change).

Policy Objective LCM 1 – Preservation of Landscape Character

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

Policy Objective LCM 2 – Landscape Sensitivity Classification

The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/Visual Impact Assessment to accompany such

proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan.

Policy Objective LCM 3 – Landscape Sensitivity Ratings

Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

There are no protected views in the area (see Maps 8.3 and 8.4). While noting this, the site is situated in the 'Uplands and Bog Landscape Area' (Appendix 4, CDP) which is noted to have an 'iconic' landscape sensitivity. The road on the opposite side of the lake (north-east side of Lough Fee) is designated as a Maritime Scenic Route (Map 9, Appendix 4, CDP).

Chapter 10 – Natural Heritage, Biodiversity and Green/Blue Infrastructure

Policy Objective NHB 2 European Sites and Appropriate Assessment

To implement Article 6 of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011. All such projects and plans will also be required to comply with statutory Environmental Impact Assessment requirements where relevant.

Policy Objective NHB 3 – Protection of European Sites

*No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).**

** Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: (a) no alternative solution available; (b) imperative reasons of overriding public interest for the plan to proceed; and (c) adequate compensatory measures in place.*

Policy Objective NHB 4 Ecological Appraisal of Biodiversity

Ensure, where appropriate, the protection and conservation of areas, sites, species and ecological/networks of biodiversity value outside designated sites. Where appropriate require an ecological appraisal, for development not directly connected with or necessary to the management of European Sites, or a proposed European Site and which are likely to have significant effects on that site either individually or cumulatively.

Policy Objective WR 1 – Water Resources

Protect the water resources in the plan area, including rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependant species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the River Basin District Management Plan 2018 – 2021 and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same) and also have regard to the Freshwater Pearl Mussel Sub-Basin Management Plans.

Chapter 15 – Development Management Standards

DM Standard 13 – Agricultural Buildings

In dealing with planning applications for such buildings the Planning Authority will have regard to:

- a) Design and Layout The quality of design and layout of the farm complex. Where possible new buildings, shall be located within or adjoining the existing farmyard complex. Buildings shall be of minimum scale and use of muted coloured materials shall be encouraged.*
- b) Residential Amenity The proximity of any existing dwelling house.*
- c) Public Road Access The safe access to public roads.*
- d) Rural Landscape The assimilation of the buildings into the rural landscape by means of appropriate siting, external colouring, screening and shelter belting.*

DM Standard 17: Rural Enterprise

The Council will consider rural enterprises, and resource development (such as agriculture, agri-food sector, agri-tourism, commercial fishing, aquaculture, marine tourism, forestry, bio-energy, the extractive industry, recreation, cultural heritage, marine enterprise sector, research and analysis) and renewable energy resources (such as wind/ocean energy) in rural and coastal areas within the County subject to considerations of proper planning and sustainable development and shall include the following:

- a) Existing Buildings: The conversion of existing farm buildings in rural areas for small scale employment purposes will be considered.*
- b) Agriculturally Related Industry: New buildings will be considered in rural areas for the provision of agricultural related locally sustainable industry.*
- c) Farm-Related Business: Business directly related to farming, such as the servicing and repair of farm machinery, land reclamation, drainage work, agricultural contracting etc., where it will not give rise to adverse environmental effects, have safe access and not be prejudicial to residential amenity.*

The following information shall accompany any application:

- The type of business proposed;*
- The nature and extent of the work;*
- Reason for its location (e.g., justification on why it is not proposed within settlement centre, etc.);*
- Anticipated levels of traffic generated by the proposal, accessibility, and carparking;*
- The effects on the amenities of the adjoining occupiers particularly in relation to hours of work, noise and general disturbance;*
- Whether the proposal requires delivery/shipment of goods and details of same;*
- Arrangements for storage and collection of waste. (Materials used or goods manufactured, serviced or repaired in the home-based business must be stored within a building).*
- No goods manufactured, serviced or repaired should be displayed so that they are visible from outside the site.*

- *Should not have any adverse impacts on the amenities of neighbouring dwellings.*

DM Standard 28 – Sight Distances Required for Access onto National , Regional , Local and Private Roads

Table 15.3 outlines the sight distance for a 30kph road is 35m.

Section 15.7.2 Landscape Sensitivity

DM Standard 46 – Compliance with Landscape Sensitivity Designations

Per Table 15.6 (Landscape Sensitivity Designations) Class 4 – Iconic “*Negligible alterations will be allowed only in exceptional circumstances*”.

DM Standard 47: Field Patterns, Stone Walls, Trees and Hedgerows

Seeks, inter alia, to retain existing features and incorporate existing field patterns and associated stone walls, trees and hedgerows into new development layouts wherever feasible.

DM Standard 50 – Environmental Assessments relates to policy on Appropriate Assessment, Ecological Assessment and Environmental Impact Statement/Assessment.

Appendix 4 – Landscape Character Assessment

5.6. National Policy

S.I. No. 113/2022 –European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 refers to standards for disposal and collection of farm waste based on the Government’s Nitrates Action Programme which seeks to protect waters from pollution arising from agriculture.

5.7. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- Partially within the Twelve Bens/Garraun Complex SAC and PNHA (site code 002031) at its eastern end.
- c.3.25km south-west of the Mweelrea/Sheeffry/Erriff Complex SAC (site code 001932).

- c.4.1km north-west of the Mamturk Mountains SAC and PNHA (site code 002008).
- c.4.7km south-east of the West Connacht Coast SAC (site code 002998).
- c.6.7km south-east of the Inishdegil Islands PNHA (site code 001511).
- c.8.4km east of Tully Lough SAC (site code 002130).
- c.9.4km south-east of Frehill Island PNHA (site code 001504).
- c.9.5km north-east of Illaunnanoon SPA (site code 004221)
- c.9.7km east of Tully Mountain SAC and PNHA (site code 000330).
- c.9.9km south-east of Crump Island Complex PNHA (site code 001917).
- c.10km west of Maumtrasna Mountain Complex PNHA (site code 000735).

6.0 The remedial Natura Impact Statement (rNIS)

- 6.1. The application for the proposed development was accompanied by a Remedial Natural Impact Statement (rNIS) report which scientifically examined the proposed development and the European site. This report also includes a Remedial Appropriate Assessment Screening report.
- 6.2. The rNIS identified and characterised the possible implications of the proposed development on the European site, in view of the site's conservation objectives, and provides information to enable the Commission to carry out an appropriate assessment of the proposed works.

7.0 Consultations

7.1. Planning Authority Report

A request issued by the Commission to Galway County Council inviting submission of a report pursuant to Section 177I of the Planning and Development Acts 2000 as amended, the planning authority's report is summarised as follows:

The report outlines the planning history, policy context and where the site is in relation to designated sites. The report notes the applicant's justification for the development being that the site is to be run as an environmentally sustainable low impact horticultural and rewilding venture.

It lists 5 no. conditions it recommends if permission is granted. Notable conditions include:

- Condition no.3 that all surface water be disposed of and discharged within the site, that only clean uncontaminated storm water be discharged to the soakaway system and it not impair existing land or road drainage.
- Condition no. 4 that the applicant comply fully with all mitigation, remedial control measures and monitoring recommendations set out in the rRIS and CEMP.
- Condition no. 5 that sight distance triangles be maintained and kept free from vegetation and other obstructions.

7.2. Statutory Consultees

The application was circulated to the following bodies:

- An Chomhairle Ealaíon.
- An Taisce.
- Development Applications Unit, National Parks and Wildlife Service.
- Fáilte Ireland.
- The Heritage Council.

No responses were received from the above bodies.

7.3. Public Submissions

None.

7.4. Further Responses

A response to the P.A. report was submitted on behalf of the applicant and which can be summarised as follows:

- The P.A. had regard to the rNIS and CEMP submitted with the planning application.
- The P.A. expressly addressed the environmental effects on European sites and raised no unfavourable comments on the rNIS or CEMP and identified no significant effects on the environment or on any European site.

- The opinion of the Chief Executive has effectively accepted the justification for the development in the absence of any stated or implied reasons to the contrary, has noted the control/mitigation measures in the submitted rNIS and CEMP report without challenge or request for clarification, has provided no material reasons that the development would materially contravene the CDP and the recommended conditions indicate that the works are acceptable.
- The P.A. submission provides no grounds to dispute the findings of the rNIS of the CEMP.
- It is reasonable to conclude that the P.A. considers the development consistent with the proper planning and sustainable development of the area
- The P.A. response is supportive of the application and it consistent with the granting of substitute consent subject to its recommended conditions.

8.0 EIA Screening

- 8.1. The development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the development and the types and characteristics of the potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Water Framework Directive Screening

- 9.1. See Appendix 5 for screening assessment. I note designated waterbodies must be improved to at least good ecological status per the requirements of the Water Framework Directive. I have carried out a screening assessment in Appendix 5 in relation to impacts related to the requirements of the Water Framework Directive. Noting the measures outlined in the rNIS and the measures related to surface water disposal on the site, 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.

9.2. The reason for this conclusion is as follows:

- The nature of the development to be retained.
- The effectiveness of the mitigation/control measures outlined in Table 9 of the rNIS and CEMP such that no impacts on the water quality of the waterbodies under and adjacent to the site is envisaged..

9.3. I conclude on the basis of objective information, that the proposed development would 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 jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Assessment

10.1. I consider that the main issues which arise in relation to this substitute consent application are:

- Exceptional Circumstances,
- Proper Planning & Sustainable Development,
- The likely effects on the environment,
- The likely significant effects on a European site: Appropriate Assessment.

10.2. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 (Commencement of Certain Provisions) (No.2) Order 2023 (S.I. 645 of 2023) came into effect on 16th December 2023. The Commencement Order brings into operation sections 10 to 21, sections 23 to 40 and subsections (8) to (12) of section 41, of the Planning and Development, Maritime and Valuation (Amendment) Act 2022. Consequently, and as now required, my assessment of this application for substitute consent that follows includes consideration of “*exceptional circumstances*”.

10.3. The first matter which the Commission must consider is whether or not exceptional circumstances under 177K(1J) of the Planning and Development Act, as amended, exist to allow the Board to grant permission, i.e.:

(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 Board considers relevant.*

Would regularisation of the development circumvent the purpose and objectives of the Environmental Impact Assessment Directive?

- 10.3.1. Noting the screening carried out in Appendices 1 and 2, 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). I consider that carrying out the development therefore did not circumvent the purpose and objectives of the Environmental Impact Assessment Directive.

Would regularisation of the development concerned circumvent the purpose and objectives of the Habitats Directive?

- 10.3.2. I note the submitted Statement of Planning Compliance notes that the applicant genuinely believed the works he carried out were exempted development and that the application arises as a result of the Board's determination that the access road could not be screened out for appropriate assessment.

10.3.3. The application process requires the preparation of a remedial Natura Impact Statement (rNIS). Such rNIS must include any appropriate remedial or mitigation measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy or mitigate any significant effects on the environment or on the European site. This is addressed further under the heading appropriate assessment below.

10.3.4. Based on the applicant's reasonable belief that the works were exempted, I consider that the carrying out of the development did not circumvent the purpose and objectives of the Habitats Directive.

Could the applicant reasonably have had a belief that the development was not unauthorised?

10.3.5. In the applicant's Section 5 application, his case that the works were development but not exempted development were fully set out. It notes this was supported by a professionally prepared Appropriate Assessment Screening Report and this was prepared by an independent environmental professional. It also notes that the P.A. screened out the proposed development of the wastewater treatment system on the site which it states arguably could have had a greater impact on the SAC. It notes that this could not have been anticipated by the applicant given his knowledge of the works undertaken, the construction methods used, the professional scientific findings submitted and the consistency of that position with the P.A.'s earlier decision.

10.3.6. I note that 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. I note that 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, specifically reg. ref. ED 23/89 (ABP-318223-23) where the Board determined, inter alia, that the provision of a perspex roof on a ruinous structure is development and is not exempted development, the construction of two timber sheds is development and is not exempted development and the construction of a new access track is development and is not exempted development. It is noted that this determination was made after the works had taken

place. On this basis, I consider that the applicant could reasonably have held the belief that the development was not unauthorised.

Has 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, been substantially impaired?

10.3.7. I note the submission states that the ability to carry out the assessment with public participation has not been impaired and that a retrospective rNIS has been included along with a public notice advertising this and that this has afforded consideration of the effects caused by the construction of the access road both individually and in combination with the other structures. It notes the Commission's discretion to consult prescribed bodies it deems appropriate. It also provides details of the construction methods used.

10.3.8. The applicant advertised their intentions by the appropriate form of public notices and submitted them to the Commission, dated 15th August 2025. No observations were received. Noting the above, I consider that the ability to carry out an appropriate assessment and to provide for public participation in such an assessment has not been substantially impaired.

What are the actual or likely significant effects on the integrity of a European site resulting from the carrying out or continuation of the development?

10.3.9. The submitted Planning Compliance Statement notes the rNIS submitted with the application and that it assessed 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. It notes the assessment was carried out in line with relevant guidance and that the works were informed by best practice construction methods.

10.3.10. These matters are addressed under the heading appropriate assessment below. I

The extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated

10.3.11. Having reviewed the rNIS I note that the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated is not such as to indicate that exceptional circumstances do not exist in this case. I note that no significant effects on site integrity requiring remediation have been identified.

10.3.12. I note no other matters arise which the Commission might consider relevant. I am satisfied that exceptional circumstances exist to allow the Commission to grant permission.

10.3.13. **Exceptional Circumstances Conclusion** - I note the submissions received from the applicant with reference to this current application for substitute consent 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(1J) of the Planning and Development Act 2000 as amended.

10.4. **Proper Planning and Sustainable Development**

Principle of Development

10.4.1. I note the application is for retention of agricultural type structures and the access road to the established rural dwelling. Noting that such agricultural structures for horticulture directly support agriculture which is supported in the CDP and by its nature is associated with rural areas, I consider the principle of the agricultural related development to be acceptable. I note the proposed access is for an established rural dwelling where such an access is required as outlined in the planning submission given the old access is via third party lands and via a bridge that has failed. In this context, I consider it to be acceptable in principle.

- 10.4.2. I note that CDP policy is supportive of rural enterprise and that the protection of natural landscape is an important consideration in this regard, see Policy Objective RD 1 for example. Policy Objective AD 1 seeks to facilitate sustainable agricultural practices and facilities, Policy Objective AD 3 facilitates the modernisation of agriculture and to encourage best practice and Policy Objective AGD 1 encourages farm diversification.
- 10.4.3. I note that the submitted Statement of Planning Compliance notes that the applicant and his partner are managing the land using *“sustainable low impact practices aligned with their personal interests in land management, horticulture, biodiversity, and re-wilding. Their aim is to use the farmstead for agricultural and horticultural purposes, consistent with the property’s historic use without livestock”*. It notes that none of the planting or cultivation on the site is intended for commercial sales from the property and the sustainable approach is reflected in the implementation of a reed-bed wastewater treatment system in 2021.
- 10.4.4. In relation to the road access to the site, it notes that on purchasing the site in 2021 that this was via a track from the north via third party lands over a bridge which has since collapsed. It notes the works undertaken to the pre-1964 dwelling and agricultural structures which include an upgraded on-site wastewater treatment system (reg. ref. 21/312), the addition of a lean-to conservatory, replacement of some agricultural structures with new structures, replaced some derelict wall on one of the structures and re-roofed it with polycarbonate material and the provision of the revised vehicular access and track to the property.
- 10.4.5. In relation to the referral ED 23/89 (ABP-318223-23) determined by the Board, the report highlights that the Board considered that the new access track triggered appropriate assessment given the potential for polluted run-off to enter the watercourse during construction such that it could not be excluded that significant effects on the adjacent SAC would arise. It states that this determination forms the basis for the application for substitute consent.
- 10.4.6. I note that the development for which permission is sought is part of a horticultural and rewilding venture as stated in the submitted Land Management Plan where the

stated intention is to manage the land as a sustainable low-impact horticultural and rewilding venture and eventually to grow berry bushes, fruit trees and organic vegetable for personal use and for sale.

- 10.4.7. Based on the type of permission sought in this rural area where CDP policy is generally supportive of agricultural related uses and ancillary land uses as noted above, I consider the principle of the uses proposed to be retained to be acceptable subject to the below detailed assessment.

Construction of two replacement agricultural shed structures

- 10.4.8. The two replacement sheds are noted to be for the purpose of storing agricultural/horticultural and forestry materials, machinery and equipment for use by the applicant on the site and for seedling propagation. It notes they also include a two wheel tractor, tools, tree planting equipment, fertilizer and other related objects. This, it is stated, is supported by the land management plan attached. It notes the enclosed vegetable garden between the structures.
- 10.4.9. I note the three views submitted in Section 5.2.7 of the Statement of Planning Compliance to which I refer the Commission and I consider the viewpoints chosen to be reasonably representative for the purposes of assessing visual impact. Having visited the site and surrounding lake areas, noting the modest scale, appropriate design and materials used consistent with the landscape and the positioning on the site away from the lakeside and with gable ends facing the road, I consider that the agricultural structures have a negligible impact in the rural “iconic” landscape and on the uplands and bog landscape as well as on the designated maritime scenic route opposite the site. I do not consider that the structures and associated alterations to the low walls in the vicinity have significantly altered the field patterns in the vicinity.
- 10.4.10. I agree with the submitted assessment in the Statement of Planning Compliance where it states the sheds “have not resulted in any material change to the landscape character or on amenity views available from the designated Maritime Scenic Route”. In my opinion, the visual impacts are negligible and acceptable in terms of visual and landscape impact and the associated landscape policy objectives

of the CDP including LCM 1, LCM 2 and LCM 3 and I note compliance with DM Standard 46 (landscape sensitivity designations).

10.4.11. I also consider that the structures represent sustainable small-scale agricultural development and modernisation of agricultural buildings consistent with Policy Objectives AD 1 and AD 3. In this regard I also note compliance with DM Standard 17 (Rural Enterprise) given that I consider the structures provide for modest and locally sustainable produce in support of rural commercial activity with safe access and with no significant waste generation noted.

10.4.12. I also note that there would be no undue negative impacts on the adjacent residence to the south given the siting with the farm buildings on the other side of the dwelling on the subject site and given the significant separation distances from the adjacent residence and the appropriate design of the structures. I note in relation to residential and visual amenity and other impacts that I consider the development complies with DM Standard 13 in this regard.

10.4.13. I note the structures would not be used by animals and that in any event the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 apply and should permission be granted I recommend a standard condition to ensure this.

New polycarbonate roof to refurbished agricultural building

10.4.14. The submitted Statement of Planning Compliance report notes that these works were for the purpose of providing a structure to house and facilitate propagation and nurture of agricultural seedlings prior to external planting and agricultural use. It notes the roof is in the pitched roof form to reflect the structure it has replaced. I agree with the submitted report that the design approach, with appropriate limited intervention to the existing structure in the context of providing a new roof, respects and reasonably preserves the external character of the structure; and that it maintains the gable end, pitched roof rectilinear footprint and character in its traditional form.

10.4.15. I note that the structure is situated behind the dwelling, its sits into the hillside behind it. I note that the visibility of the structure is limited from outside the site by the dwelling and the adjacent sheds to the east. I note that in relation to Policy Objective RD 3 on the assimilation of buildings, the modest scale of the structure with the new simple pitched roof over the exposed stone walls is, in my opinion, an appropriate design response to allow for the sustainable reuse of the previously derelict structure. I consider the traditional built form with a modern type roof to be sympathetic to the previously ruined structure, to the site and the surrounding landscape. I agree with the submitted report that it “*reinforces the traditional and established cluster of farmstead buildings*” on the site.

10.4.16. I agree with the submitted assessment in the Statement of Planning Compliance where it states that the re-roofed structure has “*not resulted in any material change to the landscape character or on amenity views available from the designated Maritime Scenic Route*”. In my opinion, the visual impacts are negligible in the designated ‘iconic’ landscape. I consider this to be acceptable in terms of visual and landscape impact and the associated landscape policy objectives of the CDP including LCM 1, LCM 2 and LCM 3 and I note compliance with DM Standard 46 (landscape sensitivity designations). I also note that it, together with the submitted Land Management Plan, supports sustainable agricultural consistent with Policy Objectives AD 1 and AD 3.

10.4.17. I also consider that the structure represents a sustainable small-scale agricultural development and modernisation of agricultural building consistent with Policy Objectives AD 1 and AD 3. In this regard I also note compliance with DM Standard 17 (Rural Enterprise) given that I consider the structure enable the production/provision of modest and locally sustainable produce in support of rural commercial activity with safe access and with no significant waste generation noted. I also note that there would be no undue negative impacts on the adjacent residence to the south given the siting to the rear of the dwelling on the subject site and noting the use is predominantly for activities which would not give rise to excessive noise or other impacts on residential amenity in the vicinity. I note in relation to residential and visual amenity and other impacts that I consider the development complies with DM Standard 13 in this regard.

10.4.18. I note the structures would not be used by animals and that in any event the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 apply and, should permission be granted, I recommend a standard condition to ensure this.

The construction of the revised vehicular access and entrance to the property

10.4.19. The submitted Statement of Planning Compliance report notes that the new access is 80m in length and 3m wide and that works included installing a new entrance gateway at the point of an existing agricultural entrance and set back within the property and laying a granular surface. It notes that the design, construction and arrangement of the access is simple and modest and that this approach is not uncommon for such a remote rural property. The works undertaken in this regard are listed in detail and it notes the design to be permeable to rainfall. The avoidance of tarmac and hard surfaces is stated to retain the simple rural aesthetic and character of the property.

10.4.20. Having visited the site and surrounds, I note the limited visibility of the new access within the site and from outside it. I note its setback from the roadside edge and thus also from the edge of the shoreline. I note that the new access allows the site to be directly serviced from the adjoining roadway without requiring the use of the grass accessway through the adjacent field or without requiring use of the bridge into that field (areas which are outside the applicant's ownership). I consider this to be a reasonable approach whereby what is a residential site separated from the adjoining field by a stream would normally have its own access.

10.4.21. I note the new access with 3.5m wide agricultural gate adjoining a post and wire fence and with a setback from the adjoining single laneway. I note it has minimised the area of hard standing and includes grass areas adjoining it. I note the Planning Compliance Report refers to the attached professional opinion of Mr Alan Kay BSc (Eng.) of ASK Solutions who states that the entrance "*does not in anyway represent a danger to public safety by reason of traffic hazard or obstruction*".

10.4.22. I note no issues in relation to sightlines where there is adequate visibility from the entrance to the north and south noting the very limited speeds possible on the narrow laneway on to which the access is located. I note that the laneway serves one other dwelling such that the traffic on it can reasonably be considered to be low. I consider that this accords with DM Standard 28 where the sight distance required for a 30kph road is 35m. I note this is achieved to the north and 25m is achieved to the south which I consider adequate given the limited traffic on the laneway and the limited speeds achievable on the laneway. Accordingly, I do not consider that a traffic hazard or obstruction would arise along the public road and noting the nature of the land use, I do not consider that any significant intensification of development would result.

10.4.23. I note the appearance of the driveway track with two parallel narrow hard surfaces with grass otherwise covering it. Noting this design, I consider that it visually integrates with the residential and agricultural site to a reasonable degree and I note that it is more sensitively designed than many standard residential rural driveways.

10.4.24. In relation to potential impacts on habitat on the site, similar to the Planning Compliance Statement I consider that *"it would not have undermined the protection and conservation of areas, sites, species or ecological network of biodiversity given that the habitat affected by the provision of the access road was highly modified and or relatively low biodiversity value and didn't support any particular or specific area, site, specie or ecological network that would otherwise likely have a significant effect on a European site"*. I consider this to be consistent with my site observations where there was no evidence of any significant native species on the land with bare grass the predominant growth noted. In my opinion this is consistent with Policy Objective NHB 4 of the CDP in relation to the ecological appraisal of biodiversity outside or and unrelated to European sites.

10.4.25. Noting the above design approach, I consider that the new vehicular access to the property assimilates with the site and the landscape in accordance with Policy Objectives LCM 1, LCM 2 and LCM 3.

All associated site development works and drainage

10.4.26. In relation to drainage matters per the submitted Planning Compliance Statement report, I note the stated provision of on-site gravel soakaways as part of the Integrated Constructed Wetland (ICW) for the replacement structures and that the rainwater from the existing dwelling and sheds discharges to the existing wetland reedbed system. The report from VESI Environmental notes that total combined roof area at 120sqm and based on the average run-off per day it notes that this equates to 2.5 PE and that the current occupancy of the dwelling is 6 PE and that the ICW capacity is 6PE. The ICW is noted to be working well and it notes there is sufficient capacity to provide for management of the surface water run-off from the dwelling and shed roofs (120sqm).

10.4.27. I note that this is contradicted, at least partially, in the Remedial NIS report where it states on page 9 that drainage is to ground or adjacent ground from the permeable gravel driveway and from the buildings on the site. I note that a site visit and field survey was undertaken on the 14th of January 2025 by an Environmental Scientist/Marine Biologist.

10.4.28. The applicant is also open to discharge to ground. Noting the site layout, I consider that there is no reason why a standard agricultural drainage condition cannot be applied to ensure disposal of surface water consistent with best practice. I consider this to be a standard drainage measure required on any rural site to facilitate new development in accordance with best practice. In this way, I do not consider standard surface water drainage measures to be mitigation measures in relation any European sites that could be affected by the proposed development. Should permission be granted, I recommend such a condition be applied.

10.4.29. Other Conditions - I have considered the 5 conditions recommended by the P.A. and I note the applicant's response. Noting the proposal to retain and the scope of works completed as well as the scale of development, I consider the following other conditions to be reasonable. I recommend a condition be attached to restrict the use of the structures for agricultural purposes. Based on my below assessment I recommend a condition requiring the implementation of the mitigation

measures outlined in the rNIS. Finally, I recommend a condition for a standard Section 48 development contribution condition in the case that such a contribution should be levied for this class of development.

10.5. The likely effects on the environment

10.5.1. In terms of Environmental Impact Assessment, as noted in Section 8.1 above and having regard to the scale and nature of the development, the likelihood of significant effects on the environment can be excluded for the purposes of EIA, see Appendices 1 and 2 of this report.

10.5.2. The likely significant effects on a European Site are assessed under Appropriate Assessment.

10.5.3. The areas to be addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive.
- The remedial Natural Impact Statement.
- Appropriate Assessment.

10.6. Compliance with Article 6(3) of the EU Habitats Directive

10.6.1. I note the Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

10.7. The Remedial Appropriate Assessment Screening (rAA Screening)

10.7.1. I note the application includes a Remedial Appropriate Assessment Screening and Remedial Natural Impact Statement report prepared by Altamar. The Screening section of the report identifies the proximity to Natura 2000 sites within 15km of the

subject site. The screening report notes a direct hydrological and biodiversity pathway to the Twelve Bens/Garraun Complex SAC.

- 10.7.2. In relation to the Mweelrea/Sheffry/Erriff Complex SAC, the Maumturk Mountains SAC, the West Connacht Coast SAC, Tully Lough SAC, Tully Mountain SAC, Rusheenduff Lough SAC, Connemara Bog Complex SAC, Cross Lough (Killadoon) SAC and the Lough Cahasy, Lough Baun and Roonah Lough SAC it notes no potential source-pathway-receptor link to these SAC sites. In relation to the Illaunnanoon SPA, the Connemara Bog Complex SPA and the Cross Lough (Killadoon) SPA it notes no potential source-pathway-receptor link to these SAC sites. The screening report section of the remedial NIS screened out all of the above sites within 15km of the subject site. The report concludes by stating that “out of an abundance of caution, the construction of the access track and onsite wetland is considered to have had the potential to cause likely significant in combination effects on European sites in the absence of best practice control measures”.
- 10.7.3. The screening conclusions also noted the Culfin_010 watercourse along the northern site boundary and given that this links to the adjacent SAC and that there is a link to the watercourse via surface water drainage, it noted that, in the absence of control measures, that there was potential for downstream impact on the adjacent SAC during construction works associated with the access. It noted the potential for hydrocarbons, sedimentation, and pollution runoff to enter the northern watercourse, the SAC and to cause downstream impacts. It therefore found that likely significant effects on the SAC could not be ruled out at Stage 1 AA.
- 10.7.4. The submitted screening section of the report noted that, following site inspection, “there is no evidence to suggest that silt or pollutants entered the SAC during the construction of the access track, either directly or via the stream which forms the norther border of the site”. It noted “*no alteration to QI species and habitats of the SAC during the works, which did not modify the SAC in any way. In the absence of remedial mitigation measures, no significant impacts on this SAC are presently occurring as a result of the existing arrangement on site*”.

10.8. The Remedial Natura Impact Statement (rNIS)

10.8.1. I note the application includes a Remedial Appropriate Assessment Screening and Remedial Natura Impact Statement report prepared by Altamar. The report outlines the methodology for assessing potential impacts on the habitats and species of the Twelve Bens/Garraun Complex SAC that have the potential to be affected by the proposed development. It predicts the potential impacts for the single site identified but not in relation to each conservation objective individually, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects in terms of magnitude but not individually relation to the conservation objectives of the designated site identified.

10.8.2. The rNIS was informed by the following studies, surveys and consultations:

- A desk top study.
- An examination of aerial photography and maps.
- A field survey was undertaken on the 14th of January 2025.
- National Parks and Wildlife Service data.
- Ground works methodology statement by the applicant.

10.8.3. The report concludes that, subject to the implementation of best practice and the recommended control/mitigation measures, the proposed development would not result in significant effects on the Twelve Bens/Garraun Complex SAC.

10.8.4. Having reviewed the rNIS and the supporting documentation, including the AA Screening Report, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts to the extent required, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Table 9 of the rNIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

10.9. Appropriate Assessment Screening

- 10.9.1. See Appendix 3 and Remedial Appropriate Assessment Screening report prepared by Altemar. It is not possible to exclude the possibility that proposed development alone would result significant effects on the Twelve Bens/Garraun Complex SAC European Site.
- 10.9.2. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage. Proceed to AA.

Screening Determination – Significant effects cannot be excluded

- 10.9.3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Twelve Bens/Garraun Complex SAC European Site in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on:

- Part of vehicular entrance area being located within the Twelve Bens/Garraun Complex SAC.
- The hydrological link via surface water drainage to the northern water course on the site boundary which flows into the Twelve Bens/Garraun Complex SAC a short distance away.
- The potential of construction works in the absence of control measures to give rise pollution and sediment run-off.
- The potential for untreated surface water drainage to give rise to pollution run-off.

10.9.4. Significant effects cannot be excluded In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening (See assessment in Appendix 3), I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Twelve Bens/Garraun Complex SAC European Site in view of the site conservation objectives. Appropriate Assessment is required. This determination is based on:

10.10. Appropriate Assessment

10.10.1. See Appendix 4 and the Remedial Appropriate Assessment Screening report prepared by Altamar. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Twelve Bens/Garraun Complex SAC (site code 002031) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

10.10.2. Following an examination, analysis and evaluation of the rNIS and all associated material submitted including the report of the P.A., I consider that adverse effects on site integrity of the Twelve Bens/Garraun Complex SAC (site code 002031) 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.

10.10.3. My conclusion is based on the following:

- The nature and scale of the development the subject to this application.
- Detailed assessment of construction and operational impacts.
- The conservation objectives of these European sites as they relate to water quality and disturbance of mobile species.
- The effectiveness of mitigation measures outlined in Table 9 of the rNIS and my recommended additional mitigation measure in relation to screening the driveway/access to prevent disturbance to otter.

- Application of planning conditions to require the implementation in full of the mitigation measures outlined in the rNIS.

11.0 Recommendation

- 11.1. Based on the above assessment, I recommend that the Commission approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and noting the standard and limited measures set out in the rNIS.

12.0 Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Twelve Bens/Garraun Complex SAC (site code 002031).
- (e) the policies and objectives of the Galway County Development Plan, 2022- 2028,
- (f) the nature and limited extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the remedial Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development,
- and
- (i) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Twelve Bens/Garraun Complex SAC (site code 002031), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Commission considered the remedial Natura Impact Statement and associated documentation submitted with the application for approval, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Twelve Bens/Garraun Complex SAC (site code 002031), in view of the site conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the absence of any requirement for significant mitigation measures as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

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 integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Having regard to:

- The Galway County Development Plan 2022 – 2028,
- The planning history of the site,
- The submitted remedial Natura Impact Statement,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out 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. Where any mitigation measures set out in the Remedial Natura Impact Statement or any conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. These details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. (a) The mitigation measures contained in the submitted Remedial Natura Impact Statement (NIS), shall be implemented.
(b) A new two-metre high hedge of a native plant species adequate to screen the visual impact of the driveway/access shall be planted adjacent to the north of the driveway between it and the stream to the north. It shall be planted in the first planting season following the date of this decision. The exact type of native hedge shall be agreed in advance with the Planning Authority.

Reason: To protect the integrity of European Sites.

3. The sheds and agricultural buildings shall be used for agricultural/horticultural storage and associated purposes only. These structures shall not be used for human habitation, the housing of animals or any commercial purpose other

than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Drainage details shall be submitted to and agreed in writing with the planning authority, within three months of the date of this permission.

Reason: In the interest of environmental protection and public health.

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

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

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.

Ciarán Daly

Planning Inspector

8th May 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ACP-323493-25		
Proposed Development Summary	Substitute consent for (1) Construction of a revised vehicular access and entrance to the property, (2) construction of two replacement agricultural shed structures; and (3) provision of new polycarbonate roof to a refurbished agricultural building.		
Development Address	Lugnaneach Cottage, Lettergesh East, Renvyle. Co. Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No			No EIAR or Preliminary Examination required
Yes	X	May include Class 10(dd) of Part 2 relating to private roads in the form of driveways.	Proceed to Q.4

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

Inspector: _____ Date: _____

Appendix 2

Form 2 – EIA Preliminary Examination

Case Reference	ACP-323493-25.
Proposed Development Summary	Substitute consent for (1) Construction of a revised vehicular access and entrance to the property, (2) construction of two replacement agricultural shed structures; and (3) provision of new polycarbonate roof to a refurbished agricultural building.
Development Address	Lugnaneach Cottage, Lettergesh East, Renvyle, Co. Galway.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Two shed buildings of 61.44sqm on a site area of 2.4ha in a rural lakeside and hillside location. Areas of hardstanding and roads in the vicinity. In my opinion there are no significant environmental implications with regard to the size, design, cumulation with existing/proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed There is an adjacent stream running along part of the northern boundary which flows into Lough Fee, a European site, where there are sensitive environmental receptors. The site is located in an uplands and bog landscape and the site is designated as having an iconic landscape sensitivity where " <i>negligible alterations will be allowed only in exceptional circumstances</i> ". I note no cultural heritage sites in the vicinity. I do not consider the above receptors to be significant relative to the EIA screening threshold.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.

intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The modest scale and agricultural nature of the development would not give rise to no significant environmental effects on the site or in the vicinity.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Substitute consent for (1) Construction of a revised vehicular access and entrance to the property, (2) construction of two replacement agricultural shed structures; and (3) provision of new polycarbonate roof to a refurbished agricultural building.		
Brief description of development site characteristics and potential impact mechanisms		There is a stream along the northern site boundary. Impact mechanisms include via drainage to the stream and onwards to the Twelve Bens/Garraun Complex SAC.		
Screening report		Y – Contained within the Remedial AA Screening and Natura Impact Statement prepared by Altemar.		
Natura Impact Statement		Y - Remedial AA Screening and Natura Impact Statement prepared by Altemar.		
Relevant submissions		Planning Authority submission which advised that ACP should be satisfied that the application has demonstrated that the development can be implemented without adverse effects on the integrity of the relevant European sites.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Twelve Bens/Garraun Complex SAC (site code 002031) (Conservation Objectives dated 25 th July 2017)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic	Adjacent	Potential pathway via drainage from site into adjacent stream which flows into the SAC. Potential disturbance of	Y

	standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Alpine and Boreal heaths [4060] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106]		mobile species such as otter.	
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	Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833]			
Mweelrea/Sheeffry/Erriff Complex SAC (site code 001932). Conservation Objectives dated 7th April 2026	Coastal lagoons [1150] Annual vegetation of drift lines [1210] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] Humid dune slacks [2190]	c.3.25km	No hydrological or other ecological connections.	N

	Machairs (* in Ireland) [21A0] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Natural dystrophic lakes and ponds [3160] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130]			
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	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Depressions on peat substrates of the Rhynchosporion [7150] Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Vertigo geyeri (Geyer's Whorl Snail) [1013]			
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	<i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355] <i>Petalophyllum ralfsii</i> (Petalwort) [1395] <i>Najas flexilis</i> (Slender Naiad) [1833]			
Mamturk Mountains SAC (site code 002008). Conservation Objectives dated 31st July 2017	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] Alpine and Boreal heaths [4060] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Siliceous rocky slopes with chasmophytic vegetation [8220] <i>Salmo salar</i> (Salmon) [1106] <i>Najas flexilis</i> (Slender Naiad) [1833]	c.4.1km	No hydrological or ecological connection.	N

West Connacht Coast SAC (site code 002998). Conservation Objectives 17 th January 2025	Tursiops truncatus (Common Bottlenose Dolphin) [1349] Phocoena phocoena (Harbour Porpoise) [1351]	c.4.7km	No hydrological or ecological connection.	N

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
Site 1: Twelve Bens/Garraun Complex SAC (site code 002031) <u>QI list</u> Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Alpine and Boreal heaths [4060] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150]	<u>Direct and Indirect</u> Via surface water drainage into northern boundary watercourse which flows into the SAC a short distance away and from vehicular entrance gate area which is inside the SAC. Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Negative impacts (temporary) via disturbance to mobile species such as otter.	Changes to habitat quality/ function and species as a result of degradation of water quality. Negative effect on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality. Possible disturbance of otter which are noted to use Lough Fee. Possibility of significant effects cannot be ruled out without further analysis and assessment.	

Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833]		
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Yes	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Twelve Bens/Garraun Complex SAC European Site. An appropriate assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at screening stage. Proceed to AA.		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Twelve Bens/Garraun Complex SAC European Site in view of the site conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Part of vehicular entrance area being located within the Twelve Bens/Garraun Complex SAC.
- The hydrological link via surface water drainage to the northern water course on the site boundary which flows into the Twelve Bens/Garraun Complex SAC a short distance away.
- The potential of construction works in the absence of control measures to give rise pollution and sediment run-off.

Appendix 4

Appropriate Assessment	
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177E, 177G and 177K of the Planning and Development Act 2000 (as amended) are considered fully in this section.	
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the construction of a revised vehicular access and entrance to the property, construction of two replacement agricultural shed structures; and provision of new polycarbonate roof to a refurbished agricultural building, in view of the relevant conservation objectives of Twelve Bens/Garraun Complex SAC based on scientific information provided by the applicant. The information relied upon includes the following: • Remedial AA Screening and Natura Impact Statement prepared by Altemar. • National Parks and Wildlife Service data. While noting the absence of surveys of the SAC, 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	
Planning Authority submission which advised that ACP should be satisfied that the application has demonstrated that the development can be implemented without adverse effects on the integrity of the relevant European sites.	
NAME OF SAC/ SPA (SITE CODE): Twelve Bens/Garraun Complex SAC (site code 002031)	
Summary of Key issues that could give rise to adverse effects (from screening stage): (i) Water quality degradation (construction) (ii) Disturbance of mobile species (iii) Spread of invasive species See Table 9 rNIS.	

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Site 1: Twelve Bens/Garraun Complex SAC (site code 002031) QI list Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Alpine and Boreal heaths [4060] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the Rhynchosporion [7150] Siliceous scree of the montane to snow levels	Maintain / restore favourable conservation condition	<u>Construction stage</u> Water quality degradation from hydrocarbons, dust deposition, sedimentation and pollution runoff via surface water drainage to adjacent stream and onwards to Lough Fee which is part of the SAC. This could effect waters, habitat extent and quality, fish biomass available mobile species including otter and salmon. Lough Fee is outside the catchment for freshwater pearl mussel. I consider that the survey taken in January to have been carried out at a suitable time of year. <u>Operational stage</u> No effects as noted in Stage 1 screening.	Best practice pollution control measures. In relation to biodiversity, retain an undisturbed margin between the access road and the stream and lough, soil excavation during dry periods, no disposal of concrete washings on the site, maintenance of equipment to deal with spill on site. In relation to land and soils, minimise excavation (e.g. for the access, boggy ground dug out to a depth of 200mm at top of site and to 400mm at bottom of the site) and only in dry weather, silt curtain, spill kit, staff training, no chemicals to be stored on the site. In relation to water/hydrology, avoid excavation during rainfall periods, no disposal of truck washings on the site, geotextile silt curtain to contain run-off, In relation to air, limiting vehicle speeds. In relation to landscape, maintain a natural boundary along the river bank as a nature corridor.

(Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833]			The weather at the time of the works was noted to be dry and fine. Details and dates of construction outlined and these reflected the measures outlined in the CEMP.	
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 (Table 7, pages 60-68) of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects view of conservation objectives				

(i) Water quality degradation

Hydrocarbons, dust deposition, sedimentation and pollution run-off via surface water drainage to adjacent stream and onwards to Lough Fee which is part of the SAC. This could effect receiving waters, habitat extent and quality, fish biomass available to otters and mobile species including otter and salmon. Freshwater pearl mussel not noted within Lough Fee.

Mitigation measures and conditions

I note the rNIS notes that the measures *“would have ensured that ground and surface water from the site was clean and uncontaminated, that dust levels were controlled on site, and that operational measures were in place to prevent pollution”*.

Given the temporary duration of the construction activities for a development of limited scale, I consider the best practice construction measures noted above and in Table 9 of the rNIS to be effective noting the outlined works and construction and excavation methods employed as well as the materials used. I note this also in the context of the works required for the two replacement agricultural shed structures and the polycarbonate roof for the refurbished agricultural building. The methods would have avoided any pollutants, sediments, dust and hydrocarbons from draining to the ground on the site or from draining into the adjacent stream or on to the shoreline of Lough Fee.

The rNIS notes that the control measures were successfully employed on the site and that *“there is no evidence to suggest that silt or pollutants entered the SAC during the construction of the access track”*. On the basis of the information outlined in the rNIS including the mitigation measures outlined in Table 9, I agree with its conclusion that no significant adverse impacts on the conservation objectives of the SAC are likely to have occurred.

(ii) Disturbance of mobile species

While this matter is not addressed in the rNIS, I note the absence of barriers to otter movement along the adjacent stream. In the context of the construction stage, I note that the nature of the works was temporary and limited in scale and duration and would have been during daylight hours such that I have no concerns in relation to significant impacts on mobile species including otter whose activities mainly take place outside daylight hours in freshwater settings. In relation to the operational stage of the development, I note a failure to address disturbance from vehicles including via visual impact.

Mitigation measures and conditions

I recommend a hedge type screen be required adjacent to the north of the driveway/access to prevent permanent ongoing negative disturbance type impacts on otter. I am satisfied that this can be addressed via condition such that I do not consider that significant impacts would arise on the otter, a QI of the SAC.

(iii) Spread of invasive species Not relevant, none noted outside the woodland in the SAC or on the site. Mitigation measures and conditions N/A	
In-combination effects I am satisfied that in-combination effects has been assessed adequately in the rNIS including by reference to relevant planning applications in the area and relating to the Galway County Development Plan 2022-2028. The applicant, together with my recommended condition in relation to screening the driveway access for disturbance, has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.	
Findings and conclusions The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided and my additional recommended mitigation measures for the screening of the driveway via the use of a new hedge, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. I note that no direct impacts are predicted. Indirect impacts would have been temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water, pollutants, dust etc. No monitoring measures are required. I am satisfied that the mitigation measures outlined to prevent adverse effects have been assessed as effective and can be implemented. No in-combination effects arise. Reasonable scientific doubt I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. Site Integrity The proposed development will not affect the attainment of the Conservation objectives of the Twelve Bens/Garraun Complex SAC (site code 002031). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.	
In-combination effects I am satisfied that in-combination effects has been assessed adequately in the rNIS including by reference to relevant planning applications in the area and relating to the	

Galway County Development Plan 2022-2028. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.	
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Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Twelve Bens/Garraun Complex SAC (site code 002031) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the rNIS and all associated material submitted including the report of the P.A., I consider that adverse effects on site integrity of the Twelve Bens/Garraun Complex SAC (site code 002031) 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:

- Detailed assessment of construction and operational impacts.
- The conservation objectives of these European sites as they relate to water quality and disturbance of mobile species.
- The effectiveness of mitigation measures outlined in Table 9 of the rNIS and my recommended additional mitigation measure in relation to screening the driveway/access to prevent disturbance to otter.
- Application of planning conditions to require the implementation in full of the mitigation measures outlined in the rNIS.
- The proposed development will not affect the attainment of the conservation objectives for the Twelve Bens/Garraun Complex SAC (site code 002031) or prevent or delay the restoration of favourable conservation condition for these two European sites.

Appendix 5

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-323493-25	Townland, address	Lugnaneach Cottage, Lettergesh East, Renvyle. Co. Galway.
Description of project		(1) Construction of a revised vehicular access and entrance to the property (2) construction of two replacement agricultural shed structures; and (3) provision of new polycarbonate roof to a refurbished agricultural building A Remedial Natura Impact Statement (rNIS) was submitted with this application.	
Brief site description, relevant to WFD Screening,		The Culfin_010 river waterbody traverse the northern boundary of the rural site which is adjacent to Lough Fee and which slopes somewhat uphill from the shoreline.	
Proposed surface water details		Roof water and hard surface water can be drained to soakaways associated with the Integrated Constructed Wetland (ICW) on the site.	
Proposed water supply source & available capacity		Existing connection to private well.	

Proposed wastewater treatment system & available capacity, other issues			On site Integrated Constructed Wetland (ICW), capacity 6PE.			
Others?			Not applicable			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Along northern boundary of the subject site	Culfin_010 (IE_WE_32C040040) river waterbody	Good	At risk	Agricultural over grazing in uplands, excessive siltation and forestry related	Hydrological connection.

					impacts from sediment and nutrient run-off.	
Groundwater waterbody	Underlying site	Clifden Castlebar (IE_WE_G_0017) ground waterbody	Good	Not at risk	Agriculture related pollution, domestic waste water treatment systems, urban run-off and due to the karst features.	Hydrological connection.
Lake waterbody	Adjacent to site	Fee (IE_WE_32_498) lake waterbody	High	Under review	Forestry related impacts (sediment, acidification, nutrient enrichment), agriculture and grazing and associated run-off, hydromorphology, domestic wastewater, rising water temperatures and biosecurity	Hydrological connection.
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	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	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Culfin_010 (IE_WE_32C040040) river waterbody	Surface water drainage/run- off	Hydrocarbon spillages, siltation, other pollutants.	Standard Construction Measures / Conditions, see rNIS and CEMP	No	Screened out
2.	Ground	Clifden Castlebar (IE_WE_G_0017) ground waterbody	Drainage	Hydrocarbon spillages, siltation, other pollutants.	Standard Construction Measures / Conditions, see rNIS and CEMP	No	Screened out
3	Surface	Fee (IE_WE_32_498) lake waterbody	Surface water drainage/run- off	Hydrocarbon spillages, siltation, other pollutants.	Standard Construction Measures / Conditions, see rNIS and CEMP	No	Screened out
OPERATIONAL PHASE							

4.	Surface	Cloonkeen_010 (IE_WE_32C380790) river waterbody	Surface water drainage/run-off	Untreated surface water and wastewater to ground	Soakaways as part of ICW and on-site wastewater treatment system to EPA Code.	No	Screened out
5.	Ground	Newport (IE_WE_G_0023) ground waterbody	Drainage	Untreated surface water and wastewater to ground	Soakaways as part of ICW and on-site wastewater treatment system to EPA Code.	No	Screened out
6	Surface	Fee (IE_WE_32_498) lake waterbody	Surface water drainage/run-off	Untreated surface water and wastewater to ground	Soakaways as part of ICW and on-site wastewater treatment system to EPA Code.	No	Screened out
DECOMMISSIONING PHASE							
7.	N/A						