



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323584-25

---

<b>Development</b>	Construction of single storey self contained apartment and all associated site works
<b>Location</b>	Kilcahill, Red Oaks Currandrum Claregalway, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2560458
<b>Applicant(s)</b>	Orchard Community Care Ltd.
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	James McLoughlin
<b>Date of Site Inspection</b>	20 <sup>th</sup> November 2025
<b>Inspector</b>	Sarah O'Mahony

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Further Information .....	5
3.2. Decision .....	6
3.3. Planning Authority Reports .....	6
3.4. Prescribed Bodies .....	7
3.5. Third Party Observations .....	7
4.0 Planning History.....	9
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.2. Natural Heritage Designations .....	10
5.3. EIA Screening .....	10
6.0 The Appeal .....	10
6.1. Grounds of Appeal .....	10
6.2. Applicant Response .....	12
6.3. Planning Authority Response.....	14
7.0 Assessment.....	14
7.1. Scope of Appeal.....	14
7.2. Principle of Development .....	15
7.3. Layout and Design .....	16
7.4. Surface Water .....	17
7.5. Wastewater .....	18

7.6. Potable Water .....	19
8.0 AA Screening.....	20
8.1. Screening.....	20
8.2. Conclusion .....	20
9.0 WFD Screening .....	21
9.1. Screening.....	21
9.2. Conclusion .....	21
10.0 Recommendation .....	22
11.0 Reasons and Considerations.....	22
12.0 Conditions .....	22
<b>Appendix 1 – EIA Screening.....</b>	<b>26</b>

## 1.0 Site Location and Description

- 1.1. The 0.254ha site comprises a residential property situated in Currandrum, between Tuam and Claregalway. Access is provided from a local road, the L6182, at the south. The N83 is situated 450m to the east while Currandrum National School is situated 300m to the east.
- 1.2. The site comprises a detached two storey dwelling situated in a rural residential area characterised by significant linear/ribbon development. In this respect there are dwellings situated on either side of the site, at the east and west, and another dwelling situated partially to the rear, (north). The remainder of the land to the north comprises a field and much of the wider area is in agricultural use.
- 1.3. The dwelling was vacant during the site inspection and had the appearance of a recent refurbishment. There is a detached domestic garage on the shed with dormer windows which was stated to once be utilised for residential purposes.
- 1.4. The roadside boundary at the south comprises a low blockwork and render wall with separate vehicular and pedestrian gates. There is no footpath in place adjacent the site. All other boundaries comprise mature hedgerows and trees.

## 2.0 Proposed Development

- 2.1. Planning permission was sought for development which comprises the following:
  - The construction of a detached, single story, two-bedroom, modular dwelling for use in conjunction with the existing residential dwelling.
  - The unit would have a total floorspace of 86.4m<sup>2</sup> set out in a U shape and be situated at the rear of the site with no physical connection to the main dwelling. It would have a flat roof however no external finishes are specified.
  - Connection to the existing on-site wastewater treatment system,
  - All associated site works including a driveway, footpath, drainage system and landscaping.
- 2.2. Information within the application specified that the existing dwelling was previously subject to an exemption for its use as a residence for persons with an intellectual or physical disability, or mental illness, as well as for individuals providing care for such

persons. It states that the unit would be used by one service user and no greater than 2no. staff.

- 2.3. It also states that the existing garage would be used as interim ancillary accommodation and upon completion of renovation works in the dwelling, the garage would revert to domestic storage in compliance with a previous grant of permission for such use as set out later.

## 3.0 Planning Authority Decision

### 3.1. Further Information

- 3.1.1. The applicant was requested to confirm the status of an existing community care hub on site as alluded to in the cover letter submitted with the application. The request stated: *In the absence of confirmation being forthcoming, the planning authority consider the proposal to have potential to constitute an extension of an existing unauthorised development on site.* The applicant's response specified it is proposed to utilise the dwelling for a residence for persons with an intellectual or physical disability, or mental illness, as well as for individuals providing care to such persons. It referred to an exempt development declaration, ref. ED 24/123 which confirmed that *'the proposed use of the dwelling does not constitute an extension or intensification of unauthorised development but falls within the scope of exempted development under the Planning and Development Act.* This section of the response concluded by stating *'Therefore, the proposal should not be considered as an extension of any unauthorised development on site.'* A copy of Galway County Council's determination in relation to same was submitted with the response.
- 3.1.2. The applicant was also requested to confirm if the garage/converted residential unit has reverted fully to storage purposes and to provide photographic evidence thereof as to otherwise facilitate for the proposed development in conjunction with the aforementioned temporary permission would be contrary to the specific criteria set out for in DM Standard 5 of the County Development Plan 2022 – 2028 and pose concerns from a wastewater treatment perspective. The applicant's response is as follows:

*We wish to confirm that the occupier of the garage unit referenced under planning file 2360361 has vacated the premises, and the unit is no longer used for habitable purposes. The structure has reverted exclusively to storage use. To substantiate this, we have attached a photo schedule clearly demonstrating the current condition and use of the unit.*

- 3.1.3. The schedule of photographs includes a series of before and after images of the ground floor kitchen/living space demonstrating that a woodburning stove was removed from the unit and no furniture was in place at the time of taking the images.

### **3.2. Decision**

- 3.2.1. Galway County Council issued a notification to grant permission on 12<sup>th</sup> August 2025 subject to 6no. conditions including nos. 5 and 6 as follows:

5. The self-contained apartment unit hereby permitted shall not be sold, let or otherwise conveyed as an independent living unit and shall be utilised as ancillary accommodation in conjunction with the main residence on site.

Reason: In the interests of orderly development and residential amenity.

6. This permission shall be for a period of five years from the date of this order at which point the structure shall be removed from the site unless, prior to the end of the period, planning permission shall have been granted for its continued operation for a further period.

Reason: In the interest of clarify and in the interest of the orderly planning and sustainable development of the area.

### **3.3. Planning Authority Reports**

- 3.3.1. Planning Reports

- There are two case planner's reports, one recommending further information and the latter assessing it.
- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.

- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- It considered the principle of development to be acceptable following the receipt of the further information response which set out details of the exempted development declaration regarding the use of the site.

### 3.3.2. Other Technical Reports

- The application was referred to the Tuam Area Council Office however no response was received.

### 3.4. Prescribed Bodies

- The application was referred to the Irish Aviation Authority however no response was received.
- The appeal was referred to the following however no responses were received:
  - Development Applications Unit of the Department of Housing, Local Government and Heritage.
  - The Heritage Council
  - An Taisce

### 3.5. Third Party Observations

One submission was made by James McLoughlin which outlined support for the principle of community-based care but raised the following concerns also:

- Excessive floorspace proposed in addition to existing temporary permission granted to previous owner/occupier. Concern regarding the scale of existing and previous additions to the site.
- Proposed development is a decoy method to provide two dwellings without utilising the existing structure with a concern regarding the long-term use of the site if it were sold. This concern is based on alleged history of unauthorised development and additional issues such as burning and animal welfare matters associated with a previous owner/occupier. 3no. previous owners all sold the site with a derelict building in place affecting the observer's adjacent property. The observer is

concerned that the garage will never return to ancillary domestic storage use and the site will result in incremental overdevelopment with multiple units.

- No existing residential disability service operating on the site.
- Significant construction and other waste situated in the rear open space of the site. Regular deliveries of skips to the site and evidence of burning.
- New first floor windows create overlooking.
- Lack of structural integrity analysis regarding existing works to main dwelling. Query raised as to why a full re-roof was not carried out but also that this would lead to development of further accommodation.
- Excessive external lighting. Excessive driveways and parking areas through the site should be removed in order to improve the observer's privacy and security and return ground levels to previous levels.
- Ground levels were raised. Concern that the driveway will later be surfaced with an impermeable surface. Raised ground levels, raised finished floor levels in the main dwelling and raised road levels on the public road will lead to flooding at the observer's property. Incremental removal of vegetation and increased provision of hard surfaces throughout the site. Further driveway and hard surfaced parking areas proposed. SuDS features and permeable surfaces could be removed by future occupants.
- The U-shaped layout will later be filled in to create a larger rectangular unit. It will later be amalgamated with the existing garage.
- 'SR6 standard' septic tank is not effective and requires replacement. An EPA wastewater specialist (unnamed and unidentified in the submission) has specified minimum site sizes for wastewater treatment for single dwellings to be increased to 1 acre minimum. Application details regarding foul drainage are inaccurate and system is unable to cater to level of existing and proposed residential development.
- No reference to existing groundwater well in application documents. Concern regarding contamination of groundwater in context of numerous alterations to wastewater treatment system. Concern regarding volume of water required for modern dwellings as well as potential special needs therapy units.

## 4.0 Planning History

- 2360361: Retention permission granted to Brian Farrell to a) retain & complete garden shed/glasshouse at rear of property, b) retention of converted garage to living space/dwelling as constructed, & all associated site work. Permission was granted subject to condition no. 3 which limited use of the converted garage for residential purposes for 3no. years.
- 03/3368: Planning permission granted to James McLoughlin for construction of dwellinghouse waste water treatment plant and percolation area.
- 01/4476: Planning permission granted to Ralph & Anne Christians for the construction of a dwellinghouse.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2022-2028 (referred to hereafter as the CDP). The site is situated in a rural area and not subject to any land use zoning. The following objectives are noted as relevant to the proposed development:

- SS8 Development of Rural Communities

Galway County Council shall recognise the important role of rural communities to the sustainable development of County Galway and shall ensure the careful management of development in these areas, having due regard to the relevant policy objectives set out elsewhere in the plan.

- SCI 3 Social Inclusion

Promote social inclusion as outlined in the '*Roadmap for Social Inclusion 2020 – 2025*' through equality of access to services and facilities and to assist in the removal of barriers to full participation in society.

- SC 1 Social and Community Infrastructure

Support the provision of social and community facilities and services within the County which meet the current and future needs of the entire population.

- H 1 Healthcare Facilities

Support the Health Service Executive and other statutory and voluntary agencies and private healthcare providers in the provision of healthcare facilities to all sections of the community, at appropriate locations, especially where good public transport links and parking facilities are available.

## 5.2. Natural Heritage Designations

- 5.2.1. Lough Corrib Special Area of Conservation is situated 2km east of the site.

## 5.3. EIA Screening

- 5.3.1. The proposed 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 proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

One third-party appeal was received from James McLoughlin which raised the following matters:

- Support for the principle of community care however there is no such existing use on the site.
- Proposed development is a 'smoke screen' for speculative development hiding behind a community need and represents incremental overdevelopment of the site. Concern regarding funding changes for such care and market viability of providing '*mono-gender dominated, undocumented or other residence stop gap situations.*' The most cost-effective option of utilising the existing concrete-built structures has

not been explored. Concern regarding long-term implications of having 3no. residential units on the site if it is sold.

- The U-shaped layout of the proposed unit will lead to the internal courtyard area being infilled to one large rectangular shape, contributing to further incremental overdevelopment. It will eventually be amalgamated with the garage, which will likely revert to full time residential use, and will lead to the creation of one large unit.
- Concern regarding integrity of percolation area and soakways on site due to previous trafficking, infilling and creation of hardstanding over these areas carried out by a previous owner/occupier. Concern relates to impacts to adjacent property.
- Applicant's photographic evidence of garage submitted with the Further Information response shows the building was not reverted back to its original layout and use prior to implementation of works. Services are still connected making reinstatement to a dwelling easily achievable. Insufficient photographs were submitted to demonstrate the residential use has been permanently terminated, e.g. no demonstration that bathrooms have been removed.
- Evidence of burning vegetation at the site at different dates over recent years by both by the previous owner/occupier and current applicant. Construction and domestic waste material dumped on site. All contributing to lack of control demonstrated by various owner/occupiers.
- Concern regarding structural integrity of main dwelling following construction of extensions. Query outlined as to why the main dwelling was not re-roofed as this would be required in the long term and a concern is outlined that this will lead to the provision of further additional floorspace.
- New overlooking created from new first floor windows of main dwelling. Excessive external lighting installed including blue and white lights which impact the residential amenity of the appellant's adjacent property. The finished floor level of the dwelling was raised.
- Excessive driveways already on the site on increased ground levels which should be removed due to impacts to the security and privacy of the adjacent dwelling. Additional overdevelopment of driveways and parking areas proposed. The driveways will eventually be surfaced with an impermeable material leading to

creation of surface water impacts at the appellants property. SuDS is not a sustainable long-term solution. There has been a significant reduction in recent years of vegetation and trees on the site which would have previously retained and aided in the management of surface water on the site.

- The SR6 standard septic tank already on site is inappropriate and substandard and has since been superceded. An alleged EPA specialist in wastewater treatment has recommended that the minimum site size for rural dwellings with onsite wastewater treatment is 1 acre. The application documents are misleading in terms of the extent of wastewater treatment on the site already. There is an older 1970s rectangular septic tank which is not operating correctly. There is a newer 'figure of 8' tank also in place. The applicant's submission stating that the older 1970s tank was designed to a 1990s standard does not make sense. The latter unit may have been replaced in a decoy effort to provide a second dwelling unit on the site by a previous owner/occupier. Existing system is not suitable for main dwelling or extent of existing additional and proposed accommodation. Application documents rely on layout drawings associated with a previous planning application submitted by a previous owner/occupier.
- No clarity provided regarding a previously bored groundwater well on the site which was removed by a previous owner/occupier. It is situated on the 'lower side of the percolation/tank area' and leads to concerns regarding groundwater contamination, particularly in the context of operational and installation concerns regarding the wastewater treatment system.
- Concern stated regarding the increased water usage and output from modern day running of multiple dwelling units, as well as a potential therapeutic water treatment for service users, when compared to pre-1960s dwellings.
- Main dwelling was unoccupied for 16 years and is still unoccupied. The converted garage was occupied intermittently for 2-2.5 years.

## 6.2. Applicant Response

- The purpose of the proposed unit is to provide care for children and adults with life limiting conditions such as autism and intellectual disabilities. The need for the proposed unit arises from the requirement to safely accommodate service users and

staff effectively. Occupancy would be strictly limited to 6no. residents and 2no. staff across both the dwelling and proposed unit. Occupation of the dwelling has deliberately not commenced yet in order to facilitate construction of the proposed unit first to reduce disruption and noise for service users who have high levels of sensitivity.

- The unit shall be used in conjunction with the main dwelling and will not be leased or sold separately, thereby addressing the appellant's concern regarding independent residential use.
- The majority of photographs submitted by the appellant demonstrating dumping and littering relate to legacy issues predating the applicant's ownership of the site. The applicant has taken steps to remedy the matter with photographs submitted demonstrating the condition of the site in July 2025. Allegations of ongoing dumping or littering are outdated and not representative of the site under the applicant's ownership and management. Any remaining minor materials or debris are being monitored and the applicant is committed to continuing to improve the condition of the site and ensure it is properly managed in the future. This approach demonstrates the applicant is taking responsibility for site maintenance and addressing issues raised while acknowledging that ongoing work is required to fully optimise the condition of the property.
- The applicant will promptly review the brightness, direction and type of external lighting to ensure it does not cause disturbance to neighbouring properties. References to a blue light arise from a temporary protective cover left in place following painting.
- The applicant's recent renovation works to the main dwelling have significantly improved the property and streetscape as the dwelling was in a state of disrepair. The works were undertaken in accordance with good construction practice and there are no structural defects. A schedule of before and after photographs are submitted with the response.
- Details of the existing wastewater treatment system were outlined in detail by a qualified engineer under planning ref. 23/60361. It accommodates wastewater from the main dwelling and the converted garage. Following completion of renovation works to the main dwelling, the residential use of the garage will cease with its

associated wastewater loading also ceasing. Any wastewater generated by the proposed modular unit will be accommodated within the existing system's design capacity.

- All aspects of the development including the main dwelling, extension, second unit, external lighting and wastewater management are fully compliant with the relevant planning regulations and exemptions.
- Overall, the proposed development will enhance the functionality and community benefits of the site without causing adverse impacts to neighbours or the environment.

### **6.3. Planning Authority Response**

- None

## **7.0 Assessment**

### **7.1. Scope of Appeal**

- 7.1.1. Many of the items raised in the appeal refer to works already carried out such as external lighting and new windows on the main dwelling creating overlooking, raised ground levels and provision of driveways all which do not form part of the proposed development for which permission was sought. Therefore any references to unauthorised development or enforcement matters such as the current status of the converted garage are the remit of the Local Authority and are outside of the scope of a planning appeal insofar as the proposed development is not reliant on that alleged unauthorised development, which is not the case in this instance.
- 7.1.2. Similarly, matters such as previous burning or littering on the site are outside the scope of the appeal in my view. Concerns regarding the structural integrity of the existing dwelling relate to building regulations which are subject to a separate legislative code outside of planning and therefore do not concern An Coimisiún.
- 7.1.3. Therefore, having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal relates to the following:

- Principle of Development
- Layout and Design
- Surface Water
- Wastewater
- Potable Water

## 7.2. Principle of Development

7.2.1. The application and appeal documents are clear in demonstrating the intent of the proposed development which is to provide care services for vulnerable members of the community who require care outside of the family home. This is supported by Objectives SCI 3, SC1 and H1 of the CDP.

7.2.2. The Planning Authority attached condition nos. 5 and 6 to the notification to grant permission in order to regulate the use and the lifespan of the proposed modular unit. These conditions are appropriate in my view to address any concerns of the appellants regarding future use or potential speculative development in the event the site was sold. Condition no. 5 is set out below while condition 6 simply requires the unit to be removed after 5 years unless a separate grant of permission is granted

*5. The self-contained apartment unit hereby permitted shall not be sold, let or otherwise conveyed as an independent living unit and shall be utilised as ancillary accommodation in conjunction with the main residence on site.*

*Reason: In the interests of orderly development and residential amenity.*

7.2.3. I recommend additional text is included in condition no. 5 in order to link the use of the unit to the specific community care use as proposed and not for general residential use.

7.2.4. The appellant suggests the most cost-effective solution would be to utilise the existing structures on the site instead of providing a new separate dwelling. The application documents clarify that a range of accommodation types are required but do not specify why the garage cannot be utilised. Having regard however to the

requirement for domestic storage associated with any dwelling, as well as the likelihood for storage of additional medical and therapeutic equipment, I consider there is a rationale for provision of a new structure on the site as well as retaining a storage structure.

7.2.5. In this regard, I note the applicant's proposal to cease all residential use of the garage building upon construction of the new unit. I note the Local Authority attached condition no. 3 to the notification of grant of permission requiring the garage to be used for storage purposes only with no habitation. I recommend this condition is expanded to specify that occupation of the new unit shall not commence until all wastewater services are disconnected from the garage unit, with photographic evidence to be submitted to demonstrate same. This will ensure the garage cannot be utilised for human habitation and complies with the applicant's stated intention to disconnect the garage from the wastewater system as outlined in the application documents.

7.2.6. Lastly, the appellant suggests that there has already been overdevelopment on the site and that the proposed development would contribute to further overdevelopment. The site comprises 0.254ha and would retain significant areas of private open space to the rear, side and front of the dwelling, while also providing for sufficient car parking and access arrangements etc. The scale of the proposed single storey unit, at 86.4m<sup>2</sup>, is similar in scale to a domestic garage and notwithstanding the existing garage, I consider there is scope on the site to provide another domestic structure of that scale without negatively impacting adjoining residential amenity or amenity on the site itself. I do not agree that overdevelopment, in terms of floorspace, has occurred on the site or would occur if the proposed development were permitted. The proposed structure would be situated to the rear of the existing dwelling and garage with limited visibility from the public road.

### 7.3. **Layout and Design**

7.3.1. The proposed development seeks to provide the U-shaped structure at the north of the site, to the rear of the dwelling and garage, with the front elevation facing south towards the rear of the dwelling. It would be situated in an area already finished with gravel hardstanding.

- 7.3.2. Materials and finishes are not specified and I therefore recommend an appropriate condition is applied accordingly.
- 7.3.3. The layout provides a kitchen/living/dining space at the west, a wet room and office in the central section and 2no. bedrooms at the east. One new window serving a bedroom would be situated on the eastern elevation however I do not consider it likely that overlooking would occur to such an extent as would diminish the appellant's residential amenity in the adjoining property to the east due to the separation distance of 20m to the property boundary as well as the single storey nature of the proposed unit.
- 7.3.4. The unit is designed around a central courtyard in a 'U' shape providing light and access to the overall unit. The appellant is concerned this courtyard area would be filled in at a later date to provide further floorspace at the site, and potentially later amalgamated with the garage. Any such development proposal would be assessed on its own merits at the time any such application is made for its proposal or retention, whichever the case may be. Condition no.1 as attached to the notification of grant of permission only permits the development as proposed in the documents submitted with the application and is an appropriate mechanism to limit the extent of development permitted. Any speculation about future development potential is outside the remit of this appeal.

#### **7.4. Surface Water**

- 7.4.1. As mentioned previously, it is proposed to locate the new residential unit to the rear of the site in an area already finished informally with gravel hardstanding. It is proposed to regularise the layout and provide a formal driveway and parking area in front of the unit and to the side of the garage. The proposed finish on this section of the proposed driveway is not specified.
- 7.4.2. Drawings are provided as well as a civil engineering statement which state it is proposed to discharge surface water via a connection to the existing soakway at the south of the site and the application documents state that this soakway can accommodate the surface water generated from the new development.
- 7.4.3. The appellant queries the integrity of the soakway due to previous development on the site which provided hardstanding and driveways over the soakway. The drawings

submitted however indicate that the soakway is situated outside of the location of the existing driveway at the southeast of the site.

- 7.4.4. The appeal also outlines concerns regarding surface water impacts to their adjacent property due to the increase of surface water as well as alleged increased ground levels. It does not however specify if there are any existing issues with drainage and I did not note any such issues during the site inspection in November 2025.
- 7.4.5. Having regard to the scale of the proposed development and its location in an area of existing hardstanding, as well as the proposal to connect to the existing soakway within the site which is c.10m from the appellant's property, I consider it is unlikely that any surface water issues or flooding of adjoining property would occur as a result of the 86.4m<sup>2</sup> structure.
- 7.4.6. I note the existing hardstanding throughout the site is a gravel finish which is permeable and also note the appellant's concerns regarding compaction of the soakway. In my view, the location of the soakway outside of the driveway means it is not likely to have suffered significant compaction. I also consider that the net increase of impermeable surfaces is minor and not likely to result in surface water management issues.
- 7.4.7. The applicant has not sought to carry out works to the existing driveway such as covering it with an impermeable surface and therefore any speculation regarding the potential of such future works is outside the scope of this appeal. I recommend a standard surface water condition is attached such as that already outlined by the Local Authority in the notification to grant permission requiring all surface water to be managed within the site.

## 7.5. **Wastewater**

- 7.5.1. There is an existing wastewater treatment system in place on the site comprising a septic tank and percolation area. This serves wastewater generated from the main dwelling and the converted garage. It is proposed to decommission the garage connection and to provide a new connection to the proposed unit meaning there would be no net increase in biological waste generated on the site. The applicant states that the existing system was inspected as part of a previous planning application on the site, prepared by a previous owner/occupier, and that the system

was deemed acceptable by the Local Authority. Relevant extracts from that planning application showing a photograph of the in-situ system were provided with this application. I also note that further information was sought by the Local Authority in this case and also deemed acceptable.

- 7.5.2. The appellant suggests that the construction standard in place at the time of manufacturing the septic tank has since been superceded, that there is insufficient space on the site to treat wastewater and that the percolation area has been compacted due to the presence of a new driveway partially located on it. The site layout drawing reflects this arrangement. The appeal also suggests there are two different septic tanks on the site however there is no evidence to demonstrate this.
- 7.5.3. With regard to suitability of the existing system, the applicant states that the total wastewater generated will remain within the design capacity of the original system. I did not note any odours or ponding during the site inspection however the dwelling was not occupied at that time. Having regard to the previous inspection which included partial excavation of the system and states it is operating satisfactorily, I consider the matter is addressed.
- 7.5.4. The appeal also raises a concern regarding the presence of a bored groundwater well close to the percolation area which was subsequently filled in by a previous owner/occupier. The appellant is concerned with contamination of groundwater however the site is supplied with public mains water and there is no evidence submitted to demonstrate that the well is actively abstracting any water. I did not locate the well during the site inspection.

## 7.6. **Potable Water**

- 7.6.1. The appellant referred to increased water usage for a typical dwelling in recent decades and how there may be a requirement for additional water for therapeutic purposes in the proposed development. The applicant has not outlined any such need and no swimming pool or other such hydrotherapy proposal is suggested in the floorplans.
- 7.6.2. The existing dwelling is served by a public water network connection with no stated concerns regarding water shortages in the area. The application was not referred to

Uisce Éireann however given the proposed residential use I do not consider it likely that the development would impact the quantity of water supply in the area.

## 8.0 AA Screening

### 8.1. Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The site is situated 2km west of Lough Corrib Special Area of Conservation.
- 8.1.3. The proposed development seeks to construct a single storey 86.4m<sup>2</sup> detached residential unit and connect to existing services on the site including to the on-site wastewater treatment system.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.1.5. The reason for this conclusion is as follows:
- The rural infill nature and modest scale of the works on an existing residential site,
  - The location of the site removed from any waterbodies and lack of any hydrological connectivity,
  - Existing on-site wastewater treatment system and
  - Taking into account the screening report/determination by Galway County Council.

### 8.2. Conclusion

- 8.2.1. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.2.2. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 WFD Screening

### 9.1. Screening

- 9.1.1. The subject site is located 2.4km west of the Claregalway river which forms part of the Corrib catchment area and Claregalway sub-catchment and sub-basin. The Cregg stream is situated 2.4km west of the site which is in the Cregg sub-basin and also the same Claregalway sub-catchment and Corrib catchment areas. The site overlies the Clare-Corrib aquifer which is a bedrock aquifer with moderate vulnerability in the location of the site.
- 9.1.2. The proposed development seeks to construct a single storey 86.4m<sup>2</sup> detached residential unit and connect to existing services on the site including to the on-site wastewater treatment system
- 9.1.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.1.4. The reason for this conclusion is as follows:
- The rural infill nature and modest scale of the works on an existing residential site.
  - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
  - Existing on-site wastewater treatment system.

### 9.2. Conclusion

- 9.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

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

## 10.0 Recommendation

I recommend planning permission is granted subject to the conditions set out below.

## 11.0 Reasons and Considerations

Having regard to the location of the existing residential site, the provisions of Galway County Development Plan 2022-2028 including policy objectives SCI 1, SC1 and H1, the established pattern of residential development in the area and the residential nature and minor scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with local policy, would be appropriate in terms of design and layout and would not seriously injure the amenities of neighbouring properties in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17 <sup>th</sup> day of July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.  Reason: In the interest of clarity.
2.	The development hereby permitted shall only be occupied by persons with intellectual disabilities and their carers in association with the main

	<p>dwelling on the site as set out in the application documents, and for no other purpose, without a prior grant of planning permission for change of use. It shall not be sold, let or otherwise transferred or conveyed as an independent living unit and the existing garden and curtilage of the overall residential property on this site shall not be subdivided.</p> <p>Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.</p>
3.	<p>This permission shall be for a period of five years from the date of this order at which point the structure shall be removed from the site unless, prior to the end of the period, planning permission shall have been granted for its continued operation for a further period.</p> <p>Reason: In the interest of clarify and in the interest of the orderly planning and sustainable development of the area.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
5.	<p>The existing garage on site shall be utilised solely for domestic storage purposes and not for any habitation use. Prior to occupation of the new unit, documentary evidence shall be submitted for the written approval of the planning authority, demonstrating that the garage has been disconnected from the wastewater system on the site.</p> <p>Reason: In the interests of orderly development</p>
6.	<p>(a)The in-situ wastewater infrastructure shall be serviced by certified environmental specialists on a biennial basis to ensure the system functions properly and prevents pollution.</p>

	<p>(b) Maintenance records shall be kept for possible further inspection purposes.</p> <p>Reason: In the interest of public health</p>
7.	<p>a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>

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

---

Sarah O'Mahony  
 Planning Inspector

10<sup>th</sup> December 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323584-25
<b>Proposed Development Summary</b>	Single storey modular dwelling and connection to existing wastewater treatment system.
<b>Development Address</b>	Kilcahill, Red Oaks Currandrum Claregalway, Co. Galway
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10 (b)(i) Construction of more than 500 dwelling units.  Threshold = 500 units.  Proposed development = 1 unit.

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

### Form 2 - EIA Preliminary Examination

<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed	The rural site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.

<p>development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing dwellings.</p>
<p><b>Location of development</b></p> <p>(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).</p>	<p>The development is situated in an rural area adjacent to and in close proximity to existing residential properties which is not exceptional in the context of surrounding development.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p> <p>The development is removed from designated sites and landscapes of identified significance in the County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development and works constituting development within an existing built up area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>

There is no real likelihood of significant effects on the environment.	EIA is not required.
--	----------------------

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