



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500129-GY

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<b>Development</b>	<b>Construction of a dwelling house. A Natura Impact Statement (NIS) was submitted with this appeal.</b>
<b>Location</b>	<b>Derreen, Clifden, Co Galway</b>
<b>Planning Authority</b>	<b>Galway County Council</b>
<b>Planning Authority Reg. Ref.</b>	<b>2461709</b>
<b>Applicant(s)</b>	<b>Enda Corbett</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Refuse Permission</b>
<b>Type of Appeal</b>	<b>First Party Normal Planning Appeal</b>
<b>Appellant(s)</b>	<b>Enda Corbett</b>
<b>Date of Site Inspection</b>	<b>21<sup>st</sup> January 2026</b>
<b>Inspector</b>	<b>Sarah O'Mahony</b>

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## 1.0 Site Location and Description

- 1.1. The 0.377ha site is situated 2km northwest of Clifden in a rural and coastal area of County Mayo. The site is situated on the southern side of a sheltered inlet off the Atlantic Ocean referred to as Streamstown Bay with a local road situated between it and the coastline. There is an informal ungated vehicular access currently provided directly from this local road to the site in the form of a gap in the roadside boundary. That boundary comprises a mix of post and wire fencing, sod ditch, drystone walls, stone outcrops and some scrappy hedgerows.
- 1.2. The site is situated at a higher ground level than the road with as much as 1m of a differential between it and the road. The site slopes up to the south, west and east with some areas of grassland in the centre and rocky outcrops at the east and south and wet heath at the west. Overall, there is a differential of 8m in ground levels across the site.
- 1.3. All adjacent land comprises similar scrub/heath/rocky land which is potentially utilised for sheep grazing but in all other respects it appears to represent marginal land with little activity.
- 1.4. The site was inspected during wet weather conditions and a number of drains and streams were noted traversing the site from south down to north, exiting the site and crossing the road to discharge to the sea at the north. There is a timber monopole situated on the northern roadside boundary carrying overhead cables and another on the upper slopes of the southern boundary. Both carry their respective cables in general east-west axis and do not connect to one another. The northern appears to carry telecommunications cables and the southern carries electricity.
- 1.5. The southwest of the site contains annex 1 habitat referred to as wet heath. The outline of this habitat is illustrated on the application drawings.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
  - Construct dwelling house comprising a 277m<sup>2</sup> detached, pitched roof, storey and a half structure finished with a combination of rooflights, box dormer windows and a

first-floor flat roof balcony/terrace to the front. External finishes primarily comprise nap render and blue/black natural roof slates however a flat roof annex/projection to the front on which the terrace would be situated is proposed to be clad in quarry stone. Fenestration is contemporary in style with cathedral type windows on the southwest gable elevation.

- On-site wastewater treatment system and polishing filter at the south,
- Connection to existing private well on adjacent family lands,
- New vehicular entrance in the northwest of the site, and
- All ancillary site works

2.2. The following documentation was submitted with the application, as well as all standard and statutory notices and drawings etc:

- Landscaping and boundary treatment drawing
- Appropriate Assessment Screening Report
- Planning Statement
- Rural housing supporting documentation
- Site Suitability Assessment Report including Site Characterisation Form

### **3.0 Planning Authority Decision**

#### **3.1. Further Information**

3.1.1. 5no. items of further information were sought as follows:

- Submit a revised dwelling design as the Planning Authority consider the proposed dwelling in its current guise to be an overly dominant feature in a Special Class 3 landscape along the Sky Road/Maritime Scenic Route and therefore incapable of assimilating sensitively into this setting with high sensitivity to change. The request specified that the revised design should be accompanied by a visual impact assessment, comprehensive site sections illustrating the extent of manipulation necessary and a design statement.

- Revised site layout plan demonstrating appropriate sightlines following the undertaking of speed survey and the proposed relocation of utility poles. Revised details should include site specific cross and longitudinal section drawings of proposed drainage infrastructure, bisecting the proposed entranceway dwell Area.
- Submit a Natura Impact Statement (NIS) having regard to the presence of land drains traversing the subject site and the elevated siting of the subject site directly abutting Streamstown bay hydrologically connecting the site to the West Connacht SAC & Kingstown Bay SAC.
- Submit an Ecological Impact Assessment (EclA) to assess the impact of the development on the wet heath annex 1 habitat on the site.
- Identify the well source on an appropriately scaled map relative to the subject site and to accompany same with details of any wayleave arrangement that are required to fulfil the connection to the proposed development.

3.1.2. The applicant's response comprised the following:

- Revised dwelling design proposing a 219.14m<sup>2</sup> pitched roof dwelling which omitted the projecting annex and associated roof terrace and proposed a more restrained approach to fenestration which removed the gable cathedral windows. Photomontages demonstrate the proposed dwelling from a number of vantage points both long and short distance. Site section drawings illustrate the extent of cut and fill proposed and suggest a retaining wall be required up to 2.6m in height adjacent to the vehicular entrance. The information submitted does not address where the drainage channels on the site will be relocated to.
- A site location map and letter of consent indicates the location of the existing well situated on adjacent land approximately 220m southeast of the site. The response states it is proposed to provide a new right of way to the associated pipes to connect to the site.
- An EclA was submitted which mapped the habitats on the site and recommended the provision of a 5m exclusion zone/buffer around the wet heath Annex 1 habitat to protect it during the construction and operational phases. Figure 8 illustrates the location of the proposed dust barrier fencing to form the buffer. The report concludes

that significant impacts are not likely to occur following implementation of all recommended mitigation.

- A Natura Impact Statement was submitted which recommended mitigation in the form of management measures such as good housekeeping and speed limits as well as physical measures such as the aforementioned exclusion zone. It concludes that no significant negative effects on Natura 2000 sites are predicted to arise as a result of this project.
- A speed survey was carried out in accordance with DM Standard 28 which demonstrated a design speed of 50km/h on the local road adjacent to the site therefore requiring sightlines of 70m in both directions as demonstrated on a revised site layout plan. The written statement suggests utility poles will be relocated within the site to accommodate the sightline however the site layout drawing states that it is not situated in the sightline envelope and therefore does not require relocation. The landscape drawing states the entire existing northwest boundary along the roadside would be removed entirely and an indigenous stone wall provided with a 26 x 3m setback for the entrance.
- Drainage will be provided at the vehicular entrance in the form of an aco drain and silt trap draining to a new soakway adjacent to the entrance.

### **3.2. Decision**

3.2.1. Galway County Council issued a notification to refuse permission on 26<sup>th</sup> September 2025 for 3no. reasons as follows:

1. Policy Objective LCM 1 of the Galway County Development Plan 2022 – 2028 seeks to preserve and enhance the character of the landscape where, and to the extent that, 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. By reason of the siting on an elevated coastal site in a Special Category 3 landscape area along the maritime scenic route and the excessive extent of manipulation of the existing terrain to facilitate for the development footprint, the proposed development would represent an inappropriate form of development incapable of assimilating effectively into

this sensitive rural setting with 'High Sensitivity to Change'. The proposed development would therefore if permitted contravene materially policy objectives LCM 1, LCM 2 and LCM 3 and Development Management Standard 8 of the Galway County Development Plan 2022 – 2028. It is considered that the proposed development would interfere with the character of the landscape, would detract from the visual amenities of the area, would militate against the preservation of the rural environment, would contravene materially development objectives and development management standards of the Galway County Development Plan 2022 – 2028 and would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of a traffic hazard on grounds of the additional traffic turning movements the development would generate at a point where the proposed site entrance is deemed unsatisfactory owing to the restricted forward sight distance of vehicles entering the subject site and the poor horizontal alignment of the heavily trafficked local road in the vicinity of the site frontage. It is considered that the proposed vehicular access provision would therefore impede the free flow of traffic on the public carriageway and hence to permit the proposed development in light of the aforementioned would be contrary to DM Standard 28 of the county development plan and Policy Objective NNR 2 which seeks to safeguard regional and local roads.
3. The Planning Authority noting the presence of wet heath (HH3) habitat which corresponds to Annex I habitat Northern Atlantic Wet Heaths with *Erica tetralix* within the site curtilage and considering the lacunae associated with the Ecological Impact Assessment Report as submitted, the proposed development is considered to have potential to result in an adverse impact on the said habitat. Having regard to the aforementioned and considering the precautionary principle, the Planning Authority is therefore not satisfied that the proposed development would not result in adverse impact on the wet heath habitat. Therefore, if permitted as proposed, the Planning Authority cannot be satisfied that the proposal will not adversely affect the integrity of aforementioned habitat and to permit the proposal would therefore materially contravene Policy Objective NHB 4 of the Galway County Development Plan

2022-2028 and would be contrary to the proper 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 refuse decision is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) issues were screened out however the Local Authority required the preparation of an NIS with mitigation measures in order to protect European sites and therefore screened in Appropriate Assessment (AA).
- It states that the applicant satisfactorily demonstrated intrinsic local links to the area in accordance with the requirements of Policy Objective RH 4 of the Galway County Development Plan 2022-2028.
- It noted the revised dwelling design following receipt of further information but considered the extent of excavation necessary to facilitate for the development footprint to be excessive in a special landscape with 'High Sensitivity to Change' and added potential to detract from the maritime scenic route associated with the setting.
- It states that the Roads Department was not satisfied with the project from a road safety perspective on grounds of the potential for the vehicular turning movements associated with the project to impact adversely on the carrying capacity of the heavily trafficked local road in the vicinity of the site frontage where the alignment is presently deficient.
- With regard to the EclA the Case Planner outlines concerns due to lacunae in the content of the EclA *'with respect to the wet heath habitat wherein it states that it is to be separated from the construction area with a timber post fence which will remain in place for the duration of the construction and operational phases of the development but no specifics are provided for same. Conversely, it is stated elsewhere in the report that the said habitat will be retained as a garden feature. In light of the aforementioned ambiguity and the precautionary principle, the planning authority*

*express concerns for the potential loss or degradation of this habitat as a consequence of the project'.*

### 3.3.2. Other Technical Reports

- Clifden Council Area Office – no report received.
- Roads & Transportation GCC – two reports present on the file, one requesting further information and the latter recommending a refusal of permission.

### 3.4. **Prescribed Bodies**

- The application was referred to the following who did not respond:
  - Inland Fisheries Ireland.
  - Department of Housing, Local Government and Heritage.
- The appeal was referred to the following who also did not submit any commentary:
  - The Heritage Council.
  - Development Applications Unit (Department of Housing, Local Government and Heritage).
  - An Taisce.

### 3.5. **Third Party Observations**

None.

## 4.0 **Planning History**

None on the subject site. The following relates to a site situated 400m northeast of the subject site and is all in the applicant's name:

- 23/271, ABP-318081-23: Planning permission sought for construction of a new dwellinghouse, effluent treatment system & polishing filter, new vehicular entrance as well as all ancillary site works & services. Permission was refused by the Local Authority and following a first party appeal permission was refused by An Bord

Pleanála for 3no. reasons relating to landscape and visual impact, road safety concerns and water supply concerns.

- 22/61195: Planning permission refused construct a new dwelling house, effluent treatment system and polishing filter, new vehicular entrance as well as all ancillary site works and site services. Gross floor space of proposed works 148.35sqm.
- 21/853: Planning permission refused to construct a new dwelling house, effluent treatment system and polishing filter, new vehicular entrance as well as all ancillary site works and site services. Gross floor space of proposed works: 278.31 sqm.

## 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). Chapter 4 sets out the policy guidance for developing housing in the rural area and it identifies the site as being situated within rural housing policy zone 3: Structurally Weak Areas as well as a Class 3 sensitivity landscape. Policy objective RH4 therefore applies and is noted and requires applicants to demonstrate their demonstratable economic or social rural links or need as set out in Policy RH2. It also requires the following:

*“In addition, an Applicant may be required to submit a visual impact assessment of their development, where the proposal is in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 3 and Class 4 designated landscape areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.”*

- 5.1.2. Policy Objective RH9 is noted regarding design guidelines for rural dwellings as well as the Design Guidelines for the Single Rural House which is set out in Appendix 5 of the CDP.

- 5.1.3. Chapter 15 sets out development management standards which includes DM standard 8 regarding site selection and design for rural dwellings.
- 5.1.4. The site is situated in a coastal landscape unit with a Class 3 'special' sensitivity to change. Policy Objectives LCM 1 and 3 are relevant in this regard and is set out as follows:

*“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.”*

- 5.1.5. The local road at the north of the site is designated as a maritime scenic route in the CDP and therefore policy objective PVSR 1 applies which seeks to protect scenic routes from development that would negatively impact them.
- 5.1.6. With regard to the status of the road, Policy Objective NNR 2 is relevant as it seeks *“To safeguard the carrying capacity and safety of the County’s regional and local road network.”* The following is also noted in DM Standard 28 regarding sightlines:

*‘Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. Where a new entrance is proposed, the Planning Authority must consider traffic conditions and available sight lines. Road junction visibility requirements shall comply with Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) (DN-GEO-03060) for rural roads and Design Manual for Urban Roads and Streets for urban roads (including any updated/ superseding document). Where substantial works are required in order to facilitate the provision of adequate sight distances lands within the sight distance triangles shall be within the control of the applicant and shall be subject of a formal agreement with the adjacent landowner which ensures certainty that the applicant is in a position to comply with the relevant condition and or standard.*

....

*In general, where the capacity, width, surface condition or alignment of the road is deemed inadequate, development will not be favoured.'*

- 5.1.7. Table 15.3 sets out the sight distances from vehicular entrances/exits depending on the design speed of the road as follows:

Design speed and sight distances	Sight Distance required for the following Design Speed on the Major Road in kph						
Design Speed	100	85	70	60	50	42	30
Y Distance on Major Road	215	160	120	90	70	50	35

- 5.1.8. There is Annex 1 habitat present on the site as outlined in more detail later. Policy Objective NHB 4 is however therefore relevant and is set out as follows:

*“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.”*

## 5.2. Natural Heritage Designations

- 5.2.1. The site is situated immediately adjacent to the coastline in Streamstown Bay however the closest hydrologically connected site of note comprises Leagaun Machair proposed Natural Heritage Area (pNHA) which is situated 5.2km northwest. The closest hydrologically connected European sites comprise West Connaught Coast Special Area of Conservation (SAC) which is situated 5.8km northwest and Kingstown Bay SAC situated south of the inlet to Streamstown Bay, 3.4km directly west of the site or 6.1km downstream.
- 5.2.2. The Twelve Bens/Garraun Complex SAC is geographically the closest European site and is situated 2.8km to the southeast.

### 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

- 6.1.1. One first party appeal was received. The Agent's report raised the following grounds of appeal:
- It provided an outline of the applicant's history of refusals as well as a family member similar refusals on nearby sites.
  - The applicant has demonstrated compliance with local need requirements.
  - The assessment of visual impact is subjective. The site is not elevated but is higher above the adjacent road, characteristic of all land in the area. The dwelling would be situated behind a mature clump of vegetation with the hillside forming a backdrop to the rear. Excavation is necessary but would be minimal. The dwelling design is similar in scale and design to nearby dwellings and was considered acceptable to the Planning Authority.
  - An updated Visual Impact Assessment (VIA) was submitted with the appeal which "*shows that the visual impact of the proposed dwelling is minimal from approach roads and from across the bay*". The dwelling would fully integrate into the landscape once onsite vegetation and proposed landscaping matures.
  - References made to a permitted dwelling on a nearby site which is more elevated than the subject site. Ref. 20/757 applies.

- The site is situated on a local road with a theoretical 60km/h speed limit requiring 90m sightlines. However the speed survey required by the further information request demonstrated that the design speed should be 50km/h necessitating 70m sightlines. The drawings submitted demonstrate in excess of 70m.
- This road should not be considered a 'heavily trafficked local road'. The speed survey was conducted over the course of a week at easter 2025 over a spell of good weather when most holiday homes were occupied. The average hourly vehicle numbers ranged from 18 to 28 and traffic levels are typical for a country road located close to a town. As the applicant already resides in the area in the family home, there would not be any increase in traffic generation.
- A revised NIS, EclA and CEMP were all submitted with the appeal which exclude lacunae and include more robust mitigation to ensure the wet heath habitat is protected and would therefore comply with policy objective NHB 4 to protect and conserve areas of biodiversity value outside designated sites. There would also be no impacts to European sites as a result of the development.
- A letter from the applicant adds the following points:
  - There is a lack of affordable housing or land in the area to purchase. The only option available is to self-build on family land. Following a number of refusals on an adjacent site, the applicant was advised by local planning engineers and public representatives that the site was suitable as it is in the middle of a well-established building line.
  - With regard to traffic matters, the speed survey was completed during a peak busy period and is not representative of road traffic most days which is much lower. Permission was recently granted for a site with a steeper driveway than the proposed site. Most dwellings in the area require steep driveways. It also states '*we are already gaining access to the site from my parents driveway*'.
  - A housing need has been demonstrated and the applicant has family ties to the area with stated social, childcare and medical matters outlined.
- A letter of support from a local County Councillor is submitted with the appeal and outlines the following:

- The dwelling would be situated at a much lower level than other housing in the area. There is an existing quarry in the area which has already resulted in scarring of the landscape. The house design is modest, not imposing and was agreed with the planners through the further information process.
- Appropriate sightlines have been satisfactorily demonstrated in the application documents. It should be noted that the speed limit on this road was reduced from 80km/h to 60km/h as part of the speed limit review during the application.
- The third reason for refusal relating to impacts to the wet heath habitat *'appears to be interpretation and can be resolved with a condition that the applicant would be more than willing to comply with'*.
- Family land will be transferred to the applicant, retaining local farming families in the area and reducing carbon footprints as farmers need to live on their farms.
- Reasons for refusal can be overcome without adversely affecting the area.

## 6.2. Planning Authority Response

None

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. The proposed development seeks permission to construct a dwelling in the rural area on land which is not zoned. In this regard, the principle of development requires the applicant to demonstrate their compliance with a category of local need as set out in Policy Objective RH2. The applicant has satisfactorily demonstrated this and therefore I consider the principle of development to be established.
- 7.1.2. 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 to be considered are as follows:

- Landscape and Visual Impact
- Sightlines
- Annex 1 Habitat
- Wastewater Treatment

## **7.2. Landscape and Visual Impact**

- 7.2.1. As outlined previously, the site is situated in a highly scenic area facing Streamstown Bay. Exposed views of the site are achievable from the maritime scenic route immediately adjacent the site at the north, but also long distance views are achievable from the same maritime scenic route at the north of the bay, as demonstrated in the photomontages submitted with the application and titled 'Visual Impact Assessment Report'. At this juncture I highlight to the Coimisiún that I do not consider this document to comprise a VIA as no written assessment has occurred or been submitted with the application discussing the magnitude of the visual impact on sensitive receptors in the area.
- 7.2.2. I agree with the applicant and do not consider the site in general to be elevated. It has locally elevated areas within it which require some of cut and fill in order to create a platform to accommodate the single floor level dwelling. Site sections submitted with the further information response demonstrate the extent of this and it is evident that excavations in excess of 2m are required in various locations around the site but particularly in the area of the dwelling itself and at the vehicular entrance. The drawings indicate a retaining wall would be provided along the driveway reaching 2.64m in height close to the entrance.
- 7.2.3. I note the applicant's point referring to the general topography in the area and a requirement for most dwellings to provide steep driveways, however the overall design approach in this instance would lead to excessive manipulation of the scenic area in my opinion resulting in the creation of an artificial landscape in order to accommodate the proposed dwelling design and site layout. In my view, this detracts

from the scenic qualities of the area and a more sensitive design working with the contours of the site should be put forward.

- 7.2.4. With specific regard to site selection, I consider there may be opportunities for a more clustered approach to housing on the family landholding in general, sharing a driveway for example and therefore eliminating one aspect of landscape interventions which in this case include not just the cut and fill element but also altering exiting drainage routes as there are 2no. streams/drains which will require relocation to accommodate the works. I note in this regard the appeal refers to existing vehicular access to the site from a driveway serving the adjacent family home however the location and quality of this access is not described further and neither is the suitability of immediately adjacent land for construction purposes.
- 7.2.5. The Design Statement does not outline the background to site selection and why this site was put forward over alternatives which may result in a less intense scale of development and landscape intervention. In this regard I note the applicant's reference to a number of refusals for similar development on another site further east, as well as references to discussions with officials indicating that the proposed site is suitable however pre-application consultation with the Planning Authority does not appear to have occurred. Further, the Design Statement provides examples of '*some dwellings houses in the close vicinity of the subject site*' however both examples are 4-5km from the site with no visual connectivity. It is not clear what relevance these dwellings have to the actual subject site. The Design Statement also lists 5no. '*recent planning applications for new dwelling houses granted in the close vicinity of the subject site include but are not limited to the following ....*' however one refers to a domestic garage, one to a domestic extension, one to a change of dwelling design on a permitted scheme, one to demolish an entire dwelling and construct a new dwelling and therefore only one of the list is relevant in seeking to construct a new dwelling on a greenfield site.
- 7.2.6. I consider the principle of the dwelling design to be appropriate to the rural area and in a less sensitive landscape the proposed layout and design may be acceptable due to the attractive and simplified approach which suggests a contemporary interpretation of a traditional narrow plan dwelling. In the context however of the Class 3 special landscape with a high sensitivity to change, I consider the site is not suitable for the extent of development required to accommodate the suggested

design and layout due to its topography and the scale of artificial interventions. In a less sensitive landscape which has the capacity to absorb a higher degree of change such impacts and such a degree of alterations to the topography may be considered acceptable. In the context of the exposed subject site however which has both short and long-distance views from maritime scenic routes, I consider the proposed development would result in negative landscape and visual impacts, regardless of proposed landscaping and screening proposals.

- 7.2.7. I also note the point put forward regarding the presence of a quarry 600m east of the site which has already impacted on the landscape and negatively impacts the visual amenity of the scenic area. I do not however consider this to be a sufficient rationale to permit further inappropriately designed or sited development which would contribute to a more significant cumulative impact on both the landscape and the visual amenity of sensitive receptors.
- 7.2.8. Policy Objective PVSR 1 seeks to protect scenic routes *'from development that in the view of the Planning Authority would negatively impact on said protected views and scenic routes.'* Policy Objective LCM 1 seeks to *'preserve and enhance the character of the landscape.... including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.'* The proposed development would not preserve or enhance this area of natural beauty and interest and would disrupt the visual amenity of the area.
- 7.2.9. In this context I consider the proposed development would contravene the CDP and permission should be refused accordingly.
- 7.2.10. The Planning Authority refusal reason states that the development would materially contravene Policy Objectives LCM 1, LCM 2 and LCM 3 and Development Management Standard 8 of the CDP. I agree that LCM 1 has been materially contravened as the development would not preserve or enhance the character of the landscape. This is also the case for PVSR 1 as the development would negatively impact on the scenic routes. I do not consider it appropriate to grant permission by invoking section 37(2)(b) of the Planning and Development Act 2000, as amended, as the development is not of strategic or national importance, there are no relevant conflicting objectives, overarching Section 28 guidelines, Section 29 policy directives, statutory obligations or relevant government or ministerial policies which

would justify contravening the plan. Lastly, the pattern of development in the area in the time since making of the plan also does not contribute, in my view to justifying a grant of permission.

7.2.11. Policy Objective LCM 2 reads as follows: “*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.*” In my view the proposed development is not a significant development proposal and therefore this policy objective is not contravened, materially or otherwise.

7.2.12. Policy Objective LCM 3 reads as follows: “*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.*” The principle of residential use of the site was established via the applicant’s demonstration of a housing need in the rural area. As outlined above however the design and choice of location (siting) of the proposed development is considered detrimental to the character of the landscape and in this regard, I consider the proposed development would materially contravene this policy objective. For the same reasons set out regarding Policy Objective LCM 1, I do not recommend invoking section 37(2)(b).

7.2.13. DM Standard 8 refers to site selection and dwelling design and below are some of its requirements:

- *The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.*
- *The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.*
- *The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and*

*shall not visually dominates the landscape. (Cutting and filling of sites is not desirable).*

- *New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.*

7.2.14. The proposed development does not comply with these requirements and would materially contravene DM Standard 8 in my view. For the same reasons set out regarding Policy Objective LCM 1, I do not recommend invoking section 37(2)(b).

7.2.15. I therefore recommend that planning permission is refused due to negative impacts to the landscape, negative visual impacts, and material contravention of objectives LCM 1 and LCM3 as well as DM Standard 8 of the CDP.

### **7.3. Sightlines**

7.3.1. Refusal reason no. 2 refers to a traffic hazard endangering public safety on the grounds of additional traffic movements generated at a point where the proposed site entrance is deemed unsatisfactory owing to the restricted forward sight distance of vehicles entering the subject site and the poor horizontal alignment of the heavily trafficked local road. It goes on to state that the proposed vehicular access provision would therefore impede the free flow of traffic on the public carriageway.

7.3.2. The planning authority sought the preparation and submission of a speed survey on the road in question to identify the design speed of the road. The results of this survey indicated a design speed of 50km/h requiring sightlines of 70m in both directions as per Table 15.3 of DM Standard 28. The site layout plan indicates that sightlines of 115m are achievable to the east and 194m to the west when exiting the site. It also suggests that vehicles travelling west towards the site have visibility of the entrance for 109m while eastbound traffic has visibility for 187m.

7.3.3. The actual speed limit in place on the road is 60km/h which requires sightlines of 90m in both directions, which are also achieved in this instance. It is unclear from the Roads Department report and the Case Planner's report how the conclusion to refuse permission was reached and neither report appears to engage with the results of the speed survey as requested.

7.3.4. Having assessed the proposed site entrance, its layout and drainage proposals, I consider the arrangements are acceptable in terms of traffic safety and therefore do not agree with this reason for refusal and recommend it is omitted.

#### 7.4. **Annex 1 Habitat**

7.4.1. The southwest of the site is locally elevated terrain which comprises an annex 1 habitat referred to as northern Atlantic wet heath HH3 according to the Fossitt habitat guide titled 'A Guide to Habitats in Ireland'.

7.4.2. The applicant submitted a revised EclA with the appeal and states this habitat is typically described as "*a shallow peat or water-retentive, acidic, nutrient poor habitat dominated by dwarf shrubs such as Erica tetralix and Calluna vulgaris and is considered sensitive to trampling, nutrient enrichment and hydrological change;*" Figure 4 of the EclA illustrates the location of the habitat.

7.4.3. Section 5.1 describes the quality of the wet heath on the site as moderate conservation quality with potential for enhancement or restoration. It states:

*"... it is not robustly justifiable to treat the HH3 areas as fully qualifying Annex 1 habitat in their current state – but with appropriate mitigation, management and monitoring they may be enhanced, and the possibility of partial qualification should remain under consideration ..."*

7.4.4. The EclA recommends the erection of fencing including a dust barrier to form a minimum 5m buffer and recommended 10m buffer from that habitat in order to protect it from construction and operational impacts including encroachment, deposition of materials and deposition of dust. Figure 8 of the EclA illustrates the location of the habitat and the location of this mitigative fencing offset by 5m from the edge of the habitat. It recommends the fencing is retained in perpetuity to separate the habitat from the domestic site.

7.4.5. A revised 'landscape and boundary treatment' drawing was submitted with the appeal which matches the layout illustrated on the site layout drawing submitted with the further information response. A site layout drawing was not submitted with the appeal. Both drawings illustrate the same layout and both provide a blue dashed line along the south and southwest of the site referring to the protected habitat. The site layout drawing calls this line 'Existing Line Of Heather- No Development South of

this line' while the appeal stage landscape drawing calls it 'an area of exclusion'. In both cases, the tertiary aspect of the proposed wastewater treatment system, notably a 'Tero Module located on a stone pad 18.75 Sq M' is situated within the buffer zone recommended in figure 8 of the EclA and also possibly part of the southern extent of the proposed driveway. The latter element is however difficult to determine definitively in the absence of more accurate drawings rather than the illustrative figure 8 from the EclA.

7.4.6. On that point, I note such images are generally considered illustrative only and that specific proposals such as layouts should be extracted from the drawings. In this case however when there is such a clear difference in the location of the exclusion zone between the drawings and the figure, and given the risks involved of permanently damaging annex 1 habitat, I recommend that planning permission is refused due to an absence of clarity and unreliability as to the implementation or success of proposed mitigation measures.

7.4.7. I also note section 5.1 of the EclA outlines the presence of drainage channels on the site and states '*Water in the channels is slow-moving/stagnant and flows north into the bay. All drainage channels are to be piped and buried before the commencement of any other construction. The channels are natural or semi-natural.*'

7.4.8. The site layout plan suggests that the eastern drain will be removed/piped entirely while the portion of the western drain which is situated outside of the habitat buffer zone and intersects with the proposed driveway would also be relocated.

7.4.9. Section 6.2 of the EclA states:

*"Even where the wet heath sits at a slightly elevated position and surface water flows away from it toward the bay, groundwater connectivity, excavation dewatering and changes to local flow paths (e.g., new drains, reversible compaction) can still alter soil moisture regimes or allow contaminated waters to reach downgradient wetland or estuarine receptors."*

7.4.10. The impact assessment set out in the EclA does not specifically address altering these drains, however the following statement follows on from the above extract:

*“The sensitivity of the receptors is therefore measured against the magnitude of the proposed development plan. In this case the magnitude is small, and the likely effects are also small in the long-term scale.”*

7.4.11. I consider the EclA has insufficiently addressed alterations to the hydrological regime on the site and the impact this would have on the annex 1 habitat.

7.4.12. In conclusion, I agree with the Planning Authority’s reason for refusal as the information presented with the application is insufficient in my view to demonstrate that the habitat would be sufficiently protected during the construction and operational stages. In this regard the development would materially contravene Policy Objective NHB 4 which seeks to ‘*ensure, where appropriate, the protection and conservation of areas, sites, species and ecological/networks of biodiversity value outside designated sites.*’ I do not consider a grant of permission is justified by way of invoking section 37(2)(b) of the Planning and Development Act, 2000, as once again the development does not meet any of the applicable criteria to warrant granting permission in contravention of the CDP.

## **7.5. Wastewater Treatment**

7.5.1. The site characterisation form submitted with the planning application has a number of inaccuracies regarding the description of the site including statements that there are no bedrock outcrops, watercourse/streams, wetland areas ory surface water ponding on the site, all of which is incorrect.

7.5.2. A further analysis of the document however indicates that the area referred to may be a smaller portion of the site where the dwelling itself is proposed and may not include the entire extent of the site within the red line boundary.

7.5.3. In this regard I am satisfied that the proposal is acceptable from a wastewater treatment perspective, notwithstanding matters discussed earlier regarding the proximity of the tertiary treatment plant to the annex 1 habitat and exclusion zone.

## **8.0 Appropriate Assessment**

8.1.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on West Connaught SAC

and Kingston Bay SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

8.1.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted including the further information response and updated documents submitted with the appeal, I consider that adverse effects on site integrity of the West Connaught SAC and Kingston Bay SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.1.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for West Connaught SAC and Kingston Bay SAC.
- Effectiveness of mitigation measures proposed and adoption of CEMP/ schedule of commitments etc.
- Application of planning conditions to ensure mitigation is undertaken in the event of a grant of planning permission.

## **9.0 Water Framework Directive**

### **9.1. Introduction**

9.1.1. The site is situated in a rural area on a site which is locally elevated and slopes down to the north towards the coast. The coastal waterbody titled 'Western Atlantic Seaboard (HAs 32;33;34)' and locally referred to as Streamstown Bay is an inlet off the Atlantic Ocean and is situated 10m north of the site.

9.1.2. There are 2no. drains/streams on the site which carry water from elevated upland areas at the south of the site, through the site and discharge to the sea at the north.

9.1.3. The Letternoosh\_010 river, also referred to as the Derreen River is situated 200m east of the site. The underlying groundwater body is the Clifden Castlebar aquifer which is classified as poor and generally unproductive except for local zones. Vulnerability is categorised as 'X' or extreme due to the presence of bedrock close to the surface of the site.

- 9.1.4. Soils on the site and surrounding area is mainly poorly drained with a pocket of well drained characterised by grazing grass.
- 9.1.5. The site is situated in the Eriff Clew Bay WFD catchment and Bunnahowna\_SC\_010 sub-catchment. The proposed development seeks to construct a dwelling, onsite wastewater treatment system and new vehicular entrance.

## 9.2. Assessment

- 9.2.1. 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.

## 9.3. The reason for this conclusion is as follows:

- The nature and scale of the works.
- The location of the site in relation to nearby waterbodies and mitigation set out to protect them such as silt fences,
- The proposed new wastewater treatment system in compliance with the EPA CoP 2021.

## 9.4. Conclusion

- 9.4.1. I conclude 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 that planning permission is refused in accordance with the reasons set out below.

1. Annex 1 habitat referred to as Northern Atlantic Wet Heaths with *Erica tetralix* is present within the curtilage of the site. Policy Objective NHB 4 of the Galway County Development Plan 2022-2028 seeks to protect and conserve areas, sites, species and ecological/networks of biodiversity value outside designated sites. Having regard to irregularities between the Ecological Impact Assessment and the application drawings submitted regarding the location of the habitat and associated 5m buffer exclusion zone, it is not clear if proposed mitigation measures would be achievable and implementable due to the proximity of proposed development. Further, having regard to the absence of a detailed assessment of the impact to the annex 1 habitats following alteration of the hydrological regime on the site, it is not clear if sufficient mitigation measures have been identified to adequately protect the habitat and ensure compliance with Policy Objective NHB 4. The proposed development would therefore materially contravene Policy Objective NHB 4 of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. The site is situated on an exposed area, alongside a maritime scenic route, visible from another maritime scenic route across Streamstown Bay, and in a Class 3 special sensitivity landscape. Policy Objective LCM 1 of the Galway County Development Plan 2022-2028 seeks to preserve and enhance the character of the landscape including the preservation and enhancement of views and prospects and the amenities of places and features of natural beauty or interest. Policy Objective LCM 3 requires the consideration of landscape sensitivity ratings as well as the design and the choice of location of proposed development in the landscape. Development Management Standard 8 refers to site selection and design for rural housing and requires site specific sensitivity to the landscape and clearly states that cut and fill proposals are not desirable. The layout and design of the proposed development requires significant alterations to the landscape in terms of cut and fill which would materially alter the character of the landscape and negatively impact the visual amenity of sensitive receptors in the area including views from the scenic route. The proposed development would therefore materially contravene Policy Objectives LCM 1 and LCM 3 and

Development Management standard 8 of the Galway County Development Plan 2022 – 2028 and would therefore be contrary to the proper planning and sustainable development of the area.

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

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Sarah O'Mahony

18<sup>th</sup> February 2026

# Appendix 1- Environmental Impact Assessment Screening

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	PL-500129-25
<b>Proposed Development Summary</b>	Detached dwelling, on-site wastewater treatment and new vehicular entrance.
<b>Development Address</b>	Derreen, Clifden, 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>	State the Class here
<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>	
<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>	<b>Class 10 (b)(i) Construction of more than 500 dwelling units</b>  Threshold = 500 units. Proposed development = 1 no. 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>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

## Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p>The rural site is unserviced and its size is not exceptional in the context of the prevailing plot size in the area for rural dwellings in the area.</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>Part of the site comprises an annex 1 habitat and as set out in the assessment above, the proposed layout would likely impact on this in a negative manner.</p> <p>The site is also situated in a special sensitivity landscape and along a scenic route. The proposed layout and design is considered likely to negatively impact on the setting and character of the landscape and scenic route.</p> <p>These matters are addressed in the assessment above and while they are adverse, they are not significant and therefore do not trigger a requirement to carry out a full EIA.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters,</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p>

<p>magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p> <p>Having regard to the nature of the proposed development and works constituting development within a rural 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>
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<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p>EIA is not required.</p>

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

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

## Appendix 2

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a rural dwelling and onsite wastewater treatment system in view of the relevant conservation objectives of West Connaught Coast Special Area of Conservation and The Twelve Bens/Garraun Complex SAC based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by OMC
- National Parks and Wildlife Service website accessed 12<sup>th</sup> February 2026

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**

N/A

### European Sites

**NAME OF SAC/ SPA (SITE CODE):** West Connaught Coast Special Area of Conservation (002998)

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

- (i) Water quality degradation (construction and operation)

See Section 5.2 of NIS

Qualifying Interest features likely to	Conservation Objectives Attributes and Targets	Potential adverse effects	Mitigation measures (summary)

<b>be affected</b>			NIS section 6.0 and
Tursiops truncatus (Common Bottlenose Dolphin) [1349]	Maintain / restore favourable conservation condition  Attributes = Access to suitable habitat and disturbance.  Targets = No artificial barriers to restrict range and no human activity at a level to cause disturbance.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	Best practice pollution control measures including erection of a silt fence along the northern boundary of the site.
Phocoena phocoena (Harbour Porpoise) [1351]	Attributes = Access to suitable habitat and disturbance.  Targets = No artificial barriers to restrict range and no human activity at a level to cause disturbance.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	Application of industry standard controls, CEMP, Supervisor ECOW.

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

Examples:

**(i) Water quality degradation**

WFD status of the SAC remains high and not at risk. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the drainage ditches and the coastal waterbody. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds.

No operational phase impacts are anticipated.

**Mitigation measures and condition**

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), supervision by an Ecological Clerk of works, application of specific mitigation measures and monitoring effectiveness of measures.

Measures include:

- Installation of a silt barrier along the northern boundary of the site.
- Management of construction pollutants in terms of standard and best practice (CIRIA,

storage, fuelling, management of machinery, concrete management) and IFI guidance

- All measures to be implemented under supervision (Ecological Clerk of Works) via the CEMP.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

#### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. 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.

#### **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, 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. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

#### **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 West Connaught Coast SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**NAME OF SAC/ SPA (SITE CODE):** Kingston Bay Special Area of Conservation (002265)

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

(i) **Water quality degradation (construction and operation)**

**See Section 5.2 of NIS**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Attributes and Targets</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Large shallow inlets and bays [1160]	Maintain / restore favourable conservation condition  Attribute = Community distribution.  Target = Maintaining natural condition.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	Best practice pollution control measures including erection of a silt fence along the northern boundary of the site.  Application of industry standard controls, CEMP, Supervision by ECOW.

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

Examples:

**(i) Water quality degradation**

WFD status of the SAC remains high and not at risk. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the drainage ditches and the coastal waterbody. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds.

No operational phase impacts are anticipated.

**Mitigation measures and condition**

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), supervision by an Ecological Clerk of works, application of specific mitigation measures and monitoring effectiveness of measures.

Measures include:

- Installation of a silt barrier along the northern boundary of the site.
- Management of construction pollutants in terms of standard and best practice (CIRIA, storage, fuelling, management of machinery, concrete management) and IFI guidance

- All measures to be implemented under supervision (Ecological Clerk of Works) via the CEMP.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

#### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. 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.

#### **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, 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. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

#### **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 West Connaught SAC and Kingston Bay SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

#### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on West Connaught SAC and Kingston Bay SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted including the further information response and updated documents submitted with the appeal, I consider that adverse effects on site integrity of the West Connaught SAC and Kingston Bay SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- the proposed development will not affect the attainment of conservation objectives for West Connaught SAC and Kingston Bay SAC.
- Effectiveness of mitigation measures proposed [and adoption of CEMP/ schedule of commitments etc. as relevant].
- Application of planning conditions to ensure mitigation is undertaken.

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

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

## Appendix 3 Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	500129-GY	<b>Townland, address</b>	Derreen, Clifden, Co. Galway
<b>Description of project</b>		Detached dwelling, on-site wastewater treatment system and new vehicular entrance.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is situated in a rural area on a site which is locally elevated and slopes down to the north towards the coast. The coastal waterbody titled 'Western Atlantic Seaboard (HAs 32;33;34)' and locally referred to as Streamstown Bay is an inlet off the Atlantic Ocean and is situated 10m north of the site.</p> <p>There are 2no. drains/streams on the site which carry water from elevated upland areas at the south of the site, through the site and discharge to the sea at the north.</p> <p>The Letternoosh_010 river, also referred to as the Derreen River is situated 200m east of the site.</p> <p>The underlying groundwater body is the Clifden Castlebar aquifer which is classified as poor and generally unproductive except for local zones. Vulnerability is categorised as 'X' or extreme due to the presence of bedrock close to the surface of the site.</p>	

	Soils on the site and surrounding area is mainly poorly drained with a pocket of well drained characterised by grazing grass. The site is situated in the Eriff Clew Bay WFD catchment and Bunnahowna_SC_010 sub-catchment.
<b>Proposed surface water details</b>	Soakpits
<b>Proposed water supply source &amp; available capacity</b>	Proposed connection to existing well on adjacent lands. Letter of consent and proposed route and wayleave provided.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Secondary Treatment System and tertiary treatment packaged plant to polish the effluent before discharge to ground via a gravel dispersion pad with a PE of 5 is proposed.
<b>Others?</b>	No

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>

				risk, review, not at risk		
River Waterbody	200m	Letternoosh_010	Good	Under review	No pressures	No
Groundwater Waterbody	Underlyin g site	Clifden Castlebar IE_WE_G_0017	Good	Not at risk	No pressures	Yes - The domestic wastewater system is designed to discharge treated wastewater into the subsoil and from there into the groundwater, so the S-P-R linkage is strong.
Coastal Waterbody	10m	Western Atlantic Seaboard (HAs 32;33;34)	High	Not at risk	No pressures	Yes – the site is slopped with drains crossing it and

		IE_WE_250_000 0					discharging into the sea.
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)  Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Coastal	Western Atlantic Seaboard (HAs 32;33;34) IE_WE_250_0000	Existing drainage ditches	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice as well as silt fences	No	Screened out
2.	Ground	Clifden Castlebar IE_WE_G_0017	Pathway exists with good drainage	Siltation, pH (Concrete),	As above	No	Screened out

			characteristics in the area of the proposed infiltration	hydrocarbon spillages			
<b>OPERATIONAL PHASE</b>							
1.	Coastal	Western Atlantic Seaboard (HAs 32;33;34) IE_WE_250_0000	Existing drainage ditches	None	N/A	No	Screened out
2.	Ground	Clifden Castlebar IE_WE_G_0017	Pathway exists with good drainage characteristics in the area of the proposed infiltration	Treated effluent to discharge to groundwater	Design – DWWTS to current EPA Standards. Compliance with standard condition	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
1.	NA						

**STAGE 2: ASSESSMENT**

**Details of Mitigation Required to Comply with WFD Objectives – Template**

**Surface Water**

<b>Development/ Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc</b>	<b><u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water</b>	<b><u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status</b>	<b><u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status</b>	<b><u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances</b>	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>

	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	<b>Describe mitigation required to meet objective 4:</b>	
<b>Construction works</b>	Standard best practice construction methods including erection of silt fences	Standard best practice construction methods including erection of silt fences	NA	NA	YES
<b>Stormwater drainage</b>	Soakpits	Soakpits	NA	NA	YES

**Details of Mitigation Required to Comply with WFD Objectives – Template**

**Groundwater**

<b>Development/ Activity</b> e.g. abstraction, outfall, etc.	<b><u>Objective 1: Groundwater</u></b> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the	<b><u>Objective 2: Groundwater</u></b> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge,	<b><u>Objective 3: Groundwater</u></b> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no,</b>
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	<b>status of all bodies of groundwater</b>	<b>with the aim of achieving good status*</b>		<b>a development cannot proceed without a derogation under art. 4.7)</b>
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1: Operation of on-site domestic wastewater treatment system (DWWTS)	DWTTS to comply with EPA CoP, 2021.	N/A	N/A	Yes

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

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

