



An
Coimisiún
Pleanála

Inspector's Report

PL-500308-GY-25

Development	Construct dwelling house and all associated site works.
Location	Coolpark, Bermingham, Tuam. Co. Galway.
Planning Authority	Galway Co. Council.
Planning Authority Reg. Ref.	2560988.
Applicant	Keith Donnellan.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	James & Margaret Connell.
Observer(s)	None.
Date of Site Inspection	January 16 th , 2026.
Inspector	Breda Gannon.

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1.0 Site Location and Description

- 1.1** The site is located in the townland of Coolpark, Tuam. Co. Galway. It is located c 4.5km northeast of Tuam town centre and is accessed via the L6113 local road. The site, which is positioned on the south side of the local road, forms a gap site between two existing dwellings. The front boundary has been removed over the entire site frontage and the rear boundary is formed by a wire fence. The eastern side boundary is formed by a concrete block wall and the western boundary by a low stone wall, the gables of a shed and screen planting. Ground levels in the vicinity of the site fall generally from east to west and the site level is marginally above road level.
- 1.2** The area is rural in character and the primary land use is agriculture. Residential development in the area consists of isolated dwellings and with some ribbon development along the road network.

2.0 Proposed Development

- 2.1** It is proposed to construct a single storey dwelling on the site, which has a stated area of 0.135ha. The house would be set back from the adjoining public road and its building line would be stepped so that it is forward of the adjoining house to the southeast and recessed behind the adjoining dwelling to the northeast. The house which would have an L- shape configuration would have a ridge height of 5.6m and a floor area of 135m. It would accommodate a combined kitchen/dining and living area, a utility room, 3 no bedrooms (one en-suite) and a bathroom.
- 2.2** Foul effluent from the house would be discharged to an effluent treatment system and percolation area located to the rear of the site. Water supply would be provided from a Group Water Scheme and proof of permission for a connection has been provided. The application is supported by a letter of consent to the making of the application from applicant's father.

3.0 Further Information

- 3.1** The planning authority sought further information on the application on the 9th of September 2025 on the following matters:

- compliance with Policy Objective RH2 of the development plan (Rural Housing Need in an Area under Strong Urban Pressure)
- compliance with the distance requirements set out in Table 6.2 of the EPA's Code of Practice 2021.
- revised site layout plan requested showing existing treatment systems and percolation area on adjoining property and indicating all minimum separation distances as per Table 6.2 of the EPA Code of Practice 2021.

3.2 The response of 14th October 2025 included which included land registry details of the subject site, confirmation from a solicitor that two planning applications referenced in a third party submission do not apply to the applicant, and the revised layout plan which indicated compliance with Table 6.2 of the EPA Code of Practice, was to the satisfaction of the planning authority.

4.0 Planning Authority Decision

4.1 Decision

The planning authority decided to grant permission for the development subject to 12 no. conditions, which includes the following conditions of note.

Condition No 2: Occupancy clause.

Condition No 3: Any new front boundary shall be of local, unplastered natural stone or native hedgerow species and shall not exceed 1 meter in height.

Condition No 9: Any in-situ stonewalls, hedgerow and/or trees bounding the site shall be retained, except for the provision of the site entrance/sight distance triangles. Rear and perimeter site boundaries, save for the provision of sightlines shall be landscaped using only indigenous deciduous trees and hedging species.

Condition No 10: The attic space shall be utilised for storage purposes only.

4.1.2. Planning Authority Reports

The Planning Officer's report of 6/11/25 notes the location of the site in a rural area within the GCTPS area with a 'Low' landscape sensitivity (Class 1). Policy

Objective RH2 - Rural Housing Zone 2 (Rural Area under Strong Urban Pressure) is therefore applicable.

Following the receipt of further information, planning authority was satisfied that the proposal accords within the restrictions imposed by the principles of proper planning and sustainable development of the area.

It was noted that the revised site layout shows that the minimum separation distances between the proposed wastewater treatment system and the dwelling and the site boundaries are achievable. It also indicates that the distances to the wastewater infrastructure of neighbouring properties complies with the separation distances set out in Table 6.2 of the EPA CoP.

The report further notes that visibility splays of 70m are indicated in both directions along the local road and the planning authority is satisfied that they are unhindered. The proposal is therefore considered to be in compliance with DM Standard 28.

The site is not located within an identified fluvial, pluvial, coastal or groundwater flood risk area. The site is not located within a European site and is located c 2.1 km from Lough Corrib SAC.

4.1.3 Other Technical Reports

None.

4.3. Prescribed Bodies

None.

4.4. Third Party Observations

A submission was received from James & Margaret Connell which raised similar issues to those raised in the appeal.

5.0 Planning History

5.1 The following summarises the planning history relating to the site as detailed in the planning officer's report.

95/2295: Outline permission granted for a serviced dwelling house.

99/1632: Permission granted to build a house, septic tank and percolation area
Other applications on the site were withdrawn (06/5496, 06/4167, 03/5622).

6.0 Policy Context

6.1 Development Plan

The operative development plan is the **Galway County Development Plan 2022-2028**. The site is located in an unzoned rural area outside towns and settlements.

Chapter 4: Rural Living and Development contains the rural housing policies for the county.

Policy Objective RC 2.

To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives contained in Section 4.6.3

Section 4.6.3 of the Plan identifies different rural area types and sets out specific policy objectives for rural housing in the open countryside.

The site is located in Rural Housing Zone 2: (Rural Area Under Strong Urban Pressure -GCTPS-Outside Rural Metropolitan Area Zone 1).

Policy Objective RH2 applies and it seeks to facilitate rural housing in this rural area under strong urban pressure subject to a number of criteria which includes:

1(a) Those applicants with long standing demonstrable economic and/or social Rural Links or Need to live in the area through existing and immediate family ties seeking to develop their first home on the existing farm holding,

OR

1(b) Those applicants with no family lands or access to family lands, but who wish to build their first home within the community in which they have long standing demonstrable economic or social Rural Links or Need and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of long

standing residents of the area. Having established a Substantiated Rural Housing Need such persons making an application on a site within 8km radius of their original family home will be accommodated, subject to normal development management.

To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area,

OR

1(c) Those applicants who can satisfy the planning authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family residence in the countryside,

OR

1(d) Those applicants who lived for substantial periods of their lives in the rural area and moved away and now wish to return to build their first house as their permanent residence in this rural area.

OR

1(e) Those applicants that can supply legal witness or land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links will not have to be demonstrated.

OR

1(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitats Directive and normal planning considerations,

OR

1(g) Rural families who have long standing ties with the area but find themselves subsumed into Rural Villages. They have no possibility of finding a site within the

particular Rural Village. Rural Villages dwellers who satisfy the requirements for Rural Housing Need as outlined in RH2 will not be considered as Urban Generated and will have their Housing Need upheld.

2. An Enurement condition shall apply for a period of 7 years, after the date the house is first occupied by the person or persons to whom the enurement clause applies.

Rural Links is defined as a person who has strong demonstrable economic or social links to the rural area and wished to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life. To have lived in in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Substantiated Rural Housing Need is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a strong demonstrable economic or social need for a dwelling for their own permanent occupation. In addition, the applicants will also have to demonstrate their rural links as outlined above.

Chapter 15: Development Management Standards contains standards for rural housing, including the following:

DM Standard 9: Site sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems.

6.2. National Planning Framework First Revision (First Revision April 2025)

National Policy Objective 28

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuting catchment of cities, larger towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of rural housing in the countryside based on the core consideration of demonstrable

economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

6.3. Natural Heritage Designations

The site is not located within or adjacent to any European site. The closest European site is Lough Corrib SAC (Site code: 000297). Watercourses to the north and west of the site drain into the Clare River, which is part of the SAC.

There are no Natural Heritage Areas in the vicinity of the site.

7.0 EIA Screening

The development is of a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended, but below threshold. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 & 2 of this report). Having regard to the location and characteristic of the proposed development and the types and characteristic 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 environment impact screening and an EIAR is not required.

8.0 The Appeal

8.1 Grounds of Appeal

The following is a summary of the grounds of appeal

- The appellants are the owners of the adjoining property to the northwest of the subject site.

- The area of the site (0.135ha) is deficient for a rural house and for compliance with EPA standards for wastewater treatment. If permitted, it would set an undesirable precedent.
- The applicant has not shown other adjoining septic tanks in the locality and the cumulative impacts of the disposal of effluent to ground water cannot be evaluated. This is of environmental concern, as the site itself is below the minimum specified (0.2 ha) for a rural site required by the EPA.
- The applicant has not sought permission for the retention of the unauthorised fill that remains on the site.
- The proposed house is shown at a level of 53.41mOD which would be 0.7m higher than appellants property. This would result in overlooking and the proposed floor level should be reduced.
- It is stated in the application that the applicant proposes to built a wall inside the existing stone boundary wall to strengthen the existing wall. No details are provided on its construction, location, or height and how damage to the stone wall would be mitigated.
- There are no details of screen planting, walls, fences.
- The appellants are not familiar with the applicant or his long-standing intrinsic links with the area. It appears that the applicant may be originally from outside the GCTPS area and may not satisfy the housing need criteria to live in the area. Other applications were made by an applicant with the same name (20/1908 & 21/402). The veracity of the housing need claim is required in the interest of fairness.

8.2. Applicant Response

- The site is one of four in a row. It is the smallest site and the house has been designed accordingly. It is designed on the basis that there is 10m² of site for every 1m² of house as per DM Standard 9 of the county development plan.
- The existing fill material is certified stone from a local quarry and will be reused in the driveway of the proposed house.

- The house has been located as close as possible to the south-eastern boundary wall. The floor level has been split between the three houses so that there is 0.7m difference between the proposed house and those to the east and west. This difference in level is best suited to the existing contours and creates an even step between the houses.
- The boundary wall of the site to the northwest will not be disturbed or interfered with in any way.
- The applicants housing need as well as his links with the area have been established to the satisfaction of the planning authority.
- There is confirmation from applicant's solicitor that the planning applications referred to in the appeal have nothing to do with the applicant.
- Separation distances to the existing septic tanks/treatment systems have been shown on the layout plan submitted in support of further information. These separation distances comply with the distances required by the EPA.
- The house has been designed to suit the site and to minimise intrusion on the house to the northwest. To lower the floor of the proposed house will not benefit any of the houses.

8.3. Planning Authority Response

None.

8.4. Observations.

None.

9.0 Assessment

9.1. Introduction

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

- Rural housing need.
- Effluent treatment.
- Impacts on residential and visual amenity.

9.2 Rural housing need

The planning authority identifies the site located in Rural Housing Zone 2. These are the areas of the county that are under strong urban pressure and are subject to the provisions of Policy Objective RH2. It seeks to facilitate rural housing subject to a number of criteria as set out in Section 6.0 of this report.

The applicant currently resides in the family home at Knock, Barnaderg, Tuam, located c 6.54km from the appeal site. It is not part of a farm holding. There is confirmation on the file that the applicant was born in the area, attended the local Bearnderg national school and has been an active member of the local GAA club. The applicant is currently in full time employment in Claregalway, located c 20km from the family home and c 25km from the appeal site. The proposed house is intended for applicant's own private permanent use.

While the appellants' question applicants links with the area, I accept that his rural links have been established as defined by Policy Objective RH2, being a person who has lived a substantial and continuous part of his life in the area (in excess of 7 years) and who wishes to build a dwelling within an 8km radius of the family home.

The appellants also question the veracity of applicant's housing need and contend that he be originally from outside the GCTPS area. The requirement for substantiated housing need in rural areas under urban pressure is explicitly stated in the NPO 28 of the National Planning Framework. With some exceptions, this is substantially repeated in the criteria set out under Policy Objective RH2. I note that the planning authority provides no indication of the particular criteria it considered in its assessment. However, the focus of the further information request points towards the provisions of Policy Objective RH2 1(e).

Policy Objective RH 2 1(e) states that the eligibility of an applicant to build their first home as their permanent residence will be considered where it can be demonstrated that the lands the subject of the application has been in family

ownership for 20 years or more. Where this has been established to the satisfaction of the planning authority, additional intrinsic links will not have to be demonstrated.

The applicant submitted title documents and folio indicating that the applicant's father is the registered owner of the land since October 11th, 2000. The applicant has also confirmed that the house is intended as his first permanent home and accepted that an enurement clause would be attached to any grant of permission. A solicitor's letter confirms that he was not involved in two permissions made by a person of the same name in a different location in 2000/2001.

While I accept that a strong or social need for a dwelling in the area has not been substantiated, this is not expressly required under criteria 1(e). I note that the bone fides of the applicant has been accepted by the planning authority. I would, therefore, accept that the applicant complies with the provisions of Policy Objective RH 2 1(e) and that the proposal to build a house in this location is acceptable in principle subject to normal planning and environmental considerations.

9.3 Effluent treatment

It is contended in the appeal that the area of the site is too small to accommodate an effluent treatment system and is below the minimum specified in the EPA Code of Practice. Foul effluent for the house would be discharged to an effluent treatment system located to the rear of the proposed house. A Site Suitability Assessment has been submitted with the planning application. It indicates that the site is underlain by a Regionally Important (Rk) aquifer with a 'Moderate' vulnerability rating. The ground water protection response is R1 e.g. acceptable subject to normal good practice. The water supply would be from a group water scheme. No wells are recorded in the area and there are no watercourses or drainage ditches close to the site.

The trial hole was excavated to a depth of 1.2m where bedrock but no ground water was encountered. The rock type is identified as Limestone but no karst features were recorded on the site. No significant preferential flow paths were recorded. The percolation tests indicated a surface value of 12.17 and a sub-surface value of 24.33. The target at risk is groundwater.

It is proposed to install a Secondary Treatment System (Aswa Klaro) on the site. It would provide primary and secondary treatment with treated effluent pumped to a raised soil polishing filter (75m²) prior to discharge to ground. A depth of 1.2 m of unsaturated soil/subsoil will be achieved to bedrock level. This is in excess of the minimum required under the EPA CoP when the ground water protection response is R1. The system is designed for a PE of 5. Section drawings (Drawing No 4) indicate how the proposed system would be accommodated on the site.

At further information stage, the applicant was requested to show the effluent treatment systems serving existing adjoining dwellings. The response states that the house to the southeast is currently vacant and no effluent treatment system has been installed. The appellants house lies to the northwest and it was not possible for the applicant to confirm the location of the septic tank and percolation area on the site.

A revised site layout plan was submitted to clarify that the proposed system could be accommodated on the site and satisfy distance requirements. The location of the septic tank/percolation area on the property to the northwest has been indicated as per the original planning drawings. To the southeast, the owner of the site has indicated that he proposes to install an effluent treatment system and as shown on the revised layout plan, it be accommodated on the site and comply with distance requirements.

The Site Suitability Assessment has been carried out broadly in accordance with the EPA's 'Code of Practice: Domestic Waste Water Treatment Systems' (2021). The proposed effluent treatment system is designed in accordance with the Code of Practice and satisfies the distance requirements set out in Table 6.2. On the basis that the suitability of the site for the proposed treatment system has been established and the minimum separation to boundaries, roads, dwellings and associated treatment systems can be complied with, I consider that foul effluent from the house can be effectively treated and discharged to ground without posing a threat to ground water quality.

DM Standard 9 of the development plan specifies that a minimum site size of 2000m² is generally required for an onsite waste water treatment system. However, there is provision for special consideration for reduced site size for

proposed development where Rural Housing Need and compliance with EPA guidelines is demonstrated. DM Standard 9 facilitates reduced site size where the house footprint is decreased by 1m² of house area for each 10m below 2000m². The proposed development with a floor area of 135m² on a site of 0.135ha is in compliance with this requirement.

9.4 Impacts on residential and visual amenity.

The appeal site forms a gap site between two existing dwellings and issues have been raised in the appeal regarding the finished floor level of the proposed house. Ground levels in the vicinity of the site fall from east to west resulting in differences in the finished floor levels of adjacent dwellings. The floor level of the proposed house would be stepped down so that it sits mid-way between floor level of adjoining houses. It would be 0.7m lower than the house to the southeast and 0.7m higher than appellants property to the northwest. When viewed from the public road, it will not be out of conformity with the existing properties on either side.

The house to the southeast has no windows in the side elevation facing the appeal site and the windows in the proposed dwelling will serve ensuite bathrooms, located 2.6m from the common site boundary. Provided these windows are fitted and permanently maintained with opaque glass, which can be addressed by condition, no overlooking impacts would arise with the potential to impact on its privacy. Having regard to the height and scale of the proposed house, which is broadly similar to its neighbour, no significant overshadowing would arise which would result in a diminution of the amenities of adjacent property.

On the opposite side, the appellants house has two windows and a door facing the appeal site and patio doors serving the kitchen/living/dining area would be provided in the proposed house facing appellants' property. At present a low stone wall forms part of the common boundary separating the properties which permits a degree of overlooking between the two sites. The applicant proposes to build a block wall inside the stone boundary wall and the appellants have expressed concern that no details are provided on its location, height or construction and how damage to the stone wall would be mitigated.

While matters relating to damage to property are civil matters and beyond the scope of this appeal, I consider that the erection of a concrete block wall alongside the existing stone wall would impact negatively on the visual amenities of the area and the outlook from appellants property. I consider that the provision of a natural stone wall or fence, not exceeding 1m in height and back planted with native hedgerow planting would mitigate potential overlooking related impacts and be more acceptable in terms of the protection of the visual and residential amenities of the area.

I note that the planning authority raised no issues regarding the siting, design and visual impact of the proposed development. Having regard to the pattern of development in the area, I consider the scale and design of the house is acceptable.

Note: In response to the appellants issues regarding unauthorised fill on the site, this is a matter entirely for the planning authority and An Coimisiún has no role in this regard. I do note that it is the intention of the applicant that this will be used in the construction of the proposed driveway.

10.0 AA Screening

10.1. Appropriate Assessment

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal to construct a house, effluent treatment system and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in the townland of Coolpark, c. 4.5km northeast of Tuam. Co Galway.

The proposed development comprises the construction of a house and effluent treatment system on the site.

No nature conservation issues were raised in the appeal.

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.

The reason for this conclusion is as follows.

- the scale and nature of the development,
- the distance from the nearest European sites, and
- lack of connections

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.

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

11.0 Water Frame Directive

10.1. The proposal is to construct a house, effluent treatment system and all associated works on the site at Coolpark, Birmingham, Tuam Co. Galway.

No water deterioration concerns were raised in the appeal. There are no water bodies close to the site.

I have assessed the 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 and ground waterbodies in order to reach good status (meaning both good chemical and 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 water and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- the small scale and nature of the development,
- compliance with the EPA Code of Practice,
- The separation distance from the nearest Water Bodies and lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration of 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.

12.0 Recommendation

On the basis of the above assessment, I recommend that permission be granted for the development for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to the location of the site within Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure) as defined in the Galway County Development Plan 2022-2028, to the provisions of Policy Objective RH2 1(e) of the plan, which facilitates applicants wishing to build their first home as their permanent residence on lands that have been in family ownership for a period of 20 years or more, and the established rural links of the applicant with the area, and the nature and layout

of development on the site, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not be prejudicial to public health and would therefore be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>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 submitted on the 14th day of October 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed development, when completed, shall first be occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under Section 47 of the Planning and Development Act, 2000, as amended, to this effect.</p> <p>(b) within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p>

	<p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicants stated housing need and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>(a) All external finishes shall be have a nap paster and /or local natural stone to details to be submitted and agreed in writing with the planning authority prior to commencement of development.</p> <p>(b) The roof covering shall consist of blue/black slates or tiles.</p> <p>(c) White uPVC shall not be used for windows, external doors and rainwater goods.</p> <p>(d) Stonework to any external wall shall be constructed of natural stone which shall be sourced locally.</p> <p>(e)The finished floor level shall be as shown on the submitted drawings.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended and any statutory provisions replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations, shall be erected on the site, without a prior grant of planning permission.</p> <p>Reason: In order to ensure that a reasonable amount of rear garden space is retained for the occupants of the dwelling.</p>
5.	<p>The vehicular entrance shall be located as shown on the site layout plan submitted to the planning authority and constructed to details to be submitted to and agreed in writing with the planning authority prior to commencement of development. Any new front boundary shall be of local</p>

	<p>natural stone or native hedgerow species and shall not exceed 1 meter in height.</p> <p>Reason: In the interests of traffic safety and visual amenity.</p>
6.	<p>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 and shall be collected and diverted to discharge to existing watercourses or to drains or soakpits.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The attic space shall be used for storage purposes only.</p> <p>Reason: In the interests of residential amenity.</p>
8.	<p>All windows serving ensuite bathroom shall be fitted and permanently maintained with opaque glass.</p> <p>Reason: In the interest of privacy.</p>
9.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on, and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single House (p.e<10) Environmental Protection Agency 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been installed properly shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and</p>

	<p>agreed in writing with the planning authority within four weeks of installation.</p> <p>(d) Surface water soakaways shall be located such that drainage from the dwelling and paved areas shall be diverted away from the location of the polishing filter. A land drain shall be constructed along the northern boundary of the site discharging to the drain along the western site boundary to prevent the ingress of surface water into the polishing filter.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interests of public health.</p>
10.	<p>All public service cables for the development, including electrical and telecommunications cables shall be located underground throughout the site.</p> <p>Reason: In the interests of visual amenity.</p>
11.	<p>All external lighting shall be adequately cowled so as not to cause overspill onto public road or adjacent property.</p> <p>Reason: To control light pollution in the rural environment.</p>
12.	<p>Details of the boundary with the adjoining dwelling to the northwest, which shall consist of a natural stone wall or fence not exceeding 1m in height which shall be back planted with indigenous hedging species shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next</p>

	<p>planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of the residential and visual amenity of the area.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Breda Gannon
Planning Inspector

February 11th, 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500308-GY-25
Proposed Development Summary	Construction of a house, effluent treatment system and all associated site works.
Development Address	Coolpark, Bermingham. Tuam. Co Galway.
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
<p>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</p> <hr/> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p>
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	<p>State the Class here</p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	

<p>3. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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?</p>	
<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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>A single dwelling on a site of 0.135ha is proposed.</p> <p>The relevant Class and threshold is as follows:</p> <p>Class 10(b) of Part 2, Schedule 5(i) Construction of more than 500 dwelling units (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use)</p>
<p>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)?</p>	
<input type="checkbox"/> Yes	
<input checked="" type="checkbox"/> No	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500308-GY-25
Proposed Development Summary	Construction of a house, effluent treatment system and all associated site works.
Development Address	Coolpark, Bermingham, Tuam. Co Galway.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</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>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The development has a modest footprint and comes forward as a standalone project. It does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</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>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The development is situated in a rural area and forms a gap site between two existing dwellings. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</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 modest nature of the proposed development, its location removed from sensitive habitats/features, 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>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)