



An
Coimisiún
Pleanála

Inspector's Report PL-500342-GY-25

Development	Retention for a partially constructed dog kennel building, foundation slab for proposed horse stables, walled in yard space. Permission is also sought to complete construction works to dog kennel and horse stable buildings.
Location	Kilarriv, Kiltullagh, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2526
Applicant(s)	Dominic Egan
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Dominic Egan
Observer(s)	Valerie McGovern
Date of Site Inspection	20 th August 2026

Inspector

Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site, extending to a stated area of 0.609Ha. is located in the townland of Kilarriv Co. Galway and is situated approximately 1.5km east of the village of Kiltullagh. The site is accessed from a narrow local road, which ends in a cul-de-sac to the north of the site. The road, which is insufficiently wide to allow vehicles to pass, serves a limited number of houses and farm holdings. The M6 motorway and Galway plaza service station are located to the south, at a distance of approximately 1.0km.
- 1.2. The surrounding area is agricultural in nature, mainly pasture. A dwelling house is positioned adjacent the site's northern boundary, and there is a further two-storey dwelling to the northwest, on the opposite side of the road. A small cluster of farm buildings are located to the south.
- 1.3. A site location map indicates the wider landholding within the ownership/control of the applicant.
- 1.4. The appeal site has a stated frontage of 31.8m adjacent the local road, widening towards its eastern end to 55.7m. A gravelled access road, set within a wide splayed entrance and bounded by post and wire fencing, provides access to the development. Structures on site are set back from the public road by a distance of c.125m. The access road opens into a yard, excavated below the level of the adjoining field and provided with a gravel finish.
- 1.5. A partially completed single storey structure and a steel container lie to the east of the yard, in addition to a concrete slab and a gravelled enclosure surrounded by a block boundary wall. A further unfinished block structure lies within the enclosed yard behind the storage container. This structure is not indicated on the plans lodged and its use is unclear.
- 1.6. A narrow, concrete access from the yard, opens into a field to the east of the enclosure and an open drainage channel was observed adjacent the outside face of the enclosure's wall at this location.
- 1.7. Low voltage power lines run to the north-west of the structures.

2.0 Proposed Development

- 2.1. The proposal concerns the retention of the partially constructed dog kennel and the retention of the foundation slab which will facilitate the proposed stable block.
- 2.2. The stable block has an overall stated length of 24.25m and principal height of 4.3m, to be finished in corrugated agri-sheeting to its external faces. Internally, the structure will contain a feed store, a tack room and 4 no. horse boxes. The overall floor area extends to 121.25sq.m.
- 2.3. The partially completed dog kennel has an overall length of 9.52m, a width of 6.1m with a principal height of 3.5m. Internally the structure will provide for an open run with feed room/store and a wash/grooming area. The layout indicates 6 no. kennel cages, with the floor area extending to 58sq.m. Externally the structure is partially clad in corrugated agri-sheeting, with the eastern elevation awaiting completion.
- 2.4. Planning permission is also sought to retain the gravel yard and 1.5m high block wall to the south of the dog kennel.
- 2.5. The intended use of the block work structure within the enclosed yard is unclear and no details are provided as the future status of the steel container.
- 2.6. In response to the planning authority's request for further information, the applicant replied as follows on the 2nd of October 2025:
 - The scheme will facilitate the keeping of greyhounds and ponies as a hobby of the applicant. (3-5 greyhounds and 4 no. ponies housed at any one time)
 - The applicant is a member of the Connemara Pony Club and requires the stables to house ponies over the winter months.
 - The development is not a commercial venture with no access to the public.
 - Waste will be stored in a concrete manure pit with a storage capacity for 21m³. Manure will be disposed of by land spreading and emptying of the holding tank (outside of November 1st to January 15th)
 - There is a longstanding water connection serving the lands.
 - A solicitor's letter confirms Dominic Egan as the owner of lands in Folio GY12042F, with the ability to maintain roadside boundaries either side of the entrance.

- Drawing 25/01 Rev A is provided to demonstrate surface water drainage and 70m sight lines in both directions from the entrance.

3.0 Planning Authority Decision

Galway County Council by Order dated 29th October 2025 refused permission for the development for the reasons set out below:

1. Having regard to the information submitted, the Planning Authority are not satisfied that the development to be retained and completed would be in accordance with DM Standard 13 of the Galway County Development Plan 2022-2028, and are therefore not satisfied that the development is acceptable in principle. It is therefore considered that if permitted the development would set an undesirable precedent for similar development to the detriment of the rural environment and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the Galway County Development Plan 2022-2028 and information submitted with the application, it is considered that the development would constitute a traffic hazard due to the restricted sight lines and outstanding concerns regarding the safe access/egress from the site due to the curvature of the road. Furthermore, the significant vegetation removal to facilitate the development would be to the detriment of the biodiversity of the receiving environment and overall landscaping of the site. The development would therefore endanger public safety by reason of traffic hazard, obstruction of road users, and would be contrary to DM standard 28, and would also have a negative impact on biodiversity contrary to Policy Objective NHB5 and DM standard 11 of the Galway County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

3. Having regard to the lack of sufficient details submitted on the capacity and feasibility of the development to be serviced by the public mains and the proposed location of the Manure Pit in close proximity to the watercourse/natural drain to the east of the site, the Planning Authority cannot conclude that significant negative impacts on habitats within Natura 2000 sites can be ruled out. Accordingly, to grant the development would be prejudicial to public health, would be contrary to Objective WW6 and DM Standard 38 of the Galway County Development Plan 2022 2028, would

pose an unacceptable risk to receiving waters, and be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. Planning Reports

The initial planning report, dated 9th April 2025, concluded with a recommendation to seek Further Information as follows:

- Applicant was required to demonstrate the requirement for the facility, and compliance with Policy Objective CD1 Rural Enterprise and DM Standards 17 of the Galway County Development Plan 2022-2028.
- Demonstrate appropriate disposal of effluent. In the absence of such information, it cannot be concluded that significant impacts do not arise in relation to Natura 2000 sites.
- Provide details of water supply arrangements.
- Demonstrate appropriate sightlines, with consent from third parties as necessary to maintain roadside vegetation and splays to the south.
- Revised site layout plan indicating surface water infrastructure, landscaping arrangements and sightlines.

A subsequent report, dated 28th October 2025 indicated that:

- The development did not comprise a commercial venture.
- No details were provided of existing housing arrangements/farm holdings accommodating the animals.
- Scheme deemed non-compliant with DM Standard 13 requiring where possible, new buildings be located within/adjoining existing farmyards.
- Applicant does not reside within the curtilage of the site and there is a lack of clarity in relation to the management of the facility.
- Manure pit and soiled water tank to be located in proximity to a drain with potential for hydrological connection to protected areas.

- No AA screening provided, and the planning authority could not exclude significant impacts on habitats.
- No details provided in relation to the capacity or feasibility of water supply arrangements.
- Significant vegetative removal to facilitate sightlines, particularly to the southeast. Detrimental to biodiversity and contrary to Policy Objective NHB5.
- Outstanding concerns in relation to vehicular access/egress due to curvature of the road.
- Lack of information regarding traffic movements to/from the site. Development found to constitute a traffic hazard and to be contrary to DM Standard 28.
- Non-compliance with DM Standard 11- Landscaping.
- The report culminates in a recommendation to refuse permission.

3.1.2. Other Technical Reports

The planning report indicates that the file was referred to the Environment Section and to Loughrea Portumna Council Area Office. I am not aware of reports on file from these Divisions.

Planning Enforcement

The planning report refers to an Enforcement Notice under EN24/190.

3.2. Prescribed Bodies

None on file.

3.3. Third Party Observations

Third Party submissions were received by the planning authority. The matters of concern raised are summarised below:

- Loss of residential amenity.
- Suitability of local road to accommodate additional traffic.
- Land ownership/consent for works to provide sightlines.
- Noise and odour pollution/lack of noise mitigation measures.
- Road traffic safety.
- Management of effluent and risk of river pollution.
- Risk of endangerment/public safety.
- Change in character of the area.
- Facility management and animal welfare.
- Devaluation of property.
- Loss of trees/shelter.
- Material change of use.
- Lack of engagement with the planning system or local residents.

4.0 Planning History

The planning authority's online planning register indicates no planning history associated with the appeal site. The following planning decisions refer to lands in the immediate environs of the appeal site.

P.A. Reg. Ref. 24/275

Permission GRANTED for change of house plans permitted under P.A Reg. Ref. 23/61255.

P.A. Reg. Ref. 20/1844

Permission GRANTED to demolish a single storey extension and to construct two-storey and single-storey extensions.

P.A. Reg. Ref. 18/1546

Permission GRANTED for a dwelling house with on-site wastewater treatment system, domestic garage and all ancillary site works.

5.0 Policy Context

5.1 Development Plan

The Galway County Development Plan is the operative Development Plan for this area and came into effect on the 20th of June 2022.

Volume 1 Written Statement:

Chapter 4 Rural Living and Development

Policy Objectives Agriculture Development

AD4 Agriculture Waste

To ensure agricultural waste is managed and disposed of in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the Protection of Waters Regulations (2014) and relevant best practice guidelines.

Policy Objective Commercial Developments in Rural Area

CD 1 Rural Enterprises

Consider and support the establishment of small scale rural orientated enterprises in unserviced rural areas outside of town or village settings which can be accommodated in existing farm buildings or can be established on a brownfield site, subject to satisfying the following criteria:

- (a) Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services);*
- (b) Scale of development (assimilate appropriately into a rural setting);*
- (c) Nature of development (raw materials sourced locally);*
- (d) Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity);*
- (e) The enterprise must not constitute a road safety hazard or have a major adverse impact on the road network, road capacity and traffic levels;*
- (f) Residential amenity (enterprise must not have a significant adverse impact on residential amenity).*

Map 4.1 Rural Area Types

The appeal site is located within the Galway County Transport and Planning Study (GCTPS) Area. As per Map 4.2 and associated objectives, this refers to Rural Housing Zone 2- Rural Area under Strong Urban Pressure.

Chapter 7 Infrastructure, Utilities and Environmental Protection

WW 6 Private Wastewater Treatment Plants

Ensure that private wastewater treatment plants, where permitted, are operated in compliance with Environmental Protection Agency (EPA) Code of Practice for Domestic Waste Water Treatment System 2021 (Population Equivalent ≤ 10).

Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure

Policy Objective NHB5 Ecological Connectivity and Corridors

Support the protection and enhancement of biodiversity and ecological connectivity in non-designated sites, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geomorphological systems, other landscape features and associated wildlife areas where these form part of the ecological network and/or may be considered as ecological corridors in the context of Article 10 of the Habitats Directive.

Chapter 15 Development Management Standards

DMS Standard 11 Landscaping

Landscaping proposals should be submitted with all planning applications for development and shall include a schedule of indigenous native plant species and implementation timeline'

DM Standard 13 Agricultural Buildings

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

a) Design and Layout

The quality of design and layout of the farm complex. Where possible new buildings shall be located within or adjoining the existing farmyard complex. Buildings shall be of minimum scale and use of muted coloured materials shall be encouraged.

b) Residential Amenity

The proximity of any existing dwelling house.

c) Public Road Access

The safe access to public roads.

d) Rural Landscape

The assimilation of the buildings into the rural landscape by means of appropriate siting, external colouring, screening and shelter belting.

DM Standard 14: Agricultural Effluent

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes. All soiled liquid waste shall be collected before being further treated or spread on land in suitable weather conditions. The following will be a requirement of planning permission:

- Design calculations;*
- Design calculations supporting the selection of a particular volume of storage and details of the spread area.*

DM Standard 17 Rural Enterprise

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

a) Existing Buildings

The conversion of existing farm buildings in rural areas for small scale employment purposes will be considered.

b) Agriculturally Related Industry

New buildings will be considered in rural areas for the provision of agricultural related locally sustainable industry.

c) Farm-Related Business

Business directly related to farming, such as the servicing and repair of farm machinery, land reclamation, drainage work, agricultural contracting etc., where it will not give rise to adverse environmental effects, have safe access and not be prejudicial to residential amenity. The following information shall accompany any application:

- The type of business proposed;*
- The nature and extent of the work;*

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

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

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.

Local Roads

On narrow Local Roads with poor horizontal and vertical alignment and where the 80 km/h speed limit applies, the design speed applied for access visibility requirements

should be the speed (km/h) that one can drive the road in a safe manner. This can be assessed as the 85th percentile speed drivers travel on the road. The visibility will then be assessed on the 85th percentile speed for that road. In general, where the capacity, width, surface condition or alignment of the road is deemed inadequate, development will not be favoured.

DM Standard 38 – Effluent Treatment Plants

The suitability of a site for the treatment of wastewater shall be determined, in accordance with the criteria set down in the EPA Wastewater Treatment Manuals (1999, 2009) or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals.

- For single houses the EPA Wastewater Treatment Manuals-Treatment Systems for Single Houses 2009 (including any updated or superseding document) shall apply;
- For larger developments (where appropriate) the EPA Wastewater Treatment Manuals-Treatment Systems for Small Communities, Business, Leisure Centres and Hotels shall apply.

5.4 Natural Heritage Designations

The site is not located within or bounding a designated site. The following in the vicinity are noted:

Designated Site	Site Code	Distance to site
Rahasane Turlough SPA	004089	c.10.4km
Lough Rea SPA	004134	c. 8.7km
Lough Rea SAC	000305	c.8.7km
Lough Corrib SAC	000297	c.9.0km
Rahasane Turlough SAC	000322	c. 10.3km
Monivea Bog SAC	002352	c.9.5km
Monivea Bog pNHA	000311	c.9.5km
Rahasane Turlough pNHA	000322	c.10.3km
Loughrea pNHA	000304	c.8.7km

Raford River Bog NHA	000321	c.5.2km
Lough Tee Bog NHA	000307	c. 9km

6.0 EIA Screening

The proposed development is not 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of the report.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A First Party appeal against the decision of Galway County Council, made on the 29th of October 2025 to refuse permission, is made by Mr. Dominic Egan. The matters raised may be summarised as follows:

- The first party owns approximately 7.85 acres and wishes to consolidate his pony and dog hobby at this single location. The applicant will visit twice daily to walk and feed dogs and horses.
- Member of the Connemara Pony Club. Stables are required to house ponies during adverse winter weather. Currently, 3 no. ponies are on rented lands at various locations with no housing during adverse weather. The proposal allows for consolidation on one site, with improved supervision and animal welfare.
- The enterprise is not a commercial venture and is not income generating.
- No public access provided.
- Scheme is of a domestic scale, set back from the road/residential property and will not impact residential amenities.
- Purpose-built kennel would house between 3no. and 5no. greyhounds at a time.

- Kennels have insulated walls and double-glazed windows/doors. Dogs will be kept in a familiar group with little or no barking resulting.
- Closest dwelling is 105m from the kennel block.
- Policy Objective CD1 Rural Enterprise and DM Standard 17 do not apply.
- Development does not constitute a rural enterprise and should not be classified as such. Scheme would be no more intensive than a small rural farmstead.
- Waste will be stored in a concrete manure pit with a capacity of 21m³ with 18 no. weeks storage. Manure will be land spread during appropriate periods and will accord with relevant standards set out in Good Agricultural Practices Regulations to protect against water pollution.
- The planning authority did not consider the site was at risk of flooding.
- A long-standing water connection will serve the kennels and stables. Exact tapping location on site has not been located, but likely to be from the existing 50mm public main fronting the site.
- Water usage levels would not exceed a holding catering for 8-10no. cattle
- Traffic levels will not exceed levels for a small farm holding.
- Applicant has purchased a portion of land contained in Folio GY120427F and can maintain sightlines in both directions from the entrance.
- 70m sightlines are provided.
- Carriage way is a winding cul-de-sac, lightly trafficked with slow speeds.
- Mature trees on the boundary comprise Ash in poor condition due to Ash Dieback disease. Existing hedgerows are low quality with little biodiversity. Additional native hedge planting could be incorporated and a condition to this effect included if permission is awarded.

- Extract provided from Department of Agriculture Food and the Marine, Minimum Specification for Manure Pits and Dungsteads S108 June 2017.

7.2. Planning Authority Response

None on file

7.3. Observations

An observation is made by Valerie McGovern. The matters raised may be summarised as follows:

- Anomalies in the information provided to the local authority.
- Gravel driveway was constructed without permission. Site was previously greenfield in nature.
- Sightlines are not to scale and are below the 70m shown on the lodged plans.
- Shortfall in sightlines, variations in ground levels, lack of information on traffic containment and removal of trees give rise to road traffic concerns.
- No survey of road use was conducted to confirm traffic speed and levels of use.
- Ash dieback is not supported by an arborist's report.
- Separation between the closest dwelling and the kennels is less than indicated.
- Safety and security concerns should animals escape.
- Site is at a distance from Connemara Pony Breeders Society.
- Specifications of materials used are not provided to substantiate acoustic containment claims.
- Concerns in relation to the management/control of nuisance which may arise given the owner resides at a distance from the site.
- Lack of information provided regarding ventilation.
- Scale of the development would suggest it is more than a hobby.
- Manure pit is not site specific, does not account for runoff from the yard, effluent storage capacity, or measures to protect against impacts on water courses.
- Lack of clarity in relation to water supply connection.
- The Commission is requested to uphold the decision of the planning authority to refuse permission.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of Development

- Impact on Amenities
- Water Supply and Waste Disposal
- Traffic Safety and Sight Visibility

8.2. Principle of Development

- 8.2.1. The applicant confirms that he owns 7.85 acres at this location. The plot which is the subject of this appeal, does not contain an extant farmyard or buildings, other than the structures under consideration. In addition, I note from the third-party observation that the gravel driveway was also constructed by the first party and was not pre-existing.
- 8.2.2. Notwithstanding the response to the request for further information lodged with the planning authority, the rationale for the development is somewhat unclear. While I acknowledge that the keeping of ponies and greyhounds is a hobby of the applicant, no details are provided as to where these animals are currently cared for, other than that 3 no. Connemara ponies are kept on rented lands with no facilities for housing. The scale of the development would suggest that the kennels would accommodate a minimum of 6 no. dogs (given 6 cages are shown) and the stable block contains 4 no. horse boxes.
- 8.2.3. I agree with the appellant that the provisions of CD1 Rural Enterprises and DM Standard 17 do not appear to relate to this development, given that the facility is for stated private use, is not a commercial venture and given no public access is intended. The applicant indicates that as he does not reside on site, twice daily trips will be required to manage the facility and ensure animal welfare. I note in this regard concerns raised by third parties to the application and again in the appeal observation, that such management arrangements have the potential to give rise to impacts on amenities, such as noise and control of animals in the event of escape.
- 8.2.4. The planning authority raises concerns that the development fails to comply with DM Standard 13 relating to Agricultural Buildings. The standard requires that regard is taken of design and layout, residential amenity, public road access and rural landscape when assessing such applications. Notably, the Development Standard

requires where possible, new buildings to be located within or adjoining an existing farmyard complex. This is clearly not available to the applicant under the subject proposal, and while the Development Standard does not appear to presume wholly against the provision of new structures outside of existing farmyards, there is obvious merit in ensuring this occurs.

- 8.2.5. While I will examine the remaining provisions of DM Standard 13 under later sections of this report, it is my opinion that given the nature of the development concerned, the absence of a residential use within the holding, and the construction of a new complex of buildings to accommodate a hobby/pursuit of the applicant who does not reside on site; that the concerns expressed by the planning authority under Reason No. 1 are justified. In this regard, I would agree that the ability of the proposal to fulfil the requirements of DM Standard 13 of the Galway County Development Plan 2022-2028 are not demonstrated, and there are fundamental concerns in relation to the principle of development proposed.

8.3. Impact on Amenities

- 8.3.1. I note concerns raised in the submissions to the application, and also within the third-party observation to this appeal, that the development gives rise to the potential for noise emanating from the site, together with the risk of dogs escaping from the enclosure. From inspecting the site, I observed that the yard within which the buildings sit is not fenced. Similarly, the wider site boundaries while comprising hedging and trees may not be sufficiently stock-proofed at all locations.
- 8.3.2. The dog kennel is set back approximately 105m from the closest residential property to the west. I note the comments of the first party stating that the kennel is purpose-built with insulated walls and double-glazed windows/doors. The insulating properties of the structure are not however provided, and a survey of potential noise levels has not been undertaken. It is further stated that between 3-5no. greyhounds will be kept in a familiar group on site, with little or no barking resulting. While an internal dog run is shown adjacent the dog cages, it is unclear if the dogs will have access to outdoor areas (other than as part of twice daily welfare checks).

8.3.3. Given the separation between the site and the closest residential unit, I am of the view that dogs housed within the structure would be unlikely to give rise to excessive levels of noise to impact neighbouring residential properties. It is likely that dogs barking while outside to exercise during the day would be audible. It is unclear if unrestricted outdoor access is to be provided for the dogs, noting that this could give rise to noise impacts. Similarly, there is insufficient information available on file to confirm that the dogs are entirely prevented from escaping the site.

8.3.4. I refer the Commission to DM Standard 13 Agricultural Buildings which requires the planning authority to have regard to residential amenity in assessing such applications, particularly proximity to existing dwellings. Given the nature and scale of the intended use, there is no doubt that a high degree of daily management is required to ensure the welfare of the animals housed on site. Given the absence of a residential component associated with the use intended, I am concerned that matters arising (such as could occur outside of the twice daily visits) could give rise to impacts on residential properties in proximity to the site.

8.4. Water Supply and Waste Disposal

8.4.1. The first party indicates that a long-standing water connection to the lands will serve the kennels and stables, however the exact tapping location on site has not been indicated. It is stated the connection is likely to be from the 50mm public main in the adjoining road. No further details are provided in relation to the water supply arrangements, including confirmation from Uisce Éireann as to a connection agreement/feasibility. I note also the third-party observation which states that the connection referred to is likely to come from a neighbouring property.

8.4.2. For comparative purposes, the applicant states that water usage levels are predicted not to exceed a holding catering for 8-10 no. cattle. Given that the welfare of the animals on site will require a dedicated water supply, I am concerned that there is a lack of certainty regarding water supply arrangements to serve the site, or that such supply as currently available, will continue in perpetuity.

- 8.4.3. The first party intends to dispose of waste arising from the stable block in a manure pit to accord with the Department of Agriculture Food and Marine Specification S108 June 2017. The pit is stated to have a capacity of 21 cubic metres with storage for 18no. weeks. Manure will be disposed of by spreading on lands within the first party's control, outside of the November 1st – January 15th window.
- 8.4.4. The scope of the application relates to the works within the red line boundary and in this regard, the Commission should note that the carrying out of land spreading does not form part of the application description and that this process is regulated by SI No. 588/2025– European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended (GAP Regulations). These Regulations are for the purposes of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected *inter alia* through the provision to buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Only lands where the limitations can be met can be used for the purposes of land spreading. An Coimisiún Pleanála is not the competent authority for the control of land spreading, and the applicant is legally obliged to adhere to the GAP Regulations 2025 when undertaking land spreading.
- 8.4.5. Ground water data suggests that the subject plot is located within an area of moderate ground water vulnerability.
- 8.4.6. Drawing 25/01 Revision A, lodged as Further Information on the 2nd of October 2026, indicates a 3.6m by 3.0m manure pit with associated soiled water tank to the south of the walled yard area. A shallow surface drain is shown located adjacent the eastern boundary of the site. The surface treatment to the area surrounding the manure pit and soiled water tank is not specified, and I note from site inspection that this area is relatively narrow in width, currently in grass and not highly accessible. It is unclear how soiled, surface water run-off from this area, and from the gravelled walled yard will be collected.

- 8.4.7. I am also unclear as to how waste from the dog kennels will be collected and disposed of; including both animal waste and waste from washing out of kennels. The response to the further information request does not categorically indicate the manner of disposal under consideration, noting the potential for 6 no. dogs to be housed on site. Dog waste contains pathogens, and it is unclear if the intent is to dispose of this waste with the waste arising from the stable block.
- 8.4.8. Overall, I am of the opinion that insufficient information is provided to demonstrate that the location of the manure pit is appropriate to adequately address waste arising from the stable block, particularly the collection and disposal of soiled water runoff and the proximity of the pit to the drainage channel. I am also not satisfied that sufficient information is provided to demonstrate how waste arising from the dog kennel will be collected and disposed of.
- 8.4.9. I note Reason no. 3 of the planning authority's decision to refuse permission which references Objective WW6 and DM Standard 38 of the Development Plan. Both relate to compliance with EPA Wastewater Treatment Manuals in terms of private wastewater treatment plants. I do not agree in this instance that the application of Objective WW6 or DM Standard 38 are appropriate given the nature of the development concerned or the suitability in any event, of using such wastewater treatment and disposal arrangements to address the nature of the waste arising in this instance.

8.5. Traffic Safety and Sight Visibility

- 8.5.1. The local road which serves the subject site is narrow, being one vehicle in width, with limited opportunities for two vehicles to safely pass. The carriageway ends in a cul-de-sac to the north and along its length serves a limited number of residential and agricultural properties.
- 8.5.2. While no details are provided in relation to the nature or number of vehicles/traffic movements arising, these are likely to include a horse box, dog trailer, trailer to bring hay bedding and feed stuffs, and potentially a slurry spreader at certain times of the

year. As set out in the appeal, traffic movements to and from the site would also include a minimum of two trips daily for animal welfare purposes.

- 8.5.3. A deep splayed entrance, finished in gravel and approximately 19.0m wide, has been created to the roadside boundary, with boundary planting cleared and a post and wire fence erected. The entrance slopes down from the public road in a northern direction. Sporadic tree growth remains between the splayed edge and the entrance to the neighbouring site to the north.
- 8.5.4. I note the solicitors letter lodged in response to the further information request which states the applicant *'has agreed to purchase the lands delineated in red on the map attached hereto being all of the lands set out and registered on Folio GY120427F'* and also that the *'applicant is now the full and beneficial owner of same'*. [own emphasis] The applicant confirms that he is in a position to maintain the roadside boundaries both sides of the entrance for the purposes of maintaining sightlines.
- 8.5.5. It should be noted that the red line boundary as shown on Drawing No. 25/01 dated 2nd October 2025, and lodged as part of the response to further information, does not extend to the lands south of the site entrance, although these lands are outlined in blue. The annotated text states that *'existing roadside boundary to be cleared of all vegetation and sightline obstructions. All existing briars and low hedges to be removed and replaced with agricultural timber post and barbed wire fence to improve visibility. The existing tall stem trees to have low lying branches removed to facilitate sightlines'*.
- 8.5.6. Given the width of the site (shown in red) together with the land stated to have been acquired to the south (outlined in blue), the total extent of roadside frontage to be cleared extends to an approximate linear distance of c.60m.
- 8.5.7. The first party indicates that mature trees on the boundary comprise Ash and are in poor condition due to Ash dieback disease. Existing hedgerows are of low quality, with little biodiversity. It is stated that additional native hedge planting could be incorporated into the scheme, and a condition to this effect included should the Commission consider granting permission. No details are provided in relation to the extent of

replacement planting, the location of same or the specimens to be included. Furthermore, an arborist report or landscaping proposals are not provided.

- 8.5.8. The planning authority states under Reason No. 2 of the Decision, that the development would give rise to a traffic hazard owing to restricted sightlines and given concerns in relation to access and egress arising from the curvature of the road. The development was found to be contrary to DM Standard 28 which establishes sight distances.
- 8.5.9. Table 15.3 of the Development Plan sets out the sight distances required for access onto national, regional and local roads, noting that a design speed of 50 requires sightlines of 70m whereas a design speed of 30 requires 35m. The Development Plan states that on narrow Local Roads with poor horizontal and vertical alignment and where the 80 km/h speed limit applies, the design speed applied for access visibility requirements should be the speed (km/h) that one can drive the road in a safe manner. This can be assessed as the 85th percentile speed drivers travel on the road. The visibility will then be assessed on the 85th percentile speed for that road. The Development Plan also states that in general, where the capacity, width, surface condition or alignment of the road is deemed inadequate, development will not be favoured.
- 8.5.10. The first party has not sought to establish the design speed applicable to the local road. I am satisfied however, given the physical width of this cul-de-sac carriageway, together with its alignment, that it comprises a low-speed environment for vehicles. I further note the limited number of current accesses points off the road and the nature of the development proposed which would not generate exceptionally high levels of traffic movement. While I have concerns in relation to the extent of the access splay, the extent of hedgerow removal and lack of detail provided in relation to suitable replacement boundary treatment, I do not hold that the access would give rise to a traffic hazard.
- 8.5.11. As set out under Reason No. 2 of the Decision, the loss of planting and biodiversity, was found to be contrary to DM Standard 11 requiring landscaping proposals and a schedule of indigenous native plant species. In addition, Policy Objective NHB5 relates

to Ecological Connectivity and Corridors where the Development Plan seeks to protect and enhance biodiversity and ecological connectivity in non-designated sites, including woodlands, trees, hedgerows.

- 8.5.12. I agree with the planning authority that the works undertaken to clear the roadside boundary, both to date and as proposed under the further information response, would, in the absence of definitive proposals for replacement planting/landscaping, and finishes to the splayed area, give rise to concerns in relation to loss of visual amenity and biodiversity.

9.0 AA Screening

- 9.1. See completed Screening Determination in Appendix 2. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.
- 9.2. The site is not immediate to a European site.
- 9.3. The development lies approximately 8.7km from Lough Rea SPA (Site Code 004134) and from Lough Rea SAC (Site Code 000304) and is approximately 9.0km from Lough Corrib SAC (Site Code 000297).
- 9.4. The proposal concerns a small-scale dog kennel and horse stables block with associated works.
- 9.5. 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 appreciable effect on a European Site. The reason for this conclusion is as follows:
- Nature of the works i.e. small scale nature of the development.
 - Separation distance between the appeal site and European site and distance and between surface water drain and European sites.

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 thereafter

Appropriate Assessment (under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. The subject appeal site is located at Kilarriv, Kiltullagh Co. Galway and relates to the retention of a partially constructed dog kennel, foundation slab for a proposed horse stable, and walled yard space. Permission is also sought to complete construction works to the dog kennel and stable buildings. The appeal site is separated by a distance of approximately 600m from the River Raford_030 which flows to the north and west of the site. The Ground Water Body is the IE_WE_G_0100 GWDTE Rahasane Turlough and comprises poorly productive bedrock. The site is located within the Galway Bay South East Water Framework Directive Catchment ID 29.
- 10.2. The development provides for a manure pit with associated soiled water tank. An existing shallow surface drain is shown located to the eastern site boundary in proximity to the manure pit and soiled water tank. It is proposed to land spread waste.
- 10.3. Surface water is to discharge to a soakaway which is shown located in proximity to the shallow surface drain.
- 10.4. No direct or indirect discharge to a watercourse is proposed, including surface water run-off, groundwater run-off or drainage.
- 10.5. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and 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 not satisfied that it can be eliminated from further assessment because of the deficiencies in the manner in which waste is to be disposed of.

11.0 Recommendation

I recommend that permission is refused.

12.0 Reasons and Considerations

1.The development, providing for the retention and completion of a dog kennel and horse stables with walled yard space would, constitute an *ad hoc* and uncoordinated form of development in this rural area, given that the facility is removed from the place of residence of the owner/operator. Having regard to the scale and nature of the use concerned, its proximity to residential property and the absence of on-site management to oversee the welfare of the animals being accommodated, it is considered that the proposal gives rise to risk of noise intrusion and disturbance outside of the site. The development would therefore be contrary to the provisions of DM Standard 13 of the Galway County Development Plan 2022-2028 and would seriously injure the amenities of property in the vicinity of the site. The proposal is considered to be contrary to proper planning and sustainable development.

2. On the basis of the information provided, the Commission is not satisfied that appropriate measures relating to the collection and disposal of animal waste arising from the facility have been satisfactorily demonstrated. The Commission is also not satisfied based on the information provided, that water supply arrangements to cater for the intended development can be provided and maintained. In the absence of such satisfactory arrangements being provided, the development would be prejudicial to public health and contrary to proper planning and sustainable development.

3.The development, requiring an extensive splayed area and removal of a substantial section of roadside boundary to facilitate sight visibility, together with the absence of proposals for suitable replacement planting and boundary definition would result in a substandard development and would be contrary to Policy Objective NHB 5 of the Galway County Development Plan 2022-2028 wherein the Plan seeks to support the protection and enhancement of biodiversity and ecological connectivity in non-

designated sites, including features such as woodlands, trees, hedgerows where these form part of the ecological network.

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

Patricia Byrne

Planning Inspector

21st August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500342-GY-25
Proposed Development Summary	Retention of partially constructed dog kennel building, foundation slab for proposed horse stables, walled yard space, hardcore access and circulation areas. Permission sought to complete construction works to dog kennel and horse stable buildings.
Development Address	Kilarriv, Kiltullagh Co. Galway.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☒ 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.	The proposed development is not 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ 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)	

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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Standard AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500342-GY-25	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention of a partially constructed dog kennel and foundation slab for a proposed horse stables and walled yard. Permission is also sought to complete construction works in relation to the dog kennel and stable buildings.
Brief description of development site characteristics and potential impact mechanisms	The development site, located within a rural area, does not contain an existing farmyard/buildings. The proposal concerns the retention of a partially constructed dog kennel (floor area 58sq.m.) and retention of a foundation slab to support a proposed stable block of floor area of 121.25sqm. Permission is also sought to retain a gravel yard, with 1.5m high block wall locate to the south of to the stable block. The appeal site is separated by a distance of c. 600m from the River Rafor d_30 which flows to the north and west of the site and is approximately 8.7km from Lough Rea SPA 004134 and approximately c. 9km from Lough Corrib SAC 000297. A shallow drainage channel is located to the site's southeast corner.
Screening report	No
Natura Impact Statement	No

Relevant submissions	The Planning Authority undertook AA Screening concluding that the site is located outside of all European sites. Concerns were raised in relation to the location of the treatment plant in proximity to an existing surface water drain and the sites potentially hydrological connections to Natura 2000 sites. The AA Screening did not conclude that significant impacts on habitats within Natura 2000 sites could be ruled out.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Lough Rea SPA Site Code 004134	Coot (<i>Fulica atra</i>) [A125] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999]	c.8.7km	Surface drain to eastern site boundary	Y
Lough Rea SAC Site Code 000304	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]	c.8.7km	Surface water drain to site boundary	Y
Lough Corrib SAC Site Code 000297	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]	c.9km	Surface drain to eastern site boundary	Y

	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden			
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soils (Molinion caeruleae) [6410]			
Active raised bogs [7110]			
Degraded raised bogs still capable of natural regeneration [7120]			
Depressions on peat substrates of the Rhynchosporion [7150]			
Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]			
Petrifying springs with tufa formation (Cratoneurion) [7220]			
Alkaline fens [7230]			
Limestone pavements [8240]			
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]			
Bog woodland [91D0]			

	Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White- clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Salmon) [1106] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833] Hamatocaulis vernicosus (Slender Green Feather- moss) [6216]			
AA Screening matrix				

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lough Rea SPA Site Code 004134	Direct: None Indirect Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	The nature and limited scale and extent of the proposed works, the absence of a direct hydrological/ecological link to the European site and the dilution effect of any run-off make it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect species within the SPA for the QI's listed.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2 Lough Rea SAC Site Code 000297	Direct None Indirect Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	The nature and limited scale and extent of the proposed works, the absence of a direct hydrological/ecological link to the European site and the dilution effect of any run-off make it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect species within the SPA for the QI's listed.

	Likelihood of significant effects from proposed development (alone) No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.	
	Impacts	Effects
Site 3: Lough Corrib SAC Site Code 000297	Direct: None Indirect Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.	The nature and limited scale and extent of the proposed works, the absence of a direct hydrological/ecological link to the European site and the dilution effect of any run-off make it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect species within the SPA for the QI's listed.
	Likelihood of significant effects from proposed development (alone) No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.	
Proposal is not acceptable on public health grounds, however given the absence of a pathway to the Lough Rea SPA Site Code 004134, Lough Rea SAC Site Code 000297 or Lough Corrib SAC Site Code 000297 no significant effects are likely.		
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
The proposed development comprises a dog kennel and stable block, together with associated works.		

No nature conservation concerns were raised in the planning appeal. While there is a shallow surface water drain to the east of the enclosed yard, this potential hydrological link does not connect to the Lough Rea SPA, Lough Corrib SAC or Lough Rea SAC and as such, does not give rise to a likely significant effect on the European site, either alone or in combination

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:

- Nature of the works i.e. small scale nature of the development.
- Separation distance between the appeal site and European site and distance and between surface water drain and European sites.

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.

No further assessment is required for the project.

No mitigation measures are required to come to these conclusions

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lough Rea SPA (Site Code 004134) or on Lough Corrib SAC (Site Code 000297) or any other European site, in view of the conservation objectives of those sites and AA (and submission of a NIS) is therefore not required.

This determination is based on:

- Nature of the works i.e. small scale nature of the development.
- Separation distance between the appeal site and European site and distance and between surface water drain and European sites.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.