



<b>Development</b>	Retention permission for 2 no. prefabricated dwellings, wastewater treatment plant, percolation area, access roadway and all associated works
<b>Location</b>	Cahernahoon, Co. Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2561379
<b>Applicant(s)</b>	Moncul Ltd.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse Retention
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Moncul Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> March 2026
<b>Inspector</b>	Patricia Byrne

## **1.0 Site Location and Description**

- 1.1.** The appeal site is located within the rural area of Cahernahoon, Co. Galway, approximately 5km by road north-west of Turloughmore and approximately 7km north-east of Claregalway.
- 1.2.** The site, which is accessed from a local road off the L-6184, comprises a narrow unsurfaced access road leading to a rectangular plot of land, set back a stated 157.45m from the public road. The plot contains 2no single storey prefabricated dwellings. A newly establishing hedgerow is provided to the eastern and northern boundaries.
- 1.3.** A large shed and associated yard is located to the south of the structures but does not form part of the appeal site.
- 1.4.** The River Clare flows to the east at a distance of approximately c. 230m, and the surrounding lands are generally in pasture, divided by low hedging, stone walls or fencing.
- 1.5.** Small clusters of residential units and farm buildings occur linearly along the local road network.
- 1.6.** The stated area of the site is 0.338Ha.

## **2.0 Proposed Development**

- 2.1.** Permission is sought for the retention of 2 no. prefabricated dwellings, a wastewater treatment plant, percolation area, access roadway and associated works.
- 2.2.** The two units align in a north-south axis to the western site boundary. The structures are single storey, each comprised of composite panel, goosewing grey in colour and extending to 3060mm in height with a 40mm composite panel roof. The northern-most structure is set off the western boundary by 6.3m and is 4.65m from the northern boundary. The southern structure is positioned 6.85m from the western boundary. A separation of c. 4.0m is provided between the two units.
- 2.3.** Both units extend to 43sq.m. with 2 no. bedrooms measuring 2.9m x 2.65m. and 2.10m x 2.9m. The floor plans also indicate a bathroom 2.91m x 1.6m and a living/dining and kitchen area which is open plan.

- 2.4. A single communal wastewater treatment system is positioned to rear (east) of the structures, at a distance of 10.15m from the southern unit. The associated percolation area is shown located 7.0m from the northern structure.
- 2.5. Both properties are stated to be served by an existing private well. The location of this feature is not indicated. The completed Site Characterisation Form indicates that water supply is via public mains.
- 2.6. No additional lands are shown within the ownership / control of the applicant.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. By Order dated 17<sup>th</sup> November 2025, Galway County Council refused retention permission for the subject development for 7 no. reasons set out below:

1. *The subject site is located in within the GCTPS where Policy Objective RH2 of the 2022-2028 Galway County Development Plan sets out qualifying criteria for those with a genuine rural generated housing need seeking to construct a dwelling house within the Rural Housing Zone 4. Based on the absence of any details to substantiate the applicant's rural linkage to this area in accordance with the requirements of Policy Objective RH2, it is considered that the applicant has not satisfactorily demonstrated that they meet the housing need criteria set out in the Galway County Development Plan. Therefore, the proposed development is considered contrary to the rural housing provisions of the said county development plan. Accordingly, to grant the proposed development would contravene materially Policy Objective RH 2 and DM Standard 7 and 46 contained in the Galway County Development Plan 2022-2028, would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.*
2. *The proposed vehicular access to the subject site is located off the L6186 and based on the information submitted with the planning application the planning authority*

*cannot be satisfied that the requisite sight lines are obtainable and furthermore consider the internal roadway configuration to constitute a haphazard arrangement. Hence the Planning Authority is not satisfied that the proposed development would not be contrary to DM Standard 28 of the County Development Plan 2022-2028 and to permit the proposal in light of the aforementioned would interfere with the safety of traffic and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and therefore would be contrary to the proper planning and sustainable development of the area.*

- 3. Having regard to the proposed development which consists of 2 no. dwellings utilising a singular communal on-site wastewater treatment system (developer provided), the Planning Authority is not satisfied on the basis of the information submitted whereby a shared provision is proposed that the wastewater infrastructure will adequately service the proposed development in perpetuity, and that the effluent disposal proposal therefore represents an unsustainable approach to servicing the proposed development. The Planning Authority hence consider the development to be prejudicial to public health and contrary to DM Standard 38 of the Galway County Development Plan 2022-2028 relating to Effluent Treatment Plants. The proposed development would therefore be contrary to the proper planning and sustainable development on the area.*
  
- 4. The proposed development owing to the unsatisfactory design, siting and layout is considered to represent an overall development that is out of character with the built form in the vicinity of the subject site and constitutes an unnecessary scar on this sensitive landscape and if permitted would adversely impact on the general amenity of this rural setting and future occupiers of the proposed development, would seriously injure the visual amenity of the area and thus in light of the aforementioned would be contrary to Policy Objective RH9 pertaining to the Galway County Rural Design Guidelines for the Single Rural House given the sensitive site context in a Landscape Designation, be at variance with DM Standard 8 & 46 of the Galway County Development Plan 2022 – 2028 with respect to Site Selection and Design and be contrary to the proper planning and sustainable development of the area.*

5. *In the light of the site being overlain by a fluvial flood risk vulnerability and in the absence of a hydrological impact assessment accompanying the application content, the Planning Authority consider that the development if permitted as proposed, would not materially contravene Policy Objective FL 2, Policy Objective FL 3 and Policy Objective FL 8 of the Galway County Development Plan 2022-2028 and would be contrary to Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended) and would set an undesirable precedent for similar future developments and would therefore be contrary to the proper planning and sustainable development in the area.*
  
6. *In the absence of satisfactory details submitted on file relating to the yield result and chemical analysis for the well supply to serve the proposed development and easement provision to same, it is considered that the development if permitted as proposed would pose a serious risk to the public health of persons occupying this dwelling house, would be contrary to Development Management Standard 37 of the Galway County Development Plan, 2022-2028 and therefore, would be contrary to the proper planning and sustainable development of the area.*
  
7. *The site of the proposed development is located within the close proximity of the Lough Corrib SAC. In the absence of an AA Screening Report accompanying the application content incorporating for a fulsome evaluation of the potential impacts of the development and the lacunae associated with the project from a flood risk perspective, the Planning Authority cannot consider that likely significant effects on the said Natura 2000 designations can be ruled out. Therefore, if permitted as proposed, the planning authority cannot be satisfied that the proposal will not adversely affect the integrity of European sites in light of their conservation objectives. Therefore, if permitted as proposed, the development has the potential to adversely affect the qualifying interests and conservation objectives of the protected European site and would materially contravene Policy Objective NHB1- Natural Heritage and Biodiversity of Designated Sites, Habitats and Species and NHB 2 - European Sites and Appropriate Assessment and DM standard 50 DM Standard: Environmental*

*Assessments of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

3.2.2. The planning report refers to the location of the properties in an unserviced rural area, northwest of Turloughmore Co. Galway. The site is stated to lie within an identified fluvial flood risk area as per GIS data and no hydrological impact assessment was conducted in support of the proposal. The proposal was found to be contrary to Policy Objectives FL 2, FL3 and FL 8 of the Galway County Development Plan 2022-2028 in this regard.

3.2.3. The report refers to the location of the site within Landscape Sensitivity Category 1, and within the Galway County Transport and Planning Study Area (GCTPS). An applicant for rural housing must demonstrate long standing economic or social rural links or needs as per Policy Objective RH2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure- GCTPS- Outside Rural Metropolitan Area Zone 1) in order for eligibility to erect a dwelling house in the open countryside at this location. The applicant was found not to have demonstrated compliance with this requirement.

3.2.4. Furthermore, the report considered that the design of the dwellings did not comply with the Galway Rural Design Guidelines and the scheme was deficient in terms of amenity space arrangements for occupants. The vehicular entrance arrangements were also found to be unsatisfactory, giving rise to traffic concerns and the potential for conflict with regard to vehicular movements. A letter of consent to deliver suitable sight visibility arrangements accompanying the application was also found to be deficient.

3.2.5. With regard to servicing, the planning report did not support proposals to provide a communal wastewater treatment system. No yield results or scientific analysis was conducted with respect to the private well, contrary to Development Plan requirements.

3.2.6. The report also found that given the proximity of the proposal to Lough Corrib SAC and the absence of Appropriate Assessment Screening, the planning authority could not conclude that adverse impacts on Natura 2000 sites could be ruled out. A recommendation to refuse retention permission was made, broadly reflective of the decision issued by Galway County Council.

3.2.7. **Other Technical Reports**

None on file.

**3.3. Enforcement**

I am not aware of current Enforcement proceedings on this site.

EN24/099 appears to relate to lands to the south of the site.

**3.4. Prescribed Bodies**

None on file.

**3.5. Third Party Observations**

None on file.

**4.0 Planning History**

**Reg. Ref. 25/60774**

Retention Permission REFUSED for a development comprising 2 no. prefabricated dwellings, wastewater treatment plant, percolation area, access roadway and all associated works. The 7no. reasons for refusal are reflective of those of the subject appeal case.

**To west of appeal site**

**Reg. Ref. 2660372**

Current UNDECIDED application at Cahernahoon, Cumber, Tuam Co. Galway for a dwelling house and domestic garage, wastewater treatment plant, percolation area and associated works. Application includes an NIS.

**Reg. Ref. 191174**

Permission GRANTED for the construction of a new dwelling house, domestic garage, wastewater treatment plant and percolation area including all associated site works at Cahernahoon Cumber Co. Galway.

**Reg. Ref. 191877**

Permission GRANTED for the construction of a dwelling house, domestic garage, wastewater treatment plant and percolation area and all associated site works at Cahernahoon. The planning application was accompanied by a Natura Impact Statement.

## **5.0 Policy Context**

### **5.1. National Policy and Guidance**

- **The National Planning Framework First Revision (NPF)**

The NPF recognises the continuing housing need for people to live and work in the countryside and stipulates that careful planning is required to manage demand around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities. The Framework notes the importance of differentiating between rural areas located within the commuter catchment of cities, towns, centres of employment and rural areas located outside these catchments, highlighting the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence.

- **Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities**

Provides guidance to identify principles and criteria important in the design of housing and highlights specific design features of relevance.

Section 5 - Dwelling Design. Provides specific design guidance in relation to dwelling units, setting out in Table 5.1 Space Provision and Room Sizes for Typical Dwellings.

- **Section 28 Guidelines - Sustainable Rural Housing Guidelines 2005**

The Guidelines require planning authorities to tailor policies which respond to the differing housing requirements of both urban and rural communities and the varying characteristics of rural areas. The Guidelines also differentiate between rural and urban-generated housing with Section 3.2.3 referring to Rural Generated Housing with reference to persons who are an intrinsic part of the rural community and to members of an established rural community.

## **5.2. Galway County Development Plan 2022-2028**

The Galway County Development Plan 2022-2028, effective from the 20<sup>th</sup> June 2022, is the operative Development Plan for the area. The following provisions are of relevance:

### **5.2.1. Volume 1 Written Statement**

#### **Chapter 4: Rural Living and Development**

- **Section 4.5.2.3 Open Countryside**
- **Section 4.6.1 Rural Areas under Strong Urban Pressure –Metropolitan Area and GCTPS.** As illustrated on the Rural Housing Policy Map, the appeal site lies within Zone 2- Galway County Transport and Planning Study (GCTPS)
- **Policy Objective RC 2 Rural Housing in the Countryside**  
*‘To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3’.*
- **Section 4.6 Rural Housing Strategy in the Open Countryside**

Specific policy objectives for rural housing in the open countryside are set out under Section 4.6.3 -Rural Housing Development Strategy 2022-2028. This includes Rural Housing Zone 2: Rural Area under Strong Urban Pressure -GCTPS as illustrated on Map 4.2 Rural Housing Policy.

- **Policy Objective RH2** Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1) states as follows:

*It is policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the following criteria:*

*1(a) Those applicants with long standing demonstrable economic and/or social Rural Links\* or Need to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

**OR**

*1(b) Those applicants who have 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 and 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 longstanding residents of the area. Having established a Substantiated Rural Housing Need\*, such persons making an application on a site within an 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.*

*Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

**OR**

*1(c) Those applicants who can satisfy to 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. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

**OR**

*1(d) Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.*

**OR**

*1(e) Where applicants 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 Habitat's Directive and normal planning considerations*

**OR**

*1(g) Rural families who have long standing ties with the area but who now find themselves subsumed into Rural Villages. They have no possibility of finding a site within the particular Rural Villages. 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 that the house is first occupied by the person or persons to whom the enurement clause applies.

- **Policy Objective RH 9 Design Guidelines**

It is a policy objective of the Planning Authority to have regard to Galway County Council's Design Guidelines for the Single Rural House.

- **Policy Objective RH11 Wastewater Treatment Provision**

- **Chapter 7: Infrastructure, Utilities and Environmental Protection**

- **Section 7.5.5 Wastewater**

- **Policy Objective 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  $\leq 10$ ).*

- **Policy Objective WS 5 Private Water Supply**

Support private water supply in instances where there is no public water supply or where the existing supply does not have sufficient capacity. This will only be considered where it can be demonstrated that the proposed water supply meets the standards set out in the EU and national legislation and guidance including adherence to Article 6 of the EU Habitats Directive and would not be prejudicial to public health or would not significantly impact negatively on the source or yield of an existing supply.

- **Chapter 8 Tourism and landscape**

- **Section 8.13.2 Landscape Sensitivity**

- Subject to the provisions of the plan, the control of permissible development shall be in accordance with the policy objectives relating to four Landscape Character Units.

- **Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure**
- **Policy Objective NHB1** Natural Heritage and Biodiversity of Designated Sites, Habitats and Species.
- **Policy Objective NHB2** European Sites and Appropriate Assessment
  
- **Chapter 14 Climate Change, Energy and Renewable Resource**
- **Policy Objective FL2:** Flood Risk Management and Assessment.  
Comply with the requirements of DoEHLG/OPW the Planning System and Flood Risk Management Guidelines for Planning Authorities. Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a Site-Specific Flood Risk Assessment, and justification test where appropriate.
- **Policy Objective FL3:** Principles of the Flood Risk Management Guidelines.  
The Planning Authority shall implement the key principles of flood risk management set out in the Flood Risk Management Guidelines as follows:
  - (a) Avoid development that will be at risk of flooding or that will increase the flooding risk elsewhere, where possible;
- **Policy Objective FL8:** Flood Risk Assessment for Planning Applications and CFRAMS.  
Site-specific Flood Risk Assessment (FRA) is required for all planning applications in areas at elevated risk of flooding, even for developments appropriate to the particular flood zone. The detail of these site-specific FRAs will depend on the level of risk and scale of development. A detailed site-specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The Planning Authority shall have regard to the results of any CFRAM Studies in the assessment of planning applications. Development proposals will need to be accompanied by a Development Management Justification Test in addition to the site-specific Flood Risk Assessment.
  
- **Chapter 15 Development Management Standards**
- **Section 15.2.2** Applicable to all Developments.

- **DM Standard 1:** Qualitative Assessment-Design Quality, Guidelines and Statements
- **Section 15.3.1 Rural Housing:**
- **DM Standard 7:** Rural Housing
- **DM Standard 8:** Site Selection and Design
- **DM Standard 9:** Site Sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems
- **DM Standard 28:** Sight Distances Required for Access onto National, Regional, Local and Private Roads.
- **DM Standard 37** Group Water Scheme and Private Wells

Private Bore Holes should comply with the Guidelines from The Institute of Geologist of Ireland publication 'Water Well Construction'. The following should be submitted:

- A record of an appropriate test of the sustainable yield of the well.
- Documentation of the well construction, its yield and its water quality including a list of tested chemical and bacteriological parameters.
- A detailed account of the water treatment system that will be installed if necessary.

- **DM Standard 38 Effluent Treatment Plants**

Requires *inter alia* that with respect to single houses, each shall be serviced by its own septic tank or treatment plant and shall not share this facility with any other dwelling other than in exceptional circumstances.

- **DM Standard 46: Compliance with Landscape Sensitivity Designations**
- **DM Standard 50 Environmental Assessments**

The following measures shall be applied in respect of designated environmental sites:

(a) **Appropriate Assessment:** Screening for Appropriate Assessment and/or Appropriate Assessment will be required with all applications where it is considered that the proposed development may impact (directly and indirectly) or in combination with other projects on a Natura 2000 designated site, to inform decision making.

(b) Ecological Assessment

(c) Environmental Impact Statement/Assessment.

### 5.2.2. **Appendices**

- **Appendix 3: Galway County Transport and Planning Study**
- **Appendix 4: Landscape Character Assessment**
- Central Galway Complex Landscape Character Type within 6a Black River Basin Landscape Character Unit with a character defined as undulating long-occupied working landscape with high levels of settlement. Large regular fields and numerous parkland remnants. Low enclosure except for localised areas of mature parkland trees.
- **Appendix 5 Design Guidelines for Single Rural Housing**

## **6.0 Natural Heritage Designations**

There are no designated sites for natural heritage located within or adjoining the site. The closest European Sites, Natural Heritage Areas and proposed Natural Heritage Areas are set out below:

Lough Corrib SAC (Site Code 000297) c. 225m (to east).

Monivea Bog SAC (Site Code 002352) c.11.9km

Lough Corrib SPA (Site Code 004042) c.10.8km

Inner Galway Bay SPA (Site Code 004031) c.13.7km

Killaclogher Bog NHA (Site Code 001280) c.12.4km

Lough Tee Bog NHA (Site Code 000307) c.11.9km

Monivea Bog pNHA (Site Code 000311) c.11.9km

Tiaquin Bog pNHA (Site Code 001709) c.13.3km

## **7.0 EIA Screening**

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

## **8.0 The Appeal**

### **8.1. Grounds of Appeal**

The decision of the Planning Authority to refuse retention permission made on the 17<sup>th</sup> November 2025, is the subject of a First Party appeal by Moncul Limited. The matters raised may be summarised as follows:

- The reasons for refusal under Reg. Ref. 25/61379 were noted by the appellant and the subject application sought to demonstrate how these reasons had been addressed.
- It is acknowledged that no rural housing need has been submitted. This is due to the limited small-scale nature of the relevant works.
- Reference is made to the site layout plan, indicating that 70m sight lines can be safely achieved in each direction. While one sightline is stated to be 'unorthodox', the land which it 'over looks' is within the ownership of the applicant's mother and written consent has been provided ensuring that the sightlines will be maintained appropriately. It is contended that the requirements of DM Standard 28 of the Galway County Development Plan 2022-2028 have been complied with.
- Reference by the planning authority to the internal road configuration constituting a haphazard arrangement is confusing and is contested. The roadway is straight and leads to the prefabricated dwellings.
- As demonstrated by EPA Site Characterisation test results, the site is suitable for the treatment of effluent. The loading on the system and polishing filter has been

designed in accordance with EPA requirements. Concerns raised by the planning authority that wastewater infrastructure may not adequately service the development in perpetuity are contested.

- The two prefabricated units and treatment system are under the control/ownership of the applicant and are not held in separate ownerships.
- The units are of limited scale and profile and have a discreet design and layout.
- The dwellings are screened from public view and from the public road.
- A flood risk assessment has not been prepared at this point, and the lands have not been known to flood.
- Under a recent appeal, An Bord Pleanála determined that submission of evidence of potable quality water was not a necessary requirement of planning permission.
- Galway County Council are in a position to carry out Appropriate Assessment and therefore, an AA Screening report has not been prepared.
- Given the limited scale of development, An Coimisiún Pleanála is requested to grant permission.
- Appendix A to the submission includes photographs (1) sight line to left hand side (2) sight line to right hand side (3) view of the dwellings from the lane (4) view from the road.
- Appendix B refers to a site layout plan.
- The Site Characterisation Form, dated 13<sup>th</sup> June 2025 is submitted. This includes results of the assessment; Photographic record, Extracts from Ground Water Data Viewer; Specifications for the range of wastewater systems of the provider.

## **8.2. Planning Authority Response**

None on file.

## **8.3. Observations**

None.

## **8.4. Prescribed Bodies**

An Coimisiún Pleanála referred the application to:

- The Development Applications Unit
- The Heritage Council
- An Taisce

No submissions were received.

## **9.0 Assessment**

**9.1.** This is a First-Party appeal against the decision of Galway County Council to Refuse Permission for Retention in respect of Reg. Ref. 2561379. I am satisfied, having examined the details of the application and all other documentation on file and having visited the site, that the main issues for consideration relate to the following:

- Principle of Development
- Reasons for Refusal under Reg. Ref. 25/61379

### **9.2. Principle of Development**

**9.2.1.** As indicated on Map 4.1 Rural Area Types and Map 4.2 Rural Housing Policy, Chapter 4 of the Galway County Development Plan 2022-2028, the appeal site is located within Zone 2 (Galway County Transport and Planning Study Area (GCTPS)) and is identified as being within Landscape Sensitivity Category 1.

**9.2.2.** While housing in the open countryside is permitted under the Plan, applicants must demonstrate compliance with the county's Rural Housing Strategy and criteria prescribed in the Development Plan, including as set out in Chapter 4, Rural Living and Development. Having regard to its location, the appeal site is governed by the provisions of RH2- Rural Housing Zone 2 (Rural Area under Strong Urban Pressure – GCTPS- Outside Rural Metropolitan Area Zone 1).

- 9.2.3. RH2 sets out a number of criteria for applicants applying for a rural dwelling house, including long standing demonstrable economic and/or social ties; long standing economic and or social rural links; functional dependency; returning residents. The applicant Moncul Ltd. in seeking to retain two prefabricated dwelling units does not proffer supporting information to demonstrate compliance with the aforementioned policy, for either of the residential units. Furthermore, I note in the appeal documentation an acknowledgement that no rural housing need has been provided to support the application and that this due to the very limited, small-scale nature of the scheme.
- 9.2.4. Irrespective of the physical scale of such works, the principle of establishing residential development on this rural site requires the appellant to demonstrate compliance with the adopted Rural Housing Strategy for the county. Supporting information to corroborate such compliance must also be provided and I note in this regard DM Standard 7- Rural Housing in Chapter 15 which prescribes certain documentation to substantiate rural housing need, including land registry maps, proof of local connection to the area and justification for the location as proposed. Without this information, I agree with the planning authority that the first party has not demonstrated compliance with the rural settlement strategy and would accordingly contravene Policy RH2 of the Galway County Development Plan.
- 9.2.5. I am also of the view that to retain the subject structures in the absence of compliance with Development Plan policy would result in haphazard, unsustainable development in this rural area under strong urban pressure for development. I agree with the planning authority that the lack of evidence to demonstrate compatibility with the county's rural settlement strategy results in a material contravention of Policy Objective RH2 and DM Standard 7 of the Development Plan.

### **9.3. Reasons for Refusal under Reg. Ref. 25/61379**

- 9.3.1. The planning authority refused permission for the retention of the prefabricated structures for 7 no. reasons. Following on from examination of reason no. 1 in the proceeding section, I propose to examine below the remaining reasons in light of the appeal documentation provided by the first party.

### 9.3.2. Reason No. 2

- 9.3.2.1. In response to the second reason for refusal, the appellant states that 70m sight lines can be achieved in both directions and that while one sight line is described as ‘unorthodox’, the land which it ‘overlooks’ is within the ownership of the applicant’s mother. Witten consent is provided indicating that sightlines will be appropriately maintained.
- 9.3.2.2. I note a letter on file from a party who is indicated as the owner of the appeal site under Question 25 of the application form. The letter, dated 22<sup>nd</sup> September 2025, confirms that the signee is the registered owner of lands to the west and north side of the site as outlined in blue on an attached map. Consent is given within the letter for *‘an area at the front of my land being altered to achieve adequate sightlines, if necessary, from this site and for such sightlines to be maintained’*. The Commission is advised that the map referenced with lands outlined in blue, does not form part of the documentation on file. I note separately that Site Layout Drawing No. 24-80-01-SL-01 Rev A, forming part of the application and Site Layout Drawing No. 24-80-01-SL-03 (submitted with the appeal) indicate 70m sightlines hatched in green with neither drawing cross-referenced to the letter of consent. No plans accompany the application showing additional lands outlined in blue.
- 9.3.2.3. DM Standard 28 of the Development Plan refers to Sight Distances required for access onto National, Regional, Local and Private Roads. This states that road junction visibility requirements are required to comply with Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) (DN-GEO-03060) for rural roads. Visibility splays on exiting are required to be measured a minimum distance of 2.4m from the edge of the carriageway (‘x’ distance) or as determined by Galway County Council. 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.

9.3.2.4. Based on the drawings provided and from site inspection, I am unclear as to how the sightlines of 70m stated have been achieved, as they do not appear to provide for the requisite set back from the road edge. Furthermore, the sight line to the south is demonstrated traversing lands on the opposite side of the carriageway and is not shown to the nearside road edge. I am also unclear from the letter of consent furnished (and given the absence of the referenced map) if consent is in place to maintain sightlines in perpetuity. In this regard I refer to Section 7.3.3 of the Development Management Guidelines for Planning Authorities which state that *'it is doubtful that a condition requiring the maintenance of sightlines by the removal or trimming of hedges or trees on a neighbour's property is within the applicant's power to fulfil: even where the neighbour has given consent that consent may subsequently be withdrawn. The Law Society has advised that such conditions may create difficulty as to title and have advised that in such cases the applicant be required to obtain an easement over the neighbour's property thus obtaining the legal right to maintain the sightline'*. Given the lack of clarity provided in relation to the foregoing, I am of the view that appropriate levels of sight visibility to serve the development have not been demonstrated.

9.3.2.5. I refer also to concerns raised by the planning authority in relation to the unorthodox splay/set back at the junction of the access road and the public road in a westerly direction. Proposals in terms of how this area is to be finished/treated are not provided. The potential for vehicular conflict in the use of the narrow access road is also raised having regard to its configuration and alignment, including the incorporation of a 90-degree bend on the approach to the units. I note that the access is to be shared with a large shed, situated outside of the application site and referred to in the application as exempted development, having a stated floor area of 144sq.m. No further details are provided, and I am also unclear as to the function of the structure. No details are provided in relation to the provision of passing bays or how potential conflicting traffic movements within the site (and adjoining lands) would be managed.

9.3.2.6. I note the concerns raised in relation to the width and alignment of the carriageway, its intended joint use by both residential and agricultural/commercial traffic movements. While it would not be uncommon in a rural context for such access arrangements to be in situ within a single holding, I would agree with planning authority in this instance, that there is potential for conflict to arise, notably owing to the lack of supporting information provided

within the application. In this regard, no detail is provided in relation to ownership/occupation and relationship between the residential use and the extant shed, notwithstanding that a single access serves all three structures. In tandem with the lack of clarity providing in relation to sight visibility splays, I would agree that that the access arrangements as proposed are substandard in nature.

### 9.3.3. Reason No. 3

9.3.3.1. In relation to the third reason for refusal, I note that the disposal of wastewater arising from the two residential units is to a single, communal wastewater treatment system and a single percolation area. The first party argues that the two prefabricated units and the wastewater treatment system are under the control/ownership of the applicant and it is not the case going forward, that the dwellings and/or treatment system will be held under separate title.

9.3.3.2. I note DM Standard 38 Effluent Treatment Plants of the Development Plan requires *inter alia* that for proposals served by on site waste disposal systems, '*each dwelling house shall be serviced by its own septic tank or treatment plant and shall not share this facility with any other dwelling other than in exceptional circumstances*'. While the threshold for exceptional circumstances is not expanded upon in the Development Plan, the uncertainty arising over the future management and maintenance of such communal arrangements, together with the absence of information supporting the need for the residential units and intended occupation, I am of the view that the communal wastewater disposal arrangements are unsatisfactory.

9.3.3.3. I would also refer the Commission to DM Standard 9 of the Plan wherein a minimum site size of 2000sq.m. is generally required for a single house so as to provide for adequate effluent treatment, parking, landscaping, open space and maintenance of rural amenity. The area of the site is stated as 0.338Ha inclusive of the access road and as such is below this minimum requirement for 2 no. units.

9.3.3.4. The Site Characterisation Form recommends a secondary treatment system and soil polishing filter given the test results achieved, the R2(1) Ground Water Protection Response and location within an area of high vulnerability. I note a number of deficiencies

with respect to the design, layout and water supply arrangements proposed and I am satisfied that there are fundamental concerns with the principle of a communal wastewater treatment system to serve the two units. I refer to annotated text on Site Layout Drawing 24-80-01-SL-01 Rev A appearing to refer to the percolation area and which states '*to be move 3m further from units to achieve separation distances*'. This would appear to acknowledge that minimum separation distances are not achieved, and I refer to the position of the polishing filter shown 7.0m from the closest unit which is below the requirements of Table 6.2 EPA Code of Practice for Domestic Waste Water Treatment System 2021 (Population Equivalent  $\leq 10$ ). While further set back can be achieved, the fundamental principle of a single wastewater treatment system serving two residential units is not considered acceptable. Additionally, the Site Characterisation Form indicates connection to a mains water supply while the planning application form at Q20 refers to a private well, the location of which is not shown. As such, given the conflicting information and absence of confirmation of the location of the private well, I cannot confirm if minimum separation distances are maintained. Accordingly, I am in agreement with the planning authority that the wastewater disposal arrangements to serve this development are unsatisfactory and give rise to risk to public health.

#### 9.3.4. Reason No. 4

9.3.4.1. The planning authority in its fourth reason for refusal cited the unsatisfactory design, siting and layout of the development which was considered out of character with the built form in the vicinity and impactful on the sensitive landscape. The development was found to be contrary to Policy Objective RH9 pertaining to the Galway County Rural Design Guidelines for the Single Rural House and at variance with DM Standards 8 and 46 of the Development Plan with respect to Site Selection and Design and compliance with landscape sensitivity designations. The appellant contends that the units are of limited scale and profile with a discreet design and layout and are consequently screened from view from the public road.

9.3.4.2. I note the Landscape Character Assessment for the area, with the appeal site located within the Central Galway Complex Landscape Character Type within the 6a Black River Basin Landscape Character Unit defined as undulating long-occupied working landscape with high levels of settlement. Large regular fields and numerous parkland remnants. Low

enclosure except for localised areas of mature parkland trees. No scenic or protected views are designated in the Development Plan pertaining to this area and landscape sensitivity is low. I am of the view given the limited scale and height of the two units concerned, extending to just over 3.0m, combined with the limited floor areas and set back from the public road, that the structures would not have a significantly negative visual impact, notwithstanding that they are currently visible from the public road. I note in this regard planting to the site boundaries which would assist with screening and assimilation.

9.3.4.3. In finding that the development would be contrary to Policy Objective RH9 pertaining to the Rural Design Guidelines and at variance with DM Standards 8 and 46, I would agree that the ad hoc arrangement and siting, coupled with the design and finishing materials would be inconsistent with the requirements of the Development Plan and fail to demonstrate compatibility with the traditional vernacular as required under DM Standard 8. DMS Standard 46 requires compatibility with landscape sensitivity classes set out in Section 8.13.2 of the Plan, and in this regard, the lands are within Class 1- low sensitivity (where developments which are of appropriate scale and design and which are consistent with settlement policies are generally acceptable). As the development does not demonstrate compliance with settlement policies and are of inappropriate design, this requirement is not satisfied.

9.3.4.4. While not raised specifically by the planning authority, in terms of the residential amenity, I refer the Commission to the floor area of the houses, stated as being 43sq.m. This limited provision, together with constraints to the internal configuration, fail to meet all requirements of Table 5.1 Space Provision and Room Sizes for Typical Dwellings in the Best Practice Guidelines for Delivering Homes and Sustaining Communities- Quality Housing for Sustainable Communities. This results in a substandard and suboptimal level of residential accommodation for occupants.

9.3.4.5. Additionally, no clear delineation of private open space to serve each unit is detailed on the plans provided which when coupled with the constrained internal floor space would seriously injure residential amenities.

9.3.5. Reason No. 5

- 9.3.5.1. I refer the Commission to reason no. 5 of the planning authority in its decision to refuse permission for retention. This related to the fluvial flood risk vulnerability of the site and the absence of hydrological impact assessment conducted. The planning authority considered the proposal to contravene Policy Objective FL2 (Flood Risk Management and Assessment) Policy Objective FL3 (Principles of the Flood Risk Management Guidelines) and Policy Objective FL8 (Flood Risk Assessment for Planning Applications and CFRAMS) contained in Chapter 14 of the Development Plan. (Note: Reason No. 5 of the planning authority's decision states would not materially contravene the stated policies, however this is taken as a typographically error given the tenor and substantive nature of the matters raised in the reason for refusal.
- 9.3.5.2. The planning authority references the subject site as being within an identified fluvial flood risk areas as per GIS data available at the time of the assessment. While I have been unable to source the GIS layer referenced, I have reviewed the OPW national flood information portal at [floodinfo.ie](http://floodinfo.ie). and note the OPW Community-Scale Flood Extents. The purpose of the OPW Flood Maps is not to designate individual properties at risk of flooding, but are community-based maps suitable for community level assessments. Flood event probabilities are expressed in terms of Annual Exceedance Probability (AEP), representing the probability of an event of that severity, or greater, occurring in any given year. They are commonly referred to in terms of a return period. The maps also present climate change scenarios: the Mid-Range Future Scenario (MRFS), which applies a 20% increase in rainfall and 500mm sea level rise, and the High-End Future Scenario (HEFS), which applies a 30% increase in rainfall and 1,000mm sea level rise. The mapping suggests the site may be at risk for the 1/100-year return period event and lies proximate to the 1 in 10 year return period extent.
- 9.3.5.3. Given the low-lying nature of the lands and proximity to the river to the east, I am of the view that a precautionary approach should be applied given the highly vulnerable nature of the development concerned and that the risk of flooding on site should be examined and assessment undertaken. As such, in the absence of flood risk examination provided with the application, the development as proposed would contravene materially policy objectives of the Development Plan and I am of the view that the concerns of the planning authority, as set out in reason no. 5 are justified.

### 9.3.6. Reason No. 6

- 9.3.6.1. In relation to reason no. 6, I note that the planning authority was not satisfied that appropriate details were provided in relation to the yield result and chemical analysis for the potable water supply (private well) to serve the development and that an easement in relation to same was not provided. This was considered contrary to Development Management Standard 37 (Group Water Scheme and Private Wells) which requires *inter alia* compliance with 'Water Well Construction' of the Institute of Geologists of Ireland; a record of sustainable yield, documentation of well construction, water quality as well as a list of tested chemical and bacteriological parameters.
- 9.3.6.2. The appellant contends that evidence of potable water quality is not a requirement of planning permission as determined under a recent decision of An Bord Pleanála. In this instance however, I am mindful of the conflicting information provided in relation to water supply arrangements to serve the two residential units (both public mains and private well are stipulated) and the lack of confirmation of supply from public mains, including a Pre-Connection Inquiry from Uisce Éireann. I would also note that the location of the private well referred to is not shown in relation to the dwellings or the appeal site boundaries. The maintenance of appropriate separation distances as per EPA Code of Practice requirements cannot therefore be verified. Given the foregoing concerns, as well as those raised earlier in this report regarding the design of onsite wastewater treatment system, I hold that the application is deficient in identifying a safe potable source of water to serve the two residential units. Furthermore, given the multiple unit nature of the proposal and intent to serve same via a single private well, I would agree with the approach of the planning authority that determining yield results and chemical analysis as set out under DM Standard 37 would be appropriate given that an alternative potable water supply is uncertain.

## **10.0 Natural Heritage Biodiversity and Green Infrastructure**

- 10.1. The planning authority determined that the development contravenes materially Policy Objectives NHB 1, NHB 2 and DM Standard 50 of the Development Plan. No Screening for Appropriate Assessment has been undertaken by the applicant, and I note in the appeal,

the appellant contends Galway County Council is in a position to carry out Appropriate Assessment and therefore an AA Screening report has not been prepared.

- 10.2.** The planning authority determined that in consideration of the proximity of the proposal to Lough Corrib SAC and in the absence of an AA Screening report, it was not satisfied that adverse impacts on the Natura 2000 site could be ruled out.
- 10.3.** I will examine in the following section and in appendices, matters relating to Appropriate Assessment, and the likelihood if any, of impacts to Natura 2000 sites. I note that Policy Objectives NHB 1 and NHB 2 of the Development Plan are high level in nature, pertaining to the protection of natural heritage, biodiversity and designated sites, as well as to a broad objective to implement Article 6 Habitats Directive in relation to plans and projects. DM Standard 50- Environmental Assessments requires the submission of assessments in respect of designated environmental sites. This requires *inter alia* Screening for Appropriate Assessment and/or Appropriate Assessment where it is stated that *‘Screening for Appropriate Assessment and/or Appropriate Assessment will be required with all applications where it is considered that the proposed development may impact (directly and indirectly), or in combination with other projects, on a Natura 2000 designated site i.e., a Special Area of Conservation (SAC) or a Special Protection Area (SPA), to inform decision making’*.
- 10.4.** While I note the foregoing requirements of the Plan, and the fundamental concerns identified by the planning authority in relation to other aspects of this development, it may not have been expedient to seek such information by way of a request for further information. Accordingly, I am of the view that the failure to provide such information while contrary to stated policy objectives of the Development Plan, would not result in a material contravention of the Plan.
- 10.5.** I consider the deficit in information provided to demonstrate satisfactory wastewater disposal arrangements and absence of flood risk, together with the proximity of the site to the river Clare and Lough Corrib SAC (Site Code 000297) gives rise to concerns that the development could have the potential to adversely impact the integrity of the European site.

## **11.0 AA Screening**

- 11.1.** I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended and I refer to Appendix 3 of this report.
- 11.2.** The appeal site is located within Cahernahoon Co. Galway, on unserviced rural lands and relates to two existing prefabricated dwelling units. The closest European site is Lough Corrib SAC 000297 c. 225m to east.
- 11.3.** The proposed development comprises the retention of two prefabricated dwellings, wastewater treatment system, access road and associated works. Wastewater will be disposed of to a single, communal onsite wastewater treatment system.
- 11.4.** Information to support Appropriate Assessment Screening/Appropriate Assessment has not been provided in the application, and the planning authority has determined it is not satisfied that the development would not adversely affect the integrity of Lough Corrib SAC in light of its conservation objectives.
- 11.5.** In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the retention of the development alone [or in combination with other plans and projects] will give rise to significant effects on Lough Corrib SAC in view of the sites conservation objectives. Appropriate Assessment is required.
- 11.6.** This determination is based on:
- The nature of the works i.e. retention of two prefabricated dwelling units and associated works.
  - The absence of satisfactory information to demonstrate the appropriate disposal on site of wastewater arising.
  - The absence of satisfactory hydrological assessment to demonstrate flood risk,
  - The location and distance from the nearest European site.

## **12.0 Water Framework Directive**

- 12.1.** The subject site concerns a site at Cahernahoon, Co. Galway and relates to the retention of 2 no. prefabricated dwellings, wastewater treatment plant, percolation area, access road and all associated works. The appeal site is separated by a distance of approximately 230m from the River Clare ID EE\_WE\_30C011000 which has a Good Status.
- 12.2.** The site is within the Clare-Corrib Water Framework Directive IE\_WE\_G\_0020 which has a Good WFD Status.
- 12.3.** I have assessed the development seeking retention 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.
- 12.4.** There is insufficient information to demonstrate that effluent from the proposed development can be collected and discharged of on site in accordance with EPA standards, including that all necessary separation distances are achieved. Furthermore, there is an absence of information to satisfactorily demonstrate the development does not give rise to flood risk. In the absence of such demonstration, I cannot conclude that the development would not pose a risk to surface and ground water bodies and would jeopardise the WFD objective to prevent the deterioration of the status of the groundwater and to protect groundwater.

## **13.0 Recommendation**

I recommend that permission for retention be refused for the reasons and considerations set out below:

### **Reasons and Considerations**

1. The development, comprising the retention of 2 no. prefabricated dwellings and associated site development works, is located within the Galway County Transport and Planning Study Area (GCTPS) and where residential development in the open countryside is subject to the Rural Housing Strategy of the Galway County Development Plan 2022-2028. Based on the information submitted and the failure of the appellant to demonstrate

a requirement for the two units or the need of the occupants to reside at this location, the development as a consequence would contravene Policy Objective RH2 which sets out the qualifying criteria for those with a genuine rural generated housing need to reside in the area and would be contrary to the provisions of DM Standard 7 of the Development Plan requiring the submission of documentation to substantiate a rural housing need. Accordingly, the proposal would contravene the rural housing strategy in the open countryside pertaining to Co. Galway and would be contrary to the proper planning and sustainable development of the area.

2. By reason of the design and layout of the development; the deficiencies in the information provided, including in relation to flood risk assessment, the Commission is not satisfied that wastewater arising from the two residential units may be satisfactorily treated and disposed of on site or that a satisfactory portable water supply may be provided to serve occupants. The utilisation of a single, communal on-site wastewater treatment system would represent an unsustainable approach to wastewater treatment and would be contrary to the provisions of DM Standard 38 of the Galway County Development Plan 2022-2028 relating to Effluent Treatment Plants, where exceptional circumstances for sharing have not been demonstrated. The development would, in the absence of such satisfactory arrangements being demonstrated, be prejudicial to public health and would pose a risk to groundwater quality with potential to jeopardise the Water Framework Directive objective to protect groundwater.
  
3. The Commission is not satisfied that adequate sightlines are available at the junction of the internal access with the public road. The proposed development would therefore give rise to substandard and haphazard access arrangements to serve this residential development. Furthermore, the Commission is not satisfied that measures to ensure safe internal vehicular movements and circulation on site have been provided. Accordingly, it is considered that the proposal gives rise to the endangerment of public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

4. The proposed development by reason of the unsatisfactory and substandard layout of the residential accommodation, failing to meet the requirements of 'Delivering Homes for Sustainable Communities – Quality Housing for Sustainable Communities' (2007) and the arrangement of open space would provide for low levels of amenity to occupants of the dwellings concerned. The substandard accommodation would set an undesirable precedent for residential development and would seriously injure the residential amenities of occupants of the site and the residential amenities of the area, being contrary to proper planning and sustainable development.
  
5. The appeal site is located in the close proximity of the Lough Corrib SAC (Site Code 000297). In the absence of an AA Screening Report and satisfactory information to inform a full evaluation of the potential impacts of the development, including from a flood risk perspective, the Commission cannot be satisfied that the development would not be likely to have a significant effect on Lough Corrib SAC in view of the site's conservation objectives. The development would therefore be contrary to Policy Objective NHB1- Natural Heritage and Biodiversity of Designated Sites, Habitats and Species and to NHB 2 - European Sites and Appropriate Assessment and would be contrary to DM Standard 50 Environmental Assessments of the Galway County Development Plan 2022-2028. The development therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence 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  
21<sup>st</sup> April 2026.

## Appendix 1: Form 1 EIA

### Pre-Screening

<b>Case Reference</b>	<b>PL-500423-GY-25</b>
<b>Proposed Development Summary</b>	Retention permission for 2 no. prefabricated dwellings, wastewater treatment plant, percolation area, access roadway and associated works.
<b>Development Address</b>	Cahernahoon Co. Galway
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> 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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b) Part 2 Schedule 5 Construction of more than 500 dwelling units
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

Date \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>PL-500423-GY-25</b>
<b>Proposed Development Summary</b>	Retention permission for 2 no. prefabricated dwellings, wastewater treatment plant, percolation area, access roadway and associated works.
<b>Development Address</b>	Cahernahoon Co. Galway.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal concerns the retention of 2 no. prefabricated dwelling houses in a rural location on a site extending to 0.338Ha with each unit comprising 43sq.m.</p> <p>The development does not require any demolition works and 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>
<b>Location of development</b> (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	<p>The development is located within an unserved rural area northwest of Turloughmore and south of Tuam Co. Galway.</p> <p>The Lough Corrib SAC (Site Code 000297) is approximately 225m east of the site.</p>

of historic, cultural or archaeological significance).	
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development-retention of two prefabricated single storey dwelling units, the site 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>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 3: Standard AA Screening Determination

### Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500423-GY-25	
Step 1: Description of the project and local site characteristics	
<b>Brief description of project</b>	The proposal concerns the retention of 2 no. prefabricated dwelling houses on a site extending to 0.338Ha with each unit comprising 43sq.m.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The development is located within an unserved rural area northwest of Turloughmore and south of Tuam Co. Galway. The site is relatively flat and is positioned approximately 225m from Lough Corrib SAC (Site Code 000297) to the east.
<b>Screening report</b>	No
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	The Planning Authority stated in reason for refusal no. 7 that:  <i>'The site of the proposed development is located within the close proximity of the Lough Corrib SAC. In the absence of an AA Screening Report accompanying the application content incorporating for a fulsome evaluation of the potential impacts of the development and the lacunae associated with the project from a flood risk perspective, the Planning Authority cannot consider that likely significant effects on the said Natura 2000 designations can be ruled out. Therefore, if permitted as proposed, the planning authority cannot be satisfied that the proposal will not adversely affect the integrity of European sites in light of their conservation objectives. Therefore, if permitted as proposed, the development has the potential to adversely affect the qualifying interests and conservation objectives of the protected European site and would</i>

	<p><i>materially contravene Policy Objective NHB1- Natural Heritage and Biodiversity of Designated Sites, Habitats and Species and NHB 2 - European Sites and Appropriate Assessment and DM standard 50 DM Standard: Environmental Assessments of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.'</i></p>
--	---

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

In my opinion, there is only one European site within a potential zone of influence of the development. The River Clare lies approximately 230m to the east of the site and forms part of Lough Corrib SAC (Site Code 000297) which is located c.225m to the east.

Documentation provided as part of the application does not satisfactorily demonstrate that wastewater arising from the two residential units may be disposed of on site in a single, communal wastewater treatment system to the requirements of the EPA Code of Practice for Domestic Waste Water Treatment System 2021 (Population Equivalent ≤10).

The planning authority concluded that the site was overlain by a fluvial flood risk vulnerability and in the absence of a hydrological impact assessment accompanying the application, the development if permitted, would materially contravene Policy Objective FL 2, Policy Objective FL 3 and Policy Objective FL 8 of the Galway County Development Plan 2022-2028 and would be contrary to Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended).

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Lough Corrib SAC (Site Code 000297)	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) [3110]	<b>c. 225m</b>	No hydrological link identified.  The site lies 225m from the River Clare forming part of the Lough	<b>Yes</b>

	<p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>		<p>Corrib SAC (Site Code 00297)</p> <p>Potential indirect surface water pollution.</p>	
--	---	--	--	--

	<p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p>			
--	--	--	--	--

	<p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>			
--	---	--	--	--

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p>	<p><b>Direct:</b> Potential impacts arise during operation having regard to the proposal to provide on site waste water treatment.</p> <p><b>Indirect</b> The development relates to retention permission and as such construction has taken place.</p>	<p>Negative impact on habitat quality/function undermining conservation objectives relating to water quality especially for fresh water QI's sensitive to siltation.</p> <p>Documentation provided as part of the application does not satisfactorily demonstrate that wastewater arising from the two residential units may be disposed of on site in a single, communal wastewater treatment system to the requirements of the EPA Code of Practice for Domestic Waste</p>

<p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p>		<p>Water Treatment System 2021 (Population Equivalent ≤10).</p> <p>No hydrological impact assessment has been conducted to determine the flood risk of the site.</p> <p>The foregoing give rise to uncertainty and possibility of significant effects cannot be ruled out without further analysis and assessment.</p>
--	--	--

<p>Limestone pavements [8240]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Bog woodland [91D0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p>		
	<p><b>Likelihood of significant effects from proposed development (alone):</b></p> <p><b>Yes</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p>	

**Step 4: Conclude if the proposed development could result in likely significant effects on a European site**

The appeal site is located within Cahernahoon Co. Galway, on unserviced rural lands. The closest European site is Lough Corrib SAC (Site Code 000297) c. 225m (to east).

The proposed development comprises the retention of two prefabricated dwellings, a single communal wastewater treatment system to serve both properties, access road and associated works.

Information to support Appropriate Assessment Screening/Appropriate Assessment has not been provided in the application and the planning authority has determined it is not satisfied that the development would not adversely affect the integrity of Lough Corrib SAC in light of its conservation objectives.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA Screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on Lough Corrib SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature of the works i.e. retention of two prefabricated dwelling units and associated works.
- Absence of satisfactory information to demonstrate the appropriate disposal on site of wastewater
- Absence of satisfactory hydrological assessment to demonstrate flood risk,
- Location and distance from the nearest European site

**Proceed to AA.**

**Screening Determination**

**Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on Lough Corrib SAC (Site Code 000297) European Site in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature of the works i.e. retention of two prefabricated dwelling units and associated works.
- The absence of satisfactory information to demonstrate the appropriate disposal on site of wastewater arising.
- The absence of satisfactory hydrological assessment to demonstrate flood risk.
- The location and distance from the nearest European site.

## WFD IMPACT ASSESSMENT STAGE 1: SCREENING

### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	PL-500 423-GY-25	<b>Townland, address</b>	Cahernahoon Co. Galway
<b>Description of project</b>	Retention of 2 no. prefabricated dwellings units, wastewater treatment system, access road and associated site development works.		
<b>Brief site description, relevant to WFD Screening,</b>	The appeal site, extending to an area of 0.338Ha. is in a rural unserviced area.		
<b>Proposed surface water details</b>	On site disposal to soakpits		
<b>Proposed water supply source &amp; available capacity</b>	Application documentation indicates both a private borewell and connection to public water mains.		
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Proposed secondary treatment system and soil polishing filter.		

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

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Clare	c. 230m	ID EE_WE_30C011000	Good			<p>The proposed development will provide an on-site wastewater treatment system with soil polishing filter. Compliance with EPA Code of Practice standards has not been demonstrated.</p> <p>The presence of the River Clare (ID EE_WE_30C011000) to east of the site is noted forming part of the Lough Corrib SAC 000297.No direct or indirect discharge to the river is identified.</p> <p>No hydrological</p>

						assessment of the development is provided to examine flood risk.
Groundwater waterbody	Underlying site	Clare-Corrib Framework IE_WE_G_0020	Water Directive	Good		<p>The proposed development will provide an on-site wastewater treatment system with soil polishing filter. Compliance with EPA Code of Practice standards has not been demonstrated.</p> <p>The presence of the River Clare (ID EE_WE_30C011000) to east of the site is noted forming part of the Lough Corrib SAC (Site Code 000297). No direct or indirect discharge to the river is identified. No hydrological assessment is provided to examine flood risk.</p>

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	River Clare	No pathway exists	Structures and associated works are in situ	None		Screened out
2.	Ground		Drainage into groundwater	Structures and associated works are in situ	None		Screened out
OPERATIONAL PHASE							
3.	Surface	River Clare	c. 225m from site	Retention of communal on-site wastewater treatment system and soil polishing filter to serve both units. Compliance with Code of Practice for Domestic Waste Water	Insufficient information to demonstrate compliance with EPA Code of Practice	Yes	Screen In

				Treatment Systems 2021 is not demonstrated. No hydrological assessment provided to assess fluvial flood risk.	Insufficient information to demonstrate flood risk given sensitive nature of the development.		
4.	Ground	Clare-Corrib Water Framework Directive IE_WE_G_0020	Underlying	Retention of communal on-site wastewater treatment system and soil polishing filter to serve both units. Compliance with Code of Practice for Domestic Waste Water Treatment Systems 2021 is not demonstrated.		Yes	Screen In
<b>DECOMMISSIONING PHASE</b>							
5.	NA						