



Development

Retention planning permission for an existing 20 cubic metres. Septic Tank along with all ancillary works, planning permission for proposed tertiary wastewater treatment system and pump station along with all ancillary works within the curtilage of protected structures, being RPS. No. 141, RPS. No 142 and RPS No 143,

Location

Esker , Kiltullagh , Athenry, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2561292

Applicant(s)

Pastor Dale Ltd

Type of Application

Retention

Planning Authority Decision

Grant Retention

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Paul Heaney + others

Observer(s)

Mary Durkan

Louis O'Hara

Date of Site Inspection

27th March 2026.

Inspector

Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c.1.42ha is situated within the townland of Esker, Kiltullagh, Athenry, Co. Galway. The site forms part of the wider grounds associated with Saint Patrick's Redemptorist Monastery where a collection of buildings, access points, outbuildings are located. The specific works, subject to this appeal, are located on the north/north-western section of the overall grounds.
- 1.2. Access to the site is provided from the L-7157 which is a local road and provides for a connection to the R348 to the south. The site is surrounded by undeveloped agricultural lands. The Esker Quarry is situated to the north-east of the site.

2.0 Proposed Development

- 2.1. The works are described as retention permission of an existing 20m³ septic tank and permission is being sought for a new effluent pumping station to be installed. Permission is also being sought for a new raised open intermittent sand polishing filter to be installed.
- 2.2. The system is to be designed for a Population Equivalent of 75. This system has been identified as System A on all documentation submitted.
- 2.3. There is a concurrent planning application on the remaining lands of the Monastery, to the north and east of the subject appeal site which is currently on appeal to An Coimisiún Pleanála under PL-500560-GY-26.
- 2.4. The concurrent application is seeking permission for 2 no. additional Tertiary Wastewater Treatment Systems with associated raised tertiary sand polishing filter to be installed. These systems have been identified as System B and System C within the documentation submitted.
- 2.5. System B is to be designed for a Population Equivalent of 3, while System C has been designed for a Population Equivalent of 275. I note that this is what has been referenced in the Site Characterisation Report, however the On-site Wastewater Treatment Systems-Engineering Report, also submitted as part of the application, makes reference to system B having a Population Equivalent of 275 with system C having a Population Equivalent of 3PE.

- 2.6. In order to provide clarity on this issue having regard to the Site Layout Plan provided as part of the application documentation, System A, subject to this appeal, relates to the Youth Village Buildings situated on the western portion of the site and will be designed for a Population Equivalent of 75.
- 2.7. Proposed System B is situated on the south-eastern section of the site and is to be designed for a Population Equivalent of 3. Proposed System C is situated on the north-western section of the site and is to be designed for a Population Equivalent of 275.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following a request for further information in relation to issues of landownership, the Planning Authority issued a decision to grant retention planning permission on the 27th November 2025 subject to 5no. standard conditions, including

Condition No. 2

The development as approved shall be limited to that as advertised under the public notices of the planning application.

Reason: In the interest of clarity.

Condition No. 3

(a) The developer shall engage a suitably qualified Archaeologist to monitor (licensed under the National Monuments Acts) all topsoil stripping, service installations and other groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the Archaeologist without his/her express consent.

(b) Archaeological monitoring shall be informed and supplemented by licensed metal detection survey.

(c) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending

a decision of the Planning Authority, in consultation with this Department regarding appropriate mitigation (preservation in situ / excavation).

(d) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with this Department, shall be complied with by the developer.

(e) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the Planning Authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Condition No. 4

(a) The proposed upgraded wastewater treatment system and disposal system shall be designed, installed and operated in accordance with the manufacturer details submitted with the planning application on the 11th of September 2025 and shall be in accordance with the requirements of the current Environmental Protection Agency manual; or

(b) Any change to an equivalent and equal system shall be agreed in writing with the planning authority prior to works being started and the system being installed and shall be in accordance with the current Environmental Protection Agency manual.

(c) The proposed polishing filter shall maintain a minimum separation distance of 10 metres from any house, other percolation area/polishing filter, existing or proposed land drain or watercourse or third party infiltration area.

(d) Immediately following installation, the developer shall submit to the Planning Authority, a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment plant has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the proposed polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

(e) A maintenance contract for the treatment system shall be entered into and paid for in advance and shall be kept in place at all times. Signed and dated copies of the contract shall be made available to the Planning Authority on request.

Reason: In the interest of public health.

Condition No. 5

(a) All surface water generated by the development shall be disposed of within the site to appropriately sized soakaways in accordance with BRE Digest 365 or equivalent and shall not be discharged onto the road or the adjoining property. No house shall be occupied until the surface water collection and disposal system, as proposed, has been properly installed.

(b) Only clean uncontaminated storm water shall be discharged to soakaway system or surface waters.

(c) The development shall not impair existing land or road drainage.

Reason: In the interest of proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer notes the location of the site and details of the proposed development, sets out the Planning History of the site and all relevant planning policies of the Galway County Development Plan, provides a summary of all submissions received from both 3rd parties and consultees and provides for an EIA and AA Screening determination.

The provision of upgraded facilities shall provide for the extension of use of the long-established buildings, which is considered a sustainable solution for older buildings, particularly those which are Protected Structures, to extend their lifespan. The assessment considers the proposal to be acceptable.

The proposed upgrading is a positive step in providing adequate treatment and disposal of effluent generated by the existing building on this brownfield site, in accordance with DM Standard 38.

Concerns were raised relating to land ownership and as such a request for further information was issued on the 4th November 2025. The request was as follows:

- *In order to confirm that the applicant has sufficient legal interest in the entirety of the subject lands to implement the development as proposed, documentary evidence from the landowner is required, in the form of a copy of Registry of Deeds/Land Registry and Folio details and/or confirmation from relevant landowners solicitor regarding ownership as a portion of the lands within the site boundaries (to the northern section) are currently outside the original Monastery site confines. A planning application can only be made and permission implemented once the applicant can demonstrate sufficient legal interest in the entire application lands.*

A response was received on the 5th November 2025 which included documentary evidence from the applicant's solicitor that they have purchased the subject lands as outlined in the application and are currently waiting the official registration of same with Tailte Ireland (application numbers submitted).

The second report of the Planning Officer acknowledged the long-established uses within the site and welcome upgrading of effluent treatment disposal methods to improve and enhance treatment and disposal of effluent generated by the operations on site. The applicant has fully responded to the FI request. A recommendation to grant permission in line with the decision issued was made.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage

Report received on the 13th October 2025 notes the location of the site in proximity to Recorded Monument GA084-071001- (Religious house) and that it is possible that previously unrecorded archaeological remains could be disturbed during groundworks required for the proposed development. The report recommends that in the event of a

grant of permission that condition be included to ensure licensed archaeological monitoring be undertaken.

3.4. **Third Party Observations**

The Planning Authority received 10 no. 3rd Party Submissions. The Planning Officer provided for a detailed summary of the concerns raised which broadly included:

- Occupancy of the Esker Monastery - Building is unfit for occupation/use.
- Lack of information and transparency as to why upgrades to the effluent disposal systems are proposed and misleading information submitted.
- Historical and protected nature of the buildings within the grounds of Esker Monastery and requirement for archaeological assessment.
- Lack of engagement with the local community by the new owners.
- Site notice placement not conspicuous.
- Another similar application is sought within the grounds of the Monastery.
- Lack of assessment on habitats and ecology.
- Ambiguity over ownership of the lands within the application boundaries.

4.0 **Planning History**

PA Ref 01/4876 Permission GRANTED to construct the following a) single storey extension to existing kitchen to comprise additional kitchen and staff facilities b) three storey extension to property incorporating toilet and shower facilities at all levels.

PA Ref 05/3521 Permission GRANTED to construct a shed (72 sq.m.).

PA Ref 2561342 Retention Permission GRANTED by the Planning Authority under PA Ref 25/61342 for an existing mechanical secondary RBC WWTS system and septic tank along with all ancillary works, planning permission for two proposed tertiary wastewater treatment systems and pump stations along with all ancillary

works, within the curtilage of protected structures, being RPS. No. 141, RPS. No. 142 & RPS. No. 143 listed as protected structures. This is a concurrent application and appeal subject to assessment under ACP-500560-GY-26.

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

5.1.1. The subject site is located within a rural location outside of any settlement identified within the current development plan. The appeal site is situated within the Central Galway Complex Landscape as per Map 8.1- Landscape Character Areas of the County Plan and is also within an area of low landscape sensitivity as per Map 8.2- Landscape Sensitivity of the Plan.

5.1.2. The appeal site contains outbuildings associated with the operations of Saint Patrick's Redemptorist Monastery which is a protected structure and listed on the Record of Protected Structures (appendix 6) - RPS 141, 142 and 143. The appeal site is also located in proximity to Recorded Monument GA084-071001- (Religious house).

5.1.3. Relevant policies are as follows

- Policy Objective NBH 1 - Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

This policy object seeks to protect and enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts).

- Policy Objective NHB 3 - Protection of European Sites

Requires that no plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be

permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects).

- Policy Objective WR 1 - Water Resource

Protect the water resources in the plan area, including rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependant species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the River Basin District Management Plan 2018 – 2021 and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same) and also have regard to the Freshwater Pearl Mussel Sub-Basin Management Plans.

- Policy Objective LCM 3 – Landscape Sensitivity Ratings

- Policy Objective WW 6 – Private Wastewater Treatment Plants

- Policy Objective WW 11 - Surface Water Drainage

- Chapter 15 DM Standards

- DM Standard 36: Public Water Supply and Wastewater Collection

- 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.

- DM Standard 50: Environmental Assessments

- DM Standard 61: Archaeological Conservation and Preservation (Urban & Rural Areas)

This standard relates to the protection of archaeological heritage, including the establishment of a Record of Monuments and Places (RMP) and requires developer to have due consideration for the:

- *Archaeology & Development: Guidelines for Good Practice for Developers.*
- Framework and Principles for the Protection of Archaeological Heritage, DAHG (1999)

- DM Standard 63: Sustainable Design and Climate Action.

5.2. National Guidance

- 5.2.1. Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.3. Other Relevant Guidance / Legislative Provisions

- 5.3.1. The EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021

Section 2.4 Discharge Licences Local authorities are responsible for issuing discharge licences for sewage effluent to waters under the provisions of the Local Government (Water Pollution) Acts 1977 and 1990. There is an exemption for 'domestic sewage not exceeding in volume 5 cubic metres in any period of 24 hours which is discharged to an aquifer from a septic tank or other disposal unit by means of a percolation area, soakage pit or other method', which covers discharges to ground covered by this CoP.

- 5.3.2. The EPA Wastewater Treatment Manual for Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) provide guidance on the selection, operation and maintenance of wastewater treatments systems with a Population Equivalent (PE) of 10-500.

5.3.3. The EPA Guidance on the Authorisation of Discharges to Ground Water (2011) provides guidance on the assessment needed to authorise discharges to ground water in order to satisfy the requirements of the European Communities Environmental Objectives (Groundwater Regulations) 2010.

This document identifies higher risk activities to be subject to the EPA Tier 3 Assessment, including:

- Inputs greater than 20 m³/d of domestic waste water;
- Any other proposed activity that is screened as carrying a high risk of impact on a receptor; and Any discharge activities where the results of an initial Tier 1 or Tier 2 assessment indicate significant scientific uncertainty. 6.6.2.

The Tier 3 assessment has the same objectives and general content as in Tier 2, but the level of technical detail is greater. Subsoil characterisation has these additional requirements:

- Continuous subsoil sampling to bedrock (e.g., split-spoon samples or coring);
- Grain size analyses, including the clay fraction; and
- Estimation of subsoil permeability from field permeability tests or laboratory testing (e.g. for vertical hydraulic conductivity), the latter being especially important when clays are present. 6.6.3.

Groundwater characterisation has these additional requirements:

- Pumping tests, rather than rising or falling head tests, are the preferred and accepted means of estimating hydraulic properties of the aquifer underlying the site, provided meaningful tests can be carried out (this may not always be the case in certain hydrogeological settings).

As with Tier 2, the number of boreholes and pumping and/or monitoring wells that may be needed for site characterisation and monitoring cannot be prescribed but is a function of the size of the discharge activity and the conceptual hydrogeological model of the site. The objective is to produce representative hydrogeological data of subsoil characteristics as well as groundwater flow gradients, fluxes and quality. A Tier 3 assessment must be carried out by a suitably qualified person.

5.3.4. The European Communities Environmental Objectives (Groundwater) Regulations 2010 implement the requirements of the Water Framework and the Groundwater Directive.

The regulations impose duties on public authorities in relation to groundwater:

- Prevent or limiting input of pollutants into groundwater bodies,
- Protect, enhance and restore all ground water bodies to achieve good groundwater status by December 2015,
- To reverse any significant and sustained upward trend in pollutants in groundwater bodies arising from human activity,
- To achieve compliance with any standards established for groundwater dependent protected areas. Article 5 of requires that a public authority shall not in the performance of its functions undertake those functions in a manner that knowingly causes or allows deterioration in the quantitative status or chemical status of a body of ground water. Local authorities and the Board are defined in the first schedule as public authorities.

5.3.5. Water Framework Directive

The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

5.4. **Natural Heritage Designations**

The subject site is not situated within or directly adjoining a Natura 2000 site.

The subject site is situated:

- c.7.4km to the south of the Monivea Bog SAC (site code 002352) and the Monivea Bog pNHA (site code 000311).
- c.8.3km to the east of the Raford River Bog pNHA (site code 00321).

- C.7.886km to the north of the Rahasane Turlough SPA (site code 004089), the Rahasane Turlough SAC (site code 000322) and Rahasane Turlough pNHA (site code 000322).

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 11(c), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received a 3rd party appeal against the decision of the Planning Authority to grant retention permission and permission. The grounds of which can be summarised as follows:

1. Invalid development description – no justified need for Wastewater Infrastructure for an empty building.
 - Monastery building unoccupied/classed as not fire safe/no active or permitted use.
 - Applicant seeking to install new tertiary wastewater Treatment Plant, pump station, raised polish filter, retention of 20sq.m septic tank.
- A. No defined use – no wastewater loading.
 - Application provides no declared present or future use.
 - No occupant figures
 - No PE calculations.
 - Cannot assess hydrologic loading/environment impact and percolation capacity cannot be matched to effluent volumes:

- Therefore, compliance with EPA CoP/ DM Standard is not possible.

B. Infrastructure cannot be granted in anticipation of an undeclared use.

- Contradicts ABP case law/Section 34 of the Planning and Development Act/Article 22-25 of Planning and Development Regulations 2001 (as amended).

C. In no intensification of use – retention alone would suffice.

- Proposal indicates:
 - Works designed for future increase occupancy use - development description therefore misleading.
 - Will new piping be required – may interfere with Protected Structure.
 - Existing wastewater treatment plant not registered.
- Represents fundamental validity effect.

2. Defective Public Notice – statutory non-compliant.

- Photographic evidence submitted shows:
 - Site notice placed at hidden secondary entrance/obscured visibility.
 - Not advertised in local newspaper.
 - Main entrance site notice only erected after complaints.
- Should have been invalidated.

3. Duplicate applications – Procedural fragmentation.

- Two parallel applications for the same development – after submissions highlighted mapping and notice defects.
 - Lack of evidence of ownership/omitted use of buildings.
 - Attempted to progress wastewater infrastructure independently.
 - Represents unacceptable procedural manipulation.

4. Land ownership not proven at lodgement.

- At lodgement folio boundaries were incorrect.
- Lands for polishing filter were on separate folio.

- No consent from landowner.
- Solicitor letter provided after request for further information -still unclear who owns land.
- Planning Law requires landowner consent at date of application - Renders application invalid.

5. Unauthorised works within the curtilage of a Protected Structure.

- Photographs submitted indicate excavator and machinery operating on site.
- Breach of Section 32 and Section 57 of the Planning and Development Act 2000 (as amended) and DM Standard 61.
- Archaeological Planning Conditions cannot regularise prior unauthorised works.

6. Wastewater system – Technically not assessed.

- Wastewater Treatment cannot be assessed because:
 - No use declared/No population equivalent provided/no wastewater flows calculated.
 - EPA Code of Practice criteria cannot be met.
- Approving system for undefined future population contradicts EPA Code of Practice.

7. Ecological and Habitat Impacts not assessed.

- No ecological assessment submitted/requested despite:
 - Presence of badger on site/wetland/peat soils.
 - Known underground water sources in area.
 - Disturbance by heavy machinery.
 - Known red squirrel population in area not considered/assessed prior to illegal tree felling.
 - Contravenes objective NBH1 and NBH3 of County Plan.

8. Supplementary Evidence – Department of Justice Correspondence (Corroboratory Support).

- Applicant has submitted correspondence to Department of Justice prior to submitting planning application.
 - Relevant to planning law as:
 - Applicant knew higher residential occupancy was intended/no use declared/application materially misleading.

9. Engineers report describing the property as an ‘asylum accommodation complex’.

- Demonstrates:
 - Intended use and waste water treatment plant designed for such.
 - Planning application concealed material fact.
- Legal Implication – application misdescribes nature proposed of a development is invalid.
- Engineer report direct evidence of concealed intended use.

10. Planning Authorities Errors

- Accepted defective notices/application with no proven legal interest.
- Approved infrastructure for no declared use.
- Failed to address unauthorised works.
- Did not consider ecological/heritage implications.
- Did not address duplicate application.
- Granted Permission for a Waste Water Treatment Plant not registered with relevant authority.

11. Relief Sought

Request that the Commission refuse permission for following reasons:

- Materially misleading incomplete development description.
- No demonstrated need for the proposed works.

- Wastewater system cannot be assessed without stated occupancy and intended use.
- Invalid public notices.
- Land ownership not proven.
- Unauthorized works on a Protected Structure.
- Unassessed heritage and ecological impact.
- Procedural irregularities.
- Concealment of known intended use.

The appeal has been accompanied by the following:

- Appendix 1 – Email confirming Pastor Dale has engaged with Department of Justice.
- Appendix 2 – Consultation refers to Monastery building as Asylum Accommodation Complex.
- Appendix 3 – Correspondence with enforcement.
- Appendix 4 – Notification of activity to the Forestry Department.
- Appendix 6 – Images of illegal works.
- Appendix 7 – Location of site notice on dangerous bend.
- Appendix 8 – Location of secondary site notice.
- Appendix 9 – Images of removal of cross.
- Appendix 10 – Email from local resident.
- Appendix 11 – copy of newspaper notice submitted.
- Appendix 12 – copy of site notice.
- Appendix 13 – Confirmation that Wastewater treatment system not registered.
- Appendix 14 – History of Esker.
- Appendix 15- signatures of local residents.

7.2. Applicant Response

None received.

7.3. Planning Authority Response

None received.

7.4. Observations

The Commission received 2 no. observations which can be summarised as follows:

7.4.1. Louis O'Hara

- Concern over lack of information over intended use of buildings.
- Disrespectful and unfair to local community that developer isn't upfront.
- Does not allow for informed submissions in relation to this application.
- Request that careful consideration be given to concerns raised.

7.4.2. Mary Durkan

1. Lack of original permission

- Retention should not be considered in isolation from the lawful use and occupancy of the building it is intended to serve.

2. Building is uninhabitable

- Attached building is deemed uninhabitable by Fire Safety Officer.
- Building cannot be lawfully occupied – no legitimate requirement for a septic tank.

3. Premature nature of application

- Application fails to specify intended use of buildings/number of occupants/levels of wastewater generation - impossible to assess the suitability/scale/necessity of any treatment plant.
- A treatment plant can only be assessed once the end use is clearly defined.

4. Protected structure concerns

- Any works proposed to bring septic tank into compliance would necessitate alterations to sewage pipework entering and running through this building.
- Works will interfere with fabric/envelope and structure of the protected building and cannot be considered without a comprehensive and transparent planning application.

5. Appropriate interim measure.

- If treatment plant considered to be problematic, then appropriate action would be – fully empty tank/seal all associated pipework/backfill the tank with soil to render it safe.

6. Requirement for a comprehensive future application.

- When end use is decided then a full and transparent planning application following must be lodged including - Proposed use classification/Occupancy levels/Fire safety compliance/Conservation considerations/Wastewater treatment requirements.
- Piecemeal retention applications should not be permitted to pre-empt or prejudice such a process.

7. Unclassified status

- Building recorded as unclassified in records of Galway Co Co.
- Lack of clarity over its legal use.

8. Con-current applications

- 2 applications before the commission for retention of treatment plants.
- First application should have been deemed invalid once second application was lodged.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Scope of Development.
- Design/Specification
- Other Issues

8.2. **Scope of Development**

8.2.1. The appeal site is situated outside of the town boundary of Athenry as per the Galway County Development Plan 2022-2028 and as such is situated in the open countryside.

8.2.1. The site forms part of the lands associated with the Esker Monastery which comprises of complex of religious buildings, a number of out buildings and associated lands. While I note that these buildings are currently un-occupied, they were previously in use for religious and educational uses and the property was previously in use as a retreat centre up until recent times. As such the property has an established use which has not lapsed.

8.2.2. The application relates to works to upgrade wastewater infrastructure associated with the existing development and uses on the site. No change of use is sought as part of this application or appeal. Therefore, I consider the works seeking permission to be acceptable in principle.

8.3. **Design and Specification**

8.3.1. The applicant is seeking permission to retain the existing septic tank on site which has been identified as System A in all documentation submitted and permission for a pumping station and polishing filter to provide tertiary treatment with all ancillary works as per the statutory notice.

- 8.3.2. The proposed works will have an intended population equivalent of 75.. Reports submitted indicated that the proposed sand filtering will treat 11,250L/day.
- 8.3.3. I would draw the Commissions attention to a concurrent application which is also before the Commission for consideration and relates to the remaining lands associated with the Esker Monastery mainly to the south and east of the subject appeal site. ACP-PL-500560-GY-26 is also seeking retention permission of existing onsite wastewater infrastructure and permission for the provision of 2 new Tertiary wastewater treatment systems along with pump stations and all ancillary works. I note that all documentation submitted with this application to the Planning Authority is identical to that submitted with the concurrent application (ACP-PL-500560-GY-26).
- 8.3.4. An engineer's report, titled Site Characterisation Report EPA 2021, was submitted. This report states that it is based upon the findings of a site assessment and soil percolation test carried out on the 25th March 2025 and provides recommendations for the upgrade to the existing on-site waste-water treatment systems and polishing filter/percolation area in line with the EPA 2021 COP and the requirements of Galway County Council. Section 1 of the report, Site Specific Information, stated that the maximum occupancy for system A would have a Population Equivalent of 75. No details are provided with this document, or any other documentation submitted in support of the planning application as to how this figure was arrived at and I note that this was not questioned by the Planning Authority in their assessment. I further note also that the application under ref. 500560 provides for 2 additional WWTP's with a capacity of 275 pe and 3pe respectively.
- 8.3.5. The characterisation form submitted with the application, which provides for an assessment of the proposed System A against the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021, indicates that trial holes were excavated to a depth of 1.5m with no bedrock being encountered. The water table was indicated as being encountered at 1.2m. A subsurface (T-test) was carried out with a result of 38.75mins/25mm and Surface test (P-test) result of 30.97 mins/25mm was also recorded.
- 8.3.6. The applicant has indicated under section 6 of the engineer's report, titled Site Characterisation Report EPA 2021, that it is intended to dispose the treated effluent 'into the ground' (page 21). The main findings of this assessment are set out in Section

3, and it notes that the groundwater body found where system A is to be located is Clairnbridge which has a good status and is not at risk. Extracts from the EPA Mapping system are included.

- 8.3.7. From a review of the EPA mapping system available to me I note that the proposed treatment area (sand polishing filter), as indicated on the site layout plan, drawing no. 1506-C01, appears to be situated on a Regionally Important Karstified Aquifer (conduit). While this was noted in the assessment through the inclusion of an extract from the EPA mapping system, the impact of the intention to now dispose the treated effluent to the ground was not investigated by the assessor who prepared the report.
- 8.3.8. I note that the characterisation form submitted notes an R1 response was recorded and that this was accepted by the Plannign Officer in their assessment. However, having regard to the EPA Mapping system available to me, ([EPA Maps](#)) which is accessed on the 30th March 2026, I note that the appeal site is in an area classified as being of High Vulnerability with a groundwater protection response of R2-1, therefore I do not accept that the R1 response received by the assessor in this instance to be correct.
- 8.3.9. Furthermore, given the PE set out within the same characterisation form which significantly exceeds the Population Equivalent ≤ 10 and the proposal to discharge to ground water I would have a significant level of concern over the assessments submitted.
- 8.3.10. No information provided on the impact the proposal to discharge to groundwater may have within any report submitted, given the volume being proposed. It is not clear whether this comprises an increase over volumes which may currently discharge. I have significant concerns over the level of scrutiny given to the works proposed by the assessor.
- 8.3.11. Local authorities are responsible for issuing discharge licences for sewage effluent to waters under the provisions of the Local Government (Water Pollution) Acts 1977 and 1990. Given that the population equivalent is indicated by the assessor as being 75 and that it is intended to discharge to treated effluent to the ground where there is a Regionally Important Karstified Aquifer, it is considered that the assessor in this instance should have demonstrated compliance with the requirements of the EPAs Guidance on Authorisation of Discharges to Groundwater (2011). These guidelines

provide guidance on the authorisation of discharges to groundwater as a means of satisfying the requirements of the enacted European Union Environmental Objectives (Groundwater) Regulations, 2025 (S.I. No. 51/2025).

- 8.3.12. Section 3.1 of the 2011 guidance notes that the assessment of a discharge to groundwater activity is risk-based and receptor-focussed. Section 4.3 of the guidelines sets out the tiers of assessments and identifies 3 tiers which are based on thresholds as per Table 3 of the guidance document.
- 8.3.13. As the applicant has indicated on documents submitted that the proposed waste water treatment plant will have a maximum of 11,250lts/day (11.25m³) it would appear, having regard to Table 3 and Section 4.3.2 of the 2011 guidelines that a Tier 2 assessment would be required which requires a range of considerations which are clearly set out in Table 4 of the 2011 guidelines. Tier 2 assessment assessments generally cover Inputs greater than 5 m³/d and less than or equal to 20 m³/d of domestic waste water associated with On Site Waste Water treatment plants.
- 8.3.14. However, regard is also had to the other proposed discharges, as per the concurrent application PL-500560-GY-26, which would have an overall combined capacity of 353 PE, which should be considered in any analysis. This may therefore require a Tier 3 assessment as per section 4.3.3 of the 2011 guidance (Inputs greater than 20 m³/d of domestic waste water).
- 8.3.15. I would note that Policy Objective WR1- Water Resources of the Galway County Development Plan 2022-2028 seeks to protect the water resources in the plan area, including groundwater quality in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended).
- 8.3.16. A Second assessment submitted, titled on-site wastewater treatment systems Engineering Report, notes that an inspection of the existing on site wastewater infrastructure was undertaken on the 25th of August 2025 and that the objective of this study was to determine if the existing system complied with the best available engineering practice and statutory requirements. Reference is made to compliance with SR6 and the EPA Wastewater Manual, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels 1999 and BW COP: 1/05. It is further stated that the existing systems are subject to a discharge licence when the

flow exceeding 5m³/day but that no details of existing discharge licence were available at the time of inspection.

- 8.3.17. I note that SR6, as referenced within the report relates to SR 6 Septic Tank Systems: Recommendations for Domestic Effluent Treatment and Disposal from a Single Dwelling House which has now been superseded by the EPA Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10). As noted above, guidance relevant to the design of non-domestic wastewater systems is set out in the Small Communities CoP and the 2011 discharge to groundwater guidelines which I have established above.
- 8.3.18. Again as per above, this report states that the projected Raw Wastewater Loadings for the subject system will have a population equivalent of 75. As previously noted, the application was not accompanied by floor plans or any explanation as to how the population equivalent figure given was arrived at. Reference is made to details being supplied by a planning consultant, but no calculations have been provided to this end, nor its relationship with the treatment facilities proposed under ref. PL-500560-GY26.
- 8.3.19. Section 2.4 of the 1999 EPA Wastewater Manual states that loading rate is an important parameter in the design of all biological wastewater treatment systems and Table 3 provides recommended wastewater loading rates for commercial premises. I consider that the lack of details provided as to how the population equivalent has been arrived at represents a significant gap in information required to undertake a robust assessment of the proposal.
- 8.3.20. Section 3 of the report set out the locations of the existing tank and it states that the tank has been installed in accordance with the requirements of SR6 and the EPA Wastewater Manual, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels 1999 with minimum setback distance recommended for this type of system at the time of installation. However, it further states that details of original disposal systems are not available therefore construction of new disposal systems is proposed in accordance with EPA 2021 COP.
- 8.3.21. The application seeks retention permission for this septic tank, however, insufficient detail is provided in relation to the design, capacity or integrity of the tank to be retained, or adherence to current standards. In addition, as above, the assessment seems to provide conflicting information.

- 8.3.22. Section 4 of the report describes the existing system and notes that it comprises of 1No. large underground, concrete tank with approximate dimensions of L5.4m x W1.7m X Depth 2.2m and a storage capacity including free board of 20.2m³. Raw sewage enters this tank by gravity via a UPVC sewer pipe. Images of the existing system have been included on pages 7 of this report. The report concludes that the existing septic tank has been found to be in good working order. However, I note that details of how long the septic tank has been in situ and operating for and existing discharge rates and where the tank discharges to has not been included. There is little detail to confirm the structural integrity of the tank.
- 8.3.23. While the report states in its introduction that its intention is to report details for an 'existing wastewater treatment system' at Esker, Kiltullagh, Athenry, Co. Galway it fails to provide the basic required information and includes for information relating to what is also being proposed. Furthermore, it also includes details of the concurrent application ACP-PL-500560-GY-26.
- 8.3.24. Having reviewed the documentation available to me and submitted as part of the application I consider that the level of scrutiny required for the proposed wastewater treatment system has not been undertaken to a level required as per the 2011 EPA Guidance and therefore I cannot conclude on the satisfactory nature of the design or on the impacts it may have not only on public health but also on groundwater in accordance with the requirements of Policy Objective WR1 of the Galway County Development Plan 2022-2028.
- 8.3.25. On conclusion, I consider that given the significant lack of details provided, which include:
- References to correct EPA standards.
 - The absence of a robust assessment of the impact the proposal to discharge to ground will have upon the groundwater as required by the EPAs Guidance on Authorisation of Discharges to Groundwater (2011).
 - The lack details as how a population equivalent of 75 was arrived at.
 - The absence of satisfactory details of the existing septic tank on site in terms of how long it has been in situ, integrity, existing discharge rates and loadings.

- The absence of detail of any discharge license, to demonstrate that the existing system is in good operation order.

I cannot therefore conclude that the proposed development will not have any impact upon public health or groundwater, and that in the overall absence of certainty of the design or likely effects and the failure to consider the proposed development against the correct EPA guidance I recommend that both retention permission and permission be refused.

8.3.26. I would further note to the Commission, that while I do accept that the development as proposed may be presenting as an upgrade to an existing system where it appears to be a positive step in providing adequate treatment and disposal of effluent for the environment, the information submitted with the planning application has not demonstrated this to be the case. Therefore, while I did consider that a request for further information under Section 132 of the Planning and Development Act 2000, as amended, having regard to the fundamental nature of the concerns raised to the design and layout of the subject development, I consider that a decision to refuse permission would be the more appropriate outcome.

8.3.27. Furthermore, I note from the Planning Officers report that there was no investigation of the design or engagement with Environment or other departments of the PA, which matters are identified in the appeal submission. There was no response to the grounds of appeal from either the Planning Authority or the appellants in this instance.

8.4. Other Issues

8.4.1. Legal Interest

It is contended by the 3rd Party Appellant to this appeal that the applicant had not clarified their legal interest in the appeal site on submission of the planning application to Galway County Council and that at lodgement folio boundaries were incorrect. It is further argued that even after the request for information made by the Planning Authority, it remains unclear as to whom the landowner actually is and that this is a clear breach of planning law.

The Planning Authority issued a request for further information which required the applicant to provide evidence of their legal interest in the appeal site. Following a

response to such, the Planning Authority were satisfied that the applicant has sufficient legal interest to obtain permission and retention permission of the works.

I note that section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Furthermore, Section 34(13) of the Planning and Development Act 2000, (as amended), states that a person shall not be entitled solely by reason of a permission to carry out any development. I note the submissions at further information stage and, I note further that the third party has not argued that they are themselves the owners of the subject land. I do not consider therefore that this constitutes a grounds for refusal in this case.

8.4.2. Ecology Concerns

I note that an appellant to this appeal has raised concerns over the lack of ecological assessments submitted with the application. It is states that there is a known presence of badger on site and that also know underground water sources in the area.

During my inspection of the site, I note that the area of works, and adjoining lands to the west and north comprises open fields and I observed no evidence of badger setts /activity in this location.

8.4.3. Unauthorised Works

The appellant to this appeal has raised concerns that works been undertaken on site to date without the benefit of planning permission. I note that the matter of enforcement falls under the jurisdiction of the planning authority and I therefore do not consider it an issue for the Commission to consider.

8.4.4. Validity of Planning Application

The grounds of the appeal raise concerns regarding the validity of the planning application with regard to the public notices associated with the application. It is contended that site notice is misleading and were located in an area not visible to the public. The Planning Authority determined the application to be valid and that there was no requirement for a second site noticed to be erected. The planning officers report associated with the subject application provided photographic imagery of the site notices in place. I am satisfied that this did not prevent the concerned party from

making representations or my assessment of the current appeal before the Commission.

With regard to the concern raised over the misleading nature of the development description, again I note that it is a function of the Planning Authority to deem an application to be valid or invalid and this includes a consideration of the description of development. Having reviewed the statutory notices I consider it to be clear what retention and permission are being sought for.

9.0 **AA Screening**

9.1. 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 cannot 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 the Monivea Bog SAC (site code 002352), the Monivea Bog pNHA (site code 000311), the Raford River Bog pNHA (site code 00321), the Rahasane Turlough SPA (site code 004089), the Rahasane Turlough SAC (site code 000322), the Rahasane Turlough pNHA (site code 000322) or any other European site, in view of the conservation objectives of these sites and they are therefore not excluded from further consideration.

9.2. This determination is based on:

- The nature of the development proposed, and the level of information provided with the application, together with that seeking permission under PL-500560-GY-26.
- The significant gaps in information provided to me in respect of suitability of the site and proposed wastewater treatment systems to satisfactorily treat and dispose of wastewater.

9.3. I cannot conclude, on the basis of objective information, that the proposed development would or would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.4. See Appendix 3 of this report for Appropriate Assessment Screening Determination.

10.0 Water Framework Directive

- 10.1. The subject site is located at Esker, Kiltullagh, Athenry, Co. Galway. The proposed development consists of the retention of a septic tank and upgrade other elements of the effluent disposal facilities and improved percolation area serving the existing buildings in place to current EPA standards. No water deterioration concerns were raised in the planning appeal.
- 10.2. The Mulpit River is situated approximately c.445m to the north of the subject site which has an at-risk status. The site is also situated within the Clarinbridge groundwater catchment which has a good status. The site is also situated on a Regionally Important Karstified Aquifer.
- 10.3. I have assessed the proposed development 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 & ground water bodies 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 and the significant gaps in the information provided, I am not satisfied that it can be eliminated from further assessment because there is a conceivable risk to surface and groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:
- The nature of the development proposed, and the level of information provided with the application, together with that seeking permission under PL-500560-GY-26.
 - The significant gaps in information provided to me in respect of suitability of the site and proposed wastewater treatment systems to satisfactorily treat and dispose of wastewater.
- 10.5. I conclude that on the basis of objective information, that the proposed development may result in a risk of deterioration on any water body (rivers, lakes, groundwater, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can therefore not be excluded from further assessment.

11.0 Recommendation

Having regard to the above, I recommend that the decision of the planning authority be overturned and retention permission and permission be refused based on the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the nature and scale of development proposed, the Commission is not satisfied, having regard to

- Deficiencies in the information provided in relation to the capacity, design and integrity of the existing septic tank on site.
- Deficiencies in the information provided in relation to the design and capacity of the proposed wastewater system.
- The absence of a suitably robust assessment of the impact the proposal to discharge to ground will have upon groundwater, in accordance with the EPA Guidance on Authorisation of Discharges to Groundwater (2011)

it cannot be concluded that the development would not negatively impact upon public health or the groundwater status, would fail to comply with the requirements of Policy Objective WR1- Water Resources of the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

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

Kathy Tuck

Planning Inspector

1st April 2026

Appendix 1

Form 1 EIA Pre-Screening

Case Reference	PL-500507-GY-25
Proposed Development Summary	Retention permission sought for an existing 20m ³ septic tank and permission is being sought for a new effluent pumping station to be installed. Permission is also being sought for a new raised open intermittent sand polishing filter to be installed
Development Address	Esker, Kiltullagh, Athenry, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> 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?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Schedule 5, Part 2 11(c) Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
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 <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	PL-500507-GY-25
Proposed Development Summary	Retention permission sought for an existing 20m ³ septic tank and permission is being sought for a new effluent pumping station to be installed. Permission is also being sought for a new raised open intermittent sand polishing filter to be installed.
Development Address	Esker, Kiltullagh, Athenry, Co. Galway.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Permission is being sought for the retention of an existing 20m³ septic tank and permission is being sought for a new effluent pumping station which has a proposed PE of 75. Permission is also sought for a new raised open intermittent sand polishing filter on lands which form part of the Saint Patrick's Redemptorist Monastery, Athenry County Galway.</p> <p>The development is seeking to improve the current situation on site in terms of wastewater treatment to ensure it accords with the current code of practice.</p> <p>However given the lack of information provided with the application in terms of the assessment against the correct EPA Guidelines I cannot conclude that the volume of wastewater produced and its treatment, alone and when considered in combination with the concurrent permission under PL-500560-GY-26, would not pose a risk to Public Health or pollutants to ground water. Such matters can be addressed by means of adherence to EPA Guidance on Authorisation of Discharges to Groundwater and subject to such, significant impacts on the environment are not likely.</p>
Location of development	The proposed site is located outside of the town boundary of Athenry as per the Galway County

<p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Development Plan 2022-2028 and as such is situated in the open countryside.</p> <p>The subject site is not located within a designated site. The site is situated:</p> <ul style="list-style-type: none"> • c.7.4km to the south of the Monivea Bog SAC (site code 002352) and the Monivea Bog pNHA (site code 000311). • c.8.3km to the east of the Raford River Bog pNHA (site code 00321). • C.7.886km to the north of the Rahasane Turlough SPA (site code 004089), the Rahasane Turlough SAC (site code 000322) and Rahasane Turlough pNHA (site code 000322). <p>While there does not appear to be any direct connection from the subject site to any Natura 2000 sites, I cannot conclude that it would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments. Subject to adherence to Guidance on Authorisation of Discharges to Groundwater and subject to such, significant impacts on the environment are not likely.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
<p>Types and characteristics of potential impacts</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>There is a concurrent planning application on the remaining lands of the Monastery, to the north and east of the subject appeal site which is currently on appeal to An Coimisiún Pleanála under PL-500560-GY-26.</p> <p>The concurrent application is seeking permission for 2 no. additional Tertiary Wastewater Treatment Systems with associated raised tertiary sand polishing filter to be installed. These systems have been identified as System B and System C within the documentation submitted.</p>

		<p>System B is be designed for a Population Equivalent of 3, while System C has been designed for a Population Equivalent of 275.</p> <p>Where the site and design of the wastewater treatment systems can be demonstrated to achieve a satisfactory standard, the proposed development would not give rise to likley significant effects on the environment.</p>
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector: _____ **Date:** _____

Appendix 3

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

I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Esker, Kiltullagh, Athenry, Co. Galway. The site is situated:

- C.7.4km to the south of the Monivea Bog SAC (site code 002352) and the Monivea Bog pNHA (site code 000311).
- c.8.3km to the east of the Raford River Bog pNHA (site code 00321).
- C.7.886km to the north of the Rahasane Turlough SPA (site code 004089). the Rahasane Turlough SAC (site code 000322) and Rahasane Turlough pNHA (site code 000322).

The proposed development consists of the retention of an existing 20m³ septic tank and the provision of a new effluent pumping station to be installed which has an intended PE of 75. Permission is also being sought for a new raised open intermittent sand polishing filter to be installed.

Having considered the nature, scale and location of the project, together with the con-current application under PL-500560-GY-26, and given the significant gaps in information before be to undertake a robust assessment, I am not satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. Furthermore, from a review of the conservation objectives associated with the Natura 2000 sites listed above, I note that these sites would have a ground water dependency. Given that the proposal is seeking to discharge to ground water and the concerns I have raised within my assessment with regard to the lack of assessment of the impact the proposal may have upon the ground water, I cannot therefore screen any of the sites identified out.

The reason for this conclusion is as follows:

- Nature works together with that seeking permission under PL-500560-GY-26.
- The significant gaps in information provided to me.

I cannot conclude, on the basis of objective information, that the proposed development would or would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Therefore, likely significant effects cannot be excluded and I cannot conclude that Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.