



Development	Construction of a new dwelling house and all associated works. A Natura Impact Statement (NIS) was submitted with this application as further information.
Location	Maigh Cuilinn , Homefarm , Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2560349
Applicant(s)	Emma Carr & Daniel Ferns
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Anthony Lee
Observer(s)	None
Date of Site Inspection	26 th March 2026
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The appeal site is situated in the Townland of Homefarm, Maigh Cuilinn, Co. Galway. The site is located approximately 1.8 km southeast of Maigh Cuilinn village centre and approximately 13km to the north-west of Galway City Centre.
- 1.2. The site has a stated area of 0.211ha with access being provided from the L-3572. The site forms part of the side garden associated with an existing dwelling and currently comprises of a tennis court which is enclosed by fencing.

2.0 Proposed Development

- 2.1. This is an application for permission for a part single storey part two storey dwelling which has a stated area of 301.80 sqm.
- 2.2. Permission is also sought for the provision of a packaged effluent treatment system with associated soil polishing filter, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority, following a request for further information and clarification of further information, issued a decision to grant planning permission on the 15th December 2025 subject to 15 no. conditions. Conditions of note are as follows:

- Condition no. 2

Use of the proposed house shall be restricted to use as a house by the applicant, applicant's family, heirs, executors and administrators or persons involved in agricultural or related activities, returning emigrants or those with an essential housing need in this rural area, unless otherwise agreed by the Planning Authority for a period of 7 years. The period of restriction shall have effect from the date of first occupation of the house by the approved occupant. Prior to the commencement of development, the applicant\developer shall enter into a legal agreement with the Planning Authority (under the provisions of Section 47 of the Planning and Development Act 2000, (as amended) the

purpose of which shall be to give effect to the above restriction. The house shall not be occupied until an agreement embodying a provision to give effect to the above restriction(s) has been entered into with the Planning Authority pursuant to Section 47 of the Planning and Development Acts 2000, as amended.

REASON: To ensure that development in the area in which the site is located is appropriately restricted.

- Condition no. 3
 - (i) The mitigation measures as set out in the Natura Impact Statement, as received by the Planning Authority shall be strictly carried out in full as part of the proposed development.
 - (ii) (ii) The management procedures as set out in the Construction & Environmental Management Plan shall be adhered to and strictly carried out in full as part of the proposed development.
 - (iii) An appointed qualified ecologist shall oversee the implementation of the mitigation measures of the Natura Impact Statement.

REASON: In the interest of proper planning and sustainable development and to protect European sites.

- Condition no. 6

Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

REASON: In the interests of public and road safety and proper planning and development.

- Condition no. 15

Section 48 Financial Contribution of €4,415.50.

3.2. Planning Authority Reports

3.2.1. First Report of the Planning Officer

The first report of the Planning Officer, dated 20th May 2025, provides for a Site Description and Development Proposal, details of the planning history pertaining to the

site and the immediate environs, sets out relevant planning policy, details of internal and external consultee reports received, a summary of submissions received, and a FRA, EIA and AA Screening determination.

The assessment raises concerns over the rural housing need of the applicant and the lack of supporting documentation submitted, the legal interest of the applicant, the proximity of the site to the Lough Corrib SAC (Site Code:000297) and the impacts on such, the lack of details for the proposed treatment system, the lack of correspondence from Irish Water, and the lack of landscape plan submitted. As such the Planning Authority issued a request for the following further information on the 20th May 2025:

Item 1

Further information is required from the from applicant to ensure that the requirements of DM Standard 7, Policy Objective RH2 and Policy Objective RH4 of the Galway County Development Plan 2022 – 2028.

Item 2

Submit written consent from all relevant landowners, and to clarify concerns raised in the submission received by the Planning Authority.

Item 3

Submit an Appropriate Assessment of the proposed project which includes for an Otter Survey.

Item 4

- (i) Submit a site-specific longitudinal section through the site including the proposed dwelling, treatment system and polishing filter area, clearly indicating the relevant levels in accordance with the groundwater protection response for the site.
- (ii) Indicate all of the adjoining dwelling's treatment systems and percolation areas on a revised site layout plan, also indicating all minimum separation distances as per Table 6.2 of the EPA, Code of Practice, 2021 for further consideration by the Planning Authority.

Item 5

Submit written correspondence from Irish Water confirming the feasibility/availability of a new water main connection.

Item 6

Provide a landscaping proposal in accordance with DM Standard 11 of the Galway County Development Plan 2022-2028.

The applicant submitted the following response to the RFI request on the 30th June 2026:

Item 1

The applicant submitted:

- Land Registry Documentation for the Family Home (Folio GY28900F & GY34660F)
- Birth Certificate
- Letter from Primary School – Scoil Mhuire, Maigh Cuilinn
- Letter from Primary School – Scoil Bhaile Nua, Maigh Cuilinn
- Statement of Housing Need from the Applicant
- Letter from Workplace – St James’ National School, Bushypark

Item 2

Site entrance has been moved to the rear of the site to the original location of the site access prior to planning permission being granted for the current site access which serves the family home. It is now proposed that the 2 no. sites formed on the family lands to have separate vehicular entrances. Please find a revised site layout drawing, Dwg “7324-FI-02 - Proposed Site Layout Plan”, demonstrating the relocated site entrance and the location of the front boundary wall.

Item 3

Appropriate Assessment / Natura Impact Statement, Construction Environmental Management Plan (Site Specific), and an Otter Survey have been submitted.

Item 4

Drawing “7324-FI-12 - Site Section” submitted.

Item 5

Confirmation of Feasibility document from Uisce Eireann submitted.

Item 6

Submitted proposed landscape plan – drawing no. 7324-FI-13.

3.2.2. **Planning Officers Report on Further Information**

The Second Report of the Planning Officer dated the 18th August 2025, provides for an assessment of the further information received. The report notes that the applicant has satisfactorily addressed almost all items raised under the request for further information.

With regard to item 2, while the planning officer notes no objection to the relocation of the vehicular access however, there is concern in terms of sightlines available and the legal interest of the applicant to utilise this private road. As such, a request for clarification of further information was issued on the 19th August 2025:

Item 1

Sightlines have not been shown on the details received for the proposed alternative access arrangement which is on a local road outside of the ownership of the County Council. DM Standard 30 of the Galway County Development Plan is applicable for developments on private roads. The applicant is therefore requested to address the following

- I. Demonstrate comprehensive evidence by way of legal documentation and associated maps of a right of way agreement, and the requisite consent of all the relevant parties, to utilise the existing infrastructure and/or upgrading infrastructure so as to render the development site adequately equipped to serve the proposed development.
- II. Road and boundaries would need to be accurately surveyed and presented on a revised drawing with sightlines, road alignment and the current extents of current hedgerow/walls denoted and shown in order to achieve clear and unobstructed sightlines. The survey of the public road and surrounds shall be sufficiently detailed to allow any potential obstruction to be readily identified.
- III. Please submit, if necessary, letter(s) of consent from any adjoining landowner(s) consenting to set back their boundary in order to permanently

achieve clear and unobstructed required sight distances and associated sight distance triangle.

A response from the applicant was received on the 24th October 2025 which states that the applicant is now proposing to revert to the initial site layout whereby the new dwelling would utilise a shared entrance with the family home, which has an existing layout approved under PI. Ref. 96/359.

It is further stated that a letter from Galway County Council Roads and Transportation Section, confirming that the public roadway (L-5372) to the south of the site directly abuts the subject family lands (Folio GY28900F) is submitted and therefore no third-party permission is required for additional access through the existing vehicular entrance.

3.2.3. Planning Officers Report on Clarification of Further Information

The 3rd report of the Planning Officer dated the 9th December 2025, states that the applicant has satisfactorily addressed the Clarification of Further Information request and a recommendation to grant permission in line with the decision issued.

3.2.4. Other Technical Reports

- None received.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage

The 1st submission received notes the location of the site within 10 metres of the Lough Corrib Special Area of Conservation (SAC) (Site Code: 000297) and states that the Planning Authority must be satisfied from their own determination that the proposed development will not have a significant impact on the above-mentioned European Site's qualifying interest (QI) habitats and species and also on water quality.

The 2nd submission received notes that the reference to a CEMP in the NIS was not submitted for review and reiterates that Galway County Council must be satisfied from their own determination that the proposed development will not have a significant impact on the above-mentioned European Site's qualifying interest (QI) habitats and

species and also on water quality. They should also be satisfied the proposed development will not have a negative impact on downstream wetland habitats and Flora Protected Order species which would be contrary to Policy Objectives on “Natural Heritage and Biodiversity (NHB 1 to NHB 5)” of the current Galway County Development Plan 2022-2028.

3.4. **Third Party Observations**

The Planning Authority were received 1 no. submission with regard to the proposed development and a follow up submission from the same objector on foot of the further information response. The concerns are in line with the grounds of the appeal, and a detailed summary is provided by the Planning Officer in their reports.

4.0 **Planning History**

4.1. Adjoining site to the west

PA Ref 2560142 Permission GRANTED for the retention of existing dwelling house on a revised site boundary, the provision of a new packaged effluent treatment system with associated soil polishing filter to replace the existing septic tank and all associated site works.

PA Ref 992219 Permission GRANTED for the retention of dwelling house & septic tank on reduced site area and to construct a new dwellinghouse on the remainder of site.

PA Ref 96/359 Permission GRANTED to Gerard Carr to construct a new entrance to a property.

PA REF 95/966 Permission REFUSED to Gerard Carr for a new entrance to site.

5.0 **Policy Context**

5.1. **Galway County Development Plan 2022-2028**

5.2. The subject site is located within a rural location outside of the settlement boundary identified for Moycullen within the current development plan. The site is identified as

being within the Galway County Transport & Planning Study (GCTPS), the Gaeltacht Area and within a Class 3 special landscape character, within the Lake and Environs Landscape designation. In addition, the site is situated within Rural Housing Zone 4.

5.3. The relevant objectives and sections of the plan are as follows:

Objective RH2 – Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1).

Objective RH4 – Rural Housing Zone 4 (Landscape Classification 2,3 and 4).

Table 15.6 – Landscape Sensitivity Designations

Class 3 – Special: Restricted to essential residential needs of local households, family farm business and locally resourced enterprises (subject to site suitability and appropriate scale and design) including those with substantiated cases for such a specific location and which are in compliance with settlement policies.

Objective RH 11 - Waste Water Treatment provision

Where a connection to the public wastewater network is not available, provide for sustainable rural housing in the county in accordance with the EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2009).

Section 4.6.2 - Rural Areas under Strong Urban Pressure –Metropolitan Area and GCTPS.

- Key objectives of the Council are:
 - To facilitate the genuine housing requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations.
 - To direct urban-generated development to areas for new housing development in the adjoining urban centres, towns identified in the metropolitan area and the towns and villages as identified in the Settlement Strategy.
 - To support rural housing in areas designated as structurally weak areas.
 - To accommodate residential development proposals in accordance with *Chapter 15 Development Management Standards*.

Chapter 15 – Development Management

Section 15.2.2 – Applicable to all development

Section 15.3 – Rural Living and Development

- DM Standard 8: Site selection and design
- DM Standard 9: Site Sizes for Single Houses Using Individual On-Site Wastewater Treatment Systems:

Section 15.5.2 – Guidelines for roads and Parking

- DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads
- DM Standard 30: Development on Private Roads.

Section 15.6.7 – Water and Wastewater

- DM Standard 37: Group Water Scheme and Private Wells
- DM Standard 38 – Effluent Treatment Plants.

Section 15.7.2 – Landscape Sensitivity

- DM Standard 46 – Compliance with Landscape Sensitivity Designations
- DM Standard 47 – Field Pattern, stone walls, trees and hedgerows.

Section 15.13.2 – Surface water drainage and Flooding

- DM Standard 67- Sustainable Drainage Systems
- DM Standard 68 – Flooding

5.4. Natural Heritage Designations

The appeal site is not situated within or directly abutting any Natura 2000 sites. The appeal site is situated c.10m to the north of the Lough Corrib SAC (Site Code SAC 000297) and c.1.5km to the south-west of the Lough Corrib SPA (Site Code SAC 004042).

6.0 EIA Screening

- 6.1. 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 2(10), 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 permission for the proposed development. The grounds can be summarised as follows:

- Concern over access proposed to property
 - Appellant is legal owner.
 - Road does not abut appeal site.
- Incorrect information was supplied to the applicant by Transport Section of Galway County Council.
- Maps indicates an 8m wide strip of land located between applicants' family land and local road.
 - Land located on old Galway rail line and 3rd Party appellant is owner.
 - Maps submitted forms part of registry of deeds not in Tailite/Land Registry.
 - Indicates L-5372 does not abut lands contained in Folio GY28900F.
- 8m Strip – directly abuts Local Road and forms part of the preferred route of the Galway Green Route.
- Site location map submitted indicates lands do not directly abut L5372.
- Proposed site layout – entrance indicated as being outside red line boundary.

- History of unregistered entrance
 - Entrance from Clooniffe (L-5372) never received permission nor is it part of this application.
 - Unauthorised access via private lands.
 - Entrance was constructed on lands not in ownership and without consent.
 - No legal conveyancing.
 - No burden legally registered
- Reference is made to Page 4 of the 1st Planning Officers report – Submissions/observation.
- Reference is made to Page 7 of the 1st Planning Officers report – Transport and Roads.
- Reference is made to Item 2(a) and (b) of request for further information (Planning Officers Report dated 20th May 2025).
 - Evidence that Planning Authority aware that access is not in applicant ownership.
 - Considered response to Item 2 fails to address the issue raised as access has simply been relocated to the north boundary of the site.
 - Revised layout fails to comply with item no. 2.
 - Extract from Tailte Ireland shows L5372 does not abut appeal site (map no. 7 of appeal).
 - Extracts from AECOM of proposed Galway Greenway – indicates strip of land being in the ownership of the appellant not the applicant.
- Reference to 2nd Planning Officers Report
 - No reference made to the lack of response to items 2a and 2b of the RFI.
 - Assessment merely requests that new issues arising is addressed
 - The response to clarification of further information reverts back to original access and therefore item 2a and 2b of the original RFI need to be addressed.

- Applicants have moved the goal posts and Planning Officer failed to seek response to items 2(a) and 2(b) of RFI.
- Site Layout plan submitted in response to RFI on the 24th October 2025:
 - Front boundary wall indicated as being outside legal ownership of applicant.
 - Unauthorised entrance is on lands outside applicants' ownership.
 - Green route will run directly between access and local road (L5372).
 - Imagery submitted of area not in applicants' ownership.
 - Site notice was not on applicant's land.
- Comment on map and letter supplied by the Transport and Roads department of Galway County Council.
 - Map attached is illegible and uncertified.
 - Impossible to decipher map details.
 - No folios on Map.
 - Concern over why such a bad quality map was utilised by the Transport and Roads department given that they would have access to a wide range of mapping systems.
 - No evidence to support the statement that L-5372 abuts the site.
 - Contents of letter fails to meet the standard one would expect from a public office.
 - What was the grade of the person who signed the letter?
 - Unclear what was requested from the Transport Section by the applicant – nothing included on the Planning Portal.
 - Agent acting on behalf of the applicant could have engaged with Transport Section directly – no solicitor required.
- Timeline of submissions raises concerns over something untoward.
- Map from roads department indicates a significant space between public road and appeal site:
 - How can Transport Section confirm it directly abuts local road.

- Space indicated is same as planning referral portal map.
- Planning Authority did not comment on position of L5372 but accepted Transport Section confirmation.
- Map used was not fit for purpose.
- Observations on Planning Officers Report on Clarification of Further Information dated 9th December 2025.
 - How can applicant has satisfactory addressed Clarification of Further Information when they have refused to address the issues raised.
 - Applicant changed strategy 2 no. times – final proposal based on unusual mapping and information confirmation.
 - Correspondence from Transport Section not signed by an engineer – deciding factor in granting permission.
 - Assumed Planning Officer would have misgiving about dubious and opaque nature of the later from Transport Section.
 - Considered previous knowledge of issues raised about unauthorised and unregistered entrance.
 - Suggests a reluctance by the Planning Officer to include actual wording to confirm site abuts L-5372 in order to disassociate themselves from information from Transport Section.
 - Reference to Councils ownership of road corroborated by land registry and folio details – considered vague and moot point and not disputed by the applicant or appellant.
 - Inclusion of irrelevant information may suggest a certain further attempt to muddy the waters rather than focus on the incorrect information which states that public road directly abuts public road – crucial factor in determining the Planning Officers decision to grant permission.
 - Discrepancy in dates – Planning Officers recommendation to grant was recorded on the 9th December 2025 while decision to grant notification was issued on the 15th December 2025 whereas decision date posted online was 18th December 2025.

The appeal was supported by the following documentation:

- Extracts from the 3 no. Planning Officers Reports
- Map 1 – Registry of Deeds Map Indenture Map 1.
- Map 2 – Registry of Deeds Map Indenture Map 2.
- Map 3 – Site Location Map (submitted to the Planning Authority on the 31st March 2025).
- Map 4 – Galway County Council Public Planning Viewer Map.
- Map 5 – Proposed Site Layout Plan (submitted to the Planning Authority on the 31st March 2025).
- Map 6 – Revised site layout plan (Further information Submitted to Planning Authority on the 30th June 2025).
- Map 7 – Tailte Eireann/Land registry map folio No. GY28900F
- Map 8 – Final Route of the Galway to Oughterard Connemara Greenway.
- Map 9 – Planning Department Referral Map for PA REF 2560349.
- Map 10 – Revised site layout plan (Clarification of Further information Submitted to Planning Authority on the 24th October 2025).
- Photograph 1 – AECOM Proposed route of Connemara Greenway.
- Photograph 2 – AECOM Indicative land holding of appellant.
- Photograph 3 – Folio GY28900F Entrance gates.
- Photograph 4 - Unregistered Entrance to Folio GY28900F
- Letter from Department of Roads and Transport Department Galway County Council.

7.2. Applicant Response

None received.

7.3. **Planning Authority Response**

None received.

7.4. **Observations**

None received.

8.0 **Assessment**

8.1. **Introduction**

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

- Principal of Development
- Legal Interest .
- Unauthorised works.
- Other Issues

8.2. **Principle of Development**

8.2.1. The appeal site is identified as being within the Galway County Transport & Planning Study (GCTPS) and the Gaeltacht Area as per Map 4.1 – Rural Area Types of the Galway County Development Plan 2022-2028. The appeal site is also located within Zone 4 as indicating on Map 4.2 of the County Plan. Map 8.1 of the County Plan indicates that the appeal site is situated within the Lake and Environs Landscape designation while Map 8.2 indicates the site is located within a Special Landscape Sensitivity Class 3.

8.2.2. I note that the Planning Authority undertook a robust assessment of the application submitted against Policy Objective RH2 which sets out the requirements for rural housing in rural areas under strong urban pressure and Policy Objective RH4 which relates to applicants seeking permission for houses in the open countryside in areas

located in Landscape Classification 2, 3 and 4 are which requires applicants to demonstrate their economic or social rural links or need to reside here. Following a request for further information, the Planning Authority accepted that the documentation submitted together with the supplementary rural housing need application form, the Planning Officer was satisfied that the housing need for the applicant in accordance with Policy Objective RH 2 and Policy Objective RH4 has been satisfactorily been established for the applicant.

8.2.3. I note that compliance with the rural housing policy was not raised as a ground of the 3rd party appeal submitted and I am satisfied that the applicant has sufficiently demonstrated such as per the assessment of the Planning Officer.

8.3. Legal Interest

8.3.1. The principal grounds of the 3rd Party Appeal received relates to issues of landownership. It is contended that there is a portion of land situated between the red and blue line boundary of the site and the local road (L-5372) which is within the ownership of the 3rd party appellant. It is argued that the appeal site does not directly abut the L-5372 and that this is evident from the site location map (Tailte Eireann Map) submitted to the Planning Authority on the 31st March 2025. The appellant also contends that this strip of land has been included in the preferred Galway Green Route.

8.3.2. The appellant to this appeal raised this concern as part of their submission to the Planning Authority during the 5 week observation period and as such the Planning Authority requested the applicant to demonstrate that they have consent from all relevant landowners. In response the applicant relocated the entrance to the northern boundary of the site from a private local road which in turn would overcome the requirement of obtain consent to access the site.

8.3.3. However, the Planning Officer raised concern as the road from where access was proposed did not appear to have been taken in charge and as such consent of all the relevant parties, to utilise the existing infrastructure, must be submitted and in addition the applicant was requested to demonstrate that the required sightlines were available. A request for clarification of further information was issued.

8.3.4. The applicant in response reverted back to the original access which currently serves the main dwelling on site and submitted a letter from the Roads and Transport Section

of the County Council which states that the public road (L-5372) directly abuts folio GY28900F. This was accepted by the Planning Officer and permission was granted.

- 8.3.5. With regard to the concerns raised relating to the strip of land forming part of the Greenway, I note that there is no submission on file from the Active Travel Unit of Galway County Council or any section of the Local Authority who are responsible for the provision/construction of the subject greenway and that the Planning Officer made no reference to such within their assessment. There is no objective on any map within the County Development Plan that indicates an objective to provide this greenway and I note that no works are proposed outside of the red line boundary of the site that would impede upon the provision of such.
- 8.3.6. From assessment of the 3rd Party Appeal submitted I note that a number of maps have been included to demonstrate that there is a strip of land situated between the red line boundary of the appeal site and the L-5372. I note that the applicant is not proposing to undertake any works within this area and utilise the existing vehicular entrance serving the existing dwelling on site.
- 8.3.7. The images of the deeds of indenture maps submitted by the appellant appear to be extracts from deeds relating to the area. However, a copy of the deeds have not been provided with the appeal and it is unclear from the maps, other than the word of the appellant, who the area of land highlighted belongs to.
- 8.3.8. I would draw the Commissions attention to section 5.13 of the Development Management Guidelines for Planning Authorities that 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.
- 8.3.9. Therefore, I consider that the disputes between the parties in relation to land ownership or rights of way are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process and ultimately a matter for the courts.

8.4. **Unauthorised works.**

- 8.4.1. The appellant contends that the existing vehicular access serving the site does not have the benefit of permission and as such it is an unauthorised access serving the existing dwelling via an area of private lands for which consent from the landowner was never obtained.
- 8.4.2. It appears that permission was granted under PA Ref 96/359 to construct a new entrance to a property from the L-5372. However, I note that issues pertaining to unauthorised works are ultimately dealt with through enforcement proceeding and that enforcement falls under the jurisdiction of the planning authority. Therefore, I do not consider it an issue for the Commission to consider.

8.5. **Other Issues**

- 8.5.1. Discrepancy in dates of reports and decision issued

The appellant raises concerns over the date of the planning consideration being recorded as being the 9th December 2025 while the grant of notification was issued on the 15th December 2025. It is further stated that the date of the decision posted online was the 18th of December 2025.

I am unsure of the issue being raised by the appellant in this instance. Section 31 of the Planning and Development Regulations, 2001 (as amended) states that “*Notification of a decision by a planning authority in respect of a planning application shall be given to the applicant and to any other person or body who made a submission or observation in accordance with articles 28 or 29 within 3 working days of the day of the decision...*”.

I note that the Planners Report is a recommendation of decision and in this instance that final recommendation was issued by the Planning Officer on the 9th December 2025 and the decision to grant permission was then signed on the 15th December 2025. The Planning Authority in accordance with Section 31 of the Planning and Development Regulations, 2001 (as amended) then issued the decision to the parties to this application and on their planning portal within 3 administrative days, therefore following the correct statutory requirement.

9.0 Appropriate Assessment

9.1. Stage 1 - Appropriate Assessment Screening

- 9.1.1. From the onset I note that the applicant submitted a AA Screening determination as part of the original application documented which concluded that no significant effects were expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development in question, alone or in combination with other plans or projects in the area and that The area is screened from the lake shore area by the existing solid stone wall and the public roadway. It has not nor will not have implications for the management of the site.
- 9.1.2. The Planning Authority undertook their own AA Screening examination and considered that best construction management practices would need to be adhered to during the construction and operating stage of the proposed development, in order to prevent pollutants arising from the proposed project from entering the aforementioned designation and having an adverse impact on the qualifying interests of same.
- 9.1.3. It was further noted by the Planning Authority that the proposed development is also within the outer commuting range of Lough Corrib as outlined on MAP 12 Lough Corrib SAC Conservation Objectives. The applicant was therefore requested to carry out an Appropriate Assessment of the proposed project by way of further information.
- 9.1.4. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects could give rise to significant effects on the Lough Corrib SAC (Site Code:000297) .
- 9.1.5. This determination is based on:
- Nature of works.
 - Potential construction impacts in the absence of mitigation measures on the Lough Corrib SAC (Site Code:000297) having regard of the proximity of the site; and
 - Indirect and cumulative impacts relating to water quality.

9.1.6. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

9.2. **Stage 2 - Appropriate Assessment**

- 9.2.1. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO) of the Lough Corrib SAC (Site Code:000297) based on the scientific information provided by the applicant and taking into account expert opinion. It is based on an examination of all relevant documentation, analysis and evaluation of potential impacts, findings and conclusions. A final determination will be made by the Commission.
- 9.2.2. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development is set out in section 3.2.4 of the NIS submitted by the applicant and the potential impacts from the construction and operational phases are provided in terms of each of the Conservation Objectives of the Lough Corrib SAC (Site Code:000297) throughout the NIS submitted.
- 9.2.3. From undertaking a screening for the need of Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Corrib SAC (Site Code:000297) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 9.2.4. Following an examination, analysis and evaluation of the NIS, as set out within appendix 4 of my report, and all associated material submitted, I consider that in light of the mitigation measures proposed, that adverse effects on site integrity of Lough Corrib SAC (Site Code:000297) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 9.2.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition of the Lough Corrib SAC (Site Code:000297).
- Effectiveness of mitigation measures proposed and adoption of CEMP submeter.
- Application of planning conditions to ensure the mitigation measures proposed are undertaken.

10.0 Water Framework Directive

10.1. The subject site is situated at Maigh Cuilinn , Homefarm , Co. Galway. The application is seeking permission provision of a infill dwelling, new wastewater treatment plant and all associated site works.

10.2. The Bhaile Ui Choirc (Loch) is situated c.31m to the south of the site and the Ballycurke Lough Stream is situated c.204 m to the south-east of the site. The site is also situated within the Ross Lake groundwater catchment which is indicated as not being at risk.

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, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters,

transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that the decision of the Planning Authority be upheld and permission be granted for the proposed development for the reasons and consideration set out below.

12.0 Reasons and Considerations

The proposed development, which is seeking permission for the provision of a dwelling, on site wastewater treatment plan complies with the provision of the Galway County Development Plan 2022-2028. It is considered that subject to compliance with the conditions set out below, the development would not be out of character with the surrounding area, would not give rise to undue negative impacts upon the residential or visual amenity of the surrounding area and would therefore be in keeping with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 31st March 2025, the further information on the 30th June 2025, and the clarification of Further Information on the except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (i) The mitigation measures as set out in the Natura Impact Statement, as received by the Planning Authority on the 30th June 2026 shall be strictly carried out in full as part of the proposed development.

(ii) The management procedures as set out in the Construction & Environmental Management Plan shall be adhered to and strictly carried out in full as part of the proposed development.

(iii) An appointed qualified ecologist shall oversee the implementation of the mitigation measures of the Natura Impact Statement.

REASON: In the interest of proper planning and sustainable development and to protect European sites.

3. The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

4. (a) The proposed dwelling house shall have a nap plaster and/or natural local stone external finish.
- (b) The proposed windows shall be of powder coated aluminum and/or timber framed and/or nonwhite uPVC.

(c) The external door(s) shall be of timber construction, unless otherwise agreed in writing with the planning authority, prior to the commencement of development on site.

(d) The roof of the dwelling house shall be black/brown/grey slates/tiles.

(e) The colour of any rainwater goods shall be dark in colour/match the colour of the roof.

(f) Eaves and verges shall be flush.

REASON: In the interest of visual amenity.

5. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

REASON: In the interest of public health

6. Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

REASON: In the interests of public and road safety and proper planning and development.

7. Prior to the commencement of development the applicant shall enter into a Connection Agreement with Irish Water in respect to the water supply to serve the development.

REASON: In the interests of public health

8. (a) The development shall be served by the proposed wastewater treatment plant and polishing filter area which shall be designed, located, constructed and maintained in accordance with the details received with the planning application, and shall be in accordance with the requirements of the document "Code of Practice

Domestic Waste Water Treatment Systems (p.e<10)", Environmental Protection Agency, 2021).

(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 Environmental Protection Agency publication "Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤10), 2021".

(c) The proposed polishing filter shall maintain a minimum separation distance of 10 metres from any house, existing or proposed land drain or watercourse.

(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.

9. Electricity, Telecom, Cable T.V. and other services shall be laid underground, where possible.

REASON: In the interest of visual amenity and proper planning and development.

10. Construction on site shall be limited to between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1700 hours on Saturday, unless otherwise agreed in writing with the Planning Authority. No work shall take place on Sundays, Bank or Public Holidays.

REASON: In the interest of residential amenity and orderly development.

11. All public roads and footpaths shall be maintained free from dirt and debris during construction stage of the proposed development. All necessary measures shall be undertaken by the applicant to prevent the spillage or deposit of clay, rubble or other debris on adjoining lands during the course of the works.

REASON: In the interests of proper planning and sustainable development of the area.

12. Any in-situ stonewalls; hedgerow and/or trees bounding the site, shall be retained, except for the provision of the site entrance works/sight distance triangles.

REASON: In the interest of visual amenity and in order to screen the development and assimilate it into the area.

13. Any new front boundary shall be of local, unplastered natural stone or native hedgerow species and shall not exceed 1 meter in height.

REASON: In the interest of visual amenity.

14.(a) The landscaping plan shall be carried out in accordance with the details submitted.

(b) The lateral boundaries of the site shall be landscaped with native plant and tree species. In addition, the front boundary of the site shall be planted with semi-mature native indigenous deciduous trees and hedging species. Any plants/trees which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species.

REASON: In the interest of visual amenity and in order to screen the development and assimilate it into the area.

15. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

XX April 2026

Appendix 1

Form 1 EIA Pre-Screening

Case Reference	PL-500644-GY-26
Proposed Development Summary	Construction of a new dwelling house and all associated works.
Development Address	Maigh Cuilinn , Homefarm , 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.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<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.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.
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-500644-GY-26
Proposed Development Summary	Construction of a new dwelling house and all associated works.
Development Address	Maigh Cuilinn , Homefarm , 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 sought for the provision of a dwelling on a site situated at Maigh Cuilinn , Homefarm , Co. Galway.</p> <p>Water connection will be provided from existing mains within the vicinity of the subject site and it is proposed to provide for a onsite waste water treatment plant to serve the dwelling.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g.</p>	<p>The proposed site is located within a special landscape character as per the Galway County Development Plan. There are no significant sensitivities in the immediate area.</p> <p>The site is situated c.10m to the north of the Lough Corrib SAC (Site Code SAC 000297) and c.1.5km to the south-west of the Lough Corrib SPA (Site Code SAC 004042).</p> <p>There is no direction connection from the subject site to any Natura 2000 sites.</p>

<p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</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>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p>
<p>Conclusion</p> <p>[Delete Conclusions which are not relevant]</p>	
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p> <p>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p>

Inspector: _____ Date: _____

Appendix 3

AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500644-GY-26	
Brief description of project	Permission is being sought for the provision of a part two story part bungalow dwelling, new packaged effluent treatment system with associated soil polishing filter, and all associated site works. Please refer to Section 2.0 of my report above.
Brief description of development site characteristics and potential impact mechanisms	The appeal site has a stated area of 0.211 ha. The proposed dwelling has a gross floor area of c.301.8sq.m. The site is situated in the townland of Homefarm and located c.10m to the north of the Lough Corrib SAC (Site Code SAC 000297) and c.1.5km to the south-west of the Lough Corrib SPA (Site Code SAC 004042).
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	A submission from the Department of Housing, Local Government and Heritage to the Planning Authority notes the location of the site within 10 metres of the Lough Corrib Special

	<p>Area of Conservation (SAC) (Site Code: 000297) and states that the Planning Authority must be satisfied from their own determination that the proposed development will not have a significant impact on the above-mentioned European Site's qualifying interest (QI) habitats and species and also on water quality.</p>
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Lough Corrib SAC Site Code SAC 000297	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Water courses of plain to montane levels with the	C. 10m	No	Y

	<p>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>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>			
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	<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>Lough Corrib SPA Site Code SAC 004042</p>	<p>Pochard (Aythya ferina) [A059]</p> <p>Tufted Duck (Aythya fuligula) [A061]</p> <p>Common Scoter (Melanitta nigra) [A065]</p>	c.1.5km	N	N

	<p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Gadwall (<i>Mareca strepera</i>) [A889]</p> <p>Wetland and Waterbirds [A999]</p>			
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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>Site 1: Lough Corrib SAC</p> <p>Site Code SAC 000297</p>	<p>Direct: Examples: [works/emissions within SAC/SPA]</p> <p>Indirect Examples Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution]</p>	<p>Examples: [Disturbance/displacement Changes to habitat quality/ function Habitat loss/ modification]</p> <p>Examples negative affect on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality] [Where there is uncertainty: Possibility of significant effects cannot be ruled out without further analysis and assessment</p>
Y	Likelihood of significant effects from proposed development (alone)	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		

It is not possible to exclude the possibility that proposed development alone would result significant effects on the Lough Corrib SAC (Site Code:000297) from effects associated with proposed construction and operation phase.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

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 X European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Nature of works.
- Potential construction impacts in the absence of mitigation measures on the Lough Corrib SAC (Site Code:000297) having regard of the proximity of the site; and
- Indirect and cumulative impacts relating to water quality.

Appendix 4

Appropriate Assessment

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the construction of dwelling house, new wastewater treatment plant and all associated site work in view of the relevant conservation objectives of the Lough Corrib SAC (Site Code:000297) based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation received from the Department of Housing, Local Government and Heritage.

The information relied upon includes the following:

- Natura Impact Statement submitted.
- The National Parks and Wildlife Website.
- The Environmental Protection Agency GIS Mapping Services.
- The determination undertaken by Galway County Council Planning Authority.
- The observation received by the Department of Housing, Local Government and Heritage

I note that NIS submitted has included Lough Corrib SAC 00297 and SPA 004042 within Table 1 of the assessment. I consider the conclusion to SPA is a typological error as all qualifying interests listed are associated with the Lough Corrib SAC 00297, which is the only Natura 2000 site that was screened in.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered

and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Department of Housing, Heritage and Local Government: The second submission states that the department accepts the conclusion of the NIS and recommends that all proposed mitigation in relation to this development is adhered to. It also makes reference to the CEMP not being included for their review.

NAME OF SAC/ SPA (SITE CODE):
Lough Corrib SAC (Site Code:000297)

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

(i) Water quality degradation (construction and operation)

See Table 1 NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]	To restore the favourable conservation condition	No impact considered. Modern wastewater handling facilities will protect ground water.	Section 3.2.4
Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]	To restore the favourable conservation condition	No impact considered. Modern wastewater handling facilities will protect ground water.	Mitigation measure are designed to safeguard against accidental damage locally. A summary of these are listed in Table 3 of the NIS. Refer to the Construction Environmental Management Plan (CEMP) for details of the site-specific Mitigation measures.
Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]	To restore the favourable conservation condition	No impact considered. Modern wastewater handling facilities will protect ground water.	
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-	To restore the favourable conservation condition	There should be no change to the current status.	

Batrachion vegetation [3260]			
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	To restore the favourable conservation condition	No potential for impact	
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To restore the favourable conservation condition	No potential for impact	
Active raised bogs [7110]	To restore the favourable conservation condition	No potential for impact	
Depressions on peat substrates of the Rhynchosporion [7150]	To restore the favourable conservation condition	No potential for impact	
Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	To restore the favourable conservation condition	No potential for impact	
Petrifying springs with tufa formation (Cratoneurion) [7220]	To restore the favourable conservation condition	No change in the quality of water leaving the site predicted. No potential for impact	
Alkaline fens [7230]	To restore the favourable conservation condition	No change in the quality of water leaving the site predicted. No potential for impact	

Limestone pavements [8240]	To restore the favourable conservation condition	No change in the quality of water leaving the site predicted. No potential for impact	
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition	No potential for impact	
Bog woodland [91D0]	To restore the favourable conservation condition	No potential for impact	
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition	No potential for impact	
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To restore the favourable conservation condition	No record of any presence in the immediate area.	
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition	No potential for impact.	

Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition	No potential for impact.	
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition	No potential for impact.	
Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	To restore the favourable conservation condition	No potential for impact.	
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition	The site area is not part of the commuting area for Otter as is doubly walled off from the Shore margin	
Najas flexilis (Slender Naiad) [1833]	To restore the favourable conservation condition	Waste water produced at the site will be treated to a high standard. Surface water will be disposed of the soakaways	
Hamatocaulis vernicosus (Slender Green Feather- moss) [6216]	To restore the favourable conservation condition	Waste water produced at the site will be treated to a high standard. Surface water will be disposed of the soakaways	
Assessment of issues that could give rise to adverse effects view of conservation objectives			

(i) Water quality degradation

Good quality water is necessary to maintain the populations of the Annex I habitats and Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt and pollutant laden surface water reaches the estuary and harbour. Decrease in water quality would compromise conservation objectives for Annex 1 habitats and Annex II species listed and increase sedimentation and pollution could alter habitat quality for spawning or nursery grounds.

Mitigation measures and conditions

Please refer to Section 3.2.4 and Table 3 of the NIS for a full list of detailed mitigation measures.

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water is to be achieved via design (avoidance) application of specific mitigation measures as well as recommendations to prepare a CEMP.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent t ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lough Corrib SAC (Site Code:000297). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

