



## Inspector's Report

**PL-500901-GY-26**

<b>Development</b>	Construction of 39 no. residential units and all associated works. A Natura Impact Statement (NIS) was submitted as part of the application.
<b>Location</b>	Treanrevagh , Mountbellew , Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2560911
<b>Applicant(s)</b>	Cahermorris Developments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission + Conditions
<b>Type of Appeal</b>	Third Party Normal Planning Appeal
<b>Appellant(s)</b>	Michael Duffy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> May 2026
<b>Inspector</b>	Ciara McGuinness

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## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.8 Ha, is located in the townland of Treanrevagh, on the northern side of the R358/College Road, c. 300 metres east of the centre of Mountbellew, Co. Galway. Holy Rosary College is located to the south-west of the appeal site. Mountbellew Agricultural College is situated to the south-east of the appeal site.
- 1.2. The appeal site previously formed part of a larger previously permitted mixed use development (PA. Ref. 06/3886/ABP. Ref. 07.221318 refers) accommodating commercial development at the southern end of the site and a residential element towards the north of the site. To date, a supermarket (Aldi) and a petrol filling station have been constructed.
- 1.3. Access to the appeal site is via an existing road to the south, connecting the appeal site to the R358/College Road.
- 1.4. The lands adjoining/surrounding the appeal site are indicated as being within the applicant's ownership/control, as demarcated by the blue line boundary. The blue boundary of the site also includes the access onto the R358/College Road and the location of a temporary wastewater treatment plant to the north-west of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development seeks permission for 39 no residential units comprising 33 no. 2-beds and 6 no. 3-beds. Permission is also sought for the provision of pedestrian and vehicular connections onto the R358 College road, via the permitted/existing access road and junction to the south,
- 2.2. The proposal outlines 2 no. options for foul drainage. Option 1 provides for a connection to a proposed temporary on-site proprietary treatment plant and pumping station, together with the provision for tertiary pre-treatment of effluent, prior to discharge to the Uisce Éireann sewer network and Mountbellew Wastewater Treatment Plant (WWTP). The proposal seeks to upgrade the "secondary level treatment" permitted under PA reg ref 23/60139 to "tertiary level treatment". Option 2

provides for direct discharge of effluent to the Uisce Éireann sewer network once the upgrade to the Mountbellew WWTP is operational.

2.3. The proposed development also includes for connection to the public mains water supply, surface water drainage arrangements, provision of public open space areas with a playground, private open space areas, internal roads, footpaths, bicycle parking, public lighting, landscaping and boundary treatments, together with all associated site works and service

2.4. The application was accompanied by the following documents;

- Planning Statement
- AA Screening Report & Natura Impact Statement
- Preliminary Construction Environmental Management Plan
- Ligh Technical Report
- Waste Water Services Proposal Report
- Stormwater Services Proposal Report

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

The Planning Authority issued a notification to grant permission on the 5<sup>th</sup> February 2026 to grant permission subject to 29 no. conditions;

The following conditions are of note and are referenced in the grounds of appeal;

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 7th July 2025, and as amended by the plans and particulars received by the Planning Authority on the 21st November 2025 and 03rd December 2025, except as may otherwise be required in order to comply with the following conditions.

REASON: In the interest of clarity.

2. (i) No dwelling unit shall be occupied until such time as the development is connected to the upgraded Mountbellew Wastewater Treatment Plant, unless otherwise agreed in writing with the Planning Authority.

(ii) Following on from (i) above prior to the occupation of the residential units, the applicant shall enter into a Connection Agreement with Uisce Éireann in respect to the wastewater supply to serve the development and adhere to the standards and conditions set out in that agreement.

(iii) Following on from (ii) above all development shall be carried out in compliance with Uisce Éireann's Standards Details and Codes of Practice.

REASON: In the interest of clarity and public health.

11. All surface water generated by this development shall be disposed of within the site and shall not be discharged onto the public road or the adjoining properties.

REASON: In the interests of road safety and proper planning and sustainable development to the

13. (i) Prior to the commencement of development, the applicant shall enter into a Connection Agreement with Uisce Éireann in respect to the water supply to serve the development and adhere to the standards and conditions set out in that agreement.

(ii) All development shall be carried out in compliance with Uisce Éireann's Standards Details and Codes of Practice.

REASON: In the interests of public health and to provide adequate water supply

25. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

REASON: In the interests of public safety and residential amenity.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The first Planners Report (dated 28/08/2025) notes that the development is reliant upon an internal estate road permitted under 06/3886/ABP07.221318 for the purposes of obtaining access to the public road network to the south. A section of this roadway has been constructed to serve the Aldi supermarket. The roadway is not

in place after the supermarket car park and the permission has expired. The Planning Authority also have serious concerns regarding the proposal to connect (even on an interim basis) to a communal on-site wastewater treatment system in the absence of satisfactory documentary evidence to confirm the adequate installation and operation of the existing and permitted system, and in the absence of any guaranteed of the long term management and adequate maintenance of same.

**Further Information** was requested as follows;

Item 1: Applicant to confirm whether they would be satisfied that a condition be included that no house shall be occupied until a time that the development can connect into the public Mountbellew WWTP.

Item 2: Demonstrate accessible parking and demarcate electrical charge points.

Item 3: Submit a revised Road Safety Audit.

Item 4: Advised that on-site WWTP not compliant with GCC Taking in Charge Policy.

Item 5: Submit revised stormwater management strategy.

The applicant's response to item 1 considers that the Environment Section may have overlooked or be unaware of the fact that the onsite WWTP is already permitted under PA Reg Ref 23/60139. The second planners report (dated 21/11/2025) highlights that the aforementioned permitted application relates to the 36 no. units to the north. Furthermore, noting the previous refusals on site under 23/61219 (ABP-319267-24) in respect of the units subject to this application, it is considered that the preferred option for the proposed development is a direct discharge of effluent to the Uisce Éireann sewer network once the upgrade to the Mountbellew WWTP is operational as per the option designed by the applicant. The Planning Authority are therefore not satisfied with the response to the FI and recommend that the applicant is afforded the opportunity to address this by way of Clarification of Further Information.

The Roads and Transportation department have also requested Clarification of Further Information after review of items 2-5 of the FI response.

**Clarification of Further Information** was requested as follows;

Item 1: The Planning authority are not satisfied with the response to Item 1 and recommend that the applicant address the concerns.

Item 2: Clarify the following:

- Submit a revised site layout that includes road safety audit recommendations and response measures.
- Submit revised surface water layout plan to correlate to the design measures being provided in the aforementioned revised site layout plan.
- Strengthen key desire line crossing points to reflect priority pedestrian crossings.
- Clarify the southwest tie in point where car parking is allocated off an undefined junction. Address this pedestrian crossing point, considering tightening the junction radii accordingly and reposition such car parking to ensure no reverse manoeuvring onto the pedestrian crossing desire line.

The applicant in their response has again outlined their dissatisfaction with the proposed condition preventing occupation of dwellings until the Mountbellew municipal WWTP is upgraded, noting that Uisce Eireann is the statutory authority over wastewater infrastructure.

The third planners report (dated 06/02/2026) recommends that in the event of permission being granted a condition should be attached that no dwelling unit shall be occupied until such time as the development is connected to the upgraded Mountbellew Wastewater Treatment Plant.

The roads department have outlined their satisfaction with the response to Item 2.

A grant of permission is recommended.

### 3.2.2. Other Technical Reports

Environment Section – The onsite treatment plants should not be permitted even as a temporary measure until the planned upgrade works to the Mountbellew WWTP are completed.

Roads Section – No objection following receipt of clarification of further information (as referenced above).

### 3.3. Prescribed Bodies

**TII** – requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

### **3.4. Third Party Observations**

There is one third party submissions on file. The issues raised reflect the grounds of appeal and are dealt with in more detail in section 7 below. The key issues raised in the submissions include;

- Incorrect/common red line boundary/description of proposed works;
- Planning history/project splitting;
- No WwWT capacity;
- No stormwater/flooding assessment;
- No WFD assessment;
- Appropriate assessment is required.

## **4.0 Planning History**

### Background

Permission was granted under PA. Ref. 06/3886/ABP. Ref. 07.221318 for a mixed-use development on a 7 Ha. site. This development comprised residential development to the north of the site and commercial development to the south of the site. The permission was subsequently extended under PA. Ref.'s 12/1428, 17/1699 and 21/2091, and expired on the 31st of December 2023.

To date, a supermarket (Aldi) and a petrol filling station have been constructed on the southern part of the site. An internal access road and footpaths have also been constructed up to the central part of the site. No residential development has been constructed to date. Under PA. Ref. 06/3886/ABP. Ref. 07.221318, a tWWTP was proposed by the applicant, however Condition no. 3 (a) required that no works commence until the upgrade of the wastewater treatment plant, and Condition 3 (b) stipulated that no house or building shall be occupied until the wastewater treatment plant has been commissioned.

There is an extensive planning history pertaining to the wider site, the majority of these applications relate to alterations to the commercial element of the proposed development on the southern part of the site. One application related to amendments to the residential element permitted under PA. Ref. 06/3886/ABP. Ref. 07.221318. I note that where permission has been granted for amendments to PA. Ref. 06/3886/ABP. Ref. 07.221318 the permission has been linked back to the conditions and duration of the parent permission, i.e. PA. Ref. 06/3886/ABP. Ref. 07.221318, and therefore the requirements of Condition no. 3 have pertained. I note that these amending permissions have now expired.

The planning history of most relevance to the current appeal/proposal is summarised below.

Appeal Site:

**PA Reg Ref 23/61219/ ABP-319267-24** - This application follows a previously refused scheme on site, where An Bord Pleanála (now An Coimisiún Pleanála) overturned a grant of permission for the following reasons:

1. The proposed development entails the use of a temporary wastewater treatment system to pre-treat effluent from the proposed development to secondary level, prior to discharging to the existing Mountbellew Wastewater Treatment Plant, managed by Uisce Éireann, which is currently operating at/above capacity. Construction of a new plant in Mountbellew is not expected until Q4 2027. The applicant has failed to demonstrate that the existing Wastewater Treatment Plant at Mountbellew be capable of operating without an unacceptable deterioration in the water quality of the Castlegar River into which it flows. In the absence of adequate sufficient capacity in Mountbellew Waste Water Treatment Plant, the proposed development would be contrary to Objective SS7 of the Galway County Development Plan 2022 -2028, and to Objective WW4 of the Galway County Development Plan 2022 -2028 in respect of waste water capacity.
2. The NIS submitted with the planning application does not examine the potential impact of the proposed development on the Rover Suck Callows SPA at operational phase, specifically the proposal to discharge pre-treated effluent to Mountbellew Waste Water Treatment Plant, which is operating at/above capacity, and the potential for impacts as a consequence of subsequent discharge from the waste water

treatment plan to the Castlegar River, which connects to the River Suck Callows SPA. The NIS does not address the potential for cumulative impact on the River Suck Callows SPA arising from the development permitted under PA. Ref. 23/60139, the pre-treated effluent from which similarly discharges to Mountbellew Waste Water Treatment Plant. These omissions represent a significant lacuna in the NIS, and on the basis of the information submitted with the Planning application/appeal documentation and the Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in Galway County Council – Planning Report combination with other plans or projects would not be likely to have a significant effect on the River Suck Callows SPA (Site Code: 004097), in view of the site’s conservation objectives. In such circumstances, the Board is precluded from granting permission.

#### *Note*

The Board also has a concern in relation to the maintenance and management of the proposed temporary water water treatment system given that it is to vested in a management company, contrary to Circular Letter PD 1/08 ‘Taking in Charge of Residential Developments/Management Arrangements ‘ (DoEHLG), which recommends that wastewater treatment plants are taken in charge

**PA. Ref. 23/60139** – Permission GRANTED for 35 no. houses (served by a tWWTP).

**PA. Ref. 24/61477** – Permission Refused for 25 no. houses (served by a tWWTP).

## 5.0 Policy Context

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

The application site is not subject to any specific land use zoning in the Galway County Development Plan 2022. Mountbellew is designated as a Level 7(a) ‘rural settlement’ in the Core Strategy of the CDP 2022. Objective SS7 of the CDP provides that *‘in the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Hierarchy, good design, community gain and proper planning and sustainable development’*.

The provisions of the Galway County Development Plan 2022 – 2028 relevant to this assessment are as follows:

### **Volume 1**

#### **Chapter 2 - Core Strategy, Settlement Strategy and Housing Strategy**

- Objective SS7: Development of Rural Settlements and Rural Nodes (Level 7)

#### **Chapter 3 – Placemaking, Regeneration and Urban Living**

- Objective PM8: Character & Identity
- Objective PM10: Design Quality

#### **Chapter 7 – Infrastructure, Utilities and Environmental Protection**

- Objective WW4: Requirement to Liaise with Irish Water – Wastewater

#### **Chapter 15 – Development Management Standards**

- DM Standard 2: Multiple Housing Schemes (Urban Areas)

### **5.2. Relevant National or Regional Policy / Ministerial Guidelines**

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). The following Circular is relevant to the proposed development.
- Circular Letter PD 1/08 - Taking in Charge of Residential Developments/ Management Arrangements. (DoEHLG).

### 5.3. Natural Heritage Designations

- Carrownagappul Bog SAC (Site Code 001242) – c. 2.2 km north.
- Carrownagappul Bog pNHA (Site Code 001242) – c. 2.2 km north.
- Curraghlehanagh Bog SAC (Site Code 002350) – c. 5.4 km north.
- Curraghlehanagh Bog pNHA (Site Code 000256) – c. 5.4 km north.
- Shankill West Bog SAC (Site Code 000326) – c. 5.5 km north-west.
- Shankill West Bog pNHA (Site Code 000326) – c. 5.5 km north-west.

## 6.0 EIA Screening

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The appeal is a 3<sup>rd</sup> party appeal by Michael Duffy against Galway County Council's decision to grant permission. The grounds of appeal can be summarised as follows;

#### Redline Boundary

- The redline boundary is open ended as presented in the site layout received on 7<sup>th</sup> July 2025.

- The red line boundary includes development previously permitted under PA Reg Ref 23/60139, namely the onsite wastewater treatment plant.
- A stormwater outfall is not indicated within the red line boundary.

#### Stormwater

- Condition no.1 refers to incorrect dates for the receipt of information. The condition requires compliance with contradictory details submitted across a range of dates.
- Condition 11 requires that *“All surface water generated by this development shall be disposed of within the site and shall not be discharged onto to the public road or the adjoining properties.”* The development is defined by the red line boundary so there can be no stormwater outfall from it.

#### Wastewater

- The submitted boundary includes lands in the previous permission PA Reg Ref 23/60139. Therefore, anything decided in respect of development permitted or not permitted, relates to all the land within this submitted red-line boundary. There is currently no on-site wastewater treatment plant on the land within this red line boundary, and this decision precludes the construction of one on these lands.
- Uisce Eireann have no statutory power to “approve” an on-site wastewater treatment system on private lands.
- Condition no. 2 and 13, if lawful, preclude the construction of the on-site wastewater treatment plant indicated in the original layout drawing submitted on the 7<sup>th</sup> July 2025.
- There is no planning permission for the onsite wastewater treatment plant. Wastewater treatment arrangements for the permitted development under PA Reg Ref 23/60139 are not clear.

#### Mountbellew WWTP

- The Mountbellew WWTP is consistently failing the EVL’s set in its discharge licence.

- There is nothing in Uisce Eireann’s Annual Environmental Reports (AERs) to indicate a date for completion or commissioning of a new improved WWTP.

Condition 2 & 13 Connection Agreement

- Condition 2(i) and 2(ii) are impossible to comply with if condition 13 is to be complied with.
- Condition 29(ii) and 13(i) are *ultra vires* the Planning Authority.
- Section 34(2)(a) restricts Planning Authorities to considering the proper planning and sustainable development of the area within the confines of the PDA. These conditions stray into the remit of the Water Services Act 2007 as amended, and into contract law.
- Reference is made to the requirement for conditions to be necessary, relevant to planning, relevant to the development permitted, enforceable, precise, reasonable, and not relating to other codes.

Condition 25 – Construction and Demolition (C&D) Waste

- The Planning Authority did not assess whether or not there is adequate provisions for C&D waste disposal in licensed facilities within a reasonable distance from this development.

Road Opening Licence

- The inclusions of condition 10(b) that a Road Opening Licence will be required to complete works is confusing and unsupported. The layout drawings submitted do not show the development interacting with any public road.

Appropriate Assessment

- The PA did not complete an AA Screening or Stage 2 assessment on receipt of further information and clarification of further information.

**7.2. Applicant Response in the case of a 3<sup>rd</sup> Party Appeal**

The applicant’s response can be summarised as follows;

Red Line Boundary

- Although lands related to PA Reg Ref 23/60139 are within the red line boundary or blue line boundary, it does not follow that the Council’s decision

constitutes a refusal of permission for the temporary wastewater treatment plant pursuant to that decision. The temporary pre-treatment arrangements granted under PA Reg Ref 23/60139 remain.

- The further information amended the surface water layout to include the storm water management strategy for the entire development enclosed within the red line boundary.

#### Surface Water Drainage

- The development description includes “*surface water drainage arrangement... together with all associated site works and services*”.
- Reference to ‘21<sup>st</sup> November 2025’ in Condition No.1 is clearly in error.
- The reason for Condition 11 is “in the interest of road safety”. The intention of this condition is to ensure that surface water shall not be discharged onto the public road or the adjoining properties.
- The surface water design is fully described in the submitted Storm Water Services Proposal Revision C lodged as Further Information (30<sup>th</sup> September 2025).

#### Wastewater

- This application does not include proposals in respect of the permitted application at PA Reg Ref reg ref 23/60139.
- There is no onsite wastewater treatment plant of the application site at present but there is an existing grant of permission to construct a temporary WWTP within the site pursuant to PA Reg Ref 23/60139. Any grant of permission cannot reasonably be interpreted as revoking an existing grant of permission merely because the red line boundary included those lands.
- It is acknowledged that Uisce Eireann does not have statutory power of approval under the Planning Act. The confirmation of feasibility confirms that a wastewater connection is ‘*feasible subject to upgrades*’.
- Condition No2(i) applies in respect of the 39 houses in this application but does not retrospectively apply to revoke an existing grant of permission or 35 no. houses and the temporary wastewater treatment plant.

### Mountbellew WWTP

- The Confirmation of Feasibility (COF) confirms that “an upgrade of the Mountbellew WwTP is planned and is currently being progressed through detailed design stage by Uisce Eireann”. By email on 31<sup>st</sup> March 2026, UE indicated a projected completion date in Q3 2028 based on construction works commencing in Q3 2026.
- Uisce Eireann has statutory responsibility for the provisions of water and wastewater services as a national utility. It is reasonable for the Planning Authority and Commission to rely upon the COF and relevant information contained therein.

### Condition 2 & 13

- The applicant rejected the Council’s invitation to a condition that no house is occupied until the development can connect into the upgraded municipal WWTP at Mountbellew.
- The Commission is invited to determine that the proposed residential development can be served by an on-site temporary pre-treatment to tertiary standard prior to discharge to the public foul sewer. When the municipal WWTP is upgraded and commissioned, the temporary WWTP will be decommissioned, and wastewater will discharge directly to the public foul sewer.
- In relation to Condition 2 and 13, regardless of whether the conditions are attached, a developer must enter into a connection agreement with Uisce Eireann in respect of water and wastewater.

### Condition 25 and 10(b)

- The applicants have no comment to make in relation Condition 25 (c&D waste) and Condition 10(b) (road opening licence).

### Appropriate Assessment

- The Commission is the competent authority in respect of Appropriate Assessment.

## **7.3. Planning Authority Response**

None.

#### **7.4. Observations**

None.

### **8.0 Assessment**

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

- Wastewater
- Stormwater
- Conditions
- Other Issues

#### **8.2. Wastewater**

The Wastewater Treatment Plant (WWTP) at Mountbellew has been operating at/above capacity for a significant period of time, including when development on the site was first permitted under PA. Ref. 06/3886/ABP. Ref. PL07.221318 (now expired). A new WWTP to serve Mountbellew was permitted under PA. Ref. 20/1085/ABP Ref 310144-21.

The applicant has put forward 2 options for foul drainage as described in the submitted Wastewater Services Report. Option 1 consists of a temporary on-site pre-treatment of the effluent to a 'tertiary' standard prior to discharge to the public foul sewer. Option 2 is a direct discharge of effluent to the foul network following the upgrade of the municipal treatment plant. It is noted that the second option allows flexibility if the Mountbellew WWTP upgrades become operational before the proposed houses have been completed. In that scenario it would not be necessary to pre-treat foul effluent prior to discharge to the public foul sewer and the effluent would be pumped directly to the public foul sewer.

With regards to option 1, the applicant is proposing to upgrade an already permitted on-site temporary(t) WWTP under PA reg ref 23/60139 which provided "secondary level treatment" to now provide "tertiary level treatment". From reviewing the planning history on the wider site, the status of the tWWTP is unclear. The applicant considers that the tWWTP is permitted Under PA. Ref. 23/60139 (35 no. houses). However, from my review of this application, I note that the tWWTP was indicated at a location to the north/west of the site, not within the red line boundary of the site. Thus, development outside of the said boundary, unless provided for by way of condition attached to the permission, does not have the benefit of that permission and therefore must be the subject of a further permission application. There is no condition attached to grant of permission which specifically amends the permission to include the tWWTP, however condition 5 does specify that *'The temporary wastewater treatment plant shall be designed, installed and operated in strict accordance with the manufacturer's details submitted to the Planning Authority as submitted and received on the 17th February 2023 and updated details as submitted and received on 15th June 2023'*. In the event that the Board are minded to grant permission for the proposed development, they may wish to seek clarity from the applicant on this matter.

Notwithstanding, the Planning Authority in their assessment of the subject application have made it clear that they have significant concerns in respect of the management and maintenance, and temporary nature of the proposed temporary wastewater treatment system. I note further information and clarification of further information requests were issued to give the applicant the opportunity to confirm whether they would be satisfied that no house shall be occupied until a time that the development can connect into the upgraded Mountbellew WWTP. In both responses the applicant outlined their dissatisfaction to such an approach. Notwithstanding, the planning authority has attached condition 2(i) which requires that *'No dwelling unit shall be occupied until such time as the development is connected to the upgraded Mountbellew Wastewater treatment Plant, unless otherwise agreed in writing with the Planning Authority.'*

I note that Uisce Éireann has issued the applicant with a Confirmation of Feasibility in respect of the current proposal. The COF states *'That upgrade of the Mountbellew WwTP is planned and is currently being progressed through detailed design stage by*

*Uisce Eireann. It is envisaged the upgrade works will be commence onsite next year and be completed in Q3 2027. An untreated wastewater discharge could be facilitated at this stage'. It is also noted that 'if you wish to connect to the Uisce Eireann wastewater network in advance of the upgrades at the Mountbellew WwTP, you would be required to treat on-site.'*

I note that the most recent correspondence from Uisce Eireann to the applicant's agent dated 31<sup>st</sup> March 2026, submitted with the applicant's response to the grounds of appeal, advises that the Infrastructure Delivery Team managing the project do not foresee any delays and expect the contract for works to be awarded in the following months. A conservative estimate for construction works commencing onsite is Q3 of this year. A 24-month construction programme is envisaged.

Regarding the existing WWTP at Mountbellew, I note that the Wastewater Treatment Capacity Register for Galway, published by Uisce Éireann (dated April 2026), provides an indication of available wastewater treatment capacity based on loads received. The Uisce Éireann Wastewater Treatment Capacity Register indicates that the Mountbellew WWTP has a 'Green Status', meaning that there is 'spare capacity available'. The Wastewater Treatment Capacity Register notes that a WWTP project is planned/underway. I note that this is change from what was indicated at the time of the assessment of the previous appeal (ABP-319267-24) which indicated that the Mountbellew WWTP had a 'Red Status', meaning that there was 'no spare capacity at present'.

Therefore, based on the information at hand, and publicly available on the Uisce Éireann website, I am satisfied that the issue of lack of capacity in the Mountbellew WWTP is being addressed and will be completed in due course, and I note the updated capacity register which indicates that there is capacity within Mountbellew. I note the uncertainty in relation to the status of the seemingly permitted tWWTP and the Council's concerns regarding the management and maintenance of a tWWTP. Having regard to the 5-year period from the date of grant of permission and the indicated completion date of Q3 2028 from Uisce Eireann for the completion of the upgraded Municipal WWTP, I am satisfied that the completion of the upgrade works would align with the timeline for the delivery of the proposed development. In this regard, I concur with the Planning Authority, and I am satisfied that the issue of

Wastewater can be addressed through the attachment of a condition which requires that no dwelling unit shall be occupied until such time as the development is connected to the upgraded Mountbellew Wastewater treatment Plant. Subject to this condition the proposed development is considered acceptable and not premature due to imminent infrastructure improvements being carried out within this settlement to accommodate its needs.

### 8.3. Stormwater

The applicant has submitted a storm water services report (revised at further information stage) which outlines the proposed surface water drainage system. The proposed development is part of a larger development which was granted under planning reference numbers 06/3886, 12/1428, 17/1699, 21/2091 and 23/60139. The original scheme was proposed to discharge to the adjoining stream to the north with unrestricted flow and without attenuation. Under PA Reg Ref 23/60139 proposals were amended to include attenuation. It is now proposed in this application to include combined storm water management and attenuation with the result that the entire residential development both approved and subject to this application, will have discharge to stream restricted to green field run-off rate. Roof water and impervious areas from individual sites will be disposed of to site soakage trenches in the back gardens within the individual sites to BRE 365. For public roads, paths and front gardens/parking, the storm water will be taken into the network via road gullies and collected separately and put through oil/silt interceptor followed by attenuation prior to connection to existing/proposed storm water pipe running and discharging to stream.

I note the storm outfall pipe runs through the sites of houses no. 13 and 14 permitted under PA Reg Ref 23/60139 before discharging to stream. The red line boundary encompasses that wider development site, and the proposed development ties into the existing development permitted under PA Reg Ref 23/60139 and does not seek to amend this permission. I have no issues with this approach. The permissions do not differ in layout where the proposed outfall is located and it possible to comply with these two compatible planning permissions.

The appellant has raised concerns with the attachment of condition 11 which requires that *'All surface water generated by this development shall be disposed of within the*

*site and shall not be discharged onto to the public road or the adjoining properties”.* While Uisce Éireann is the statutory body responsible for managing and delivering water services including managing water supply, leakages, sewage connections and wastewater treatment, I note that the Planning Authority have responsibility for surface water management. Condition no.11 is considered a standard condition frequently attached to grants of permission. I note the reason for the above condition is in the *‘interest of road safety...’*. I consider that the purpose of the condition is for the general management and safe disposal of surface water. It is not intended to limit the extent of development so that there can be no stormwater outfall from the site as contended by the appellant.

I’m satisfied that the storm water proposals are clear and I have no issue with the proposed strategy. I recommend that a standard condition be attached which requires drainage arrangements, including the attenuation and disposal of surface water, to comply with the requirements of the planning authority for such works and services.

#### **8.4. Conditions**

The appellant has raised queries with regards to a number of conditions. I note that while the applicants have not submitted an appeal against conditions, they have commented on the attachment of certain conditions with respect to the third party appeal submitted. I have dealt with each referenced condition below;

##### Condition 1

Condition No. 1 is standard condition. I note reference to 21<sup>st</sup> November is in error and I recommend that the condition is amended.

##### Condition 2 & 13 Connection Agreement

The appellant considers that the requirements to enter into connection agreements with Irish Water is ultra vires. In general conditions should not require the agreement of details with bodies other than the planning authority. I note, however, that the OPR Practice Note PN03: Planning Conditions, 2022 states that the only exception to this relates to Irish Water *“where it is necessary to enter into connection agreements(s) for connection to water supply and/or waste water network”*.

##### Condition 25 – C&D Waste

The appellant contends that the Planning Authority did not assess whether or not there is adequate provisions for C&D waste disposal in licensed facilities within a reasonable distance from this development. I note that the EPA's 'Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction & Demolition Projects' recommends that all planning permissions granted include compliance with the Resource and Waste Management Plan (RWMP) as a standard condition of planning. The guidelines note that any waste removed off-site must be brought to an appropriate waste facility holding a valid waste authorisation such as a Certificate of Registration, Waste Facility Permit or Waste Licence issued by the EPA. The RWMP will be submitted to and agreed with the Planning Authority.

#### Road Opening Licence

The appellant notes that the inclusions of condition 10(b) that a Road Opening Licence will be required to complete works is confusing and unsupported. The layout drawings submitted do not show the development interacting with any public road.

I note there is an existing access road off the R358 serving the commercial development to the south of the application site. It is proposed that the existing road would be extended to serve the proposed residential development. Notwithstanding, I note the OPR Practice Note PN03: Planning Conditions, 2022 notes that *"it is not appropriate to require, by way of planning conditions, that other forms of licences or consent such as Fire Safety certificates, Road Opening licences, Bookmaker's licences, Publican's licences or Restaurant licences must be obtained for the development. It is the responsibility of the developer or operator to obtain any necessary certificate or licence required under any other relevant legal code."*

Therefore, I do not recommend that this condition is included should the Commission grant permission for the proposed development.

### **8.5. Other Issues**

#### Red line Boundary

The appellant contends that a complete redline boundary has not been provided. I am satisfied that the red line boundary covers the entire extent of the wider development site as shown on the submitted Site Location Map, extending to an area

of 5.7hectare. I note some of the more detailed plans only show extracts of the layout and in this regard the entirety of the red line is not shown.

Having regard to the Planning History of the site, I would note also that prospective applicants are not bound to submit a single planning application for development. The submission of separate planning applications is permitted through the standard S. 34 application process under the Planning and Development Act, 2000 (as amended). It is not uncommon to phase applications.

I would note again that it is the responsibility of the applicant to ensure they have the appropriate consents/permissions for any future development at the site.

## **9.0 Appropriate Assessment**

### **9.1. AA Screening Determination**

Refer to Appendix 3 for AA Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on River Suck Callows SPA (Site Code: 004097) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites via surface water emissions
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

### **9.2. Appropriate Assessment Determination**

Refer to Appendix 4 for Appropriate Assessment Determination. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Suck Callows SPA (Site Code: 004097) in

view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the River Suck Callows SPA (Site Code: 004097) can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development; the location of the site at a significant distance from European Sites; and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of River Suck Callows SPA (Site Code: 004097)
- Effectiveness of mitigation measures proposed in the Natura Impact Statement and the Construction & Environmental Management Plan
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented, and which require that the proposed development provides for a direct discharge into Mountbellew Wastewater Treatment Plant following the completion of upgrades to that system.

## 10.0 Water Framework Directive

An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.

The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge.

These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management.

The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

## 11.0 Recommendation

I recommend that permission be granted for the reasons and considerations set out below and subject to the following conditions.

## 12.0 Reasons and Considerations

Having regard to the planning history on the site, the pattern of existing and permitted development in the area, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance 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, as amended by the further plans and particulars received by the planning authority on the 30<sup>th</sup> Day of September 2025 and 3<sup>rd</sup> day of December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed

particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. No dwelling unit shall be occupied until such time as the development is connected to the upgraded Mountbellew Wastewater Treatment Plant, unless otherwise agreed in writing with the Planning Authority

**Reason:** In the interest of clarity and public health and to ensure adequate water/wastewater facilities.

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Proposals for a street/development name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street

signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

9. The developer shall implement all recommendations contained within the Stage 1 Road Safety Audit received by the Planning Authority on 30<sup>th</sup> September 2025.

**Reason:** In the interest of traffic safety.

10. The developer shall carry out a detailed Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor, for the proposed development and surrounding area. The RSA shall include the proposed works to the public road. The developer shall submit to the planning authority a copy of the RSA Stage 3 report and shall complete all of the remedial measures identified in the RSA Stage 3, prior to occupancy of the residential units. The developer shall be liable for all costs associated with these works.

**Reason:** In the interest of traffic safety.

11. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, between 0900 to 1700 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 5 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interests of amenity, ecology and sustainable development

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

14. . All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

**REASON:** In the interests of sustainable transportation.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

**Reason:** In the interest of amenities, public health and safety and environmental protection

16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and

monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

18. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from

the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**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.

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Ciara McGuinness

Planning Inspector

12<sup>th</sup> June 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500901-Gy-26
<b>Proposed Development Summary</b>	Construction of 39 no. residential units and all associated works. A Natura Impact Statement (NIS) was submitted as part of the application.
<b>Development Address</b>	Treanrevagh, Mountbellew, Co. Galway
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b> Class 10 b) (i) Construction of more than 500 dwelling units.  Class 10 b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a builtup area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)  The proposed development includes 39 residential units and has an area of 5.7ha and is therefore subthreshold  There is an extant permission within the redline boundary for 35 units (23/60139) and when considered cumulatively the proposed development is still subthreshold.

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PI-500901-GY-26
<b>Proposed Development Summary</b>	Construction of 39 no. residential units and all associated works. A Natura Impact Statement (NIS) was submitted as part of the application.
<b>Development Address</b>	Treanrevagh, Mountbellew, Co. Galway
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The site is located within an urban area in Mountbellew. Given the size of the proposed development, no significant waste, emissions or pollutants would arise during the demolition, construction or operational phase due to the nature of the proposed development. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster. It presents no risks to human health.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g.	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The subject site is not located within or adjoining any environmentally sensitive sites or protected sites of ecological importance. The site is not located within a conservation area, and there are no protected structures located within the site/surrounds. Given the nature of the development and the site/surroundings, it

<p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p> <p style="color: green; font-size: 2em;">✓</p>
<p><b>There is significant and realistic doubt</b></p>	<p><del><b>Schedule 7A Information required to enable a Screening Determination to be carried out.</b></del></p>

<p><del>regarding the likelihood of significant effects on the environment.</del></p>	
<p><del>There is a real likelihood of significant effects on the environment.</del></p>	<p><b>EIAR required.</b></p>

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

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

(only where Schedule 7A information or EIAR required)

## Appendix 3: AA Screening Determination

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Case Reference Number:</b> PL-500901-GY-26	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	<p>Construction of 39 no. residential units and all associated works.</p> <p>Refer to section 2 of my report for further details.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The application site is located within the village of Mountbellew. The Uisce Éireann Wastewater Treatment Capacity Register indicates that the Mountbellew WWTP has a 'Green Status', meaning that there is 'spare capacity available'. The Wastewater Treatment Capacity Register notes that a WWTP project is planned/underway.</p> <p>The applicant has put forward 2 options for foul drainage as described in the submitted Wastewater Services Report. Option 1 consists of a temporary on-site pre-treatment of the effluent to a 'tertiary' standard prior to discharge to the public foul sewer. Option 2 is a direct discharge of effluent to the foul network following the upgrade of the municipal treatment plant.</p> <p>Surface water will discharge to the adjoining stream to the north and with the implementation of SuDS be restricted to green field run-off rate.</p>
<b>Screening report</b>	<p>Yes, prepared by Enviroplan Consultants Limited</p>

<b>Natura Impact Statement</b>	Yes, prepared by Enviroplan Consultants Limited
<b>Relevant submissions</b>	N/A

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

I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered.

These include;

- Carrownagappul Bog SAC (Site Code 001242) – c. 2.2 km north
- Curraghlehanagh Bog SAC (Site Code 002350) – c. 5.4 km north
- Shankill West Bog SAC (Site Code 000326) – c. 5.5 km north-west
- Derrinlough (Cloonkeenleananode) Bog SAC (Site Code 002197) – c.7.7km
- Camderry Bog SAC (Site Code 002347) – c.9.6km
- Lough Lurgeen Bog/Glenamaddy Turlough SAC (Site code: 000301) – c10km
- Lough Corrib SAC (Site Code 000297) – c.11km
- Ballygar (Aghrane) Bog SAC (Site Code 002199) – c.11.8km
- Aughrim (Aghrane) Bog SAC (Site Code 002200) – c.13.3km
- Lisnageeragh Bog and Ballinastack Turlough SAC (Site Code 000296) – c.14.7km
- Levally Lough SAC (Site Code 000295) – c.14.9km
- River Suck Callows SPA (Site Code 004097) – c.11.6km

There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination. Following an examination of sites within the zone of influence, and upon an examination of the connectivity between the appeal site and these sites River Suck Callows SPA (Site Code: 004097) has been screened in having regard to the potential connectivity via a drainage stream c.40metres north of the site, which connects to River Suck Callows SPA.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
River Suck Callows SPA	Whooper Swan (Cygnus cygnus) [A038] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999]	11.6km	The Carrownagannive stream is located to the northeast of the application site. This flows a further 18.10km downstream into the River Suck Callows SPA. This creates a hydrological connector/receptor pathway between the application site and the River Suck Callows SPA	Yes

**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
<b>Site 1: River Suck Callows SPA (004097)</b>	<b>Direct:</b> None	Deterioration of the water quality of the wetlands used by the QI

<p>Whooper Swan (Cygnus cygnus) [A038]</p>	<p><b>Indirect</b> <u>Construction</u> Negative impacts (temporary) on surface water/water quality due to construction related</p>	<p>species owing to surface water runoff from construction phase activities cannot be ruled out at this stage.</p>
<p>Golden Plover (Pluvialis apricaria) [A140]</p>	<p>emissions including increased sedimentary and construction related pollution</p>	<p>As per the precautionary principle, given the current status of the Mountbellew Wastewater Treatment System, the proposed foul water treatment for the site cannot be</p>
<p>Lapwing (Vanellus vanellus) [A142]</p>	<p><u>Operation</u> Negative impacts on water quality due to operational foul drainage given the current status of the</p>	<p>screened out at this stage. In the absence of mitigation in relation to effluent discharge arrangements, indirect impacts on the Castlegar river, which flows to the River Suck Callows SPA, cannot be ruled out.</p>
<p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p>	<p>Mtounbellew Wastewater Treatment System.</p>	
<p>Wigeon (Mareca penelope) [A855]</p>		
<p>Wetland and Waterbirds [A999]</p>		
<p><b>Likelihood of significant effects from proposed development (alone): Yes</b></p>		

	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p>
<p><b>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</b></p>	
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on River Suck Callows SPA from effects associated with surface water contamination during the construction phase and potential foul treatment impacts during the operational phase.</p> <p>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.</p> <p><b>Proceed to AA.</b></p>	
<p><b>Screening Determination</b></p> <p><b>Significant effects cannot be excluded</b></p> <p>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 will give rise to significant effects on the River Suck Callows (Site Code: 004097) in view of the sites conservation objectives. Appropriate Assessment is required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the proposed works</li> <li>• The potential connectivity between the application site and the European Sites via surface water emissions</li> <li>• The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.</li> </ul>	

## Appendix 4 - AA Determination

<b>Appropriate Assessment</b>				
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>				
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of the River Suck Callows SPA based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"> <li>• Natura Impact Statement prepared by Enviroplan Consulting Limited</li> </ul> <p>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.</p>				
<p><b>Submissions/observations</b> N/A</p>				
<p><b>River Suck Callows SPA (Site Code: 004097):</b></p> <p><b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b> (i) Water quality degradation (construction and operation)</p> <p><b>See Table 7.1 of NIS</b></p>				
<p><b>Qualifying Interest features likely to be affected</b> And Conservation Objectives</p>	<p><b>Targets attributes (summary-inserted)</b></p>	<p>and</p>	<p><b>Potential adverse effects</b></p>	<p><b>Mitigation measures (summary)</b>  NIS SECTION 6</p>

<p><b>Whooper Swan (Cygnus cygnus) [A038]</b> Maintain favourable conservation condition</p> <p><b>Golden Plover (Pluvialis apricaria) [A140]</b> Restore favourable conservation condition</p> <p><b>Lapwing (Vanellus vanellus) [A142]</b> Restore favourable conservation condition</p> <p><b>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</b> Restore favourable conservation condition</p> <p><b>Wigeon (Mareca penelope) [A855]</b> Restore favourable conservation condition</p>	<p><b>Winter population trend</b>, stable or increasing; <b>Winter spatial distribution</b>, sufficient number of locations, area &amp; availability of suitable habitat; <b>Disturbance at wintering site</b>, should not significantly impact the achievement of targets for population trend &amp; spatial distribution; <b>Barriers to connectivity &amp; site use</b>, should not significantly impact the wintering population's access to the SPA or other related sites; <b>Forage spatial distribution, extent and abundance</b>, sufficient amount of forage biomass to support the population target; <b>Roost spatial distribution &amp; extent</b>, sufficient availability of suitable roosting habitat to support the population target; <b>Supporting habitat area &amp; quality</b>, sufficient area of utilisable habitat</p>	<p>Impacts on water quality from the discharge of contaminated surface water run-off during the construction phase of the proposed development to ground water and surface water, affecting SCI and SCI supporting habitat of River Suck Callows SPA.</p> <p>Impacts at operational phase of the proposed development on the water quality pertinent to River Suck Callows SPA arising from the discharge of pre-treated effluent to a Mountbellew WWTP, which is operating at/above capacity and which discharges to the Castlegar River, which connects to River Suck Callows SPA.</p>	<p><b>Re. Site Set-Up:</b></p> <ul style="list-style-type: none"> <li>• Use of solid fence around site perimeter.</li> <li>• Confinement of works to within site.</li> <li>• Erection of silt fence.</li> <li>• Construction of outfall to stream in line with Inland Fisheries Guidelines (2016).</li> </ul> <p><b>Re. Earthworks:</b></p> <ul style="list-style-type: none"> <li>• Soil stripping not to take place following heavy rain.</li> <li>• Stockpiles of sand gravel etc. to be stored on level terrain and covered during heavy rain.</li> <li>• Ensure materials are free of invasive species.</li> </ul> <p><b>Air Quality Dust and Emissions:</b></p> <ul style="list-style-type: none"> <li>• Keep dust to minimum.</li> <li>• Dampen area to minimize windblown dust/use of dust suppression equipment.</li> <li>• No burning on site.</li> </ul> <p><b>Refueling, fuel and hazardous materials storage:</b></p> <ul style="list-style-type: none"> <li>• Refueling to be carried out off-site.</li> <li>• Use of spill-kits.</li> <li>• Petroleum products to be banded.</li> </ul> <p><b>Environmental Approvals and Licenses:</b></p> <ul style="list-style-type: none"> <li>• Appropriate waste permits to be provided/retained by supervising engineer.</li> </ul> <p><b>Water Contamination:</b></p> <ul style="list-style-type: none"> <li>• Groundwater discharge of pollutants prohibited.</li> <li>• Use of drip trays for machinery.</li> <li>• Use of impervious base for site storage e.g. bunds.</li> <li>• Use of spill kits.</li> <li>• Leaking drums to be removed immediately from site.</li> <li>• No concrete or cleaning water to enter soil of watercourse.</li> <li>• Construct systems to collect, convey, treat and attenuate surface water.</li> </ul> <p><b>Drainage and Water Quality:</b></p> <ul style="list-style-type: none"> <li>• Works planned/executed in accordance with EPA Guidelines.</li> <li>• Wash water from on-site mixers or lorries shall be disposed of appropriately off-site.</li> </ul>
<p><b>Wetland and Waterbirds [A999]</b> Maintain favourable conservation condition</p>	<p><b>Habitat area</b>, no significant loss other than naturally occurring variations that occurring from natural patterns of variation; <b>Habitat quality &amp; functioning</b>, no other than naturally occurring variations that occurring from natural patterns of variation</p>		

		<ul style="list-style-type: none"> <li>• Ensure that operations do not give rise to discharges of large quantities of dirty water into the watercourses.</li> <li>• Good site management to ensure protection of groundwater.</li> <li>• Washing out of concrete trucks not permitted within site.</li> <li>• Works with concrete shall be carried out during dry conditions for a period sufficient to cure the concrete (at least 48 hours).</li> </ul> <p><b>Noise Control Measures:</b></p> <ul style="list-style-type: none"> <li>• Measures will be implemented to reduce the number of noise-generating activities occurring concurrently.</li> <li>• A copy of the EPA 'Guidance Note for Noise: License Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)' will be available on site for the duration of the works and will be referred to as required during the works.</li> </ul>
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

**(i) Water quality degradation**

There is a significant separation distance (11.6km) between the application site and the River Suck Callows SPA, which offers potential for significant dilution of any potential pollutants. Furthermore, I consider that the size of the river provides further significant capacity to assimilate/dilute any potential pollution.

In any case, having regard to the above and the nature and scale of the proposed development, I am satisfied that the application includes a suitably comprehensive range of mitigation measures. For the most part the mitigation measures are intended to avoid the release of contaminated run-off to from the site to groundwater and surface water. I am satisfied that the measures are sufficient to address potential impacts from pollution during construction and that the potential for deterioration of habitats and species identified within the European Site (River Suck Callows SPA) is not likely.

In terms of operational impacts, I have recommended by condition that the proposed development provides for a direct discharge into Mountbellew Wastewater Treatment Plant following the completion of upgrades to that system. No units shall be occupied until the development is connected to the upgrade WWTP. The fact that a connection to the wastewater treatment system will not be permitted in advance of the upgrade works will mitigate against any impacts onto the Castlegar river. The Uisce Éireann Wastewater Treatment Capacity Register indicates that the Mountbellew WWTP has a 'Green Status', meaning that there is 'spare capacity available'. The Wastewater Treatment Capacity Register notes that a WWTP project is planned/underway. Given that the Confirmation of Feasibility from Uisce Eireann has confirmed acceptability of this foul effluent drainage option, serves to mitigate against any adverse operational phase impacts on the Castlegar River and/or the River Suck Callows SPA downstream.

#### **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. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. They will prevent any residual effects and, as such, I am satisfied that there will be no significant in-combination effects.

#### **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 River Suck Callows SPA (Site Code: 004097). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Suck Callows SPA (Site Code: 004097) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the River Suck Callows SPA (Site Code: 004097) can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The nature and scale of the proposed development; the location of the site at a significant distance from European Sites; and its limited hydrological connectivity with the European Sites.
- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the relevant qualifying interests of River Suck Callows SPA (Site Code: 004097)
- Effectiveness of mitigation measures proposed in the Natura Impact Statement and the Construction & Environmental Management Plan
- Application of planning conditions to require that all relevant mitigation and monitoring measures shall be implemented and which require that the proposed development provides for a direct discharge into Mountbellew Wastewater Treatment Plant following the completion of upgrades to that system.