

no e

David Behan

From: Peadar Ó Maolain <pomaolain@lawlibrary.ie>
Sent: Tuesday 30 December 2025 16:22
To: Appeals2
Subject: FD07.323899 Case Number 323899
Attachments: 30 12 2025 - OBSRVATION & SUBMISSION; PLANNING REF; ACP FD07.323899.docx

You don't often get email from pomaolain@lawlibrary.ie. [Learn why this is important](#)

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

For Attn @ An Comisiun Pleanála.

Please find attached Observations/Submission regarding the following Application; FD07.323899 Case Number 323899

Yours truly,

Peadar O Maolain

DISCLAIMER: This email and any files transmitted with it are confidential and intended solely for the intended recipient. If you are not the named addressee you should not disseminate, distribute, copy or alter this email. Any views or opinions presented in this email are solely those of the author and might not represent those of The Bar of Ireland. Warning: Although The Bar of Ireland has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments. You are requested to carry out your own virus check before opening any attachment. The author and The Bar of Ireland accept no liability for any loss or damage which may be caused by software viruses.



Western Gamefishing Association

Representing the Wild Fisheries of the Districts of Galway Connemara and Ballinakill

AN COMISIUN PLEANÁLA.

30 12 2025

SUBMISSION & OBSERVATIONS OF THE WESTERN GAMEFISHING ASSOCIATION

[Ref: Planning Application Ref No; FD07.323899 Case Number 323899]

The Western Gamefishing Association is a 'not for profit' Non Governmental Organisation comprised of, and representing, salmonid fisheries, owners, and managers throughout Connemara and the west of Ireland.

The Association is concerned about Application bearing Reference number FD07.323899 case number 323899, in respect of proposed development and extension of a remote and isolated dilapidated dwelling along the Duhulla Fishery Catchment. This fishery consists of several important stretches of interconnected rivers and lakes, which support precarious stocks of Atlantic salmon and sea trout, at Emlaghmore, Ballyconneely, Connemara, County Galway, and which are collectively known as the Duhulla Fishery.

The locations and townlands over which the development is contemplated falls within a Special Area of Conservation, SAC, and Special Protected Area, SPA. Alternatively, the site is in such proximity to SAC and SPA designated locations that the risks of adverse downstream impacts on the Qualifying Interests specific to these Protected sites cannot be excluded in the event of the proposed development being permitted.

This Association is opposed to such a grant of permission in this area as it is likely to impact on the salmonid fisheries and the river catchment as a whole. Of particular concern is the semi derelict access path/road to the site which has been eroded by the river in some parts, as it provides the only access route to the site works. This road/path runs along the elevated riverbank for a considerable distance and will be severely affected by construction traffic and materials being transported along the banks by heavy transport. Given its current derelict state it would clearly be necessary to resurface this path/road with inevitable further adverse consequences for the aquatic environment due release of aggregates, silts, sand, and other material into the river. Indeed, there is a distinct risk of collapse of the fragile and unstable high river banks along the road/path due to heavy construction traffic. The proposals inherent in the application for the construction of 'instream' structures to support the road are also quite concerning as any such 'instream' works require appropriate Article 6.3 screening also, and has not been consented to by the fishery owner.

The Association is furthermore opposed to any renewal, extension, or continuance of any subsisting or expired permission in respect of any such development in this area. We also wish to point out that any renewal, continuance, or consent in relation to any subsisting development consent must be subject to full Appropriate Assessment pursuant to S. 6. 3 of the Habitats Directive

The Association submits that any grant, renewal, or extension of any subsisting permission may only be consented to in the event that it can be demonstrated by the applicants, on the basis of the best available scientific knowledge in the field, and with certainty, beyond all reasonable doubt, that no

adverse impacts to the protected sites, or the protected flora and fauna therein will result from works to be carried out.

We wish to draw the attention of An Comisiun to the Supreme Court ruling in the case of Cromane Foods Limited & Anor -v- Minister for Agriculture Fisheries and Food & Ors, 2016 IESC, (307/2013), in which the primacy of the ECJ jurisprudence was upheld in relation to the protection which must be afforded European Sites. The Association would also refer An Commisiun to the ECJ decisions in the Sweetman and Waddensee cases in which the requirement for certainty as to the 'absence' of adverse impacts, based on the 'best available scientific knowledge in the field', is a prerequisite for any consent in this setting.

The Association is concerned that the Applicant has not met the legal requirement for such works, adequately or at all, as prescribed in the Environmental Impact Assessment Directive, the Habitats Directive, Article 6.3 thereof specifically, and Irish legislation implementing the foregoing Directives. No adequate Article 6.3 mandated 'Appropriate Assessment' has been conducted. The Association submits that, had adequate Appropriate Assessment, as required by Article 6.3 of the Habitats Directive been carried out, no consent could possibly be considered in respect of the current application. The adverse environmental impacts of siltation and disturbance of salmonid waters are known as deleterious to these waters, and must be avoided. This Association reserves the right to oppose the proposed development. The risk of introduction of silts, oil, lubricants, and aggregate materials, into this river system are not compatible with the unique environmental constraints and natural heritage of this area.

The Association requests that the issues raised herein be afforded full and appropriate assessment prior to deciding on this application.

The Association reserves the discretion to make further submissions, orally or in writing to in relation to the decision-making process herein.

Yours truly,

Peadar O Maolain, Chairman, WGA.

Le dea Ghui,

Peadar O Maolain,
Honorary Chairman, 23 The Orchard, Kingston Road, Galway.
pomaolainrenv@gmail.com
0872422946