

David Behan

From: andrew hersey <hersey.andrew@gmail.com>
Sent: Tuesday 9 June 2026 12:17
To: Appeals2
Subject: ACP-324131-26
Attachments: McGuinnessO'Driscoll response submission.pdf

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A chara

Please find attached response to your correspondence of the 20th May 2026 which invites my clients, Geraldine McGuinness & James O'Driscoll, to submit an observation on a submission received by Galway County Council with respect to this appeal .

Please confirm receipt of this email

Kind regards

Andrew Hersey

Andrew Hersey Planning

3 Atlantic View

West End, Kilkee,

Co. Clare

V15 PH32

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The Secretary

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1

DO1 V902

Date: 8th June 2026

Re : ACP 324131-26

Re: Response to Submission from Galway County Council with respect to Application for Substitute Consent for the following;

Permission to retain refurbishment works to existing cottage which include for:

- (i) Front porch*
- (ii) Revised elevations*
- (iii) First floor extensions*
- (iv) Upgrading wastewater treatment system and*
- (v) Ancillary site works and landscaping which include for the upgrading of the existing vehicular entrance and driveway to the cottage*
- (vi) A domestic pedestrian bridge over the existing stream and*
- (vii) Steel container for storage purposes*

all at Ardagh Cottage, Clifden, Co. Galway H71KD34



This response has been prepared by Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, Co. Clare on behalf of James O'Driscoll & Geraldine MCGuinness of Ardagh Cottage, Clifden, Co. Galway H71KD34

1.0 Introduction

- 1.1 I, Andrew Hersey Planning Consultant, am acting on behalf of James O'Driscoll & Geraldine MCGuinness of Ardagh Cottage, Clifden, Co. Galway H71 KD34.
- 1.2 My clients wish to submit a response to Galway County Councils submission to their application for substitute consent as described above, ACP 324131-26 refers.
- 1.3 The submission identifies a number of planning and environmental considerations relating to the subject development. The applicants have carefully reviewed these matters and provide the following response for the assistance of An Coimisiún Pleanála.
- 1.4 It is respectfully submitted that the findings of the accompanying Remedial Natura Impact Statement (rNIS), engineering assessments and planning documentation demonstrate that the development has not resulted in any adverse effects on the integrity of any European Site and does not materially conflict with the proper planning and sustainable development of the area.
- 1.5 However, my clients will address the said submission from the council under the following headings;
- Natura 2000 Designations and Environmental Effects
 - Wastewater Treatment System
 - Water Framework Directive Considerations
 - Flood Risk
 - Existing Entrance and Sightlines
 - Pedestrian Bridge



- Steel Container

2.0 Response to Galway County Councils Submission

2.1 Natura 2000 Designations and Environmental Effects

2.1.1 The Planning Authority notes that the site is located partly within the Connemara Bog Complex SAC, within close proximity to the Connemara Bog Complex SPA and within the proposed Natural Heritage Area. It is relevant to note that the existing dwelling itself is located outside the SAC boundary, although portions of the wider site, including elements of the wastewater treatment system and ancillary structures for which Substitute Consent is sought, are located within or adjacent to designated lands. For this reason, a comprehensive Remedial Natura Impact Statement was prepared to assess all elements of the development and their potential effects on European Sites.

2.1.2 My clients acknowledge the environmental sensitivity of the receiving environment and it is for this reason that a comprehensive Remedial Natura Impact Statement was prepared by ORS Consulting.

2.1.3 The rNIS assessed all elements of the development including the dwelling refurbishment works, wastewater treatment system, pedestrian bridge, driveway and ancillary structures. Following detailed assessment, the report concludes that the completed development, either individually or in combination with other plans and projects, does not adversely affect the integrity of the Connemara Bog Complex SAC or any other European Site.

2.1.4 It is respectfully submitted that the conclusions of the rNIS are robust, evidence based and should be afforded significant weight by the Commission.

2.2 Wastewater Treatment Plant

2.2.1 The Planning Authority raises concerns regarding the wastewater treatment system and refers to observations contained within a report submitted referred to as the O'Halloran Report



- 2.2.2 My clients submit that extensive information has been provided in support of the wastewater treatment system including engineering certification, maintenance records, water quality testing and ecological assessment.
- 2.2.3 Importantly, the current treatment system replaced a historic arrangement whereby wastewater from the cottage was ultimately discharged untreated to the adjacent watercourse. The planning report and supporting legal documentation demonstrate that this historical arrangement existed for many years prior to the applicants' involvement with the property.
- 2.2.4 The upgraded treatment system therefore represents a significant environmental improvement when compared with the historic baseline situation.
- 2.2.5 The accompanying rNIS confirms that:
- The treatment system was inspected and certified by qualified engineers.
 - The system is subject to ongoing servicing and maintenance.
 - Galway County Council carried out an inspection following a complaint regarding water quality and confirmed that no visible pollution was evident.
 - Water quality monitoring undertaken as part of the assessment does not identify the site as a source of pollution.
 - The operation of the wastewater treatment system has not resulted in adverse effects on the integrity of the Connemara Bog Complex SAC, as confirmed in the rNIS supporting the application.
- 2.2.6 While it is acknowledged that the upgraded wastewater treatment system does not achieve all of the separation distances prescribed within the EPA Code of Practice 2021, it is important to consider both the specific circumstances of this existing dwelling and the environmental baseline which existed prior to the installation of the current system.
- 2.2.7 The upgraded treatment system replaced a long-standing and unsatisfactory wastewater arrangement whereby untreated effluent from the dwelling was historically discharged via adjoining lands to the watercourse. The current installation therefore represents a significant



environmental improvement in terms of wastewater treatment, water quality protection and the overall environmental performance of the site.

- 2.2.8 The EPA Code of Practice recognises the practical constraints that can arise on existing developed sites and seeks to achieve the most appropriate wastewater treatment solution having regard to site-specific circumstances. In this regard, the current system was installed as a remedial measure to address a pre-existing environmental issue and to provide a significantly higher standard of wastewater treatment than previously existed.
- 2.2.9 Furthermore, the evidence submitted with the application, including engineering certification, maintenance records, water quality assessments and the findings of Galway County Council's own site inspection, demonstrates that the system is operating effectively and that no evidence of pollution was identified. The accompanying rNIS concludes that the operation of the upgraded wastewater treatment system is not resulting in adverse effects on the integrity of any European Site.
- 2.2.10 Particular regard should also be had to the findings of the rNIS in relation to the alternative of removing or relocating the treatment system. The assessment concludes that the relocation of the existing system in order to achieve full compliance with current separation distances would be likely to introduce a greater risk of effects on the adjacent SAC and watercourse than retaining the system in its current location. The rNIS further concludes that the existing installation represents a significant improvement on the historical arrangement and that no evidence exists to indicate that the system is adversely affecting the receiving environment.
- 2.2.11 It is also noteworthy that the enforcement proceedings relating to the site require the removal of the existing wastewater treatment system. In practical terms, compliance with such a requirement would remove the only modern wastewater treatment facility serving the dwelling. The Commission is therefore requested to consider not only whether the current installation achieves every dimensional requirement of the EPA Code of Practice, but also the environmental implications of its removal.



- 2.2.12 In this regard, the evidence before the Commission demonstrates that the current wastewater treatment system has successfully addressed a historical untreated discharge to the adjacent watercourse and has been professionally installed, certified and maintained. Furthermore, Galway County Council investigated a complaint alleging water pollution at the site and, following inspection of the property and adjoining watercourse, confirmed that no visible pollution was evident and subsequently closed the complaint. The operation of the wastewater treatment system has also been assessed within the accompanying rNIS, which concludes that it is not giving rise to adverse effects on the integrity of any European Site.
- 2.2.13 Conversely, the removal or relocation of the system would have the potential to undermine the environmental improvements already achieved and, as identified within the rNIS, may result in a greater environmental risk than the retention of the existing installation. In these circumstances, it is respectfully submitted that the Commission should have regard not only to the dimensional requirements of the EPA Code of Practice, but also to the actual environmental performance of the system and the likely environmental consequences arising from its removal or relocation.
- 2.2.14 The Planning Authority notes the appendices submitted with the rNIS in respect of the wastewater treatment system and refers to a number of observations contained within the On-Site Waste Water Treatment System Inspection Report prepared by O'Halloran Engineering following an inspection undertaken in February 2022.
- 2.2.15 It is respectfully submitted that the matters identified within Sections 8.2–8.12 of the O'Halloran report do not demonstrate that the wastewater treatment system is failing, causing pollution or giving rise to adverse effects on human health or the environment. Rather, the report was commissioned specifically to review the existing installation and identify matters requiring clarification or further consideration in the context of any future planning application.
- 2.2.16 In this regard, O'Halloran Engineering confirmed that the installed wastewater treatment system comprises a modern Klaro One treatment unit, associated pumping chamber and Ecoflo tertiary polishing filter. The report further records that there was no evidence of effluent ponding, no indication of system failure and that the ground surrounding the installation was firm and dry at



the time of inspection. The report concludes that the upgraded system represents a significant improvement over the previous wastewater arrangements serving the dwelling.

- 2.2.17 While the report identifies that the wastewater treatment unit and tertiary polishing filter are located marginally inside the 10 metre setback distance from the adjacent watercourse, O'Halloran Engineering specifically notes that the treatment unit is a sealed factory-manufactured system and expressly draws attention to Section 1.3 of the EPA Code of Practice 2021, which recognises that variances may be considered in the case of upgrades to existing domestic wastewater treatment systems where the Planning Authority is satisfied that human health and the environment will be protected.
- 2.2.18 The remaining matters identified within Sections 8.4–8.11 of the report relate principally to discrepancies or anomalies within earlier planning documentation and the original Site Characterisation Form rather than defects in the operation of the installed wastewater treatment system itself. These include references to bedroom numbers, landscape description, mapping updates, drawing revisions, polishing filter dimensions and clarification regarding the discharge route. The report does not conclude that any of these matters result in pollution, system failure or unacceptable environmental effects.
- 2.2.19 The original Site Characterisation Form prepared in 2017 concluded that the site was suitable for a packaged wastewater treatment system and polishing filter and recommended discharge to ground via a polishing filter arrangement. The assessment recorded acceptable percolation test results and concluded that a secondary treatment system with polishing filter represented an appropriate wastewater solution for the site.
- 2.2.20 Furthermore, O'Halloran Engineering specifically advises that any future planning application should emphasise that the current installation constitutes an upgrade of an older and less efficient wastewater arrangement and that the installed system provides a significantly higher quality treated effluent than previously existed on the site. This conclusion is particularly relevant in the context of the present Substitute Consent application.



- 2.2.21 It is also noteworthy that Galway County Council subsequently investigated a complaint alleging pollution of the adjacent watercourse and, following inspection of the stream and surrounding area, found no visible evidence of pollution. The accompanying rNIS similarly concludes that the operation of the wastewater treatment system is not giving rise to adverse effects on the integrity of any European Site.
- 2.2.22 Accordingly, while certain technical discrepancies within historic documentation have been identified and explained, the evidence before the Commission demonstrates that the installed wastewater treatment system represents a substantial environmental improvement over the historical position, is operating effectively, and has not been shown to give rise to pollution, public health concerns or adverse effects on the receiving environment
- 2.2.23 Having regard to the foregoing, it is respectfully submitted that the upgraded wastewater treatment system constitutes the most appropriate wastewater solution available in the particular circumstances of this established dwelling and that its retention is justified in both planning and environmental terms

2.3 Water Framework Directive Considerations

- 2.3.1 The Planning Authority requests that the Commission satisfy itself that the development will not adversely affect receiving waters and that the objectives of the Water Framework Directive are protected.
- 2.3.2 My clients fully acknowledge the importance of the Water Framework Directive and the obligation on competent authorities to ensure that development proposals do not result in deterioration in the status of water bodies and do not compromise the achievement of the environmental objectives established for those water bodies.
- 2.3.3 In this regard, it is noteworthy that Galway County Council investigated a complaint alleging pollution of the adjacent watercourse and, following inspection of the stream and surrounding area, confirmed that no visible evidence of pollution was identified. The complaint was



subsequently closed and no enforcement action was initiated in respect of water pollution arising from the operation of the wastewater treatment system.

- 2.3.4 The evidence before the Commission further demonstrates that the current wastewater treatment system was installed to replace a historical wastewater arrangement associated with the dwelling which resulted in untreated effluent being discharged to the watercourse. The existing installation therefore represents a substantial improvement in environmental performance when compared to the historical baseline condition at the site.
- 2.3.5 The accompanying rNIS, engineering assessments, water quality information and wastewater treatment documentation do not identify any evidence that the operation of the existing system is causing deterioration in water quality, adversely affecting the ecological status of the receiving water environment or undermining the objectives of the Water Framework Directive.
- 2.3.6 Particular regard should also be had to the practical implications of the enforcement notice issued in respect of the wastewater treatment system. The notice requires the removal of the existing treatment system notwithstanding that it was installed as an environmental improvement to address a historic untreated discharge to the adjacent watercourse. In assessing the environmental consequences of such a course of action, the Commission is respectfully requested to consider whether the removal of the existing treatment infrastructure would achieve a better environmental outcome than its retention.
- 2.3.7 In this regard, the accompanying rNIS concludes that relocation of the wastewater treatment system may itself give rise to greater ecological and environmental risks having regard to the site's constraints and proximity to designated habitats. Accordingly, the environmental assessment before the Commission indicates that retention of the existing system represents the most appropriate wastewater solution available in the circumstances of this established dwelling.
- 2.3.8 Having regard to the findings of the rNIS, the engineering assessments, the Council's investigation of the adjacent watercourse and the absence of any evidence of pollution or deterioration in water quality, it is respectfully submitted that the development is not giving rise to adverse effects on receiving waters and is consistent with the objectives of the Water Framework Directive.



2.4 Flood Risk

2.4.1 The Planning Authority notes that the subject site is located within an area of fluvial flood risk.

2.4.1.1 My clients acknowledge the proximity of the site to the adjoining watercourse and recognise the importance of ensuring that flood risk considerations are appropriately addressed. However, it is respectfully submitted that the evidence before the Commission does not demonstrate that the completed development has resulted in adverse flood-related impacts or that it has given rise to any deterioration in environmental conditions.

2.4.1.2 The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) advocate an evidence-based approach to flood risk assessment having regard to the source of flooding, the pathways through which floodwaters may travel, the receptors potentially affected and the consequences arising. The Guidelines further emphasise that flood risk management should seek to avoid increasing flood risk elsewhere and should have regard to the environmental consequences of any proposed intervention.

2.4.1.3 In the present case, no evidence has been presented demonstrating that the completed development has increased flood risk, altered flood flow paths, reduced flood storage capacity, impeded drainage patterns or otherwise given rise to adverse flood-related effects.

2.4.1.4 It is also relevant that the site has historically accommodated a dwelling for many years and that the application does not relate to the establishment of a new residential use in a previously undeveloped location. Rather, the development principally comprises the refurbishment and upgrading of a long-established dwelling together with associated site improvement works.

2.4.1.5 In this regard, the development does not introduce a new vulnerable receptor into an area potentially affected by flood risk but instead relates to the continued use and improvement of an established dwelling. No evidence has been presented demonstrating that the historic occupation of the site has been affected by flooding or that the completed development has increased flood risk either within the site or elsewhere



2.4.1.6 The wastewater treatment plant comprises a sealed proprietary treatment unit installed as part of an upgrade of the site's historic wastewater arrangements. The treatment unit is located on elevated ground above the adjoining watercourse and outside the stream corridor. There is no evidence before the Commission that the treatment system has been affected by flooding, that floodwaters have entered the system, or that its operation has resulted in pollution or adverse impacts on receiving waters.

2.4.1.7 Having regard to the established residential use of the site, the absence of evidence that the development has increased flood risk or altered flood flow paths, the elevated location of the wastewater treatment system relative to the adjoining watercourse and the absence of any identified flood-related impacts, it is respectfully submitted that flood risk does not constitute a reason to withhold Substitute Consent in this instance.

2.5 Existing Entrance and Sightline's

2.5.1 The Planning Authority notes that sightline information has not been illustrated on the submitted drawings.

2.5.2 The accompanying Planning Report submitted previously as part of the application for substitute consent addresses this matter and confirms that adequate visibility is available at the existing site entrance to safely accommodate the established residential use of the property.

2.5.3 It is important to note that the application does not relate to the creation of a new vehicular entrance. Photographic evidence submitted as part of the application demonstrates that a vehicular entrance has historically existed at this location and has long served the dwelling. The entrance therefore forms part of the established residential use of the site and has provided access to the property for many years.

2.5.4 In this regard, the inclusion of the entrance within the scope of the current application arises primarily as a consequence of the enforcement proceedings initiated by Galway County Council, which required the regularisation of various elements associated with the property. The application should therefore be considered in the context of an existing and long-established access arrangement rather than as a proposal for a new entrance onto the public road.



2.5.5 Furthermore, there is no evidence before the Commission that the existing entrance has given rise to road safety concerns, traffic hazards or visibility-related issues. A site inspection will confirm that the entrance is located on a relatively straight section of the local road network where forward visibility is readily available in both directions. Having regard to the established nature of the entrance, the modest level of traffic associated with a single dwelling house and the available visibility, it is submitted that the continued use of the entrance does not give rise to any adverse road safety implications.

2.5.6 Notwithstanding the foregoing, my clients remain willing to accept an appropriate planning condition requiring the maintenance of visibility splays and the implementation of any reasonable entrance improvement measures that the Commission may consider necessary in the interests of road safety.

2.5.7 Accordingly, it is respectfully submitted that the existing entrance arrangement is satisfactory in terms of traffic safety and does not constitute a reason to withhold Substitute Consent in this instance

2.6 Pedestrian Bridge

2.6.1 The Planning Authority notes that detailed construction information has not been submitted in respect of the pedestrian bridge and advises that the Commission should satisfy itself regarding any potential ecological or structural implications.

2.6.2 In this regard, it is important to clarify the nature and scale of the structure. The bridge is not a substantial engineered structure but rather comprises a simple pedestrian crossing in the form of a timber plank spanning the watercourse. The crossing is domestic and ancillary in nature and serves only to facilitate pedestrian access to lands within my clients' ownership on the opposite side of the stream.

2.6.3 The crossing replaced a pre-existing bridge at this location and therefore did not introduce a new crossing point across the watercourse. As such, the works did not result in any significant alteration to the character or functioning of the stream corridor.



- 2.6.4 The accompanying rNIS specifically considered the crossing as part of the overall assessment of the development and concluded that it does not give rise to significant ecological effects or adverse impacts on the integrity of any European Site.
- 2.6.5 Furthermore, the crossing does not involve culverting of the watercourse, channel modification, flood defence works, bank realignment or any other significant engineering intervention. It is a modest ancillary structure associated with the established residential use of the property and serves a practical function in providing pedestrian access across the stream.
- 2.6.6 Having regard to the limited scale of the structure, its replacement of a historic crossing at the same location, the findings of the accompanying rNIS and the absence of any identified environmental impacts, it is respectfully submitted that the pedestrian bridge does not give rise to any planning, ecological or environmental concerns that would warrant the refusal of Substitute Consent.
- 2.7 *Container*
- 2.7.1 The Planning Authority raises concerns regarding the retention of the ancillary storage structure located within the site and refers to the landscape sensitivities associated with the area.
- 2.7.2 It is respectfully submitted that insufficient regard has been had to the actual visual impact of the structure and the manner in which it is experienced within the receiving environment.
- 2.7.3 The structure is used solely for domestic purposes ancillary to the established residential use of the property and functions as a garage and storage facility for the dwelling. It is not used for commercial, industrial or agricultural purposes and does not generate traffic, noise or activity beyond that ordinarily associated with a private residence.
- 2.7.4 Photographic evidence attached demonstrates that the structure is effectively screened from view from the adjoining public road and does not form a prominent feature within the wider landscape. Consequently, its visual influence on the surrounding area is extremely limited.



- 2.7.5 While the Planning Authority refers to the landscape designations applicable to the area, it is important to note that landscape protection objectives seek to protect the character, quality and visual amenity of the landscape. In this instance, the structure is located within the established curtilage of an existing dwelling and, owing to its screening and limited visibility, does not adversely affect the character of the landscape or interfere with important views or prospects. The landscape designation identified by Galway County Council does not prohibit development but seeks to ensure that development is appropriately integrated into the receiving environment. Given the limited visibility of the structure from public viewpoints, it is respectfully submitted that the objectives of the designation are not compromised
- 2.7.6 Furthermore, the structure is modest in scale when viewed in the context of the overall property and is subordinate to the dwelling it serves. There is no evidence that it gives rise to visual intrusion, landscape scarring or any adverse impact on the scenic qualities of the area.
- 2.7.7 While the Planning Authority refers to the siting of the structure to the front of the property, photographic evidence demonstrates that the structure is screened from public view and therefore does not materially influence the visual character of the area
- 2.7.8 Having regard to the established residential use of the site, the ancillary nature of the structure, its function as a domestic garage and storage facility, the screening available on site and its limited visibility from public vantage points, it is respectfully submitted that the structure does not adversely affect the landscape character of the area and does not constitute a reason to withhold Substitute Consent.
- 2.7.9 Notwithstanding the foregoing, my clients remain willing to accept a condition requiring the maintenance of existing screening vegetation and, if considered necessary by the Commission, the application of an appropriate external finish or colour treatment to further assimilate the structure into its surroundings.
- 2.8 *Visual Impacts related other the existing cottage on site.*
- 2.8.1 The Planning Authority states that the dwelling is substantially larger than the original cottage and that the completed works would not be considered subservient to the original structure.



- 2.8.2 It is respectfully submitted that this assessment should be considered in the context of the nature of the works undertaken, the planning history of the site and the actual visual effects of the completed development.
- 2.8.3 It is acknowledged that the completed development has altered the appearance of the original cottage through changes to the roof form, external finishes, windows and doors and additional accommodation at first-floor level. However, the development relates to the refurbishment and upgrading of a long-established dwelling rather than the creation of a new dwelling within the rural landscape.
- 2.8.4 The original structure remains in place and continues to form the basis of the dwelling. Apart from the addition of a modest entrance porch, the footprint of the building remains substantially unchanged. While additional floor area has been provided, this has largely been achieved through alterations to the roof structure and the more efficient use of the existing building rather than through significant outward expansion of the building footprint.
- 2.8.5 The provision of insulation to the building fabric has significantly improved the thermal performance, energy efficiency and long-term sustainability of the dwelling. In this regard, the completed development represents the comprehensive refurbishment and environmental upgrading of an existing dwelling rather than the establishment of a new residential presence within the landscape.
- 2.8.6 In assessing the visual effects of the development, it is important to distinguish between an increase in internal floor area and an increase in the visual prominence of a building within the landscape. While additional accommodation has been provided at first-floor level, the development has not resulted in a significant expansion of the building footprint or a substantial encroachment into the surrounding landscape.
- 2.8.7 The Planning Authority also refers to the landscape sensitivities of the area. However, landscape designations do not prohibit development but instead seek to ensure that development is appropriately sited, designed and integrated within the receiving environment. In the present



instance, the dwelling occupies a long-established residential site and remains closely associated with the existing pattern of development in the area.

- 2.8.8 Furthermore, the site benefits from substantial natural screening provided by existing vegetation and mature tree cover. As a consequence, views of the dwelling are limited and localised. The completed works do not interrupt important views, create skyline intrusion, or result in any significant adverse visual impact on the wider landscape.
- 2.8.10 Particular regard should also be had to the planning history of the site. A significantly larger extension scheme was previously granted planning permission by Galway County Council¹. The development now before the Commission is considerably more modest in scale and visual impact than that previously permitted scheme..
- 2.8.11 In addition, the completed development has facilitated the refurbishment and continued occupation of an existing dwelling which might otherwise have fallen into disuse. This represents a sustainable use of an established residential property and avoids the need for replacement development elsewhere in the rural area.
- 2.8.12 Having regard to the limited increase in building footprint, the established residential use of the site, the screening available on site, the absence of significant visual impacts and the planning history of the property, it is respectfully submitted that the completed development does not adversely affect the character of the landscape and does not conflict with the landscape objectives of the Galway County Development Plan.
- 2.8.13 Accordingly, the scale, design and visual appearance of the dwelling do not constitute a reason to withhold Substitute Consent.

3.0 Conclusion

- 3.1 I, Andrew Hersey Planning Consultant, am acting on behalf of James O'Driscoll & Geraldine MCGuinness of Ardagh Cottage, Clifden, Co. Galway H71KD34.

¹ See Appendix 3



3.2 Having regard to the matters raised by Galway County Council and the responses set out herein, it is respectfully submitted that the evidence before the Commission supports the granting of Substitute Consent in this instance.

3.3 My clients therefore wish to summarise the following issues as follows

- (i) **Natura 2000 Designations and Environmental Effects-** The accompanying rNIS has comprehensively assessed all elements of the development and concludes that the completed development, either alone or in combination with other plans and projects, will not adversely affect the integrity of any European Site. The conclusions of the rNIS remain unchallenged by any contrary ecological evidence before the Commission.
- (ii) **Wastewater Treatment System** - The upgraded wastewater treatment system replaced a historic arrangement whereby untreated effluent was discharged to the adjacent watercourse. While certain separation distances do not fully accord with current EPA guidance, the evidence demonstrates that the system is operating effectively, has been professionally installed and maintained, has not been shown to result in pollution and represents a significant environmental improvement over the historical position. Furthermore, the evidence indicates that removal or relocation of the system may result in greater environmental impacts than its retention.
- (iii) **Water Framework Directive Considerations** - There is no evidence before the Commission that the development is causing deterioration in water quality, adversely affecting receiving waters or undermining the objectives of the Water Framework Directive. On the contrary, the upgraded wastewater treatment system has improved the environmental performance of the site relative to the historical baseline condition.
- (iv) **Flood Risk** - No evidence has been presented demonstrating that the development has increased flood risk, altered flood flow paths, reduced flood storage capacity or otherwise given rise to adverse flood-related effects. The site has historically accommodated a dwelling, while the wastewater treatment system comprises a sealed proprietary installation located on elevated ground relative to the adjoining watercourse.
- (v) **Existing Entrance and Sightlines** - The existing entrance is a long-established access serving the dwelling and does not constitute a new entrance onto the public road. The evidence submitted demonstrates that adequate visibility is available and there is no evidence that the continued use of the entrance has given rise to road safety concerns.
- (vi) **Pedestrian Bridge** The pedestrian bridge comprises a simple domestic crossing which replaced a historic crossing at the same location. The structure is modest in scale, does not involve



significant engineering works and was assessed as part of the accompanying rNIS, which concluded that it does not give rise to adverse ecological effects.

(vii) **Container** - The container functions as a domestic garage and storage structure ancillary to the dwelling. Photographic evidence demonstrates that it is effectively screened from public view and does not form a prominent feature within the landscape. Consequently, it does not adversely affect landscape character or visual amenity.

(viii) **Scale, Design and Visual Impact of the Dwelling** - The completed development principally comprises the refurbishment and upgrading of a long-established dwelling. Apart from the addition of a modest porch, the footprint of the original cottage remains substantially unchanged. The works include the provision of insulation and associated energy efficiency upgrades which have improved the environmental performance and long-term sustainability of the dwelling. The development therefore represents the sensitive upgrading of an existing residence rather than the creation of a new residential presence within the landscape.

3.4 Having regard to the findings of the accompanying rNIS, the planning history of the site, the established nature of the dwelling, the environmental improvements achieved and the absence of any identified adverse effects on the receiving environment, it is respectfully submitted that the development does not prejudice the proper planning and sustainable development of the area.

3.5 In assessing the application, the Commission is respectfully requested to have regard to the overall planning and environmental outcome arising from the development. The evidence before the Commission demonstrates that the works have facilitated the refurbishment and continued occupation of a long-established dwelling, significantly improved the environmental performance of the site and have not been shown to result in adverse effects on the integrity of any European Site.

3.6 Accordingly, it is respectfully submitted that there are compelling planning, environmental and ecological grounds upon which Substitute Consent may be granted.

If you have any further queries please get in touch with the undersigned.

Please find attached

Andrew Hersey **Planning**

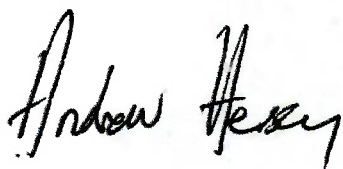


Photographs of Container on site and

The Site Characterisation Report originally prepared

Screenshots of development permitted under Planning Reg Ref. 07/3252

Kind Regards



Andrew Hersey BAgr.Sc. Dip. EIA Mgmt. MRUP MIPI Planning Consultant

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Appendix 1 - Photographs of the Container



Appendix 2 - Screenshot of Development previously granted under Planning Reg. Ref. 07/3252



Appendix 3 - Original Site Characterisation Report



SITE CHARACTERISATION FORM

COMPLETING THE FORM

Step 1:

Goto Menu Item **File, Save As** and save the file under a reference relating to the client or the planning application reference if available.

Clear Form

Use the **Clear Form** button to clear all information fields.

Notes:

All calculations in this form are automatic.

Where possible information is presented in the form of drop down selection lists to eliminate potential errors.

Variable elements are recorded by tick boxes. In all cases only one tick box should be activated.

All time record fields must be entered in twenty hour format as follows: HH:MM

All date formats are DD/MM/YYYY.

All other data fields are in text entry format.

This form can be printed out fully populated for submission with related documents and for your files. It can also be submitted by email.

Section 3.2

In this section use an underline _____ across all six columns to indicate the depth at which changes in classification / characteristics occur.

Section 3.4

Lists supporting documentation required.

Section 4

Select the treatment systems suitable for this site and the discharge route.

Section 5

Indicate the system type that it is proposed to install.

Section 6

Provide details, as required, on the proposed treatment system.

APPENDIX B: SITE CHARACTERISATION FORM

File Reference: 17-190

1.0 GENERAL DETAILS (From planning application)

Prefix: Mr. First Name: James Surname: O'Driscoll

Address:

Ardagh, Clifden, Co. Galway.

Site Location and Townland:

Ardagh, Clifden, Co. Galway.

Telephone No: Fax No:

E-Mail:

Maximum no. of Residents: 5 No. of Double Bedrooms: 3 No. of Single Bedrooms: 1

Proposed Water Supply: Mains ☐ Private Well/Borehole ☒ Group Well/Borehole ☐

2.0 GENERAL DETAILS (From planning application)

Soil Type, (Specify Type): Blanket peat (low level)

Aquifer Category: Regionally Important ☐ Locally Important ☐ Poor ☒

Vulnerability: Extreme ☒ High ☐ Moderate ☐ Low ☐ High to Low ☐ Unknown ☐

Bedrock Type: Granite

Name of Public/Group Scheme Water Supply within 1 km:

Groundwater Protection Scheme (Y/N): No Source Protection Area: SI ☐ SQ ☐

Groundwater Protection Response: R2'

Presence of Significant Sites
(Archaeological, Natural & Historical):

Past experience in the area: High bedrock

Comments:

(Integrate the information above in order to comment on the potential suitability of the site, potential targets at risk, and/or any potential site restrictions).

The site is potentially suitable to treat wastewater. Potential targets at risk are ground water, surface water and the Ballinaboy River to the south.

Note: Only information available at the desk study stage should be used in this section.

3.0 ON-SITE ASSESSMENT

3.1 Visual Assessment

Landscape Position:

Slope: Steep (>1:5) ☐ Shallow (1:5-1:20) ☒ Relatively Flat (<1:20) ☐

Surface Features within a minimum of 250m (Distance To Features Should Be Noted In Metres)

Houses:

Existing Land Use:

Vegetation Indicators:

Groundwater Flow Direction:

Ground Condition:

Site Boundaries:

Roads:

Outcrops (Bedrock And/Or Subsoil):

Surface Water Ponding: Lakes:

Beaches/Shellfish: Areas/Wetlands:

Karst Features:

Watercourse/Stream*:

Drainage Ditches*:

Springs / Wells*:

Comments:

(Integrate the information above in order to comment on: the potential suitability of the site, potential targets at risk, the suitability of the site to treat the wastewater and the location of the proposed system within the site).

The site is potentially suitable to treat wastewater. Potential targets at risk are ground water, surface water and the river. Treatment system to be located to the east of existing dwellinghouse.

3.2 Trial Hole (should be a minimum of 2.1m deep (3m for regionally important aquifers))

To avoid any accidental damage, a trial hole assessment or percolation tests should not be undertaken in areas, which are at or adjacent to significant sites (e.g. NHAs, SACs, SPAs, and/or Archaeological etc.), without prior advice from National Parks and Wildlife Service or the Heritage Service.

Depth of trial hole (m):

Depth from ground surface
to bedrock (m) (if present):

Depth from ground surface
to water table (m) (if present):

Depth of water ingress:

Rock type (if present)

Date and time of excavation:

Date and time of examination:

Depth of P/T Test*	Soil/Subsoil Texture & Classification**	Plasticity and dilatancy***	Soil Structure	Density/ Compactness	Colour****	Preferential flowpaths
0.1 m	Topsoil	5 threads, 100 mm ribbons. cohesive.	Crumb	uncompact	dark brown/black	grass roots
0.2 m						
0.3 m						
0.4 m	P	threads or ribbons not formed. Dilatant	Granular	compact	light brown	cobble
0.5 m	GRAVEL(cobble)					
0.6 m						
0.7 m						
0.8 m						
0.9 m						
1.0 m						
1.1 m						
1.2 m						
1.3 m						
1.4 m						
1.5 m						
1.6 m						
1.7 m						
1.8 m						
1.9 m						
2.0 m						
2.1 m						
2.2 m						
2.3 m						
2.4 m						
2.5 m						
2.6 m						
2.7 m						
2.8 m						
2.9 m						
3.0 m						

Likely T value:

Note: *Depth of percolation test holes should be indicated on log above. (Enter P or T at depths as appropriate).

** See Appendix E for BS 5930 classification.

*** 3 samples to be tested for each horizon and results should be entered above for each horizon.

**** All signs of moiling should be recorded.

3.2 Trial Hole (contd.) Evaluation:

The shallow depths of in-situ soil/sub-soil will necessitate the provision of a pumped wastewater treatment system.

3.3(a) Percolation ("T") Test for Deep Subsoils and/or Water Table

Step 1: Test Hole Preparation

Percolation Test Hole

	1	2	3
Depth from ground surface to top of hole (mm) (A)			0
Depth from ground surface to base of hole (mm) (B)			
Depth of hole (mm) [B - A]	0	0	0
Dimensions of hole [length x breadth (mm)]	x	x 0	x 0

Step 2: Pre-Soaking Test Holes

Date and Time
pre-soaking started

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Each hole should be pre-soaked twice before the test is carried out. Each hole should be empty before refilling.

Step 3: Measuring T_{100}

Percolation Test Hole No.

	1	2	3
Date of test			
Time filled to 400 mm			
Time water level at 300 mm			
Time to drop 100 mm (T_{100})	0.00	0.00	0.00
Average T_{100}			0.00

If $T_{100} > 300$ minutes then T-value > 90 – site unsuitable for discharge to ground

If $T_{100} \leq 210$ minutes then go to Step 4:

If $T_{100} > 210$ minutes then go to Step 5;

3.3(b) Percolation ("P") Test for Shallow Soil / Subsoils and/or Water Table

Step 1: Test Hole Preparation

Percolation Test Hole

	1	2	3
Depth from ground surface to top of hole (mm)	0	0	
Depth from ground surface to base of hole (mm)	400	400.00	400
Depth of hole (mm)	400	400	400
Dimensions of hole [length x breadth (mm)]	300 x 300	300 x 300	300 x 300

Step 2: Pre-Soaking Test Holes

Date and Time pre-soaking started

20/12/2017	10:00	20/12/2017	10:05	20/12/2017	10:15
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Each hole should be pre-soaked twice before the test is carried out. Each hole should be empty before refilling.

Step 3: Measuring P_{100}

Percolation Test Hole No.

	1	2	3
Date of test	21/12/2017	21/12/2017	21/12/2017
Time filled to 400 mm	11:14	11:15	11:17
Time water level at 300 mm	11:40	12:15	11:25
Time to drop 100 mm (P_{100})	26.00	60.00	8.00
Average P_{100}			31.33

If $P_{100} > 300$ minutes then P-value > 90 – site unsuitable for discharge to ground

If $P_{100} \leq 210$ minutes then go to Step 4;

If $P_{100} > 210$ minutes then go to Step 5;

Step 4: Standard Method (where $P_{100} \leq 210$ minutes)

Percolation Test Hole	1			2			3		
Fill no.	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)
1	11:40	12:19	39.00	12:15	13:16	61.00	11:25	11:45	20.00
2	12:20	13:11	51.00	13:17	14:20	63.00	11:46	12:24	38.00
3	13:12	14:19	67.00	14:21	15:35	74.00	12:25	13:26	61.00
Average Δp Value			52.33			66.00			39.67
	Average $\Delta p/4 =$ [Hole No.1] 13.08 (p ₁)			Average $\Delta p/4 =$ [Hole No.2] 16.50 (p ₂)			Average $\Delta p/4 =$ [Hole No.3] 9.92 (p ₃)		

Result of Test: $P = 13.17$ (min/25 mm)

Comments:

P values within acceptable range

Step 5: Modified Method (where $P_{100} > 210$ minutes)

Percolation Test Hole No.	1				2				3			
Fall of water in hole (mm)	Time Factor $= T_1$	Time of fall (mins) $= T_{100}$	$K_{100} = T_1 / T_{100}$	P-Value $= 4.45 / K_{100}$	Time Factor $= T_1$	Time of fall (mins) $= T_{100}$	$K_{100} = T_1 / T_{100}$	P-Value $= 4.45 / K_{100}$	Time Factor $= T_1$	Time of fall (mins) $= T_{100}$	$K_{100} = T_1 / T_{100}$	P-Value $= 4.45 / K_{100}$
300 - 250	8.1				8.1				8.1			
250 - 200	9.7				9.7				9.7			
200 - 150	11.9				11.9				11.9			
150 - 100	14.1				14.1				14.1			
Average P-Value	P-Value Hole 1 = (p_1)			0.00	P-Value Hole 1 = (p_2)			0.00	P-Value Hole 1 = (p_3)			0.00

Result of Test: $P = 0.00$ (min/25 mm)

Comments:

3.4 The following associated Maps, Drawings and Photographs should be appended to this site characterisation form.

1. Discovery Series 1:50,000 Map indicating overall drainage, groundwater flow direction and housing density in the area.
2. Supporting maps for vulnerability, aquifer classification, soil, bedrock.
3. North point should always be included.
4. (a) Sketch of site showing measurements to Trial Hole location and
(b) Percolation Test Hole locations.
(c) wells and
(d) direction of groundwater flow (if known),
(e) proposed house (incl. distances from boundaries)
(f) adjacent houses,
(g) watercourses.
(h) significant sites
(i) and other relevant features.
5. Cross sectional drawing of the site and the proposed layout¹ should be submitted.
6. Photographs of the trial hole, test holes and site (date and time referenced).

¹ The calculated percolation area or polishing filter area should be set out accurately on the site layout drawing in accordance with the code of practice's requirements.

4.0 CONCLUSION of SITE CHARACTERISATION

Integrate the information from the desk study and on-site assessment (i.e. visual assessment, trial hole and percolation tests) above and conclude the type of system(s) that is (are) appropriate. This information is also used to choose the optimum final disposal route of the treated wastewater.

Not Suitable for Development ☐

Suitable for:

1. Septic tank system (septic tank and percolation area)

No

2. Secondary Treatment System

a. septic tank and filter system constructed on-site and polishing filter; or

Yes

b. packaged wastewater treatment system and polishing filter

Yes

Discharge Route

Discharge to Ground Water

5.0 RECOMMENDATION

Propose to install: **Packaged wastewater treatment system and polishing filter**

and discharge to: **Ground Water**

Trench Invert level (m): **-0.35**

Site Specific Conditions (e.g. special works, site improvement works testing etc.

Propose to install a Solido Smart Wastewater Treatment System and a Premier Tech Tertiary Coconut Filter Pod (pump discharge). *Gravel layer as per table 10.4 EPA COP 2009 = $0.125 \times 13.17 \times 5 = 8.23\text{m}^2$, with a minimum of 300mm of unsaturated soil above the watertable. Gravel layer $3.00\text{m} \times 2.75\text{m} \times 0.30\text{m}$ high with base of gravel @ existing ground level. Cover exposed gravel with geo-textile and cover geo-textile with a minimum of 300mm topsoil.

Refer to site layout for layout and distance requirements.

*The tertiary treated effluent will be treated to a high enough standard such that it can discharge to the groundwater, (subject to a discharge licence, which is not being sought here, as the treated wastewater will discharge to surface water) However, the hydraulic issue still needs to be accounted for such that the effluent does not back up and create problems to the tertiary treatment process itself. Hence, some calculations have been carried out to discharge an appropriate percolation area for the discharge of such clean effluent depending on the P-value of the subsoil into which it is being discharged. The above calculations (which include a safety factor of 3.5) show the area of subsoil required for the discharge of tertiary treated effluent.

* note: more than one option may be suitable for a site and this should be recorded

* A discharge of sewage effluent to "waters" (definition includes any or any part of any river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial) will require a licence under the Water Pollution Acts 1977-90. Refer to Section 2.6.2.

6.0 TREATMENT SYSTEM DETAILS

SYSTEM TYPE: Septic Tank System

Tank Capacity (m ³)		Percolation Area		Mounded Percolation Area	
		No. of Trenches		No. of Trenches	
		Length of Trenches (m)		Length of Trenches (m)	
		Invert Level (m)		Invert Level (m)	

SYSTEM TYPE: Secondary Treatment System

Filter Systems

Media Type	Area (m ²)*	Depth of Filter	Invert Level
Sand/Soil			
Soil			
Constructed Wetland			
Other			

Package Treatment Systems

Type	
Capacity PE	
Sizing of Primary Compartment	
	m ³

SYSTEM TYPE: Tertiary Treatment System

Polishing Filter: Surface Area (m ²)*	8.23	Package Treatment System: Capacity (pe)	6.00
or Gravity Fed:		Constructed Wetland: Surface Area (m ²)*	
No. of Trenches	0		
Length of Trenches (m)	0.00		
Invert Level (m)	0.00		

DISCHARGE ROUTE:

Groundwater	☒	Hydraulic Loading Rate * (l/m ² .d)	10.00
Surface Water **	☐	Discharge Rate (m ³ /hr)	

TREATMENT STANDARDS:

Treatment System Performance Standard (mg/l)	BOD	SS	NH ₄ - N	Total N	Total P
	11.00	16.00	15.00		

QUALITY ASSURANCE:

Installation & Commissioning

By Wastewater Treatment Solutions

On-going Maintenance

Yearly maintenance contract

* Hydraulic loading rate is determined by the percolation rate of subsoil

** Water Pollution Act discharge licence required

7.0 SITE ASSESSOR DETAILS

Company:

Prefix:

Mr.

First Name:

Brendan

Surname:

McGrath

Address:

Aille, Inverin, Co. Galway.

Qualifications/Experience:

FETAC Certified. 25 years experience.

Date of Report:

01/01/2018

Phone:

0872253519

Fax:

e-mail

brendanmcgrath@hotmail.com

Indemnity Insurance Number:

MCBR19BE01

Signature:

