STATEMENT OF PLANNING COMPLIANCE

To accompany a planning application for substitute consent submitted to An Coimísiun Pleanála under Part XA of the Planning and Development Act 2000 (as amended)

in respect to development at

LUGNANEACH COTTAGE, LETTERGESH EAST,
RENVYLE. CO. GALWAY

Prepared on behalf of:
Sean Harrington

August 2025

HRA | PLANNING

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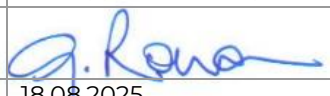
| Signed: |  |
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## 1.0 INTRODUCTION

This statement of planning compliance has been prepared to accompany a planning application made by Mr. Sean Harington ("the applicant") to An Coimísiun Pleanála ("**the Commission**") pursuant to the provisions of Section 177E of Part XA ('Substitute Consent') of the Planning and Development Act 2000 (as amended) for retention permission of development at Lugnaneach Cottage, Lettergesh East, Renvyle. Co. Galway.

This application is made to regularise development works that were undertaken by the applicant on this site namely; the construction of a revied vehicular access track to serve the existing property and, development of land adjoining that access road namely, the construction of two replacement agricultural sheds and provision of new roof made of polycarbonate material to an existing structure within the property. These development works are described in detail later in Section 3.0.

The necessity to pursue the substitute consent process derives from a previous determination by the Commission on a Referral case made to it, that part of the subject works – retention of the construction of the access track – required **Appropriate Assessment**.

The purpose of this report is to clarify the nature and intent of the subject development works and to set out the exceptional circumstances that justify the submission of this planning application under Part XA of the Planning and Development Act 2000 (as amended). The report demonstrates how the proposed development complies with the provisions of the Development Plan and aligns with the principles of proper planning and sustainable development for the area. It also provides an assessment of the likely effects of the proposal on the environment and on designated sites.

Prior consultation with the Commission was not considered necessary for this application. This is because the application arises from the determination by An Bord Pleanala of an earlier Referral case made to it by the applicant. In that determination, the Board concluded that the possibility of effects on a designated European site arising from the construction of the access track could not be ruled out. As a result, the substitute consent process is the only mechanism available to the applicant to regularise the subject works in their current form.

This application is accompanied by a remedial Natura Impact Statement ("***rNIS***") and reference will be made to that in this statement and also to the accompanying drawings prepared by the applicant who is a qualified architect.

## 2.0 RELEVANT BACKGROUND INFORMATION

### 2.1 Site Location and Context

The site in which the subject works occur ('Lugnaneach Cottage') is a remote rural farmstead in Lettergesh East, Renveyle, Co. Galway on the north-western shore of Lough Fee circa 9.2 km southeast of Leenaun (as the crow flies). The subject site measures circa 2.5 acres in area and is accessed from the Local Road L5102 (Tullycross Road). The site extends back in a westerly direction from the existing shoreside access road that travels along the western and southwestern shoreline of Lough Fee serving a number of properties at this location.

A small number of properties and rural outbuildings occur on adjacent land to the north and south of the subject site. Together, these properties comprise an established group of small farmsteads and agricultural enclosures within an otherwise rural and remote landscape adjacent to the lough.

## 2.2 The Applicant and its Use of the land

The applicant; - Mr. Harington is the principal architect at Sean Harrington Architects. In a professional capacity Mr. Harrington has received several RIAI, RIBA and Opus awards for both new build and conservation projects in Ireland and the UK based on a professional ethos of providing contemporary design solutions based on sound environmental principles and a deep understanding of technical site-specific matters.

Since purchasing the subject property in 2021, Mr. Harrington has divided his time between his architectural practice in Dublin and living at the property with his partner, a horticulturist. Since then, they have spent much of their time there, working and managing the land using sustainable, low-impact practices aligned with their personal interests in land management, horticulture, biodiversity, and re-wilding.

Their aim is to use the farmstead for agricultural and horticultural purposes, consistent with the property's historic use but without livestock. While the local Connemara soil supports certain crops, Mr. Harrington has undertaken additional planting of native tree species—including Sessile Oak (*Quercus petraea*), Pedunculate Oak (*Quercus robur*), Alder (*Alnus glutinosa*), Downy Birch (*Betula pubescens*), Scots Pine (*Pinus sylvestris*), and Hazel (*Corylus avellana*)—to enhance natural land management through localised re-wilding, drainage, and soil quality in preparation for vegetable and tea cultivation. This personal interest and environmental management of the property is based on a specific land management plan prepared by the applicant (enclosed as Appendix 1) and which has been informed by considerable research and investigation.

None of the planting or cultivation is intended for commercial sales from the property. This work forms part of the owners' personal interest and commitment to an environmentally sustainable, low-impact lifestyle, which requires appropriate area for planting, and agricultural and horticultural equipment along with storage, propagation and preparation space. The modest extent of this activity and non-commercial activity is evident from site inspection which is provided incidental to enjoyment of the property and falls under the planning definition of 'agriculture and horticulture' (Section 2 of the Planning and Development Act 2000 refers). This approach toward sustainable land management is reflective also in the choice to implement the replacement of the septic tank wastewater treatment with a reed-bed wastewater treatment system in 2021.

The property when purchased by the applicant in 2021, comprised of a traditional residential farm dwelling house, and a number of agricultural outbuilding and low stone wall enclosures, some in a ruinous state but with walls intact. The access to the property was via a track which traversed a neighbouring third-party property to the north of the subject site from the lake shore access road. That access road traversed the small boundary watercourse (which flows along the northern boundary eastward to Lough Fee) via a concrete bridge which has since collapsed terminating the access to the property from that point and there is no further permissible use of that access road on the third-party property. The location of that former access road (from the north) is annotated on the enclosed Site Layout Plans.

The original dwelling house and the agricultural structures are pre 1964 development. The dwelling house was habitable when purchased by Mr. Harrington. Since 2021, Mr. Harrington has under taken the following works:

- Upgraded the on-site wastewater treatment system to a reedbed system under planning permission ref: 21/312 (referred to later under 'Planning History');
- added a lean-to conservatory to the main cottage dwelling;
- replaced some agricultural structures with new agricultural structures,
- replaced some semi derelict walls on one of those structures and re-roofed it with a polycarbonate material;
- provided a revised vehicular access and access track to the property from a different point the shore road than what existed previously from the north.

## 2.3 Planning History

As referenced above, planning permission was secured by the applicant in 2021 for replacement effluent treatment system with new septic tank and integrated constructed wetland treatment system and associated site works under (Galway County Council) planning Ref. 21/312. This has been constructed and is in place and operational. This was a reflection of the applicant's intention to improve the environmental management of the site.

## 2.4 The Section 5 Declaration and 'Referral' in respect to works already undertaken

It is appropriate to refer briefly to that Referral case as it does present context and the grounds for making this application for substitute consent.

Mr. Harrington has actively engaged with Galway County Council and the Commission (An Bord Pleanála) since March 2023 in an effort to resolve a planning enforcement matter raised by that authority in respect to what it considered was unauthorised development on the site described as:

- construction of 3 no. structures;
- construction of a new access track; and,
- construction of a conservatory to the side of the cottage

Believing in his professional capacity as an architect that the works qualified as "exempted development" under the Planning Code, Mr. Harrington submitted a Section 5 Declaration request to Galway County Council (Ref. ED23/89), outlining his case for compliance with the relevant exempted development provisions. Following the Council's determination - which upheld its earlier planning enforcement position that the works were not exempted development - the applicant referred the matter to An Bord Pleanála for review.

In that Referral case (ref: ABP-318223-23) the Board reached a different conclusion from the planning authority regarding what was, and was not, 'exempted development'. The Board determined that the **construction of the conservatory to the dwelling house** and the **building up of the external walls of one existing structure** constituted '***exempted development'***. However, it found that the construction of the *access track* within the property, the provision of *two replacement shed structures* (as agricultural replacements), and the installation of *new roof* on the ruined structure did not meet exempted development provisions.

It is also relevant to note from that Referral, that the Board determined, that the track within the property required 'appropriate assessment' stating in its 'Direction'

> *"...the access track, would require an Appropriate Assessment as it cannot be concluded that these works would not be likely to have a significant effect on the integrity of a European Site, and therefore, the restriction on exemptions under Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 as amended, and Section 4(4) of the Planning and Development Act 2000, as amended, apply".*
>
> *(An Bord Pleanála 'Board Direction')*

In the context of that direction, it is relevant to refer to the planning inspectors report to clarify what the Board regarded as the trigger for **Appropriate Assessment**, given that an AA Screening Statement had been submitted with the Referral – and specifically the following reporting;

> *"The access track comprises hardcore/gravel and is situated in close proximity (c. 5 metres) to a watercourse which discharges to Lough Fee, which is within The Twelve Bens/Garraun Complex SAC.* ***Noting the potential for polluted run-off, including sedimentation and hydrocarbons, to enter this watercourse during the construction of the access track****, I conclude that significant effects on The Twelve Bens/Garraun Complex SAC arising from the construction of the access track* ***cannot be excluded****, and therefore Appropriate Assessment is required."*
>
> (Inspectors Report Section 8.6.5) bold emphasis added

In the context of the above comments, it is relevant also to note from the Referral - regarding the two replacement agricultural sheds – that the Board stated:

> ***"there is no likelihood of significant effects on a European Site, either alone or in combination with other plans or projects, and an Appropriate Assessment would not be required".***

## 2.5 The Grounds for Making an Application for Substitute Consent

This application for substitute consent is made directly to the Commission pursuant to the provisions of Section 177E(1C)(b) of the Planning and Development Act 2000 as amended, which states that:

> *"The Board shall only consider an application for substitute consent in respect of development of land where —*
>
> .....
>
> *(b) subject to subsection (1E),* ***the Board is satisfied under section 177U that an appropriate assessment was required or is required for the development".***

With reference to the aforementioned Referral case (Ref. ABP-318223-23), the Commission, acting as the competent authority (An Bord Pleanála), has already determined that the construction of the vehicular access track constitutes development requiring Appropriate Assessment, for the specific reasons outlined in that case and referenced in the preceding section.

That determination provides the basis for this application for Substitute Consent under Section 177E, notwithstanding the applicant's genuine belief—supported by the Appropriate Assessment Screening Statement submitted with the Referral—that the works did not require such assessment.

Although the Board determined in the Referral that neither the construction of the two replacement agricultural shed structures nor the installation of the Perspex roof required Appropriate Assessment, these elements are nonetheless included in the present application. Their inclusion ensures that all relevant works are regularised and that any potential in-combination effects with the access track are comprehensively addressed.

## 3.0 THE DEVELOPMENT WORKS THE SUBJECT OF THIS APPLICATION

The proposed development features are thus described as per public notices as follows:

The retention permission of works including:

(a) Construction of a revised vehicular access and entrance to the property;
(b) construction of 2 replacement agricultural shed structures;
(c) provision of new polycarbonate roof to a refurbished agricultural building; and
(d) provision of all associated site development works and drainage.

The application is accompanied by a remedial Natura Impact Statement (rNIS). These works are further described below:

- Construction of vehicular access and entrance to the property

Measuring 80m in length x 3m wide. The provision of the revised vehicular access and entrance came about pursuant to a need of Mr. Harington to provide access to the property following termination of the vehicular access and bridge across the neighbouring property and adjacent stream to the immediate north. The consequential effect of this resulted in the loss of that vehicular access point to the property from the north.

To provide vehicular access to the property, Mr. Harrington utilised an existing agricultural gated entrance on the eastern (shoreside) boundary, which had been in place for some time, and carried out upgrade works. These works included installing a new entrance gateway set back within the property and laying a granular surface. The location and post-works condition of this established entrance are illustrated below:

*Figure 1 Established agricultural entrance at Shoreline access road. View looking north along shoreline access road.*

This entrance provided access directly onto the same (existing) shoreline access road which served the original entrance but at a location further south and which also serves access to the adjacent neighbouring residential property to the south of Mr. Harringtons property. The boundary at that point consistent of low-level random stone wall with post and wire fence as shown. A break was established in that boundary, an entrance established, and an access track formed from that entrance point along the inside of the northern boundary converging at the farmhouse, at the same point which the former entrance (from the north) had entered the property.

The remining post and wire fencing was maintained. The general design, construction and arrangement of the access road is consciously simplistic and modest. It is not uncommon with what occurs in rural and remote properties throughout Galway county

The works undertaken were set out in a construction methodology statement prepared by the contractor and enclosed as Appendix 2. General works included the following:

- Scrape off top soil/turf/grass from field (approx 100mm) and store on site.
- Dig out soft boggy ground to a depth of 200mm at the top of the site, and 400mm at the bottom of the site and store on site.
- Lay SR 21/804 inside geotextile membrane, which will “contain” the gravel, preventing spread into field either side. Minimum size 20mm.
- Lay crushed stone base, filling any depressions and compress. (approx 150mm thick in total).
- Crushed stone graded from 40mm to dust. Lay in this several layers and compact each.

The statement also confirmed and includes the following details:

» *No wet materials, e.g. concrete, cement or tarmac were used. Works were supervised by the contract engineer and took place in dry weather.*
» *Excavated topsoil and bog was temporarily stored (separately) on the adjacent field (in the ownership of the client) and then reused to form the raised banks and top surfaces of the integrated constructed wetland ponds.*
» *Once excavations had concluded, the permeable geotextile membrane was laid, and delivery of crushed stone and gravel commenced. This was poured directly into the excavated depression, avoiding any large areas of on-site storage of stone and gravel.*
» *All the works to the track took place in dry conditions and there was therefore no runoff of rainwater in any direction.*
» *In its finished state, the track has been designed to be permeable to rainfall and ground water. There is little or no rainwater run off to the soft ground verges, instead rainfall seeps through the open gravel surface.*

The applicant had consciously avoided tarmac or hard surfaces in order to retain the simplistic rural aesthetic and character of the property, and, also to enable natural permeability and natural filtration by percolation of surface water to ground to negate opportunity for fast surface water runoff or opportunity for fast runoff of hydrocarbon materials from vehicles. This approach was aided by seeding of the central median of the access road which has reinforced the simplistic visual effect of the road and which aids and improve natural permeability to ground.

- construction of 2 replacement agricultural shed structures.

  The replacement sheds ("Horticultural shed 1" and "Horticultural shed 2" as annotated on the enclosed site plans) comprise stores for the express purpose of housing agricultural/horticultural and forestry materials, machinery and equipment for thus use by the applicant on its property and for propagation of seedlings. Those sheds typically include a 2-wheel tractor and attachments, tools, tree planting equipment, fertilizer, fence posts, fencing wire, wind screening fabric etc, that are necessary to develop, enable and manage the horticultural plantation as outlined in his land management plan (appendix 1) – all of which are completely common. These sheds are of low profile scale and comprise of simple gable end, pitch roof timber construction finished in Graphite Grey Powder-coated Metal Cladding. An enclosed vegetable garden is situated between these structure as illustrated in Drawing **"Horticultural Sheds 1 and 2 – Plan and Elevations".**

- provision of new Polycarbonate roof to the refurbished agricultural building.

  These development works involve the placement of a new roof on one of the farm structures with a polycarbonate transparent material for the purpose of providing a structure to house and facilitate propagation and nurture of agricultural seedlings prior to external planting and agricultural use. The location of this structure to which the new roof has been fitted is annotated as "Structure A" on the submitted site Plan. That building has been renovated and those renovation works were considered exempted development by the Board in the aforementioned Referral case. No other works are

proposed to the structure and the structure is not intended for habitation. The material is fitted in a pitched roof form reflective of the traditional form of the agricultural structure in which it has been placed. Details of the roof material and the internal arrangement of that structure are detailed on enclosed Drawing **"Former Stone Cottage (Existing/Proposed) – Plan and Elevations"** and illustrated below.

*Figure 2 the new polycarbonate roof*

## Development Arrangement

The development arrangement is shown on the submitted site layout plan Drawing: "Site Plan – Existing". The composition of the structures reflects the historic clustering of traditional farm buildings on this site and which is clearly evident from derelict walls and enclosures. The access track runs parallel to the wetland system and its appearance has somewhat of a benign effect to the general character or site arrangement.

# 4.0 PLANNING PROVISIONS & DESIGNATIONS

## 4.1 Planning Policy

The operating development plan is the Galway County Development Plan 2022-2028 ("**Galway CDP**"). The subject site is not subject to any specific landuse zoning or specific development objectives set out in that Plan.

## 4.2 Landscape and Scenic Designations

The site is situated within the 'Uplands and Bog Landscape' area (as set out under Appendix 4 of the Galway CDP), which is classified as having 'Iconic' landscape sensitivity. The appeal site does not fall within any protected views (as identified in Map 08, Appendix 4 of the Galway CDP), though it is acknowledged that the opposite, eastern side of Lough Fee, the road is designated as a Maritime Scenic Route (Map 09, Appendix 4 refers).

## 4.3 Natural Amenity Designations

The Twelve Bens/Garraun Complex SAC (Site Code 002031) covers much of the surrounding landscape, including Lough Fee. Only the eastern shoreline edge of the property as outlined in blue on the site location map, falls within the designated area, where it meets the shoreline. This overlap is limited to the eastern side of the shoreline access road, while the dwelling and associated structures and works are all located to the west of that road.

Figure 3 below shows the designated areas and confirms that none of the development works occur within the SAC boundary.

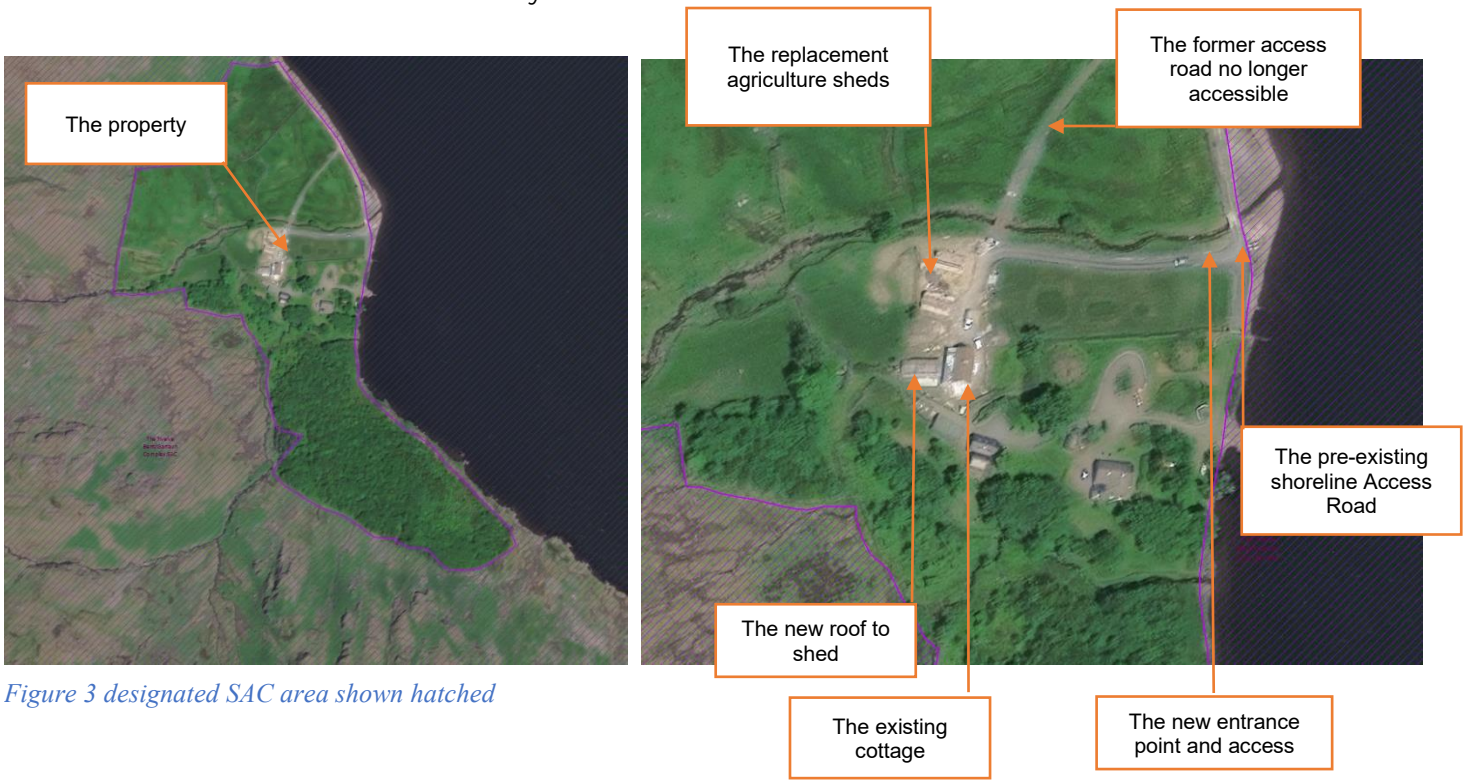


*Figure 3 designated SAC area shown hatched*

## 5.0 PLANNING APPRAISAL

The applicant submits the following points in support of this application, structured under headings consistent with the matters for consideration by the Commission as set out in Section 177K:

- Exceptional Circumstances
- The Provisions of The Development Plan or any Local Area Plan For the area including any special amenity area order relating to the area;
- The likely effects on the environment and on a European sites

### 5.1 The existence of 'Exceptional Circumstances'

The case for 'exceptional circumstances' in respect to this planning application for 'substitute consent' and which the Commission shall have regard to - as set out under Section 177K(1J) of the PDA 2000 - is set under the following paragraphs:

*(a) "whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive"?;*

Redress:
The making of this application by the applicant and the inclusion with it of the rNIS has been prepared and submitted pursuant to the provisions and requirements of Part XA of the PDA 2000 (as amended).

The assessment of this application, including the rNIS, and the Commission's decision are undertaken in full accordance with the applicable legislative provisions, which have been framed to meet the requirements of both the Environmental Impact Assessment Directive and the Habitats Directive. Accordingly, the regularisation of the development through this (Substitute Consent) process does not circumvent the objectives of either Directive. The basis for seeking retrospective consent - arising from the applicant's genuine belief that the works constituted exempted development - has been set out under Section 2.4 of this report, demonstrating that the applicant had no intention to avoid planning compliance or to circumvent the purpose and objectives of the EIA or Habitats Directive. Therefore, the regularisation of the development neither facilitates nor results in the circumvention of EU environmental law.

*(b) "whether the applicant had or could reasonably have had a belief that the development was not unauthorised";*

Redress:
The Section 5 Declaration (Planning Ref. ED23/89) and subsequent referral to An Bord Pleanála (Planning Ref. ABP-318223-23) set out in detail the applicant's case that, based on a reasonable interpretation of the Planning and Development provisions, the works the subject of this application did not constitute unauthorised development. While the applicant accepted that the works constituted "development," it was their belief that they qualified as "exempted development"

under the relevant provisions, having regard to the nature and scale of the works. This position was fully presented in both the Section 5 process and the subsequent referral.

In addition, the applicant believed the works would not give rise to significant effects on designated European sites such that would disapply the exempted development provisions upon which it relied in its case. This belief was supported by a professionally prepared Appropriate Assessment Screening Report (prepared by a separate independent environmental professional), which concluded that the potential for significant effects on the designated site was unlikely. This assessment was submitted with both the Section 5 application and the referral to the Board.

Furthermore, and despite the submission of the Appropriate Assessment Screening Statement with the Section 5 application, it would not have been unreasonable for the applicant to believe that a Natura Impact Statement would not be required in respect to the access track constructed on the site. This belief was reinforced by Galway County Council's own planning assessment of a planning application on the same site for the replacement of the effluent treatment system and installation of a new septic tank and constructed wetland treatment system (planning ref: 21/312). That development, which was located effectively the same distance from the designated site as the access track - which arguable presented potential for equal if not greater effects to a designated site - was determined by the Council as not likely to have significant effects on European sites, either alone or in combination and thus not requiring Appropriate Assessment. The Council's conclusion in that application was as follows:

> *"The proposed development by itself or in combination with other development in the vicinity, would not have a likely significant effect on European sites, their qualifying interests or conservation objectives, directly, indirectly or in combination with other plans and projects in the vicinity of the site. Therefore, no further assessment is deemed required."*

Despite not disputing the findings of the applicant's AA Screening, the Planning Inspector in the referral case determined that an Appropriate Assessment was required, relying solely on the proximity of the watercourse and the potential for a surface water pathway, rather than on any identified deficiency in the assessment. The Inspector stated:

> *"I consider that, noting the proximity of the watercourse to the track, and the potential surface water pathway to The Twelve Bens/Garraun Complex SAC, an Appropriate Assessment is required."*

This outcome could not reasonably have been anticipated by the applicant, given their knowledge of the works undertaken, the construction methods used, the professional scientific findings submitted, and the consistency of that position with Galway County Council's earlier decision on a comparable case.

It is therefore clear that, based on their interpretation of the Planning provisions and the supporting expert and planning evidence, the applicant genuinely and reasonably believed that the works did not constitute unauthorised development.

(c) *"whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired";*

Redress:
In the first instance, the necessity to carry out an assessment(appropriate assessment) relates primarily to the road works and not the provision of the replacement sheds or to the provision of the new roof given that the Board has already determined (in the Referral case mentioned previously) that neither of those two development parts would likely have had the potential to have an effect on designated sites such that would cause requirement for Appropriate Assessment. The works the subject of this application are the same works the subject of that referral case and those circumstances do not differ.

Notwithstanding that, the ability to assess the environmental impacts of the development, for the purposes of Environmental Impact Assessment (EIA) or Appropriate Assessment (AA), has not been substantially impaired. A retrospective Natura Impact Statement (rNIS) has been prepared and submitted, and a public notice has been published confirming its inclusion in the application, thereby affording the public the opportunity to make submissions. The submitted NIS has afforded consideration to the assessment of effects caused by the construction of the access road on the designated SAC site both individually and in combination with the two replacement agricultural sheds and the provision of the new roof.

Details of the construction of the access road were known and recorded at the time of construction (Appendix 1 refers) and are sufficient at this time to consider the potential environmental effects at the time of construction thus dismissing any potential for substantial impairment of assessment of potential effects.

Furthermore, the Board retains full discretion to consult with any prescribed bodies it deems appropriate. Although the rNIS has been prepared post-development, this has not impeded a comprehensive assessment of potential effects on designated Natura 2000 sites, nor has it limited the scope for public participation of that decision.

(d) *"the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development*";

Redress:
The actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development was assessment by undertaking a remedial natura impact assessment which is set out in the enclosed remedial Natura Impact Statement (rNIS).

As stated therein, the Appropriate Assessment screening and rNIS was undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2001), Part

XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011.

The assessment was informed by, and refers also to the ground works methodology statement prepared by the applicant (as a qualified architect), not expressly for the purpose of 'mitigation' intended for protection of designated European sites *per se*, but rather as a reflection of 'best practice' construction methods which can be applied to any construction site regardless as to the existence or otherwise of protected European sites.

A Stage 2 Appropriate Assessment was undertaken as, following screening, likely significant effects on the Twelve Bens/Garraun Complex SAC were included n a rationale for further assessment on a precautionary basis due to the hydrological connection between the site and Lough Fee via the northern watercourse and the potential for construction-related impacts such as sedimentation, hydrocarbons, or pollution runoff. While no other European sites within 15km were identified as being at risk, the proximity and connectivity of this SAC was subject to further assessment through a remedial Natura Impact Statement (rNIS) to ensure compliance with the Habitats Directive

The rNIS included assessment of the proposed development, that being - the retention of a replacement access track and entrance, two replacement agricultural structures, a new polycarbonate roof to a refurbished agricultural building, and associated site works. Given the site's proximity and hydrological connection to the Twelve Bens/Garraun Complex SAC, there was potential during construction - absent of control measures - for hydrocarbons, sediment, or pollutants to enter the SAC via the northern watercourse. However, best-practice measures, including terram underlay and vegetative buffers, were implemented as a matter of course.

The scientific evaluation of the site for the rNIS confirmed no evidence of silt or pollutants entering the SAC, no alteration to qualifying interests or habitats, and no modification of the SAC. The rNIS also recorded that; as construction is complete, no further works are proposed, and the site continues to regenerate through rewilding and the constructed wetland.

It is therefore concluded that no significant effects on the SAC are occurring or are likely to occur as a result of the development. The rNIS concludes that; as no significant effects are likely on European sites, their features of interest or conservation objectives, the proposed project has not and the continuation of those development features (that is namely, the existence and the use of the access track) or in combination with the other development parts (the 2 no. replacement structures, the provision of the new roof or other plans or projects in the vicinity), will not will adversely affect the integrity of European sites .

*(e) "the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated".*

Redress:
As no adverse effects to European sites were identified, remediation is not required.

*(f) "whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development";*

Redress:
The applicant is satisfied that save for the development the subject of this application, it has complied with the relevant planning permission at this location namely the construction of the wetland treatment system. No other permissions are applicable to this site.

*(g) "such other matters as the Board considers relevant".*

Redress:
The applicant has demonstrated in this planning application that not only was he of the belief that the works the subject of substitute consent was 'exempted development', but has shown also every effort to remedy this matter through engagement with Galway County Council by way of consultation with it and then by way of Section 5 Declaration and subsequent Referral of the matters to the Commission. The applicant submits that its case in respect to its belief that the works were exempted development were finally balanced with the decision of the Commission based on fine margins rather than any intentional indiscretion or flout of planning law by the applicant in undertaking those works. Further to these exceptional circumstances, the applicant sets out in the following sections, demonstrable compliance with the provisions of the Galway Development Plan.

## 5.2 The Provisions of The Development Plan or any Local Area Plan For the area including any special amenity area order relating to the area;

The provisions of the Development Plan are considered under the following sub-headings;

### 5.2.1 Principle of Development

The subject works are situated with the rural area – and within the area designated in the Galway County Development Plan 2022-2028 ("***Galway CDP***") as 'Structurally Weak Rural Areas' categorised as (rural) areas that have a low population base, slower growth than urban or GCTPS areas, some population decline, and limited services and infrastructure.

In recognition of this social and economic structural weakness, the Galway CDP presents a balance in its rural development objectives that support residential development, strengthens towns and villages and protects landscape categories (Galway CDP Section 4.6.2 refers). The

applicant is acutely mindful that that does suggest a carte balance approach to development in structurally weak rural areas *per se*, and of course, this application does not relate to 'residential development'. However, the spatial objectives toward 'structurally weak rural areas' does recognise the value and importance of the inherent rural population base to support the integrity of these rural areas which in turn, supports local towns and villages.

Further to that, it is relevant to acknowledge specific Policy Objectives set out in the Galway CDP in respect to 'Rural Development'. This includes:

| RD 1 | Rural Enterprise Potential |
|---|---|
| To facilitate the development of the rural economy through supporting a sustainable and economically efficient agriculture and food industry, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism. Development of Cafes, Art Galleries, Hot Desk Facilities etc. which are important to the rural economy. | |

| RD 3 | Assimilation of Buildings |
|---|---|
| To ensure that all buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials and colour. The grouping of buildings will be encouraged in the interests of visual amenity. In general, the removal of hedgerows to accommodate agricultural buildings will not be permitted. | |

| RD 4 | Remote Working |
|---|---|
| To support remote working in the rural area, at an appropriate scale, for enterprise/businesses subject to normal planning considerations. | |

The proposed small-scale, home-based horticultural activity, located within an established rural farmstead, directly supports **Policy Objective RD 1** by diversifying on-farm activity in a sustainable and non-commercial manner, consistent with the rural economy, while safeguarding the natural landscape and built heritage. It is consistent with **Policy Objective RD 3**, as all works are confined to the existing farmstead grouping, are sympathetic in scale, design, and materials, and do not require hedgerow removal, thereby maintaining visual amenity. The proposal also accords with **Policy Objective RD 4** by facilitating remote and home-based working at an appropriate scale, reflective of traditional rural activity, without introducing excessive intensity or inappropriate expansion at variance to the established character of the site, or to the cluster of rural farmsteads at this location. The modest access road and ancillary replacement sheds are integral to the functioning of the holding and do not undermine the integrity of the rural development policies set out in the Galway CDP.

5.2.2 Construction of a revised vehicular access and entrance to the property

As described earlier, the access track is fundamental to enable Mr. Harrington access to the property. The new access was provided at a location which prior to the works, accommodated a gated agricultural access to the property.

The new access/egress does not obstruct or interfere with the use of the shoreline access road to access that other third-party property which remains unobstructed. Vehicles access/egressing the applicant's property have sufficient visibility north and south along the shoreline road to ensure that it can access onto the shoreline road without obstructing traffic travelling toward, or from the third-party property. The potential for additional traffic using the shoreline road as a result of future development, is minimal having regard to the remoteness and the spatial policy applicable to this rural area.

To substantiate this position, the Commission is referred to the professional opinion of Mr. Alan Kay BSc(Eng.) a practising engineer with ASK Solutions who, upon consideration of the entrance arrangement has previously confirmed a visibility distance of some 200m from this entrance to the north, and the full length of the remaining access road to the south where it terminates at the adjacent property. Taking into account the visibility distances, the nature of the new entrance and the character and operational speeds on the shoreline road, that opinion, which is enclosed in Appendix 3 of this statement, states that the entrance *"does not in anyway represent a danger to public safety by reason of traffic hazard or obstruction*".

Whilst there is no specific policy provision set out in respect to provision of replacement access tracks, the applicant submits for the reasons set out above, that the access track provided to serve his property is consistent with the principle development management standards applicable to rural development set out under Development Management Standard **DM Standard 8: Site Selection and Design** in section 15.3 of the Galway CDP which states that rural development should generally comply with the following.

- *"The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape"*
- *"Simple design forms and materials reflective of traditional vernacular should be used"; and*
- *visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominates the landscape.*

5.2.3 Construction of 2 replacement agricultural shed structures

Construction of 2 replacement shed structures were provided as 'replacement' buildings for agricultural and horticultural use of the land by the applicant. As outlined in Section 3, they are used exclusively for the storage of agricultural, horticultural, and forestry machinery and equipment required for the management of the land. They are not intended for residential or commercial use.

Both sheds are modest in scale and proportion compared to the larger, taller corrugated cattle shed previously occupying the site and common on farms. They are located within the

established farmstead grouping of agricultural buildings, immediately adjacent to the dwelling, thereby maintaining the traditional clustered form of development.

While their design is more contemporary than traditional sheds, they retain a simple single-storey form with gable-ended pitched roofs, ensuring they integrate sympathetically with the farmstead. Their scale, design, and function are appropriate to the character of the site, representing a modernisation of agricultural buildings to support sustainable small-scale agricultural and horticultural activity, rather than large-scale intensive farming structures.

Accordingly, the applicant respectfully submits that their development is consistent with:

- **"Policy Objective AD 1 – Sustainable Agriculture Practices"**, as it supports *sustainable agricultural practices through the provision of appropriate facilities, in compliance with planning, environmental, and development management standards.*

- **"Policy Objective AD 3 – Modernisation of Agriculture Buildings"**, as the sheds *provide updated, well-designed facilities that replace outdated structures while protecting the environment, natural and built heritage, and residential amenity.*

5.2.3 provision of new roof to the refurbished agricultural building

The proposed new (polycarbonate material) **roof** was applied to an existing agricultural structure for the purpose of creating a greenhouse type effect through adaption of the traditional agricultural building using modern technics and materials. The introduction of modern roof material enables maximum permeability of light into the structure (for the propagation of seedlings) whilst respecting and preserving the external character of the structure, in terms of its original gable end, pitch-roof scale and form which had probably existed for several decades prior.

The structure, as a consequence of the re-roofing, maintains the gable end, pitched roof rectilinear footprint and character exactly what the structure would have traditionally looked like albeit with a different roof material finish. That said, it is highly likely that the previous roof material may have included slate and/or grey or red corrugated metal synonymous with traditional agricultural structures and the materials which were used on other agricultural buildings on the site. Examples of other roof material observed in the surrounding rural area are set out below:

*Figure4 examples of the diversity of roof materials in the vicinity*

The functional preservation of the building as a consequence, reinforces the traditional and established cluster of farmstead buildings including the farmhouse and associated buildings which did and does exist on this site. The external appearance of that new roof material in terms of its effect on the character of neighbouring structures, is imperceptible given the inconspicuous position of this structure within the western part of the site, to the rear of the existing dwelling house and within a remote location. Notwithstanding that, the material finish of the roof has the ability to reflect the colour and light levels of the surrounding area.

Thus, having regard to the deliberate design approach - which reflects and respects the traditional clustering of agricultural buildings on the site, and incorporates structures of modest scale and form - alongside the functional use of modern building techniques and materials, both the replacement shed structures and the addition of the polycarbonate roof (for agricultural use) is also consistent with the aforementioned **Policy Objective AD3 Modernisation of Agricultural Buildings** referenced in Section 5.2.1 above.

5.2.4 Drainage

The access road and its simple construction of the permeable loose stone subbase and the absence of any surface sealant material lends to the natural percolation of rainwater into the ground without any necessity or reliance for gathering of surface water or purposeful intent to discharge water to the adjacent stream. Rainwater from the 2 replacement structures, which by its nature is 'clean' and uncontaminated is discharged to onsite gravel soakaways. Rainwater from the existing dwelling and shed discharges to the existing wetland reedbed system. The appended statement from VESI Environmental (Appendix 4) confirms operating capacity of

that system and capacity to accommodate that surface water loading. In the event the Commission would prefer that surface water to discharge to ground, then the applicant would accept that instruction by way of planning condition. The discharge of that rainwater to ground would have no bearing on the effects to the environment or the rNIS submitted given that it is clean rainwater discharge to ground.

### 5.2.6 Landscape Conservation and Management

Preservation of Landscape Character

Whilst acknowledging the landscape characterisation and the sensitivity rating of this Uplands and Bog Landscape' character area (referenced earlier in Section 4.2), the applicant respectfully submits that the **revised vehicular access track on the site and entrance** does not negatively impact on, nor detract from that landscape character due to; the minor nature and scale of the access road and its design form.

With respect to the **two replacement agricultural sheds** and **the new roof** to the refurbished shed, the applicant respectfully submits that their modest scale, simple form, and location within the existing farmstead ensure that they integrate seamlessly into the established built cluster. Their visual assimilation within the farmstead grouping means they do not interfere with, or detract from, the landscape character of the surrounding rural landscape. Nor do they adversely impact upon any identified views, prospects, or areas of special amenity value or interest, the preservation of which is an objective of the Development Plan.

Accordingly, the proposal, which preserves the character of the local landscape while ensuring the proper planning and sustainable development of the area is fully consistent with **Policy Objective LCM 1 Preservation of Landscape Character** of the Galway County Development Plan where it is the policy of the Council to:

> *"Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest".*

Furthermore, by replacing more intrusive, larger-scale structures with buildings of reduced height, sympathetic design, and appropriate siting, the development can be seen as contributing positively to the enhancement of local landscape character.

### 5.2.7 Protected Views and Scenic Routes

Whilst acknowledging the location of the Maritime Scenic route referred to in Section 4.2 on the eastern side of Lough Fee, a number of images have been taken of the subject site from 3 different locations on that scenic route in order to evaluate the extent and magnitude of visual change and/or visual effect to protected views or scenic roads as a result of the proposed works. These view point locations are illustrated in Fig 5; The visual and landscape character of

sensitivity of each viewpoint is discussed under that before an evaluation of the visual impact made in the context of relevant provisions of the Development Plan.

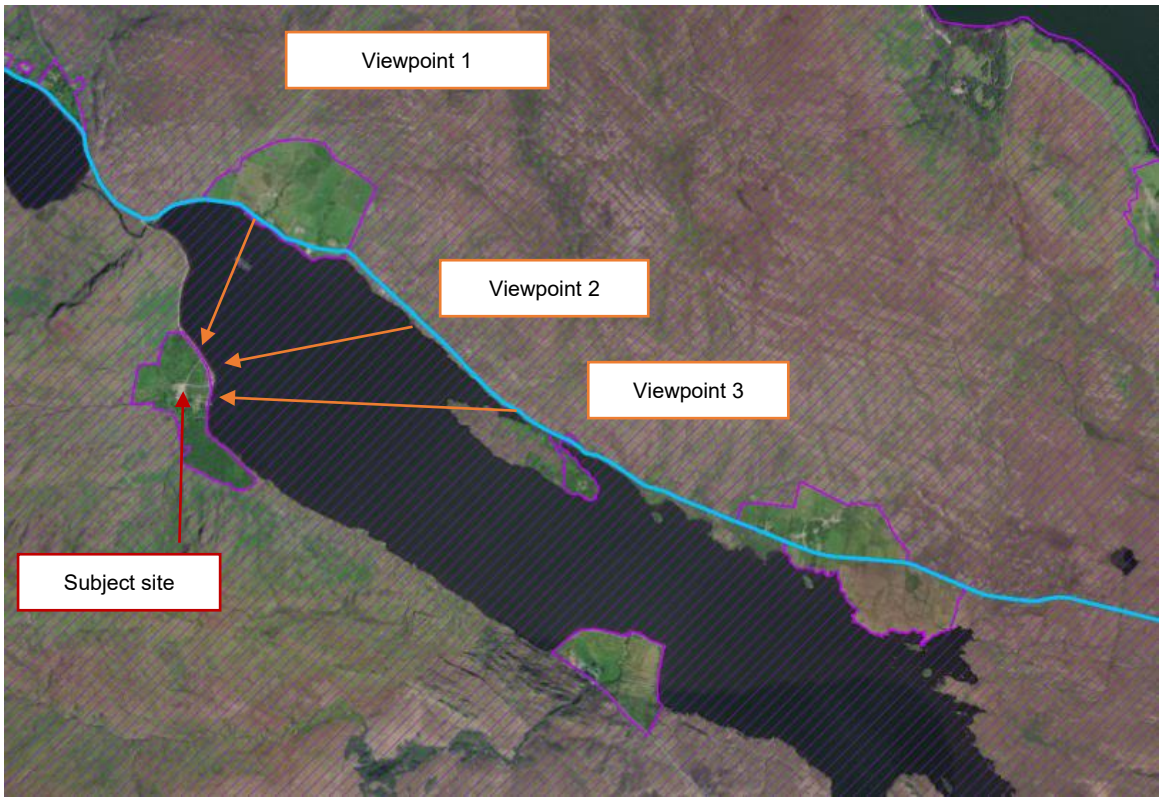


*Figure 5 Viewpoint locations (Designated Scenic Route shown in blue line). SAC Hatched*

Each viewpoint identified above includes three images (a, b, and c) taken from the same location but with different zoom levels. Viewpoint b (aspect ratio 1.0) is the most representative of what can be seen with the naked eye from that location. Viewpoint c (aspect ratio 2.5) provides a zoomed view to highlight the detail of the works, while Viewpoint a (aspect ratio 0.5) captures the wider landscape context.

As can be seen from all images, conditions were clear, bright and sunny with no apparent obstruction of views.

Each viewpoint is considered further in turn;

5.2.7.1 Landscape and Visual Impact Assessment

Viewpoint 1

The subject property is located in the centre middle distance sitting above the shoreline. The straight end pitched roof gable end of the cottage is visually conspicuous by its white colour. The prominent features of this viewpoint include the topographical characteristics of the background mountains; its varying outcrop features and steep slope to the lough shore and the lake water foreground; and, the farmstead enclosures on the hillside representing different landuses including plantation and cleared grazing upland. Though predominantly natural, the viewpoint is characterised with semi-natural woodland and anthropogenic modified upland landscape, and field boundaries and patterns. The replacement sheds and re-roofed structure are situated adjacent to the right of the cottage structure and have a low-profile appearance. The access road and entrance are not visible. The baseline viewpoint has a high sensitivity to visual change.

Viewpoint images below:

**Viewpoint 1a 0.5x aspect ratio**

**Viewpoint 1b 1.0 aspect ratio**

**Viewpoint 1c 2.5 aspect ratio**

Viewpoint 2

The property is located in the centre middle distance sitting above the shoreline similar to Viewpoint 1. The simple rectilinear shape of the existing cottage is again visually conspicuous by its white colour. The prominent features of this viewpoint include the topographical characteristics of the background mountains, its slope to the lough shore and the lake water foreground and the different landuse including plantation and cleared grazing upland but these landscape changes are more conspicuous than viewpoint 1 due to the orientation of the viewpoint. The replacement sheds and re-roofed structure are situated adjacent to the cottage structure (to the right hand side of it) and have a low-profile appearance and darker colour though the darker colour is not incongruous with the colours in the landscape derived from habitat type and shaded parts of rock outcrops evident in the background. The access road and entrance are not visible. The viewpoint has a high sensitivity to visual change.

Viewpoint images below:

**Viewpoint 2a 0.5 aspect ratio**

**Viewpoint 2b 1.0 aspect ratio**

**Viewpoint 2c 2.5 aspect ratio**

Viewpoint 3

The property is located in the centre middle distance sitting along the shoreline. This viewpoint is representative of the furthest southeastern viewpoint from the scenic road where visual change might be recognisable in the landscape. The prominent features of this viewpoint include the topographical characteristics of the background mountains including the prominent river gully cut into the mountain immediate above the site, and the lake water foreground and the different landuse including plantation and cleared upland grazing. Whilst this represents perhaps the most dramatic contextual setting of the background landscape, the existing cottage and the replacement sheds and new roof are virtually inconspicuous from this viewpoint given distance of the viewpoint and the dramatic nature of the wider landscape context, unless by way of zoomed lens (Viewpoint 3c refers). However, even then, it's the landscape pattern of established modified landscape and agricultural encloses which is the predominant feature. The viewpoint has a high sensitivity to visual change.

Viewpoint images below:

**Viewpoint 3a 0.5 aspect ratio**

**Viewpoint 3b 1.0 aspect ratio**

**Viewpoint 3c 2.5 aspect ratio**

In the context of the three viewpoints, the applicant respectfully submits that:

- the **access track** has had no effect on either, **the landscape character, or, on the integrity of amenity views** from the designated Maritime Scenic Route due to; the minor nature and scale of the access track works and the absence of any clear or unobstructed view of it that has altered the landscape character or views to be had from the scenic road.
- With respect to the **two replacement agricultural sheds** and the **re-roofed structure**, these works have not resulted in any material change to the **landscape character** or on **amenity views** available from the designated Maritime Scenic Route. This conclusion is supported by the modest scale, simple form, and sympathetic materials of the structures, together with their ability to visually integrate within the established farmstead cluster and the historic agricultural character and use of this rural area. As such, the development does not introduce any discordant, strident, or obtrusive features into the landscape or wider amenity view (as confirmed from Viewpoints 1–3). Accordingly, the effect on the quality of views from the Maritime Scenic Route is assessed as negligible, which in impact assessment terms means - *a non-discernible change to the visual resource in terms of landscape impact assessment*.

On balanced consideration, the visual effects of the development works are imperceptible within their landscape context and setting. The structures are visually assimilated into the established building pattern of the applicant's and adjoining farmsteads, which have long formed part of this visually sensitive, but modified landscape. Owing to their modest scale and form, the works do not give rise to any material change in landscape character or features. Accordingly, the development does not result in negative impacts on landscape character and is therefore consistent with **Policy Objective LCM 1 Preservation of Landscape Character** of the Galway CDP, which seeks to preserve and enhance the character of the landscape and its associated amenities of natural beauty and interest.

With respect to designated views and scenic routes, the works do not introduce any discordant or obtrusive features and are visually indistinguishable from the existing farmstead grouping. As such, they do not adversely affect the quality of protected views or scenic routes, including those along the *Maritime Scenic Route*. In this regard, the proposal does not materially contravene **Policy Objective PVSR 1 Protected Views and Scenic Routes** of the Galway CDP, which seeks to preserve protected views and scenic routes from development that would negatively impact upon them.

### 5.2.8 Development Management Standards

The subject works are consistent with Development Management Standard and specifically :

**Compliance with DM Standard 13: Agricultural Buildings**

The proposed development comprises two modest replacement agricultural sheds positioned within the existing farmstead, ensuring that the new buildings are well integrated into the established farmyard complex. The sheds are of simple form and limited scale, with materials and finishes selected to visually assimilate with surrounding agricultural structures, thereby respecting the character of the rural landscape.

The development does not give rise to any conflict with residential amenity, being sited adjacent to the farmstead and sufficiently removed from nearby dwellings. Safe access to the public road is provided, with no intensification of traffic movements anticipated given the modest agricultural and horticultural nature of the use.

Through their siting, scale, design, and materials, the replacement sheds assimilate appropriately into the landscape and maintain the amenity and functional qualities of the farm complex. The proposal is therefore considered fully consistent with the provisions of DM Standard 13 of the Galway CDP

And;

**Compliance with DM Standard 17: Rural Enterprise**

The proposed development which are not intended for wholesale commercial use, do not generate additional traffic to the site, and will not result in significant waste generation.

The development has been positioned within the existing cluster of farm buildings, ensuring visual and functional integration with the farmstead and minimising any landscape or amenity impact. The submitted remedial Natura Impact Statement (rNIS) confirms that the development will not give rise to adverse effects on the environment, including protected sites. Safe access is provided to the site, and the proposal will not prejudice the residential amenity of surrounding properties.

Accordingly, the replacement sheds are consistent with the principles of DM Standard 17 (Rural Enterprise), as they represent a modest, locally sustainable agricultural development that supports appropriate rural enterprise activity without giving rise to environmental, traffic, waste, or amenity concerns

## 5.3 The likely effects on the environment and on a European site

The potential effects of the proposed access road, that is its construction and operation, has been assessed in the submitted rNIS in terms of its effect on designated European sites – which in this instance is limited to **The Twelve Bens/Garraun Complex SAC**.

The enclosed rNIS which is undertaken consistent with, and pursuant to Article 6 of the EU Habitats Directive[1] and in accordance with National and European best practice and guidelines, is consistent with **Policy Objective NHB 2 European Sites and Appropriate Assessment** of Galway CDP where it is the policy of the Council to:

> *"To implement Article 6 of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011. All such projects and plans will also be required to comply with statutory Environmental Impact Assessment requirements where relevant".*

[1] (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora)

Further to the findings of the submitted rNIS, which concludes that the works would not result in significant cumulative, direct, indirect, or secondary impacts on a European Site arising from factors such as size and scale, land take, proximity, resource requirements, emissions, transportation, construction duration, or operation and which has already been set out earlier under Section 5.1 (The Existence of Exceptional Circumstances'), the proposal is consistent with **Policy Objective NHB 3 Protection of European Sites'** of the Galway CDP, which states that:

> *"No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects".**

In terms of potential effects on the biodiversity value outside of designated (European) sites the proposed access road would not have undermined the protection and conservation of areas, sites, species or ecological network of biodiversity given that the habitat affected by the provision of the access road was highly modified and of relatively low biodiversity value and didn't support any particular or specific area, site, specie or ecological network that would otherwise likely have a significant effect on a European site  For this reason, the proposal would be consistent also with **Policy Objective NHB 4 'Ecological Appraisal of Biodiversity'** of the Galway CDP where it is the policy of the Council to:

> *"Ensure, where appropriate, the protection and conservation of areas, sites, species and ecological/networks of biodiversity value outside designated sites. Where appropriate require an ecological appraisal, for development not directly connected with or necessary to the management of European Sites, or a proposed European Site and which are likely to have significant effects on that site either individually or cumulatively".*

## 5.4 Environmental Impact Assessment

The development was/is not a project type that requires environmental impact assessment given that it does not meet any of the project types that require EIA as set out in Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended).  No remedial environmental impact assessment is thus required.

# 6.0 CONCLUSION

This application for substitute consent has demonstrated the applicant's intention to remedy a genuine misinterpretation of the planning code by them.  This applicant has demonstrated that the applicant has availed of all opportunities to regularise the development prior to this planning application.

This application has demonstrated that the case under which this application is made is in adherence with the provisions of Section 177E. of the Planning and Development Act 2000 (as amended) in respect to applications for 'substitute consent'. Furthermore, this application has demonstrated:

- the case for **exceptional circumstances** applicable in this instance to support this planning for substitute consent in the manner required in Section 177K(1J) of the PDA 2000;
- The development works did not, nor would not (through continued use) adversely affect the integrity of designated European Sites or the environment;
- The development works are consistent with the established rural agricultural including horticultural use of the land; and
- The development is consistent with the provisions of the Galway County Development plan 2022-2028 and specifically the following policy objectives.
    - Development Management Standard DM Standard 13 Agricultural Buildings
    - Policy Objective AD3 Modernisation of Agricultural Buildings
    - Policy Objective WRI Water Resources
    - Policy Objective LCM 1 Preservation of Landscape Character
    - Policy Objective PVSR 1 Protected Views and Scenic Routes
    - Policy Objective NHB 2 European Sites and Appropriate Assessment
    - Policy Objective NHB 3 Protection of European Sites
    - Policy Objective NHB 4 Ecological Appraisal of Biodiversity

For these reasons, the proposal is considered consistent with the proper planning and sustainable development of the area.

## Appendix 1 The Applicants Land Management Plan

**Land Management Plan for Lugnaneach, Lettergesh East, Renvyle, Co Galway**

Former Condition

The 2.5 acre lands at Lugnaneach, Lough Fee were formerly a sheep farm (up to 2018). The small holding is approximately 30m wide running like a croft from mountain to lough parallel to a mountain stream, comprised of 4 fields; the upper field (going up as far as the rough mountain ground), middle field, the sheep holding field and lower field (running down to the lough). The dwelling house, sheds, former barn and concrete sheep pens ran from north to south across the lands, and separating the lower and middle fields. Vehicular access was via a small stone bridge and across an adjacent field to the north. There was an established agricultural gate into the lower field from the lough side road. All fields were used for intensive sheep grazing meaning that the predominant ground cover was poor quality grass. The fields were badly managed, meaning that large areas of rushes and invasive species such as gunnera and rhododendron were allowed to grow and spread.

The constant grazing of sheep on the land restricted the growth of any native species of plants and trees on the land, leading to a poor level of biodiversity. There was no evidence of the growing of vegetables, other than a few rows of former potato ridges, dating from many generations ago.

Proposals for land use;

My intention is to run the place as an environmentally sustainable low-impact horticultural and rewilding venture. This will involve managing the 2.5 acres, partly a managed re-wilding and biodiversity project, managing the woodland and the ponds, and eventually growing a small plantation of berry bushes and fruit trees and organic vegetables for personal use and for for sale.

For this I require areas of covered and secure storage; for machinery - including a 2-wheel tractor and attachments, bags of seaweed-based fertilizer, tree and fencing posts, tools etc, ( ie the 2 sheds) and an indoor covered space as a plant nursery ( ie the stone cottage).

I am part of an informal network of other organic farmers locally and am in touch with a market in Clifden, run by my friend, called Neighbourfood Clifden, an online market connecting local people with local food, to sell our produce next year. (I note the GCC development plan; "In recent years there has been growth in the demand for fresh local produce. The importance of the horticultural industry to Galway's rural economy is recognised. Further development in horticulture and in value-added food and agricultural production in the county could provide opportunities for growth. Local Country Markets are also making an important contribution to the food sector and local economy with markets held throughout the county on a weekly basis.")

Expert Advice

Since 2019 I have availed of informal and formal advice from a series of experts in their field. These have included;

- Bowen Ormsbury of Salrock, who is an organic farmer. (Advice on removal of rushes without using herbicides).

- Oisin O'Briain, my immediate neighbour. (Advice on management of the woodland. Oisin manages the native species rainforest that his father planted on his land 35 years ago). *See photo attached.*
- Marina Conway, CEO Western Forestry Co-op (Advice on native species tree specification and planting)
- Rory Harrington, environmental scientist and funder of VESI Environmental (expert advice on the design of the integrated constructed wetland wastewater treatment areas)
- Matt Smith, CEO, Hometree Charity. (Their work is to work is to establish and conserve permanent native woodland in Ireland, encouraging land regeneration and biodiversity through afforestation, restoration and education.)

Notes on Rewilding;

The landscape of Connemara is dominated by the devastating ecological effects of overgrazing of sheep on the land. This has prevented many native species of plants naturally reseeding, and seedlings and saplings are grazed by the sheep. The result of this is a low biodiversity environment with few trees, and a resulting loss of habitat for native wildlife. Furthermore, there is substantial leaching of nutrients from the soil and soil erosion due to a combination of high rainfall and an absence of tree and other native species roots binding the soil together. This has also led to the establishment of non-native invasive species such as rhododendron and gunnera, which has unfortunately become widespread in Connemara.

Rewilding is a form of ecological restoration aimed at increasing biodiversity and restoring natural processes. The process involves reducing the negative impacts of previous human based activities, (such as unmanaged sheep farming) and reducing the negative impacts of its consequences such as the establishment of non-native invasive species or the dominance of rushes in waterlogged land that do not benefit from trees to dry the land out. Rewilding is a carefully managed process, that does not mean "doing nothing".

There are numerous references in the GCC Development Plan regarding promotion of biodiversity, including Galway County Heritage and Biodiversity Plan 2017 – 2022 and Under Section 9 of the Wildlife (Amendment) Act, 2000, "a statutory responsibility is outlined to ‘promote the conservation of biological diversity’. The primary mechanism for achieving this is the National Biodiversity Plan, of which a key concept is that local authorities (and other agencies) will share responsibility for the conservation and sustainable use of biodiversity."

Works to the land to date

- Repair of all perimeter stone walls and wire fences, to prevent access for sheep that graze wild on the mountain common land.
- Planted native species trees as a shelter belt, to improve the damp soil, and improve the biodiversity.
- Managed cutting of all rushes in the lower field, over 3 seasons, to prevent regrowth without using roundup or other herbicides.

- Installation of an integrated constructed wetland for wastewater treatment (under GCC authorisation 21/312). This has involved the construction of 3 interlinked planted ponds, arranged to cascade down the lower field, each planted with selected reeds and grasses.
- Removal of invasive species of rhododendron and gunnera from the land
- Removal of former concrete block and slab sheep pens.
- Removal former farm dilapidated stone shed and the ruins of the former farm barn. (stones have been reused in the rebuilding of dry-stone farm walls.)
- Repair and reroofing of the ruins of the former stone cottage, to create a nursery planting shed.
- Construction of 2 new horticultural sheds for equipment and material/fertilizer, planting and fencing storage.
- Construction of 8 large planting beds for growing vegetables in a wind protected environment.
- Planting of assorted berry bushes and fruit trees, with netting protection from mountain hares.
- Construction of wind protected vegetable growing area between the 2 horticultural sheds.

Recent purchases;

- Jansen 2-wheel tractor, with cutting bar. (for management of rushes and long grasses). This is stored in Horticultural Shed 2.
- Petrol driven mower (for management of meadow grasses). This is stored in Horticultural Shed 2.
- Petrol engine chainsaw and tree truck cutting stand ( for management of storm fallen trees). This is stored in Horticultural Shed 1.

Future plans;

- Lower field to be managed as a natural wildflower meadow, to promote biodiversity. This will require twice annual cutting.
- Middle field to be further planted with native species trees in planting season winter 2025/2026.
- Planting and management of wind protected vegetable growing area between the 2 horticultural sheds.
- Management of integrated constructed wetland, to promote biodiversity.
- Ongoing management of rewilding project.

Review of the process to date;
The barometer of success in any rewilding process is an increase of native biodiversity. Within 3 years of commencement, there has been a clearly observed increase of biodiversity on my land. This has included a marked increase in the numbers of dragonflies, birds, frogs, mountain hares, pine martins, and native wild and self-seeding plants and flowers. In areas where the native species trees were planted, there has been a marked decrease in excessive soil moisture.

The importance of the new structures in this process;

The reroofing of the former stone cottage (Structure A) with clear twin wall polycarbonate sheeting pitched roof has provided an indoor, unheated, daylit and weather-protected space to grow seedlings before replanting in the land. This has been vital to the replanting process, and a sustainable re-use of an existing stone ruin.

The provision of two horticultural sheds has provided vital secure storage facility for machinery and equipment associated with the rewilding and horticultural process. This has included; a 2 wheel tractor, mower, brush cutters, chainsaw and log stand, wheelbarrows, 2 wheel trolley, 4 wheel trolley, tarpaulins, fencing posts, wire fencing roles, wind block rolls, tree guards, tree posts, dry mulch bags, cardboard store, dry fertilizer storage, haybales, wood store, hand tools, plant pots and trays, dry seed storage, plant pot racks, water butt and spare building maintenance materials.

The location of the sheds on the footprint of the former sheep pens and agricultural barn has ensures that no undisturbed soil was removed or built on, and the arrangement of the sheds and rebuilt stone field walls has provided sheltered areas to the south of shed 1 and in the areas between the sheds.

Image of planting of native species by the father of the adjacent neighbour Mr Oisin O'Briain,(on his land 35 years ago) as referred to earlier.

## Appendix 2 Construction Methodology Statement

# Ground Works Methodology Statement at Lug na Neach
# For Sean Harrington

## Methodology Statement

**Description:** Site Ground Works

The works overseen;

(a) Construction of improvements access road running along the north side of the site from the existing east gate to the existing old lakeside road. Road to be approximately 80 m long, 3 m wide and constructed in accordance with Drg GW-03.

Specifically;

- Scrape off top soil/turf/grass from field (approx 100mm) and store on site.
- Dig out soft boggy ground to a depth of 200mm at the top of the site, and 400mm at the bottom of the site and store on site.
- Lay SR 21/804 inside geotextile membrane, which will "contain" the gravel, preventing spread
  into field either side. Minimum size 20mm.
- Lay crushed stone base, filling any depressions and compress. (approx 150mm thick in total).
- Crushed stone graded from 40mm to dust. Lay in this several layers and compact each.

No wet materials, e.g. concrete, cement or tarmac were used. Works were supervised me, and took place in dry weather.

Excavated topsoil and bog was temporarily stored (separately) on the adjacent field (in the ownership of the client) and then reused to form the raised banks and top surfaces of the integrated constructed wetland ponds.

Once excavations had concluded, the permeable geotextile membrane was laid, and delivery of crushed stone and gravel commenced. This was poured directly into the excavated depression, avoiding any large areas of on-site storage of stone and gravel.

All the works to the track took place in dry conditions and there was therefore no runoff of rainwater in any direction.

In its finished state, the track has been designed to be permeable to rainfall and ground water. There is little or no rainwater run off to the soft ground verges, instead rainfall seeps through the open gravel surface.

(b) Relocation of the entrance gate at the east end of this modified access road and the construction of a parking area 15 m x 2.5 m by the entrance gate.

Date of construction; 21.5.21 – 5.6.21.

Weather conditions at the time of works; Dry and fine

Measures to safeguard against fugitive surface water, or construction waters or construction materials including fuels from discharging the site either directly from the site into the lough or the surface water channel, were as per set out in the CEMP, attached, and the specification included for;

*The Contractor shall allow for taking all reasonable precautions to ensure the efficient protection of all streams and waterways against pollution arising out of or by reason of the execution of the works.*

I confirm there were no accidents effects occur during works that might have given rise to interaction with the lough.

Materials used;

- SR 21/804 inside geotextile membrane,
- Top surface gravel, Minimum size 20mm.
- Crushed stone base, graded from 40mm to dust.

All materials sourced from reputable suppliers, by contractor Mark Walsh Plant Hire from Glassilaun, Renvyle, Co Galway.

No wet materials, e.g. concrete, cement or tarmac were used.

Alan Kay

29.07. 2025

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## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Site Specific to the works at Lugnaneach, Lettergesh East, Renvyle, Co Galway

Prepared by Sean Harrington Architects

### INTRODUCTION

#### Purpose

1.1 This document is a record of the site specific Construction Environmental Management Plan (CEMP) for a renovation of a dwelling, reroofing of an existing cottage ruin, the construction of 2 no. agricultural sheds installation of an integrated constructed wetland treatment system, site track and associated site works, at Lugnaneach, Lettergesh East, Renvyle, Co Galway.

1.2 Details of the project are in the Planning Application for the integrated constructed wetland treatment system.

1.3 This CEMP describes how construction activities were controlled to seek to avoid and, if necessary, mitigate adverse environmental impacts. It also sets out the monitoring and auditing activities designed to demonstrate that such mitigation measures were carried out and that they were effective. In effect the aim was to minimise any accidental damage to the surrounding area, in particular the adjacent mountain stream and Lough Fee.

#### Overview of the project;

1.4 The project involved preparing the site for the proposed building works as described above and finally landscaping of the area. Specialist contractors were appointed to carry out each component of the works. The project was small in relative terms with no disturbance to any conserved area.

#### Scope;

1.5 This CEMP covers the principal construction activities envisaged at the time of Planning Application for the integrated constructed wetland treatment system. The key elements of this CEMP included;

- Prior assessment of environmental impacts.
- Minimisation of potential impact through design and other mitigation
- measures;
- Monitoring of effectiveness of mitigation measures;
- Corrective action procedure;

1.5 In summary, this document identifies how commitments made were translated into actions on-site and includes a schedule for implementing the actions through allocation of key roles and responsibilities.

1.6 The ‘Principal Contractor’ for the development, oversaw and managed the construction phase for this development.

1.7 All contractors were be responsible for working in accordance with the environmental controls documented in this CEMP. The overall responsibility for implementation of the CEMP lay with the owner.

1.8 This CEMP was been designed with the objective of compliance with the relevant environmental legislation and the commitments for mitigation measures documented within this plan.

## 2. RECYCLING AND DISPOSING OF WASTE

2. In order to control the waste on site the Contractor undertook a skip segregation system to separate the main waste streams on site, prior to them being taken to a waste facility for recycling.

2.1 All waste to be removed from site was undertaken by fully licensed waste carriers and taken to licensed waste facilities.

2.2 No construction waste was stored or dumped on site other than in skips for disposal.

## 3. MANAGEMENT AND MITIGATION PLAN

**Population and Human Health**

**Objective(s);** Was to minimise the impact of the development, operation and maintenance of the project on local population and Human health.

**Management Strategy;** Ensure nothing in relation to the project affects Human health

**Control(s)/Mitigation;** Provide all the necessary safety measures to avoid injury to Human health.
Responsibility; Project manager
Timing; Ongoing throughout

**Performance Indicator(s);** Safety measures must be in place.
Responsibility; Project manager
Timing; Ongoing throughout

**Monitoring;** Daily inspection of safety gear and equipment
Responsibility; Project manager
Timing; Ongoing throughout

**Reporting;** Any issues reported to the construction manager
Responsibility; Project manager
Timing; Ongoing throughout

**Corrective Action(s);** Replacement of defective safety equipment and tools
Responsibility; Project manager
Timing; Ongoing throughout

**Biodiversity**

**Objective(s);** Was to minimise any impact on nearby Natura sites and the surrounding Biodiversity.

**Management Strategy;** Confine flora and fauna disturbance to the minimum area possible. Retain features where possible. Retain excavated soil for reuse on the site.

**Control(s)/Mitigation;** Minimise the area to be disturbed. Retain an undisturbed margin along stream and the lough. Topsoil and subsoil will not be mixed together. Where at all possible, soil excavation will be completed during dry periods. Confine construction traffic to minimum area. No concrete washings are to be disposed on site. All vehicles and plant will be regularly inspected for fuel, oil and hydraulic fluid leaks. Suitable equipment to deal with spills will be maintained on site.
Responsibility; Construction manager
Timing; First phase and ongoing.

**Performance Indicator(s);** The above management practices will minimise the amount of disturbance.

Responsibility; Construction manager
Timing; Ongoing.

**Monitoring;** Ensure controls are in place.
Responsibility; Construction manager
Timing; Ongoing.

**Corrective Action;** Repair damage or breakdown to mitigation measures
Responsibility; Construction manager
Timing; Ongoing.

**Land and Soils**

**Objective(s);** Was to minimise the impact to land and soil and avoid erosion.

**Management Strategy**; Implement appropriate controls that avoid and minimise any potential risk to soils and land. Minimise soil disturbance, compaction, erosion and sealing.

**Control(s)/Mitigation;** Replace as much soil as possible. Reduce sealing. Minimise excavation and do so only in dry weather. A silt curtain should in position to protect against any accidental runoff in heavy rainfall periods. A spill kit with sand, earth or commercial products to deal with small spills should be at hand. An example of such is presented below. Staff will be trained on how to use spill kits correctly. No chemicals are to be stored on site. Mobile plant will be refuelled off site. Concrete washings are to be removed from the site.
Responsibility; Construction manager
Timing; Ongoing.

**Performance Indicator(s);** Mitigation measures in place.
Responsibility; Construction manager
Timing; Ongoing.

**Monitoring;** Daily
Responsibility; Construction manager
Timing; Ongoing.

**Reporting;** Issues to be report to the manager
Responsibility; Construction manager
Timing; Ongoing.

**Corrective Action(s);** Any breakdown of measures should be corrected. Replace as much soil as possible.
Responsibility; Construction manager
Timing; Finally

**Water/Hydrology**

**Objective(s);**Was to minimise risk to surface and ground water

**Management Strategy;** Implement appropriate controls that avoid and minimise any potential risk to surface water, stream water and Lough waters.

**Control(s)/Mitigation;** Avoid excavation during rainfall periods. Concrete truck washings must not be disposed of on site and should be removed. No chemicals or fuel oil should be stored on site. No liquid waste should be disposed of on site. A geotextile silt curtain should be put in place to contain runoff during construction around all foundations works for the buildings and sheds. Surface water will be disposed to soakaways that form part of the integrated constructed wetland treatment system.

Ground water will be protected with the installation of an integrated constructed wetland treatment system as specified. Refer to site layout map for position of the wastewater treatment system.
Responsibility; Construction manager
Timing; Ongoing throughout.

**Performance Indicator(s);** Implementation of the suggested measures will minimise the risk of pollution of water, storm water run-off or groundwater.
Responsibility; Construction manager
Timing; Ongoing throughout.

**Monitoring;** Daily inspection. Stop work in excessive precipitation.
Responsibility; Construction manager
Timing; Ongoing throughout.

**Reporting;** Report any failures.
Responsibility; Construction manager
Timing; Ongoing throughout.

**Corrective Action(s);** Repair and reinstate when necessary.
Responsibility; Construction manager
Timing; Ongoing throughout.

## Air

**Objective(s);** Was to minimise any potential emission to air from the construction project.

**Management Strategy;** A dust minimisation plan is prepared and implemented by the building contractor during the construction phase of the project. Construction activities are likely to generate some dust emissions, particularly during the site clearance and excavation stages.

**Control(s)/Mitigation;** Vehicle speeds will be limited in the construction site. Surrounding roads used by trucks to access to and egress from the site will be cleaned when dirtied.
Responsibility; Construction manager
Timing; Ongoing

**Performance Indicator(s);** Dust reducing measures in place.
Responsibility; Construction manager
Timing; Ongoing

**Monitoring;** Regular inspection and clean-up if required.
Responsibility; Construction manager
Timing; Ongoing

**Corrective Action(s);** Put additional measures in place if required.
Responsibility; Construction manager
Timing; When needed

## Noise

**Objective(s);** During the construction phase, it was to minimise the potential noise and vibration impacts associated with site preparation works, foundation construction activities, construction activities and construction vehicle movements.

**Management Strategy;** Implement appropriate controls to reduce noise from Earthworks plant and equipment, Construction plant and equipment and Construction traffic.

**Control(s)/Mitigation;** Hours will be limited during which noisy site activities are permitted. Channels

of communication will be established between the Contractor/Developer, and the nearby residents. Machines should be turned off when not in use. Noise should be dampened where possible.
Responsibility; Construction manager
Timing; Ongoing

**Performance Indicator(s);** No complaints. All personnel must be made aware that noisy construction activities resulting in significant noise levels must be minimised and made aware of the above control measures.
Responsibility; Construction manager
Timing; Ongoing

**Monitoring;** Daily.
Responsibility; Construction manager
Timing; Ongoing

**Reporting;** Any issue should be recorded.
Responsibility; Construction manager
Timing; Ongoing

**Corrective Action(s);** Defective equipment should be repaired.
Responsibility; Construction manager
Timing; Ongoing

**Climate**

**Objective(s);** Was to minimise potential damage to Climate.

**Management Strategy;** Aim to use materials that do not contribute to climate change.

**Control(s)/Mitigation;** This is a small scale development. Use materials unlikely to cause emissions that would contribute to climate change.
Responsibility; Construction manager
Timing; Ongoing

**Performance Indicator(s);** No pollutants released.
Responsibility; Construction manager
Timing; Ongoing

**Monitoring;** Regular inspection and servicing of equipment.
Responsibility; Construction manager
Timing; Ongoing

**Reporting;** Weekly
Responsibility; Construction manager
Timing; Ongoing

**Corrective Action(s);** Replace /repair anything likely to omit pollutants.
Responsibility; Construction manager
Timing; Ongoing

**Landscape**

**Objective(s);** Was to minimise change to the surrounding landscape.

**Management Strategy;** Implement appropriate plans and controls to minimise damage to the local

Landscape. Minimise disturbance of the surrounding trees. Replace features and use local stone where possible on roadside walls.

**Control(s)/Mitigation;** Confine disturbance to a minimum. Retain landscape features (Stone walls) where possible. Landscape with native flora when construction is complete. Use existing soil only as it contains the seed to regenerate existing Biodiversity. Maintain a natural boundary along the River Bank as a Nature corridor.
Responsibility; Construction manager
Timing; Ongoing

**Performance;** Little disturbance of the landscape.
Responsibility; Construction manager
Timing; Ongoing

**Monitoring;** Follow planned guidelines.
Responsibility; Construction manager
Timing; Ongoing

**Reporting;** Report when there is an incident
Responsibility; Construction manager
Timing; Ongoing

**Corrective Action(s);** Replace grass and features where possible.
Responsibility; Owner and Construction manager
Timing; Finally

**Cultural Heritage**

**Objective(s);** Was to minimise the impact of the development, operation and maintenance of the project on the heritage values in the Project area.

**Management Strategy;** Ensure heritage impacts are minimised, and impacts outside of the approved disturbance are avoided.

**Control(s)/Mitigation;** Identify and document any heritage values.
Responsibility; Construction manager
Timing; Ongoing

**Performance Indicator(s);** No disturbance of heritage values outside of approved area.
Responsibility; Construction manager
Timing; Ongoing

**Monitoring;** Monitor at ground excavation phase.
Responsibility; Construction manager
Timing; Ongoing

**Reporting;** Incidents or findings should be reported to a heritage officer.
Responsibility; Construction manager
Timing; Ongoing

**Corrective Action(s);** Advice from heritage officer to be followed.
Responsibility; Construction manager
Timing; Ongoing

**CONCLUSIONS**

4.0 This CEMP provided a comprehensive list of site specific mitigation measures and monitoring procedures for the development. The recommendations within this CEMP were followed during construction in order to minimise potential risks to the nearby shore line. The development was small scale and within the confines of the proposed site area. See the attached scaled site layout drawing for details.

**SAMPLE SPILL KIT.**
Suitable for use on most common spills within the workplace was available, General Purpose Spill Kits contain a combination of containment devices, absorbents and protective wear. This included;

- Floor Sweep,
- Booms and pads
- Plug and dike
- Waste disposal bags
- PPE kits

The absorbents quickly permeate liquids, oil and chemicals, soaking them up. The waste bags allow for easy disposal of waste. While the PPE kit protective equipment protects cleaners.

## Appendix 3 Traffic Statement and confirmation of sight lines

A
Solutions
K

Lettergesh East
Renvyle
Co. Galway

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## Professional Opinion.

**Client:** Sean Harrington

**Property:** Lug na Neach, Lettergesh East, Renvyle, Co. Galway

I, Alan Kay, B.Sc., T/A ASK Solutions, Lettergesh East, Renvyle, Co. Galway hereby certify as follows:

1. I am an Engineer having qualified as such at London University in the year 1966.
2. I have been in independent private practice on my own account since the year 2004 or thereabouts.
3. I am the Engineer retained by Sean Harrington to provide a report related to the Galway County Council letter dated 13th September 2023 with respect to the reference to Article 9(1)(a)(iii) of the Planning and Development Regulations 2001- 2022,
   Namely: (iii) to endanger public safety by reason of traffic hazard or obstruction of road users

**OPINION**
See attached marked up PRAI map

Access to the land owned by Sean Harrington, Folio GY128501F, is by means of boreen off the local road (D5102). The development of a revised access off this boreen across Folio GY128501F to Sean Harrington's dwelling has no effect on this junction, because there have not been any changes to the amount of traffic able to use the boreen. The boreen serves to provide private access only for the owners of the land over which the boreen passes, Folios GY128646, GY34836, GY118633F, GY128501F and GY128512F and it is only the owners of these folios who have a right of way over the boreen. which has not changed. Therefore, access is limited for the agricultural use of the lands over which the boreen passes and for access to the two old established dwellings located on Folios GY128501F and GY128512F.
From the local road (D5102) after a distance of approximately 60 metre, the boreen is gated. After this gate, the boreen continues along the side of Lough Fee for approximately 500 metre to the revised junction created on Folio GY128501F. The revised junction is gated. For the whole of this distance the boreen is single track width with an uneven none tarred surface and vehicular traffic can only proceed at a very low speed. Any vehicle approaching this revised junction can be seen for a distance of more than 200m. Beyond this revised junction, to the south, the boreen continues for a further 25 m only to a second gate which gives access to Folio GY128512F where it then terminates at the neighboring dwelling. This second gate is clearly visible from the revised junction. The revised junction has not altered visibility from the previous junction which was gated access to the field forming part of Folio GY28501F.
Visibility for access to or egress from this revised junction is unchanged from the previous situation and in my opinion does not in any way represent a danger to public safety by reason of traffic hazard or obstruction. The only persons who have a right of way to or past this revised junction are the two owners of the dwellings.

Signed Alan Kay B.Sc. (Eng). ASK Solutions, Dated this 4th day of October 2023

Appendix Confirmation from VESI Environmental re surface water capacity

| To: | Sean Harrington |
|---|---|
| Date: | 2nd July 2025 |
| **Re:** | Integrated Constructed Wetland capacity at Lough Fee, Lughnaneach, Connemara, Co. Galway |

An Integrated Constructed Wetland (ICW) was designed and built to manage and treat the wastewater arising from the occupancy of Lughnaneach Cottage, including a planned extension. The design loading was for the full-time occupancy of 6 PE/day, which equates to 900l/day.

The ICW design was scaled at 20m$^2$/PE with an additional 25% area to provide additional hydraulic and treatment capacity. The total ICW area of 175m$^2$ includes two treatment cells and a final discharge cell.

The ICW has been in operation since 2021 and has being operating optimally.

| Table 1: ICW operational review | | |
|---|---|---|
| **Vegetation** | Excellent vegetation cover throughout the ICW, no recorded issues. | Vegetation thriving on incoming wastewater flows and facilitating hydraulic loss through evapotranspiration. |
| **Water depth** | Damp to shallow water conditions recorded in treatment cells during normal operation and no occurrence of overtopped since installation. | Influent flows occasional as intermittent occupancy at the site. ICW operating with capacity. |
| **Odour** | None reported | Dense vegetation cover mitigating odour from wastewater and capacity of ICW to treat incoming flows. |
| | | |

Current operational loading to the ICW is low and below the design figures, this is confirmed with the low water levels recorded within the treatment cells. ICWs are designed to operate with water levels between 150-200mm.

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The management of surface water runoff from the dwelling and shed located within the property is being considered.

The total combined roof area is 120m$^2$. The average runoff per day from this area equates to 1082mm/year (long term average[1]) = 1082 x120= ~ 129.840m$^3$/year

This equates to ~2.5PE

The current occupancy of the house is ~ 2PE

The ICW design capacity is 6PE

Based on the operation and condition of the ICW, its current operational loading and design capacity there is sufficient capacity within the ICW to provide management of the surface water runoff from the dwelling and shed roofs (120m$^2$).

The maintenance and checks are recommended on-going and VESI is available at any stage to provide any advice required on the operation or maintenance of the ICW.

[1] Monthly values for MACE HEAD up to 29-jun-2025 Long term average rainfall data.