

**James Sw** ney

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**From:** Michael Lydon <michael@mjdesigns.ie>  
**Sent:** Saturday 20 December 2025 19:28  
**To:** Appeals2  
**Subject:** Case Reference Number: SU07.323825  
**Attachments:** Bridget Stuffle \_Observation re Substitute Consent \_ ACP 323825\_ 19th Dec 2025.pdf

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## Observation to An Coimisiun Pleanala

**Case Reference Number: SU07.323825**

**Applicant : George Melville**

**Description: Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended for development to**

**(a) retain house, shed, gabion wall (b) decommissioning of septic tank and installation of a new wastewater treatment unit.**

**This application is accompanied by a Remedial Natura Impact Statement (rNIS).**

Dear Sirs,

On behalf of our client, Bridget Stuffle of Derrigimlagh, Ballyconneely, Co. Galway H71 N635, we wish to lodge this Observation in relation to the above mentioned Substitute Consent Application Ref: **ACP.323825** lodged to An Coimisiun Pleanala by George Melville on the 28<sup>th</sup> of October 2025.

Please confirm Receipt of This Application

Regards  
Michael Lydon

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**Michael Lydon BE**

On behalf of Lydon Consulting Engineers Ltd t/a M J Designs



Bbleybeg East, Barna, Co. Galway H91 N12R

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18<sup>th</sup> December 2025

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## **Observation to An Coimisiun Pleanala**

**Case Reference Number: SU07.323825**

**Applicant : George Melville**

**Description: Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended for development to (a) retain house, shed, gabion wall (b) decommissioning of septic tank and installation of a new wastewater treatment unit. This application is accompanied by a Remedial Natura Impact Statement (rNIS).**

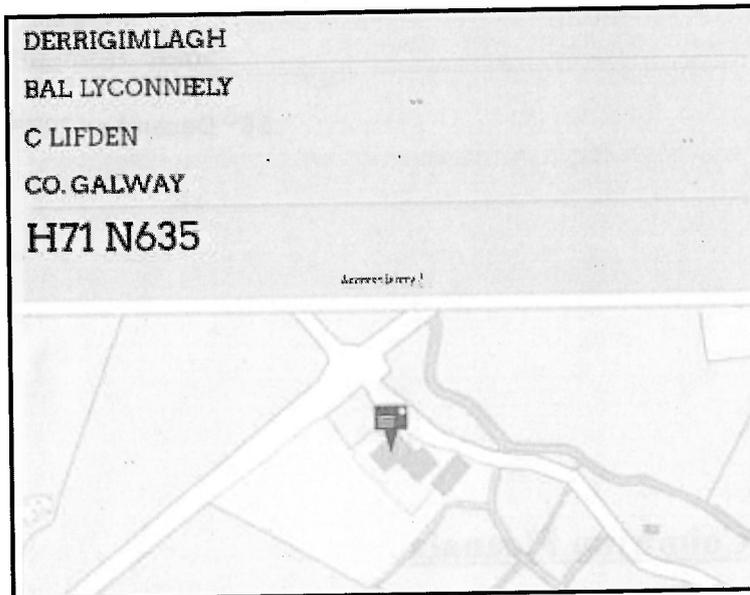
Dear Sirs,

On behalf of our client, Bridget Shuffe of Derrigimlagh, Ballyconneely, Co. Galway H71 N635, we wish to make an Observation in relation to the above mentioned Substitute Consent Application Ref: **ACP.323825** lodged to An Coimisiun Pleanala by George Melville on the 28<sup>th</sup> of October 2025.

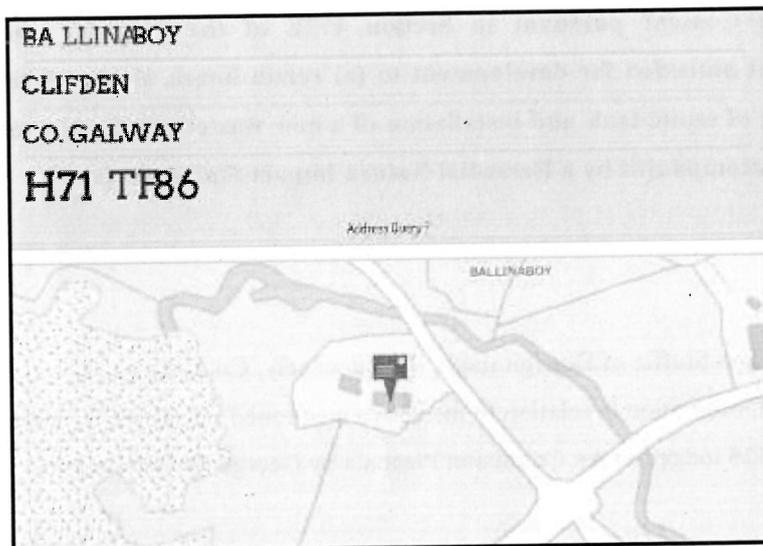
Our client, Bridget Shuffe lives directly to the South of the subject site of the Substitute Consent Application at Eircode H71 N635.

The property owned by George Melville is located at Eircode H71TF86 in the Townland of Ballinaboy.

We include below Screenshots from the Eircode Website showing the location of both properties . George Melville's property is located to the North West of Bridget Stuffle's house, on the Northern Side of the R341 Roadway between Clifden and Ballyconneely.



Bridget Stuffle Residence H71 N636



George Melville Residence H71 TF86

## History / Background to Submission

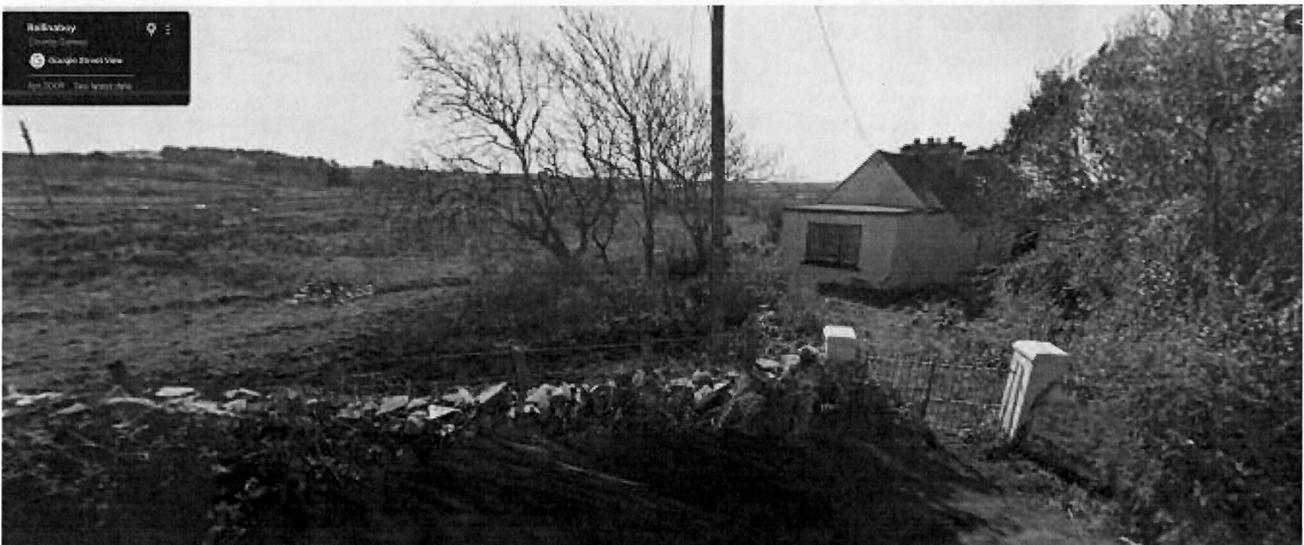
George Melville is the current owner of the property subject to this Subsequent Consent application. The house is located in the townland of Ballinaboy and is located adjacent to Mannin Bay.

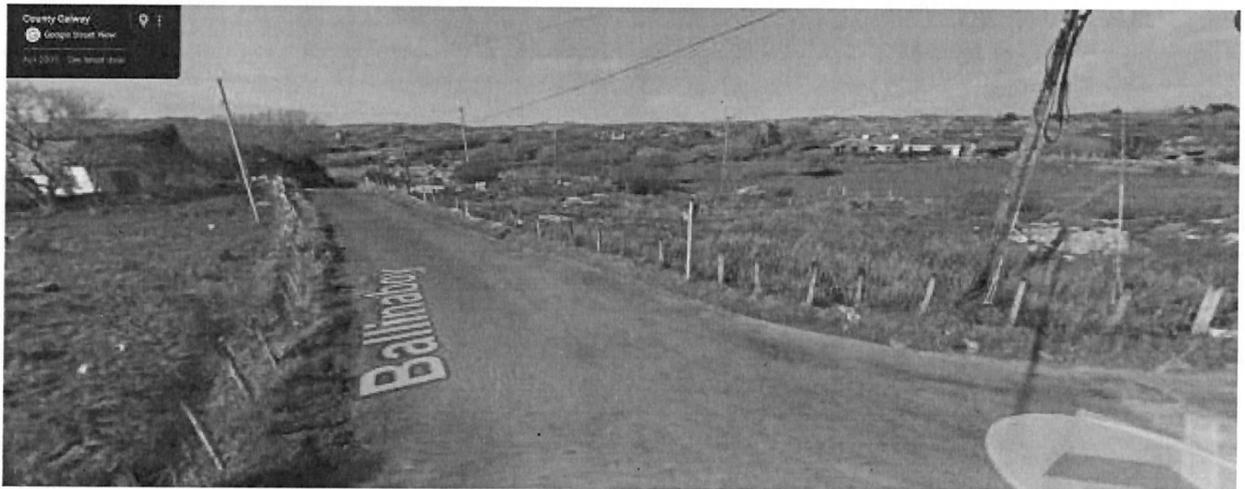
In 2019, George Melville made a Planning Application under **Pl. Ref: 19/1491** to demolish and rebuild part of the existing dwelling, permission for a sewage treatment system, permission for external changes to house and shed and ancillary site works.

In order to get context of what the property looked like prior to the 2019 Planning Application, it was possible to use Google Maps and in particular Google Streetview and review images of the property and adjacent grounds which were recorded by Google in 2009.

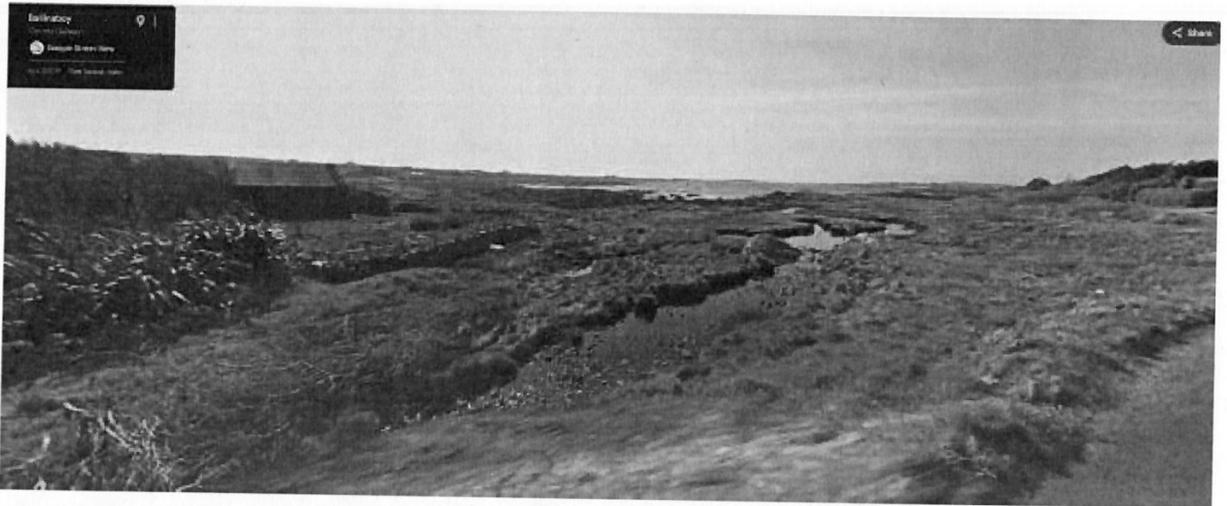
The Following images are screenshots from Google Streetview.











The Google Streeview photos show the subject site before any developemnt took place and also showed the ground level adjacent to the stream which runs from Lough Nagap into Mannin Bay -Stream in photo above.

As can be noted from the photographs, and in particular the photograph above, the lands were low lying and at the mouth of the stream where it flows into Mannin Bay.

These low lying lands were always subject to costal flooding from high tides which occurred once per month but at various times during the year, tides were higher and if accompanied with winds from the South West (The Prevailing Wind) then all the lands around the subject house and stone walled shed were subject to flooding.

My client, Bridget Stuffle provided me with the following two photos which show how the rising tide flows over the lands and walls adjacent to the house and shed currently owned by George Melville.



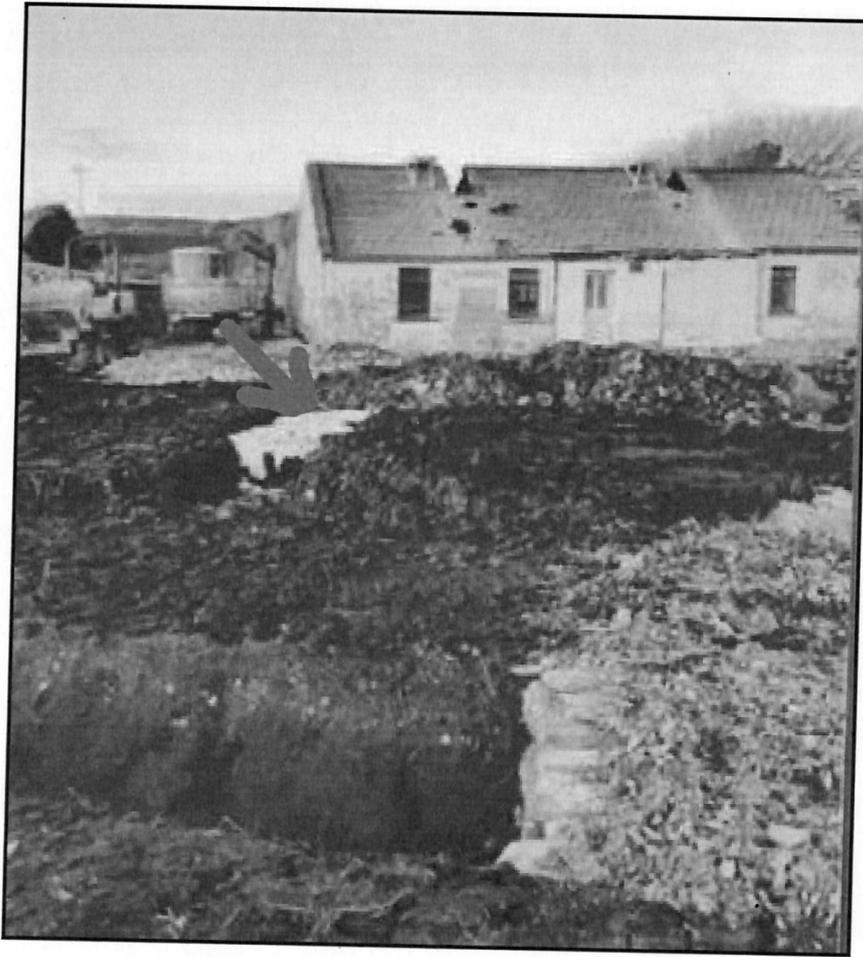


*Historical Costal / Fluvial Flooding around the original cottage owned by George Melville – This is prior to the Unauthorised Works carried out by George Melville in between March 2020 and February 2022.*

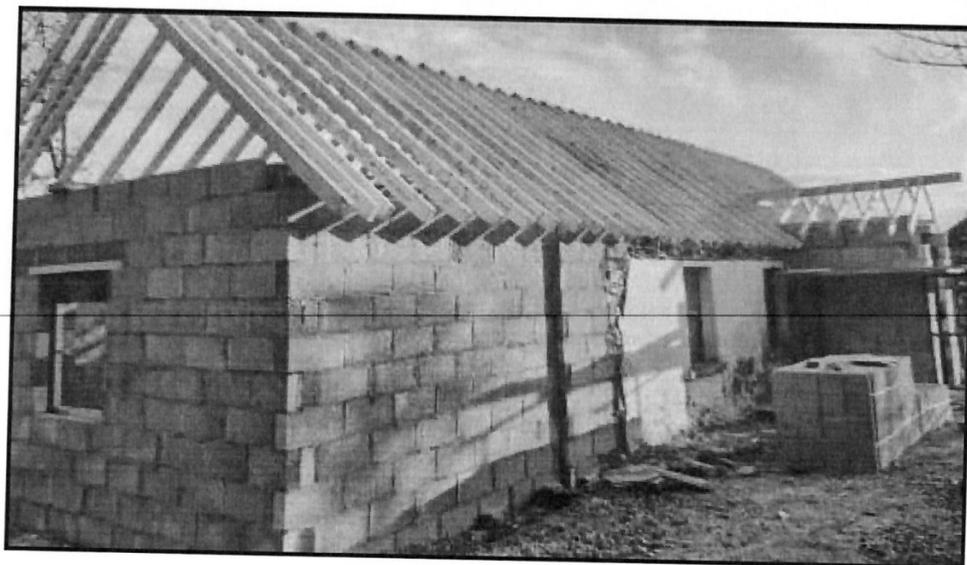
The following are a series of photographs showing the Unauthorised Works which were carried out between 2020 and 2022. (Photos supplied by Bridget Stuffle)

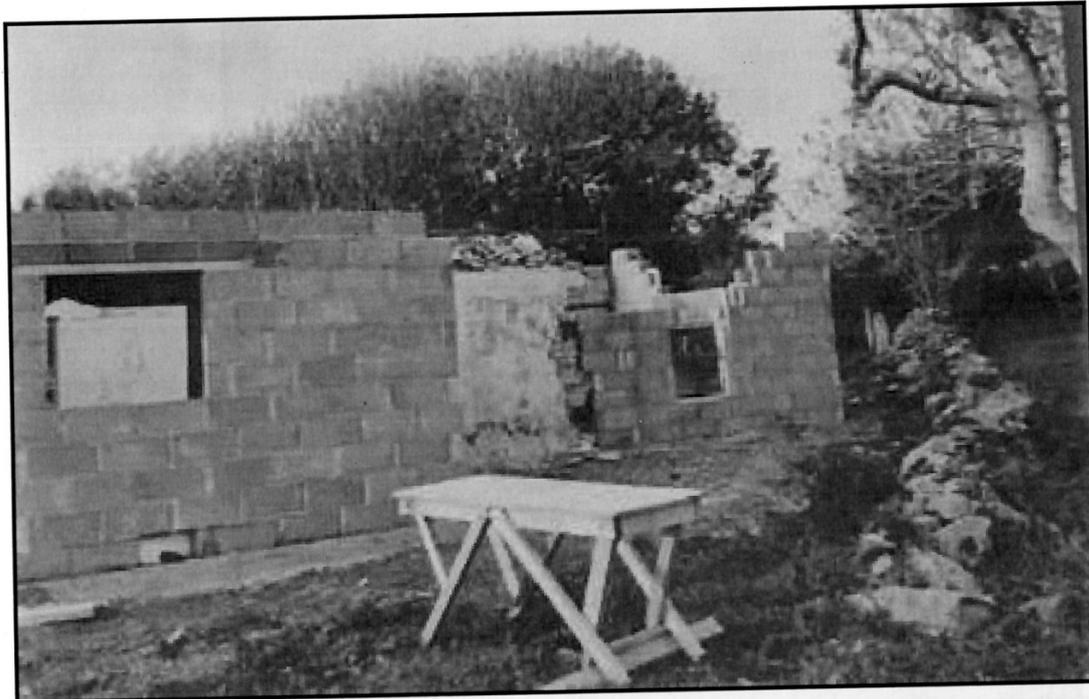


*Property at Eircode H71TF86 Prior to Unauthorised Works*



*Note- In the near foreground, a new precast concrete septic tank is visible in the freshly dug ground.*

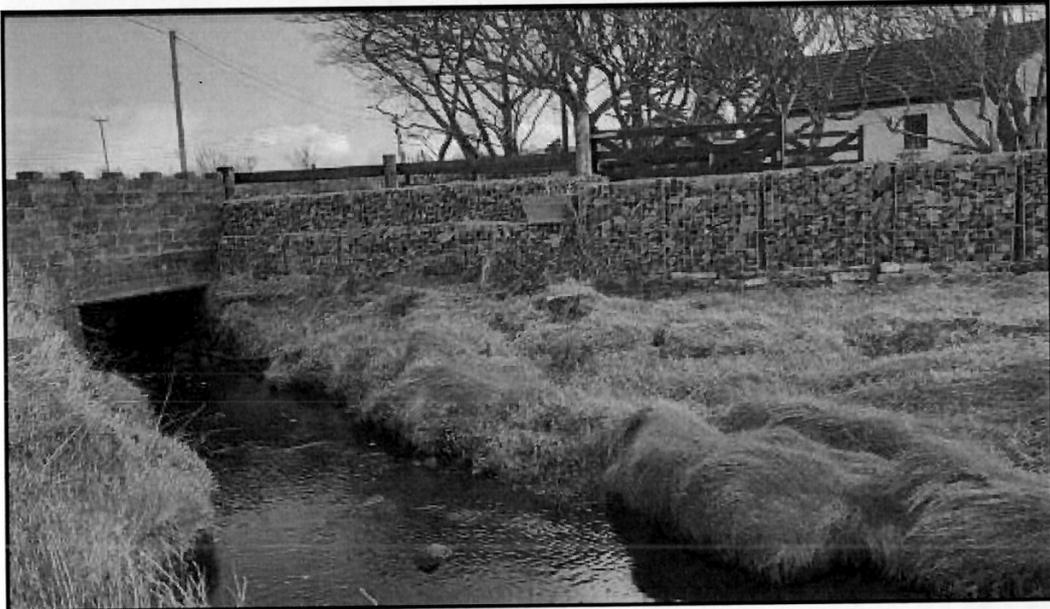




*Original cottage being extensively rebuilt and gable / ridge height raised.*

As part of the Unauthorised Works completed at the subject property, the ground to the North of the House and Shed has been raised by more than 1.0m and a long wall of Stone Rock Gabions have been installed to act as a retaining wall for the raised ground and also to act as a sea wall / barrier to prevent the rising sea waters at spring tide flowing onto the curtilage of the house and shed.





As part of the Unauthorised Works completed at the subject property, the ground to the North of the House and Shed has been raised by more than 1.0m and a long wall of Stone Rock Gabions have been installed to act as a retaining wall for the raised ground and also to act as a sea wall / barrier to prevent the rising sea waters at spring tide flowing onto the curtilage of the house and shed.

As a result of these works, the Gabions and raised ground on the subject site prevents the rising tide spreading over its old flood plain of old and now the rising tide is pushed up the path of the stream from Lough Nagap which flows under the R341.

The Rising Tide Location of bridge marked RED below.



The Bridge has now become a bottleneck at times of high spring tides causing extensive flooding to the Southern Side of the Bridge and causing flooding that never occurred before to Bridget Stuffles house and lands.

The following photos, again provided by Bridget Stuffle shows examples of the flooding that has occurred around the curtilage of the hoisue and lands as a result of the unauthorised works carried out on behalf of George Melville. This flooding has occurred between 2022 and 2025

The flooding is due to the rising tide pushing up under the bridge as the Unauthorised Gabions and raised ground level prevents the tide from spreading over its historic flood plain and how is forced up the stream and under the bridge above.

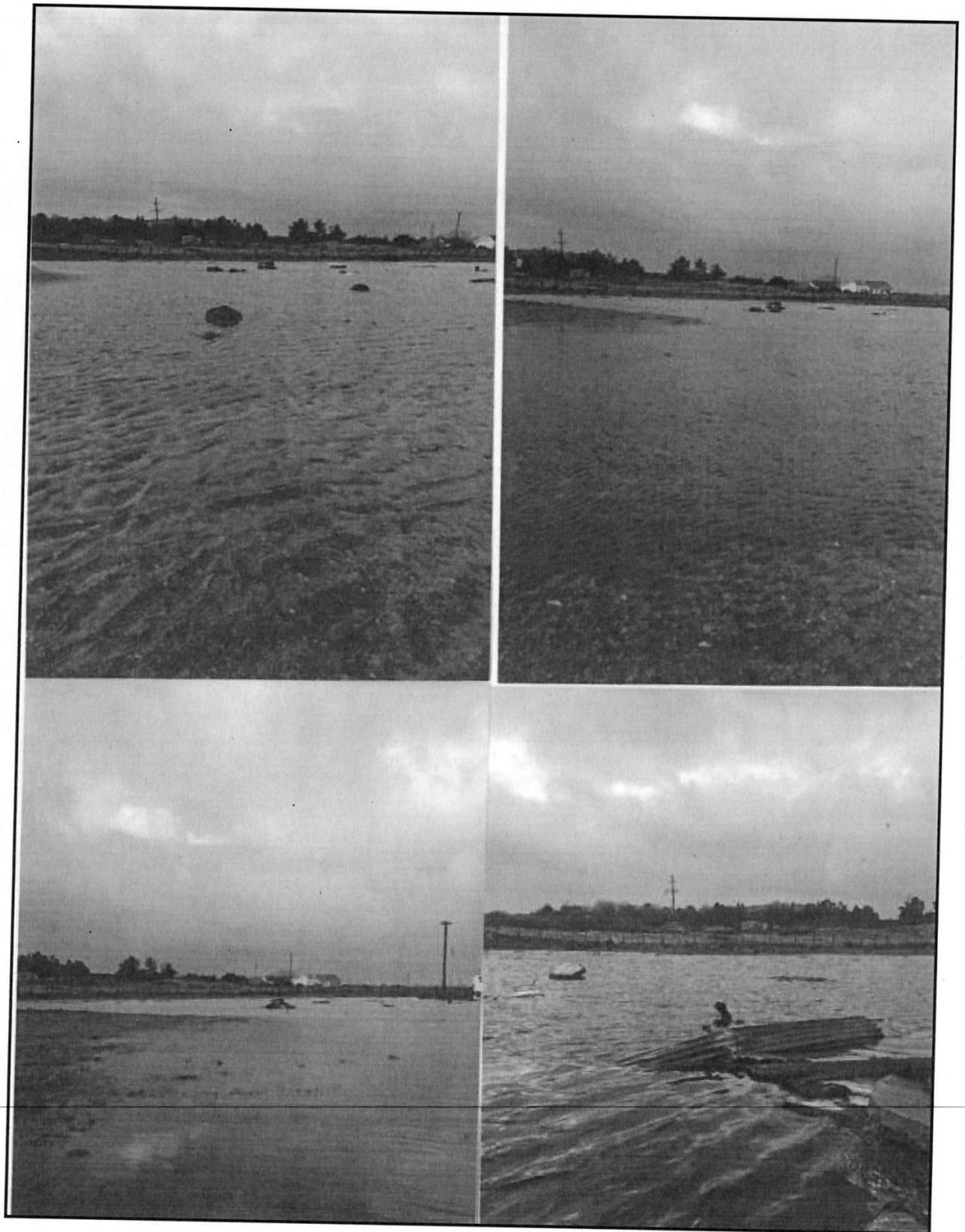
Then the water flowing from Lough Nagap cannot flow out to the sea and overflows the stream and floods Bridgets Stuffles lands and around her house / shed causing extensive flood damage as can be seen in the following photpos.



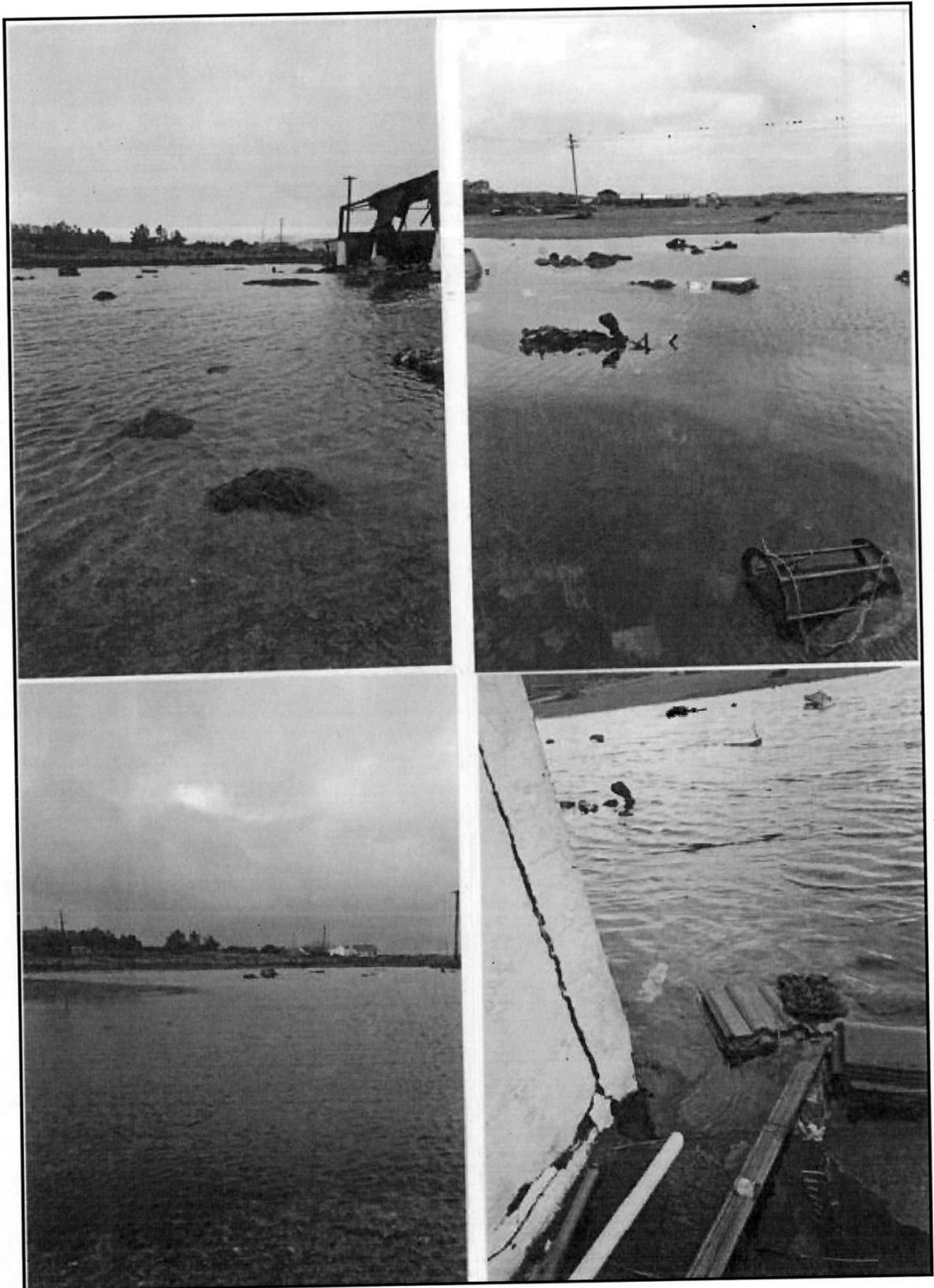
*Flooding to Bridgets Stuffles Property - 2022*



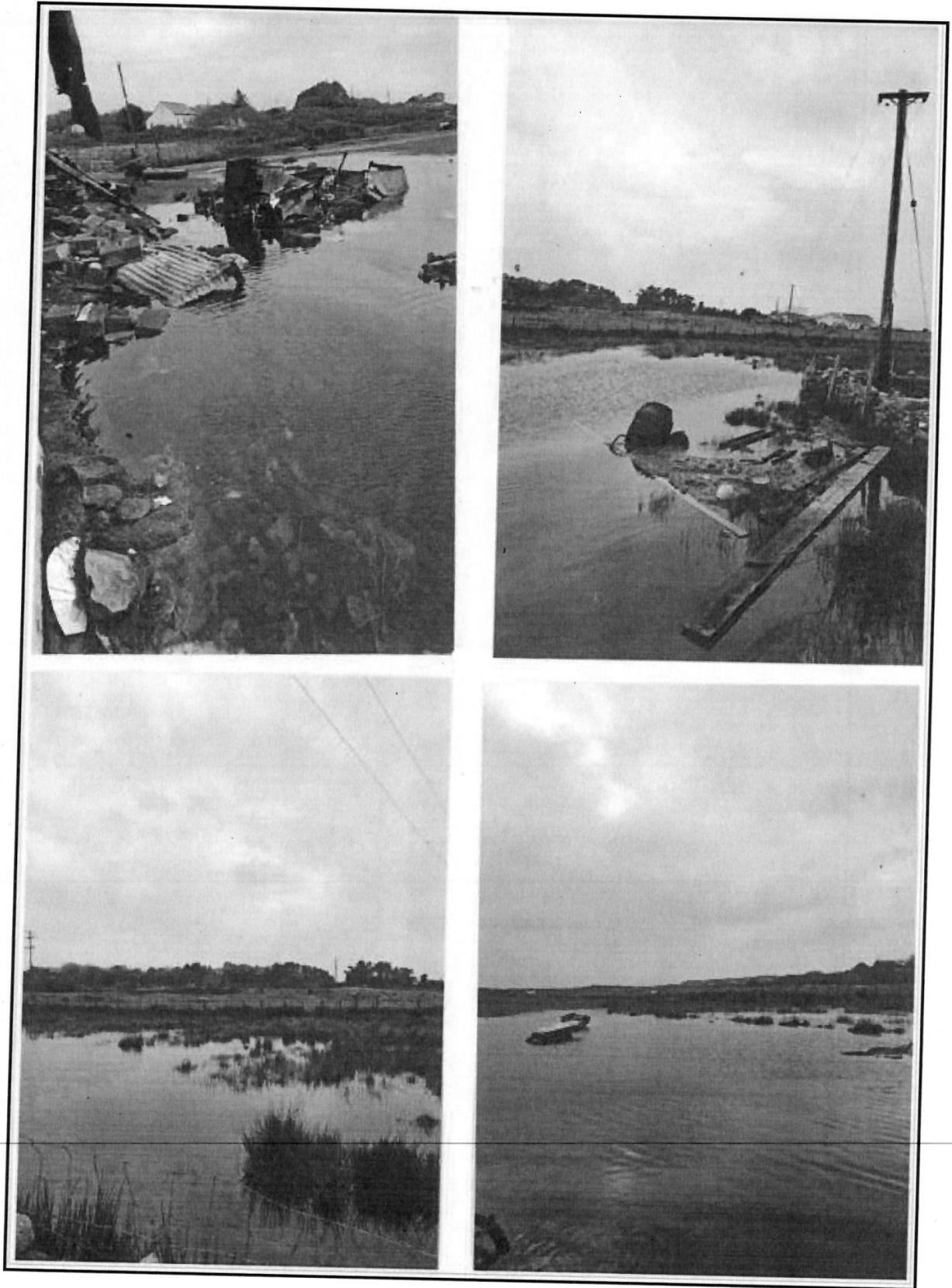
*Flooding to Bridgets Stuffles Property - 2022*



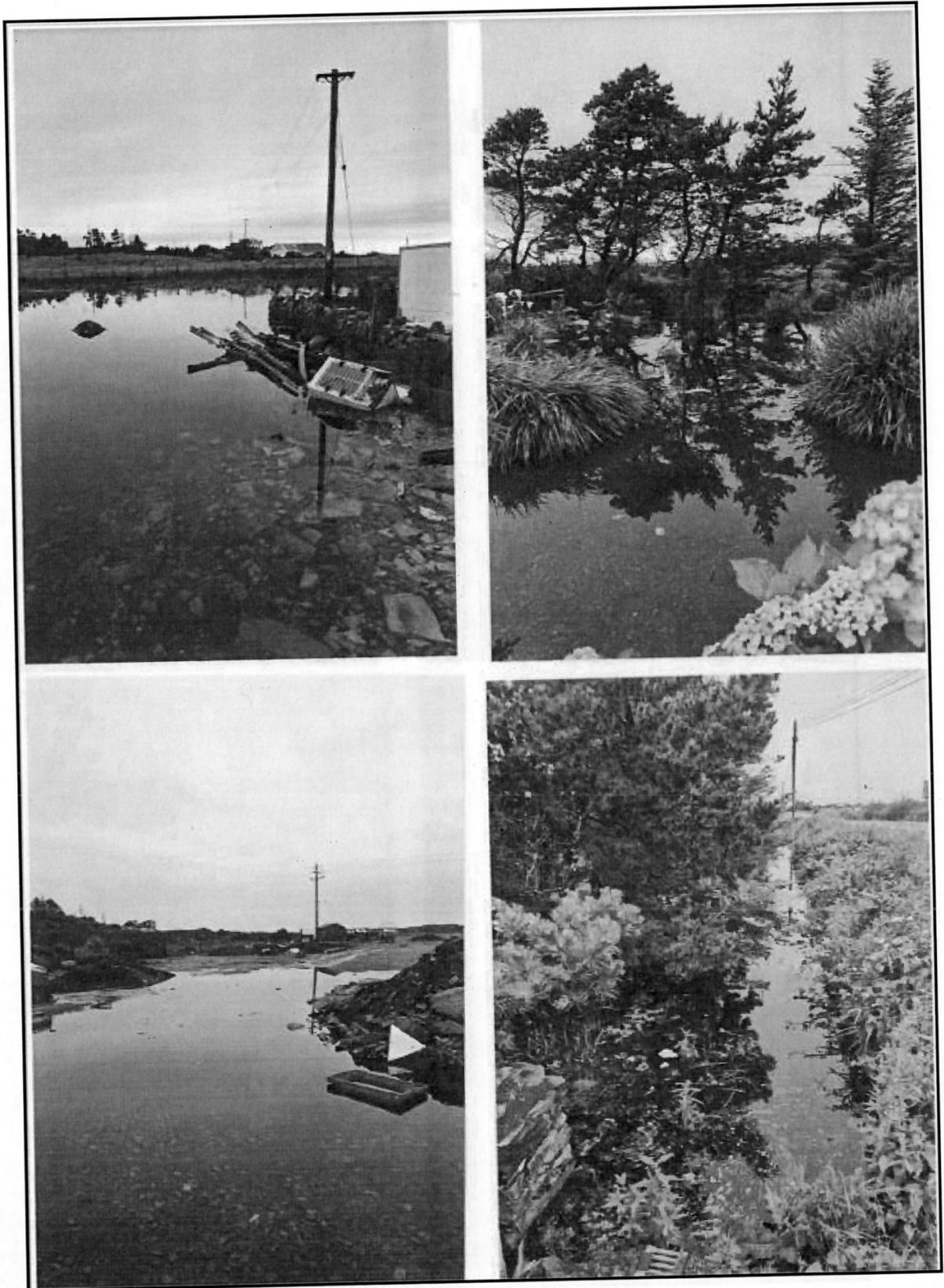
*Flooding to Bridgets Stuffles Property – November 2024*



*Flooding to Bridgets Stuffles Property – January 2025*



*Flooding to Bridgets Stuffles Property – January 2025*



*Flooding to Bridgets Stuffles House Garden & Property – June 2025*



*Flooding to Bridgets Stuffles House Garden & Property – June 2025*

As a result of this flooding , our Client had no option but to report the Unauthorised Developemnt to Galway County Council (The Developp[emnt is currently the subject of Unauthorised Developemnt Proceedings between the Applicant and Galway County Council) and this Subsequent Consent Application is just another stalling tactic to try and hold off the inevitable prosecution by Galway County Council in relation to the unauthorised works.

## **Planning History**

### **Pl. Ref: 19/1491.**

On the 26<sup>th</sup> of September 2019, George Melville made a Planning Application to Galway County Council seeking Planning Permission for the following works:

*To (1) demolish existing rear and side elevations of existing house and construct new rear and side singe storey extensions (2) demolish existing porch and replace with new porch (3) proposed external and internal alterations to existing house (4) construct new side elevation extension to existing domestic garage as well as external alterations to existing domestic garage (5) replace existing septic tank and percolation area with a effluent treatment system and polishing filter as well as all ancillary site works.*

This planning application was refused by Galway County council on the 3<sup>rd</sup> of March 2020 for the following 2 Reasons:

### **SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 19/1491**

1. The development site is within a coastal and fluvial flood risk area, the Planning Authority is of the opinion that the Flood Risk Assessment Report submitted does not eliminate beyond all reasonable doubt, any flood risk associated with the proposed development therefore to permit the proposed development in the absence of sufficient scientific data would be contrary to Objective FL1 of the County Development Plan 2015-2021, the DoEHLG Flood Guidelines 2009 entitled "The Planning System and Flood Risk Management", would set an undesirable precedent for similar future developments in the area, and would therefore be contrary to the proper planning and sustainable development in the area.

2. Having regard to the following:

- The fact that a substantial part of the subject site and aspects of the proposed development works are located in Slyne Head Peninsula SAC,
- The coastal flood risk vulnerability of the site,
- The fluvial flood risk vulnerability of the site,

The Planning Authority is of the opinion that the development will adversely affect the integrity and conservation objectives of protected European sites. Therefore, if permitted as proposed the development would materially contravene Objectives, NHB1 of the Galway County Development Plan 2015-2021 and contrary to the proper planning and sustainable development of the area.

As can be seen for the reasons for refusal, the Planning Authority had grave concerns that any development on the subject site would be contrary to **Objective FL1** of the Development Plan and the DOE Flood Guidelines 2009. The Planning Authority were aware that the site was subject to both Coastal and Fluvial Flooding and therefore they refused Planning Permission for the developments sought under Pl. Ref: 19/1941.

Notwithstanding the fact that Galway County Council refused Planning Permission for works to the property, George Melville and /or his agents carried out extensive works to the cottage along with ancillary site works which included the installation of Stone Gabion Cages to raise the ground level adjacent to the cottage in order to create a flood barrier. These works were carried out between March 2020 and February 2022.

I refer back to pages 8, 9 and 10 of this report where we have shown a number of photographs showing the Unauthorised Works carried out to the Cottage and the Surrounding Site.

**Pl. Ref: 22/60055.**

Once Galway County Council became aware of the Unauthorised Works, they issued a Warning Letter / Notice of Unauthorised Works and then George Melville made a new Retention Planning Application under Pl. Ref: 22/60055.

At the time of Pl. Ref: 22/60055, we made a submission to Galway County Council to object to the Planning Application. As part of said submission, we also pointed out that

the Unauthorised Stone Gabions were pushing the flood waters up the river and causing major flooding to Bridget Stuffle's property.

The Unauthorised Works for which Retention was sought under Pl. Ref: 22/60055, would have required either an EIA or AA Screening.

As the Application was for Retention and the Unauthorised Works were complete, Galway County Council invalidated Planning Reference 22/60055 on the 30<sup>th</sup> of March 2022.

The Unauthorised Works are still in place and we understand the Legal Department of Galway County Council are now tasking Court Action to have the Unauthorised Works removed.

We are very much in favour of the Unauthorised Works being removed and in particular the Unauthorised Stone Gabions and Fill which has raised the ground level around George Melvilles House. The unauthorised Gabions are preventing the natural overflow of costal / fluvial flooding onto the lands around George Melvilles house and instead, the flood water is now being pushed up the river mouth and is causing extensive flooding of Bridget Stuffle's Lands.

While the Unauthorised Stone Gabions and fill remain in place, the flooding will continue and this is having a very detrimental effect on our clients health along with causing extensive ongoing damage to her lands and property.

### **Subsequent Consent Application -Case Ref. No. SU07.323825.**

An application for Subsequent Consent was lodged to An Coimisiun Pleanála on the 28<sup>th</sup> of October 2025.

The Following is An Coimisiun Pleanála's description of the application on their website.

<b>Description</b>	Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000, as amended for development to (a) retain house, shed, gabion wall (b) decommissioning of septic tank and installation of a new wastewater treatment unit. This application is accompanied by a Remedial Natura Impact Statement (rNIS).
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On behalf of Bridget Stuffle, we are now objecting to this application.

## **GROUNDS FOR OBJECTION**

### **1. Incomplete Description.**

The Description in the Public & Site Notice does not properly describe the unauthorised works to be retained

The Public & Site Notice seeks the retention of the Gabion Walls but there is no mention of the raised ground inside the Gabion Walls which must also be retained. The photographs below from 2009 and 2025 clearly demonstrate that the ground inside the gabion walls has been extensively raised and Subsequent Consent should have been sought for this work



**Google Street View 2019**



**Google Street View 2025**

2. **No EIAR.**

No Environmental Impact Assessment Report has been submitted with the Application.

3. **Major Flaws in Findings of both the rNIS and the Flood Impact Assessment.**

The Flood Impact Assessment and the Remedial Natura Impact Statement both make the assumption that the Gabion Walls and raised ground inside the said walls do not affect the adjacent lands

The Remedial Natura Impact Statement states in relation to the Gabion Walls:

*Their construction does not appear to have altered surface hydrology or introduced any significant environmental pressures*

3. **Driveway and Gabion Walls – Neutral Impact**  
The gravel driveway and associated gabion retaining walls were constructed outside the SAC boundary with a small portion of the gabion wall inside the SAC but not interfering with any qualifying habitats. These features were built using clean, dry stone and geotextile-free materials, and no excavation was required near watercourses. As such, there is no evidence of sediment mobilisation or chemical contamination affecting the adjacent SAC. Their construction does not appear to have altered surface hydrology or introduced any significant environmental pressures, and they are considered to be of neutral ecological impact. All gravels are certified also as invasive species free (see appendix)

The Flood Risk Assessment at Paragraph 6.6 notes that:

*The development will not have adverse impact on adjoining lands , will not result in flooding at site or elsewhere*

*Flood Risk Assessment for the development  
at derrygimlagh, Clifden, Co. Galway  
for George Melville*

**6.6 Implications of development on flooding at site or elsewhere**  
The natural flow paths are towards the sea as shown by blue arrows on Figure 16. The natural flow paths are along the stream to the North and South of the proposed development. Therefore, the development is not on a flow path and will not obstruct natural flow paths. Therefore, the development will not have adverse impacts on adjoining lands, will not result in flooding at site or elsewhere. The development is not within a flood risk area as detailed in Section 6.1 and Section 6.2, flood mitigation measures are not necessary.

The Conclusions of both the Remedial Natura Impact Statement and the Flood Risk Assessment **cannot be taken at face value as they have not taken into account the impact of a high spring tide** on the stream from Lough Nagap /

Bridge over the R341 and the subsequent flooding that occurs on Bridget Stuffle's lands. The Photographs on Pages 14-19 above clearly show the flooding that has occurred since 2022 as a result of the Gabion Walls.

Both reports are very singular in their assessment and content and have not taken into account the impact of the "Spring Tides" nor have they taken into account that a huge amount of fill has been imported onto the subject site to raise the ground levels inside the Gabion Walls.

Neither Report refers to the historical Tidal Flooding of the lands adjacent to the house and garage and it would appear that the authors of both reports were unaware of the spring tide overflow that used to occur prior to the unauthorised works on the house and site .

The Applicant was obviously aware of the impact of the spring tides otherwise they would not have gone to the huge costs of raising the ground levels and building the gabion walls.

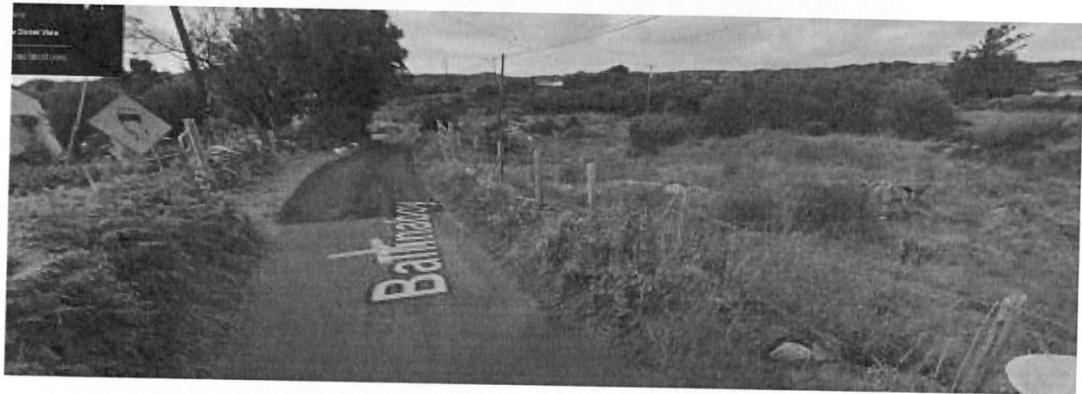
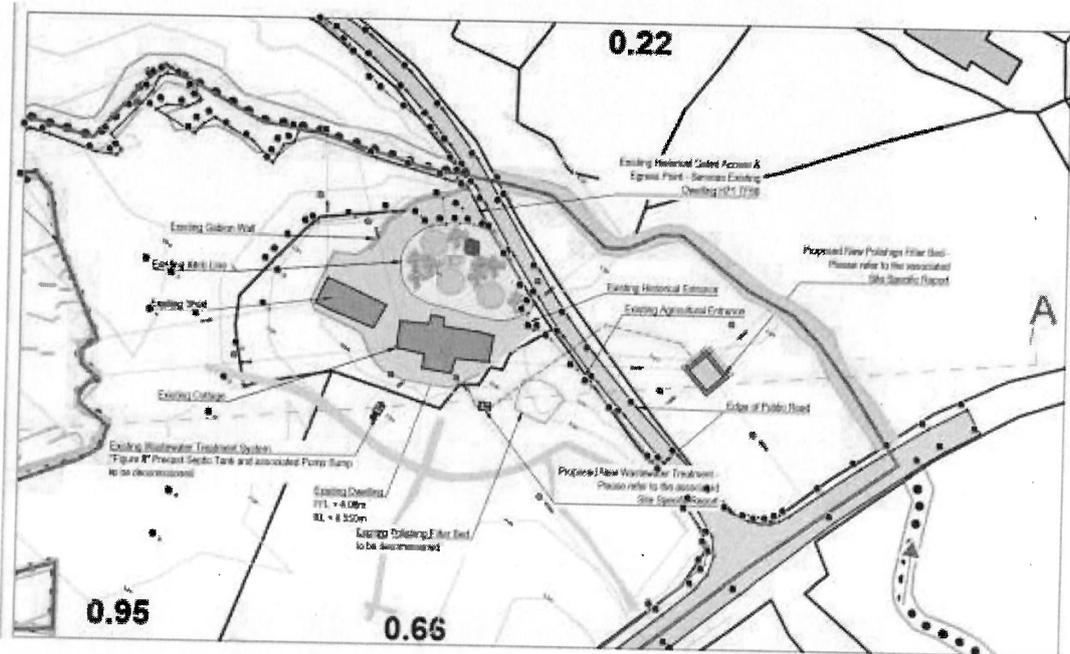




December 2025 – Water Building up at bridge

4. **Site Suitability Assessment.**

Based on visual inspection of the site for the proposed polishing filter bed, located to the West of the Local Ballinaboy Road, it is our opinion that the selected site is NOT SUITABLE for the Safe Disposal of Effluent.



There are lots of Rock Outcrops on the subject lands as shown in the photograph above.

We have reviewed the Site Suitability Assessment Report and the report states that the Trial Hole was excavated on the 13<sup>th</sup> of August 2025 and Inspected on the 27<sup>th</sup> of August 2025.

The Trial Hole is recorded as being 0.6m deep and the Site Suitability Assessment Report states that there was NO water in the Trial Hole when the hole was inspected.

I now refer to a Streetview Image Taken from Google Maps website dated August 2025.



This shows one of the excavated holes on site almost full of water.

The following are more photographs from December 2025 showing the current water level in the Trial Holes on site.





## **Conclusion**

We have clearly shown that there are major issues in relation to this application and the works for which consent are sought is having a very negative impact on the lands and health of our client, Bridget Stuffle.

To grant Subsequent Consent Permission for this development should not be considered. The Application is incomplete, is causing major flooding issue for neighbouring properties and the proposed location for the polishing filter is not suitable for the safe disposal of effluent due to the high water table and the trial holes being full of water.

Galway County Council have previously Refused Permission for this development due to Flooding Concerns and the impact on adjacent SAC.

We have shown throughout this submission that all of the reasons for Refusal by Galway County Council were proper and correct.

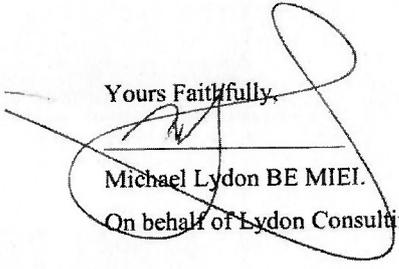
I trust An Commission Pleanala will REFUSE Subsequent Consent for this Application.

This will then allow Galway County Council to continue with their Unauthorised

Development Prosecution through the courts which in turn will require the lands to be returned to their condition prior to the Unauthorised Works in 2020 -2022 which will require the removal of the Gabion Walls and raised ground inside same. This in turn will prevent the flooding of our clients lands which occurs at times of High Spring tides / Storm .

Looking forward to a positive decision

Yours Faithfully,

  
Michael Lydon BE MIEI.

On behalf of Lydon Consulting Engineers Ltd t/a MJ Designs

## Appendix A-Land Registry Folios

**Property Details**

> Back

<b>Folio Number</b>	GY74032F
<b>Title Level</b>	Freehold
<b>Plan Number</b>	138
<b>Property Number</b>	1
<b>Area of selected plans</b>	0.10 hectares.
<b>Number of Plans on this folio:</b>	1
<b>Address</b>	Derrigmlagh, Ballyconneely, Clifden, Co. Galway, H71 N635

[View Folio PDF](#) [Request Certified Copy](#)

\*Title Eirinn Registration Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

[Print Current View](#)

**Folio GY 74032F – Bridget Stuffle.**

**Property Details**

> Back

<b>Folio Number</b>	GY2 2036
<b>Title Level</b>	Freehold
<b>Plan Number</b>	22036
<b>Property Number</b>	1
<b>Area of selected plans</b>	1.79 hectares.
<b>Number of Plans on this folio:</b>	1
<b>Address</b>	Ballynaboy, Clifden, Co. Galway H71TF86

[View Folio PDF](#) [Request Certified Copy](#)

\*Title Eirinn Registration Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

**Folio GY 74032F – George Melville.**