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The Secretary

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1

DO1 V902

Date: 14th February 2026

Re: Application for Substitute Consent for the following;

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

- (i) Front porch*
 - (ii) Revised elevations*
 - (iii) First floor extensions*
 - (iv) Upgrading wastewater treatment system and*
 - (v) Ancillary site works and landscaping which include for the upgrading of the existing vehicular entrance and driveway to the cottage*
 - (vi) A domestic pedestrian bridge over the existing stream and*
 - (vii) Steel container for storage purposes*
- all at Ardagh Cottage, Clifden, Co. Galway H71KD34*



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

1.0 Introduction

1.1 I, Andrew Hersey Planning Consultant, am acting on behalf of James O'Driscoll & Geraldine MCGuinness of Ardagh Cottage, Clifden, Co. Galway H71KD3.

1.2 My clients wish to submit an application for substitute consent to An Coimisiún Pleanála for the works described above

1.3 This application for retention has been lodged on the back of an Enforcement Notice (Galway County Council) issued to one my clients James O'Driscoll on the 9th January 2023 which stated:

1. *Requires that the development, being a development for which no permission has been granted would cease.*
2. *That you take the following steps hereunder specified:*
 - (a) *Cease the use of the unauthorised dwelling house within a specified period of time namely within 24 hours of the date of service of this notice.*
 - (b) *Remove the unauthorised dwelling house and restore the dwelling house to its pre-unauthorised development status, within a specified period of time namely within 12 weeks of the date of service of this notice.*
 - (c) *Remove the unauthorised wastewater treatment system, and all ancillary services within a specified period of time namely within 12 weeks of the date of service of this notice.*
 - (d) *Remove the unauthorised timber walkway constructed across the river at the southern aspect of the site, within a specified period of time namely within 12 weeks of the date of service of this notice.*
 - (e) *Remove the unauthorised container, within a specified period of time namely within 12 weeks of the date of service of this notice.*
 - (f) *Remove the unauthorised entrance created onto the L-1105 and reinstate the site boundary at this location to its pre-unauthorised development status, within a specified period of time namely within 12 weeks of the date of service of his notice.*



- 1.4 With respect to the above, I was advised by my clients to regularise this and seek retention for the works carried out.
- 1.5 My clients duly lodged an application for retention to Galway County Council on the 14th February 2024 under Planning Reg. Ref. 2460141 and a response from the council was issued on the 9th April 2024 stating that;
- 'The Planning Authority under Part III, Section 34 (12) of the Planning and Development Act, 2000 (as amended) cannot consider the application in this instance as it is considered that an Appropriate Assessment is required for the development proposed'*(see letter attached in Appendix 1)
- 1.6 The Coimisiún should note that this is the second application for retention which was submitted to Galway County Council. The first one as applied for under Planning Reg. Ref. 21720 resulted in the same response as received under Planning Reg. Ref. 2460141.

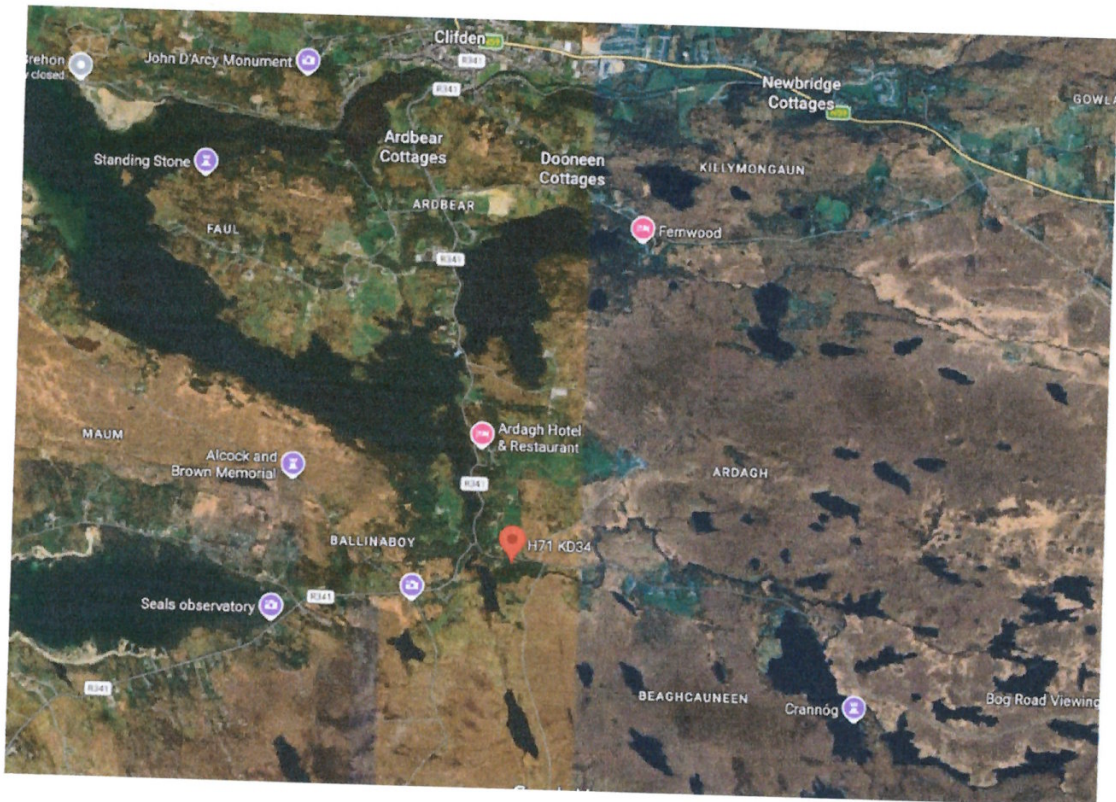


Figure 1 -Site Location



- 1.7 My clients therefore have no option but to seek Permission for Substitute Consent under Section 177E of the Planning and Development Act 2000 (as amended)

2.0 Site Context & Background

2.1 Site Context

- 2.1.1 The site is located in the townland of Ardagh which is located 3.6km to the south of Clifden. Before works took place, there was a habitable cottage on site with vehicular access from the adjacent public road. There is a stream to the rear of the cottage over which there was a simple plank bridge, now replaced by a small pedestrian bridge. There is extensive non native woodland to the other side of the stream all of which forms part of my clients landholding. The stream flows west towards an unnamed lake, which forms part of an SAC Site Code 002034. (Please see attached in this regard Site Location Map and Site Layout Plan)
- 2.1.2 I understand from my clients that when they acquired the property, wastewater from the cottage was directed through the adjacent dwelling to the west and that my clients (and the previous owner of the cottage had a right of way over the route of the sewer line to maintain the same). In this respect please find attached legal documentation showing this easement The documentation shows that wastewater from the cottage was ultimately directed into the stream in the adjacent property which is the same stream as the one to the rear of my clients cottage. Also attached is an email from the adjacent property who states that the wastewater from my clients property was directed into the stream. (Appendix 2).
- 2.1.3 My clients carried out refurbishment works on the cottage which for the most part are exempt development under Section 4 (1) h of the Planning & Development Act 2000 which states:
- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*
- 2.1.4 The porch was constructed as an exempted development under Class 7 of Part of Schedule 2 of the Planning and Development Regulation 2001 (as amended).



- 2.1.5 At the time of construction my clients were incorrectly advised that the first floor extensions did not require the benefit of planning permission and they proceeded to construct the same without seeking consent from Galway County Council.
- 2.1.6 The Coimisiún should note that the only increase to the footprint of the cottage was that associated with the porch element.
- 2.1.7 My clients also constructed a new wastewater treatment plant without planning consent. They did so on the back of advice from their then agent. Please see attached in this regard a personal letter from one of the applicants Geraldine McGuinness explaining the background of this application (Appendix 3)

2.2 **Planning History**

- 2.2.1 *Planning Reg. Ref. 07-3252* - Permission granted to for the extension and renovation of existing cottage to include construction of new 2 storey extension to the same and all associated site works and services including the provision of a new septic tank and polishing filter (Gross Floor Area 263sq.m.) This permission was never enacted.
- 2.2.2 *Planning Reg. Ref. 12-156* - Permission granted for an Extension of Duration until 27/11/2017. Again this permission was never enacted
- 2.2.3 *Planning Reg. Ref. 21-720* - Permission to retain to: (1) front porch (2) retain revised elevations (3) retain additional first floor area (4) retain refurbishment works to existing cottage (5) construct a new effluent treatment system. Gross floor space of work to be retained: 19.96 sqm (Porch 3). The Planning Authority did not consider this under Part III, Section 34 (12) of the Planning and Development Act, 2000 (as amended)
- 2.2.4 *Planning Reg. Ref. 2460141* - Permission to retain refurbishment works to existing cottage which includes for: (i) front porch, (ii) revised elevations, (iii) first floor extensions, (iv) upgrading wastewater treatment system and (v) ancillary site works and landscaping which include for the upgrading of the existing vehicular entrance and driveway to the cottage, (vi) a domestic pedestrian bridge over the existing stream and (vii) steel container for storage purposes. The



Planning Authority did not consider this under Part III, Section 34 (12) of the Planning and Development Act, 2000 (as amended)

2.3 Enforcement History

2.3.1 My clients have to date received three enforcement notices all with the same reference number EN20/213, the latest one which was received on the 22nd May 2024 (see Appendix 4)

2.4 Policy Context

2.4.1 Galway County Development Plan 2022-2028

2.4.1.1 It is noted that the proposed development site is located on lands designated as a Class 5 Landscape Sensitivity Rating

2.4.1.2 The said cottage on site is not listed in the Record of Protected Structures

2.4.1.3 The site is located adjacent to and partially within the Connemara Bog Complex SAC (see Figure 1 below)

2.5 Pre-Application Consultation 177E(1A) of the Planning and Development Act 2000

2.5.1 A Substitute Consent Pre-Application Consultation 177E(1A) of the Planning and Development Act 2000, as amended was held with the Coimisiún on the 16th January 2025 Planning Reg. Ref. ACP 321121-24 applies.

2.5.2 My clients note the inspectors report with respect to the same (attached in Appendix 5)

3.0 The Application

3.1 Application Contents

3.1.1 This planning application has been prepared by the following consultants on behalf of the applicants:



- Andrew Hersey Planning - MIPI - Planning Lead
- Sean Burke/Larry Manning Ecologist ORS Consulting - rNIS
- Pat O'Sullivan - Project Engineer (drawings)
- Ronan O'Halloran - Wastewater Engineer

3.1.2 For the avoidance of doubt, this letter, and all accompanying material forms part of our client's planning application.

No	Items	Member of Project Team	Copies
1	Application to An Coimisin Pleanala for Substitute Consent Form No. 7. Article 227 of the Planning and Development Regulations 2001 (as amended) for Substitute Consent (incl. Development Description, calculation of fees (€12 see attached fee calculation document), confirmation of property ownership, etc) completed in hard copy.	Applicants and Andrew Hersey Planning	1
2	Newspaper notice (Connacht Tribune published 15/10/2025). A copy of this notice with the advertisement outlined in red accompanies this planning	Andrew Hersey Planning	1
3	Site Notice (erected). Site notice copy attached and location indicated on the attached OS Location Map @1:2500 and Site Layout Plan @ 1:500	Andrew Hersey Planning	1
4	Substitute Consent Planning Application Statement (this report).	Andrew Hersey Planning	1
5	Planning Application Drawings including survey drawings	Pat O'Sullivan	6
6	Remedial Stage 1 Screening Report and Stage 2 Natura Impact Statement (rNIS).	ORS	1

3.1.3 The application includes, inter alia, the following documentation;

- Planning Report
- Remedial NIS
- Ronan O'Halloran Report (Attached to) Remedial NIS
- Personnel letter from Geraldine McGuinness



- (v) Copy of all Drawings
- (vi) Consent from Applicants for agent to apply for permission on their behalf
- (vii) Planning Application Form
- (viii) Site Notice
- (ix) Newspaper Notice

3.2 **Statutory Provisions**

3.2.1 Section 177E of the Planning and Development Act 2000, as amended, (hereafter referred to as 'The Act') sets out the procedure for making an application for substitute consent. Section 177E of the Planning Act 2000 (as amended) is included herein as follows:

177E.— (1) An application for substitute consent [in respect of development of land] shall be made to the Board [the Commission all following instances].

(1A) The Board may, at its own discretion and at the request of a person who intends to make an application for substitute consent, enter into consultations in respect of the application with that person before he or she makes the application.

(1B) Subject to subsection (2A), an application for substitute consent may be made by—

(a) a person who has carried out the development referred to in subsection (1), or

(b) the owner or occupier of the land on which the development has been carried out.

(1C) The Board shall only consider an application for substitute consent in respect of development of land where—

(a) subject to subsection (1D), the Board is satisfied under section 172 that an environmental impact assessment was required or is required for the development,

(b) subject to subsection (1E), the Board is satisfied under section 177U that an appropriate assessment was required or is required for the development, or

(c) subject to subsections (1D) and (1E), the Board is satisfied under sections 172 and 177U, that both of the assessments referred to at paragraphs (a) and (b) were required or are required for the development.



(1D) Where the Board receives an application which is accompanied by a remedial environmental impact assessment report under subsection (2)(b) and the application is not, under this Act or any regulations made under it, invalid or withdrawn, the Board shall be deemed to be satisfied that an environmental impact assessment is required and was required and the Board shall consider the application.

(1E) Where the Board receives an application which is accompanied by a remedial Natura impact statement under subsection (2)(b), and the application is not, under this Act or any regulations made under it, invalid or withdrawn, the Board shall be deemed to be satisfied that an appropriate assessment is required and was required and the Board shall consider the application.]

(2) An application for substitute consent shall—

(a) state the name of the person making the application,

(b) be accompanied by a remedial environmental impact assessment report or remedial Natura impact statement,

or both,

(c) be accompanied by the fee payable in accordance with section 177M,

(d) comply with any requirements prescribed under section 177N, and

(e) be accompanied by any other document that the applicant considers would be of assistance to the Board in making a decision in relation to his or her application.]

(2A) Where an application for substitute consent is made in respect of development of land for which planning permission has been granted, that application may be made in relation to—

(a) that part of the development permitted under the permission that has been carried out at the time of the application, or

(b) subject to subsection (2B), that part of the development referred to in paragraph (a) and all or part of the development permitted under the permission that has not been carried out at the time of the application.]

(2B) Where subsection (2A)(b) applies the applicant shall, in relation to that part of the development that has not been carried out at the time of the application, furnish one or both of the following to the Board with his or her application:

(a) where a remedial environmental impact assessment report has been furnished with the application, an environmental impact assessment report;



(b) where a remedial Natura impact statement has been furnished with the application, a Natura impact statement.

(3) [DELETED].

(4) The Board may at its own discretion, on request extend the period F862[specified in section 177B (whether the notice given under section 177B(1) was confirmed or amended before the date of the coming into operation of section

40 (a) of the Planning and Development, Maritime and Valuation (Amendment) Act 2022, or confirmed or amended on or after that date in accordance with section 41 (10) of that Act) or specified in section 261A], for the making of an application for substitute consent, by such further period as it considers appropriate.

(4A)(a) The Board shall consider whether a remedial environmental impact assessment report submitted under this section identifies and describes adequately the direct and indirect significant effects on the environment of the development.

(b) Paragraph (c) applies where the Board considers that the remedial environmental impact assessment report does not identify or adequately describe such effects.

(c) The Board shall require the applicant for substitute consent to furnish, within a specified period, such further information which is necessary to ensure the completeness and quality of the remedial environmental impact assessment report and which is directly relevant to reaching the reasoned conclusion on the significant effects on the environment of the development as the Board considers necessary to remedy such defect.]

(4B) Where the Board considers that a remedial Natura impact statement does not comply with paragraph(a), (b) or (c) of section 177G(1), the Board shall require the applicant for substitute consent to furnish, within a specified period, such further information as it considers necessary for the statement to so comply

3.3 Basis for Application under Section 177E of the Planning Act 2000 (as amended)

3.3.1 The following points concern the basis for our client's application submitted under Section 177E:

3.3.1.1 This application for substitute consent is being made by the "person who has carried out the development" (as per Section 177E (1B) (a))

3.3.1.2 My clients Geraldine McGuinness and James O'Driscoll are the individuals who carried out the development (as advised by their project engineer Pat O'Sullivan)



3.3.1.2 Section 177E(1C)(b) of the Planning Act 2000 states in part 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, or The development is a development which has been carried out where an appropriate assessment is required.

3.3.1.2 Galway County Council deemed that a stage 2 AA, an NIS is required which formed the basis of them not considering applications lodged by my clients under Planning Reg. Ref. 21/720 and Planning Reg. Ref. 2460141 in accordance with Section 34 (12) of the Planning and Development Act, 2000 (as amended).

3.3.1.3 An rNIS is attached to this application. We trust that the Commission is satisfied that the proposed development is a development that can be considered under Section 177E of the Planning Act 2000.

3.4 Contents of Application under Section 177E(2) of the Planning Act 2000 (as amended)

3.4.1 Section 3.3 of this report, as stated above has confirmed that the Commission "shall consider the application" ["Commission" is substituted for Board"]. Section 177E (2) sets out the validation requirements which apply to substitute consent applications. These requirements are addressed as follows. The legislation states that an application for substitute consent shall

- (a) state the name of the person making the application,
- (b) be accompanied by a remedial environmental impact assessment report or remedial Natura impact statement, or both,
- (c) be accompanied by the fee payable in accordance with section 177M,
- (d) comply with any requirements prescribed under section 177N, and
- (e) be accompanied by any other document that the applicant considers would be of assistance to the Board in making a decision in relation to his or her application

3.4.2 The Commission is directed to note the following:



- The name of the persons making the application are James O'Driscoll & Geraldine MCGuinness.
- An rNIS is attached to this application.
- The application is accompanied by a fee of €342.00 which is in accordance with with section 177M¹
- With respect to Section 177N, as previously stated in the sections above, the Planning and Development Regulations 2001 (as amended) are fully addressed including as regards:
 - (i) The proper procedure and administration directed by the Planning and Development Act 2000 (as amended) has been followed;
 - (ii) The submission of information in respect of an application is as required;
 - (iii) Notices have been published in the Connaught Tribune and erected at the public road entrance to the site (the site adjoins only one public road);
 - (iv) My client has confirmed on the attached application form that they are the freehold owner of these lands; and
 - (v) The attached Remedial Stage 1 Screening Report and Stage 2 Natura Impact Statement (rNIS) is provided by a qualified and experienced ecologist and contains all of the relevant information and assessment details as regards Appropriate Assessment.
- With respect to part (e) of Section 3.4.1 above, the application is accompanied by the necessary drawings and consultant reports to enable the Commission to make a decision on this application

¹ Basis of Fee Calculation is as follows (i) Retention of domestic extensions, bridge, driveway, container etc = €102.00. Wastewater Treatment Plant is classed as a Class 13 development (i.e. Development not coming within any of the foregoing classes) = €240.00 Total €342.00



3.4.3 Section 177E(2A) states that *'Where an application for substitute consent is made in respect of development of land for which planning permission has been granted, that application may be made in relation to—*

(a) that part of the development permitted under the permission that has been carried out at the time of the application, or

(b) subject to subsection (2B), that part of the development referred to in paragraph (a) and all or part of the development permitted under the permission that has not been carried out at the time of the application.]

This section is not relevant as the proposed development subject to this application for substitute consent was not subject to a planning permission which had been granted

3.4.4 Section 177E (2B) states that *'Where subsection (2A)(b) applies the applicant shall, in relation to that part of the development that has not been carried out at the time of the application, furnish one or both of the following to the Board with his or her application:*

(a) where a remedial environmental impact assessment report has been furnished with the application, an environmental impact assessment report;

(b) where a remedial Natura impact statement has been furnished with the application, a Natura impact statement.

Again, this section is not relevant as the proposed development subject to this application for substitute consent was not subject to a planning permission which had been granted

3.4.5 Section 177E(4A)(a) states that *'The Board shall consider whether a remedial environmental impact assessment report submitted under this section identifies and describes adequately the direct and indirect significant effects on the environment of the development.*

(b) Paragraph (c) applies where the Board considers that the remedial environmental impact assessment report does not identify or adequately describe such effects.

(c) The Board shall require the applicant for substitute consent to furnish, within a specified period, such further information which is necessary to ensure the completeness and quality of the remedial environmental impact assessment report and which is directly relevant to reaching the



reasoned conclusion on the significant effects on the environment of the development as the Board considers necessary to remedy such defect.]

This section does not apply as this application is not subject to a remedial environmental impact statement report.

- 3.4.6 Section 177E(4B) states that *'Where the Board considers that a remedial Natura impact statement does not comply with paragraph(a), (b) or (c) of section 177G(1), the Board shall require the applicant for substitute consent to furnish, within a specified period, such further information as it considers necessary for the statement to so comply'*

My clients will comply with such a request if the Commission requests the same.

- 3.4.7 Section 177G(1) states that; *A remedial Natura impact statement shall contain the following:*

(a) a statement of the significant effects, if any, on the relevant European site which have occurred or which are occurring or which can reasonably be expected to occur because the development the subject of the application for substitute consent was carried out;

(b) details of—

(i) any appropriate remedial or mitigation measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy or mitigate any significant effects on the environment or on the European site;

(ii) the period of time within which any such proposed remedial or mitigation measures shall be carried out by or on behalf of the applicant;

(iii) such information as may be prescribed under section 177N;

- 3.4.8 A rNIS is attached to this application. The rNIS, in part, contains

(i) a statement of the significant effects, if any, on the relevant European site which have occurred or which are occurring or which can reasonably be expected to occur because the development the subject of the application for substitute consent was carried out;



- (ii) appropriate remedial or mitigation measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy or mitigate any significant effects on the environment or on the European site;
- (iii) details with respect to the period of time within which any such proposed remedial or mitigation measures shall be carried out by or on behalf of the applicant. In this respect, remedial measures will be ongoing in perpetuity.
- (iv) Information with respect to Section 177N has been detailed under Section 3.4.2 above.

3.5 **Content of substitute consent applications – Planning Regulations 2001 (as amended)**

3.5.1 Article 227 of the Planning and Development Regulations 2001 (as amended) are addressed as follows:

3.5.2 Content of applications for substitute consent generally (Article 227)

- Article 227(1): This application for substitute consent is made in the form set out at Form No. 7 of Schedule 3. See a completed form attached.
- Article 227(2):
 - (a) Newspaper notice of application for substitute consent: As per Article 223. (1)(a), a newspaper notice was published in the Connaught Tribune within the period of 2 weeks before the making of this application for Substitute Consent in respect of the proposed development. Please find copy of the newspaper notice attached (the entire dated page of the newspaper is included).
 - (aa) Site notice of application for substitute consent: A copy of the site notice as required by Article 227. (2)(aa) of the Planning & Development Regulations 2001 (as amended). The site notice was erected on 13th February 2020 as set out on the notice. The position of the site notice on the site is shown on the attached OS Maps and Existing Site Layout Plan. This notice addresses the Planning and Development (Amendment) (No. 4) Regulations 2023 which altered “5 weeks” to “8 weeks”.
- In accordance with Article 227. (2)(b) of the Planning & Development Regulations 2001 (as amended), 6 copies of the OS Site Location Maps and Site Plans are attached at the proper scales.



- In accordance with Article 227. (2)(c) of the Planning & Development Regulations 2001 (as amended) 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate.
- In accordance with Article 227 2(ca) & Article 227 2(cb) Planning & Development Regulations 2001 (as amended), the application has been screened for EIA. See Section 5.9 below.
- In accordance with Article 227 2(d) Planning & Development Regulations 2001 (as amended), please see attached report on the wastewater treatment plant installed prepared by Ronan O'Halloran Engineers (see Appendix B of rNIS)
- In accordance with Article 227 2(e) and Article 227 2(f) Planning & Development Regulations 2001 (as amended), Part V and Section 97 of the Planning and Development Act does not apply in this instance.
- In accordance with Article 227 (2A) Planning & Development Regulations 2001 (as amended) please see attached rNIS which sets out details with respect to the proposed wastewater treatment plant installed that is envisaged to avoid, prevent and reduce significant adverse effects on the environment.
- In accordance with Article 227 (3) Planning & Development Regulations 2001 (as amended), my client will not lodge the application in electronic form.
- In accordance with Article 227 (4) Planning & Development Regulations 2001 (as amended), in the case where the Commission requires additional copies of the rNIS, my clients will duly submit the same on request.

3.5.3 The application here submitted therefore complies with Article 227 of the Planning & Development Regulations 2001 (as amended)

3.6 *Information to support An Coimisiún Pleanála's (ACP) assessment under s. 177E of the Act (as amended)*

3.6.1 Galway County Council has determined that AA at Stage 2 phase - rNIS - is required. This means that my client must apply to ACP for leave to apply for Substitute Consent. ACP is required to follow the assessment process set out Section 177E.— (1) 'Decision of Board on whether to grant leave to apply for substitute consent' of the Act (as amended) states:



Section 177E (1) An application for substitute consent [in respect of development of land] shall be made to the Board.

Response: This application is made directly to ACP.

177E (1A) The Board [Commission] may, at its own discretion and at the request of a person who intends to make an application for substitute consent, enter into consultations in respect of the application with that person before he or she makes the application.

Response: An application under Section 117E (1A) was submitted to the Commission previously whom agreed to hold a meeting which was held on the 6th February 2025.

Subject to Section 177(2A) Subject to subsection (2A), an application for Substitute Consent may be made by— a person who has carried out the development referred to in subsection (1), or the owner or occupier of the land on which the development has been carried out.

Response: This application is made on behalf of my clients who carried out the development and who are the owner of the lands.

Section 177 (1C) The Board [Commission in all instances] shall only consider an application for substitute consent in respect of development of land where— subject to subsection (1D), the Board is satisfied under section 172 that an environmental impact assessment was required or is required for the development, subject to subsection (1E), the Board is satisfied under section 177U that an appropriate assessment was required or is required for the development, or subject to subsections (1D) and (1E), the Board is satisfied under sections 172 and 177U, that both of the assessments referred to at paragraphs (a) and (b) were required or are required for the development.

Response: Appropriate Assessment was deemed required by Galway County Council. This substitute consent application pertains to the retention of development for which remedial Natura Impact Statement is now required as Appropriate Assessment was required at the time of its construction.



Section 177(1D) Where the Board receives an application which is accompanied by a remedial environmental impact assessment report under subsection (2)(b) and the application is not, under this Act or any regulations made under it, invalid or withdrawn, the Board shall be deemed to be satisfied that an environmental impact assessment is required and was required and the Board shall consider the application.

Response: Appropriate Assessment was deemed to be required by Galway County Council. This substitute consent application pertains, inter alia, to the retention of development. Appropriate assessment was required at the time of its construction. An Environmental Impact Assessment Report is not required. An rNIS is attached.

4.0 -Matters to be considered by ACP under substitute consent planning applications

4.1. Introduction

4.1.1 This part of the report sets out an assessment of this application for substitute consent for the retention of the proposed development under Section 177E of the Planning and Development Act 2000(as amended).

4.1.2 The Planning and Development, Maritime and Valuation (Amendment) Act, 2022 (Commencement of Certain Provisions)(No. 2) Order 2023 (S.I. 645 of 2023) came into effect on 16th December 2023. The Commencement Order brings into operation sections (10) to (21), sections (23) to (40) and subsections (8) to (12) of section (41) of the Planning and Development, Maritime and Valuation (Amendment) Act, 2022. Consequently, as now required, the assessment of this application for substitute consent includes consideration of 'exceptional circumstances'.

4.1.3 The tests / matters to have regard to in considering exceptional circumstances in an application for substitute consent are set out in Section 30 of the Planning and Development, Maritime and Valuation (Amendment) Act, 2022. Section 30 amends Section 177K of the 2000 Act. In considering whether exceptional circumstances exist, the Commission is required to have regard to the matters set out under the criteria as set out within this part of the Act as follows:



177K(a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive.

The EIA Directive seeks to provide for an assessment of the likely significant effects of a development on the environment prior to decision making, and to take account of these effects in the decision making process. The Habitats Directive seeks to ensure the conservation of a wide range of rare, threatened or endemic animal and plant species and the conservation of rare and characteristic habitat types. The current application refers to the Habitats Directive and includes a remedial NIS.

The application is supported by a Remedial Natura Impact Statement (rNIS) prepared by ORS, a multidisciplinary building consultancy of national reputation. The authors of the report are three ecologists with significant experience in the field (as detailed in Section 2.2 of the rNIS)

Given the submission of an rNIS, the development would not circumvent the purpose and objectives of the Habitats Directive.

The rNIS contains specific ongoing mitigation measures specifically, the ongoing maintenance of the wastewater treatment plant which forms part of the elements for which retention permission is being sought by way of this substitute consent application.

The rNIS concludes that;

It is concluded that, on the basis of objective scientific information, and ensuring the implementation of the specified mitigation and monitoring measures, the development subject to the application for substitute consent, individually or in combination with other plans or projects, has not adversely affected and will not adversely affect the integrity of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives. By extension, it is concluded that the subject development has not adversely affected, nor will adversely affect the Connemara Bog Complex SAC 002034 or any other relevant European Site, in light of the sites' conservation objectives and the mitigation measures carried out and proposed in the future.



The mitigation measure referred to in the concluding statement of the rNIS refers to the ongoing maintenance of a wastewater treatment plant which forms part of the items for which retention permission is being sought by way of this application for substitute consent.

On the basis of the foregoing therefore, it is considered that the regularisation of the development concerned would not and has not circumvented the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive.

(b) Whether the applicant had or could reasonably have had a belief that the development was not unauthorised.

My clients duly carried out the works in the knowledge that the works that were being carried out were exempt from development under the Planning & Development Regulations 2001 (as amended). In this regard before they commissioned the work, the project engineer ensured them that the works were exempt from planning permission. My clients Geraldine McGuinness and Jim (James) O'Driscoll have prepared a letter to support this application and specifically to address this part of the Act. (See Appendix 3). They are both from the UK and the cottage which is subject to this application for substitute consent is now their forever home. They currently reside there with their son and their granddaughter.

My clients carried out refurbishment works on the cottage which would be, for the most part, under normal circumstances, be an exempt development under Section 4 (1) h of the Planning & Development Act 2000 which states:

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The porch was constructed as an exempted development under Class 7 of Part of Schedule 2 of the Planning and Development Regulation 2001 (as amended).



At the time of construction my clients were incorrectly advised that the first floor extensions did not require the benefit of planning permission and they proceeded to construct the same without seeking consent from Galway County Council.

The Commission will note that the only increase to the footprint of the cottage was that associated with the porch element.

My clients also constructed a new wastewater treatment plant again without planning consent. Again they did this work on the back of advice from their project engineer whom incorrectly informed them it was standard practice.

(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.

I have been liaising with ORS throughout the process and they have confirmed that the proposal has not impaired their ability to carry out a survey and prepare the attached rNIS. As part of the study due regard was had to an investigation by the environmental department of Galway County Council on the 28th July 2025 and whom have confirmed to my clients that

'On the day of the site visit no visible pollution was evident across the property' (see attached email in this regard dated 12th September 2025 Appendix 12).

The site visit proved that the presence of the Wastewater Treatment Plant (WWTP) which forms part of this application for substitute consent is functioning properly and not impacting in any way the stream running through the site. Without the WWTP in place this would not have been possible and therefore it can be said it was advantageous in terms of the studies carried out by ORS as they could conclusively prove, as stated in their report, that there was no impact to the stream as a consequence of the WWTP.

(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.



Please refer to rNIS prepared by ORS which concludes *that the subject development has not adversely affected, nor will adversely affect the Connemara Bog Complex SAC 002034 or any other relevant European Site, in light of the sites' conservation objectives and the mitigation measures carried out and proposed in the future.*

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

As stated previously the rNIS has concluded that significant effects on the environment or adverse affects on the European site can be excluded. The rNIS shows that the WWTP installed along with the ongoing maintenance of the same and the removal of invasive Rhododendron spp. from the site will prevent future significant effects on the European site. I again refer to the rNIS which in part states;

The assessment confirms that the existing works, particularly the installation of a tertiary wastewater treatment system, despite a non-compliant setback distance, constitutes a net ecological improvement over the prior system which discharged untreated effluent. The works have also resulted in the beneficial removal of the invasive Rhododendron ponticum from the riparian zone.

It is clear therefore that the recommendation of the rNIS is that there will be a beneficial ecological impact as a consequence of the works

(f) Whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development

My clients have not implemented any previous planning permissions on the site and has not carried out unauthorised development on the site previous to this application for substitute consent.

While permission was granted previously for a large extension to the house under Planning Reg. Ref. 07-3252 and granted an Extension of Duration under Planning Reg. Ref. 12-156 this permission was not enacted either by my clients or the previous owners of the site.



(g) Such other matters as the Board considers relevant.

My client will submit any further information the Board considers relevant to its assessment. They ask ACP to note how the development proposed for retention is all ancillary to the use of the cottage which was present before works started and that the works they have carried out have improved the Ber rating whilst also being marginally increased in size to meet their family needs. The mitigation measures currently in place will be fully implemented and, in this regard, they welcome ACP to impose conditions to ensure the continued maintenance of the WWTP.

Other matters are considered in full, are considered within the following section of this report..

4.1.4 Exceptional circumstances have been set out and reiterated. Given the foregoing, Andrew Hersey Planning submits that his clients, James O'Driscoll & Geraldine MCGuinness has adequately demonstrated there are exceptional circumstances pertaining with specific reference to Section 177K(1J) of the Planning and Development Act, 2000 (as amended). This is as amended by Section 30 of the Planning and Development, Maritime and Valuation (Amendment) Act 2022.

5.0 Substitute Consent - Planning Assessment

5.1 The substantive issues relevant to the planning assessment of this case are as follows:

- Principle of Proposal
- Design & Visual Amenity
- Wastewater
- Roads & Traffic
- Other Issues
- Appropriate Assessment
- WFD Screening



- EIA Screening

5.2 The proposed development for which substitute consent is being sought comprises of Retention of refurbishment works to existing cottage which include for:

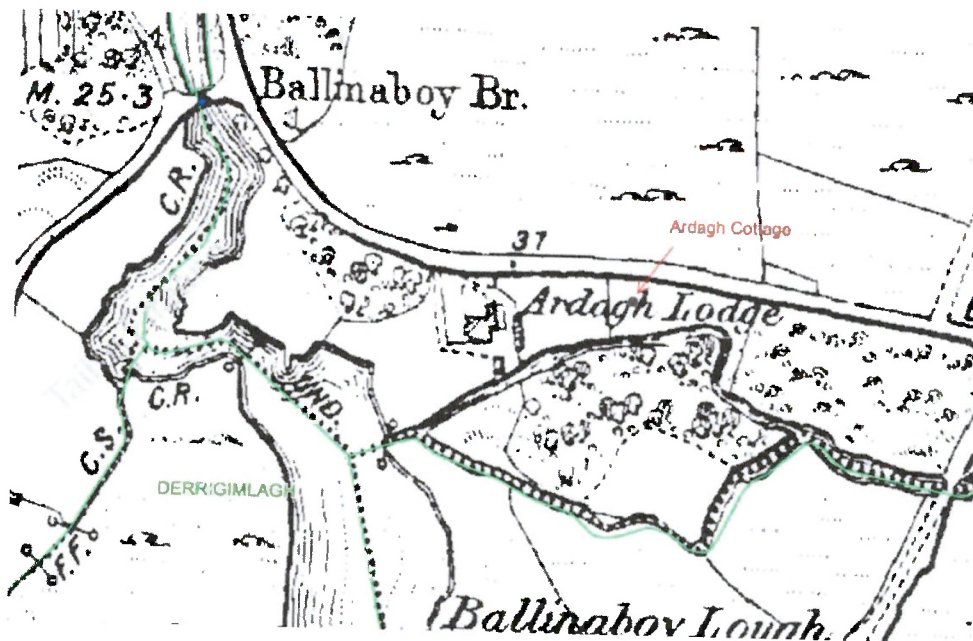
- (i) Front porch
- (ii) Revised elevations
- (iii) First floor extensions
- (iv) Upgrading wastewater treatment system and
- (v) Ancillary site works and landscaping which include for the upgrading of the existing vehicular entrance and driveway to the cottage
- (vi) A domestic pedestrian bridge over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

all at Ardagh Cottage, Clifden, Co. Galway H71KD34

Figure 1 Historic 16" Map showing the location of Ardagh Cottage in the context of Ardagh Lodge

5.3 Principle of Proposal

5.3.1 The proposed development as described above relates to the retention of domestic extensions to



an existing cottage along with ancillary site works.



5.3.2 The cottage has been in existence and on site for a significant period and is certainly pre-1963 due to its stone construction. It is understood that this cottage was known as the gardeners cottage which was associated with Ardagh Lodge located to the east of the site. While the above is noted neither the cottage nor the lodge are listed as protected structures in the Galway County Development Plan 2028.

5.3.3 On the basis of the existence of an existing residential structure on site, my clients hope that the Commission will be of the view that the domestic extensions proposed under this substitute consent application are acceptable forms of development in this context.

5.4 Design & Visual Amenity Considerations

5.4.1 The proposed development site is located in an area designated as a It is noted that the proposed development site is located on lands designated as a Special Landscape (Class 3) in the Landscape Sensitivity Rating of the Galway County Development Plan 2022-2028 where it is the policy of the council under Policy DM Standard 46 to allow, in part, within these landscapes, developments where are; *'Restricted to essential residential needs of local households'*. It is considered that domestic extensions and ancillary domestic works are considered to fall under this category.

5.4.2 Policy DM Standard 4 of the Galway County Development Plan 2022-2028 refers to extensions and states, in part that;

Proposed extensions shall: *In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing; reflect the window proportions, detailing and finishes, texture, materials and colour unless a high quality contemporary and innovatively designed extension is proposed;*

5.4.3 Extensions to the cottage comprised of a front porch, and first floor extensions (over existing flat roofed elements attached to both gables. It is considered that these extensions did not materially alter the appearance of the cottage and were required to both improve the cottage in terms of energy use and to comply with modern building regulations. The footprint of the cottage has only increased marginally by the addition of the porch. In this regard please note that the cottage



floorspace has increased by 19.96sq.m. The total floorspace is now 101.56 which is extremely modest. The works ensured that the cottage is now compliant with modern building standards and the building energy rating (BER) has been raised to B2 from an initial BER of G before works commenced. This is in line with national policy with respect of promoting energy efficient buildings.

5.4.4 The proposed extensions are considered *'to be subordinate'* to the existing dwelling and are therefore considered appropriate in this context. New windows and doors were fitted into the existing opes and therefore there is no material change of appearance to that of the existing dwelling on site.

5.4.5 It is therefore considered that the proposal is compliant with development plan policy with respect to extensions to dwelling in rural areas with a Landscape Sensitivity of Class 3.

5.4.6 With respect to the other elements which form part of this application i.e. the upgraded wastewater treatment system, ancillary site works and landscaping which include for the upgrading of the existing vehicular entrance and driveway to the cottage, a domestic pedestrian bridge over the existing stream and the retention of a steel container for storage purpose are domestic in nature and are ancillary to the residential use of the cottage. Again in general, it is considered that these elements do not significantly impact upon the visual amenities of the area as they form part of the domestic setting of the cottage. With regard to the same it is considered that these elements comply with DM Standard 4 and DM Standard 46 as outline above.

5.5 Wastewater

5.5.1 *Situation prior to the wastewater treatment system being installed.*

5.5.1.1 I understand from my clients that when they purchased the cottage on site prior to any works being carried out, wastewater was directed from the house to the adjacent property to the west, Ardagh Lodge. This is shown by means of a way leave in the deeds as shown in Appendix 2

5.5.1.2 At some stage in the past the owner of Ardagh Lodge constructed a new treatment plant on site to serve his premises. Wastewater from my clients cottage was not included in the new system.



When my clients bought the property wastewater was directed via a pipe (a porous clay pipe) to the grounds of Ardagh Lodge and from there into the same stream which runs to the rear of my clients cottage. In any rate, it is understood that wastewater from my clients cottage did not receive any form of treatment before out falling to the stream. Please see attached in this regard email from the owner of Ardagh Lodge confirming that wastewater from my clients property was directed into the stream without treatment (see documentation in Appendix 2)

5.5.2 *Situation after the Wastewater Treatment Plant was installed.*

5.5.2.1 Wastewater is now directed towards a bespoke Wastewater Treatment Plant (Klaro 1) sized appropriately for the said house subject of this application. This outfalls to a separate pumping chamber where treated wastewater is directed to a tertiary treatment filter in the form of an Econut Coconut Filter Unit. Please see in this regard, a report by Ronan O'Halloran BE on the wastewater treatment systems installed (attached to rNIS)

5.5.2.2 The treatment plant and the tertiary filter do not comply with specific thresholds as set out in the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) in the following respects (hereunder referred to as the CoP 2021)

- (i) The wastewater treatment system unit is located due south east of the existing dwelling and is located approximately 9.7m away.. The threshold as set out in the CoP2021 is 10 metres. There is therefore a marginal difference.
- (ii) The wastewater treatment system unit is located due north of the existing watercourse which traverses the site and is located approximately 8.3m away. The threshold set out in the CoP is 10 metres. However, please note that the unit is a completely sealed unit with no chance of leakage from the same.
- (iii) The Tertiary filter unit is located due north of the existing watercourse which traverses the site and is located approximately 8.0m away. The threshold set out in the CoP is 10 metres. Please note that the unit is a completely sealed unit and treated wastewater is directed downwards towards groundwater and not to surface water (contrary to what is stated in the Site Characterisation Report).

5.5.2.3 With respect of the foregoing, I refer to page 6 Section 1.3 of the CoP2021 which states:



If existing DWWTs are being upgraded, variances to the requirements set out within this CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment.

- 5.5.2.4 In this context the above treatment plant and tertiary filter replaced the previous system on site where wastewater from the house was not treated at all and was ultimately directed towards the river in the adjacent property.
- 5.5.2.5 As stated above, effluent from my clients cottage is now directed into a modern wastewater treatment plant and tertiary treatment plant both of which are sealed units. Treated effluent is now directed from the tertiary treatment plant to groundwater.
- 5.5.2.6 With respect of the same the installed treatment system protects the river to a much greater degree than it was previously and is generally compliant with the CoP2021 save for the thresholds with respect of required distances to the river. However, to reiterate, CoP2021 does allow for such variances in instances where an existing treatment plant is being upgraded.
- 5.5.2.7 In addition to the above, please find attached certificate from Pat O'Sullivan, the project engineer which states that the WWTP has been installed correctly (Appendix 6)
- 5.5.3.8 Also please find attached maintenance report from the manufacturer of the WWTP stating that the said plant is functioning correctly.(Appendix 7)
- 5.5.3 *Water Testing*
- 5.5.3.1 During the preparation of the rNIS my clients were advised to get water analysis tests carried out in the river so as to ensure that satisfactory operation of the installed wastewater treatment plant.
- 5.5.3.2 Water was tested in three locations on the property, upstream of the WWTP, downstream and at a small tributary stream which flows into the main stream in the site from an adjacent property to north across the road from the proposed development site (see location for each of the test sites in Figure 2 below)



5.5.3.6 With respect of the foregoing, and having regard to the fact that the council have confirmed there is no pollution visible in the property it can be stated that the Wastewater Treatment Plant is functioning and causing no pollution to the adjacent stream.

5.5.3.7 This is confirmed in the rNIS submitted with this application.

5.6 Roads & Traffic

5.6.1 The Commission should note from the outset that there has always been a vehicular access from the adjacent public road into the site. (See piers in figure 3 below which is a screenshot from Google Streetview dated August 2019). There was also a driveway to the cottage from this entrance. I understand from my client the driveway was resurfaced and the entrance to the site made wider to accommodate construction traffic.



Figure 23 - Google Streetview Image (taken 2019) showing entrance piers to house

5.6.2 In any rate, my clients, as part of this application for substitute consent, are proposing to retain this widened entrance and driveway.

5.6.3 Vehicular access is onto a straight section of lightly trafficked local road (L1105) where the speed limit is 60kph.



- 5.5.3.3 No issues were detected in the upstream site (Site U). Issues were detected in the form of coliform and high phosphate levels were found in samples at locations S and D.
- 5.5.3.4 It can be surmised therefore that the high phosphate and coliform found in these samples emanated from the small stream which flows into the main stream as identified where sample S was taken.
- 5.5.3.5 Galway County Council were asked to investigate pollution in this small stream and they visited the site on the 28th July 2025. An email from the council dated 12th September 2025 (Appendix 8) states that no pollution was confirmed on the property on the day of the site visit and on the this basis they closed the case.

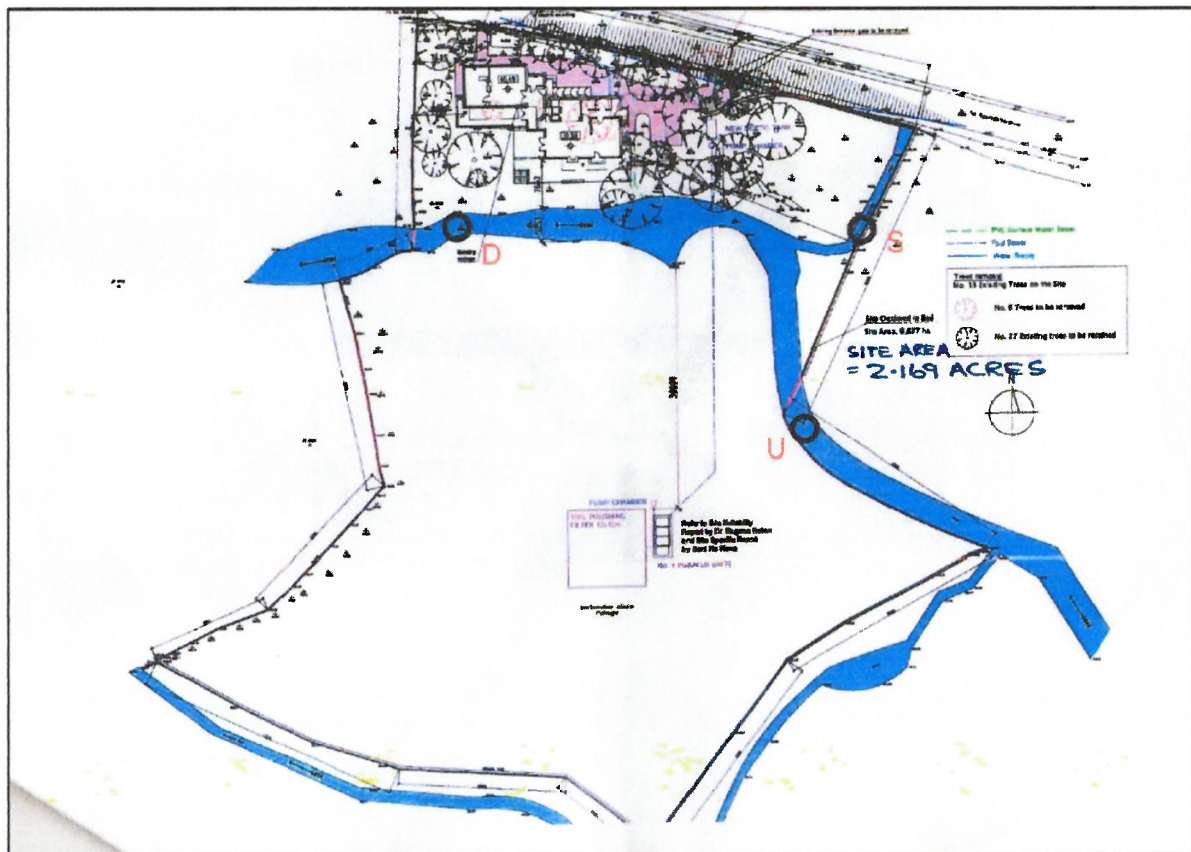


Figure 2 - Drawing showing locations where water samples were taken



5.6.4 Table 15.3 of Chapter 9 of the Galway County Development Plan 2022-2028 sets out required visibility splays at vehicular entrances within specific speed zones. The table shows that within 60kph zones visibility splays of 90 metres are required. It is considered that there is in excess of 90 metres available at the existing vehicular entrance and on this basis the proposal is compliant with development plan standards

5.6.5 My clients intend to construct new gate piers and a gate at this location to replace the ones which were taken away to facilitate the widened entrance. My clients will accept a planning condition stipulating the same in the fortunate event where substitute consent is granted.

5.6.6 My clients refer to the rNIS which states:

the driveway and the container/shed have not, nor have the potential to significantly affect the conservation objectives of any Natura 2000 site.

5.6.7 The driveway which altered and resurfaced as part of the works therefore did not affect the conservation objectives of the Natura 2000 site

5.7 Other Issues

5.7.1 Pedestrian Bridge

5.7.1.1 I understand from my client there has always been a pedestrian bridge over the river which comprised of a plank. This plank was eroded and slippery and was replaced with a new pedestrian bridge. This is the only access to the woodland to the south of the river which my client owns and maintains.

5.7.1.2 The rNIS attached states that;

The domestic pedestrian bridge is situated within the SAC boundary. The new structure replaces a pre-existing bridge that was in disrepair and pre-dates SAC designation. Due to the surrounding watercourses, a footbridge is required to traverse the land. The installation works, while physically occurring in the SAC, were localised, involved no in stream concrete pouring, and likely resulted in a momentary duration of effect on the riparian



5.7.1.3 The bridge and its construction therefore were found not to have any impact upon the SAC.

5.7.2 Steel Container

5.7.2.1 The steel shipping container is used for the storage of building materials on site during the course of works. My client now uses the said structure as a garden shed and as such he wishes to obtain permission for the same and continue its use as a garden shed.

5.7.2.2 The rNIS states:

the driveway and the container/shed have not, nor have the potential to significantly affect the conservation objectives of any Natura 2000 site.

5.7.2.3 The container which is used for domestic storage therefore does not affect the conservation objectives of the Natura 2000 site. My clients would welcome a planning condition stipulating that it be used for domestic storage purposes only.

5.8 Appropriate Assessment

5.8.1 Please refer to rNIS prepared by ORS which concludes *that the subject development has not adversely affected, nor will adversely affect the Connemara Bog Complex SAC 002034 or any other relevant European Site, in light of the sites' conservation objectives and the mitigation measures carried out and proposed in the future.*

5.9 Water Framework Directive

5.9.1 Article 4 of the Water Framework Directive seeks to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration

5.9.2 The BALLINABOY_020 waterbody has a monitored station approximately 500m upstream from the property. This waterbody has an ecological status of poor within the current WFD cycle and classified as at risk.



- 5.9.3 Article 4 requires that that new development does not cause deterioration of water bodies and, where possible, contributes to their improvement.
- 5.9.4 The proposed development subject of this application for substitute consent incudes for an upgraded Wastewater Treatment Plant which replaced a situation where wastewater from the house was directed towards a redundant septic tank in the adjacent property and thereafter out falling to the same stream which flows through my clients property.
- 5.9.5 The Wastewater Treatment Plant which replaced this former situation, is an advanced system with separate polishing filter which treats wastewater from the house to a high degree. Both units are sealed units and treated wastewater is directed to ground from the polishing filter. The unit is maintained on an annual basis.
- 5.9.6 Galway County Council have examined the river flowing through my clients property and have confirmed that contamination of the stream was not present on the day they visited the site.
- 5.9.7 On this basis it can be stated that decommissioning of the former wastewater treatment system and its replacement with the advanced wastewater treatment plant which is maintained on an annual basis can only result in the improvement of water quality in the stream through my clients property. Article 4 requires that that new development does not cause deterioration of water bodies and, where possible, contributes to their improvement. It is considered that the proposed wastewater treatment plant subject to this application for substitute consent will not cause deterioration of the water body and will contribute to its improvement by reason of the fact that wastewater from the house it serves is treated to a high degree whereas previously there was little or no treatment.
- 5.9.8 The rNIS in its conclusion states:

It is concluded that, on the basis of objective scientific information, and ensuring the implementation of the specified mitigation and monitoring measures, the development subject to the application for substitute consent, individually or in combination with other plans or projects, has not adversely affected and will not adversely affect the integrity of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a



temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.

- 5.9.9 It can be concluded that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body, either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

5.9 Environmental Impact Assessment

- 5.9.1 The application for substitute consent under Section 177E of the Planning and Development Act 2000 (as amended), which is for the regularisation of development pertaining to domestic extensions is not a class of development under the classes listed Schedule 5 of the Planning & Development Regulations 2001 (as amended) and therefore no EIA screening is required.

6.0 Conclusion

- 6.1 I, Andrew Hersey Planning Consultant, am acting on behalf of James O'Driscoll & Geraldine MCGuinness of Ardagh Cottage, Clifden, Co. Galway H71KD3.

- 6.2 My clients wish to submit an application for substitute consent to An Coimisiún Pleanála for the following works;

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

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



all at Ardagh Cottage, Clifden, Co. Galway H71KD34

6.3 This application for retention has been lodged on the back of an Enforcement Notice (Galway County Council) issued to my clients on the 9th January 2023.

6.4 My clients duly lodged an application for retention to Galway County Council on the 14th February 2024 under Planning Reg. Ref. 2460141 and a response from the council was issued on the 9th April 2024 stating that;

'The Planning Authority under Part III, Section 34 (12) of the Planning and Development Act, 2000 (as amended) cannot consider the application in this instance as it is considered that an Appropriate Assessment is required for the development proposed'

6.5 My clients therefore have no option but to seek Permission for Substitute Consent under Section 177E of the Planning and Development Act 2000 (as amended)

6.6 My client has proven exceptional circumstances in accordance with Section 177 K of the Planning & Development Act and therefore is eligible to apply to the Commission for Substitute Consent.

6.7 My client has commissioned an rNIS prepared by ORS Consultants. In summary the rNIS states that *'that the subject development has not adversely affected, nor will adversely affect the Connemara Bog Complex SAC 002034 or any other relevant European Site, in light of the sites' conservation objectives and the mitigation measures carried out and proposed in the future.*

6.8 The rNIS also states with respect to the Water Framework Directive (WFD) that; *It is concluded that, on the basis of objective scientific information, and ensuring the implementation of the specified mitigation and monitoring measures, the development subject to the application for substitute consent, individually or in combination with other plans or projects, has not adversely affected and will not adversely affect the integrity of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives*

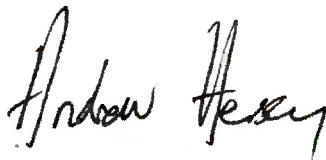


- 6.9 My clients will continue to implement mitigation measures in the form of the ongoing maintenance of the WWTP and the ongoing removal of invasive species specifically, *Rhododendron ponticum* in association with the NPWS and the local angling club.
- 6.10 My clients therefore urge the Commission to grant permission for this development. The works carried out to the cottage have reduced carbon emissions in accordance with best practice and the installation of the WWTP has resulted in wastewater from the cottage being treated to a high degree whereas previously wastewater, raw sewerage was directed into the stream to the rear of their cottage (albeit through the grounds of the adjacent property). The installation of this WWTP has therefore greatly improved the water quality in the river in line with the objectives of the WFD and consequently has not adversely affected, nor will adversely affect the Connemara Bog Complex SAC 002034 or any other relevant European Site, in light of the sites' conservation objectives.

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

Please find attached the requisite fee of €

Kind Regards



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

3 Atlantic View

West End, Kilkee,

Co. Clare

V15 PH32

hersey.andrew@gmail.com. www.andrewherseyplanning.com Phone: 087 6870917

Andrew Hersey **Planning**



Appendix 1



24/60141

09th April 2024

James O'Driscoll & Geraldine McGuinness
c/o Andrew Hersey
3 Atlantic View
West End
Kilkee, Co Clare
V15 PH32

RE: PLANNING REFERENCE NO. 24/60141

A Chara

The Planning Authority under Part III, Section 34 (12) of the Planning and Development Act, 2000 (as amended) cannot consider the application in this instance as it is considered that an Appropriate Assessment is required for the development proposed.

A planning authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned **before it was commenced** the application would have required that one or more than one of the following was carried out —

- (a) an environmental impact assessment,
- (b) a determination as to whether an environmental impact assessment is required, or
- (c) an appropriate assessment.

The Planning Authority have considered the development proposed, the location of the site and development being partially located within and adjoining the Connemara Bog Complex SAC, with a hydrological connection to the West Connacht Coast SAC and Slyne Head Peninsula SAC; and the mitigation measures necessary during construction and operation works and consider that an Appropriate Assessment is required.

Please note that the fee paid and documents lodged will be returned to you in due course.

Mise le meas


for COUNCIL SECRETARY

Appendix 2



A & S DONALDSON
LAW PRINTERS

This Indenture

MADE the *Smith*



September, One thousand nine hundred and sixtysix BETWEEN MONI

ELIZABETH LENOX CONYNGHAM of Springhill, Money more in the County of Londonderry, Married Woman (hereinafter called the Grantor) of the one part AND JOAN HARVEY GRAHAM of Rudford House, Rudford, Gloucester, England, Married Woman (hereinafter called the Grantee) of the other part
WHEREAS:

1. The Grantor is the owner in fee simple of All That part of the lands of Ardagh in the Parish of Ballynahinch and County of Galway which adjoin other part of the lands of Ardagh of which the Grantee is owner in fee simple.
2. The Grantor in consideration of the sum of One pound paid by the Grantee to the Grantor (the receipt whereof the Grantor doth hereby acknowledge) has agreed with the Grantee to grant to the Grantee the right of the passage and running of sewage along the line of the existing sewerage pipes on the Grantor's lands from the premises known as Ardagh Cottage to the point where the said sewerage adjoins the main sewerage on the property of the Grantor.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises and in consideration of the sum of One pound paid by the Grantee to the Grantor (the receipt whereof the Grantor doth hereby acknowledge) the Grantor doth hereby grant unto the Grantee and the owner and occupiers for the time being of the premises known as Ardagh Cottage ALL THAT the right to the passage of sewage and water from the premises known as Ardagh Cottage along the line of the

Registered in the Registry of Deeds, Dublin, at
23 minutes after 10 o'clock on the 23 day of

September 1966 Book 60 No 203 *Bonyngton & Co.*

312
De Aflc (sic)

existing sewerage pipes from the points marked with the letter A to the point marked with the letter B on the map endorsed hereon together with liberty for the Grantee her servants and agents to enter upon the said lands of the Grantor for the purpose of repairing cleansing and maintaining the said sewerage pipes between the points marked with letters A and B on the said map the Grantee giving to the Grantor reasonable notice previous to such entry and doing thereby no unnecessary damage to the surface of the said lands or the timber trees underwood or crops thereon and making full compensation for all damage done or occasioned to the surface of the said lands and the timber trees underwood or crops thereon by the exercise of such liberties as aforesaid TO HOLD the same unto the Grantee her heirs and assigns And the Grantee for her heirs and assigns doth hereby covenant with the Grantor to the intent that this covenant may bind the said premises of the Grantee unto whosoever hands the same may come so that the said lands of the Grantor known as Ardagh Lodge in the Barony of Ballynahinch and County of Galway may be capable of being conveyed with the benefit of this covenant, that is to say, that the Grantee her heirs and assigns will at all times hereafter pay and contribute a rateable or due proportion of the expenses of making repairing reinstating and cleansing the said sewerage pipes between the points marked with letters B and C on the said map such proportion to be paid by the Grantee to the Grantor on demand.

IN WITNESS whereof the parties aforesaid have hereunto signed their names and affixed their seals the day and year first herein written.

SIGNED SEALED AND DELIVERED by the said
Monica Elizabeth Lenox Conyngham in
presence of:

M. E. Lenox Conyngham

Witness name x *Alan Curran*
Address x *4th Antelope Lodge*
Place x *Rochestown Avenue, Dublin*

Company Director

SIGNED SEALED AND DELIVERED by the said

Joan Harvey Graham in presence of:

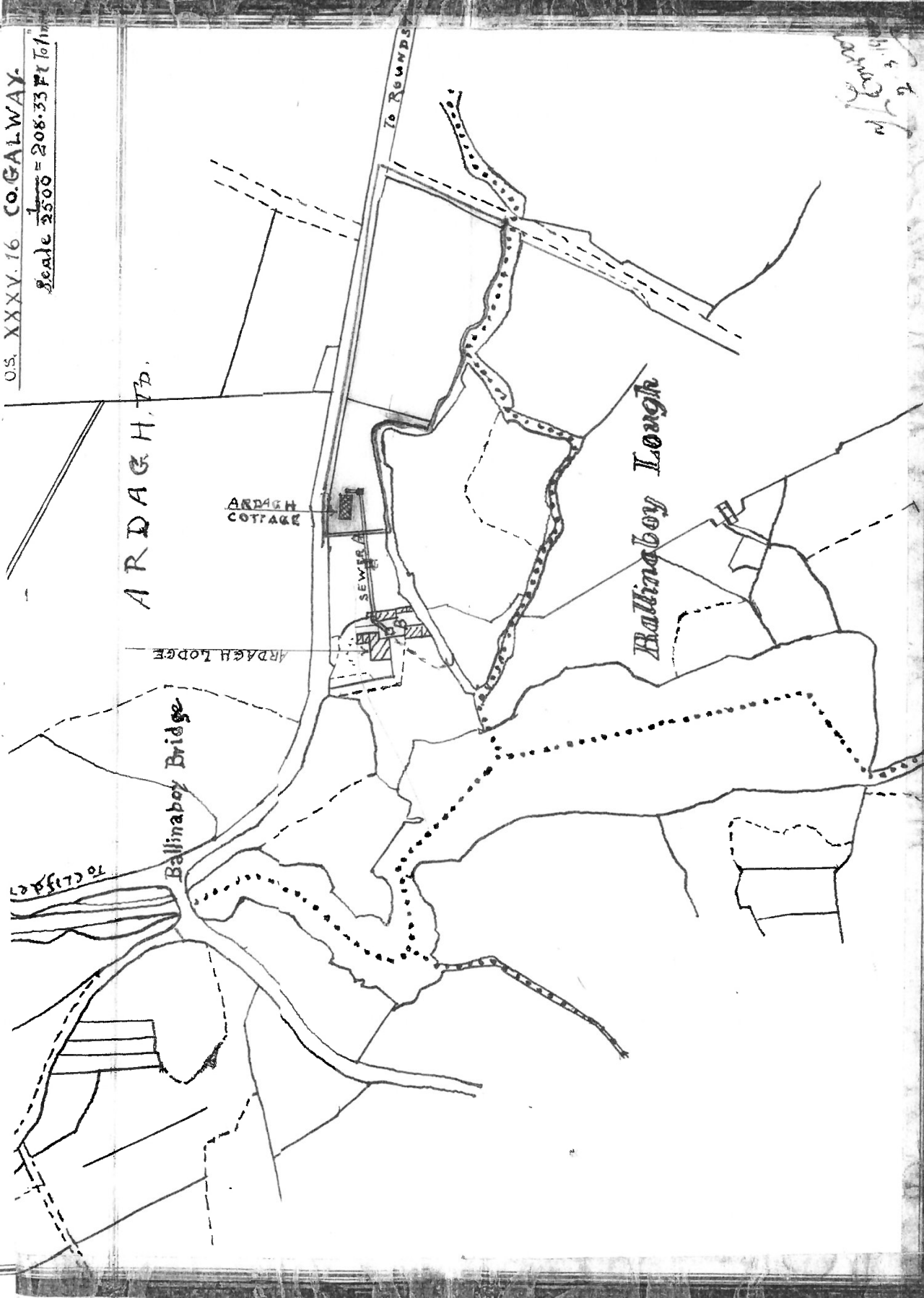
Joan Harvey Graham.

Mary O'Halloran,
Williamsgate St., Galway, Co. Gal.
Maurice O'Leary, Esq.

OS. XXXV. 16 CO. GALWAY.

Scale $\frac{1}{2500} = 208.33 \text{ Ft to 1 in}$

Handwritten notes:
To
C
D
E



ARDAGH T.D.

ARDAGH COTTAGE

SEWER

ARDAGH LODGE

Ballinaboy Bridge

Ballinaboy Lough

To CLIFDEN

To ROYNDERS

Dated the day of 20

DEED OF CONVEYANCE

MESSRS JAMES B JOYCE & CO
SOLICITORS
CLIFDEN
CO GALWAY

REF: 8874/1/NJ/NS

THIS DEED made the day of 201 between **TOM CONNELL AND EMER CHAPMAN** (hereinafter called "the Vendors") of the One Part and **GERALDINE MCGUINNESS AND JAMES CHARLES O'DRISCOLL**, of Ardagh Cottage, Ballinaboy, Clifden, in the County of Galway (hereinafter called "the Purchasers") of the Other Part:

WHEREAS:

1. The Vendors are seized inter alia of the premises described in the First Schedule hereto.
2. The Vendors have agreed with the Purchasers for the sale to her of the Premises together with the benefit of the Appurtenant Easement for an Estate in fee simple in possession free from incumbrances for the sum of One Hundred and Twenty Six Thousand Euros.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of One Hundred and Twenty Six Thousand Euros now paid by the Purchaser to the Vendor (the receipt whereof the Vendors hereby acknowledge) the Vendors as Beneficial Owners doth hereby convey unto the Purchasers **ALL THAT AND THOSE** the premises **TO HOLD** the same together with the Appurtenant Easement unto and to the use of the Purchasers as Joint Tenants in Fee Simple.

In Witness whereof the parties aforesaid have hereunto set their hands and affixed their seals the day and year first herein written.

SIGNED SEALED AND DELIVERED

By the said **TOM CONNELL**

AND EMER CHAPMAN

In the presence of

*John Munn
Hiciboi
Lipha*

Tom Connell

TOM CONNELL

Emer Chapman

EMER CHAPMAN

SIGNED SEALED AND DELIVERED

By the said **GERALDINE MCGUINNESS**

In the presence of

*Nicola Russell-Sharp
11 Arundel Drive West
Saltdean
Brighton
BN2 8SJ*

G McGuinness

GERALDINE MCGUINNESS

NRS

CERTIFICATE OF REGISTRATION

Tom Connell
Care of Mannion Aird and Co Solicitors
Clifden
Co. Galway

Reference ID: **263-3YX5GP**

Registration number: RSHUSXAXRM	
Date of registration: 01/02/2017	Date of expiration: 01/02/2022
Registered to: Tom Connell	
Registered address: Ardagh, Clifden, Co. Galway	
Water services authority: Galway County Council	
MPRN: -	

Issued under Section 70B of the Water Services (Amendment) Act 2012.

This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- You must renew the registration of your domestic wastewater treatment system on or before the date on which the certificate of registration is due to expire.
- When selling or transferring ownership of your property please provide a copy of this certificate to the new owner. The new owner will be responsible for notifying the water services authority above of the change in ownership. For more information on change of ownership please visit www.protectourwater.ie.

Website: www.protectourwater.ie
Email: support@protectourwater.ie

Telephone: 1890 800 800
Address: Protect Our Water, PO Box 12204, Dublin 7

Appendix 3



Statement in support of Exceptional Circumstances

We bought the dwelling in January 2017; as you will be aware, planning permission was granted in 2007 (renewed in 2012) for a considerable extension to the dwelling, increasing it from 107m² to 319m². Our understanding is that the SAC regulations came into force in 2011, meaning that the planning extension was granted to the site even though it was an SAC.

We did not want to carry out this extension as we felt that it was not in keeping with the surroundings, and it was much too large for our needs. To clarify the situation we phoned GCC planning department and asked if a smaller extension could be done using the same permission. A planner called Michael told us that this wasn't possible, but that we could simply renovate the property, including adding a 40m² extension, which would not require planning permission. This suited us as we loved the house and the land and were happy to simply change the inside.

I had made a drawing of how I wanted the inside of the house to be, where my kitchen would be etc. We chose an engineer based in South Connemara, as we assumed that he would have local knowledge, as well as obviously being aware of the laws and regulations. He was contracted as our Project Manager and Engineer. The original house (which is about 150 years old) had always been two story, and at some point two single story side extensions had been added on, which had flat roofs. As both roofs needed to be replaced, our engineer persuaded us to build up both sides to match the middle section, thus increasing the first floor space. We asked if this needed planning and he said no.

Please bear in mind that we had already been told that we could renovate without permission, we knew permission had been granted for a huge extension on the land previously and so the fact that a local engineer was telling us that this comparatively small change could be done without planning seemed perfectly reasonable to us. In terms of the waste water, three different people told us that 'everyone applies for retention for waste water treatment plants': our engineer, our builder and the company who sold us the plant itself. There is more about the waste water later in this document.

The build started in April 2020. A complaint from a member of the public was made and on the 29/9/2020 we had a warning letter from GCC. The letter was unspecific as to the actual complaint. I was shocked, our engineer said it was a 'standard letter issued after a complaint' and that there was nothing to worry about. The build carried on as there was no instruction to stop. The Engineer sent drawings to GCC to show that the work being carried out did not require planning permission.

The engineer then received an email from Enda Thompson (Enforcement) stating that the roof pitch was higher than the original house (this is not true), that there was accommodation on the first floor which had not been there before (also not true-the middle section already had two bedrooms), that the house was on an SAC, and planning would be required for a waste water treatment plant.

On the 30/4/21 our engineer put in for retention for the waste water, the porch and the first floor extension.

On the 6/5/21 we received the first enforcement order. At this point the build had been going on for over a year. We later learned that GC had made a visit to the site 2 weeks after

the initial complaint. They were aware that it was an SAC and yet we had not been told to stop, either by our Project manager of GCC themselves. I cannot tell you how devastated I was to receive this letter telling us to demolish our home. It is not a holiday home for us but our main residence, we were renting in the area while waiting for the build to be completed. We also unexpectedly had our son (who is a single parent) and granddaughter living with us (who was 2 at the time), I was distraught. There was no signature on the letter, the number to call was not answered, and no advice was given as to what to do next. Again, our engineer told us not to worry. We contacted GCC and asked for the Enforcement to be put on hold while the Retention application ran its course.

We were advised in June (22/6/21) that our application for retention was invalid. Our engineer had told us that the outcome would be one of three things, retention granted, retention denied, or a request for more information. He seemed to have no experience of an 'invalid' response and again told us not to worry and to re-apply 'at a later date'. As stated previously, we have no experience of planning or enforcement procedures, and as our engineer was the person usually contacted by GCC (aside from Enforcement letters which we received) we took his advice. The Enforcement letter on the 22/6/21 from GCC did not give any instructions as to what our next steps should be.

There followed a period of emails going back and forth between the engineer and enforcement; the engineer asked if we could claim that it was an exempted development and Enforcement told him that he could try; the information was so confusing. We wrote letters to GCC, left a number of voice mails asking if we could please meet with someone to discuss, but the only communication we have ever received from them is enforcement letters. We do feel let down by GCC. We still do not understand why we were not told straight away that as we were on an SAC that therefore meant that we should not do **anything** without planning permission, they knew this at the time of the complaint, but we didn't. Had we been told this when we had the first warning letter we could have stopped the build at that point and saved ourselves a lot of money and stress.

There are a number of things GCC have accused us of which we would like to refute as it implies that we have been careless with the land, which we absolutely have not. GCC took photos of the land during the build, one of which was of large bags of organic compost which my husband had bought to grow some vegetables, when we requested our file from GCC we saw that this photo had been labelled as 'builder's rubble left on the land'. One Enforcement letter also stated that we had 'unauthorized vehicle access with an extended drive', the drive was always wide enough for vehicles and we have not extended it and have photographic evidence to prove this.

The cottage was originally known as the 'Gardener's Cottage' and the site was planted with rhododendrons in the mid- to late-nineteenth century and over the past 150 years these have grown to 30 foot rhododendron trees and dense rhododendron bush which had completely taken over the site with the resulting detrimental effect on native plants, trees and wildlife. In order to avoid the use of pesticides my husband has been removing the rhododendrons manually over the last 7 years (a very labour-intensive task) to avoid polluting the land.

The river running through the site was in a poor condition, with silt build up, fallen native and invasive trees, and overhung by rhododendron. My husband spoke to members of Clifden

Trout Anglers Club who stated that there had not been any observable salmon or sea trout activity for some years. Taking advice from the club chairman throughout and working alongside him, my husband has removed fallen trees and rhododendrons from the river and removed overhanging rhododendrons to improve the health of the river.

The original planning gave permission for a very large sewage treatment system which required the clearing of 144m² of the wooded area south of the river, connected by an effluent pipe across the river. That solution seemed unnecessarily invasive so my husband researched the most environmentally friendly waste water treatment plant and found the smallest and most ecologically sound one available which would not impact upon the river water.

In terms of its positioning, the place shown on the plans submitted to GCC had been chosen by the Wastewater Solutions as being the best position both in terms of drainage, and keeping within the guidelines in terms of the number of metres from both the road and the river. My husband wrote an email (please see copy of this attached) which he sent to our engineer (with the builder copied in) expressing our concerns in relation to the position they placed the system in, which did not agree with the position shown on the plans. We also met with the builder and engineer more recently (after a further enforcement letter was received) to discuss paying for it to be re-positioned to the place originally detailed by Wastewater Solutions, our engineer insisted that the position doesn't matter 'because it is a sealed unit'. After discussion with our planning consultant we have realized that moving it may have a negative impact on the environment. It is worth noting at this point that raw sewage from the house (prior to our purchase) used to go to a septic tank on the land next door and then flow untreated into the river, in that respect, we have undoubtedly improved the environment.

We have acted in good faith at all times. We had hoped to retire to Ireland. We employed local professionals to oversee and carry out our work and took their advice throughout. We did not set out to ignore any regulations. Since engaging our Planning Consultant, who has been extremely helpful, we feel that we are now receiving the correct advice and hope that we are able to resolve what has been a very stressful and expensive experience.

We very much hope that you can consider our application in a positive light.

Geraldine McGuinness and James O'Driscoll.

Appendix 4



GALWAY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000: SECTION 154

ENFORCEMENT NOTICE

TO: James Charles O Driscoll
Ardagh Cottage
Ballinaboy
Clifden
Co. Galway

WHEREAS Galway County Council ("the Planning Authority"):

1. Has made a decision pursuant to Section 153 of the Planning and Development Act 2000 to issue this Enforcement Notice.
2. The Planning Authority considers that Unauthorised Development has been, is being or may be carried out (by you) in the Townland of Ardagh, in the County of Galway and that you are the person carrying out the development.

Development to which this Notice relates:

- Unauthorised development/renovations to dwelling house at Ardagh

TAKE NOTICE that the Planning Authority hereby:

1. Requires that the development, being a development for which no permission has been granted would cease.
2. That you take the steps hereunder specified:
 - (a) Cease the use of the unauthorised dwelling house located within the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), within a specified period of time namely 24 hours of the date of service of this notice.
 - (b) Remove the unauthorised dwelling house located within the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), within a specified period of time namely within 12 weeks of the date of service of this notice.
 - (c) Remove the unauthorised wastewater treatment system, and all ancillary services relating to the wastewater treatment system located within the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), within a specified period of time namely within 12 weeks of the date of service of this notice.
 - (d) Remove the unauthorised timber walkway constructed across the river at the Southern aspect of the site located within the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), within a specified period of time namely within 12

weeks of the date of service of this notice.

- (e) Remove the unauthorised container located within the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), within a specified period of time namely within 6 weeks of the date of service of this notice.
- (f) Remove the unauthorised entrance created onto the L-1105, located within the Connemara Bog Complex Special Area of Conservation (Site Code: 002034), within a specified period of time namely within 12 weeks of the date of service of this notice.
- (g) Ensure that all of the above works are carried out under the supervision of a suitably qualified ecologist and reports on these works are submitted to the Planning Authority. A report from the Ecologist should be submitted to the Planning Authority at each of the following stages,
- i. Prior to the commencement of any of the works mentioned above.
 - ii. While the works are underway, and
 - iii. On completion of the works.
3. Gives you warning that if the steps specified in this Notice to be taken are not taken within the period specified above or within such extended period as the Planning Authority may allow, the Planning Authority may enter on the land and take such steps, including the removal, demolition or alteration of any structure, and may recover from you any expenses reasonably incurred by it in that behalf.
4. Requires you to refund to the Planning Authority the costs and expenses reasonably incurred by the Planning Authority in relation to the investigation, detection and issue of this Notice (and any warning letter under Section 152), including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisors, and the Planning Authority may recover these costs and expenses incurred by it in that behalf.
5. Gives you warning that if within the period specified in this Notice or such extended period, not being more than 6 months, as the Planning Authority may allow, the steps specified in the Notice to be taken are not taken, you may be guilty of an offence.

Dated: 22nd May 2024

Signed: M. Cleary

Administrative Officer/Senior Staff Officer

Box 27,
Galway County Council,
Planning and Development Section,
Áras an Chontae,
Prospect Hill,
Galway.

EN20/213

Please contact the Enforcement Section at 091-509042 should you have any queries

Appendix 5





An
Coimisiún
Pleanála

Inspector's Report ABP-321121-24.

Development	Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act, 2000, as amended. Retain refurbishment works to an existing cottage, upgrade wastewater treatment system, landscaping, pedestrian bridge over stream and steel transport container.
Location	Ardagh Cottage, Ardagh, Clifden, County Galway.
Planning Authority	Galway County Council.
Prospective Applicants	James O'Driscoll and Geraldine McGuinness.
Date of Consultation Meeting	29 January 2025.
Date of Site Inspection	12 December 2024.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

- 1.1. The Board received a request on the 21st of October 2024 from Andrew Hersey Planning Consultant on behalf of James O'Driscoll and Geraldine McGuinness, to enter into pre-application consultations under section 177E(1A) of the Planning and Development Act, 2000, as amended. The Board decided to grant this request from the prospective applicants by Direction dated 14th of November 2024.
- 1.2. One pre-application consultation meeting was held on the 16th of January 2025. The purpose of this report is to inform the Commission of the nature of the pre-application consultations undertaken, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

2.0 Site Location

- 2.1. The site is located in the townland of Ardagh, 3.5 kilometres south of Clifden in county Galway. The lands are located along a minor country road (L1105) and comprise an existing cottage set amidst its garden and the woodland grounds that surround it. A watercourse (Beaghcauneen Stream) runs through the site, with the majority of the applicant's lands located on the opposite bank to the dwelling house. The wider area is characterised by one off rural housing on large garden plots, traditional older dwellings, areas of woodland and large expanses of bog. The site comprises a cottage that has been renovated and is currently occupied. The long edge of the cottage aligns the public road with a porch that opens to a small pedestrian gate. A low wall bounds the site along the public road and a vehicular gateway allows access via a driveway to a parking area to the side and rear of the dwelling. The site falls downwards away from the public road to the stream that bisects the overall lands, a simple timber bridge allows access to the majority of the lands to the south. The lands to the south of the stream are made up of mature woodland with small clearings, the woodland area extends up to the dwelling in places. A transport container and above ground wastewater treatment system are located to the eastern end of the site between the road and the stream, and within

the Connemara Bog Complex SAC. The entire site is within the Proposed Natural Heritage Areas: Connemara Bog Complex.

3.0 Description of Proposal

3.1.1. Permission to retain works to an existing cottage on 0.248 Hectares, detail as follows:

- Front porch,
- Elevation changes,
- First floor loft extension,
- Wastewater treatment system upgrade – Klaro 1 with filter unit, percolation area and tertiary treatment filter,
- Upgrade existing vehicular entrance and some landscaping works,
- A replacement wooden plank domestic pedestrian bridge (8 metres by 1.6 metres) over an existing stream, set on drystone piers,
- A steel transport container (6.1 metres by 2.4 metres) used for storage purposes.
- The works that have been carried out increase the overall floorspace of the cottage by 19.96 sqm to a total of 101.56 sqm. Other works were completed to improve the energy performance of the dwelling.

4.0 Planning History

4.1. The Site – Planning Applications

- 4.1.1. Planning reference 073252 – Permission to renovate and extend cottage and install wastewater treatment system.
- 4.1.2. Planning reference 12156 – Permission to extend duration of 073252.
- 4.1.3. Planning reference 21720 – returned invalid.
- 4.1.4. Planning reference 2460141 – returned invalid.

4.2. The Site – Enforcement

- 4.2.1. Planning reference EN20/213 – cease works and take steps as directed by a) to f) as set out in the notice.

5.0 Legislation

- 5.1. Any subsequent application for Substitute Consent will be lodged under the provisions of section 177E of the Planning and Development Act, 2000, as amended and Part 19 of the Planning and Development Regulations, 2001, as amended.

6.0 Prospective Applicant's Case

- 6.1. The prospective applicant has included the details of the planning application made in the first instance to Galway County Council. It is stated that the planning authority could not accept the application and stipulated the need for an NIS. The applicant sets out the rationale for carrying out the works to the cottage that they originally understood to be exempted development and did not require planning consent. The details of the county development plan policy background are set out and references that the site is located in a Class 5 landscape, the cottage is not a protected structure and finally that part of the site is located in the Connemara Bog Complex SAC. The applicant includes the material prepared for the planning application including; Wastewater Treatment System Inspection Report, AA Screening Report and the relevant drawings and layout plans. The applicant details the separation distances between the wastewater treatment unit, the dwelling and stream and explains the reasons for its position and specific design features of the sealed system. It is explained that a vehicular entrance has always been in position and the improvements have been made to assist construction and the occupation of the dwelling.
- 6.2. The applicant explains that to deal with the planning authority's conclusion that because part of the site is located within an SAC and that there are direct hydrological connections with other designated sites, a remedial Stage 2 Appropriate Assessment (rNIS) will be prepared.

7.0 Pre-Application Consultation Meeting

- 7.1. A Pre-Application Consultation meeting took place via Microsoft Teams on the 29th of January 2025, commencing at 11am. Representatives of the prospective applicant and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The prospective applicant was advised in advance of the meeting that the consultation would relate solely to the administrative procedures around the lodgement of an application, and any associated requirements.
- 7.2. This report should be read in conjunction with the written record of the pre-application consultation meeting held with the prospective applicant on file. No additional comments were forthcoming from the prospective applicant in relation to the written record. It is not proposed to repeat the contents of those records in detail here. The main topics raised for discussion at the meeting were as follows:
- Introductions
 - Description of development and relevant background, clarity with regard to the planning history of the site and clarity regarding the scope of any application.
 - Procedural Advice / Queries arising with regard to any subsequent application for Substitute Consent, documentation necessary to accompany such an application, and legislative requirements relating thereto. The fee structure was also explained.

8.0 Conclusion

The meeting concluded with An Bord Pleanála representatives stating that they did not foresee the need for a further meeting but if requested by the prospective applicant, the request would be examined. I therefore recommend that the pre-application consultation process should be closed.

Stephen Rhys Thomas
Senior Planning Inspector

01 December 2025

Appendix 6



Certification of Installation of Wastewater Treatment System

Project Details

Site Address:	Ardagh Cottage, Clifden, Galway, H71KD34
Client:	James O'Driscoll & Geraldine McGuinness
Engineer:	Patrick J Sullivan, BEng (Hons)
Installation Date:	14 February 2022

I, Patrick J Sullivan, being a Chartered Engineer, hereby confirm that I have supervised/inspected the installation of the domestic wastewater treatment system and associated percolation area/polishing filter at the above site.

The system installed comprises:

- 7 P.E. Klarp One packaged wastewater treatment unit with 125ltr pump chamber
- Ecoflo Coco Tertiary Treatment filter system/gravel distribution trench
- Ancillary works (distribution pipework, venting, access covers, etc.)

I confirm that:

1. The installation has been carried out in accordance with the manufacturer's instructions, and the requirements of the Environmental Protection Agency Code of Practice: Domestic Wastewater Treatment Systems ($U \leq 10$ P.E.) 2021.
2. All works were completed to good engineering practice, with appropriate levels, falls, and construction materials.
3. The completed system has been inspected and tested, and it is my professional opinion that it is suitable for use and capable of treating the domestic wastewater generated on site.
4. A copy of the manufacturer's certification and maintenance requirements has been provided to the homeowner.

Signed: 

Name: Patrick J Sullivan

Qualifications: BEng (Hons)

Date: 27 October 2025

PATRICK J. SULLIVAN **ENGINEERING SERVICES**

Cois Locha, Derrartha More, Carraroe, Co. Galway
Quantity Surveying - Planning Design - Project Management

Tel: 087 650 4170
Email: seirbhisi777@gmail.com

Appendix 7





Wastewater Solutions

Domestic Jobsheet

Date 24/Mar/2025

Company Details
Graf Wastewater Solutions
 Milltown Business Park, Milltown
 Co. Galway. H54 RD78, Ireland
 Email: info@wastewatersolutions.ie

Customer address
James O'Driscoll

Site address
James O'Driscoll
Ardagh Cottage Ardagh, Clifden
Galway, H71 KD34

Customer Name: James O'Driscoll **Customer Ref:** .

Equipment Used			
Name	Brand	Model	Serial #
Tertiary Filter	Ecoflo	4EH Filter	630
Wastewater Treatment Plant	Graf	One to Clean 7 Pumped	631

Job Description:
 Routine service

Work Checklist

	Yes	No	N/A
Is access to site safe?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the location around the tank safe to work?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there access to turn off power if required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Can you comply to social distancing in relation to Covid 19?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are you happy to proceed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Equipment Checks

	Yes	No	N/A
Inlet fittings intact?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air blower operational?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diffusers & pipe work intact?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aeration of good quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gravity Outlet fittings intact?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outlet Pump 1 operational?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outlet Pump 2 operational? (if fitted)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pumped pipe work not damaged or leaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tank is level, horizontal and properly installed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tank structures intact with no damage?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Control Panel fully operational?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alarm System/GSM functioning?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Electrical connections intact?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All covers and lids have been properly secured	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The system if fully operational as per manufacturers spec?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low Pressure Network checked & flushed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Ecoflo Tertiary Filter checked and operational?



Completion Notes:

7pe Gravity One2clean, 400mm Pump Chamber, Top2 Pump, Tricel
All systems fully tested and serviced.

Replaced faulty control panel as control functions were not working as they should. System is now fully operational

Customers's name:

Customer's
signature

Engineer's name: **Dylan Steede**

Date

31 Mar 2025 09:12

Company
Signature



Appendix 8



From: Brian O'Shaughnessy <boshaughnessy@galwaycoco.ie>

Sent: 12 September 2025 10:29 AM

To: Geraldine McGuinness <gmcguinn@hotmail.co.uk>; James O'Driscoll <jodrisco@hotmail.com>

Subject: Complaint Ref - 41763, Ardagh, Clifden, water pollution

A Chairde,

Galway County Council attended your property on 28th July 2025 following a complaint raised regarding water pollution.

It is understood retention planning was applied for at this property under planning ref 21/720 & 24/60141 but could not be considered as an Appropriate Assessment was required due to proximity to the Connemara Bog Complex SAC.

Galway County Council understand that water sampling was carried out by an ecologist with ORS consultancy to satisfy an NIS requirement, which subsequently showed some level of contamination within the waterbody. Please note the threshold used in the water sampling to show exceedances relate to drinking water standards and would not directly apply to rivers/streams. Instead, stream or surface water quality should be assessed under the Water Framework Directive (WFD) and surface water regulations.

The BALLINABOY_020 waterbody has a monitored station approximately 500m upstream from your property. This waterbody has an ecological status of poor within the current WFD cycle and classified as at risk.

On the day of the site visit no visible pollution was evident across the property. Galway County Council may consider this waterbody for further inspections under the National Inspections Plan (NIP) & National Agricultural Inspection Plan (NAIP).

Please be aware that Galway County Council now consider this complaint closed.

Kind regards,
Brian O'Shaughnessy

Environmental Technician I Environment Section I Galway County Council I
Centrepoint, Liosbaun Estate, Tuam Road, Galway, H91 PY8H

☎ : 091-3788711 ✉ : boshaughnessy@galwaycoco.ie | Website: www.galway.ie |