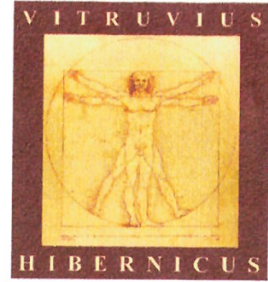


LIAM MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.
ENVIRONMENTAL SCIENTIST PLANNING CONSULTANT LEGAL ADVISOR S.I. 8/2017 SCH. 5
CONVENT ROAD, LONGFORD N39 EE72

EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001
POSTBUS 41882, 1009 DB AMSTERDAM, NEDERLAND.

UK REGISTERED ARCHITECT REG. NO. 0461701
10/2 354 MEADOWSIDE QUAY WALK, GLASGOW G11 6EE



An Bord Pleanála,
64 Marlborough Street,
DUBLIN
D01 V902

P.A. ref : Galway County Council ED 25/22

Dear Sir/Madam,

this is a section 5 referral by my client Patrick Curran, Knockkillaree, Aughnanure,
Co. Galway H91 R25W.

Attached are :

- (i) An Bord's fee €220
- (ii) the declaration by Galway County Council ref. ED 25/22 to be reviewed
- (iii) maps/drawings and AA Screening.

HISTORY

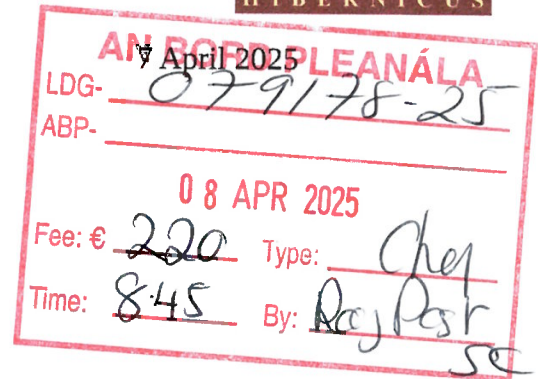
My client erected a temporary enclosure for the assembly of VAWTs in which field he specialises. The overall dimensions are 14m by 6m by 4m.

Also attached by way of background information is an earlier declaration ref. ED 24/134. There was only one outstanding issue in ED 24/134 and that was addressed with the AA Screening. As shown on the drawings that part of the structure which lies within the 10m cordon sanitaire of the adjoining lands was to be dismantled.

My client argues that the second declaration request was addressed with injudicious haste and that the council went out of its way to 'invent' obstacles to a temporary structure. Moreover, the council formed and expressed opinion on VAWT and photovoltaic cells which were questions not put to the council and which are entirely irrelevant.

(If my client were to paint the entire of his house, inside and out, and use this shed for the temporary storage of paints and equipment and contractor's vans, would that make any difference ?)

Class 16 provides for "*development [which] is being or is about to be carried out...*"
The words "*is about to be*" puts paid to the council's prejudice about no evidence of the existence of VAWT on site. Indeed the council makes my client's case for him by reference to Class 2(b) and Class 2(c).



There is no person in the council's ranks qualified to counter or dismiss the very detailed submitted AA Screening. There is no basis, scientific or otherwise, for the outright dismissal of the AA Screening. I go further and suggest that it is utterly absurd to suggest that a shed could have a significant effect on the integrity of a European site. To suggest otherwise is breathtaking nonsense.

The council rationale "... we the Planning Authority are still of the opinion [that] significant effects are likely and cannot be excluded" is unscientific, whimsical, capricious and prejudicial to my client's legal entitlements.

The council's position is wholly illogical and irrational, contrary to plain reason and common sense and indefensible for being in the teeth of plain reason and common sense.

The council's added footnote "*Note : The erection of a wind turbine on Class 4 Iconic landscape will require the benefit of planning*" is a blanket statement and determination not before the council and made in the absence of sight or assessment of any drawings.

In fact the intended VAWTs do not constitute development at all as defined in the Act as they do not involve "works" as defined in Section 2 of the Act

My client relies on the impartial scientific review by An Bord.

Yours faithfully,

Liam Madden,
Convent Road,
LONGFORD.
N39 EE72





Bosca Poist Uimhir 27,
Aras an Chontae,
Cnoc na Radharc,
Gaillimh

Telephone: (091) 509308
Email: planning@galwaycoco.ie
Web: www.galway.ie

Comhairle Chontae na Gaillimhe
Galway County Council

Patrick Curran,
C/o Liam Madden,
Convert Road,
Longford,
N39 EE72.

12th March 2025.

**RE: Declaration of Exempted Development under section 5 of the Planning & Development Act
2000**

ED25/22 – Temporary structure measures 14m x 6m x 4m high. It is now proposed to dismantle 2.1m from eastern gable of the structure to ensure the recommended 10m 'cordon sanitaire' from the watercourse which borders SAC. The dismantled section is proposed to be attached to the western gable. This amended proposal is to accommodate the single concern expressed by the Council is its determination of ED 24/134 at Knockillaree, Aughnanure, Co. Galway, H91 R25W.

DECISION – NOT EXEMPTED DEVELOPMENT

A Chara,

The Planning Authority, in considering this Section 5 application, had regard particularly to

- (a) The definition of "works" set out in Section 2 of the Planning and Development Act 2000 (as amended).
- (b) The definition of "development" set out in Section 3 of said Planning and Development Act.
- (c) Section 4 of said Planning and Development Acts.
- (d) Article 6 of the Planning and Development Regulations 2001 (as amended).
- (e) Article 9 of said Planning and Development Regulations.
- (f) 'Class 2' of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).
- (g) 'Class 16' of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).
- (h) 'Class 17' of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).
- (i) Documents submitted from the referrer in this Section 5 application.

The Planning Authority, in exercise of the powers conferred on it by Section 5 of the 2000 Planning Act (as amended), hereby decides that:

The construction of a temporary structure 14x6x4H at Knockillaree, Aughnanure, Co. Galway is development and is **not exempted development** under the Planning and Development Regulations 2001 (as amended) as the proposed works would contravene the restriction on exemptions:

Article 9(1)(a)

vi) Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Opinion:

Having regard to the above, in particular to the nature of the proposed works in conjunction with the Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended) and Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended), it is considered that the development would constitute development under Section 3 of the Planning and Development Act 2000 (as amended).

The site is located within a Class 4 designated rural landscape, which has a landscape sensitivity rating of 'Iconic', therefore it is the opinion of the Planning Authority that the proposed works would also contravene the restrictions on exemptions Article 9(1)(a)(vi) of the Planning and Development Regulations 2001 (as amended)

vi) Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, Additionally, we the Planning Authority are not satisfied that the Section 5 applications fall within the scope of 'Class 16' of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.

- *Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.*

and 'Class 17' of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

- *Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.*

The applicant has also provided no evidence that the construction of Vertical Axis Wind Turbines and photo-voltaic-film array is taking place within the site and has also provided no evidence that such works would be in compliant with: The 2001 Planning and Development Regulations (as amended) Schedule 2 Part 1:

'Class 2(b) The construction, erection or placing within the curtilage of a house of a wind turbine.

And

'Class 2(c) The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.

Additionally, having reviewed the submitted AA screening report we the Planning Authority are still of the opinion that, based on the information submitted the Planning Authority cannot exclude likely significant effects of the development on the Lough Corrib SAC which in turn could contravene the restriction on exemptions:

Article 9(1)(a) (viib) of the Planning and Development Regulations 2001 (as amended)

"comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,"

Note: The erection of a wind turbine on Class 4 Iconic landscape will require the benefit of planning.

*Please note that you may appeal this decision to **An Bord Pleanála** within four weeks of the issue of this declaration on payment of the prescribed fee. appeals@pleanala.ie*

Mise le meas

John O'Connor
Planning & Sustainable Development Unit

Pl. Ref. No. ED25/22



Bosca Poist Uimhir 27,
Aras an Chontae,
Cnoc na Radharc,
Gaillimh

Telephone
Email
Web

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planning@galwaycoco.ie
www.galway.ie

Comhairle Chontae na Gaillimhe
Galway County Council

Patrick Curran,
C/o Liam Madden,
Convert Road,
Longford,
N39 EE72.

27th February 2025.

**RE: Declaration of Exempted Development under section 5 of the Planning &
Development Act 2000 –
ED25/22**

Description: Temporary structure measures 14m x 6m x 4m high. It is now proposed to dismantle 2.1m from eastern gable of the structure to ensure the recommended 10m 'cordon sanitaire' from the watercourse which borders SAC. The dismantled section is proposed to be attached to the western gable. This amended proposal is to accommodate the single concern expressed by the Council is its determination of ED 24/134.

Location: Knockillaree, Aughnanure, Co. Galway, H91 R25W.

A Chara,

I refer to the above Section 5 application which was received by this office on the 26th February 2025.

The reference for this application is **ED25/22** and you will be notified of the decision in writing in due course.

Mise le meas

Ivana Arsic
Assistant Staff Officer
Planning & Sustainable Development Unit

Iarratas ar dhearbhú maidir le
Forbairt dhíolmhaithe faoi Alt 5
den Acht um Pleanáil agus
Forbairt 2000



Comhairle Chontae na Gaillimhe
Galway County Council

Application for Declaration of
Exempted Development under
Section 5 of the Planning and
Development Act 2000

Tá an fhoirm seo le fáil i gcló mór chomh maith

This form is also available in large print

Tá míle fáilte an fhoirm seo a líonadh i nGaeilge

1. Mionsonraí faoin iarratasóir		1. Applicant details
Ainm	Name	PATRICK CURRAN
Seoladh	Address	KNOCKKILLAREE AUGHANURE, CO. GALWAY H91 R25 W
Cód Poist	Postcode	H91 R25 W
Teileafón	Telephone	AGENT: 043-33-41151
Imeallphost	Email	AGENT: VITRUVIUS.HIBERNICUS @hotmail.com

2. Mionsonraí faoin bhforbairt bheartaithe		2. Proposed development details
Tuairisc iomlán	Full description	TEMPORARY STRUCTURE 14 X 6 X 4 H SEE COVER LETTER

Más méadú ar theach cónaithe atá i gceist, cuir isteach achair urláir		If an extension to a dwellinghouse, please include floor areas	
(i) méadú beartaithe	(i) Proposed extension	N/A	mcr/sqm
(ii) struchtúir reatha	(ii) Existing structure	N/A	mcr/sqm
(iii) spás oscailte príobháideach ar gcúl	(iii) Rear private open space	N/A	mcr/sqm

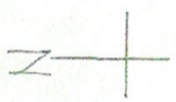
Más forbairt í a bhaineann le Garáiste/Bothán/Stóras etc a chur in airde, luaigh an méid seo a leanas, le do thoil:		If for the erection of Garage/Shed/Store etc., please include the following:	
(i) garáiste/bothán/stóras etc beartaithe	(i) Proposed garage/shed/store etc		mcr/sqm
(ii) struchtúir reatha	(ii) Existing structure	84	mcr/sqm
(iii) spás oscailte príobháideach ar gcúl	(iii) Rear private open space	C.5 ACRES	mcr/sqm

I gcás aon foirgneamh /fhoirgnimh atá le coimeád ar an láithreán, nó i gcás athraithe ar úsáid na maoinne		For any building(s) to be retained on site, or for a change of use of the property
Léirigh an úsáid reatha	Please indicate the existing use	N/A

Doiciméid atá le cur in éineacht leis an bhfoirm iarratais (cuir isteach tic (✓) le do thoil)	Documents to be included with this application form (please tick ✓)	
Léarscáil de shuíomh an láithreáin Scála 1:1000 nó 1:2500	Site location map Scale 1:1000 or 1:2500	✓
Léarscáil de leagan amach an láithreáin Scála 1:200 nó 1:500	Site layout map Scale 1:200 or 1:500	✓
Pleananna urláir & ingearchlónna	Floor plans & elevations	✓
Táille (€80)	Fee (€80)	✓

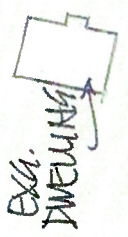
Dearbhaím leis seo go bhfuil an fhaisnéis a thugtar ar an bhfoirm seo ceart		I hereby declare that the information given on this form is correct
Síniú (iarratasóir/gníomhaire)	Signature (applicant/agent)	<i>Niamh Madden</i>
Dáta	Date	<i>19/2/2025</i>

Seol an fhoirm ar ais chuig: An tAonad Pleanála & Forbartha Inmharthana Comhairle Chontae na Gaillimhe Áras an Chontae Cnoc na Radharc Gaillimh.	Return to: Planning & Sustainable Development Unit Galway County Council Áras an Chontae Prospect Hill Galway	Tel. (091) 509308 Fax (091) 509199 planning@galwaycoco.ie www.gaillimh.ie www.galway.ie
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SITE BOUNDARY IN RED

SECTION 5 REQUEST STRUCTURE



EXI. DWELLING

RE-LOCATED AREA

EXI. GARAGE

10M

2.10M AT EASTERN GABLE DISMANTLED TO ENSURE 10M CLEARANCE FROM NEAREST EDGE OF WATERCOURSE

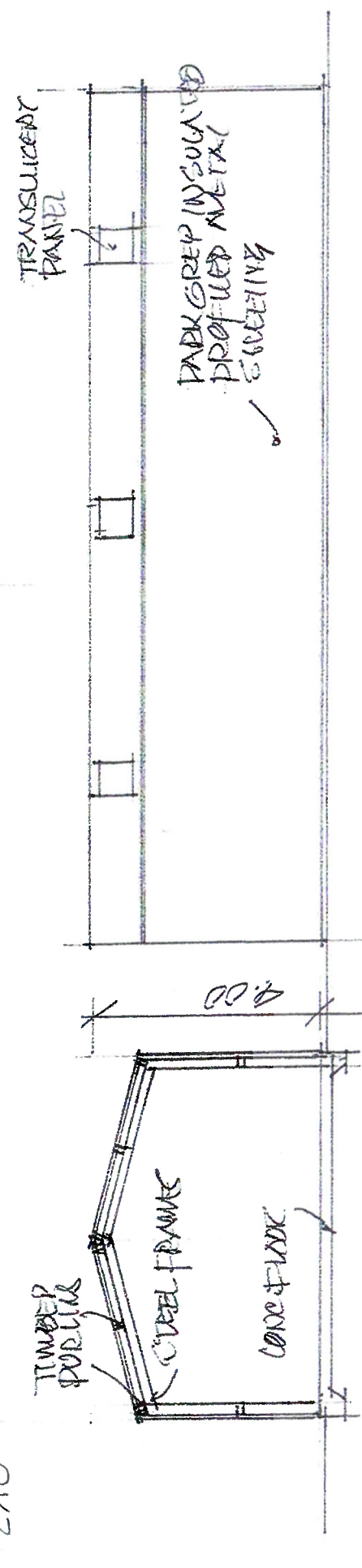
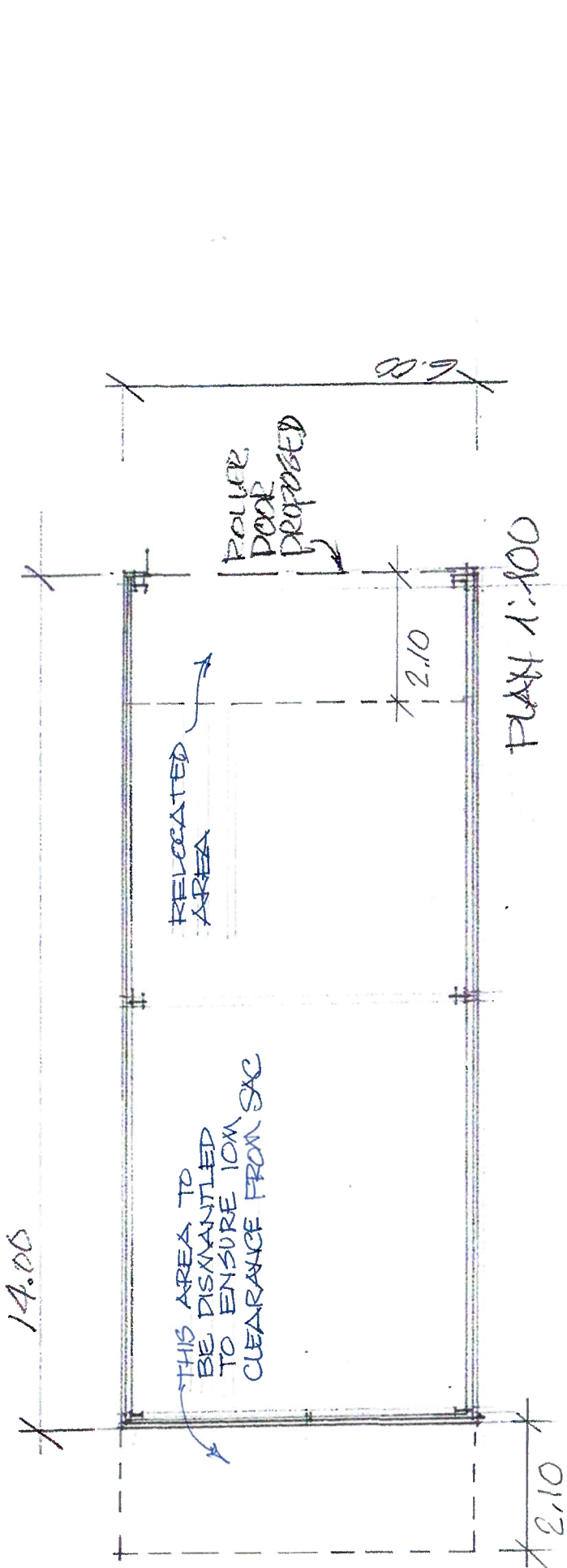
WATERCOURSE

Green River

SITE LOCATION MAP
GRIDCODE H91 R25W

REVISION 15.02.25

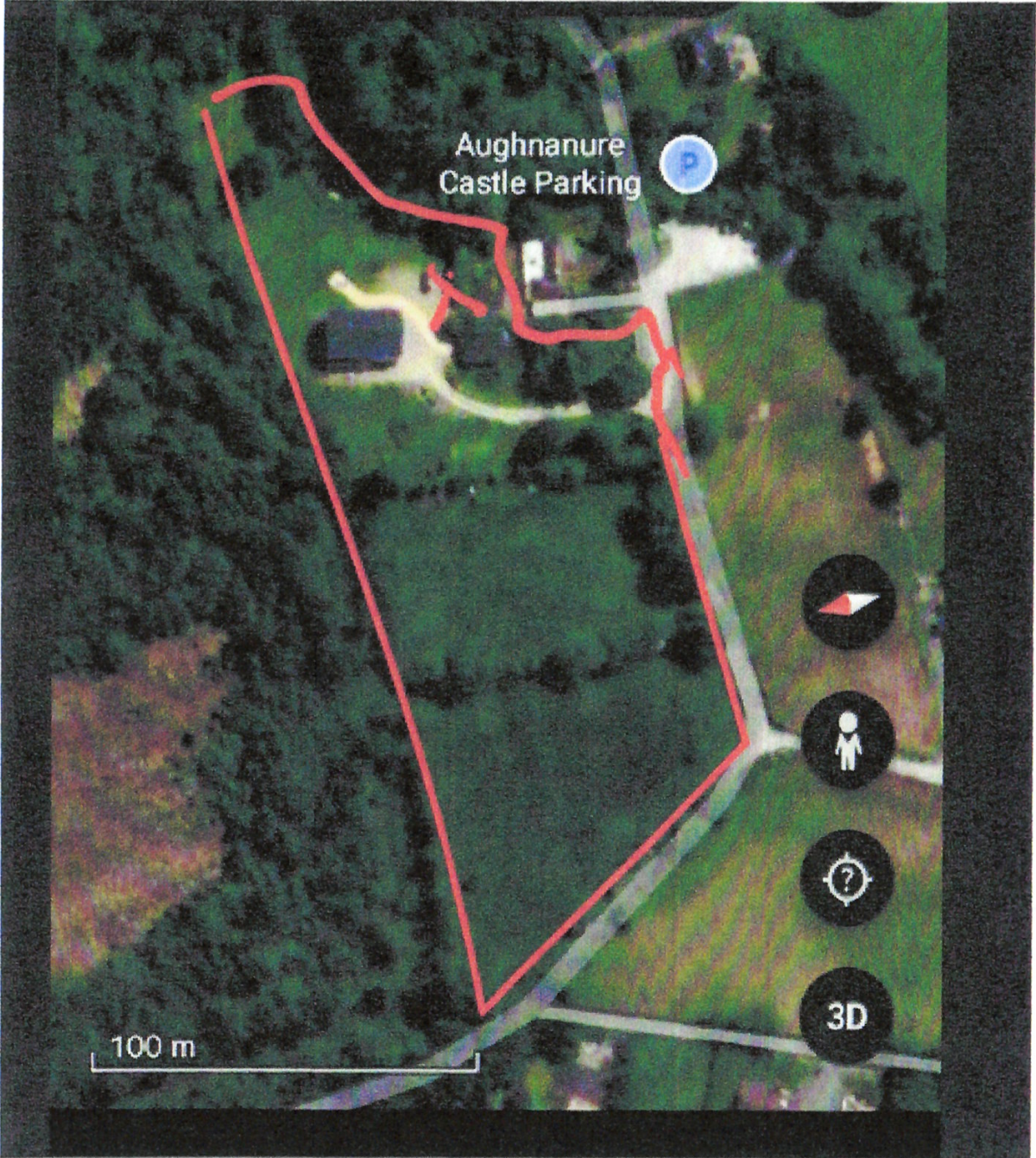
XV	515424_741959
Scale	1 : 1000
Townland	Knockmallee
Barony	Moycullen
County	Galway



SIDE ELEVATIONS 1:100

REVISION 15.02.25





Aughnanure
Castle Parking

100 m



<p>(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p>	
<p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>
<p><i>Temporary structures and uses</i></p> <p>CLASS 15 Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction.</p>	
<p>CLASS 16 The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.</p>	<p>Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.</p>
<p>CLASS 17 The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried</p>	<p>Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission,</p>

Commented [IT894]: Inserted by article 4 of S.I. No. 582/2015 – Planning and Development (Amendment)(No. 4) Regulations 2015

Commented [IT898]: Inserted by article 4 of S.I. No. 582/2015 – Planning and Development (Amendment)(No. 4) Regulations 2015

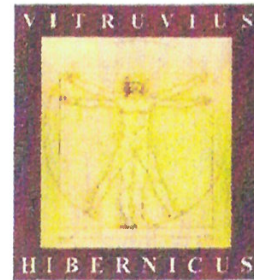
Commented [IT895]: Inserted by article 4 of S.I. No. 582/2015 – Planning and Development (Amendment)(No. 4) Regulations 2015

<p>out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.</p>	<p>consent, approval or confirmation granted under the Act or any other enactment.</p>
<p>CLASS 18 The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of mining is to be carried out pursuant to a permission under the Act, of structures, works, plant or machinery needed temporarily in connection with preparation for the development.</p>	<p>Such structures, works, plant or machinery shall be removed when commissioning of the mine, and any ancillary structures or facilities, has been completed pursuant to a permission under the Act.</p>
<p>CLASS 19 Development consisting of the provision, construction or erection by or on behalf of a State authority of temporary structures or other temporary facilities required in connection with a visit of a dignitary or delegation.</p>	<p>The temporary structures and facilities shall be removed after the conclusion of the visit and the land concerned shall be reinstated.</p>
<p>CLASS 20 The use of premises in connection with an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1994 (No. 12 of 1994).</p>	<p>The use shall be discontinued after a period not exceeding 30 days.</p>
<p>CLASS 20A The erection of a mast for mapping meteorological conditions.</p>	<ol style="list-style-type: none"> 1. No such mast shall be erected for a period exceeding 15 months in any 24 month period. 2. The total mast height shall not exceed 80 metres.

LIAM MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.
ENVIRONMENTAL SCIENTIST PLANNING CONSULTANT LEGAL ADVISOR S.I. 8/2017 SCH. 5
CONVENT ROAD, LONGFORD N39 EE72

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UK REGISTERED ARCHITECT REG. NO. 046170I
10/2 354 MEADOWSIDE QUAY WALK, GLASGOW G11 6EE



Planning Office,
Galway County Council,
Áras an Chontae,
Prospect Hill,
GALWAY.

19 Feb. 2025

Re : Exempted development Request Section 5.

Dear Sir/Madam,

this is a section 5 request by Patrock Curran, Knockkillaree, Aughnanure, Co. Galway
H91 R25W for a declaration of exemption for development at his land.

This is a repeat request following on from request ref. ED 24/134 wherein the Council raised
one area of concern.

Attached are :

- (i) request fee €80,
- (ii) completed section 5 Request Form,
- (iii) explanatory maps/photos.

1. BACKGROUND

The background is the same as that in ED 24/134.

2. SUPPORTING ARGUMENTS

The supporting arguments are the same as those in ED 24/134.

3. NATURE of DEVELOPMENT and WORKS

These are the same as in in ED 24/134

4. STRUCTURE

It is now proposed to dismantle 2.1m from the eastern gable of the structure to ensure the
recommended 10m 'cordon sanitaire' from the watercourse which borders the SAC.

The dismantled section is proposed to be attached to the western gable.

This amended proposal is to accommodate the single concern expressed by the Council is its
determination of ED 24/134. Attached is AA Screening.

For completeness I attach copies of related correspondence.

vitruvius.hibernicus@hotmail.com Tel. 00353-43-33 41151

WHEREAS a question has arisen as to whether the construction and placing on land of a temporary structure and the use thereof are or are not exempted development under Classes 16 and 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended.

Yours faithfully,

Liam Madden,
Convent Road,
LONGFORD.
N39 EE72





Bosca Poist Uimhir 27,
Aras an Chontae,
Cnoc na Radharc,
Gaillimh

Telephone: (091) 509308
Email: planning@galwaycoco.ie
Web: www.galway.ie

Comhairle Chontae na Gaillimhe Galway County Council

Patrick Curran
Knockillaree,
Aughnanure,
Co. Galway,
H91 R25W

4th December 2024

RE: Declaration of Exempted Development under section 5 of the Planning & Development Act 2000

ED24/134 – *Temporary structure measures 14m x 6m x 4m high. It comprises a steel frame and profiled metal insulated side and roof panels on a concrete base. The structure, partly completed, will of course be dissembled upon completion and commissioning of the alternative energy devices at Knockillaree, Aughnare, Co. Galway, H91 R25W.*

DECISION – NOT EXEMPTED DEVELOPMENT

A Chara,

The Planning Authority, in considering this Section 5 application, had regard particularly to

- (a) The definition of “works” set out in Section 2 of the Planning and Development Act 2000 (as amended).
- (b) The definition of “development” set out in Section 3 of said Planning and Development Act.
- (c) Section 4 of said Planning and Development Acts.
- (d) Article 6 of the Planning and Development Regulations 2001 (as amended).
- (e) Article 9 of said Planning and Development Regulations.
- (f) ‘Class 2’ of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).
- (g) ‘Class 16’ of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).
- (h) ‘Class 17’ of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).
- (i) Documents submitted from the referrer in this Section 5 application.

The Planning Authority, in exercise of the powers conferred on it by Section 5 of the 2000 Planning Act (as amended), hereby decides that:

The construction of a temporary steel frame structure with profiled metal insulated side and roof panels on a concrete base 14x6x4H at Knockillaree, Aughnare, Co. Galway is development and is **not exempted development** under the Planning and Development Regulations 2001 (as amended) as the proposed works would contravene the restriction on exemptions:

Article 9(1)(a)

vi) Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, and

viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Opinion:

Having regard to the above, in particular to the nature of the proposed works in conjunction with the Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended) and Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended), it is considered that the development would constitute development under Section 3 of the Planning and Development Act 2000 (as amended).

Having considered the works proposed, the Planning Authority is of the opinion that, based on the information submitted the Planning Authority cannot exclude likely significant effects of the development on the Lough Corrib SAC and Lough Corrib SPA which in turn could contravene the restriction on exemptions:

Article 9(1)(a) (viib) of the Planning and Development Regulations 2001 (as amended)

“comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,”

Additionally, the site is located within a Class 4 designated rural landscape, which has a landscape sensitivity rating of ‘Iconic’, therefore it is the opinion of the Planning Authority that the proposed works would also contravene the restrictions on exemptions Article 9(1)(a)(vi) of the Planning and Development Regulations 2001 (as amended)

vi) Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Finally, we the Planning Authority are not satisfied that the Section 5 applications fall within the scope of ‘Class 16’ of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or

as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.

- *Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.*

and ‘Class 17’ of Schedule 2 Part 1 of the 2001 Planning and Development Regulations (as amended).

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary onsite accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

- *Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.*

The applicant has not provided satisfactory evidence that the structure erected on site is pursuant to a permission under the Act or as exempted development specified under Class 16. Furthermore, the applicant has provided no evidence that the structure erected on site relates to temporary onsite accommodation for person employed or otherwise engaged in connection with the carrying out of development or development about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development.

Please note that you may appeal this decision to **An Bord Pleanála** within four weeks of the issue of this declaration on payment of the prescribed fee. appeals@pleanala.ie

Mise le meas

John O'Connor
Planning & Sustainable Development Unit

Áras an Chontae,
Cnoc na Radharc, Gaillimh.
H91 H6KX.

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& Seirbhísi Ginearálta
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07 November 2024

Comhairle Chontae na Gaillimhe Galway County Council

Liam Madden
Convent Road
Longford
N39 EE72

Our Reference: EN23/210

Your Reference:

A Chara

The Planning Authority acknowledge receipt of your correspondence dated as received on the 30th of October 2024.

RE: Unauthorised structure (shed/hangar) at Knockillaree / *Cnoc Chill an Fhraoigh*.

The planning authority wish to acknowledge receipt of your recent correspondence on this matter and your intentions to apply for a declaration of exemption.

A week has passed since your previous correspondence in which you state that a Section 5 request would be submitted to the planning authority within approximately one week.

You should advise this office in writing once a valid exempted development application has been lodged with the planning authority, quoting the reference number for same.

You are advised that our enforcement file remains active and will be progressed as appropriate, the costs for which your client may be liable.

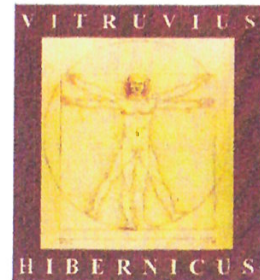
Is mise, le meas

Rory Foyle
Enforcement Officer
Planning Enforcement Section
Galway County Council

LIAM MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.
ENVIRONMENTAL SCIENTIST PLANNING CONSULTANT LEGAL ADVISOR S.I. 8/2017 SCH. 5
CONVENT ROAD, LONGFORD N39 EE72

EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001
POSTBUS 41882, 1009 DB AMSTERDAM, NEDERLAND

UK REGISTERED ARCHITECT REG. NO. 046170I
10/2 354 MEADOWSIDE QUAY WALK, GLASGOW G11 6EE



Planning Office,
Galway County Council,
Áras an Chontae
Prospect Hill
GALWAY.

11 Nov. 2024

Re : Exempted Development Request.

Dear Sir/Madam,

this is a Section 5 Request by Patrick Curran, Knockkillaree, Aughnanurre, Co. Galway H91 R25W for a declaration that development currently underway at his land is Exempted Development.

Attached are :

- (i) the request Fee €80,
- (ii) completed Section 5 Request form,
- (iii) explanatory maps/photos.

1. BACKGROUND

Patrick Curran recently commenced building works on his c. 5 acre lands.

The works measure 14m x 6m x 4m high.

The works are incomplete and temporary.

It is understood that a third party neighbour raised objection and alerted the Council which served notices.

2. SUPPORTING ARGUMENTS

My client argues as follows :

- a. It is not contested that the works constitute development as defined.
- b. The structure is unfinished and temporary.
- c. The development is exempted under Temporary Structures and Uses Class 16 and Class 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended.

Copies are attached.

3. NATURE of DEVELOPMENT and WORKS.

My client specialises in innovative engineering technologies.

He is constructing Vertical Axis Wind Turbines (VAWTs) and photo-voltaic-film array for his residence. He is hopeful that the works will attract SEAI grant aid.

The VAWTs are highly specialised technical devices which themselves are exempted developments. These will be up and running in due course.

However, in order to assemble, complete and commission the above alternative energy devices, a temporary structure has been placed on his land in which the VAWT and Heliacell array can be assembled.

4. STRUCTURE

The structure, partly completed, will of course be disassembled upon completion and commissioning of the alternative energy devices.

The structure measures 14m x 6m x 4m high. It comprises a steel frame and profiled metal insulated side and roof panels on a concrete base.

WHEREAS a question has arisen as to whether the construction and placing on land of a temporary structure and the use thereof are or are not exempted development, the Requestor seeks a declaration of exemption.

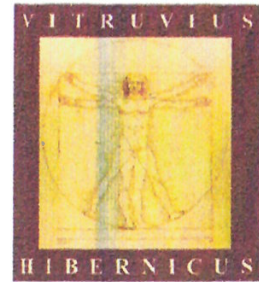
Yours faithfully,

Liam Madden,
Convent Road,
LONGFORD
N39 EE72

LIAM MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.
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UK REGISTERED ARCHITECT REG. NO. 0461701
10/2 354 MEADOWSIDE QUAY WALK, GLASGOW G11 6EE



Galway County Council,
Áras an Chontae,
Cnoc na Radharc,
GAILLIMH
Borca Poist Uimhir 27

31 Jan. 2025

Dear Sir/Madam,

I act for Patrick Curran, Knockillaree, Aughnanure, Co. Galway H91 R25W.
I refer to the Section 5 Request to Galway County Council and the Council
determination dated 4th Dec. 2024.

The question posed to Galway County Council in ED24/134 was :

*WHEREAS a question has arisen as to whether the construction and placing
on land of a temporary structure and the use thereof are or are not exempted
development, the Requestor seeks a declaration of exemption.*

The Council, having considered the matter, fastened onto one single issue.

*“ the Planning Authority cannot exclude likely significant effect of the
development on the Lough Corrib SAC and Lough Corrib SPA which in turn
could contravene the restriction on exemptions: Article 9(1)(a)(vi) of the
Planning and Development Regulations 2001 (as amended).*

Accordingly the P.A. was not satisfied that Class 17 of Schedule 2 Part 1 of the
Regulations would apply.

The doubt about possible significant effect on the nearby SAC and SPA was identified
by Galway County Council in its measured deliberations.

Therefore my client will now re-submit a new Section 5 Request with the following
amendments to ED24/134.

The part of the structure nearest the watercourse which falls within the recommended
10m 'cordon sanitaire' of the SAC and SPA is to be dismantled.

Also, the new Section 5 Request will be accompanied by an AA Screening which will
demonstrate that there would be no significant effect on the protected areas.

The new Section 5 Request will be with you in the immediate future.

Yours faithfully,

Liam Madden,
Convent Road,
LONGFORD
N39 EE72



Noreen McLoughlin, MSc
Environmental Consultant

Whitehill
Edgeworthstown
Co. Longford
☎ (087) 4127248 / (043) 6672775
✉ noreen.mcloughlin@gmail.com

HABITATS DIRECTIVE SCREENING REPORT FOR A PROPOSED DEVELOPMENT IN KNOCKKILLAREE, AUGHNANURE, CO GALWAY H91R25W



*Patrick Curran
Knockkillaree
Aughnanure
Co. Galway
H91R25W*

February 2025



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1 INTRODUCTION

1.1 BACKGROUND

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the potential significant effects of a development (Section V Declaration) in Knockillaree, Aughnanure, Co. Galway on European designated sites was carried out in February 2025 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. This assessment enabled potential ecological effects associated with the development on designated sites to be assessed. It will allow Galway County Council, as the competent authority, to issue an Appropriate Assessment determination of the proposed development.

The location of the proposed development is within the Zone of Influence of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely.

1.2 REGULATORY CONTEXT

RELEVANT LEGISLATION

The Birds Directive (Council Directive 2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the

management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2027 and that status does not deteriorate in any waters.

Appropriate Assessment and the Habitats Directive

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

The Appropriate Assessment Process

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site's conservation objectives.

The 'Appropriate Assessment' itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

(1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed development is given.'

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

2 METHODOLOGY

2.1 APPROPRIATE ASSESSMENT

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2018). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2021). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

Stage 1: Screening – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

Stage 2: Appropriate Assessment – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

Stage 3: Assessment of Alternative Solutions – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain – An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.

2.2 STATEMENT OF COMPETENCY

This AA Screening report was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over 19 years. Noreen has over 21 years' experience as a professional ecologist in Ireland.

2.3 DESK STUDIES & CONSULTATION

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- Myplan.ie – Mapped based information;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- Liam Madden / Patrick Curran – Site plans, development description and information on potential emissions.
- Galway County Council – Information on planning history in the area for the assessment of cumulative impacts.
- The AA has also been undertaken in consideration of the European Union (CJEU) judgment on Case C323/17 (People over Wind, Peter Sweetman v Coillte Teoranta), which concluded that "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site.". Other caselaw relevant to Screening are Waddenzee (C127/02), Holohan and Others v An Bord Pleanála (C461/17) and Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061.

2.4 ASSESSMENT METHODOLOGY

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (Zol) of the proposed development was defined. Based on the potential impacts and their Zol, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected", and for SPAs "to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA".

As defined in the Habitat's Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCO should be considered in detail.

3 SCREENING

3.1 DEVELOPMENT DESCRIPTION

Mr Patrick Curren is applying to Galway County Council for a Section 5 Declaration of Exempted Development for works undertaken on his lands at Knockkillaree, Aughnanure, Co. Galway H91R25W. The works undertaken consist of the following:

The erection of a temporary structure measuring 14m x 6m x 4m high. The structure comprises a steel frame and profiled metal insulated side and roof panels on a concrete base. The structure, partially completed, will be disassembled upon completion and commissioning of the alternative energy devices at Knockkillaree, Aughnanure.

The shed is a temporary structure which will be used to assemble, complete and commission a proposed Vertical Axis Wind Turbine for the applicant's residence.

A previous application for this Declaration of Exempted Development was rejected by Galway County Council for the following reason...*"Having considered the works proposed, the Planning Authority is of the opinion that, based on the information submitted the Planning Authority cannot exclude likely significant effects of the development on the Lough Corrib SAC and the Lough Corrib SPA which in turn could contravene the restriction on exemptions."*

Extracts from the planning drawings can be seen in Figure 1.

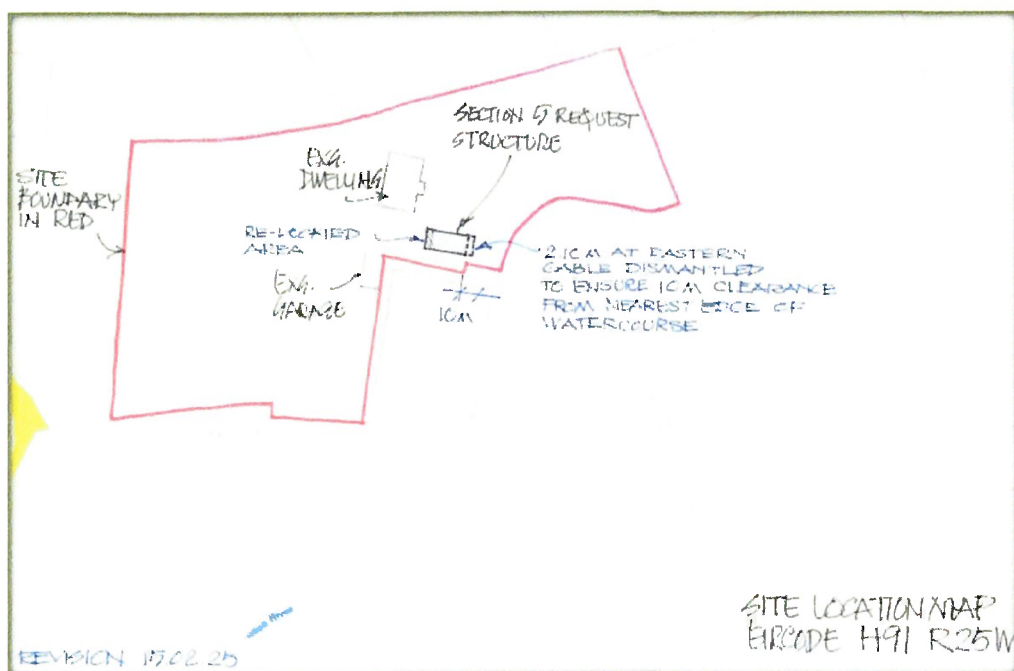


Figure 1 – Site Plan showing Existing Dwelling and Section 5 Request Structure

Surface Water Treatment

Rainfall from the roof falls naturally to the lawn surrounding the footprint of the shed.

Foul Water Treatment

There are no toilet facilities in the shed, and none are proposed.

3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The application site encompasses the applicant's existing dwelling house. It is circa 1.25 hectares and it is located in a rural but residential area in the townland of Knockillaree. The site is accessed via an existing entrance into the dwelling site and this entrance is just north of a local, third-class road. The site is approximately 3km south-east of Oughterard.

The main land-use surrounding the site is low-intensity agriculture and the dominant habitats represented locally include improved and semi-improved agricultural grasslands. Large areas of blanket bog lie to the north of the site, whilst broadleaved woodlands are also very common locally. The site is close to Lough Corrib and its riparian marsh, grassland and woodland habitats. There is also a high level of one-off rural dwellings in the lands surrounding the site and the dominant habitats associated with these areas include buildings and artificial surfaces and amenity grasslands / gardens. Site location maps are shown in Figures 2 and 3, whilst an aerial photograph of the site and its surrounding habitats is shown in Figure 4.



Figure 2 – Site Location Map (Site is Pinned).



Figure 3 – Site Location Map (Site Outlined in Red).

HABITATS WITHIN THE SITE

The application site lies within an existing residential site that was constructed in the early 2000s. The dominant habitats within the entire site include Buildings and Artificial Surfaces, i.e., the existing shed, house, driveway and paths. The remainder of the site consists of amenity grasslands, along with scattered trees and shrubs. The Drimneen River flows briefly along a section of the south-eastern perimeter of the site, whilst its tributary known as the Glebe Stream flows along the northern perimeter of the site. The riparian habitats of these watercourses within the application site include grasslands and scattered trees.

The shed seeking the Section 5 Declaration was constructed on an area of amenity grassland, beyond a fence which separates the applicant's garden from the unmanaged riparian verge of the Drimneen River (See Photos below).





WATER FEATURES AND QUALITY

The application site is located within the Corrib Hydrometric Area (30) and Catchment (30), the Ballycurke Lough Stream Sub-Catchment (010) and the Drimneen Sub-Basin (010). The Drimneen River flows briefly along the south-eastern site boundary, whilst its tributary known as the Glebe Stream flows along the northern perimeter of the site. The confluence of these two watercourses occurs in the south-eastern corner of the site. The Drimneen River continues to flow east until it flows into Lough Corrib, at a point approximately 470m east of the application site.

The edge of the river is approximately 7.9m from the nearest point of the shed.

The EPA have defined the ecological status of the Glebe Stream, the Drimneen River and Lough Corrib as good. Under the requirements of the Water Framework Directive, this status is satisfactory and this status must be maintained.



Figure 4 – The Application Site at Knockkillaree (Outlined in Red) and its Surrounding Habitats. Application Site outlined in Red, Approximate Location of the Shed Outlined in Orange

3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their site synopsis, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

For significant effects to arise, there must be a potential impact facilitated by having a *source*, i.e., the proposed development and activities arising out of its construction or operation, a *receptor*, i.e., the European site and its qualifying interests and a subsequent *pathway* or *connectivity* between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are twelve Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to the proposed development site are summarised in Table 1 and a map and aerial photograph showing their locations relative to the application site are shown in Figures 5 and 6. A full description of these sites can be read on the website of the National Parks and Wildlife Service (npws.ie).

Site Name & Code	Distance	Qualifying Interests	Significant Effects?
Lough Corrib SAC 000297	Adjacent to the Site Shed is outside the SAC and is circa 2m from SAC boundary	<ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) • Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> • Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation • Semi-natural dry grasslands and scrubland facies on 	<i>Having regards to the proximity of the shed to this SAC, then the potential significant effects on the QIs of this SAC will be considered further.</i>

		<p>calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites)</p> <ul style="list-style-type: none"> • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) • Active raised bogs • Degraded raised bogs still capable of natural regeneration • Depressions on peat substrates of the <i>Rhynchosporion</i> • Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> • Petrifying springs with tufa formation (Cratoneurion) • Alkaline fens • Limestone pavements • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles • Bog woodland • Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) • White-clawed crayfish (<i>Austropotamobius pallipes</i>) • Sea lamprey (<i>Petromyzon marinus</i>) • Brook lamprey (<i>Lampetra planeri</i>) • Salmon (<i>Salmo salar</i>) • Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>) • Otter (<i>Lutra lutra</i>) • Slender green feather moss (<i>Drepanocladus vernicosus</i>) • Slender naiad (<i>Najas flexilis</i>) 	
Lough Corrib SPA 004042	377m east / downstream	<ul style="list-style-type: none"> • Gadwall (<i>Anas strepera</i>) • Shoveler (<i>Anas clypeata</i>) • Pochard (<i>Aythya ferina</i>) • Tufted Duck (<i>Aythya fuligula</i>) • Common Scoter (<i>Melanitta nigra</i>) • Hen Harrier (<i>Circus cyaneus</i>) • Coot (<i>Fulica atra</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) • Common Gull (<i>Larus canus</i>) • Common Tern (<i>Sterna hirundo</i>) • Arctic Tern (<i>Sterna paradisaea</i>) • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) • Wetland and Waterbirds 	Having regards to the proximity of the shed to this SPA, then the potential significant effects on the QIs of this SPA will be considered further.

Ross Lake and Woods SAC 001312	4.3km south	<ul style="list-style-type: none"> • Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) • Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.
Cloughmoyne SAC 000479	9.3km north-east	<ul style="list-style-type: none"> • Limestone pavements 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.
Connemara Bog Complex SPA 004181	10.3km west	<ul style="list-style-type: none"> • Cormorant (<i>Phalacrocorax carbo</i>) • Merlin (<i>Falco columbarius</i>) • Common Gull (<i>Larus canus</i>) • Golden Plover (<i>Pluvialis apricaria</i>) 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SPA, then significant effects upon this site and its QIs will not arise.
Ballymaglancy Cave, Cong SAC 000474	13.5km north	<ul style="list-style-type: none"> • Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>) • Caves not open to the public 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.
Lough Carra/Mask Complex SAC 001774	14km north	<ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) • Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> • Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. • European dry heath • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) • Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> • Alkaline fens • Limestone pavements • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> • <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) • <i>Lutra lutra</i> (Otter) 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.

		<ul style="list-style-type: none"> • <i>Drepanocladus vernicosus</i> (Slender Green Feather-moss) 	
Mocorha Lough SAC 001536	14.4km north-east	<ul style="list-style-type: none"> • Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>* 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.
Shrule Turlough SAC 000525	14.9km north-east	<ul style="list-style-type: none"> • Turloughs 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.
Kildun Souterrain SAC 002320	14.9km north	<ul style="list-style-type: none"> • <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.
Connemara Bog Complex SAC 002034	8.4km west	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Coastal lagoons • Large shallow inlets and bays • Reefs • Perennial vegetation of stony banks • Vegetated sea cliffs of the Atlantic and Baltic coasts • <i>Salicornia</i> and other annuals colonizing mud and sand • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • Otter (<i>Lutra lutra</i>) • Common seal (<i>Phoca vitulina</i>) • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • Turloughs • <i>Juniperus communis</i> formations on heaths or calcareous grasslands • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (*important orchid sites) • Calcareous fens with (<i>Cladium mariscus</i>) and species of the <i>Caricion davallianae</i> • Alkaline fens 	Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its QIs will not arise.

		<ul style="list-style-type: none"> • Limestone pavements 	
Gortnandarragh Limestone Pavement SAC 001271	2.9km south-east	<ul style="list-style-type: none"> • Limestone Pavements 	<i>Having regards to the small size and scale of the development combined with the separation distance and lack of hydrological connectivity between the application site and this SAC, then significant effects upon this site and its OIs will not arise.</i>

Table 1 – Natura 2000 Sites Within 15km of the Proposed Site

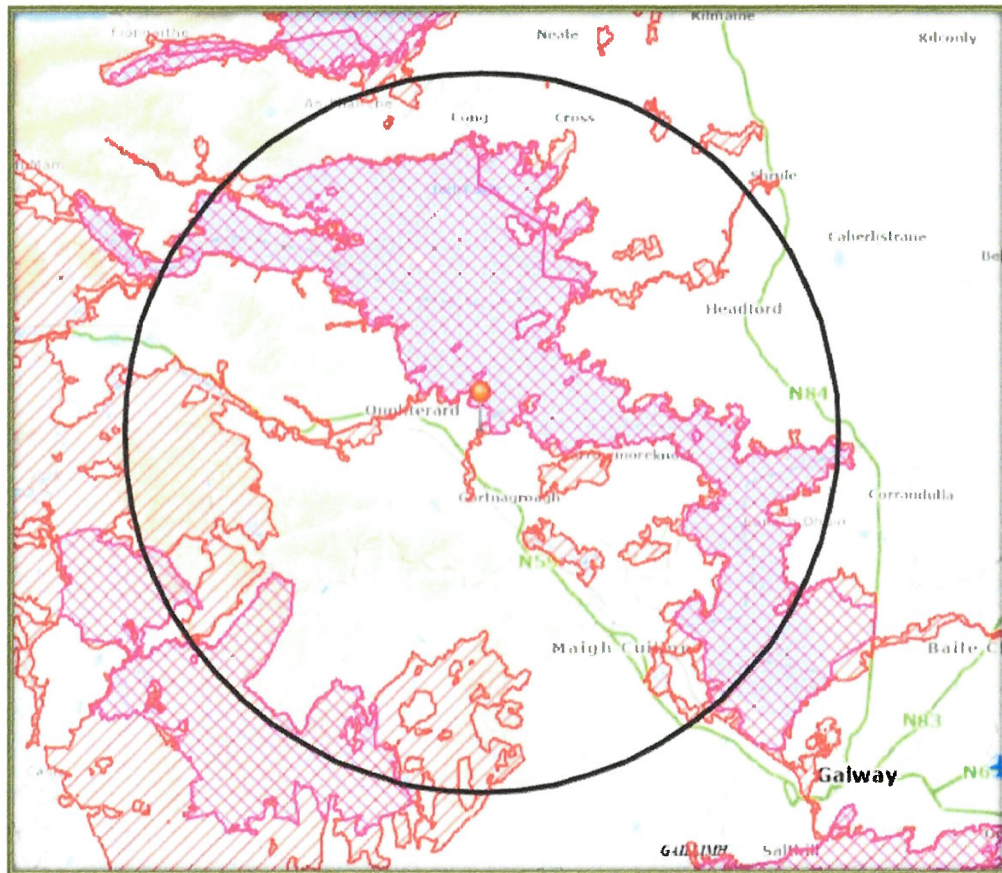


Figure 5 – The Application Site (Red Dot) in relation to the Natura 2000 Sites within 15km



Figure 6 – The Application Site (Outlined in Red) in relation to Lough Corrib SAC (Red Hatching) and SPA (Pink Hatching). Section V Shed outlined in Orange.

Lough Corrib SAC 000297

Site Summary

Lough Corrib is situated to the north of Galway city and is the second largest lake in Ireland with an area of approximately 18,240 ha (the entire site is 20,556 ha). The lake can be divided into two parts: a relatively shallow basin, underlain by Carboniferous limestone, in the south and a larger, deeper basin, underlain by more acidic granite, schists, shales and sandstones, to the north. The surrounding lands are mostly pastoral farmland, to the south and east, and bog and heath, to the west and north. Rivers, mainly to the east of the site are included within the cSAC as they are important for Atlantic Salmon. These rivers include the Clare, Grange, Abbert, Sinking, Dalgan and Black to the east, as well as the Cong, Bealanabrack, Failmore, Cornamona, Drimneen and Owenriff to the west. In addition to the rivers and lake basin, adjoining areas of conservation interest, including raised bog, woodland, grassland and limestone pavement, have been incorporated into the site.

This site is of major conservation importance and includes 14 habitats listed on Annex I of the E.U. Habitats Directive. Six of these are priority habitats - petrifying springs, *Cladium* fen, active raised bog, limestone pavement, bog woodland and orchid-rich calcareous grassland. The other annexed habitats present include hard water lakes, lowland oligotrophic lakes, floating river vegetation, alkaline fens, degraded raised bogs, Rhynchosporion vegetation, *Molinia* meadows and old Oak woodlands. Species present on the site that are listed on Annex II of this directive are Sea Lamprey, Brook Lamprey, Atlantic Salmon, White-clawed Crayfish,

Freshwater Pearl Mussel, Otter, Lesser Horseshoe Bat, Slender Naiad and the moss *Drepanocladus vernicosus*.

The main threats to the quality of this site are from water polluting activities resulting from intensification of agricultural activities on the eastern side of the lake, uncontrolled discharge of sewage which is causing localised eutrophication of the lake and housing and boating development, which is causing the loss of native lakeshore vegetation. The raised bog habitats are susceptible to further degradation and drying out due to drainage and peat cutting and, on occasions, burning. Peat cutting threatens Addergoole Bog and already a substantial area of it has been cut away. Fishing and shooting occur in and around the lake. Introduction of exotic crayfish species or the crayfish fungal plague (*Aphanomyces astaci*) could have a serious impact on the native crayfish population. The bat roost is susceptible to disturbance or development.

Despite this ongoing interference however, Lough Corrib is one the best examples of a large lacustrine catchment system in Ireland, with a range of habitats and species still well represented. The lake itself is internationally important for birds and is designated as a Special Protection Area.

Site Specific Conservation Objectives

In 2012, the NPWS published Site Specific Conservation Objectives (SSCOs) for this SAC¹. These conservation objectives were also supported by a number of other documents relating to the habitats and species of this SAC. For the Lough Corrib SAC, these SSCO's can be downloaded on the NPWS website. The NPWS Qualifying Interests and SSCO's of Lough Corrib are listed below in Table 3.

Habitat Name [Code]	Attributes – Measures - Targets	Conservation Objective
Freshwater Pearl Mussel <i>Margaritifera Margaritifera</i> [1029]	<ul style="list-style-type: none"> • Distribution • Population Size • Population Structure • Suitable Habitat • Water Quality • Substratum Quality • Hydrological Regime • Host Fish • Fringing Habitat 	To <i>restore</i> the favourable conservation condition of this species in the SAC
White-clawed Crayfish <i>Austropotamobius pallipes</i> [1092]	<ul style="list-style-type: none"> • Distribution • Population Structure • Negative Indicator Species • Disease • Water Quality 	To <i>maintain</i> the favourable conservation condition of this species in the SAC

¹ NPWS (2017) Conservation Objectives: Lough Corrib SAC 000297. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

	<ul style="list-style-type: none"> • Habitat Quality: Heterogeneity 	
Sea Lamprey <i>Petromyzon marinus</i> [1095]	<ul style="list-style-type: none"> • Distribution: Extent of Anadromy • Population Structure of Juveniles • Juvenile Density in Fine Sediment • Extent and Distribution of Spawning Habitats • Availability of Juvenile Habitat 	To <i>restore</i> the favourable conservation condition of this species in the SAC
Brook Lamprey <i>Lampetra planeri</i> [1096]	<ul style="list-style-type: none"> • Distribution • Population Structure of Juveniles • Juvenile Density in Fine Sediment • Extent and Distribution of Spawning Habitats • Availability of Juvenile Habitat 	To <i>maintain</i> the favourable conservation condition of this species in the SAC
Salmon <i>Salmo salar</i> [1106]	<ul style="list-style-type: none"> • Distribution: Extent of Anadromy • Adult Spawning Fish • Salmon Fry Abundance • Out-Migrating Smolt Abundance • Number and Distribution of Redds • Water Quality 	To <i>maintain</i> the favourable conservation condition of this species in the SAC
Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303]	<ul style="list-style-type: none"> • Population per Roost • Summer Roosts • Number of Auxillary Roosts • Extent of Potential Foraging Habitat • Linear Features • Light Pollution 	To <i>restore</i> the favourable conservation condition of this species in the SAC
Otter <i>Lutra lutra</i> [1355]	<ul style="list-style-type: none"> • Distribution • Extent of Terrestrial Habitats • Extent of Freshwater Habitats • Couching sites and holts • Fish biomass available • Barriers to Connectivity 	To <i>maintain</i> the favourable conservation condition of this species in the SAC
Slender Green Feather-moss <i>Drepanocladus vernicosu</i> [1393]	<ul style="list-style-type: none"> • Distribution of Populations • Population Size • Population Cover • Area of Suitable Habitat • Hydrological Conditions • Vegetation Composition • Vegetation Structure 	To <i>maintain</i> the favourable conservation condition of this species in the SAC
Slender Naiad <i>Najas flexilis</i> [1833]	<ul style="list-style-type: none"> • Population Extent • Population Depth • Population viability • Species Distribution • Habitat Extent • Hydrological Regime • Lake Substratum Quality • Water Quality • Acidification Status • Water Colour • Associated Species • Fringing Habitat 	To <i>restore</i> the favourable conservation condition of this species in the SAC
Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Typical Species • Vegetation Composition • Vegetation Distribution • Hydrological Regime • Lake Substratum Quality • Water Quality • Acidification Status 	To <i>restore</i> the favourable conservation condition of this habitat in the SAC

	<ul style="list-style-type: none"> • Water Colour • Dissolved Organic Carbon • Turbidity • Fringing Habitat 	
Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Typical Species • Vegetation Composition • Vegetation Distribution • Hydrological Regime • Lake Substratum Quality • Water Quality • Acidification Status • Water Colour • Dissolved Organic Carbon • Turbidity • Fringing Habitat 	To <i>restore</i> the favourable conservation condition of this habitat in the SAC
Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp [3140]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Typical Species • Vegetation Composition • Vegetation Distribution • Hydrological Regime • Lake Substratum Quality • Water Quality • Acidification Status • Water Colour • Dissolved Organic Carbon • Turbidity • Fringing Habitat 	To <i>restore</i> the favourable conservation condition of this habitat in the SAC
Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Hydrological Regime • Substratum Composition • Water Quality • Vegetation Composition • Flood Plain Connectivity • Riparian Habitat 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites) [6210]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Vegetation Composition • Vegetation Structure • Physical Structure 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Vegetation Composition • Vegetation Structure • Physical Structure 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • High Bog Area • Hydrological Regime • Transitional Areas • Vegetation Quality • Typical Active Raised Bog Species • Elements of Local Distinctiveness 	To <i>restore</i> the favourable conservation condition of this habitat in the SAC

	<ul style="list-style-type: none"> • Negative physical indicators • Vegetation Composition • Air Quality • Water Quality 	
Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> * [7210]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Ecosystem Function • Vegetation Composition • Vegetation Structure • Physical Structure • Indicators of Local Distinctiveness 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
Petrifying springs with tufa formation (<i>Cratoneurion</i>)* [7220]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Hydrological Regime • Water Quality • Vegetation Composition • Vegetation Structure • Physical Structure 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
Alkaline fens [7230]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Ecosystem Function • Community Diversity • Vegetation Composition • Vegetation Structure • Physical Structure • Indicators of Local Distinctiveness 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
Limestone pavements [8240]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Vegetation Composition • Vegetation Structure • Physical Structure • Indicators of Local Distinctiveness 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Woodland Size • Woodland Structure • Vegetation Composition • Vegetation Composition 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC
Bog woodland* [91D0]	<ul style="list-style-type: none"> • Habitat Area • Habitat Distribution • Vegetation Composition • Woodland Structure 	To <i>maintain</i> the favourable conservation condition of this habitat in the SAC

Table 3 – SSCOs of the Lough Corrib SAC

LOUGH CORRIB SPA

NPWS Site Summary

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Greenland White-fronted Goose, Gadwall, Shoveler, Pochard, Tufted Duck, Common Scoter, Hen Harrier, Coot, Golden Plover, Black-Headed Gull, Common Gull, Common Tern and Arctic Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetlands & Waterbirds.

A full description of this SPA can be read online on the website of the National Parks and Wildlife Service.

Site Specific Conservation Objectives

SSCOs for this site were prepared in 2023². In general, for all Annex I bird species within an SPA, the main attributes for consideration are population trends and distribution. These SSCO are summarised below.

Attribute	Measure	Target
Population trend	Percentage change	Long term population trend stable or increasing
Distribution	Number and range of areas used by water birds as determined by regular low tide and other water bird surveys	No significant decrease in the range, timing or intensity of use of areas by the QI, other than that occurring from natural patterns of variation

Table 3 – Conservation Objectives of the Conservation Interests of the SPA (Species)

For wetlands, the conservation objectives include:

Parameter	Attribute	Measure	Target
Area	Wetland habitat	Area (ha)	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 10,203 hectares, other than that occurring from natural patterns of variation

Table 4 – Conservation Objectives of the Conservation Interests of the SPA (Wetlands)

POTENTIAL EFFECTS UPON THE QIS OF THE LOUGH CORRIB SAC / SPA

The potential significant effects of this Section 5 development upon the Qualifying Interests of Lough Corrib SAC / SPA have been considered in light of the attributes and targets that have been set for the restoration or maintenance of the favourable conservation status of the QIs. Impacts / effects in the past arising from the works undertaken to date have been considered along with the potential effects that could arise in the future with the temporary use of the shed (which will be used for the assemble, complete and commission a Vertical Axis Wind Turbine and Solar PVs for his site).

The works are small in scale and consist of a temporary steel framed shed (14m x 6m x 4m). The works were undertaken outside of the SAC boundary, on an area of amenity grassland adjacent to the applicant’s dwelling. There was no interference of the fenced riparian zone along the Drimneen River. The works involved no foundations, limited excavations and

² NPWS (2023) Conservation Objectives: Lough Corrib SPA 004042. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht

limited use of concrete, and any run-off from the works into the Drimneen River would have been negligible. The edge of the shed is circa 7.9m from the river's edge.

There will be emissions of soiled water or foul water during the temporary operation of the shed.

The application site is sufficiently removed from the SPA to ensure that significant effects upon birds arising from noise and visual disturbances will not arise.

Overall, it can be concluded that the construction and temporary operation of the shed seeking the Section 5 declaration will have no significant or long term effects upon the QIs of the Lough Corrib SAC /SPA or the attributes and targets that are required to either maintain or restore the favourable conservation condition of these QIs within the SAC.

3.4 IMPACT ASSESSMENT

The potential significant effects of the proposed development on the Natura 2000 sites identified are considered below.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The temporary shed seeking the Section V declaration at Knockillaree will not lead to any long-term significant effects upon the Lough Corrib SAC / SPA. The construction of the shed initially did not give rise to significant effects upon the Lough Corrib SAC / SPA. No site-specific mitigation measures were needed in the past with its construction, nor will they be required in the future during its operation to prevent or offset significant effects upon the Lough Corrib SAC / SPA.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

Size and scale: Having regards to the inert nature, and small size and scale of the development in relation to the overall size of the Lough Corrib SAC / SPA, then the likelihood of any direct, indirect or cumulative effects on these designated sites arising from the construction and operation of the shed is low.

Land-take: There was no / will be no land-take from any designated site. There was no / will be no interference with the boundaries of any designated site. There was no / will be no loss of undesignated habitats of biodiversity value. The temporary shed is entirely outside of the boundary of the SAC and SPA.

Distance from Natura 2000 site or key features of the site: The application site is adjacent to the Lough Corrib SAC, which largely surrounds the site, and it is 377m west of the Lough Corrib SPA. The shed in question seeking the Section 5 declaration is not within the SAC or SPA footprint.

Resource requirements (water abstraction etc.): No resources were / will be taken from the Lough Corrib SAC / SPA and there will be no resource requirements that will impact upon any designated site.

Emissions: The initial construction works did not involve significant excavations. No foundation works were required, and the pouring of the concrete slab did not result in any emissions to the Drimneen River that could have led to long-term or significant effects upon the QIs of the Lough Corrib SAC or SPA. There will be no emissions from the temporary operation of the shed.

Excavation requirements: There was no / will there be no excavation requirements in the Lough Corrib SAC or SPA.

Transportation requirements: No access to any areas of the Lough Corrib SAC / SPA was / will be required at any stage.

In-Combination / Cumulative Impacts: The proposed application was considered in combination with other developments or proposed developments in the Aughnanure area and potential cumulative impacts were considered. Any individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. This application will have no impacts when considered in combination with other plans and projects that have been screened for

Appropriate Assessment or where mitigation measures have been included as part of Appropriate Assessment (Natura Impact Statement).

Duration of construction, operation, decommissioning etc: Construction of the shed seeking the Section V declaration is complete. Operation will be temporary (an additional matter or months) and the shed will be dissembled when it is no longer needed.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

Reduction of habitat area: The shed lies outside the boundaries of the Lough Corrib SAC / SPA. There was no / will be no reduction of designated habitat area or interference with any protected habitat within this SAC or SPA.

Disturbance to key species: All works undertaken were outside of the Lough Corrib SAC/SPA and there was no disturbance to any QI species.

Habitat or species fragmentation: The shed is outside the SAC/SPA boundary. There was no / will be no habitat or species fragmentation within the Lough Corrib SAC / SPA.

Reduction in species density: There was no / will be no reduction in species density within the Lough Corrib SAC / SPA.

Changes in key indicators of conservation value (water quality etc.): There was no / will be no negative impacts upon surface or ground water quality within the Lough Corrib SAC / SPA. There was no / will be no negative impacts upon the water quality in the Lough Corrib SAC / SPA.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

Interference with the key relationships that define the structure or function of the site: It is not considered likely that there were / will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

Loss - Estimated percentage of lost area of habitat: None

Fragmentation: None

Disruption & disturbance: None

Change to key elements of the site (e.g. water quality etc.): None

3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix	
Name of project	Retention of an Existing Temporary Shed in Knockillaree, Aughnanure, Co. Galway.
Name and location of Natura 2000 site	The application site is adjacent to the Lough Corrib SAC, which largely surrounds the site and it is 377m west of the Lough Corrib SPA. The shed is not within the SAC or SPA footprint.
Description of project	A Small Scale Domestic Development (Temporary Storage Shed seeking a Section 5 Declaration)
Is the project directly connected with or necessary to the management of the site?	No
Are there other projects or plans that together with project being assessed could affect the site?	No
The Assessment of Significance of Effects	
Describe how the project is likely to affect the Natura 2000 site	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
Explain why these effects are not considered significant	Not applicable as there is no potential for negative impacts
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely
Data Collected to Carry out the Assessment	
Who carried out the assessment	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
Sources of data	NPWS, EPA, National Biodiversity Data Centre, Galway County Council
Level of assessment completed	Stage1. Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	Full results included

4 APPROPRIATE ASSESSMENT CONCLUSION

In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site.

At this stage of the AA process, it is for the competent authority, i.e., Galway County Council, to carry out the screening for AA and to reach one of the following determinations:

- a) AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites;
- b) AA of the proposed development is *not* required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.



Noreen McLoughlin, MSc, MCIEEM.
Ecologist.

(PI Insurance details available on request)