



An  
Bord  
Pleanála

**Board Direction**  
**BD-012747-23**  
**ABP-313445-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/07/2023.

The Board decided to refuse permission for the following reasons and considerations.

#### **Reasons and Considerations**

The Board had regard to the Galway County Development Plan 2022-2028, policy objective RH 7 regarding proposals to renovate, restore or modify existing derelict or semi-derelict dwellings being generally dealt with on their merits on a case by case basis having regard to the relevant policy objectives of Development Plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards, policy objective LCM 3 where landscape sensitivity ratings shall be an important factor in determining development uses and in areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations, and policy objective NHB 2 to implement Article 6 of the Habitats Directive and to ensure to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s) and that all assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011.

The Board considered

1. the development proposed for retention for the purposes of a “temporary shelter/respice” does not in itself constitute a class of planning development,
2. the totality of the file including the design of the structure, the proposed use of the structure and the history of the structure submitted by the applicant,
3. that the “temporary shelter/respice” was akin to a dwelling and should be assessed accordingly.
4. that no detailed justification was provided for the development use proposed to be retained at this highly sensitive location,
5. the scale of any works required to upgrade the structure to modern standards remains unclear,
6. the scope and detail of the appropriate assessment screening must encompass sufficient details and rationale, including in relation to enabling works, site access and construction methodologies, in order to reasonably conclude the development proposed for retention did not give rise to significant effects on a European Site.

Having regard to the use of the site, the sensitivity of the landscape, to the pattern of development in the area, and the need to implement Article 6 of the Habitats Directive, the Board considered that the development proposed for retention would contravene the Galway County Development Plan.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the appropriate assessment screening to be insufficient in terms of scope and detail and that the development proposed for retention at this location would injure the amenities of the area and would not accord with the proper planning and sustainable development of the area.

Board Member

Eamonn James Kelly  
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Date: 04/07/2023

Note: While the issues raised in relation to section 34(12) of the Planning and Development Act 2000 (as amended) were noted, the Board has not considered them in detail given the more substantive matters related to the application.

