An Coimisiún Pleanála

Direction
CD-022578-26
ABP-322143-25

The submissions on this file and the Inspector's reports were considered at a meeting held on the 24/09/26 and the 21/10/2026.

The Commission, in accordance with section 177K of the Planning and Development Act, 2000, as amended, decided to **REFUSE** substitute consent based on the Reasons and Considerations set out below.

Planning Commissioner: **Date:** 27/10/2026

Mary Henchy

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

(a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA and the provisions of the Planning and Development Regulations, 2001, as amended;

(b) the applicable national, regional and local planning policy provisions including the Galway County Development Plan 2022 - 2028 and the Oranmore settlement plan;

(c) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the remedial Natura Impact Statement and the conservation objectives, qualifying interests and special conservation interests for the Inner Galway Bay Special Protection Area (Site Code: 004031), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Cregganna Marsh Special Protection Area (Site Code: 004142);

(d) the report and the opinion of the planning authority;

(e) the planning history of the site, as detailed in the Inspector's Report;

(f) the report and recommendation of the Planning Inspector;

(g) the planning history of the area;

(h) the nature, scale, characteristics and location of the development, and

(i) the exceptional circumstances case put forward by the applicant; "*that the garage was modified for residential use in 2020 during the first lockdown of the Covid 19 Pandemic, and it was occupied on the 20.8.2020. It was not possible to make a planning application during this period, so the applicant did not foresee any difficulty in regularising it at a later date, …*"(emphasis added) is not accurate, there was no legislative restrictions put in place preventing the lodging of planning applications at that time. Furthermore, it is evident that the applicant was aware that permission was required. Therefore, the applicant has not demonstrated that exceptional circumstances (in accordance with Section 177K(1A)(a) of the Planning and Development Act 2000(as amended) apply in this case.

Appropriate Assessment: Stage 1

The Commission considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Commission noted that the development is not directly connected with, or necessary for, the management of any European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Commission agreed with the screening exercise carried out by the Inspector and that an appropriate assessment of the implications of the development for the three number identified European Sites required further investigation

The Commission concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of connections to, and distance between, the application site and the European Sites, they could be screened out from further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on these European Sites or any other European Site in view of the Sites' conservation objectives and that a Stage 2 appropriate assessment is, therefore, not required in relation to these European Sites.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the development for the Inner Galway Bay Special Protection Area (Site Code: 004031), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Cregganna Marsh Special Protection Area (Site Code: 004142).

The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment as well as the report of the Inspector. In completing the assessment, the Coimisiún considered the likely direct and indirect

impacts arising from the development both individually or in combination with other plans or projects, the absence of proposed mitigation measures and the Conservation Objectives for these European Sites. In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the Sites' Conservation Objectives.

In overall conclusion, the Commission was satisfied that the development did not adversely affect the integrity of the Inner Galway Bay Special Protection Area (Site Code: 004031), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Cregganna Marsh Special Protection Area (Site Code: 004142) or any other European Site in view of the Sites' Conservation Objectives.

Likely Effects on the Environment/Environmental Impact Assessment

There are no likely effects on the environment and the requirement for Environmental Impact Assessment was screened out. The reasoned conclusion on environmental effects was up to date at the time of the decision.