

An
Coimisiún
Pleanála

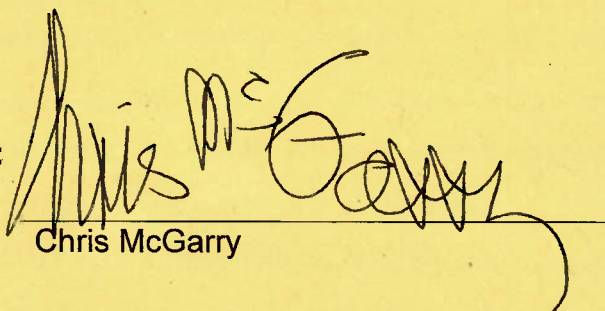
Direction
CD-022187-26
ACP-324037-26

The submissions on this file were considered at a meeting held on 18/05/2026.

The Commission decided to dismiss this appeal under section 138(1)(b)(i) and (ii) of the Planning and Development Act, 2000 based on the following reasons and considerations.

Planning

Commissioner:



Chris McGarry

Date: 18/05/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

WHEREAS a question has arisen as to whether to Re-build storm damaged flat roof to rear part of existing dwelling and to carry out essential roof structure repairs at Coast Road, Oranmore, Carrowmoneash, Co. Galway is or is not development or is or is not exempted development:

AND WHEREAS James G. and Agnes O'Connor of Coast Road, Oranmore, Carrowmoneash, Co. Galway requested a declaration on this question from Galway County Council, and the Council issued a declaration on the 18th day of December 2025 stating that the matter is development and is not exempted development:

AND WHEREAS James G. and Agnes O'Connor referred this declaration for review to An Coimisiún Pleanála on the 15th day of January 2026;

AND WHEREAS An Coimisiún Pleanála, in considering the nature of the question is satisfied that the referral should not be considered by it, having regard to the judgment under case **Narconon Trust v An Bord Pleanála IECA 307 (2021)**.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 138(1) of the Planning and Development Act, 2000, as amended, hereby dismiss the said referral under subsection (1)(b)(ii) of Section 138 of the said Act, based on the reasons and considerations set out below.

Reasons and Considerations

Under Section 138(1) of the Planning and Development Act 2000 (as amended), the Commission has absolute discretion to dismiss a referral where the Commission is satisfied that, in the particular circumstances, the referral should not be considered having regard to the nature of any referral or any previous Section 5 declaration/referral in its opinion is relevant. The referral relates to the re-build of a storm damaged flat roof to rear part of existing dwelling, essential roof structure repairs at Coast Road, Oranmore, Carrowmoneash, Co. Galway which was previously deemed not to be exempted development under Planning Authority References ED 24/98 and ED 24/117. The Commission note that the previous determinations of Galway County Council relate to substantially the same question and are in respect of the same land, and there has been no change in the planning facts or circumstances since the previous determinations were made that would have relevance to the referral case now before the Commission. The Commission is, therefore, satisfied that, in these particular circumstances, the referral should not be further considered by it.