



An
Bord
Pleanála

Board Order ABP-313445-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 21/2405

Appeal by Peter and Bridget Lee and Family care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 7th day of April, 2022 by Galway County Council to grant subject to conditions a permission to Patrick Ridge care of Hanley Taite Design Partnership, Virginia Shopping Centre, Virginia, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of (a) the reinstatement of a collapsed roof and making good of an existing chimney, (b) the unblocking of window apes and replacement of timber framed windows on the front elevation, and (c) recently erected CCTV cameras on the building to be in place for a temporary period all at Emlaghmore, Ballyconnely, County Galway.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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 the development plan, the specific location, 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 that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (Special Areas of Conservation and Special Protection Areas), 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 location,

5. the scale of any works required to upgrade the structure to modern standards remains unclear and
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, 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 therefore contravene the Galway County Development Plan, and would be contrary to the proper planning and sustainable development of the area.

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 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.



Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this ^{7th} day of ^{July} 2023.