

An
Coimisiún
Pleanála

Commission Order
ACP-322962-25

Planning and Development Acts 2000 to 2024

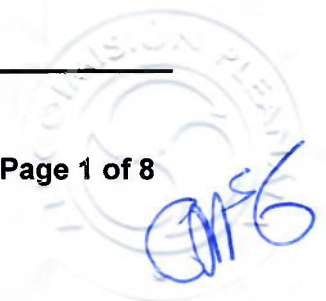
Planning Authority: Galway County Council

Application for Substitute Consent by Terri Conroy in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

Location of development: Retention of a storage shed adjacent to house with floor area of approximately 40 square metres at Bunowen, Ballyconneely, County Galway.

Decision

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



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,
- (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 Slyne Head Peninsula Special Area of Conservation (Site code 002074),
- (d) the report and the opinion of the planning authority under section 177 (1) of the Planning and Development Act 2000, as amended,
- (e) the planning history of the site, as detailed in the Inspectors 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, the subject of this application for substitute consent including in relation to potential significant effects on the environment and on the integrity of European sites in the area, and
- (i) the case put forward by the applicant as part of the subject substitute consent application that exceptional circumstances exist that would justify the grant for substitute consent.

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.

Appropriate Assessment Stage 1

The Commission considered the remedial Natura Impact Statement submitted by the applicant, and all other relevant submissions on file 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 assessment and conclusion carried out in the Inspector's Report that the Slyne Head Peninsula Special Area of Conservation (Site Code 002074) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

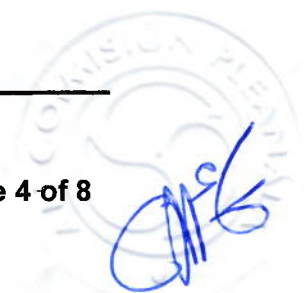
The Commission considered the remedial Natura Impact Statement and all other relevant submissions on file and carried out an appropriate assessment of the implications of the development for Slyne Head Peninsula Special Area of Conservation (Site Code 002074) in view of the site's conservation objectives.

The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific conservation objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

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 Site. In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Having regard to the nature, scale and extent of the development, and noting that the integrity of the European Site was not adversely affected in view of the site's conservation objectives as set out above, and subject to compliance with the conditions set out below, the Commission is satisfied that the development would be in accordance with policy objectives RH17, RD 3, LCM 1, LCM 2 and LCM 3 of the Galway County Development Plan 2022-2028 and to grant substitute consent for the development would, therefore, in accordance with the proper planning and sustainable development of the area.



Exceptional circumstances

In deciding to grant substitute consent, the Commission is satisfied that exceptional circumstances exist that would justify the grant of such consent having regard to the following:

- (a) The regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment Directive or Habitats Directive. The application was accompanied by a remedial Natura Impact Statement and the proposed development is not a class for the purposes of Environmental Impact Assessment as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended.
- (b) There is nothing on the file to indicate to the Commission that the applicant had, or could reasonably have had, a belief that the development was not unauthorised. The Commission is satisfied that the applicant acted under the impression that the works were exempted development.
- (c) The Commission's ability to carry out an Appropriate Assessment has not been substantially impaired. The application was accompanied by a remedial Natura Impact Statement. Public participation in that assessment was provided for through the public notification of the submission of the substitute consent application to An Coimisiún Pleanála.
- (d) In relation to adverse effects on the integrity of a European site resulting from the carrying out of the development, the Commission carried out an Appropriate Assessment of the proposed development as indicated above.
- (e) The Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Slyne Head Peninsula Special Area of Conservation (Site Code 002074).

- (f) There is no evidence before the Commission that the applicant carried out other unauthorised development on the site or elsewhere. The Commission notes that planning enforcement notice issued by the planning authority only referred to the structure subject of this substitute consent application.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. (a) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to ancillary domestic purposes (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.
- (b) The structure shall not be used for habitable or commercial purposes or any other purpose than that incidental to the enjoyment of the dwelling house to the north.

Reason: To protect the amenities of property in the vicinity and to protect the adjacent Slyne Head Peninsula Special Area of Conservation.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site without a prior grant of planning permission.

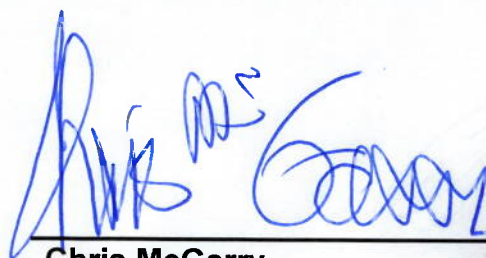
Reason: In the interest of the amenities of the area and to protect the adjacent Slyne Head Peninsula Special Area of Conservation.

4. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits. All surface water generated by the development shall be disposed of within the site. The development shall not impair existing land or road drainage.

Reason: In the interest of proper planning and sustainable development.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

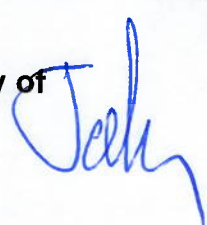


Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this  **day of**  **2026.**