



An
Bord
Pleanála

Pre-Application Consultation
pursuant to Section 177E(1A) of the
Planning and Development Acts,
2000, as amended.

Inspector's Report

320620-24

Development Sought	Works to existing cottage and installation of new onsite waste water treatment system
Location	Derrigimlagh, Ballyconneely, Co. Galway
Local Authority	Galway County Council.
Prospective Applicant	George Melville
Date of Consultation Meeting	5 th of December 2024
Date of Site Inspection	30 th of October 2024
Inspector	Darragh Ryan

1.0 Introduction

- 1.1. The Board received a request on the 12th day of August 2024 from OMC Group on behalf of George Melville, to enter into pre-application consultations under Section 177E(1A) of the Planning and Development Act, 2000, as amended.
- 1.2. A pre-application consultation meeting was held on 5th of December 2024. The purpose of this report is to inform the Board of the nature of the pre-application consultation undertaken, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

2.0 Site Location

The site is located in the townland of Ballyconneely, County Galway, a rural area in the Connemara Gaeltacht, approximately 60 kilometres south of Clifden. Access to/from the site is onto local road L-5132. The site comprises a cottage structure recently refurbished 78sqm and a shed of 38sqm both of which were refurbished. Site area is stated at 1.2ha.

3.0 Description of proposal

Intention to apply for substitute consent to retain minor external alterations and minor elevational changes to existing cottage as well as all site services (2) retain gabion wall along driveway (3) retain minor alterations to roof and door/window openings to existing stone shed.

4.0 Planning History

- The applicant purchased the property in 2018 there was a derelict house on site. Under planning reference 19/1491 the applicant applied for permission as follows:
 - (1) demolish existing rear and side elevations of existing house and construct new rear and side single storey extensions
 - (2) demolish existing porch and replace with new porch
 - (3) proposed external and internal alterations to existing house
 - (4) construct new side elevation extension to existing domestic garage as well as external alterations to existing domestic garage
 - (5) replace existing septic tank and percolation area with a effluent treatment system and polishing filter

The above application was accompanied by an NIS and CEMP

The above was refused permission for two reasons related to flood risk and impact on the integrity of the Slyne Head Peninsula SAC.

- Having been refused permission for the proposed development the applicant proceeded to renovate the existing dwelling by replacing the roof, windows, and doors thinking that these works fell under the exempted development regulations. There was no increase in floor area or height of structure. A new wastewater treatment system was installed to replace the existing septic tank system. This was done in accordance with site suitability report submitted with 2019 application.
- After the renovation on site Galway County Council commenced enforcement proceedings. The applicant applied for Section 5 Declaration which was refused by Galway County Council. The applicant proceeded to apply for planning permission under reference 22/60055 for the following:

Planning permission to (1) retain minor external alterations and minor elevational changes to existing cottage as well as all site services (2) retain gabion wall along driveway (3) retain minor alterations to roof and door/window openings to existing stone shed.

The above permission was invalidated by Galway County Council as follows:

A planning authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more of the following was carried out –

- (a) An environmental impact assessment
- (b) A determination as to whether an environmental impact assessment is required, or
- (c) An appropriate assessment

The above application was accompanied by an AA screening which screened out the development.

- The Council have continued to issue enforcement proceedings against the applicant seeking that all unauthorised development be removed from the site. The only option now available to the applicant is to apply for appropriate consent.

5.0 Legislation

Any subsequent application for Substitute Consent will be lodged under the provisions of Section 177E of the Planning and Development Act, 2000, as amended, and Part 19 of the Planning and Development Regulations, 2001, as amended.

6.0 Prospective Applicant's Case

The prospective applicant noted the planning history and context and requested the pre-application consultation in order to determine the process of how to submit an application for substitute consent and what that application should contain.

7.0 Pre-Application Consultation Meeting

A Pre-Application Consultation meeting took place via Microsoft Teams on the 5th day of December 2024, commencing at 10.00 am. Representatives of the prospective applicant and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The prospective applicant was advised in advance of the meeting that the consultation would relate solely to the administrative procedures around the lodgement of an application, and any associated requirements.

This report should be read in conjunction with the written record on file of the pre-application consultation meeting held with the prospective applicant. It is not proposed to repeat the contents of those records in detail here. The main topics raised for discussion at the meeting were as follows:

- Introductions
- Description of development and relevant background.
- Procedural Advice with regard to any subsequent application for Substitute Consent.

8.0 Conclusion

The meeting concluded with agreement that a further meeting was not needed and I, therefore, recommend that the pre-application consultation process should be closed.

Darragh Ryan
Planning Inspectorate

23rd January 2025