

Planning Ref. No.:	SC04/25 (ABP-322145-25)
Description of development:	1. Construction of a landscaped earthen bund at the western and northern ends of the site. 2. Provision of demountable flood barriers at two other locations on site. This application is accompanied by a Natura Impact Statement.
Location:	Rinville West, Oranmore, Co.Galway
Applicant(s) :	G & M McNulty

In response to the letter received from An Bord Pleanála (now An Coimisiún Pleanála) the Planning Authority can advise the following views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the functional area of the authority as per the provisions of Section 37L(12) (a) and 34 (2) of the Planning and Development Act, 2000 (as amended).

Legislative Context

Section 37L(12)(a) states that *‘Where requested to do so by the Board, the planning authority for the functional area (or, as the case may be, each planning authority for the functional areas) in which the proposed development would be situated shall, within 6 weeks from the making of the request, prepare and submit to the Board a report setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the functional area of the authority, having regard in particular to the matters specified in section 34(2) to which a planning authority is to have regard.’*

Section 34 (2) states that *‘When making its decision in relation to an application under this section, the planning authority shall be restricted to considering the proper planning and sustainable development of the area, regard being had to—*

- (i) the provisions of the development plan,*
- F325[(ia) any guidelines issued by the Minister under section 28,]*
- (ii) the provisions of any special amenity area order relating to the area,*
- (iii) any European site or other area prescribed for the purposes of section 10(2)(c),*
- (iv) where relevant, the policy of the Government, the Minister or any other Minister of the Government,*
- (v) the matters referred to in subsection (4), F326[...]*
- F327[(va) previous developments by the applicant which have not been satisfactorily completed,*
- (vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and]*
- (vi) any other relevant provision or requirement of this Act, and any regulations made thereunder.’*

Site Description and Development Proposal

The application site comprises a single storey building, with an area of lawn to the north and east. The application site is located within a cluster of existing residential and agricultural buildings. The application seeks permission for the 1. Construction of a landscaped earthen bund at the western and northern ends of the site. 2. Provision of demountable flood barriers at two other locations on site. This application is accompanied by a Natura Impact Statement.

Planning History

The Planning Authority note that a concurrent Substitute Consent application is currently before the Board (ABP-322143-25) for *'Alterations to and change of use of a domestic garage, previously permitted under planning reference number 67042, to private residential use on revised site boundaries and using a revised site entrance. The replacement of an existing septic tank and percolation area with a foul sewer connection.'*

Please see below the relevant planning history on site as follows:

Subject Site:

24/60676 – incomplete application – Gerry & Margaret McNulty -) Alterations to and change of use of domestic garage, previously permitted under planning register reference number 67042, to private residential use on revised site boundaries and using a revised site entrance. ii) The replacement of an existing septic tank and percolation area with a foul sewer connection. Permission for: i) The construction of a landscaped earthen bund at the Western and Northern ends of the site. ii) Provision of demountable flood barriers at two other locations on the site. This planning application is accompanied by a Natura Impact Statement (N.I.S.). Gross floor space of work to be retained: 71.40 sqm

23/61551 – incomplete application - Gerry & Margaret McNulty – retention of alterations and change of use of domestic garage, previously permitted under permission Ref 67042, to (a) private residential accommodation use, (b) to disconnect from septic tank and percolation system and connection to public sewer, and (c) to retain revised site boundaries and alternative entrance. Gross floor space of work to be retained: 71.17 sqm

Recent Adjoining History site to the south/south-west (Parent Site);

Ref. no. 21/2206 – Gerry & Margaret McNulty – permission granted to demolish existing farmhouse dwelling, alter site boundaries, raise site levels and to construct a replacement dwelling house, new domestic garage, and carry out all associated site development works. Gross floor space of proposed works: 206.63 sqm. Gross floor space of any demolition: 211.25 sqm

Ref. No. 20/156 - Mairead McNulty granted planning permission for the construction of a dwelling, garage and associated foul waste collection and pumping system and for all other ancillary works.

Adjoining lands to the north;

Ref. No.19/1556 – Mairead Mc Nulty refused planning permission for the replacement of an existing agricultural shed (permission granted under planning ref.no. 97/2052) with a new dwelling, domestic garage and associated foul waste collection and pumping system and for all ancillary works.

Other lands in close proximity to the subject site:

Ref. No. 97/2052: Granted: Permission to construct agricultural shed extension to existing deer housing unit with associated ancillary development works.

Ref. No. 69202: Granted: Permission to change use of part of previously approved farmhouse residence to agri-tourist and health farm accommodation with ancillary associated activities (G & M McNulty-1993); (overlaps Ref. No.19/1556); Ref. No. 69277: Granted: Permission to retain and complete domestic garage and boiler house (G & M McNulty-1993);(overlaps Ref. No.19/1556);

Ref. No. 68544: Granted: Permission to retain and complete domestic garage and boiler house (G & M McNulty-1993); (overlaps Ref. No.19/1556);

Ref. No. 67042: Granted : Retention of percolation area, reconstruction of garage and to construct first floor dressing room and front dormer window (Frank Burke-1993) (overlaps Ref. No.19/1556);

Ref. No. 55364: Granted: Permission for retention of an extension to dwelling house and construction of septic tank (1987-EBS)(overlaps Ref. No.19/1556);

Ref. No. 66212: Granted: Permission to construct farmhouse residence and septic tank (Gerard & Margaret McNulty-1992);(overlaps Ref. No.19/1556);

Ref. No. 64980: Granted: Outline permission for a dwelling house and septic tank (Gerard & Margaret McNulty-1991);(overlaps Ref. No.19/1556).

Planning Policy

The relevant policies in the Galway County Development Plan 2022 - 2028 are noted including but not limited to the below:

- Chapter 4 Rural Living and Development
- Section 4.8 Agriculture
- Chapter 10 - Natural Heritage, Biodiversity and Green/ Blue Infrastructure
- Chapter 14 - Climate Change, Energy & Renewable Resources
- DM Standard 50 Environment Assessments.
- WW10 Surface Water Drainage
- NHB1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species
- NHB 2 European Sites and Appropriate Assessment
- AD 2 Agricultural Lands

- LCM 1 Preservation of Landscape Character
- LCM 2 Landscape Sensitivity Classification
- LCM 3 Landscape Sensitivity Ratings
- FL 1 Flood Risk Management Guidelines
- FL 2 Flood Risk Management and Assessment
- FL 3 Principles of the Flood Risk Management Guidelines
- FL 8 Flood Risk Assessment for Planning Applications and CFRAMS

There is no Local Area Plan for the settlement of Oranmore.

Appropriate Assessment

The development site is located within a 15km radius of the following Natura 2000 designations:

Special Protection Areas

- 10m Special Protection Areas: Inner Galway Bay SPA (004031)
- 4.4km Special Protection Areas: Cregganna Marsh SPA (004142)
- 10.7km Special Protection Areas: Lough Corrib SPA (004042)
- 11.5km Special Protection Areas: Rahasane Turlough SPA (004089)

Special Area of Conservation

- 11m Special Area of Conservation: Galway Bay Complex SAC (000268)
- 7.15km Special Area of Conservation: Lough Corrib SAC (000297) • 9.35km Special Area of Conservation: East Burren Complex SAC (001926)
- 9.6km Special Area of Conservation: Kiltiernan Turlough SAC (001285)
- 10.9km Special Area of Conservation: Ardahan Grassland SAC (002244)
- 10.9km Special Area of Conservation: Castletaylor Complex SAC (000242)
- 11.4km Special Area of Conservation: Rahasane Turlough SAC (000322)
- 12.1km Special Area of Conservation: Moneen Mountain SAC (000054)
- 13.2km Special Area of Conservation: Cahermore Turlough SAC (002294)
- 14km Special Area of Conservation: Caherglassaun Turlough SAC (000238)
- 14.5km Special Area of Conservation: Coole-Garryland Complex SAC (000252)

See www.npws.ie for the conservation objectives and qualifying interests of the above listed sites.

Galway County Council note the Remedial Natura Impact Assessment (NIS) submitted as part of the application. As the competent authority for this application, An Coimisiún Pleanála should be satisfied that the proposal has demonstrated that the development can be implemented without adverse effects on the integrity of the European Sites listed above.

Assessment

The proposed development of a landscaped earthen Bund at the western and northern ends of the site and provision of demountable flood barriers are associated with, and intrinsically linked, to the residential use of the garage, as per the concurrent Section 177E application also before An Coimisiún.

As such, the Planning Authority note that the proposed berm subject to this application is located on unzoned agricultural lands outside a settlement boundary. The Planning Authority note that the demountable flood barriers are located within the settlement boundary of Oranmore on Existing Residential zoned land. As per Galway County Council report on ABP-322143-25, the Planning Authority have concerns that, if granted, further development to facilitate a residential unit, could set a precedent for piecemeal and haphazard residential development on unzoned lands to the detriment of the rural landscape.

The Planning Authority note the contents of the Flood Risk Assessment prepared by Hydo Environmental Ltd as part of the application. As the competent authority, An Coimisiún should be satisfied the FRA is in accordance with the *The Planning System and Flood Risk Management - Guidelines for Planning Authorities (Nov 09)*. Where An Coimisiún Pleanála are minded to grant permission, then they should be satisfied that the development would not have a significant effect on the receiving environment.

The site is located within the designated Special Inner Galway Bay Coastal Landscape Area. The proposed earthen bunds are located at the western and northern ends of the site and would be 1.5 m in height, enclosing a 6.13 m high building. The demountable flood barriers would be located between existing farm and residential sheds/garage. The Planning Authority are satisfied that the proposed bund could assimilate into the receiving environment and note the demountable flood barriers would typically only be in place during times of flood. The Planning Authority would advise that should An Coimisiún grant the permission then a condition requiring native species only to be planted. The Planning Authority do not consider that the proposed bunds, with native planting, would negatively impact on the receiving environment.

Should An Coimisiún Pleanála be minded to grant permission for this development the Planning Authority request that the following conditions would be considered.

1. The development shall be carried out in accordance with the plans and particulars received by An Coimisiún Pleanála, except as may otherwise be required in order to comply with the following conditions.

REASON: In the interest of clarity.

2. The development hereby permitted is limited to that solely as advertised under the public notices.

REASON: In the interest of clarity.

3. The Earthen Bund shall be landscaped, using only indigenous deciduous plant and hedging species.

REASON: In order to assimilate into the surrounding rural landscape, in the interest of visual amenity and to promote biodiversity.

4. (a) All surface water shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.

(b) Only clean uncontaminated storm water shall be discharged to the soakaway system.

(c) The development shall not impair existing land or road drainage.

REASON: In the interest of proper planning and development.

Ciara Cosgrave

Prepared By Ciara Cosgrave, A/Senior Executive Planner on the 9th July 2025