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Daragh Cassells

From: Jane Doyle <jane@doylekent.com>
Sent: Monday 12 January 2026 16:24
To: Appeals2
Subject: SU07.323867- Substitute Consent Application
Attachments: SU07.323867- Substitute Consent Observations.pdf; SU07.323867- Substitute Consent Application.pdf

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To whom it may concern,

Please find attached an Observation Submission prepared on behalf of Peter Lee and Bridget Lee of Emlaghmore, Ballyconneely, Co. Galway to An Coimisiún Pleanála in relation to the application for substitute consent lodged by Hanley Taite Design Partnership on behalf of Pat Ridge Aillebrack, Ballyconneely, Co. Galway, H71 XF90. Ref No. SU07.323867.

We also attach the accompanying Appendix to this report as a separate document.

Yours faithfully

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Re: SU07.323867- Substitute Consent Application

To whom it may concern,

We Doyle Kent Planning Partnership Ltd, of 71 Carysfort Avenue, Blackrock, Co Dublin, on behalf of our clients, Peter Lee and Bridget Lee of Emlaghmore, Ballyconneely, Co. Galway wish to lodge an Observation to An Coimisiún Pleanála in relation to the application for substitute consent lodged by Hanley Taite Design Partnership on behalf of Pat Ridge Aillebrack, Ballyconneely, Co. Galway, H71 XF90.

We note that pursuant to Section 117E of the Planning and Development Act 2000 as amended (hereafter referred to as “the Act”).

Section 177K (1A) of the Act states:

“(a) The Board Shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent by the Board.

It is our opinion as set out in this submission that there are no exceptional circumstances that would justify the grant of substitute consent by the Commission.

We respectfully submit that substitute consent for the works carried out at this location will enable development that will materially interfere with the protection of the proper planning and sustainable development of the area and in particular the likely adverse effects on the integrity of a European Site resulting from the carrying out or continuation of the development, on lands immediately adjacent to the Connemara Bog Complex SAC.

We request that An Coimisiún Pleanála refuse permission for the substitute consent application on the basis that the proposed development would intensify existing unauthorised development on the site, the impact the development would have on the SAC.

We set out in this submission why we consider that the potential impacts of the works on the laneway bordering the SAC would have been extensive and that permitting this substitute consent application would set an undesirable precedent within this sensitive landscape.

The applicant Mr Ridge has carried out unauthorised activity which should not be rewarded by the granting of substitute consent as there are no exceptional circumstances that would justify these works given the location of the subject site in such an environmentally sensitive location. We also request the Commission to review the Technical Report attached to this Observation from Bryan Deegan, Altamar Marine and Environmental consultancy were commissioned by Mr Lee following a site visit in 2024 to review the substitute consent application.

The conclusion of Mr Deegan's Technical Environmental review of the application states the following:

It is clear that the potential impacts of the works on the laneway bordering SAC would have been extensive. The works on the laneway would have resulted in the exposure of an extensive area of bare soil bordering Salmon spawning habitat (QI of the SAC), during site clearance, when a linear trench was excavated for ESB, during movement of soil and gravel by truck/dumper and during gravel works that were carried out on the bank of the Collen River. It would be expected that extensive mitigation measures would have been needed and without these in place the Salmon spawning habitat would have been directly impacted through the introduction of silt/gravel from the works. It is clear from the site visit in 2024 that debris had entered the watercourse and SAC.

Background

Our clients live 180m west of the applicant's site, which borders their family home and farmland. Peter Lee has lived within a kilometre of this site for all his life. Growing up, he and his father Martin Lee regularly worked on this landholding for the previous owners of the farm (the Gould family). Mr Lee's senior rented the farmland from 1999, and Mr Peter Lee bought the house and farmland in 2013. The derelict cottage is visible from Mr Lee's home and farmland and the unauthorised works to the building and the access laneway that have taken place over the past 20 years are a serious cause of concern to our client's. Mr Lee has first-hand knowledge of the condition of the building both prior to and after it being acquired by the applicant Patrick Ridge in 1998.

We also note the extensive planning history of the site which sets out clearly the status of the building as a derelict structure, and the applicants have through several planning applications made to Galway County Council suggested that works to the ruin took place prior to 2000, which we consider was an attempt to convert a structure in proximity to a European Site to a habitable dwelling, ignoring the substantive issue that the site is immediately adjacent to an SAC and the clear need for Appropriate Assessment Screening. The substitute consent application has been brought forward to pave the way for the Section 37L and in this regard to circumvent the concerns raised by the planning authority in previous applications.

We would also request that the Commission review the planning history of this site in detail to gain a full understanding of the works that have taken place and the applicants' intentions for the lands.

Description of Development as set out in the application form and the public notice

The development at an uninhabitable dwelling, for which substitute consent is being sought pursuant to Section 177E of the Planning and Development Act 2000 (as amended), is for the following:

1. The replacement of a storm damaged metal-clad roof with a new metalclad roof.
2. The opening up of 3 no. windows, previously blocked up with dry stone, without alteration to the original ope sizes. The placing of timber framed windows within the opes.
3. The reconstruction of an unsafe partially collapsed chimney.
4. The excavation of a trench to allow for the placement of an electricity supply duct along and existing laneway leading to the uninhabitable dwelling. The infilling of the trench and resurfacing of the laneway with loose stone.

5. The construction of a pillar to house an ESB meter cabinet and adjacent placement of a mini pillar.
6. The placement of CCTV cameras, wiring and an antenna on the facade and chimney of the uninhabitable dwelling.

The application for substitute consent is accompanied by a remedial Natura Impact Statement (rNIS).

Site Location and Development Plan Context

The site is within a rural area 5 km southeast of Ballyconneely within a Class 4 Landscape Category as set out in the current Galway County Development Plan. The site is less than 10m from the Connemara Bog complex SAC, NHA and SPA and beside a river which feeds from the adjoining Lough into Maumeen Lake and to the sea.

Errors in the Application Form:

- Ownership incorrectly described in Application Form 8.
- National Monument proximity is incorrectly ignored in Application Form 13.
- Site History is incomplete in Application Form Q14.
- Services "N/A" anomaly in Application Form Q15.

Ownership incorrectly described in Application Form 8.

8. Legal Interest of Appellant (Patrick Ridge) in the Land or Structure: Owner is ticked. This is incorrect. In previous applications the owner was listed as Conor Ridge, who gave permission for the applicant to seek planning permission. Report1 describes the appellant as the "beneficial owner" [this is not a valid category of owner] The current folio shows the owner as Conor Ridge:

National Monument proximity incorrectly ignored in Application Form 13.

13. Development Details. Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Ac, 19946? No is ticked.

This is incorrect.

The National Monuments Service's Historic Environment Viewer includes the following site, 200 metres from the property:

GA049-031--- : Children's burial ground : EMLAGHMORE (Ballindoon Par.)

Description: On low-lying rough pastureland, immediately to the E of a by-road and close to the base of a well-defined drumlin ridge. This small unenclosed burial ground (6m N-S; 5m E-W) is roughly sub rectangular in plan. Two graves (L 3m; Wth 0.6m), lying side by side, are visible. Both are aligned E-W and are edged with small stones; a small grave-marker marks their W ends. According to local information, this may be a famine era burial ground, and it may also have been used as a children's burial ground. A small ill-defined raised area to the N of the graves marks the children's graves. This monument was brought to the attention of the Archaeological Survey of Ireland by Mr Michael Gibbons. Compiled by: Olive Alcock with information supplied by Mr Michael Gibbons Date of upload: 1 March 2021

The traffic from the proposed development would damage GA049-031 Children's Burial Ground (uploaded to the NMS website on 1 March 2021), which is within three metres of the sole approach road to the site, and it would damage the loose stone walls of this narrow road, which is insufficiently wide for larger vehicles to turn in.

The application claim that the proposed renovation will not cause archaeological damage, which is based on a 2020 report by Michale Gibbons, which ignores famine graves - we refer to the subsequent section by the same archaeologist, in Appendix 1.

Site History is incomplete in the Application Form 14.

Q14. Site History. Are you aware of any valid planning applications previously made in respect of this land/structure.

Reference no. 2189 01/02/2021 has been omitted from the list of applications for this site.

Response to Question on Services anomaly in the Application form Q. 15

In Q15. Services, Water Supply, Wastewater Management and Surface Water Disposal are described as N/A.

This is inconsistent with the Letter of Consent submitted by Patrick Ridge which instructs Garvan Hanley, Architect, of Hanley Taite Design Partnership Architects and Design Consultants to seek permission on his behalf for the "1. Restoration of the existing unoccupied and uninhabitable farm cottage, to make habitable." The appellant's objective undermines the assurance in Report No.1, Section 3.4 re **Section 177D (2) of the Planning and Development Act (2000), (d) on** the likely significant effects on the environment or adverse effects on the integrity of a European Site resulting from the carrying out or continuation of the development:

I again emphasise that the cottage is uninhabitable. It is unheated, uninsulated, has no water supply and no sanitary facilities. I make these points in the context of whether occupation of the cottage could be considered as continuation of the development. The cottage, in its current state, will not be occupied other than for shelter while visiting the farm and this for periods of less than 1 hour, no more than twice weekly. This occupation will have no impact on the environment or the European Sites. Part 2 of this SC application does seek consent to refurbish, extend and make the cottage habitable.

This inconsistency (and the repeated attempts of the applicant to extend and make habitable the structure) shows his intent is not to rest with mere retention as is. This appeal is but a steppingstone to full extension to a larger habitable dwelling.

The appellant says as much in the Site Notice dated 25 November 2025 below, which relates to a Section 37L application which was not included with the documents uploaded to ACP on 10/11/2025.

Section 177D (2) of the Planning and Development Act (2000)

The actions of the appellant are incompatible with the conditions that must be considered under Section 177D (2) of the Planning and Development Act (2000) in determining whether exceptional circumstances exist to grant Substitute Consent, particularly subsections (a) Whether the regularisation of the development would circumvent the purpose and objectives of the EIA Directive or the Habitats Directive, (d) The likely significant effects on the environment or adverse effects on the integrity of European Site resulting from the carrying out or continuation of the development, (e) The extent to which significant effects on the environment or adverse effects on a European site can be remediated.

There is photographic and written evidence that the full adverse extent of the scale, historical impact, and ongoing effect of the appellant's unauthorised development on the local environment goes far beyond what has been set out in the application for substitute consent.

The demonstrable and ongoing extent of this impact completely undermines the claims in the supporting documents with the application that the intervention works were careful, minimal, negligible and very brief in their environmental impact.

The appellant's continual minimisation of the extent of the unauthorised development goes completely against Section 177D (2) (g) Such other matters as the Board considers relevant.

Section 177D(2)(g) of the Planning and Development Act 2000 (as amended) is a provision relating to the assessment of "exceptional circumstances" when determining whether to grant leave to apply for substitute consent for unauthorised developments that require environmental assessments. Specifically, when considering if exceptional circumstances exist, An Bord Pleanála is required to have regard to various matters, including the following (g) *such other matters as the Board considers relevant*. This provision is part of the criteria used to decide if a development that was carried out without the required Environmental Impact Assessment (EIA) or Appropriate Assessment (AA) should be given an opportunity to be regularised retrospectively through the substitute consent process. The overall goal is to ensure that the purposes and objectives of the relevant EU Directives (the EIA Directive and Habitats Directive) are not circumvented by the unauthorised development.

The works carried out to the derelict building and the commissioning and construction of an access road has resulted in direct impacts on the Connemara SAC which it adjoins.

The applicant has consistently understated the extent of this unauthorised development (adding a roof, chimney, gable, roof plate, cameras) and also claiming that no significant work took place after the key date of 2000. While these works may not amount to extensive development it is their proximity to the SAC that must be considered and also the works carried out along the original grassed right of way including the laying down of a gravel surface with associated pipes discharging into the adjacent river are the most concerning aspects of this application.

Evidence relevant to Section 177D (2) of the Planning and Development Act (2000). Particularly subsections (a) Whether the regularisation of the development would circumvent the purpose and objectives of the EIA Directive or the Habitats Directive, (d) The likely significant effects on the environment or adverse effects on the integrity of European Site resulting from the carrying out or continuation of the development, (e) The extent to which significant effects on the environment or adverse effects on a European site can be remediated, and (g) Such other matters as the Board considers relevant.

The appellant repeatedly presents the unauthorised work at the property as of negligible importance from an environmental point of view.

Report No. 1 Section 3.1 states that:

"The site, while adjacent to the SAC, it is not within it. Also, as is evident from the Description of Works and Sworn Affidavits attached to this document, it is clear that the potential impact on the SAC was minimal... The other works described at 2.2 2 to 6 were also considered as minor... This application is accompanied by a remedial N.I.S. (in Appendix A of this document) the findings of the N.I.S are that "no significant negative effects or impacts on biodiversity or the Natura 2000 network resulted from the completed works."

This conclusion is set out in Part 1-1 Appendix A rNIS, Remedial Natura Impact Statement, which is based on two visits on 7 June 2024 and 12 March 2025. which are a long time after the unauthorised development had taken place. The rNIS report rely on the applicants version of the timing and work that was carried out and quote the applicant that there was "no waste" generated by the substantial rebuilding of the semi ruinous, roofless structure" and the "resurfacing" of a road adjacent to the river. (rNIS 13-17). Based on an analysis of the alleged limited scale and careful methodology of construction presented by the applicant, the ecologist declares adverse environmental impacts have been ruled out for all elements

of the work apart from the laneway, for which the ecologist recommends careful mitigation works (rNIS, 15).

In reality, the construction scale work and extent go well beyond that described by the applicant, and the “resurfacing” of the laneway shows the chasm between the work described by the applicant and that which he had undertaken, in its extent, disregard for impacts on the SAC, and the ongoing adverse and unacceptable intensification and the impacts on this formerly pristine environment.

The unauthorised works have resulted in irreversible and significant effect on the SAC and should not be rewarded.

The installation of drains and the non-inclusion within the substitute consent application of two pipes which drain a road directly into the SAC, would in our opinion be difficult to reconcile with Section 177D (2) of the Act.

The rNIS describes the historic roadworks as follows:

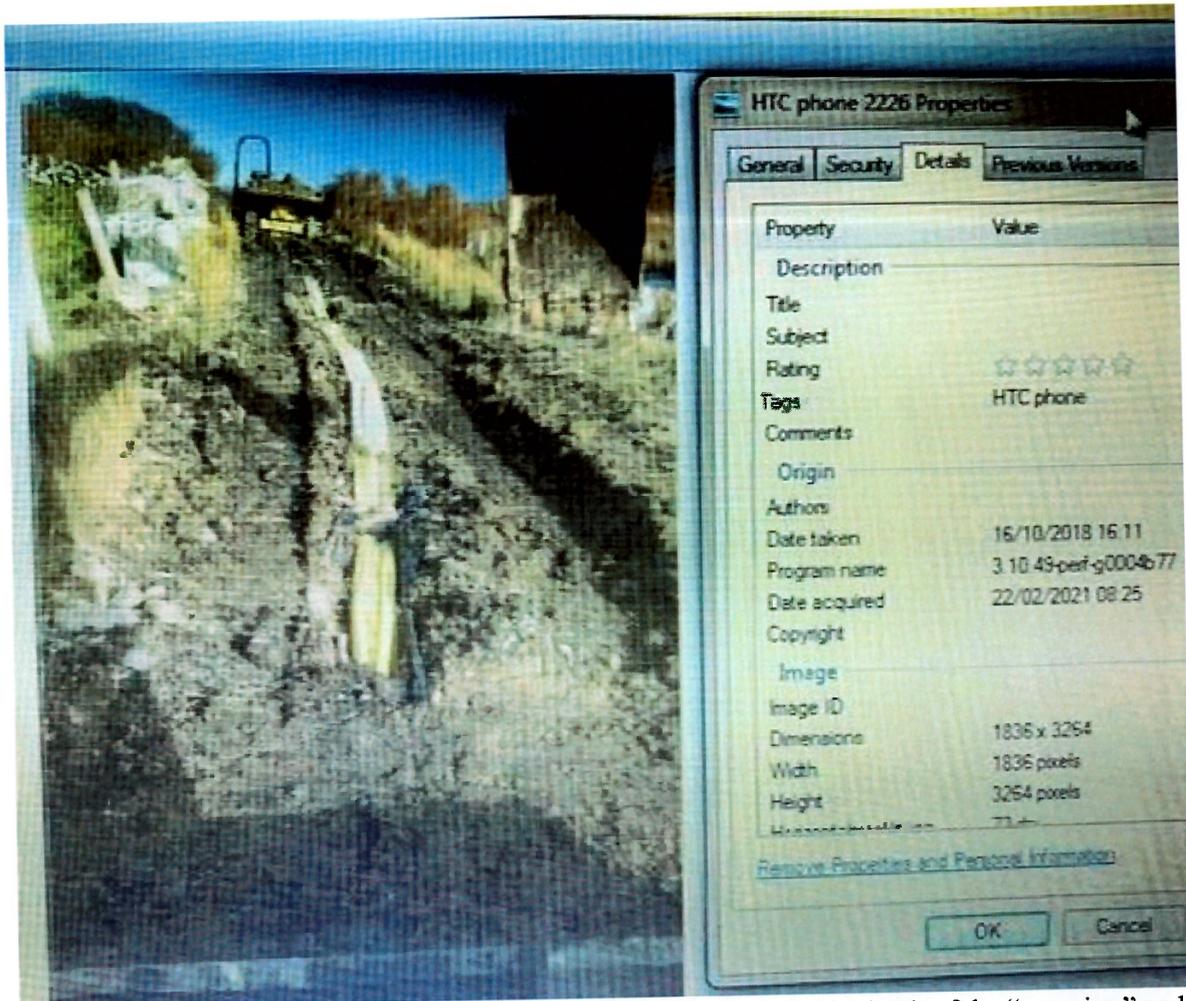
Vegetation was scraped from the lane surface using an excavator and the material taken from the site using a tractor and trailer. Following this a trench was excavated along a portion of the access lane leading to the property, excavated material was again removed from the site by tractor and trailer, an electricity supply duct was placed in the trench, and the trench was backfilled with clause 804 type stone. Clause 804 stone is a high-quality crushed aggregate that meets the TII Specification for Roadworks and IS EN (Irish Standard 13242 &SR21) for unbound granular fill. On completion of the trench works a thin layer of clause 804 was laid on the laneway. rNIS (15)

The respected ecologist was evidently not fully briefed by the applicant on the further, much more intrusive and long term aspects of the roadwork that are plainly visible in the photos which our clients have supplied and are included below. Our client has first-hand knowledge of these works as he was initially approached by the applicant to carry out the work to build the roadway. The following information from our client Mr Peter Lee is we believe important for the Commission to consider in their assessment of the extent of the works that were carried out.

- 1. It was not just “vegetation” but 200mm of soil and stone as well as the accompanying vegetation which was scraped from the road.*
- 2. Only part of the scraped material was removed from the site; the remainder was partly spread on the vegetation between the laneway and the river and partly used to make a parking area by the appellant’s derelict structure.*
- 3. The laneway was widened by c.1m.*
- 4. Two perforated drainage pipes were laid under the laneway by the applicants’ contractor which discharge onto the riverbank and subsequently into the river and the SAC/SPA.*
- 5. The “laneway” in question includes not only the section on the property in question, but also the roadway owned by Fisheries Ireland through which the applicant has a right of way, and which follows the immediately adjoining river, which is part of the Connemara Bog Complex SAC and SPA. The appellant’s actions thus impact on the SAC/SPA fringed along the length of the road/ and subsequently the river.*



The photo shows the amount of vegetation and quality of the almost impassible old laneway (direction of the arrow) before the scraping operation in 2018. Photo taken at the entrance of the Fisheries roadway leading to the appellat's property.



This photo taken during the construction of the road in 2018 shows the depth of the “scraping” and the covering of the adjacent riverside with the material removed from the road. Photo taken from the Fisheries road showing the excavations continuing onto the appellant’s property. The river and Connemara Bog Complex SAC/SPA are just visible at the top right.

18 January 2020 12:13

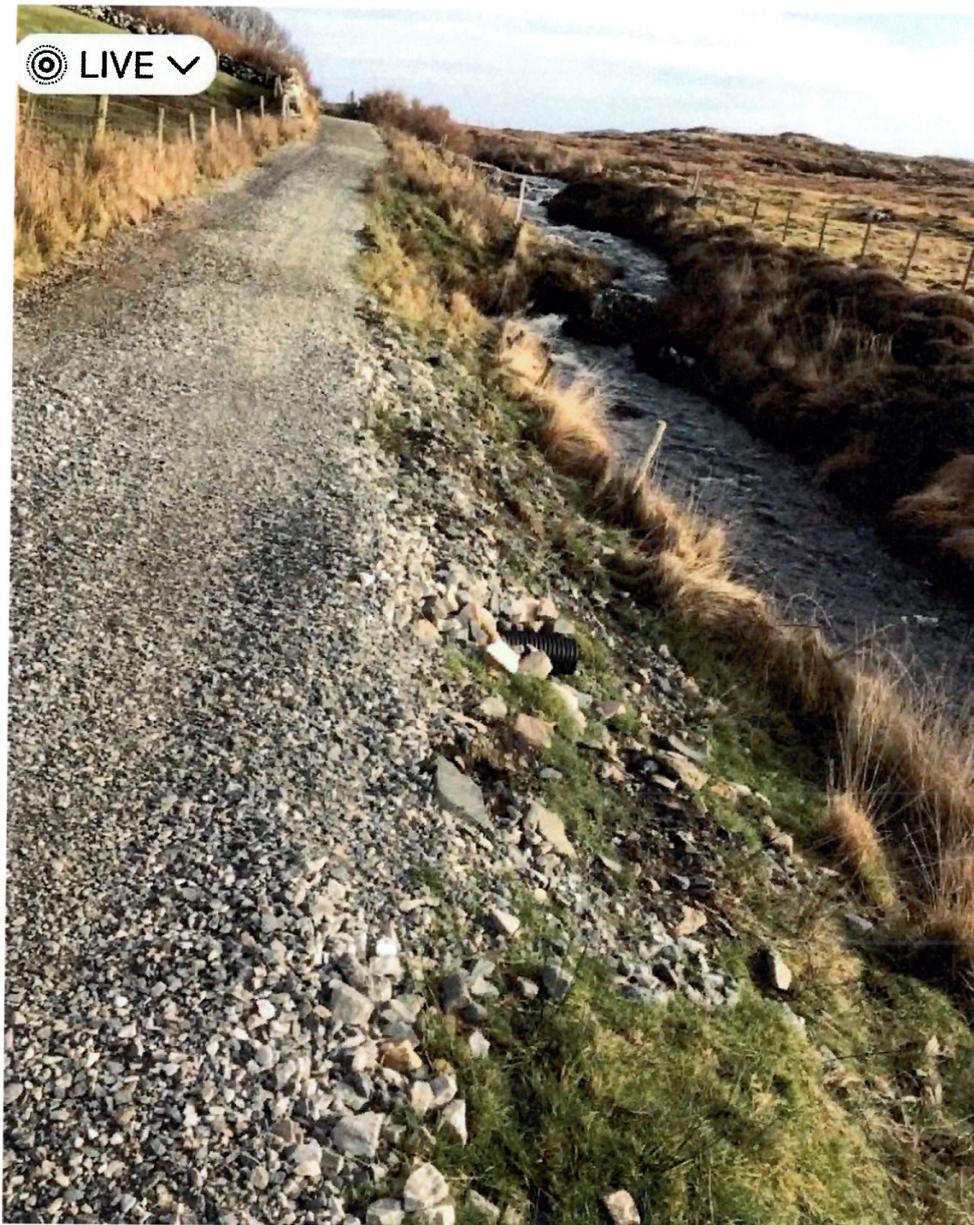


Photo taken in 2020 showing debris from the scraping of the road spread along the riverbank, with a visible impact on riverbank vegetation and extending to the water's edge. In the centre of the photo is a perforated drainage pipe discharging from under the road onto the riverbank and thus into the river and SAC. A second discharge pipe can just be seen above it.



Bunowen - Emlaghmore

18 January 2020 12:14

Edit



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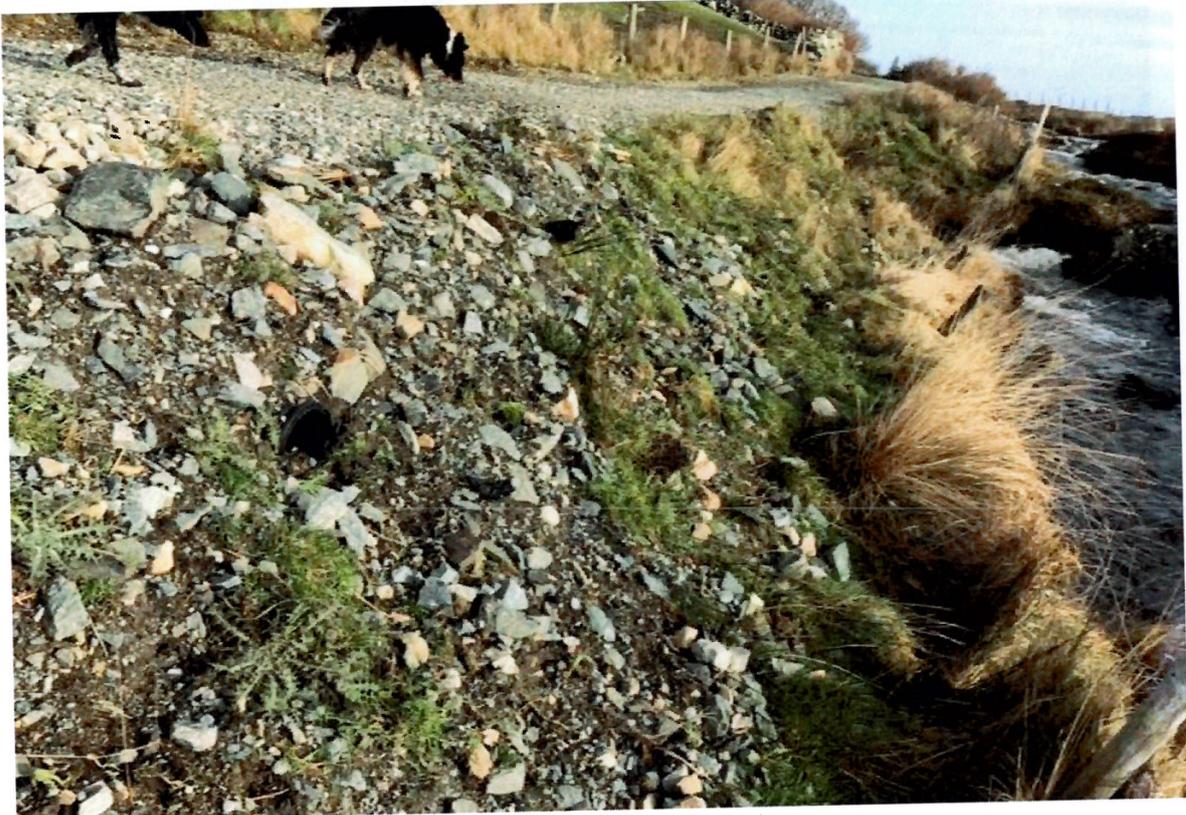
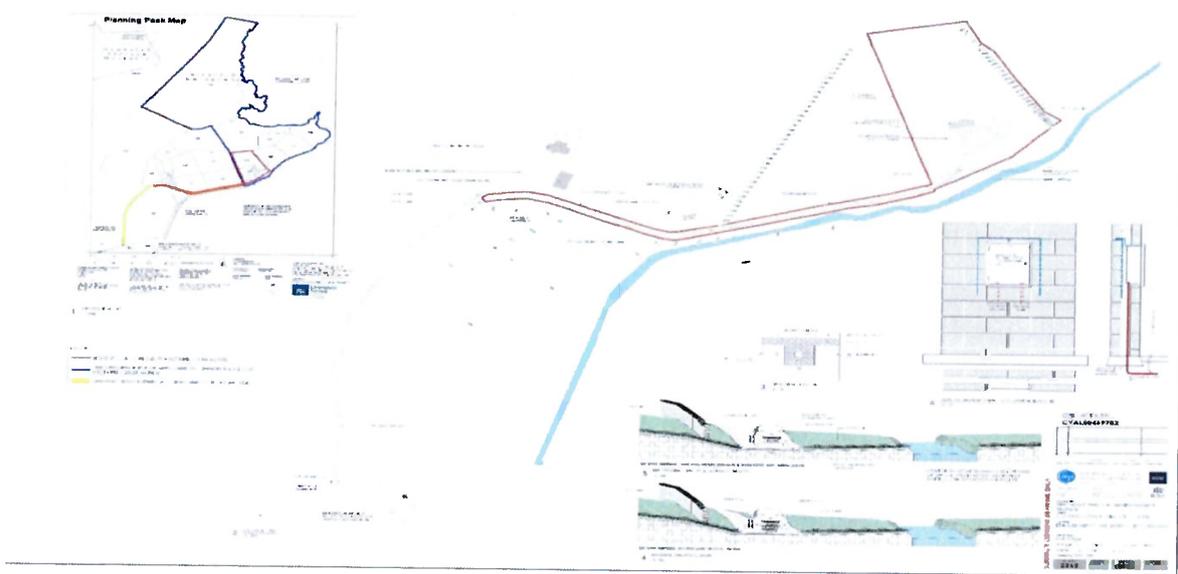


Photo from 2020. The second drainage pipe outlet onto the riverbank.

It is considered that if the author of the rNIS had been fully briefed on the extent of the roadworks carried out between 2018-2019 and the ongoing discharges from the drainage pipes onto the banks of the river, it would be difficult to conclude that the works were negligible and without any adverse effect. Neither would the author have limited the area of study to the boundaries of the property of the applicant, as the work and discharges from that site plainly extended along the right of way laneway and into the adjacent river. (1-1, p24). The rNIS limits its conclusions to the area owned by the applicant in “considering the proposed

development site in relation to Natura 2000 sites being considered further.” Map 4, rNIS, p20. This omits the extent of the laneway owned by the Fisheries Board – and the adjacent river/Connemara Bog Complex SCA/SPA that was directly affected by the unauthorised roadworks, which is roughly three times larger than the riverside frontage of the appellant’s own property.



The rNIS states:

Hydrology assumes a critical role in the ecological evaluation of a site. Water pollution is one of the main factors responsible for indirect impacts on Natura 2000 sites through the migration of pollution (sediments and hydrocarbons) downstream where they come into contact with conservation objectives.” (1-1, 26)

The rNIS further notes in relation to Proximity and relevance of Qualifying Interests of Connemara Bog Complex SAC (site code: 002934) to the proposed development site that:

Littorelletea uniflorae and/or Isoetoneanojuncetea, salmon, otter and slender naiad are present and vulnerable to being impacted by discharges, if any, from the site at their location “ 0.46km south at Maumeen Lough. The river which borders the site to the south is identified as a hydrological connection to the lake. Complete source-pathway-receptor link identified. Remedial mitigations will be required to ensure long term protection from silt or chemical imbalance as a result of the gravel track. [Adverse impacts would occur, the ecologist states, through] “identified pathways for effects on Qualifying Interests of this site are as follows: Deterioration of water quality/ habitat quality during the construction and operational phase of the proposed development, resulting in pollution to surface waters, adversely impacting the aquatic influenced QI species within the SAC, in the absence of mitigation.” (1-1, p33-4)

The rNIS states that:

If construction materials such as cement and gravel were used within the vicinity of the river, there is the potential for point and diffuse adverse changes in water quality. Adverse changes arise from silt laden run-off, the use of cement and hydrocarbons and the use of other potentially polluting chemicals or materials during construction. Such adverse changes could result in

changes to the habitat and water quality downstream of the polluting event(s) which could indirectly result in a change of integrity of the above species on at least a temporary basis.

It is submitted that the rNIS has not fully considered the extent of the roadworks and the ongoing discharges to the river, and that the following conclusion does not address the scale of works which state that *“It must be noted that no such materials were used in the construction of the laneway as above”* and *“The works already carried out, as assessed above, are not predicted to have resulted in a deterioration of water quality at the subject site”*

We do not consider that the conclusion—drawn by the author of the rNIS report based on the information provided by the applicant—that “the project has not significantly affected the integrity of the [1106] or [1355] or [1833] QI species with respect to the Connemara Bog Complex SAC, either during construction or operation” can be relied upon, given that the information supplied was incomplete (1-1, p34-5).

We respectfully request the Commission to carry out their own investigation of the works carried out and consider the dated photographs below supplied by our client Mr Lee which clearly show the extent of the works carried out.

Furthermore, the unauthorised development is contrary to Galway County Development Plan 2022-2028 objective WR 1- Water Resources, which is intended to “Protect the water resources in the plan area, including rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependent species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the River Basin District Management Plan 2018 – 2021 and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same) and also have regard to the Freshwater Pearl Mussel Sub-Basin Management Plans. WR 2 - River Basin Management Plans sets as a policy objective of the Planning Authority to implement the programme of measures developed by the River Basin District Projects under the Water Framework Directive in relation to: Surface and groundwater interaction, Dangerous substances, Hydro-morphology, Forestry, On site wastewater treatment systems, Municipal and industrial discharges, Urban pressures, Abstractions. (1-1, p38-9).

Yet the rNIS argues that *“the proposed project has been assessed, both individually and in conjunction with the combining effects of other plans and projects in the area. It is assessed that the works have not resulted in any significant residual effects on any ecological receptors or Natura 2000 sites. Therefore, there is no potential for the proposal to contribute to any potential cumulative impacts, when considered in combination with other developments in the locality. No cumulative impact is identified.”* (1-1, p41).

An important question to consider is whether the drainage from the laneway has led to unacceptable environmental damage? The rNIS qualifies their approval of the works on the laneway by recommending that remediating mitigation works and monitoring be carried out on the road *“where Clause 804 gravel has been used for resurfacing”*. However, the report states that *“The laneway must not be disturbed further by trying to lay yet another surface material or by altering it by tracked vehicles or otherwise to remove any material at the laneway. This could lead to unnecessary deposition or transition particulate matter entering the nearby watercourse and SAC”*. (1-1, p41).

The author of this report, may not have been fully appraised of the extent of the works in relation to the drainage of the road, where it has been constantly and for almost a decade leaching and pouring runoff into the river.

The many strenuous worthwhile remediation efforts suggested in the report (e.g. monitoring runoff, checking sediment traps, “establish vegetation buffer strips on both sides of the laneway where water flows

toward watercourses” are made irrelevant by the historic and extant drainage along the riverbank that the applicant has constructed within metres of the SAC, whose safety the author of the rNIS seeks to protect. (1-1, p41-2) *“the laneway must not be disturbed further by trying to lay yet another surface material or by altering it by tracked vehicles or otherwise to remove any material at the laneway. This could lead to unnecessary deposition or transition particulate matter entering the nearby watercourse and SAC”*,

We submit that the works carried out for the construction of the original road have caused irreputable damage together with the ongoing leaching from the two outlet pipes on the riverbank.

The scale and unending duration of the pollution of the SAC/SPA caused by the unauthorised development must be central to “the likely significant effects on the environment or adverse effects on the integrity of a European Site resulting from the carrying out or continuation of the development” (Section 177D (2) (d)) that must be considered by the Commission in its assessment of this substitute consent application.

What seems less obvious, if it is possible at all to adequately assess, is Section 177D (2) (e) “The extent to which significant effects on the environment or adverse effects on a European Site can be remediated.”

The applicant’s continued minimisation of the extent of his unauthorised works go completely against the provisions of Section 177D (2) (g). Such other matters as the Board considers relevant.

The pollution of the river SAC/SPA is directly related to the unauthorised reconstruction of the semi ruinous house by the applicant. The applicant approached our client on the 5th June 2018 , requesting that Mr Lee built a road from the front of the hous through his property and alongside the river to the end of the Fisheries’ roadway.

Email exchanges between Mr Ridge and our client at the time Mr Lee was approached but declined the contract to carry out the works to the laneway demonstrates the applicants intentions in 2018.

The applicant explicitly directed the pipe be laid under (and discharging from) the road. These can be seen in the photos below during the construction of the road.

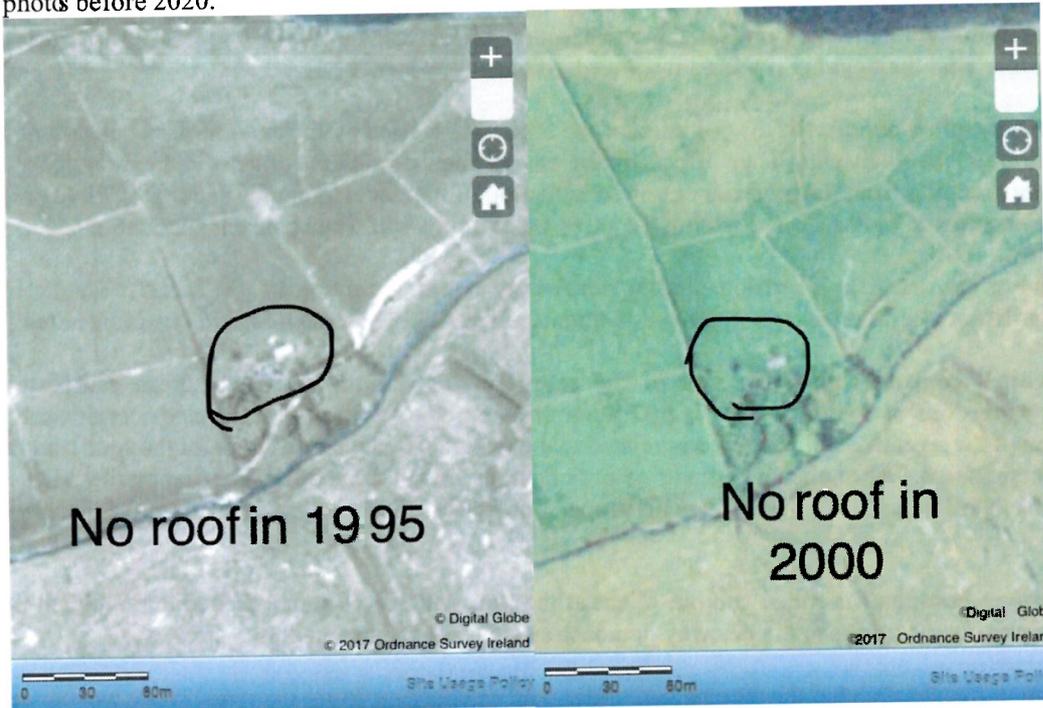
The applicants site lies several metres above the level of the river, and the road from the applicants property slopes downward parallel to and beside the river/Connemara Bog Complex SAC. The pipe under the road and its outflow are designed to exploit this change in elevation. The pipe was included in the words of our client Mr Lee to “catch all the water from the land”, “with a shallow corner not right angle to ensure the pipe catches all the water” to “cross the road at the lowest point”. The applicant created a very efficient and effective way of dealing with the runoff which is immediately adjacent to the Connemara SAC.

The applicant has consistently understated the extent of the unauthorised development.

The applicant did not seek *any* retention of unauthorised development until his second application 2189 in February 2021, despite (by his own admission) extensive correspondence with the Planner and Enforcement Officer of Galway County Council in 2020 regarding an enforcement order and the requirement to seek permission for retention. Report1, 9 The appellant seeks to put the onus on the Planning Department for this (“In the absence of clarity on the perceived issues of “unauthorised development” and considering the lapse of time in trying to obtain same from the Enforcement Dept”) he ignored retention in application 201112. Appendix B – Planning History, 9

It was left to the Lee family submissions on 201112 to highlight the unauthorised reconstruction of the semi ruinous building, namely the addition of a new roof, the construction of a collapsed chimney and a gable, the addition of a concrete roof plate on the front and rear walls, and the erection of surveillance cameras placed so they looked beyond the applicant’s property, on to the Lees land and as far as their house.

The second Application 2189 belatedly sought retention for unauthorised development (the roof, chimney, and cameras), albeit with significant problems. The addition of the roof was stated to have been “in the 1990’s”. That is demonstrably incorrect, can be seen on dated Google Maps aerial photos, attached. Google Earth shows a roofless ruin in 1995 and 2000 and with a roof in 2005, while the chimney is not visible in photos before 2020.





2189 does not seek retention for raising the roof plate or rebuilding the gable, neither does it seek retention for the road works and a pillar for electricity.

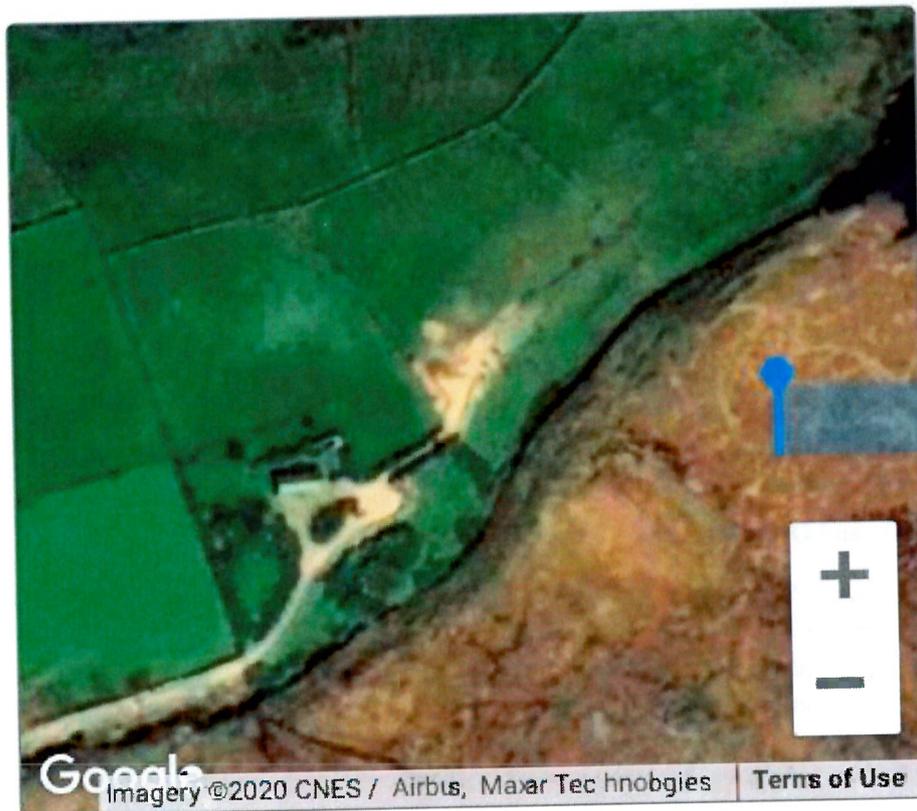
Further Photographic and Other Evidence

1. Photos of the “quarry” created by applicant to surface the area in front of his building and on the laneway.
2. Photos of the Pipe and the River in November 2025
3. Photos showing waterflows from the applicant’s property onto and along the laneway and then draining into the River in November and December 2025
4. Applicant’s Report 1, 3., page 8, which ignores his role in creating the water runoff pollution issue on the laneway/river.
5. Relevant extracts from Guidelines On Protection of Fisheries During Construction Works in and Adjacent to Waters, Inland Fisheries Ireland, 2016.
6. Notifiable Action.

<https://www.npws.ie/farmers-and-landowners/activities-requiring-consent>

Quarry” (centre) for subsoil used in front of the house and on the laneway

Position and approaches



Expand to **new tab** or
full screen



Haven position

 53° 23.798' N, 009° 55.067' W

Quarry site adjacent to the river

Emlaghkeeragh Lough

6 September 2020 12:19



 LIVE 



The Pipe and the River November 2025



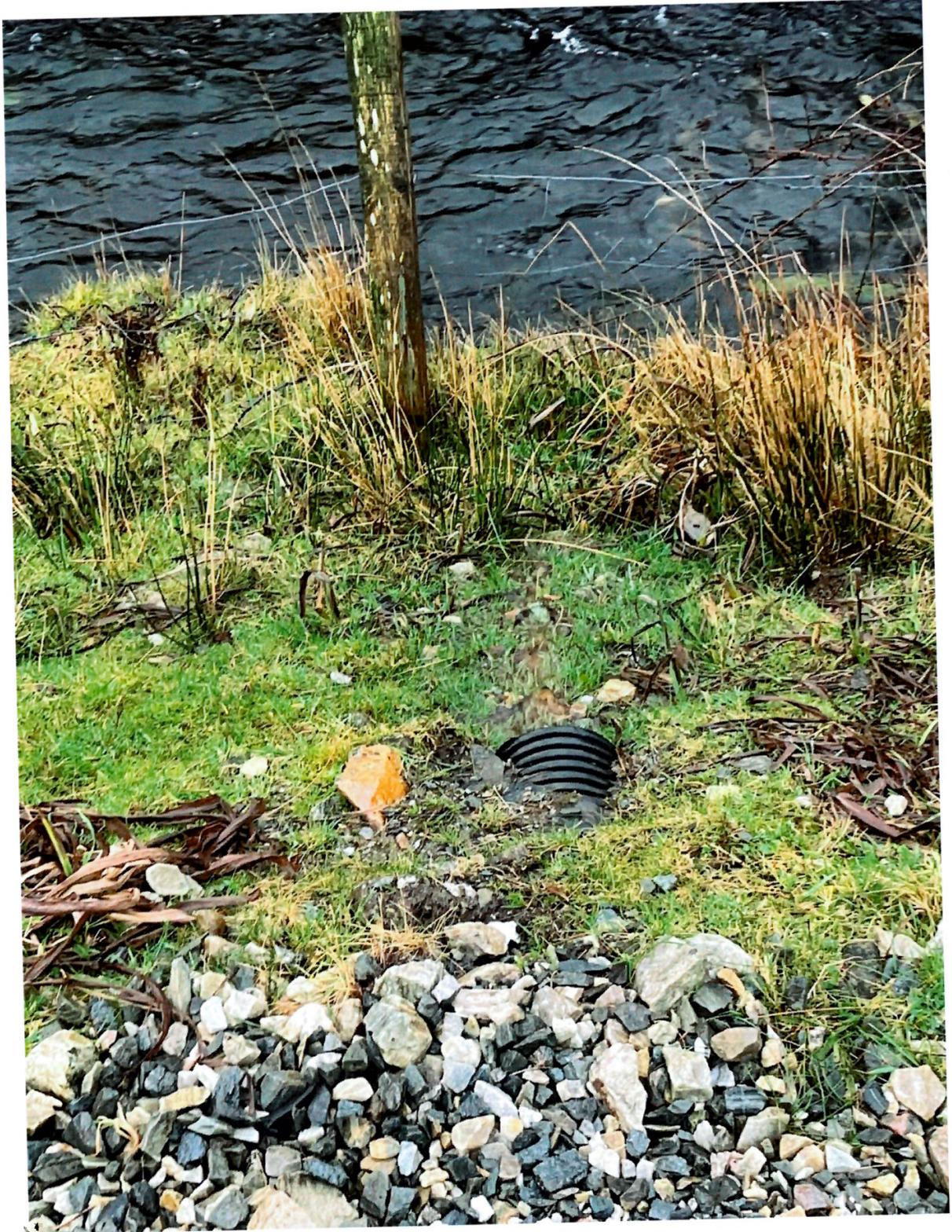




The reconstructed, resurfaced and widened laneway, since acting as a drain from the applicant's property, with runoff flowing unimpeded to the laneway's lowest point where it gathers and drains into the river. Pipe visible at centre right. 1 December 2025



Outflow from the pipe, 30 November 2025





We refer to the following statement within the application for substitute consent “*Furthermore, the site, while adjacent to the SAC, it is not within it. Also, as is evident from the Description of Works and Sworn affidavits attached to this document, it is clear that the potential impact on the SAC was minimal*”.

This statement ignores the fact that extensive works have been carried out along the laneway which has resulted in effects in the Connemara Bog Complex SAC. It would be expected that Qualifying Interests of this SAC were directly and indirectly impacted. We refer the Commission to the letter included with this submission from Altemar Environmental Consultants who have reviewed the documentation submitted including the rNIS and conclude:

Whether or not these were deliberate actions or a matter of ignorance, it is clear that works were carried out that impacted QI of the Connemara Bog Complex SAC. In this regard due diligence was not carried out. Granting permission to this project would be rewarding Pat Ridge for clear and consistent violations of the Habitats Directive.

We also wish to set out further obligations in the planning and design process where works such as road construction, installation of culverts and bridges, the crossing of rivers/streams with pipelines and works on and in the environs of waters are planned to enable those concerned to comply with the provisions of the Fisheries Acts and Habitats Regulations.

Relevant extracts from the Guidelines On Protection Of Fisheries During Construction Works In And Adjacent To Waters, Inland Fisheries Ireland, 2016.

2.1 *Contact should be made with IFI at the earliest possible stage in the planning and design process where works such as road construction, installation of Culverts and bridges, the crossing of rivers/streams with pipelines and works on and in the environs of waters are planned. Such consultation will enable those concerned to comply with the provisions of the Fisheries Acts and Habitats Regulations.*

2.2 *In addition to the general guidance and requirements detailed herein, there will be design and construction issues specific to individual projects and locations. In such cases IFI will issue detailed operational and construction requirements.*

3.2	Pollutant:	Examples of Construction Source:
	Silts and solids.	Earthworks, new drainage networks and instream works.
	Cementitious residues.	Bridge, culvert and drainage headwall construction, etc.

7.2

Discharge of silt-laden waters to fisheries streams is of particular concern. *Silt can clog fish spawning beds and juvenile fish species are particularly sensitive. Plant and macro invertebrate communities can literally be blanketed over, and this can lead to loss or degradation of valuable habitat. It is important to incorporate best practices into construction methods to minimise discharges of silt/suspended solids to waters.*

7.4 IFI require that:

7.4.5 Silt traps/settlement ponds or other forms of containment and treatment shall be constructed at locations that will intercept run-off to streams. Traps shall not be constructed immediately adjacent to natural watercourses. A buffer zone should remain between the silt trap and the watercourse with natural vegetation left intact.

Alternatively, imported materials such as terram, straw bales, coarse to fine gravel should be used either separately or in combination as appropriate to remove suspended matter from discharges.

7.4.6 The level of suspended solids in any discharges to fisheries waters as a consequence of construction works shall not exceed 25mg/l, nor result in the deposition of silts on gravels or any element of the aquatic flora or fauna.

Finally we also wish to highlight the following issues raised in Mr Deegan's accompanying report.

1. As defined by the EPA (GIS.EPA.ie) the Callow River 31C25 at this site is a 3rd order River, not a small stream.
2. Based in discussion with Inland Fisheries Ireland this river is a salmon spawning river. Atlantic Salmon are a qualifying interest of the Connemara Bog Complex SAC.
3. This building is a derelict building in a very remote area where there are few roosting opportunities for bats in the wider landscape. No bat assessment was carried out on the building prior to the reroofing.
4. Otter is a qualifying interest of the Connemara Bog Complex SAC. No preconstruction assessment for otter holts was carried out.

Conclusion

Having regard to the foregoing and the accompanying Technical Report prepared by Bryan Deegan of Altemar, Marine and Environmental Consultants, we respectfully request that the Commission refuse permission for substitute consent, as it has not been adequately demonstrated that the works undertaken did not adversely affect the Qualifying Interests of the Connemara Bog Complex SAC.

The works associated with the laneway are likely to have resulted in the exposure of a substantial area of bare soil adjacent to salmon spawning habitat, a Qualifying Interest of the SAC. This exposure would have occurred during site clearance, the excavation of a linear trench for ESB infrastructure, the movement of soil and gravel, and the placement of gravel along the bank of the River. Such activities would ordinarily necessitate comprehensive mitigation measures. In the absence of these measures, there was a clear risk of direct impact on salmon spawning habitat through the mobilisation and deposition of silt and gravel arising from the works. Evidence from the site inspection undertaken in 2024 by Mr Deegan of Altemar indicates that debris had entered the watercourse and the SAC.

In light of the foregoing, it has not been demonstrated that the requirements of the Habitats Directive have been complied with, nor that the requisite level of due diligence has been exercised. In these circumstances, the Board may not grant substitute consent, whether subject to conditions or otherwise, unless it is satisfied that exceptional circumstances exist which would justify the granting of such consent. Having regard to the matters set out in this submission, it is respectfully submitted that substitute consent should be refused.



Jane Doyle, Director Doyle Kent Planning Partnership Limited



Appendix 1 attached

Altamar Marine & Environmental Consultancy Technical Report.

ALTEMAR

Marine & Environmental Consultancy

**An Coimisiún Pleanála,
64 Marlborough St,
Dublin 1,
D01 V902**

12th January 2026

Technical Note Response to Substitute Consent Application: Case reference: SU07.323867 Case reference: SU07.323867

This technical note response has been prepared by Bryan Deegan MCIEEM of Altemar Limited. Bryan Deegan, is the Managing Director of Altemar Limited. Altemar Ltd. is a long established marine and environmental consultancy that is based in Greystones Co. Wicklow. It has been in operation in Ireland since 2001 and has 11 full time ecologists. Bryan is an Environmental Scientist, Marine Biologist and aquatic scientist with 31 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. He is also currently contracted to Inland Fisheries Ireland as the sole "External Expert" to environmentally assess internal and external projects. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture). Bryan Deegan carried out a site visit on 17th August 2024. Plates 1 & 2 show the access road up to the property in question and the River Callow which is within the Connemara Bog Complex SAC. Plate 3 shows the property in question and plate 4 shows the ESB connection on the neighbouring pole on the main road.

In relation to the project and documents submitted, the introduction of the remedial NIS (rNIS) states that Pat Ridge is seeking substitute consent for the following:

- "A) The reinstatement of a collapsed roof and making good of an existing chimney,*
 - B) The unblocking of windows and replacement of timber framed windows on the front elevation,*
 - C) CCTV cameras on the building to be in place for a temporary period."*
-



Plate 1 Laneway (looking SW)

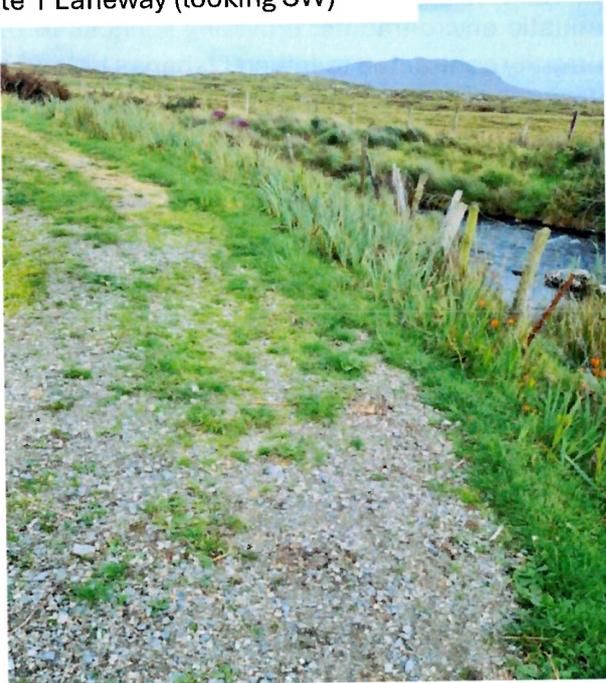


Plate 2 Laneway (looking NE)



Plate 3. Property viewed from neighbouring field.



Plate 4. Electricity connection to property. (underground along laneway)

ment:

I have reviewed the remedial NIS submitted and wish to note the following:

Effects on the Connemara Box Complex SAC.

The rNIS does not specifically state in the introduction that the project relates to the works on the access laneway including the clearance, laying of a ESB cable in a Trench and the surfacing of the laneway directly adjacent to the SAC. However, there is mention of the "Access laneway resurfacing, including laying of electricity supply duct" of p15 of the rNIS. It is important to note that the site boundary for assessment on p17 and p20 does not include the works on the laneway including clearance, laying of duct and laying of stone. The lack of impact assessment of the laneway works (clearance, ESB duct and surfacing along the SAC boundary) is repeated in section 5.2 Impacts on Habitats, where it is stated that:

"The works already carried out on the site which includes A) The reinstatement of a collapsed roof and making good of an existing chimney, B) The unblocking of windows and replacement of timber framed windows on the front elevation, C) CCTV cameras on the building to be in place for a temporary period; are considered to be of small scale, with an estimated

collective duration of a 2 weeks. Those aspects will have negligible effects on the integrity of the nearby SAC and its QI's in the short and long term."

However in Section 5.3 Impacts on Species the rNIS states "*If construction materials such as cement and **gravel** were used within the vicinity of the river, there is the potential for point and diffuse adverse changes in water quality. Adverse changes arise from silt-laden run-off, the use of cement and hydrocarbons and the use of other potentially polluting chemicals or materials during construction. Such adverse changes could result in changes to the habitat and water quality downstream of the polluting event(s) which could indirectly result in a change of integrity of the above species on at least a temporary basis. **It must be noted that no such materials were used in the construction of the laneway as above.**" (Emphasis added).*

It is clear that the potential impacts of the works on the laneway bordering SAC would have been extensive. The works on the laneway would have resulted in the exposure of an extensive area of bare soil bordering Salmon spawning habitat (QI of the SAC), during site clearance, when a linear trench was excavated for ESB, during movement of soil and gravel by truck/dumper and during gravel works that were carried out on the bank of the Collen River. It would be expected that extensive mitigation measures would have been needed and without these in place the Salmon spawning habitat would have been directly impacted through the introduction of silt/gravel from the works. It is clear from the site visit in 2024 that debris had entered the watercourse and SAC.

In combination effects

As outlined in the rNIS submitted in relation to the proposed project a section on "cumulative impacts" (not in-combination effects) has been included. As outlined in the Office of the Planning Regulator Guidance "Appropriate Assessment Screening for Development Management" (OPR Practice Note PN01)(March 2021)

"The in-combination assessment should concentrate on projects/plans that could in fact act in-combination with the current project to affect site conservation objectives". In addition "In-combination effects must examine plans or projects that are:

- *Projects completed,*
- *Projects approved but not started or uncompleted,*
- *Projects proposed, i.e. for which an application for approval or consent has been made, including refusals subject to appeal and not yet determined,*
- *Proposals in adopted plans, and*
- *Proposals in finalised draft plans formally published or submitted for consultation or adoption."*

"The consideration of in-combination effects is not restricted to similar types of plans or projects covering the same sector of activity (e.g. a series of housing projects). All types of plans or projects that could, in-combination with the project under consideration, have a significant effect, should be taken into account."

The lack of detailed assessment on historic works on site should have been assessed in the in-combination effects section. It is clear from these extent of the works. The level of progressive works on the site would be expected to have caused in combination effects on Connemara Bog Complex SAC and in particular the salmon spawning habitat in the Callow River. This is supported by the author of the rNIS where it is stated that in the mitigation section that:

“It is the opinion of the author that remedial mitigations should be implemented on the laneway where Clause 804 gravel has been used for resurfacing. Mitigation measures are necessary for the protection of the nearby SAC and its QI habitats, species and their conservation objectives. These measures will allow for the continuation and support of the Galway County Development Plans (2022-2028) objectives, specifically NHB1, NHB2, NHB3, WR1 and WR2.

The laneway must not be disturbed further by trying to lay yet another surface material or by altering it by tracked vehicles or otherwise to remove any material at the laneway. This could lead to unnecessary deposition or transition particulate matter entering the nearby watercourse and SAC.

Establish vegetation buffer strips on both sides of the laneway where water flows toward watercourses. Widths depending on local topography (e.g. minimum 5-10 m, more if steep slopes). Plant with native species appropriate to the SAC (bog species, riparian shrubs, trees). Ensure riparian shade, cover, bank stability.

Establish baseline to monitor downstream/upstream water chemistry & turbidity/SS/TSS monthly for first year, then quarterly for years 2-5. Key parameters: suspended solids, turbidity, pH, conductivity, major salts, heavy metals. This should be done with the appointment of an Ecological Clerk of Works (ECoW). This will form the basis of a phased monitoring plan. This should be carried out annually for three years and reports sent to Inland Fisheries Ireland. Once baseline established, re-visiting after third year results in re-assessing whether continued monitoring should take place.”

It is clear therefore that the author can see the potential effects of the works that were carried out on the Connemara Bog Complex SAC. Yet in the conclusion states *“The potential for indirect impacts on QI and SCI species of the Connemara Bog Complex SAC and the Connemara Bog Complex SPA has been assessed and due to the nature, size and scale of the completed works, impacts have been ruled out for all elements of the work apart from the laneway. The laneway surface may well be safe, but the precautionary principle dictates that we must apply mitigation to ensure the conservation objectives of the nearby Connemara Bog Complex SAC and its habitats and species are protected in accordance with Article 6(3) of the Habitats Directive 92/43/EEC (Assessment of Plans and Projects significantly affecting Natura 2000 sites).”*

Google Earth Pro Imagery

An assessment of the extent of historic works was carried out on Google Earth Imagery. Google Earth Imagery from 2011-2025 are seen in Plate 5-10. The first evidence of works appears on the April 2019 imagery, where the access track had been cleared and a linear line can be seen post installation of the ESB duct along the laneway, right up to near the house. In May 2019 an area of clearance & spoil can be seen to the east of the house. In the April 2021 imagery (next available image from 2019) the laneway can be seen to have been widened and surfaced.

Other issues

1. As defined by the EPA (GIS.EPA.ie) the Callow River 31C25 at this site is a 3rd order River, not a small stream.
2. Based in discussion with Inland Fisheries Ireland this river is a salmon spawning river. Atlantic Salmon are a qualifying interest of the Connemara Box Complex SAC.
3. This building is a derelict building in a very remote area where there are few roosting opportunities for bats in the wider landscape. No bat assessment was carried out on the building prior to the reroofing.
4. Otter is a qualifying interest of the Connemara Bog Complex SAC. No preconstruction assessment for otter holts was carried out.

Summary

It is clear from the above that extensive works have been carried out along the laneway which has resulted in effects in the Connemara Bog Complex SAC. It would be expected that Qualifying Interests of this SAC were directly and indirectly impacted. In addition, no bat assessment was carried out on the building.

Whether or not these were deliberate actions or a matter of ignorance, it is clear that works were carried out that impacted QI of the Connemara Bog Complex SAC. Due diligence was not carried out. Granting permission to this project would be rewarding Pat Ridge for clear and consistent violations of the Habitats Directive.

If you have any queries in relation to the above please do not hesitate to get in contact.

Kindest Regards



**Bryan Deegan,
Director, Altemar Limited.**



Plate 5: April 2011

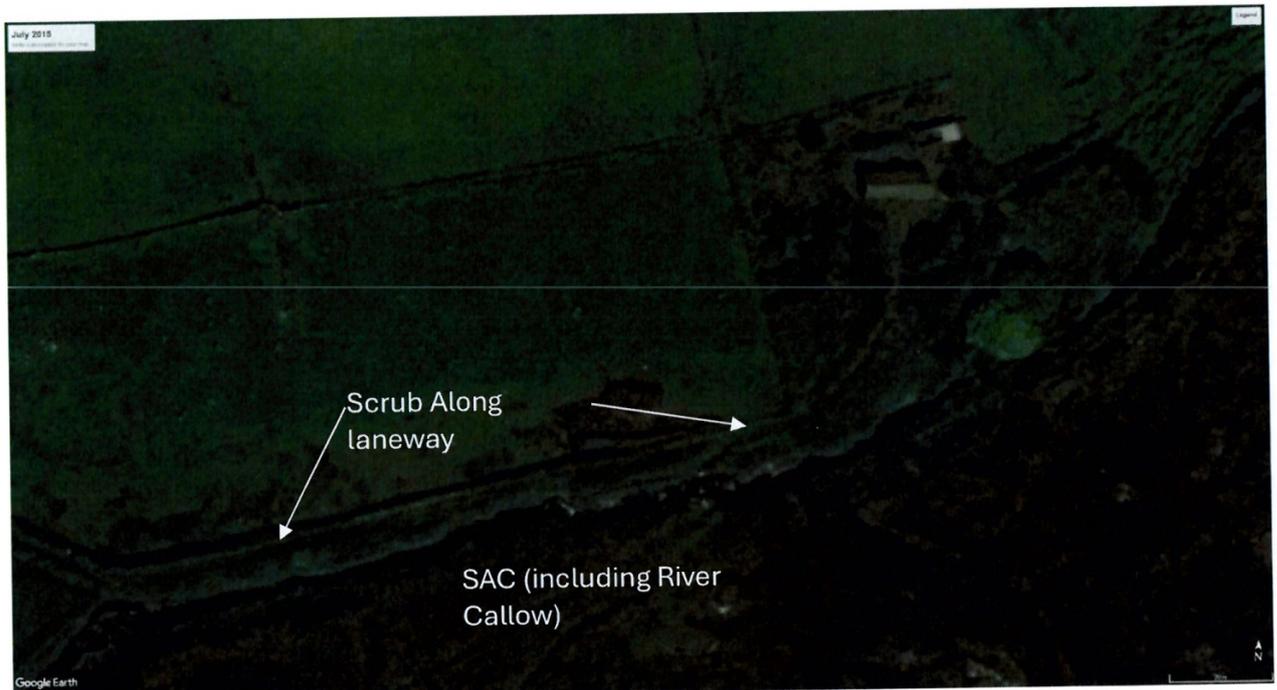


Plate 6: July 2015



Plate 7: April 2019 (ESB duct laid in October 2018)



Plate 8: May 2019



Plate 9: April 2021



Plate 10: April 2025