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From: alexandrina.tinne@gmail.com
Sent: Tuesday 23 December 2025 10:41
To: Appeals2
Subject: SUBSTITUTE CONSENT 323867
Attachments: Substitute consent 323867 2-compressed.pdf; 22 12 2025 - Planning Application - Submission(2).pdf

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Please see attached observations for substitute consent 323867

Alexine Tinne
Emlaghmore Lodge
Ballyconneely
Co Galway
H71K076

Submission regarding application for Substitute Consent under Section 37L by Pat Ridge

Planning ref: FD07.323899 case number 323867

Applicant : Pat Ridge

Location: Emlaghmore, Ballyconneely, Co Galway

Objector: Alexine Tinne - Emlaghmore Lodge, Ballyconneely, Co Galway H71K076

I wish to make an observation on this substitute consent. It was an unauthorised development to start with, after many refusals this step process to gain planning would give it legitimacy **perpetuation and intensifying an unauthorised development.**

The permission sought for this development is likely to have a significant impact on the surrounding area I have grave concerns regarding the lack of the remedial Environmental Impact Assessment Report (EIAR)

The proposed development is within **4M** of an SAC, SPA and a proposed pNHA (2027) - it is a class 4 - iconic unique landscape with high sensitivity to change and pollution. It is the very edge of the Connemara bog complex and has 19 qualifying interests.

In terms of rural area type the site is located within a structurally weak area.

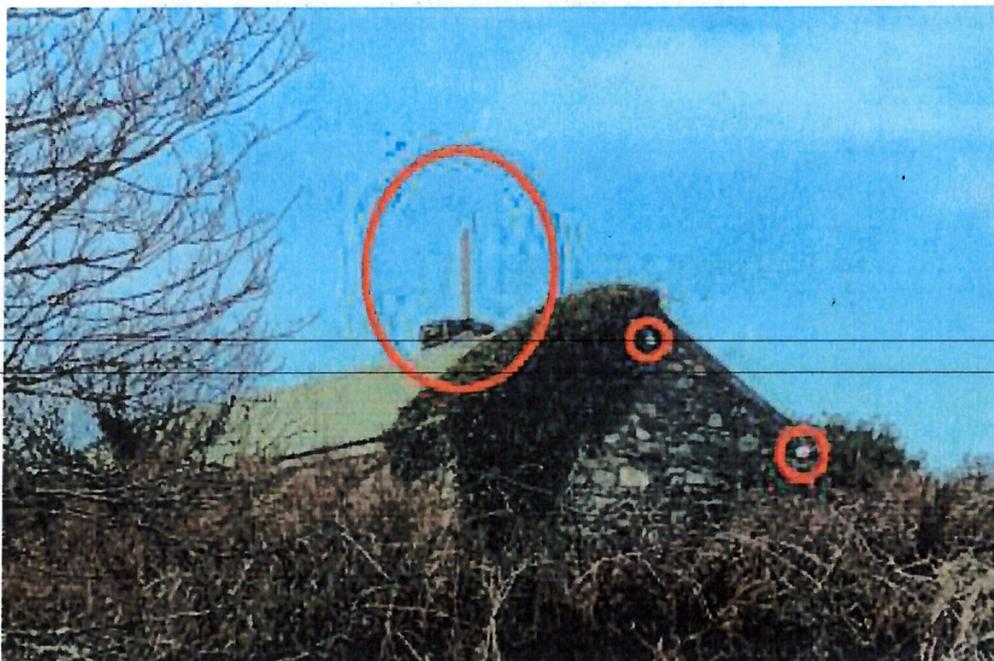
the site is within zone 4 – Landscape

Sensitivity Category 2-4

Under the EU regulations the ARC list Activities Requiring Consent for European Sites (NPWS)

ARC 05, 09, 15, 27, 28, 30, and 34 are relevant here?

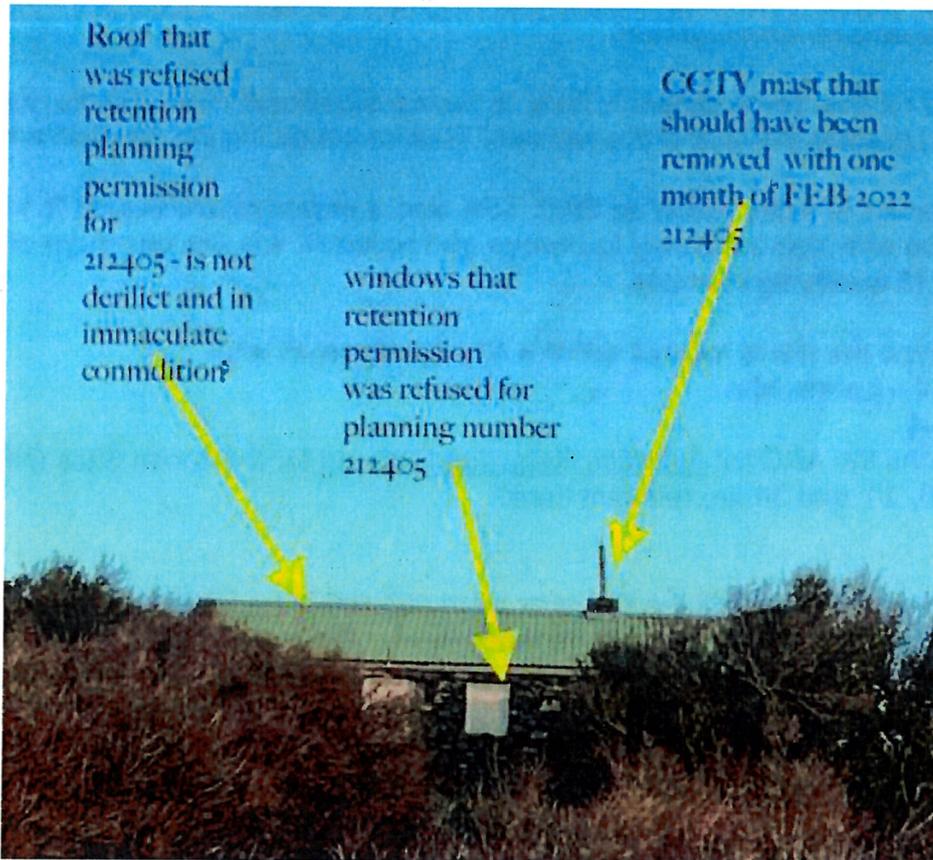
Please see attached photo - Previously the cameras were ordered to be taken down - This has not happened. Previously the mast was ordered to be taken down - this has not happened. For a derelict Previously the windows were the subject for retention consent - it was declined. The roof was also declined. This has not happened this is only one side of the building that infringes on everyones privacy and enjoyment of the commonage. Photos are taken with an ordinary phone - no zoom lens. Its very clear that you are being watched. A unwarranted invasion of privacy.



Caption

I note that inspectors report ACP-322856-25

To answer to this - raising the wall plate by 1M would make is visible for miles and way above the sky line. - and would create a focal point on the eye line of this SAC, SPA and pNHA where is the Landscape and Visual Impact Assessment (LVIA)? This is a specific, methodical process within the EIA that assesses changes to the landscape's character and the visual environment experienced by people? There is no EIAR. This development would have a significant impact and would be contrary to proper planning and sustainable development.



Caption



The applicant has had built 3 x drains across land that does not belong to him but the owner of the fishery, FOLIO 3908, and in addition the FOLIO runs around the entire land so the Mr Ridge will need to seek planning permission would need to get his pipes across to the lake and any subsequent drainage plans. Please see photo above - Yellow line indicates part of FOLIO 3908



Drain 1



Drain 2



Drain 3

The drains flow directly into the top of the spawning beds on to Maureen lough which is in an SAC , SPA and pNHA under the Habitats Directive 1997

Habitat Destruction: Spawning beds need clean gravel; drains bring silt, smothering eggs and young fish. **Pollution:** Drain outflows carry nutrients, chemicals, and sediment, killing fish and aquatic life. It's a prosecutable offence under the **Fisheries Consolidation Act**. No permissions were sought from NWPS or the IFI nor the fishery owner. Putting these drains in is a deliberate act that damages, degrades, or completely eliminate natural environments, and would rendering them unable to support native species if damaged - Article 6 of the Directive requires that any plan or project likely to have a significant effect on a Natura 2000 site must undergo an **Appropriate Assessment** Its why an EIA is so important, also comes under the The Environmental Liability Directive of 2008 and the The Water Framework Directive

Hydromorphology and Habitat Protection: Maintaining the physical habitat is a primary objective, particularly for fisheries authorities. Developments that might alter the physical characteristics of the water body, such as channel works, embankments, or new structures, are considered significant pressures and should be scrutinized for their impact on sensitive areas like spawning beds.

There were four reasons for refusal to the original planning retention 212405 in relation to **perpetuation and intensifying an unauthorised development**, environmental risk and risk to Natura 2000 sites, **fluvial risk** and absence of evidence of a potable water supply.

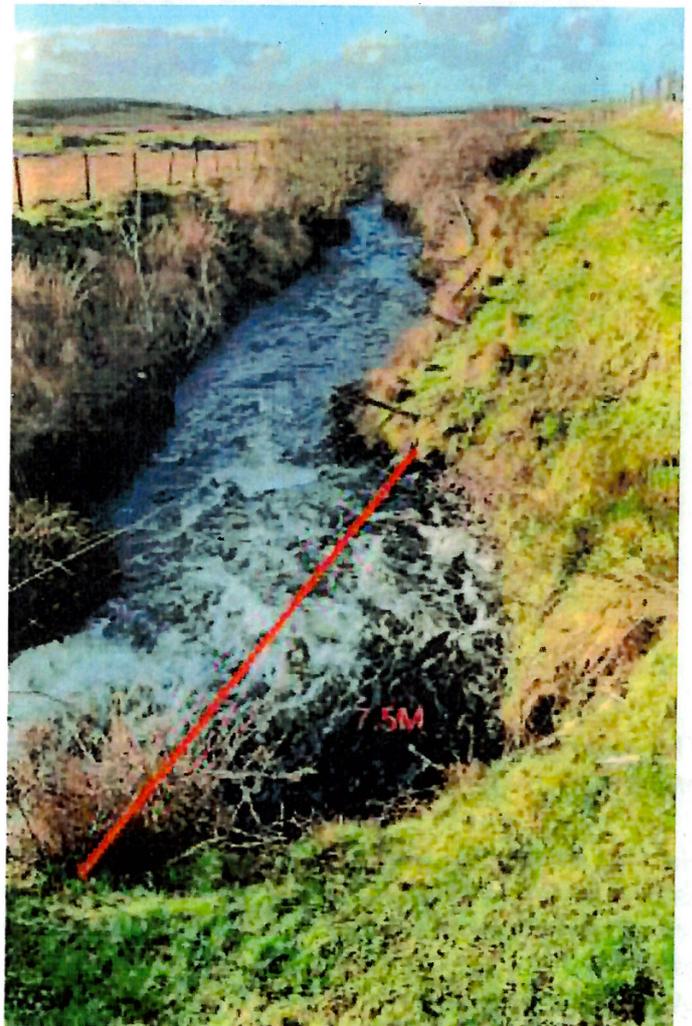
Reference no 70254 Refusal of permission to reconstruct and extend a derelict dwelling. Refusal grounds relating to housing need, location within an area of outstanding scenic amenity and design.

A salmonoid river and it is next door to a spawning bed for Sea trout, trout and hopeful return of salmon. The track up to the derelict site is in some places 1.5 M above the top of a spawning bed of Doohulla fishery. The flow would take all debris and pollution straight on to the spawning bed. 3 x drains have been put in WITHOUT permission from the IFI, NWPS, or the owner of FOLIO 3908

The Congested Districts boards track that leads up to the site is in some places **150 cms** above the river - any silt, debris, and pollution does not have far to fall. In addition some of the track is very close to the river with 4M drop and the track is only 2.7M wide at best. Please see photo of direction of flow and proximity of track to spawning bed.



Picture showing proximity of track to top of spawning bed and direction of flow towards Maumeen SAC, SPA and pNHA



The Congested Districts boards track that leads up to the site is in some places 30 cms above the river - any silt, debris, and pollution does not have far to fall. In addition some of the track is very close to the river with 4M drop and the track is only 2.7M wide at best. Hydraulic action is causing erosion bluff which will lead to instability of the track.

These are mature trees - adding another metre in height would draw your eyes to it in an otherwise pristine SAC SPA pNHA landscape



Caption

SUBMISSION & OBSERVATIONS OF THE WESTERN GAMEFISHING ASSOCIATION

[Ref: Planning Application Ref No; FD07.323899 Case Number 323899]

The Western Gamefishing Association is a 'not for profit' Non Governmental Organisation comprised of, and representing, salmonid fisheries, owners, and managers throughout Connemara and the west of Ireland.

The Association is concerned about Application bearing Reference number FD07.323899 case number 323899, in respect of a proposed development along the Duhulla Fishery Catchment. This consists of several important stretches of rivers and lakes, supporting precarious stocks of salmon and sea trout, at Emlaghmore, Ballyconneely, Connemara,, County Galway, which are collectively known as the Duhulla Fishery.

The locations and townlands over which the development is contemplated falls within a Special Area of Conservation, SAC, and Special Protected Area, SPA. Alternatively, the site is in such proximity to SAC and SPA designated locations that the risks of adverse impacts on the Qualifying Interests specific to these European Protected sites cannot be excluded in the event of the proposed development being permitted.

The Association is opposed to a grant of permission in this area which may impact on the salmonid fisheries and the river catchment as a whole. The Association is furthermore opposed to any renewal, extension, or continuance of any subsisting or expired permission in respect of any such development in this area. We also wish to point out that any renewal, continuance, or consent in relation to any subsisting development consent must be subject to full Appropriate Assessment pursuant to S. 6. 3 of the Habitats Directive

The Association submits that any grant, renewal, or extension of any subsisting permission may only be consented to in the event that it can be demonstrated by the applicants, on the basis of the best available scientific knowledge in the field, and with certainty, beyond all reasonable doubt, that no adverse impacts to the protected sites, or the protected flora and fauna therein will result from any such grant or consent.

We would draw the attention of An Comisiun Pleanála to the Supreme Court ruling in the case of Cromane Foods Limited & Anor -v- Minister for Agriculture Fisheries and Food & Ors, 2016 IESC, (307/2013), in which the primacy of the ECJ jurisprudence was upheld in relation to the protection which must be afforded European Sites. The Association would also refer the decision makers to the ECJ decisions in the Sweetman and Waddensee cases in which the requirement for certainty as to the 'absence' of adverse impacts, based on the 'best available scientific knowledge in the field', is a prerequisite for any consent in this setting.

The Association is concerned that the Applicant has not met the legal requirement for such activity, adequately or at all, as prescribed in the Environmental Impact Assessment Directive, the Habitats Directive, Article 6.3 thereof specifically, and Irish legislation implementing the foregoing Directives. No adequate Article 6.3 mandated 'Appropriate Assessment' has been conducted. The Association submits that, had adequate Appropriate Assessment, as required by Article 6.3 of the Habitats Directive been carried out, no consent

could possibly be considered in respect of the current application. The adverse environmental impacts of siltation and disturbance of salmonid waters are known as deleterious, and need hardly be cited in this submission. This Association reserves the right to do so appropriate to do so. The introduction of silts, oil, lubricants, and aggregate materials, are not compatible with the unique environmental constraints and natural heritage of this area.

The Association requests that the issues raised be afforded full and appropriate assessment prior to deciding on this application.

The Association reserves the discretion to make further submissions, orally or in writing to in relation to the decision making process herein.