

**From:** Jane Doyle <jane@doylekent.com>  
**Sent:** Friday 23 January 2026 15:37  
**To:** Appeals2  
**Subject:** submission in relation to Case reference: FD07.323899  
**Attachments:** FD07. 323899 DKPP Submission .pdf; Appendix 1. Altemar ACP Letter 2nd Submission[63] copy.pdf

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To whom it may concern,

We wish to lodge the attached Observation in relation to an application under S37L - Case reference: FD07.323899.

We attach our submission together with Appendix 1 - **Altemar Marine & Environmental Consultancy** - Technical Note Response to An Coimisiún Pleanála - Case reference: FD07.323899

Regards,

Jane

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An Coimisiún Pleanála  
64 Marlborough Street,  
Dublin 1, D01 V902

23/01/2026

**Re: Observation to An Coimisiún Pleanála FD07.323899 - Further Development Planning Application Emlaghmore, Ballyconnelly, Co. Galway.**

To Whom It May Concern,

We, Doyle Kent Planning Partnership Ltd, of 71 Carysfort Avenue, Blackrock, Co. Dublin, A94Y3Y0 act on behalf of our clients, Peter Lee and Bridget Lee of Emlaghmore, Ballyconneely, Co. Galway. We lodge this Observation in respect of the above-referenced Further Development application under 37L (FD07.323899), located at Emlaghmore, Ballyconnelly, Co. Galway. The application was submitted by Hanley Taite Design Partnership on behalf of Patrick Ridge, Aillebrack, Ballyconneely, Co. Galway (H71 XF90).

The Description of Development as set out in the public notices provides for the following:

*Application for development pursuant to Section 37L of the Planning and Development Act 2000 (as amended) for (A) restoration of existing unoccupied farm cottage, (B) raising of the wall plate level of existing farm cottage to allow for habitable loft space to comply with current building regulation standards, (C) forming a single storey extension linking existing cottage and adjoining outhouse, (D) restoration, conversion and extension of an existing outhouse to form part of overall single dwelling, (E) form new permeable parking area, (F) decommissioning of existing septic tank and to install a new proprietary sewage treatment system with filter area to comply with current EPA standards, (G) install a new rainwater harvesting system, (H) install surface water soakaways as well as associated site works. A Natura Impact Statement (NIS) has been submitted as part of the application.*

Section 37L. Application - Where a person applies for substitute consent in respect of development of land under section 177E, the person may also apply for Further Development.

In the subject case an application was made to An Coimisiún Pleanála (The Commission) under Reg Ref SU070.323867 at Emlaghmore, Ballyconnelly, Co. Galway and we refer the Commission to the detailed submission made by Doyle Kent Planning Partnership Limited in

respect of the substitute consent application. We also refer the Commission to the detailed planning history relating to this site and in particular the recent refusal of permission under ACP PL07- 313445.

### Summary of the main concerns

The proposed development:

- Represents a material intensification and enlargement of a former ruin into a substantial modern dwelling;
- Introduces a two-storey residential form with a level of occupancy and intensity wholly inconsistent with a traditional cottage;
- Would result in significant and unacceptable visual and landscape impacts within a highly sensitive Category 4 landscape;
- The application excludes the laneway, even though this is the only access to the site and directly borders the Connemara Bog Complex SAC and SPA, and any further intensification would increase impacts on the protected site.
- Fails to comply with the requirements of the Habitats Directive, including Appropriate Assessment and in-combination effects;
- Lack of a potable water supply, renders the site fundamentally unsuitable for residential development;
- Conflicts with the Galway County Development Plan and established decisions of An Bord Pleanála in proximity to sensitive ecological sites;
- Would perpetuate and reward long-standing unauthorised development.

It is considered that the deficiencies are fundamental given the sensitivity of the site and cannot be remedied by condition or mitigation.

### Scale, Intensity and Typology – Not a Cottage Restoration

The proposed development cannot reasonably be described as the restoration of a traditional cottage.

Objective RHO7 – Renovation of Existing Derelict or Semi-Ruinous Dwellings is relevant to the assessment of this proposal. This objective provides that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings are generally considered on their merits on a case-by-case basis, having regard to the relevant policies and objectives of the Galway County Development Plan, the specific location, the condition of the structure, and the scale of works required to upgrade the dwelling to modern standards. The policy requires that the structure be structurally sound, capable of renovation and/or extension, and that the majority of its original fabric and walls remain intact. A structural report is required to demonstrate that the dwelling can be returned to habitable use without compromising its original character. Where total demolition is proposed, an Enurement Clause of seven years applies.

The stated objective of the Council is the restoration or modification of existing derelict or semi-derelict dwellings. However, having regard to the extent of unauthorised works already carried

out, together with the proposed construction of a new first-floor level above the original cottage and the rebuilding of the ruin to the rear, it is respectfully considered that the proposal does not align with the intent of Objective RHO7.



Photo of existing cottage taken from neighbouring field

The raising of the wall plate to accommodate habitable first-floor accommodation introduces a two-storey form, fundamentally altering the scale, massing and proportions of the original single-storey cottage. When combined with the linking extension and the incorporation of the remnants of the low-rise derelict outbuildings to the rear into a mono-pitched extension to form a single residential unit, the proposal would result in a substantial modern dwelling rather than the modest rural cottage envisaged under this policy.

Furthermore, the proposed internal layout, including the provision of three bedrooms and 3 bathrooms, indicates a level of occupancy and intensity of use consistent with a contemporary family dwelling. This level of intensification is inconsistent with the simplicity, scale and traditional character associated with vernacular cottages within the Connemara landscape.

In light of the above, it is considered that the proposal materially exceeds the scale, form and intensity of the original structure and must therefore be assessed as a new dwelling in principle, rather than benefiting from policies relating to renovation or reuse. On this basis, the proposal fails to comply with the rural housing and landscape protection policies of the Galway County Development Plan.

## Visual and Landscape Impact

The site lies within Landscape Category 4, an area identified as being of high sensitivity to development, where the priority is the protection of landscape character and visual amenity.

Policy LCM1 – Preservation of Landscape Character in the Galway County Development Plan. In essence, it states that the Council will:

- Preserve and enhance the character of the landscape in the county where appropriate in the context of proper planning and sustainable development.
- This includes conserving important views and prospects and the amenities of places and features of natural beauty or interest.
- The policy ensures that new development respects and safeguards landscape character, giving weight to scenic, ecological and cultural values when assessing proposals.

Policy LCM1 requires that any new development should not detract from the existing landscape quality and should seek to maintain or improve how the landscape looks and functions

The proposal would result in:

- Increased building height through raising of the roof of the structure to provide first floor accommodation;
- A visually prominent two-storey modern typology in an exposed rural setting;
- A more complex building footprint;
- The consolidation of previously ruinous and roofless structures into a more dominant built form;
- Extensive views towards the property given its elevated position from the surrounding scenic landscape.

The visual impact is exacerbated by the openness of the surrounding landscape, the absence of meaningful visual containment, and the location within a highly sensitive landscape. Rather than reading as a discreet vernacular structure, the development would appear as a modern dwelling imposed on a sensitive and largely undeveloped landscape.

The proposal therefore conflicts with Policy LCM1 and associated objectives of the Galway County Development Plan, which seek to preserve landscape character and resist visually intrusive development in high-sensitivity areas.



View towards the existing cottage - increase in the height of the building will be visually discordant in this sensitive landscape



Photo shows the sensitivity of the landscape setting in which it is proposed to build a first floor extension to a ruinous cottage

## European Site Impacts and Natura 2000 Considerations

The site is located within a few metres of the Connemara Bog Complex SAC, SPA and NHA and immediately adjacent to a watercourse forming part of the European site. The access laneway, which is integral to the development, runs directly alongside the SAC and constitutes a direct hydrological pathway.

The proposal would introduce permanent residential use, wastewater treatment infrastructure, surface water drainage and increased vehicular traffic within an environmentally fragile and hydrologically connected location.

Critically, the application:

- Omits unauthorised and proposed works along the access laneway from the site boundary;
- Fails to assess the impacts of those works on the adjacent watercourse;
- Fails to assess impacts on Atlantic salmon spawning habitat, a Qualifying Interest of the SAC;
- Incorrectly asserts that no hydrological linkage exists between the development and the European site.

As such, the Natura Impact Statement is incomplete, inaccurate and fails to meet the requirements of the Habitats Directive.

## In-Combination Effects

The NIS includes a section on “cumulative impacts” but fails to carry out a lawful in-combination effects assessment as required by OPR Practice Note PN01 (March 2021).

Historic and unauthorised works along the access laneway, including widening, surfacing and the installation of services, have not been assessed despite their clear potential to act in combination with the proposed development.

These works have occurred immediately adjacent to the Callow River, a known Atlantic salmon spawning river, and would reasonably be expected to have resulted in siltation and degradation of spawning gravels. The omission of these works from the in-combination assessment represents a serious failure of due diligence.

Having regard to these concerns there remains a doubt with regard to the potential for adverse effects on the SAC. Furthermore diffuse pollution to surface waters due to household sewage and waste waters is a threat to the Callow River. On the basis of the information provided it is considered that the proposed development individually, or in combination with other plans or projects would be likely to have a significant effect on the SAC in view of the site’s conservation objectives.

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## Technical Evidence

A Technical Environmental Report prepared by Bryan Deegan, Altamar Marine and Environmental Consultancy, following a site visit in 2024, concludes that:

- Extensive unauthorised works have already impacted the Connemara Bog Complex SAC;
- Qualifying Interests were directly and indirectly affected;
- No bat assessment was undertaken prior to reroofing works;
- In-combination effects were inadequately assessed;
- Pollution pathways arising from the access laneway were not addressed.

This report corroborates the conclusion that granting permission would reward clear and sustained breaches of the Habitats Directive. This report is included in Appendix 1 of this submission.

## Potable Water Supply – Fundamental Site Constraint

The site has no existing potable water supply. There is no well, no connection to a public water main, and no evidence of a groundwater source capable of serving a permanent dwelling of the scale and intensity proposed. Instead, the application relies entirely on rainwater harvesting as the sole water source. This approach is inappropriate for a full-time residential dwelling, both in relation to potable water and contemporary domestic water demands.

Development Management Standards 36 and 37 of the Galway County Development Plan require that a safe, secure, and reliable water supply be available to serve a proposed development. In the subject application, this requirement has not been met. In particular:

- It has not been demonstrated that rainwater harvesting can provide a secure or reliable potable water supply for a permanent dwelling at this location;
- The absence of any potable water source indicates that the site has not functioned as a modern dwelling;
- The lack of a potable water supply confirms that the site is unsuitable in principle for the proposed development.

An Coimisiún Pleanála has consistently held that the absence of a reliable potable water supply is a critical consideration when assessing site suitability, especially in environmentally sensitive locations. This deficiency cannot be addressed by condition and necessitates that the proposal be assessed as a new dwelling which includes compliance with Building Regulations and EPA requirements.

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The applicants reference to a precedent case under Planning Ref. No. 24/60004 (Conor Ridge, Turbot Island, Clifden, Co. Galway), where permission was granted to restore and extend a semi-ruinous cottage incorporating rainwater harvesting. Notwithstanding this local authority decision, established policy, guidance, and precedent confirm that rainwater harvesting cannot substitute for a safe potable water supply for a habitable dwelling.

In this regard, we refer to an ABP precedent case reference 307374-20 (Clonakilty, Co. Cork), where permission was refused due in part to the failure to demonstrate a sustainable and reliable source of potable water. In that case, the Board found that reliance on rainwater harvesting as the primary drinking water source, in the absence of a public connection or proven private borehole, was prejudicial to public health. The Board noted that rainwater is not inherently potable and is vulnerable to contamination and seasonal variability.

While An Coimisiún Pleanála supports rainwater harvesting for non-potable uses—such as toilet flushing, laundry, and irrigation—as part of Sustainable Urban Drainage Systems (SuDS), it is regarded as a supplementary measure rather than a primary source of drinking water.

In terms of public health, applicants are generally required to demonstrate one of the following:

1. A valid connection to the Uisce Éireann public water network;
2. A private borehole with proven yield and water quality meeting potable standards;
3. Inclusion in a recognised group water scheme.

Finally, the EPA Code of Practice for Domestic Wastewater Treatment Systems and the Building Regulations Technical Guidance Document H emphasise the requirement for a clear distinction between potable and non-potable water systems, further demonstrating the inadequacy of the proposal as submitted.

### **Unauthorised Development**

The planning history of the site demonstrates a sustained pattern of unauthorised development, including structural rebuilding, roofing works, installation of services along the laneway and the carrying out of works within close proximity to a European Site without consent or Appropriate Assessment.

Despite previous refusals by Galway County Council and An Bord Pleanála, the applicant continues to pursue a strategy of incremental regularisation. Granting permission in these circumstances would undermine the integrity of the planning system and set a dangerous precedent.

It is considered that the proposed development has not overcome the substantive issue raised in the previous refusal of permission on the site and as raised in Mr Deegan's technical assessment the NIS must encompass sufficient details and rationale, including in relation to in-combination effects in order to reasonably conclude the development would not give rise to significant effects on a European Site.

We also refer the Commission to our detailed report submitted in relation to the application for Substitute Consent SU07.323867 and the accompanying technical report submitted with that observation from Bryan Deegan of Altemar.

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## Conclusion

This application is unacceptable in principle having regards to the following:

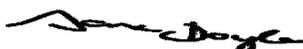
- The two-storey nature, scale and intensity of the proposal;
- The provision of a modern two storey dwelling in a sensitive rural landscape;
- The unacceptable visual and landscape impacts;
- The characterisation of the proposal as a cottage restoration;
- The unresolved impacts on a European Site and its Qualifying Interests;
- The location of both
- The sustained pattern of unauthorised development;

In summary, the proposal conflicts with the principles of proper planning and sustainable development for this environmentally sensitive location.

Accordingly, An Coimisiún Pleanála is respectfully requested to refuse permission for this Further Development application under Section 37L.

The Commission is also referred to our detailed submission in respect of the Substitute Consent application (Ref. SU07.323867), together with the accompanying technical report prepared by Bryan Deegan of Altemar, which remains directly relevant to the assessment of the current proposal.

Yours faithfully,



Jane Doyle, Director Doyle Kent Planning Partnership Limited

### Appendix 1 Attached

**Altemar Marine & Environmental Consultancy** - Technical Note Response to An Coimisiún Pleanála - Case reference: FD07.323899

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# ALTEMAR

Marine & Environmental Consultancy

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

19<sup>th</sup> January 2026

## Technical Note Response to An Coimisiún Pleanála - Case reference: FD07.323899

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 17<sup>th</sup> 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 NIS states that Pat Ridge is seeking substitute consent for the following:

*"This application under Section 37L of the Act relates to proposed development at the property being: (A) restoration of existing unoccupied farm cottage, (B) raising of the wall plate level of existing farm cottage to allow for habitable loft space to comply with current building regulation standards, (C) forming a single storey extension linking existing cottage and adjoining outhouse, (D) restoration, conversion and extension of an existing outhouse to form part of overall single dwelling, (E) form new permeable parking area, (F) decommissioning of existing septic tank and to install a new proprietary sewage treatment system with filter area to comply with current EPA standards, (G) install a new rainwater harvesting system, (H) install surface water soakaways as well as associated site works."*



Plate 1 Laneway (looking SW)

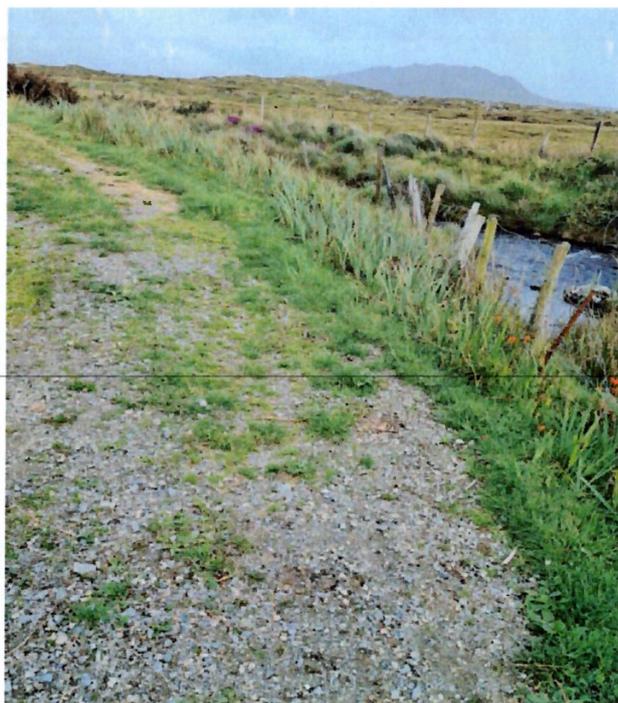


Plate 2 Laneway (looking NE)



Plate 3. Property viewed from neighbouring field.

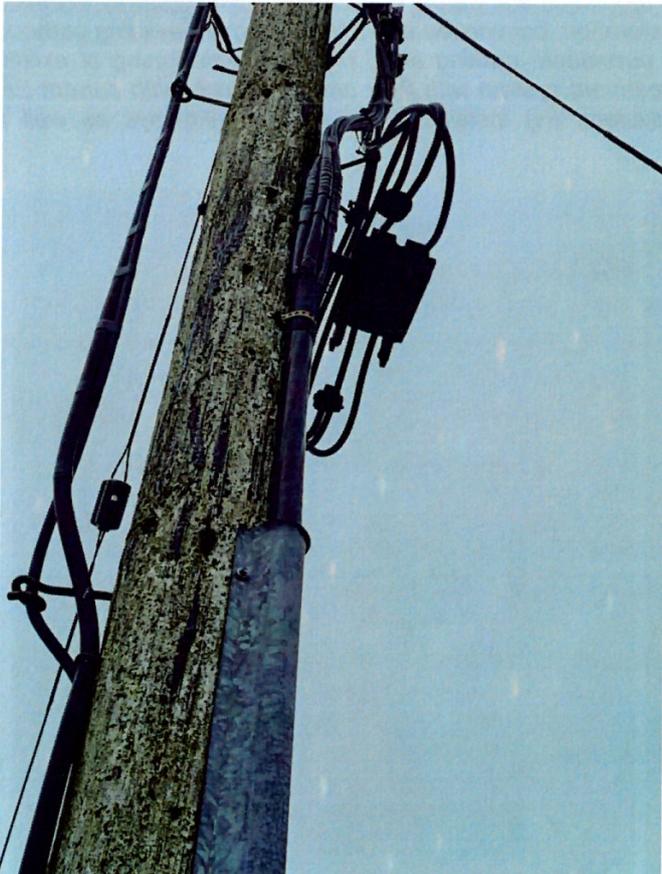


Plate 4. Electricity connection to property. (underground along laneway)

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

The proposed works are to include:

*"Restoration of existing unoccupied farm cottage,*

- A. raising of the wall plate level of existing farm cottage to allow for habitable loft space to comply with current building regulation standards,*
- B. forming a single storey extension linking existing cottage and adjoining outhouse,*
- C. restoration, conversion and extension of an existing outhouse to form part of overall single dwelling,*
- D. form new permeable parking area,*
- E. decommissioning of existing septic tank and to install a new proprietary sewage treatment system with filter area to comply with current EPA standards,*
- F. install a new rainwater harvesting system,*
- G. install surface water soakaways as well as associated site works."*

In relation to the proposed project, I wish to raise the following points:

#### **Site boundary**

The works include *"Gravel fill to be imported to finish off driveway etc"*. These areas are on the main access laneway from the road and are not included within the site boundary drawing on p4 or p10. This is important as this laneway previously had extensive works carried out on it and is directly adjacent to the Callow River. There is no large buffer between this laneway and the watercourse. Gravel from the works were visible at the edge of the watercourse during the site visit and silt and gravel would have fallen into the watercourse from the works. These works have previously impacted the SAC in an Atlantic Salmon spawning area (as outlined in discussion with IFI). Therefore, the assessment of these elements has not been carried out adequately in the NIS. This lack of assessment is also seen within the impacts section of the NIS (5.2 Impacts on habitats & 5.3 Impacts on Species) where works to the laneway have not been included in the assessment, and these elements are in the most sensitive area of the site directly adjacent to the Connemara Bog Complex SAC and Connemara Bog Complex SPA.

#### **In combination effects**

As outlined in the NIS 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." **\*(Emphasis added)***

A detailed assessment on historic works on site should have been assessed in the in-combination effects section. It is clear from these works that there have been impacts on Natura 2000 sites and on the Callow River. 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. These have been previously outlined in our correspondence in relation to Case reference: SU07.323867. These significant works in an Atlantic Salmon spawning area where one of the QI of the Connemara Bog Complex SAC is Atlantic Salmon, have not been outlined in the in-combination effects. Silt from works would have resulted in the blocking of interstitial spaces in spawning gravels directly impacting on the spawning capacity of this area of the River in a SAC where Atlantic salmon are the QI. 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.

As outlined in the NIS "Cumulative impacts" section "*The proposed site lies outside the SAC boundary and has no direct hydrological, physical, or ecological linkages to any of the qualifying habitats or species. The surrounding environment is characterised by low-intensity agriculture, with limited nutrient inputs due to poor-quality soils. As such, background pressures are modest, and the site does not contribute meaningfully to any of the identified threats to the SAC. The principal existing pressures on the Connemara Bog Complex SAC are water pollution, peat extraction, and habitat fragmentation associated with dispersed housing and holiday homes. The proposed development has been designed specifically to avoid contributing to any of these pressures, both during construction and throughout its continued occupation.*"

It is important to note that works are proposed on the laneway (directly adjacent to the SAC and watercourse) and there is a steep slope and laneway from the main building works to the watercourse. Both of these elements constitute a direct hydrological pathway and the NIS is factually incorrect.

**Other issues**

1. As outlined in the NIS "A Construction Environmental Management Plan (CEMP) will be implemented to control runoff, sediment, and pollutants during construction". The details of this have not been included in the NIS and therefore the efficacy of the measures cannot be assessed.
2. Silt trap fencing is totally inadequate (Map 7) p45. All runoff will run down the laneway into the watercourse. Also, no silt interception is proposed along the laneway.
3. 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. The access laneway will result in an increase in use of the laneway during operation which result in silt laden runoff and gravel entering the salmon spawning habitat.
4. 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.
5. Otter is a qualifying interest of the Connemara Bog Complex SAC. No preconstruction assessment for otter holts was carried out. The intensification of the site will result in increased disturbance of this habitat for otter.
6. There is no lighting plan proposed which is important given the proximity of the SAC/SPA and potential for bats. The design of the windows under the roof will result in extensive spill of light from the building.
7. Mitigation measures outlined are generic and not specific to the QI of the SAC and SPA.
8. Given the sensitivity of the site and the location of the laneway proximate to the Atlantic salmon spawning habitat no operation mitigation is proposed.
9. Details of the septic tank system have not been included within the NIS and the impact of this element has not been assessed in detail.

**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. The impact of the proposed works has not been assessed adequately with the complete omission of laneway works within the site boundary, within the impacts section and in the mitigation. Also the in combination effects clearly omit previous works that would have resulted in impacts within the Atlantic salmon (QI of Connemara Bog Complex SAC) spawning habitat. 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.

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Directors: Bryan Deegan and Sara Corcoran*



Plate 5: April 2011

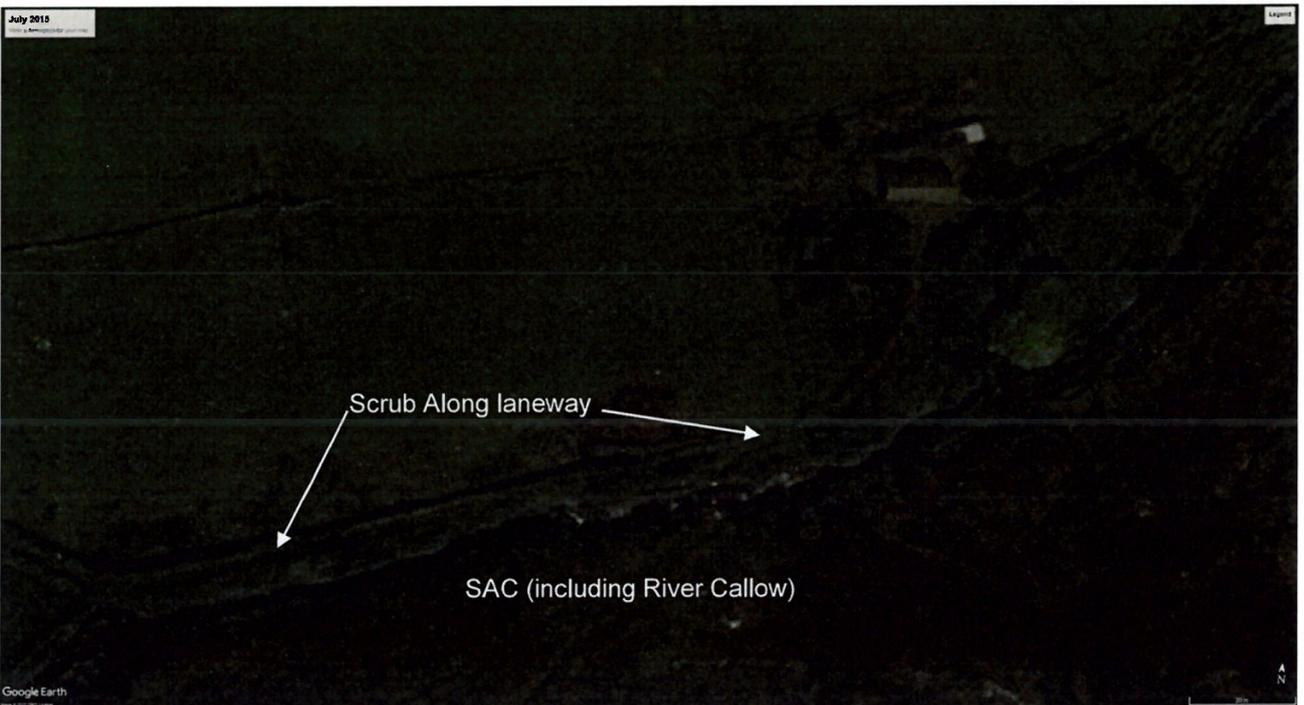


Plate 6: July 2015



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



Plate 8: May 2019



Plate 9: April 2021



Plate 10: April 2025

