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8th of August 2025

Our Ref - Coleman Rock, Knockaunatouk, Gort, Co. Galway.

Your Case Number - ABP-322058-25

Re: Substitute consent application under 177E of Planning and Development Act 2000 as amended for (i) retention of extension to existing workshop previously granted under 01/393; (ii) two new outbuilding's operating as storage structures and (iii) associated site works.

**The application is accompanied by a Remedial Natura Impact Statement.
Knockaunatouk, Gort Co. Galway**

Dear Sir/Madam,

We refer to your letter dated 23rd of July and make the following submission.

Taking account of the submission from Galway Co Council, we reply as follows, as far as possible not repeating any previous submissions. The main issues referenced in the Galway Co Council submission are policy related and potential impact on European sites in the zone of influence.

The development referred to in the application is an extension to an existing development granted permission under application reference P01/393 (June 2001), a steel fabrication workshop set up at the rear of a dwelling house and including the septic tank facility serving the site. The development is not a new development and has operated with an excellent track record – other than the complaint related to the building extensions, subject of this application.

The development is located in an area of medium density one off housing, all located on the eastern side of the local road, L45160, and with extended high hedgerow on this eastern road boundary-so that there is no significant landscape issue arising with the eastern views along this roadway, approaching the Garryland entrance to Coole Garryland. It is important to note that they could not consider the application, under Section 34(12) of the Planning and

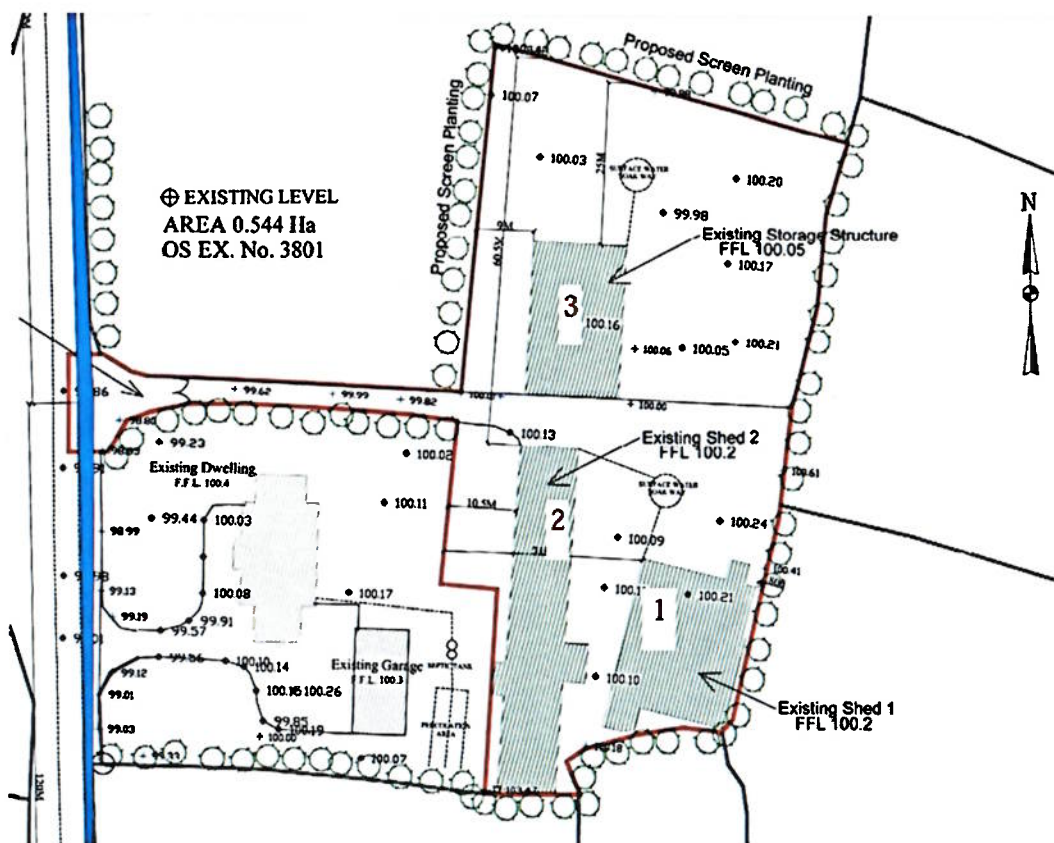
Development Act, 2000 (as amended). No refund of any fees paid to the Local Authority was made to Mr Rock in respect of the P18/905 application.

- The activity on site is entirely limited to the applicant's business only, with no retail for visiting members of the public and no intensification of use, or increase in number of employees
- The hours of operation are limited to between 8am to 6pm, with no night lighting.
- There is no advertising on site and no storage of materials such as could be visible from the local road
- The site is well maintained and does not present an appearance of poor housekeeping or site management
- Delivery management has been addressed to ensure that vehicles are not parked on the road side
- There is no residential disamenity in terms of noise, traffic, light, noise or visual associated with the enterprise, and no visual disamenity due to the characteristics of the site and local development of the area.
- The rNIS concludes (with evidence to support this conclusion) that there is no potential for effects on the adjacent (or any other) European site
- There is a superb track record associated with the operation of the activity since 2001, with no complaints arising (other than the matter arising with the construction of the buildings in 2015) in relation to disamenity, nuisance, noise or any other matter.

The rational explanation for the rural location has been provided in the submission made to An Coimisiun Pleanala, based on security of holding of steel on the premises and access issues arising for delivery of goods at the former location of the business in Gort town.

The rationale for extension of the buildings associated with the steelworks has been addressed in the main application, based on the Construction Products Regulations (S.I 225 of 2013) for providing finished steel to the market, and the mindset of the applicant at the time, following the sudden death of his spouse and the need to work from home as the only parent of 6 children. Coupled with this, the choice of buildings was based on the belief that farm style buildings such as were placed on site were exempted development. Verbal consultation was undertaken at the time with the NPWS ranger in the area.

Since this time, the applications to Galway Co Council, and An Bord Pleanala are a matter of record and their files are available to the inspector. It should be noted (against the backdrop of the Bord decision, PL07.247214), Galway Co Co (Planning Authority) agreed to accept and consider a further planning application for retention of the development at the Rock site. This application was duly lodged in late June 2018, and referenced as P18/905. The Planning Authority then advised



It should be noted that Mr Rock has made every effort to address the matter, including the submission to Galway Co Council in late 2022, seeking to restructure the buildings on site. Buildings are as numbered on the drawings submitted. This involved the movement of the (now) redundant machinery in Shed 2, removal of Shed 2 and relocate Shed 3 to the location of Shed 2. The rationale for the retention of Shed 3 is based on the mono-pitched roof that rises from 3.9m to 6.3m, with eastern elevation open. This unit is an essential functioning element of the steel workshop, as loading and unloading of steel beams, and timber (for roofing) requires this building height for the safe working of the loading and offloading of goods. This realignment would result in a consolidated alignment of buildings associated with the steelworks, and minimise their visibility from the local road. The Planning Authority would not consider the proposal and advised Mr Rock to continue with the Substitute Consent application.

Since the submission of the application, Mr Rock has removed the equipment from Shed 2 and there is no potential for this activity to be recommenced on site (confirmed by site visit 06/08/2025). The ongoing survival of the business is contingent on the ability to move and store steel beams as they arrive, are cut/processed/finished and awaiting removal from the site.

Any short term permission allowing the current building layout for a limited period, subject to the revised arrangement of buildings on the site will enable the continuation of this enterprise.

With regard to the remedial NIS provided with the application, the report was prepared by Burke Environmental Services (Mary Burke), with extensive experience in the screening of direct, indirect and cumulative impacts of development works on protected habitats and species, particularly since the commencement of S.I. No. 477 of 2011 (European Communities (Birds and Natural Habitats) Regulations 2011). In the role of Senior Executive Chemist with Clare County Council, Ms Burke engaged in Article 6 screening of all quarry sites in County Clare (in excess of 300 sites), and was engaged in the applications for, and Article 6 screening of, all wastewater treatment facilities, including surveying of these sites, and their surface and groundwater catchments. Since 2014, as Burke Environmental Services, her work has been exclusively in this area, undertaking a multiplicity of surveys and reports both for the Planning Authority and for private clients. This involves continuing professional development in the area, including annual reports/surveys provided by NPWS and any developments arising from court judgements. The surveys undertaken at the Rock site have been documented in the application. One additional site visit was undertaken on August 6th 2025 to confirm the removal of equipment from Shed 2 (as indicated above).

European Sites within the likely Zone of Impact of the subject site were indicated in the Stage 1 Screening report provided. A number of sites were carried forward for consideration in the Stage 2 Appropriate Assessment report (remedial NIS). The conclusion of this report indicates that no likely or significant effects on any European site in the zone of influence of the development have been identified, and that the works undertaken at the subject site and the operation of the activity has not or will not adversely affect the qualifying interests and special conservation interests of any European Sites alone, or in combination with other plans and projects, in the zone of influence of the activity.

In reaching this conclusion, the remedial NIS provided has considered all aspects of the development capable of having an effect on European sites in the zone of influence and cross referenced best scientific information on the catchment and legal interpretations of the Article 6 requirements, including

- Up to date GIS spatial datasets for the European sites and water catchments (available from www.npws.ie and www.epa.ie (This spatial data and catchment definition is used to define hydrological connectivity between the subject site and European sites, particularly those whose qualifying interests are linked to surface water or groundwater.
- All European sites within a 15 km radius of the subject site, looking at connectivity of the designated sites with the subject site, and taking account of the nature and scale of the development on site including lighting and employing a Source-Pathway-Receptor methodology as recommended by guidance manuals
- Existing EPA reports specifically referencing the catchment of Caherglassaun turlough and Coole turloughs

- Scottish National Heritage Guidance (Assessing Connectivity with Special Protection Areas)(2016) was consulted. This guidance takes account of the distance species may travel outside the SPA boundary, including their foraging areas.
- Article 17 (Habitats Directive) reports with updated information on status and trends of species populations or habitats and on information on main pressures and threats, informing the conservation status of species and habitats. The reports for the period 2007-2012 and 2012-2019 were consulted in relation to the network of European sites in the vicinity of the subject site. clearly show
- The business activity – volume of business, (using the full history of invoices for services provided)
- Unannounced surveys on the site for observation of emissions of dust, noise or odour detected (confirmed by a noise survey during full activity on site)
- Assessment of updated water quality in the catchment, survey data of the limestone pavement habitat, dye trace data on the groundwater catchment definition
- Decisions of the CJEU (for example Waddenzee Case C-127/02 [2004] ECR I-7405; Commission v Spain Case C-404/09 [2011] ECR I-11853 and Sweetman v An Bord Pleanála Case C-258/11 ECLI:EU:C:2013:220).

The information provided is intended to present a comprehensive and unbiased review of the activity undertaken on site and the available data on the receiving environment, including relevant European sites in the catchment. The remedial NIS report conclusion is that no likely or significant effects on any European site in the zone of influence of the development have been identified, and that the works undertaken at the subject site and the operation of the activity has not or will not adversely affect the qualifying interests and special conservation interests of any European Sites alone, or in combination with other plans and projects, in the zone of influence of the activity.

On the bases submitted in the application, we request the Bord to consider a short term permission allowing the current building layout for a specified period, subject to the revised arrangement of buildings on the site to enable the continuation of this enterprise.

Yours Faithfully,



Mairtin Grealish B.E. M.I.E.I.
Grealish Glynn & Associates

