

Dan

Laura Grady Lawlor

From: Jane Doyle <jane@doylekent.com>
Sent: Thursday 26 March 2026 16:16
To: Appeals2
Subject: Response ACP-323899-25 letter dated 06 March 2026
Attachments: DK Further Response to ACP to response from HT Architects copy.pdf

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Dear Daniel,

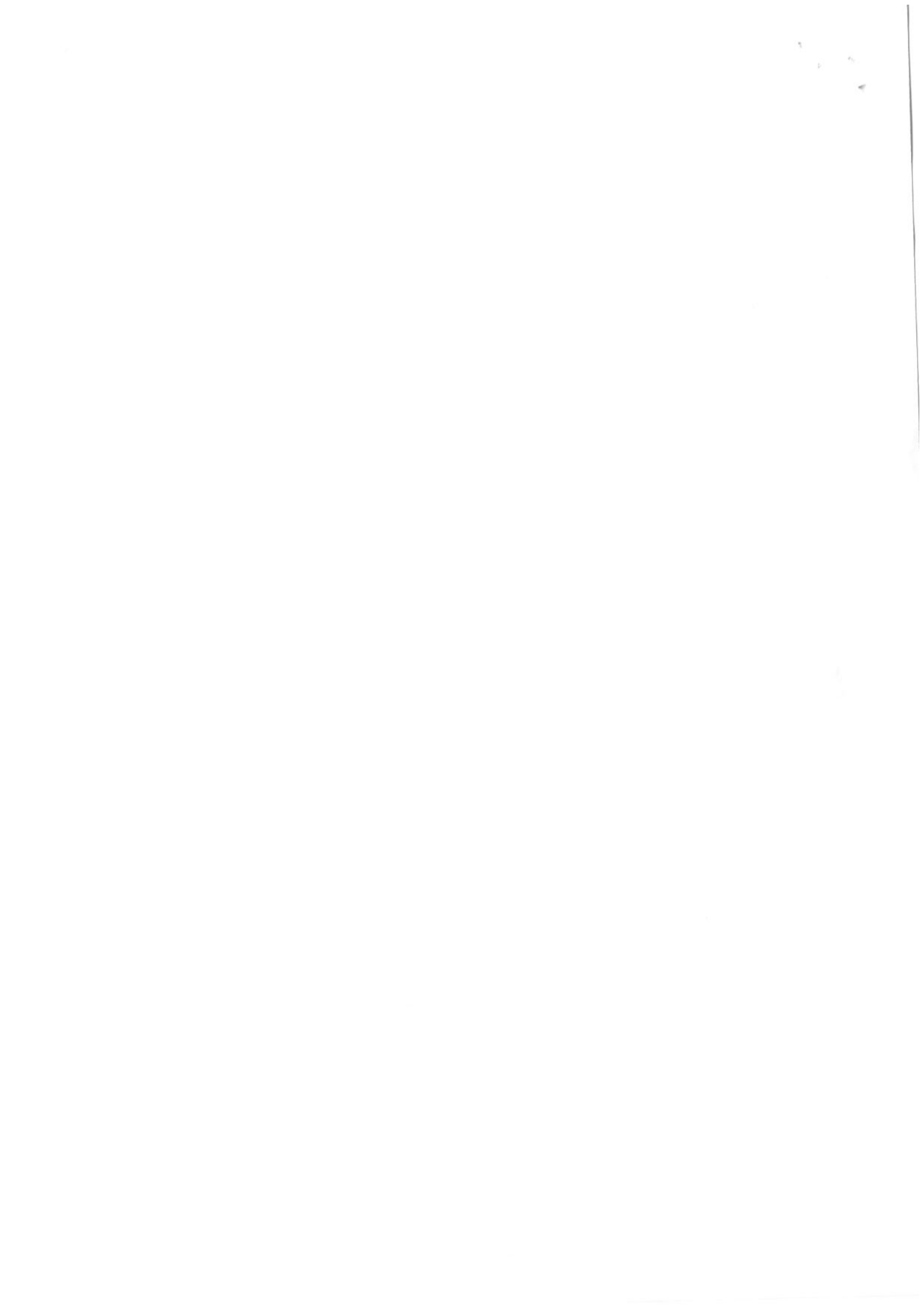
Further to the letter received on 06 March 2026 from An Coimisiún Pleanála inviting Doyle Kent to make a submissions or observations, in relation to the submission dated 18 February 2026 received from Garvan Hanley on behalf of Patrick Ridge (application ACP-323899-25,) I attach our response submission for your consideration.

Regards,

Jane



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An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

26/03/2026

Re: Further Submission to An Coimisiún Pleanála – Planning Case Number ACP-323899-25

To Whom It May Concern,

We, Doyle Kent Planning Partnership Ltd., of 71 Carysfort Avenue, Blackrock, Co. Dublin, act on behalf of our clients, Peter Lee and Bridget Lee of Emlaghmore, Ballyconneely, Co. Galway.

We have been invited by An Coimisiún Pleanála to make a submission or observation in respect of the submission dated 06 March 2026 received from Garvan Hanley, Hanly Taite Architects on behalf of his client in relation to ACP-323899-25.

We previously submitted a response to a submission received from Galway County Council and fully support the recommendation of Galway County Council that further development consent under section 37L of the Planning and Development Act 2000 (as amended) should be refused for the reasons outlined in their recommendation.

As we have set out in our initial submission of the 23rd January 2026, the submission dated 5th March 2026 and as detailed in the planning history of this site, the application is not in accordance with the requirements of the Habitats Directive, including Appropriate Assessment and in-combination effects. The application represents a material intensification and enlargement of a former ruin into a new dwelling which does not comply with Policy RH7 and with the sole access via a laneway which directly borders the Connemara Bog Complex SAC and SPA.

The detailed planning history of this site and the intensification of use as proposed in the subject 37L application demonstrate the unsuitability of the site for the proposed development.

We will now respond to the relevant points raised in the further response from Hanley Taite Architects.

As set out in our previous response it is important to clarify the position of unauthorised works carried out along the access road.

Our client Mr Lee has set out in the accompanying letter the details of these unauthorised works. Mr Lee has requested that all the facts in relation to the unauthorised works that have taken place along the laneway are accurately set out. Mr Lee has confirmed that he did not carry out or commission these works. According to Mr Lee, *'Pat Ridge was deeply involved in the reconstruction of this road to facilitate access to his lands'*.

These unauthorised works were carried out by contractors employed by the applicant and we note the statement which asserts that that the applicant needs no consent to use the shared access road and has not damaged the Natura 2000 sites. This ignores the history of development related environmental damage already carried out by or on behalf of the applicant for permission.

As set out in Mr Lees attached letter the applicant Mr Ridge rebuilt the road and at the same time installed drainage pipes that discharge runoff from his site and the road into the river. This has not been addressed in this response. The applicant would need the owner's consent to upgrade the road to make it safe for heavy equipment, and as well as permission from Irish Fisheries, but it has not been demonstrated that this consent was given.

As previously stated the private access laneway is immediately adjacent to a stream and the narrow grass buffer sloping down to the river, would not be sufficient to prevent run of any materials including diesel / petrol spills during construction. The laneway is extremely vulnerable and not a suitable access for the extent of works proposed for this dwelling and as set out in Bryan Deegan of Altemar's Ecology review for our client (submitted with DKPP observation dated 23rd January 2026 and further comments appended to this submission), significant effects cannot be ruled out on the qualifying interests or conservation objectives of immediately adjacent Natura Sites. We note that Galway County Council raised similar concerns in their submission.

The updated CEMP which now recommends additional construction mitigation measures including use of silt trap fencing, placement of coin logs and the erection of steel hoarding demonstrate the sensitivity of the adjacent stream and Natura 2000 sites. To note, none of these mitigation measures were employed during the works previously carried out along the laneway or at the derelict cottage.

The Galway County Council report highlighted the previous unauthorised development and raised concerns regarding the potential impacts of further construction on the sensitivities of the adjacent Natura sites. The installation of services along a third-party laneway, together with works undertaken in close proximity to a European site, is a matter of genuine concern.

Our client Mr Lee has stated in the letter accompanying this submission that the unauthorised works were carried out by contractors employed by the applicant to benefit access to his property. We note the statement in the First Party submission which asserts that the applicant needs no consent to use the shared access road and has not damaged the Natura 2000 sites. This ignores the history of unauthorised development and related environmental impacts. The access

track was rebuilt without seeking the owner's consent, and at the same time the installation of drainage pipes that discharge runoff from the site and the road into the river were commissioned.

We note that Mr Ridge has issued a Declaration which has been appended to the First Party submission stating the following

"I say that the three drainage pipes that traverse (underground) a laneway leading to the Property, were not placed by myself or for me and nor did I give instruction to any third party to install the said three land drainage pipes that traverse the laneway" .

This Declaration is at odds with our clients written observations in relation to these works whereby Mr Lee states the following in his letter (copy appended to this response),

" Pat Ridge was deeply involved in the reconstruction of this road. During 2018 and 2019, he repeatedly and insistently sought my help to build it, sending me emails and follow up notes left at my home. See, for example, his email and follow up note of 5 June 2018..... I refused to have anything to do with the work suggested by Pat Ridge. The trenches for the drain and the two pipes under the access road were subsequently laid on 1/7/2019 by Pat Ridge's regular worker/contractor, Paddy Pryce, while Pat Ridge himself laid the two pipes parallel to and across the road.

We respectfully request the commission to review our clients letter and come to its own conclusions in relation to the works carried out and the concerns raised by Mr Lee and the other observers including the submission received from Galway County Council.

In relation to the revised NIS and CEMP submitted by the First Party's agents these have been reviewed by Bryan Deegan of Altemar Marine and Environmental Consultants (Appendix included with this submission).

Bryan Deegan's Technical Note advises as follows:

The laneway works adjacent to the SAC had clear potential for significant impact. Extensive soil exposure during clearance, trenching, material movement, and riverbank works would, without adequate mitigation, have led to sediment entering salmon spawning habitat. Debris observed during the 2024 site visit confirms this occurred.

Under OPR guidance, this represents direct impacts, including emissions to water and habitat loss. Observed surface runoff would have transported sediment into the channel, clogging gravels and salmon redds, directly affecting a qualifying interest.

The vegetated buffer is minimal or absent and is wholly inadequate as mitigation, contrary to the precautionary principle required for appropriate assessment.

Gravel from the works was recorded in the watercourse. The cited "water sampling" is of little value unless undertaken during pollution or high-flow events; post-event sampling in a dynamic stream is ineffective. Robust assessment would require continuous monitoring during works and

rainfall, supported by pre- and post-impact biological data. Claims that sampling could show no sediment input are therefore unfounded.

As previously stated to the commission, it is clear 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. Specific bat assessments and emergent surveys are a requirement under the Habitats Directive (Annex IV). Bats would not be encountered during a day "walkover survey". Page 50 of the NIS report includes a recommendation to carry out full bat surveys in advance of construction. However appropriate survey planning and potential derogation needs should be identified at the earliest stages of a project and not post consent.

In relation to the First Party rebuttal of the other issues raised in our observation on the application, apart from what we have set out above, we do not intend to repeat these and refer the commission to the comprehensive submissions issued on the 23rd of January 2026 and the 5th March 2026 and consider that the points now raised by the First Party to support the application do not provide any justification for a grant of permission for the proposed development.

We do not consider that the additional submission from Hanley Taite Architects provides a justification for the application under Section 37L.

Our client, Mr Lee, has requested that this response submission include a letter from him outlining a chronology of the works that have taken place along the laneway. Mr Lee wishes to clarify the record in relation to the works that were commissioned by the applicant.

We respectfully request An Coimisiún Pleanála to take this submission together with Mr Lee's attached letter into consideration in its determination of this application.

Yours faithfully,



Doyle Kent Planning Partnership Ltd

jane@doylekent.com

Appendix

Letter Peter Lee, Emlaghmore, Ballyconneely, Co. Galway

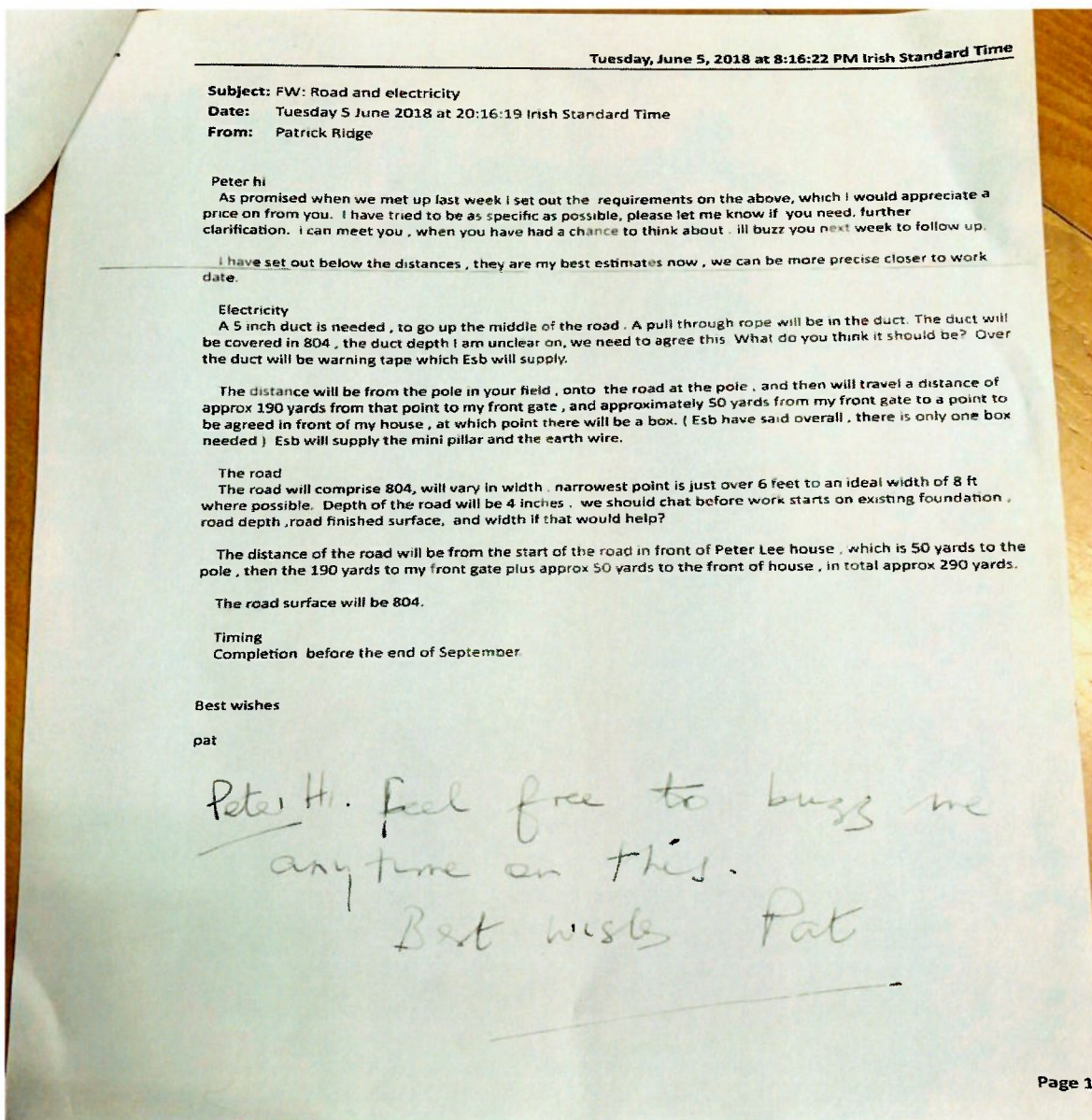
Altamar Marine and Environmental Consultants; Technical Note Response to Case reference: ACP-323899-25

An Comisiún Pleanála - Further Development Application ACP-323899

To whom it may concern,

I, Peter Lee wish to set out the facts in relation to the works that have taken place along the laneway which are relevant to the issues raised in Galway County Councils response dated 9th January 2026, received from An Comisiún Pleanála and the invitation to make a submission in the interests of justice in relation to the submission.

I refer in particular to the issue of the access laneway. Pat Ridge was deeply involved in the reconstruction of this road. During 2018 and 2019, he repeatedly and insistently sought my help to build it, sending me emails and follow up notes left at my home. See, for example, his email and follow up note of 5 June 2018:



On 19/4/2019, Pat Ridge sent me a note referring to the instructions of "Garvan" detailed in the "attached sketch". The attached sketch prescribes the following works, which I quote verbatim:

An open trench to be put here [i.e., parallel to the access road] to pick up water from the land. There may be an argument to divide this into two parts, or just do it in one run?

Garvan advises a shallow corner here not right angle to ensure the pipe catches all the water. Also, this pipe should be at the lowest point of the land. 9" pipe to take water under the road.

Peter H.

Garvan was with me today, with others at the house. His instructions on the road are as follows, broadly the same as previous, see the attached sketch.

Garvan suggested that it would be better not to do the works at the house now, such as

- shrub take away
- electric trench (we will seek to set an outside plug.
- water trench across the road in front of house
- trench at rear of house.

Garvan said that his plans for the house might change some of these so best not do them now.

Therefore the only thing to be done at the house or inside the gate is the 804.

I'm around over the weekend if of any help.

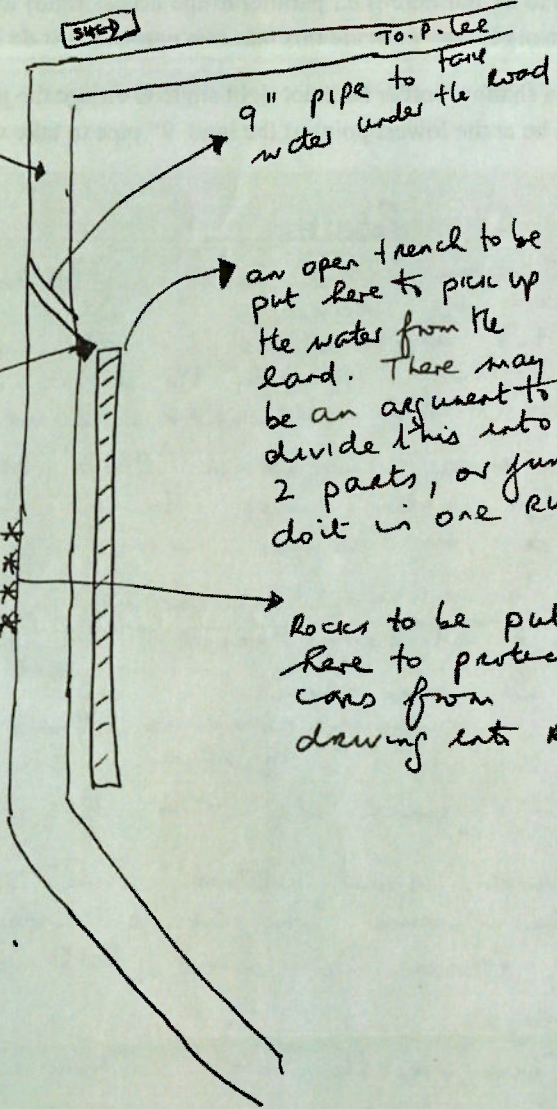
Best wishes
Pat 19/4/19

MAJOR ITEMS OUTSTANDING

80% needed
on all the
way up to
the house.

Gowan
advises a
shallow
corner here
not right
angle to
ensure the
pipe catches
all the water.

Also this
point should
be at the
lowest point
of the road.



9" pipe to take
water under the road

an open trench to be
put here to pick up
the water from the
land. There may
be an argument to
divide this into
2 parts, or just
do it in one run?

rocks to be put
here to protect
cons from
drawing into river.

HOUSE.

I refused to have anything to do with the work suggested by Pat Ridge. The trenches for the drain and the two pipes under the access road were subsequently laid on 1/7/2019 by Pat Ridge's regular worker/contractor, Paddy Pryce, while Pat Ridge himself laid the two pipes parallel to and across the road.

In his letter of 26/1/2026 and his sworn declaration Pat Ridge solemnly protests his entire lack of knowledge or any involvement in the drainage works on the access road. I will leave it to the Board to form its own opinion on his statements, in the light of his deep involvement in the siteworks, his note and sketch of 19/4/2019, and the fact that the access road was subsequently rebuilt (with the water drainage system) to this very plan by his own workers and by pipes were laid by Pat Ridge himself.

I suggest also that the drainage system described in sketch 19/4/2019 contradicts the technical report by Hugh Fitzpatrick (page 6), which declares that the drains and culvert identified by Alexandrine Tinné:

are not the responsibility of Patrick Ridge and pose no risk to water quality insofar as they pertain to use of the road for access. Furthermore, these drains have no relationship to the proposed development site from which they do not drain water. These drains therefore could not serve as a pathway for any pollutants whatsoever from the proposed site to the river.

In fact, Pat Ridge's sketch shows that the drains in question were explicitly designed to "pick up the water from the land", carry it under the road "at the lowest point" and release it onto the riverbank. Pat Ridge's drainage system is doing that work now, and it would very efficiently act as a pathway for pollutants during any construction works and for runoff from waste disposal systems if the proposed development went ahead.

As to the culvert, it does drain from my land but I have no responsibility for it. This culvert, originally built in stone, was part of the first construction of the access road by Congested Districts Board, c. 1900. It survived intact until Spring 2003, when it collapsed due to a tractor and trailer being used on it by Pat Ridge, as he moved stone to the ruins of that structure as he was rebuilding it that same year. He installed the current pipe later that summer to repair the broken culvert.

To sum up, all three pipes discharging onto the riverbank were, quite literally, laid by Pat Ridge, the culvert in 2003, the two new drains in 2019. And all three were undertaken as part of Pat Ridge's repeated attempts to develop this structure.

Yours Faithfully,



Peter Lee, Emlaghmore, Ballyconneely, County Galway

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

26th January 2026

Technical Note Response to Case reference: ACP-323899-25

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.

I wish to point out that in the letter from Gavin Hanley (Architect-(i.e. not an ecologist)) on the 18th February 2026 certain comments have been made, and I wish to note the following. In point b) in relation to the impact on the Natura 2000 sites and that "NIS has comprehensively interrogated all possible risks of significant effects on Natura 2000 sites", I would refer Mr Hanley to the OPR Guidance (OPR Practice Note PN0: Appropriate Assessment Screening for Development Management (2021) where the guidance states:

"The triggers for appropriate assessment are based on a 'likelihood' (read as 'possibility') of a potential significant effect occurring and not on certainty. This test is based on the precautionary principle." This appears to have been ignored in the NIS where there are clear risks to the Integrity of a European Site and these have been underplayed significantly in a Atlantic salmon (*Salmo salar*) spawning area in a SAC where Atlantic salmon (*Salmo salar*) are a qualifying interest. As outlined in OPR Guidance (2021) "*Significant effects relate to the conservation objectives for the European site. If a project is likely to undermine any of the site's conservation objectives, it must be considered likely to have a significant effect on that site. This will depend on factors such as the type, extent, duration, intensity, timing, probability, and in-combination effects of the potential impact, as well as the vulnerability of the habitats and species concerned. In this context, what may be significant in relation to one project may not be in relation to another, underlining the importance of a case by case assessment.*"

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.

Therefore, based on the OPR guidance these works would have resulted in direct impacts ("Direct emissions (water, air, noise" and "loss of habitat (including breeding or foraging)" with surface water runoff from the road (evidence of which was observed in the sit visit) and with the blocking of interstitial spaces within the gravel and redds, via a direct pathway within a European site, for a qualifying interest of the site (Receptor).

In relation to the vegetated buffer along the lane this is extremely thin in most parts and absent in others. To think that this "vegetated buffer" is sufficient to mitigate impacts from the site works is pure fantasy, rather than using precautionary principle, which is an obligation under appropriate assessment.

In relation to the gravel in the watercourse, gravel from the works on the road were observed in the watercourse during my site visit, and on the banks leading to the watercourse. As for the "water sampling", there is little information on this but any aquatic ecologist knows that you need to test water during a pollution event to find out the nature of the pollution. Turning up at a later date when the pollution event has passed in a mountain stream is more of a tick box exercise rather than being anything useful. To be useful baseline monitoring of invertebrates would have to be compared before and after the event. Even with that, the effects on salmon spawning in the area as a result of the works, would not have been possible. It is clear that the author of the letter does not understand aquatic biology or hydrodynamics, surface water runoff etc, and saying that water sampling will show that no

gravel entered the watercourse would only be valid IF it was sampled during the works or in a storm water event when turbidity levels were high. There would have to be continual sampling of water during the works and heavy rainfall events to prove this.

In relation to assessments, it is also clear that there is not a clear understanding of ecology in the response and that bat require specific bat assessments and emergent surveys. Bats would not be encountered during a day "walkover survey". No assessment for bats was carried out. Badgers are protected under the Irish Wildlife Acts and not the Habitats Directive so their presence would not be within updated NIS.

As previously stated to ACP, 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.

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Directors: Bryan Deegan and Sara Corcoran*

