

19th May 2025

Appendix B – Planning History relating to the site

- **1994**

Prior to the purchase of the property by Mr. Ridge, planning permission was sought by Ms. Sonia Matz in 1994 for the proposed “reconstruction and extension of derelict dwelling house” (Ref No. 70254). This was on the site of the existing dwelling, a plot size of 0.5 acres. The application was refused (copy attached in Appendix E). In this application the Planning Officers report describes the property as a “ruin”, “covered by a clump of shrubs”.

The application predates the current Galway County Development Plan Objective RH07 which states: *“It is an objective of the Council that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the county are generally dealt with on their merits on a case by case basis, having regard to the relevant policies and objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/ semi ruinous dwelling must be structurally sound, have the capacity to be removed and/ or extended and have the majority of its original features/ walls in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed an Enurement Clause for seven years duration will apply.”*

- **Feb 2020**

Work commenced in Feb 2020 on putting together a planning application to refurbish and extend the property, with the appointment of a very capable local engineer, Mr. Enda O Malley, and myself a conservation architect, G2.

- **May 2020/ June 2020**

EOM sought a preplanning meeting to discuss the application, this request was refused. A subsequent email was sent by EOM to JOD as set out below:

- **25th May 2020**

EOM emailed John O'Donnell, Galway County Council Connemara Planner, to request feedback on pre-planning documents submitted:

"Hi John,

I refer to the attached pre-planning (20-PP-12670) document and I would be most grateful if you could provide some feedback in relation to the proposed development.

The background to the planning application is to renovate and make alterations to existing semi-derelict cottage in the townland of Emlaghmore in the Ballyconneely Area. The applicant hopes to renovate the existing cottage with minor additions.

Existing and proposed house plans have been enclosed with this email.

We have enclosed NIS and CEMP with this email as the works are close to NIS.

We have archaeologist report for this the existing semi-derelict cottage and structural survey to demonstrate that the house was once habitable and is structurally sound.

The architect has provided a design statement for the proposed works.

We would be most grateful if you see any issues or red flags with submitting a planning application on this site. If you feel we need more information to submit as part of the planning application can you kindly let me know.

Should you have any questions please do not hesitate to contact me.

I look forward to your reply.

Thank you."

However, Mr. John O'Donnell, Planning Officer, of Galway County Council informed EOM of an issue of enforcement in his reply to EOM as follows:

- **5th June 2020**

"Hi Enda,

The applicant is advised to consult Objective RHO 7 of the county plan given the nature of the proposal as outlined.

It is noted that there may be enforcement proceedings on this development site under EN20/031 and same will necessitate addressing in any forthcoming application and may have implications from an AA perspective.

The planning authority notes that there may be a deficit with regard to vehicular access provision to serve the development site and therefore this issue may require addressing and may have implications for the overall proposal from an ecological (AA) perspective as well as potential for addressing right of way/legal entitlement issues to carry out possible upgrade works should they be necessary.

The wastewater infrastructure provision assessment aspect of the overall proposal will be integral in its own right and similarly from a wider AA perspective also.

The applicant will need to convey the source of water supply to serve the development and details of any possible upgrade or new infrastructure required for the purposes of obtaining a potable supply.

I hope the above provides additional guidance for you to consider in conjunction with the details you attached with the initial request.

Regards,

John O'Donnell

Assistant Planner

Galway County Council"

We had no prior notice here. It transpired Galway Co. Co. following a submission from a neighbor had issued an enforcement letter dated 9th March 2020, which The Ridge family did not receive, nor was it received at the address Galway Co. Co. have on it. Galway Co. Co. provided EOM with a copy of the letter on 8th June 2020 following an email request for same from EOM:

- **5th June 2020**

EOM requested a copy of the warning letter from Galway Co. Co.

"Hi

I would be most obliged if you could kindly send me on document in relation to EN20/031 at request of my Client Conor Ridge.

Can you please send me this today.

- **8th June 2020**

EOM received the following email from planning enforcement of Galway County Council:

"A Chara,

Please see attached Warning Letter sent to your client as per your request.

Best Regds

Helen Hallinan

Planning Enforcement"

The enforcement letter was dated the 9th March and was addressed to Conor Ridge at 26 Zion Road, Rathgar, Dublin 6. The enforcement letter was signed by Martina Creaven.

EOM first made contact with the Enforcement Office in Galway Co. Co. 12th June and was informed that the best course of action was to submit the planning application and the enforcement issue would be addressed in the process.

The email exchange between EOM and Galway Co. Co. Enforcement Office is as setout hereunder:

- **12th June 2020**

EOM emailed Galway County Council planning department, requesting to speak to case officer:

“Dear Enforcement Officers,

I have made serval attempts to contact your office since last week and I would be most obliged if you could contact me in relation to EN20/031 as my client, Conor Ridge, is anxious to resolve same as soon as possible.

Please contact me on below please:

0863567851

Kind Regards,

Enda “

On the same date EOM received an email from Galway County Council planning department as follows:

“A Chara,

I acknowledge receipt of your email which has been forwarded to the Enforcement Officer, Enda Thompson, for their attention.

Mise le meas,

Planning Enforcement Dept.,

Galway County Council”

Also, on the same date EOM received an email from Galway County Council planning department as follows:

“Enda

Apologies for the difficulties in contacting the office, I got your message yesterday and called you on your mobile, your mailbox was full so I could not leave a message. Enda Thompson, Enforcement Officer dealing with this case will call you before lunch today.

Kind Regards,

Martina”

- **19th June 2020**

EOM received an email from Galway County Council planning department as follows:

A Chara,

I wish to acknowledge receipt of your email of the 19th June 2020, which has been forward to the Enforcement Officer for reply
Kind Regards,
Enforcement Unit

- **25th June 2020**

EOM received an email from Enda Thompson of Galway County Council planning department as follows:

“EN20/031

FAO: Enda O'Malley B.Eng C.Eng MIEI,
Chartered Consulting Engineer

Dear Enda,

I refer to the attached response to the warning letter EN20/031 from your client, Conor Ridge, for the property at Emlaghmore, Ballyconneely, Co. Galway. The Planning Authority will allow a timeframe of 6 weeks for the lodgement of a valid planning application for the above development. Failure to lodge same within the timeframe may result in the escalation of enforcement proceedings through the issuing of an Enforcement Notice. Please inform your client of this timeframe.

Kind regards

Enda

Enda Thompson

Planning & Sustainable Development

Galway Co. Council

Prospect Hill
Galway”

EOM emailed Enda Thompson of Galway County Council of planning enforcement as follows on the same date:

“Hi Enda

Thank you for your email.

Would it be ok to give you a call tomorrow please on above?

Thanks

Enda “

- **29th June 2020**

EOM emailed Enda Thompson of Galway County Council of planning enforcement as outlined hereunder:

Hi Enda

Could you give me a call on this this please when you get a chance today?

Thanks

Enda

- **1st July 2020**

EOM emailed Enda Thompson of Galway County Council of planning enforcement as follows:

“Hi Enda

Could you give me a call on this this please when you get a chance today?

Thanks

Enda”

- **3rd July 2020**

EOM emailed Enda Thompson of Galway County Council of planning enforcement asking:

“Hi Enda

Any chance we could have a call on this today. Clients are anxious to get this closed out?

Thanks

Enda”

- **7th July 2020**

EOM received email from Enda Thompson of Galway County Council of planning enforcement stating:

“RE: EN20/031 – Conor Ridge, Emlaghmore, Ballyconneely, Co. Galway

A Chara

I refer to your recent query in relation to the above file. As the works to date are to an old ruin in a Class 4 landscape it is considered that retention permission for these works should be included as part of any planning permission relating to this development.

Kind regards

Enda Thompson”

On the same day EOM emailed from Enda Thompson of Galway County Council of planning enforcement as follows:

“Enda

The works that were carried out were installation of windows and repair of everything else is existing. So just to understand this more clearly the property owner has permission to replace windows and also to repair chimney?

Can I meet you there on site someday to show you what works was carried out?

I'm free any time that suits you?

Kind regards

Enda"

- **20th July 2020**

EOM again emailed Enda Thompson and Planning Department of Galway County Council of planning enforcement as follows:

"Dear Enda,

I have made several attempts to contact you by phone since the 7th July last.

My client is very anxious to get this issue resolved as soon as possible and if you could give me a quick call or meet me at the site as soon as possible that would be greatly appreciated.

The issue is the work that was carried out, by inserting old timber windows and repairing the chimney, would not require retention permission as set out in the planning and development guidelines. Thus, I think the best course of action is to meet on site if at all possible in the next couple of weeks to resolve this issue. I am available to meet you any day or time that suits you?

Kind Regards

Enda O'Malley

0863567851"

On the same date EOM received email from Saoirse Kennedy, Senior Planning Enforcement Officer Galway County Council, as follows:

"Enda,

Enda Thompson is on annual leave this week returning next Monday 27th and I am on annual leave tomorrow but I will give you a call on this later in the week.

Regards,

Saoirse Kennedy"

- **24th July 2020**

EOM emailed Saoirse Kennedy, Senior Planning Enforcement Officer Galway County Council, as follows:

"Hi Saoirse

Would you be free to have a call on this today please?

Thank you

Enda”

- **27th July 2020**

EOM emailed Saoirse Kennedy, Senior Planning Enforcement Officer Galway County Council, as requesting an opportunity to discuss matters over the phone:

“Hi Saoirse

Would you be free to have a call on this today please?

Thank you

Enda”

EOM received email from Enda Thompson, Planning Enforcement Officer Galway County Council, as follows on the same date:

“Hi Enda,

I have been working remotely so the office phone is not being monitored for messages – it’s best to email rather than phone call at the moment.

With regard to your query below, I’ve left a message on your voicemail just re-iterating the viewpoint that the works to date to the old ruin should be included in any planning application to be made in relation to the site in question, given that it is in a highly sensitive landscape and adjacent to an SAC.

Kind regards

Enda

Enda Thompson

- **28th July 2020**

EOM emailed Enda Thompson of Galway County Council of planning enforcement as follows:

“Hi Enda

Would be great to have a site meeting to show you what works were completed.

Retention is not for change of windows and repairs to chimney as it doesn’t mention this is the planning and development act as a development. It would be good to meet in site and I can show you what was completed if you have a date in mind when you could call to the house?

Thanks

Enda”

- **7th August 2020**

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. a planning application was submitted by EOM to: (1) Restore existing unoccupied farm cottage (2) Raise wall plate level of existing cottage to allow for habitable loft space to comply with current building regulation standards (3) Form single storey extension to cottage and adjoining outhouse (4) Convert, extend and restore existing outhouse to form part of overall single dwelling (5) Install new proprietary sewage treatment system with filter area as well as all associated site works. This planning application was accompanied by a NIS, as required by Article 239 of the Planning and Development Regulations 2001 (as amended). Gross floor space of proposed works: 25.00 sqm. Gross floor space of work to be retained: 97.00 sqm.

Ref No. 20/1112

Link to content of this application:

<http://gccapps.galwaycoco.ie/ViewPlanningDocuments/ReposITPlanningDocs?RefNo=201112>

- **8th September 2020**

Four submissions were received on the Planning Permission Application (reference number 20/111. The objectors were Peter Lee Senior, Bridget Lee, Peter Lee Junior and Caitin Lee. The content of the submissions were broadly similar on all four submissions.

- **9th Sept 2020**

John O'Donnell, Planning Officer, of Galway Co. Co. visited the site.

- **30th September 2020**

Galway Co. Co. decided to refuse the permission. Although it was not possible to obtain clarity from Galway County Council Planning Department it seemed apparent that the perceived unauthorised works were a significant factor in the Decision to Refuse.

The refusal reasons are as follows:

1. *Having regard to the failure of the applicant to demonstrate satisfactory evidence within submissions received in relation to the planning status of the existing development on site, in conjunction with the proposal to hereby augment and further intensify the said entity, the Planning Authority considers that the proposed development would if permitted and in the absence of demonstratable contrary evidence would if permitted perpetuate and intensify existing unauthorised development on site. Accordingly, to grant the development as proposed would therefore be contrary to the principles of the proper planning and sustainable development of the area.*

2. *Having regard to the inconclusive planning status of the existing entity, ambiguity as to the implications of the lake water supply to serve the development on the Connemara bog complex sac and spa designations and the fluvial flood risk vulnerability of the subject site, the planning authority is not satisfied given the lacunae in this regard that significant adverse impacts on the integrity and conservation of the aforementioned natura sites can be ruled out as a consequence of the project. Therefore, the development if permitted in the absence of the aforementioned has potential to have a negative and adverse impact on said County Development Plan and therefore be contrary to the proper planning and sustainable development of the area.*
3. *The development site is within a fluvial flood risk area and in the absence of site specific flood risk assessment that eliminates beyond all reasonable doubt a flood risk vulnerability associated with the development, the current proposal is considered to be contrary to Objective FL 1 of the County Development Plan 2015 – 2021, the DoEHLG Flood Guidelines 2009 entitled “The Planning System and Flood Risk Management”, would set an undesirable precedent for similar future developments in the area and would be contrary to the proper planning and sustainable development of the area.*
4. *In the absence of satisfactory evidence in respect to chemical and bacteriological test results for the lake serving the development, the planning authority is not satisfied that the development can be served by a potable water supply and therefore if permitted as proposed the development would materially contravene Objective WS 12 of the Galway County Development Plan 2015-2021.*

Also, the Planning Officers report states:

- 1) *“In the absence of a hydrological impact assessment the proposal is considered contrary to proper planning and sustainable development”.*
- 2) *“Having regard to the lacunae in respect to the planning status of the existing entity (in the intervening period since 1994) and ambiguity as to the lake supply to serve the development for the purposes of potable water and the implications of same on the designations and the fluvial flood risk vulnerability of the subject site, significant adverse impacts on the Natura network cannot be ruled out”.*
- 3) *Effluent – “The trial hole encountered on site was substantially dry and the values recorded in the EPA site characterization report are a pass”.*
- 4) *Lake source water supply – “The wider environmental implications of this are unclear. Furthermore, there is no scientific analysis of the said water supply”.*
- 5) *Design – “The proposed plans and elevations meet with the satisfaction of the Planning Authority”.*
- 6) *“The Planning Authority is of the opinion that the insitu entity is unauthorized and therefore to permit the proposal as advertised would constitute consolidating and further intensifying an existing unauthorized arrangement”.*

The full report is to be found at this link:

<http://gccapps.galwaycoco.ie/ViewPlanningDocuments/ViewPDF?ref=2278141>

- **5th October**

In the light of the previous decision, we sought to continue to seek unequivocal understanding from Galway Co. Co. as to the exact perceived “unauthorised” issues and follow with a new planning application seeking permission to retain these works.

- **12th October 2020**

EOM phoned Enda Thompson, Galway County Council Planning Enforcement, and had conversation as to what was deemed unauthorised:

Call was brief and EOM asked Enda Thompson for which items should be covered under the retention planning application. Enda Thompson said the roof, chimney and windows were the main reasons for the basis of the enforcement letter. Enda Thompson was aware that we were attempting to lodge application and he said retention was required to address the non-compliances with planning permission.

On this same week EOM made a number of calls to Galway Co. Co. Enforcement Department which went unanswered, and he duly left messages requesting a call back.

- **13th October 2020**

EOM emailed Enda Thompson of Galway County Council of planning enforcement as follows:

“Enda

Further to our call yesterday could you please forward me on items which you deem are unauthorised please as my client is very anxious to apply for planning to resolve this issue and he can’t do so until he knows what details of enforcement need to be addressed?

Thank you

Enda O’Malley”

On the same day EOM received acknowledgement of his earlier email:

“A Chara,

I acknowledge receipt of your email which has been forwarded to Enda Thompson for his attention.

Mise le meas,

Enforcement Dept.,

Galway Co. Council

- **14th October 2020**

EOM emailed Saoirse Kennedy and Enda Thompson of Galway County Council, Planning Enforcement Office as follows:

FAO Saoirse Kennedy

Can you please provide me with details of the below enforcement please as I need it for a meeting tomorrow evening?

I called you a number of times this week with a view to getting more information in relation to above planning enforcement order EN20/031.

My client is anxious to address the enforcement notice but needs clarity in relation to what the nature of the unauthorised works actually are?

Would you please send me details of the unauthorised works that require retention permission as I will need to cover the same off in the forthcoming planning application.

I would really appreciate it if you could contact me early next week with a view to addressing same.

- **22nd Oct 2020**

I prepared and sent by post and email a letter and photographic survey of the subject building to the Enforcement Dept. of Galway Co. Co. The purpose of the letter was to clarify the extent of the recently undertaken works at the property and set out the opinion that said works “*did not materially affect the external appearance of the property*” and again request clarity on the perceived “unauthorised work”.

- **29th Oct 2020**

Not having received an acknowledgement of the formal letter I emailed the Enforcement Dept of Galway Co. Co:

“Subject: Fao: Mr. Enda Thompson, Re: Enforcement Section Ref No WL/EN20/031

Good afternoon Mr. Thompson,

I am given to understand that you are dealing with the above enforcement case. Attached is correspondence sent to your office last week. I would be very much obliged if you could offer an indication of the time frame within which we might expect a formal response. I understand that you are probably extremely busy and that the current Covid situation does not help however my client is anxious to have the matter resolved. Please feel free to call me if you wish to discuss at any time at the office or on my mobile 087 2264116.

Many thanks,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **30th Oct 2020**

An acknowledgement was received by email from the Enforcement Department of Galway Co. Co. as follows:

*“A Chara,
I wish to acknowledge receipt of your email of the 29-10-2020, which has been forward to the Enforcement Officer for attention and reply*

Kind Regards

Martina”

- **2nd Nov 2020**

On the 2nd of November GH called the Enforcement Office of Galway Co Co and left a message and during the remainder of the month both I and EOM contacted the Planning and Enforcement Offices of Galway Co. Co. on at least six separate occasions and left messages all of which went unanswered.

- **11th Nov 2020**

A further email was sent by myself to the Enforcement Dept:

*“Good morning Martina,
Thank you for your email below.*

I have called your office a number of times recently and left messages on the answering service. I had also emailed Mr. Enda Thompson as I was given to understand that he was dealing with the matter. I am sorry if I come across as persistent however my client is anxious to have the matter resolved as soon as possible. I have not yet heard from the Enforcement Officer. If you are permitted could you please forward me a direct line contact number for Mr. Thompson or indeed If Mr. Thompson is not dealing with the case would be very much obliged if you could pass me contact details for the person who is. At this stage I would just wish to advise my client as to roughly within what timeframe we might expect an official response.

Sorry to bother you on this matter and thank you in advance for your help.

Kind regards,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **17th Nov 2020**

Not having had a response to my previous email I opted to communicate with Ms. Saoirse Kennedy, Senior Executive Planner, Galway Co. Co. by sending the email below:

“Good afternoon Ms. Kennedy,

Please accept my apologies for troubling you with this matter. I have been advised that you might be able to assist me as I have had endeavoured to communicate with the relevant Enforcement Officer over the past number of weeks and haven’t had a response. Below are emails that I have sent and I have also phoned and left messages on the office answering service on at least 3 separate occasions.

The matter relates to a warning letter issued to my client many months ago to which I formally responded on 22nd of October last. My client is anxious to have the matter resolved as expeditiously as possible and in the absence of a formal response from Galway Co. Co. it would help if I could at least advise him as to within what timeframe we might expect a formal response. I would be very much obliged if you could offer me an indication of how long we might expect to await a response.

I am happy to accept a phone call should you or the relevant Officer wish to discuss further. My mobile number is 087 2264116.

Many thanks and warm regards,

Garvan Hanley,

MRIAI, RIBA”

- **20th Nov 2020**

EOM submitted a request for a pre-planning meeting with Galway Co Co as it was considered that a new planning application was likely to be necessary to resolve the “unauthorised development” issues.

- **23rd Nov 2020**

Again, without having had a response to the previous emails and phone calls to the Enforcement Dept. I sent an email to Ms. Eileen Ruane, Director of Services, Planning Dept., Galway Co Co:

“Dear Ms. Ruane,

I hereby email you in relation to a warning letter served to my client some months ago. I have been endeavouring to deal with the matter on my clients behalf and have made many attempts to engage with your Enforcement Department through formal letter, numerous emails and phone calls (see below). I have not had any response other than an acknowledgement of one email. Perhaps you could advise as to how I can make contact? My client is very keen to have

the matter dealt with as soon as is practical and is becoming exasperated with the lack of response.

Your assistance would be very much appreciated.

Yours sincerely,

Garvan Hanley,

MRIAI, RIBA”

The following email was received from Mr. Enda Thompson, Enforcement Officer on that same day:

“A Chara

I refer to your correspondence of 20th ult. in relation to the above, the content of which is noted.

In order for a decision to be made as to continue with enforcement, or for the enforcement file to be closed, it will be necessary to carry out a further inspection.

However, another option open to you in the meantime is to seek a formal assessment of the works undertaken to date under Section 5 of the Planning and Development Act 2000 (as amended) which allows for:

If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The relevant form can be downloaded by clicking on the link below:

[http://www.galway.ie/en/media/GCC-P-11\(B\)-00.pdf](http://www.galway.ie/en/media/GCC-P-11(B)-00.pdf)

Please advise if you are going to submit same by return.

Enda Thompson

Enforcement Officer”

- **25th Nov 2020**

I responded to Mr. Thompsons last email:

“Good morning Mr. Thompson,

Thank you for your email.

We would welcome your visit to the site if this would help to resolve the case. Please advise when you might expect to carry out your inspection. I would be happy to meet with you there if it provides any assistance.

I of course am aware that a Section 5 Declaration could be sought. We had however expected that the enforcement matter would be dealt with in a shorter timeframe. Furthermore, if you could provide more specific information as to the perceived unauthorised works it may help should we opt to seek the Declaration. We are aware that the enforcement file was most likely opened on foot of a complaint however as stated before the only works undertaken since the property was acquired by our client almost 30 years ago was to provide an electricity supply, make good windows and make good the chimney.

I look forward to your response at your very earliest convenience and thank you again for your assistance on this.

Kind regards,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **27th Nov 2020**

A pre-planning phone call took place with Mr. John O'Donnell, Planning Officer involving EOM, Mr. O'Donnell and myself. Mr. O'Donnell encountered some technical difficulties during the call and the quality of the engagement was as a result, poor. Mr. O'Donnell did query the suitability of the dwelling for restoration, and this informed the content of the later application whereby it was demonstrated that the building was suitable for restoration. There was no guidance offered as how best to treat the “unauthorised development” issues or what exactly these issues were. Mr. O'Donnell at no stage indicated that any future planning application would be made invalid and never stated to seek leave to apply for substitute to with An Bord Pleanala.

- **30th Nov 2020**

A further email was sent to Enda Thompson by GH to Enda Thompson, again requesting a meeting:

“Good morning Mr. Thompson,

Further to the emails below, I am due to be in Connemara on either Thursday or Friday of this week. I would welcome an opportunity to meet with you on site considering that you mentioned that you need to revisit. I could postpone my visit to early next week if this suited you better. Please advise if a meeting would be possible.

An early response would be much appreciated as I need to make preparations to travel west.

Many thanks,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

On the same day Mr. Thompson replied as follows:

"A Chara

I refer to your correspondence of 25th ult. in relation to the above.

It is noted you state in the correspondence

"...as stated before the only works undertaken since the property was acquired by our client almost 30 years ago was to provide an electricity supply, make good windows and make good the chimney".

However, the land registry folio shows your client was registered as owner on 22/12/1998, while aerial imagery shows a roof was put onto the building between 2000 and 2005. Prior to its purchase by your client it was described in a previous planning application in 1994 (ref. 70254) as derelict and a ruin.

It is hoped to have the inspection carried out in the next few weeks. It will not be necessary for you to be in attendance during the inspection.

Enda Thompson

Enforcement Officer"

Later that day I emailed Mr. Thompson:

"Dear Mr. Thompson,

I very much appreciate your prompt response. As I mentioned before my client is very keen to resolve this matter and ensure that he meets all statutory obligations relating to the property. The reason for urgency on his part is that he has had to put on hold any plans he has relating to the property until we receive confirmation that you are satisfied that no unauthorised development exists pertaining to the property. To this end he has assured me that he wishes to do what is necessary to achieve this.

My client has again reiterated to me that he did not form a roof over the dwelling since he acquired it in 1998. I myself have searched aerial photography databases and can't find anything detailed enough to show the building as not having a roof pre 2005. I would be very much obliged if you could send me an extract from the aerial photography to which you refer to allow me to further discuss with him.

My client would also like for me to attend the site when you visit in the interest of obtaining absolute clarity on the issues of perceived unauthorised development. I can schedule to do so at reasonable notice if you would like to present me with some suggested dates.

I again thank you for your help with this and assure you that we just wish to ensure that no breach of Planning legislation has occurred or if it has that it is regularised without harm or delay.

Yours sincerely,

Garvan Hanley,

MRIAI, RIBA”

- **4th Dec 2020**

I sent the following email to Mr. Thompson, copying Ms. Kennedy and Ms. Ruane:

“Dear Mr. Thompson,

Further to my email of the 30th of November last (below) have you had the opportunity to consider same?

I, as set out in my previous emails in the interest to progressing matters am willing and available to meet you on site. Perhaps you could suggest some dates that might suit you.

Best regards,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **8th Dec 2020**

Enda Thompson confirmed that he would be attending the site, two days later, in the email below:

“Dear Garvan,

Further to your email below, please note I intend to be in the Ballyconneely area on Thursday next, 10th December (c. 12 noon). As previously stated It is not necessary for you to be in attendance

Kind regards

Enda

Enda Thompson”

- **9th Dec 2020**

I confirmed that I would meet Mr. Thompson and together we could visit the site.

“Good morning Enda,

Thank you for your email of last evening. I understand that you do not consider it necessary that I attend tomorrow however my client is keen that I do so. I have rescheduled my diary to travel to Ballyconnelly and will be there at 12 noon. As there are gates etc to be negotiated on the way in to the property might I suggest that I could meet you at Keogh’s carpark and we drive to the property from there (5 mins)? I will be in a 161 D registered grey 4x4.

I look forward to meeting with you and hopefully we can establish what issues may exist and I can devise a plan for regularising same. My client will be grateful for the chance to sort matters out before Christmas. Please call me on 087 2264116 if you have any problems timewise tomorrow.

Many thanks,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **9th Dec 2020**

Myself and Enda Thompson visited the site and I provided unrestricted to the site and buildings. Mr. Thompson took photographs and committed to responding after he had an opportunity to review matters in his office.

- **14th Dec 2020**

I followed up from the site visit the previous Thursday with the email hereunder to Mr. Thompson:

“Good morning Enda,

It was nice to meet with you on site on Thursday and thank you for facilitating the meeting.

I was happy to be in a position to give you unrestricted access to the property both internally and externally. I hope that it was clear that my client was not attempting to restore the cottage but rather he carried out some very minor works to protect it from further dilapidation and damage by which had been caused by unauthorised access.

I can again confirm that the excavation you saw to the west of the cottage was a trial hole dug to determine the water table level for a planning application.

Otherwise, as discussed, I would be very grateful if you could outline to me as separate items any issues that you consider may be deemed unauthorised in order for us to prepare a comprehensive response as to how we would intend to regularise matters.

As I have always stated my client wishes to do what is necessary to ensure that there is no breach of planning legislation on the site and he intends to do so without delay.

I note from our meeting that you had said that it may be after Christmas before you revert with your report but that you may try to have it issued to us before Christmas. I appreciate this and can at least offer an indication of this timeframe to my client.

Many thanks once again,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **7th Jan 2021**

Not having had communication from Enda Thompson since the site meeting I emailed:

“Good morning Enda,

I trust that you had a nice Christmas and hope that 2021 is kind to all of us.

As discussed when we met before Christmas you will send a report to me setting out your findings in terms of what elements, if any, of unauthorised development existed when you conducted your site visit. I look forward to receipt of same. It would be helpful to me if you could offer me an idea of when I might expect to receive your report.

Many thanks,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **11th Jan 2021**

Clarity on the perceived “unauthorised works” issues was finally obtained in the email below from Mr. Thompson:

“A Chara

I refer to your correspondence of 7th inst. and our on-site meeting on 10/12/2020 in relation to the above.

The elements considered unauthorised development are:

- 1. New roof and chimney*
- 2. New/widened window openings in front elevation*
- 3. Recently erected CCTV cameras materially affecting the external appearance of the building*

The Planning Authority will await your response in relation to the above.

Enda Thompson

Enforcement Officer”

On the same day I responded:

“Dear Enda,

Many thanks for your email. I can confirm that I have related this information to my client and we intend to submit a planning application in the coming two weeks to deal with the issues as follows:

1. *The application will include for the removal of the chimney and roof (which appears to date from the 1990's) and replacement of same with a permanent chimney and roof more appropriate to the character of the building.*
2. *The application will seek to retain the works to the window openings and install new windows.*
3. *The application will seek to retain the cctv cameras for a temporary period only.*

Should the application or any aspect of it be unsuccessful I have advised my client that he should take measures to reverse the unauthorised works and he accepts this. I trust that this will be acceptable to you.

Thanks again,

Garvan.

Garvan Hanley,

MRIAI, RIBA"

- **13th Jan 2021**

Enda Thompson emailed myself as follows:

"A Chara

I acknowledge receipt of your correspondence of 11th inst. and wish to advise that the Planning Authority will allow the requested timeframe for you to address the unauthorized development.

Enda Thompson

Enforcement Officer"

- **13th Jan 2021**

EOM began to assemble a new planning application on conjunction with other consultants. This application sought to deal with the issues of enforcement and concerns raised by the Planning Officer.

- **1st February 2021**

Planning Permission Application was submitted to Galway County Council to as per below. The planning reference number for this file 21/89. The content of this application is attached in Appendix H, as it is no longer a publicly available file.

RE: Permission is being sought on behalf of Patrick Ridge to (1) Remove existing roof structure added to semi-ruinous cottage in circa 1990's (2) Retain works associated with alterations to existing window opes (3) Retain and complete works to reinstate and make good existing stone chimney (4) Retain security cameras fixed to existing building façade for a temporary period until the cottage is developed and prior to its occupation or for a period of 2 years if undeveloped (5) Restore existing semi-ruinous farm cottage to make habitable; including formation of new roof

with roof covering material more appropriate to the character of the building; alteration of openings and fitting of new timber framed windows; alterations to the internal plan layout; application of insulation to walls, roof and floor internally; damp proofing; installation of services and all ancillary works (6) Restore existing ruinous outhouse to make same usable as an outhouse using appropriate materials (7) Install new proprietary sewage treatment system with filter area as well as all associated site works.

Site notices were erected on site by Enda O'Malley's Office.

- **17th February 2021**

Additional information from the applicant was lodged to the planning file 21/89 setting out the context of the application and the relationship with the Lee family, who had made submissions on the previous file. A copy of this submission is attached in Appendix I.

This letter was received by Galway County Council on the same day.

There was interference with a site notice on site in the form of a shrub being planted directly in front of it.

- **3rd March 2021**

EOM received email from Caitlin Lee requesting that one of the site notices be removed immediately, claiming it to be on their land:

"Caitlin Lee <caitlinlee32@gmail.com>

*Wed, 3
Mar, 09:02*

Dear Enda,

A planning notice for Patrick Ridge has been erected on my property.

See photo attached.

Please have the notice removed Immediately.

Regards,

Peter Lee."

- **4th March 2021**

An Taisce submission was received on the Planning Permission Application reference number for this file 21/89.

- **4th March 2021**

Four submissions from Peter Lee Senior, Briget Lee, Peter Lee Jnr, Caitlin Lee, were received on the Planning Permission Application reference number for this file 21/89. The content was broadly the same in each submission and contained information relating to Pat Ridge that he considers misleading and untrue.

- **15th March 2021**

EOM replied to email from Caitlin Lee stating that the site notice was located on the CDB land and that we have checked this on ground:

“Dear Peter,

Thank you for your email on the 3rd March last.

The placing of all signs for planning permission by this office, as part of our procedures is carefully checked on all occasions to ensure there are no issues regarding applicant or third parties.

*I have checked again the site notice you are referring and same is not located on your property as the site notice has been placed on Land Registry Folio GY3907 – who the registered owner is the **Congested Districts Board***

The site notice on a post has been on this precise location since 7th August 2020 (when the original planning application was lodged under Planning reference number 20/1112). We replaced the site notice on the 22nd January 2021 (when the second planning application was lodged under Planning reference number 21/89

Please contact me if you have any questions.

Kind Regards

Enda”

- **15th March 2021**

I approached Mr. Tom Halley, Planning Consultant with experience in substitute consent applications for guidance. Communications with Mr. Halley by phone and email over a number of days culminated in Mr. Halley offering the following advice:

“Further to our recent discussion, I’ve reviewed the information forwarded to me and would comment as follows:

- 1. I would not recommend going down the substitute consent route. This is a complex and arduous process usually relating to largescale projects such as quarries. First you have to apply for leave to make a substitute consent and if successful, then make an application for substitute consent – both applications are made directly to An Bord Pleanála. Only if and when you get substitute consent can you apply for proposed new works on the site – this application can be made directly to Galway Co Co.*
- 2. A better alternative would be to apply for retention of the works done to the cottage since the mid 1990’s (those included in the 21/89 application i.e. retain the roof structure added to semi-ruinous cottage in circa 1990’s; Retain works associated with alterations to existing window opes and stone chimney; and security cameras fixed to existing building façade). This retention application would need to be accompanied by an Appropriate Assessment screening report which would confirm that a Natura Impact Statement (NIS) is not required for these retention works. Ideally the non-requirement of*

an NIS would be discussed and agreed with the Council prior to lodging the retention application.

3. *If permission for retention can be secured then an application for proposed works can be submitted to the Council. This application can be accompanied by an NIS."*

- **16th March 2021**

Additional information from the applicant was lodged to the planning file 21/89.

This communication was received by Galway County Council the same date.

EOM engaged with Ms. Eileen Mannion, CClr to ascertain if she could obtain feed back on the progress of the application.

- **23rd March 2021**

Having been informed by Administrative staff in Galway Co Co's intention to invalidate the application EOM contacted them by post and email requesting an extension of duration for the consideration of the application:

"Dear Planner,

We would be most obliged if, on behalf of our client Patrick Ridge, Emlaghmore, Ballyconneely, County Galway (Planning Reference Number 21/89), the planning department could please extend the decision date for the above application to the 24th of September 2021.

Should you require anything further please do not hesitate to contact me.

Kind Regards,

Enda O'Malley B.Eng C.Eng MIEI"

- **24th March 2021**

Ms. Eileen Mannion received communication by email from the Planning Officer Ms. Tara Quinn relating to the application as set out hereunder. This communication indicates the intention to invalidate the application and references applying for "leave to seek substitute consent":

"Hi Eileen,

This is the recommendation that has been made on this file.

It is considered that the unauthorised works carried out to this ruin works require Appropriate Assessment. Section 34(12) of the Planning and Development Act as amended states that retention permission may not be sought for a development that requires a NIS or Appropriate Assessment. In such cases the applicant may seek leave to apply for substitute consent from An Bord Pleanala under Section 177C.

This application contains a retention element and is accompanied by a Natura Impact Assessment (NIS).

Therefore, the Planning Authority under Part III, Section 34 (12) of the Planning and Development Act, 2000 (as amended) cannot consider the application in this instance.

Regards,

Tara”

- **26th March 2021**

A letter dated 24th of March was received by EOM’s office confirming that the application was being invalidated.

- **2nd April 2021**

EOM had a telephone conversation with Ms. Tara Quinn, Planning Officer and his notes from same were recorded as follows:

- *Tara Quinn confirmed she prepared the invalidation letter which was set out in the post.*
- *Alan O’Connell was Tara’s senior and he agreed with the invalidation letter.*
- *The reason for the invalidation letter was based on her review of the planners report for Sonia Matz’s planning application (refused in 1994) which stated that the structure on site at the time was a complete ruin (this is what she said to me over the phone)*
- *The planner over the Sonia Matz planning file was Liam Kavanagh (He is no longer working in the planning department)*
- *Tara Quinn was of the opinion that, based on Liam Kavanagh’s planning report, the structure of the ruin at the time of Sonia Matz’s application was in very poor condition and that unauthorised work was carried out to the structure after the Sonia Matz planning was refused.*
- *She didn’t really go into the submissions that much during the conversation other than she was aware of the large number of submissions.*
- *She said that given the unauthorised nature of the works to date that she was of the opinion that Galway County Council cannot make a decision on any future planning applications and she has recommended that leave to appeal to An Board Pleanala should be sought for substitute consent.*
- *She did say she would be happy to answer any other question in the future.*

EOM had reason to speak by phone with John O’Donnell, Planner G.C.C. on another matter and raised the subject property with him. JOD declined to speak about the case.

- **9th April 2021**

I contacted ABP by phone for guidance. After a number of weeks my calls were returned and I was advised that exceptional circumstances would need to be clearly demonstrated in seeking leave to apply for substitute consent. On giving a brief overview of the circumstances of this case I was told that it would be unusual for such a case to come before ABP that the process usually applied to larger developments.

- **10th May 2021**

I submitted a formal request for a pre-planning meeting to Galway Co. Co. as the intention now was to submit a new application dealing with the issues of “unauthorized development” including an Appropriate Assessment which would demonstrate that no NIS for same would be required and clarification that a new application would receive due consideration and not again be made

invalid would be helpful. All consultants involved in the application, including an Ecologist, were prepared to travel to Galway for such a meeting. The text of this request is below:

“Dear Sir/madam,

Please find attached a completed Pre-planning enquiry form together with a site location map and site plan.

I look forward to your response in due course.

Best regards,

Garvan Hanley,

MRIAI, RIBA”

- **17th May 2021**

Not having received a response to the pre-planning request I sent another email as follows:

“Good afternoon,

Please see below and attached which I submitted to your office last Monday. I would be very much obliged if you could acknowledge receipt of same.

Kind regards,

Garvan.

Garvan Hanley,

MRIAI, RIBA”

- **18th May 2021**

A response declining a pre-planning meeting was received as per below:

“Hi Garvan

Apologies for not responding to you earlier on this.

As you mentioned in your mail the 2 recent planning apps on this site 21/89 & 20/1112 were Invalidated and Refused respectively, and you are clearly aware of the issues around both.

Planners are unable to give pre planning consultations for previously refused/invalidated/withdrawn applications such as these. Any new application has to be informed by the planner’s report and the reasons for refusal. Therefore you will have to go ahead and lodge a new application if that’s what your client wants you to do.

Regards

Conall

Planning”

- **1st June 2021**

A letter was sent by myself to Mr. Michael Owens, Director of Planning Services requesting guidance from the Planning Dept. and/or Enforcement Dept. on how next to proceed ie. a new planning application or reversal of perceived “unauthorized works” on site. This letter was copied to Ms. Valarie Loughnane, Senior Executive Planner and the Enforcement Dept. of Galway Co. Co.

- **17th June 2021**

EOM had a phone conversation with Ms. Valarie Loughnane in relation to another matter and raised the Emloughmore case with her. EOM’s notes on the conversation are as follows:

1. *V. Loughnane was familiar with file as Tara Quinn had raised the planning file 2189 with her – see agreed the decision to invalidate the application as she felt it was procedure for Galway County Council to do this based on the legislation around works which require an NIS.*
2. *V. Loughnane mentioned that application had a large number of submissions (including An Taisce). She made no mention of the enforcement file.*
3. *V. Loughnane stated that Galway County Council had no choice but to invalidate with planning file 2189 due to NIS requirement set out in the first application – the first application set the precedent for the invalidation.*
4. *V. Loughnane knows of several other planning similar to this which Galway County Council have invalidated in similar circumstances to planning file 2189.*
5. *V. Loughnane suggested that we apply for leave to apply for substitute consent to An Bord Pleanala – which may or may not be successful.*
6. *V. Loughnane suggested we seek legal advice when preparing leave to apply for substitute consent to An Bord Pleanala.*
7. *V. Loughnane stated that from her experience that An Bord Pleanala only consider such leave to apply for substitute consent applications with exceptional circumstances – more common in large scale developments.*
8. *V. Loughnane stated the judicial review should only be considered if An Bord Pleanala rejects the leave to substitute consent.*
9. *I asked her if we resubmitted a new planning application to cover the retention items she said that the planning section would invalidate any new planning applications on this site as the previous two planning applications required a NIS report and due to the proximity of the SAC lands to the subject property.*
10. *V. Loughnane stated that the only option available to the applicant is to apply for leave to apply for substitute consent to An Bord Pleanla, as Galway County Council could not make a decision on any future planning application until An Bord Pleanala make a decision.*

- **22nd June 2021**

In the absence of having had a response from the letter of June 1st I sent a follow up letter to Michael Owens, Director of Services, copying Ms. Valarie Loughnane, Senior Executive Planner.

- **24th June 2021**

Following an approach by Pat Ridge to MKO Planning Consultants seeking advice a response was obtained declining to be able to offer same.

- **29th June 2021**

PR engaged with William Fry legal experts to seek their opinion on the case.

- **6th July 2021**

PR & myself attended a meeting at the offices of William Fry. In attendance was Mr. Conor Lenihan, Ms. Michelle Martin and Mr. Brian O'Callaghan (documents including a Chronological Report were furnished to WF for their review prior to the meeting).

- **6th July 2021**

Notes were recorded at William Fry meeting which are set out as follows:

1. *WF advise against going down substitute consent route, they point out its ones last option if we fail we are left with a building that faces ultimate and final enforcement, the process is unwieldy and result even if we get through the process with an approval it could be couched in vague terms so much so it may not help us greatly. They said its unsuited to a small project in a number of its requirements for instance the type and extent of ecology reports required.*
2. *The advise a new application to gcc for retention of the enforcement notice items, a proper screening out of the items needs completion, maybe different ecologist, they pointed out one of the weakness s of our second application given the law was it did not differentiate on screening between the retention items and the new application. They see this as unfortunate as it gave the council grounds to at least ask via rfi for clarification. in the event they decided to invalidate and given the lack of differentiation already mentioned they could have given this as the grounds for invalidating.. WF said the least gcc should have done was to give the reasons for invalidation and they look poorly in general on gcc performance on the application. Going forward WF said they see no reason why all of the retention items should not screen out given how minor they are. WF suggested we pass the wording through them before finalizing.*
3. *We discussed the possible need for a split application (retention and new together) given the possible development plan changes in gcc and lee objections impact on our timetables. It was thought important we ask gcc immediately for a preplanning meeting, approach them on a positive footing, informing them at request time that this application will be different to the last, the plan here would be if we got a meeting we could sound out the council would they accept a split application? Options to seek meeting are via co councillor, ? we apply direct ? WF letter. It was thought if we can approach gcc initially on a friendly basis as above they should meet us. If they refuse to meet, alternative is we apply for retention items plus WF letter to gcc referring them to the legal position lest they considering invalid response again.*

4. *WF to reflect further on the split application thoughts on how they may be able to help gcc in their legal/regulatory requirements. WF will issue and summary of the meeting actions.*
5. *Judicial review is a tool to use but must be within 8 weeks of ones last planning application option being used . They said at the moment is lengthy and expensive.*
6. *We discussed lee, his planning and general non compliance.*

- **9th July 2021**

WF issued a memo following the meeting at their offices. A summary of the “action points” arising is as follows:

- *Client to engage consultants to carry out an Appropriate Assessment screening (not the preparation of a full NIS) of the Previous Works only. An additional screening report can be prepared in respect of the proposed future works. William Fry will provide legal input to the reports.*
- *Client / his technical advisors to seek a meeting with the Council to discuss a new application and the approach which client intends to take.*
- *If the Council refuses to engage, William Fry can provide a strong legal analysis setting out the legal position in respect of the Previous Works and future development; with a view to persuading the Council that there is a basis for it to receive and process a further planning application covering retention where the result of a screening exercise in respect of the Previous Works is that the Previous Works do not require Appropriate Assessment.*
- *Client to make either (1) an application solely for retention of the Previous Works, accompanied by the screening report (and by such further advice as is needed at that point from William Fry) or (2) a combined application for retention of the Previous Works and permission for the proposed future works, enclosing individual screening reports for each phase of the works, together, again, with such advice as is needed at that point from William Fry.*
- *In parallel with the efforts by Client's Consultant to seek early engagement with the Council, William Fry will consider whether an individual application for retention or a combined application for permission and retention should be made. Ultimately, the approach will likely be informed by any engagement with the Council.*

- **16th July 2021**

WF reviewed and updated a letter proposed to be sent to VL in Galway Co. Co. requesting a pre-planning meeting.

- **16th July 2021**

EOM sent letter to VL requesting pre-planning meeting.

- **20th & 27th July, 3rd & 6th August 2021**

EOM followed up with phone calls following letter having been sent to VL without response.

- **13th August 2021**

EOM had a telephone conversation with VL. Pre-planning meeting arranged for 2nd Sept.

VL expressed that a new application would likely also be made “invalid”.

- **20th August 2021**

PR emailed WF setting out direction proposed to be taken at Pre-planning meeting and seeking advice.

- **24th August 2021**

Conor Lenihan of WF replied to PR stating:

“While the attitude/approach of the Council in this case is perplexing (even moreso when their approach here is not consistent with other cases in the County), it is something to have secured a meeting. I agree we should have our own call/meeting soon. The 2 Sept is two weeks yesterday so the second half of next week or Monday the following week are options. Michelle and I are tied up for much of Tuesday 31st so preferably the Monday 30th (if meeting the week after next); but also we should be able to make tge second-half of next week.

We will consider the screening report and other application-related documentation as needed (and whether to send the draft application ahead of the meeting); and, also, whether and what legal arguments to send ahead of the meeting of 2 Sept. and the overall strategy for the meeting with VL.”

- **24th August 2021**

EOM circulated information to PR & myself highlighting similar precedent cases (copy in Appendix S).

- **29th August 2021**

PR sent letter to Gus McCarthy of MKO seeking advice based on GMC previous experiences of dealing with VL.

- **30th August 2021**

PR & GH attend a meeting with WF at which an approach to be taken at pre-planning meeting and content of planning application were discussed. Great importance was placed on the proposed structure and content of the Screening Report by ML Heffernan. Agreed that WF would revert with feedback on the report.

- **30th August 2021**

PR recorded notes of WF meeting.

- **31st August 2021**

PR received good advice from GMC of MKO by phone.

- **2nd September 2021**

PR, EOM and myself attended a pre-planning meeting. I followed up with an email to VL summarizing points discussed. The text of the email is as follows:

“Good afternoon Valerie,

I thank you most sincerely for your time and good advice today. As I'm sure you now understand our client is a very reasonable and genuine man, native to the area, who has felt frustrated by the vexatious interventions of a neighbour and wishes to ensure that due procedure is followed and that he can fairly and honestly resolve planning matters on his lands at Emloughmore. In this regard we appreciate your advice that we should engage with your-good-self in advance of our planning application to clarify the following:

Ensure that determination of previous application ecology report did not include the deemed "unauthorised elements" and that those elements can be unequivocally screened out in any new application. In achieving this we should perhaps engage with NPWS and provide legal opinion.

I also acknowledge your advice that in any new application we should deal with the issues raised in the previous third party planning observations.

I furthermore appreciate your opinion that the elements for which we may seek retention "should not cause any issues" from a planning perspective, outside of the ecological European Directive compliance issues.

I hope that Enda and/or I will be in a position to respond in the very near future on these issues.

Again, I thank you for your generous donation of your time today and your very professional and helpful advice.

*Yours Sincerely
Garvan”*

- **3rd September 2021**

I emailed WF updated Conor and Michelle on outcome of meeting.

- **21st September 2021**

CL of WF sent email to PR setting out proposed amendments to Planning Application form for new application.

- **23rd September 2021**

CL of WF emailed PR & myself comments on structure and content of Screening Report proposed to be submitted with new application Also CL stated that a legal opinion document would follow.

- **27th September 2021**

I spoke by phone with ML and sent WF marked up Screening Report to her for her views.

- **8th October 2021**

William Fry issued a legal opinion on the planning developments to this stage. Their opinion included that GCC should accept and validate a planning application seeking retention for the unauthorized development.

- **12th October 2021**

Following the advice at our meeting we prepared a new planning application and also sought further legal opinion. I emailed VL updating her, that we have obtained legal advice and advising that we were ready to submit the next planning application

- **14th October 2021**

I again emailed VL sharing the legal opinion that we obtained and the draft drawings and documentation intended to be submitted with the new application. I welcomed her feedback on same as she so kindly said she would offer.

I had a phone conversation with VL. Following her receipt of my documentation on 14th October she advised that she would ask Galway Co. Co. 's Law Agents to review same.

- **19th November 2021**

I followed up on by email to VL to ascertain if she had had an opportunity to discuss same with the Law Agent.

- **24th November 2021**

I received a letter from Ms. Veronica Walsh of the Enforcement Dept. of Galway Co.Co. on 24th November 2021 (dated 19th November) seeking clarification on communications I may have had with ABP relating to the case.

- **2nd & 3rd December 2021**

I spoke with VL by phone on 2nd December. Following her advice I duly responded to Ms. Walsh's letter on 3rd December 2021 stating: *"Further to your letter date 19th November last, received by our office on 24th of November, I hereby respond to outline that we are in engagement with your planning Department with a view to resolving matters relating to this case in the near future."*

- **16th December 2021**

We submitted the new planning application on Ref No. 21/2405. This application was seeking retention permission for 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) Recently erected CCTV cameras on the building to be in place for a temporary period. Gross floor space of work to be retained: 46.52 sqm in the townland of Emlaghmore.

- **December 20th 2021**

Another letter was issued by Ms. Walsh stating : *“We acknowledge receipt of your correspondence of 3rd December 2021, the contents of which are noted. Further to ours of the 19th, you are invited again to clarify details such as name (s) / date(s) of the person(s) you liaised with in An Bord Pleanála and any copy correspondence from An Bord Pleanála in which you were advised that the process of seeking substitute consent “... is not appropriate for our situation considering that the work for which retention was sought was patently minor and had no impact on the SPA or SAC. “This matter has been ongoing since March 2020 in which time your client has been afforded the opportunity to regularise the unauthorised development. In this regard the Planning Authority are now left with no option but issue an Enforcement notice in the near future.*

- **5th January 2022**

I phoned VL, as requested to notify her of our having submitted the application.

- **10th January 2022**

I emailed VL notifying her of the new Planning reference number (21/2405).

- **12th January 2022**

I duly responded to Ms. Walsh’s last letter following the Christmas holiday period in a letter saying : *“ We have continued to endeavour to resolve matters relating to this case in the period between March 2020 and now, which included extension liaison with Mr. Enda Thompson of your office (details of same can be provided if you require) and the submission of a planning application in 2021 which was deemed invalid on the final day of the eight week period, following submission. Subsequent to this we have had engagement, including a meeting with Ms. Valerie Loughnane at your offices which culminates in our submitting a revised application on 16th December 2021 again seeking to regularise matters. Ms. Loughnane is very familiar with this case should you wish to speak with her. We are hopeful that a positive decision will be forthcoming on the current application which should allow for the Enforcement File to be closed.”*

- **27th January 2022**

My office received an Enforcement Notice - Ref No. EN 20/31. This notice specifies the following steps are taken:

- A) Cease the use of the old ruin within a specified period of time within 24 hours of the date of service of this notice.
- B) Remove the unauthorised renovations at old ruin at Emlaghmore comprising new roof and chimney, new widened window openings and CCTV cameras materially affecting the external appearance of the building and restore the structure to its pre-Unauthorised Development status within a specified period of time namely within 8 weeks of the date of service of this notice.

- **28th January 2022**

I sent a lengthy letter to VL following receipt of the Enforcement Notice. This letter set out the past and continuing efforts to resolve the planning matters on the subject site and that the ruin would cease to be used for any purpose.

- **31st January 2022**

I wrote to Veronica Walsh in GCC Enforcement Section again outlining the past and continuing efforts to resolve planning matters, advising that there was an application for retention permission due for decision on 19th February 2022 and that the ruin was not being used for any purpose. I included a copy of the letter to VL date 28th January.

- **1st February 2022**

Our office received correspondence from G.C.C. acknowledging receipt of the letters sent on 31st January. The letter also stated that “we will now await the decision of planning application 21/2405 after which the enforcement file will be reviewed in the context of that decision.”

- **18th February 2022**

G.C.C. issued a request for further information on the retention permission application. The information sought was:

1. *Full land registry details with respect to the site and to the land outlined in blue.*
2. *Details including land registry with respect to the lands over which the access to the site traverses. The applicant must provide documentary evidence that he has a legal interest to travel over the existing roadway to the site.*
3. *Details with respect to when the roof was placed on the structure. It is indicated that this occurred in the 1990's and if so, could the applicant provide any evidence of this for consideration by the planning authority.*
4. *Please confirm that the recent upgrade works to the road did not in any way impinge on the undocumented and unconfirmed archaeological feature noted on the submission to the file.*

- **10th March 2022**

We submitted a response to the f.i. request addressing all four queries.

- **7th April 2022**

GCC issued a decision notice to grant permission, subject to 3 conditions.

- **27th April 2022**

A third-party appeal against the planning decision was lodged with An Bord Pleanála.

- **30th May 2022**

Our office prepared and submitted a response to the appeal to ABP.

- **4th July 2023**

ABP, against the recommendations of its inspector, refused permission for the following reasons:

1. *The development proposed for retention for the purposes of a “temporary shelter/respice” does not in itself constitute a class of planning development.*
2. *The totality of the file including the design of the structure, the proposes use of the structure and the history of the structure submitted by the applicant.*
3. *That the “temporary shelter/respice” was akin to a dwelling and should be assessed accordingly.*
4. *That no detailed justification was provided for the development use proposed to be retained at this highly sensitive location.*
5. *The scale of any works required to upgrade the structure to modern standards remains unclear.*
6. *The scope and detail of the appropriate assessment screening must encompass sufficient details and rationale, including in relation to enabling works, site access and construction methodologies, in order to reasonably conclude the development proposed for retention did not give rise to significant effects on a European Site.*

Having regard to the use of the site, the sensitivity of the landscape, to the pattern of development in the area, and the need to implement Article 6 of the Habitats Directive, the Board considered that the development proposed for retention would contravene the Galway Development Plan.

In deciding not to accept the Inspector’s recommendation to grant permission, the Board considered the appropriate assessment screening to be insufficient in terms of scope and detail and that the development proposed for retention at this location would injure the amenities of the area and would not accord with the proper planning and sustainable development of the area.

- **26th July 2023**

The client and I engaged with William Fry to discuss the ABP refusal and consider options. Consideration was given to seeking leave for judicial review however it was concluded that we should consider progressing a new planning application for the refurbishment of the cottage under GCDP Objective RH07, preceded by a preplanning meeting.

- **November 11th 2023**

I wrote to William Fry seeking a written opinion from them on their interpretation of the ABP decision and how they recommend we proceed.

- **21st February 2024**

I had a phone conversation with VL of G.C.C. During this call VL indicated that their position would be to assume that the ABP refusal was because the development didn’t screen out, rather than any other shortcomings in the AA screening report. She also suggested that we should consider Substitute Consent. I related this to WF on the following day.

- **22nd March 2024**

WF wrote setting out their appraisal of the ABP decision and future steps. The correspondence discussed the submission of a composite planning application to G.C.C. involving retention and future development elements in the application with likely separate screenings directed to each element. Their view was that this would have “additional challenges”, “in particular the planner’s apparent view (erroneous) that ABP considered the Screening Report has wrongly screened out the need for a ‘stage 2 NIS’ and full AA.”

- **29th March 2024**

I wrote to VL in G.C.C. setting out that following engagement with WF we wished to seek a pre-planning meeting to discuss a composite planning application.

- **4th April 2024**

VL emailed myself stating:

“Good morning Garvan

I hope this finds you well.

Firstly with respect to the pre plan request for the previous refusal under 23-60270, we don’t usually provide for a pre plan on previously refused applications as the applicant/ agent would have the benefit of the planners report which should give good guidance with respect to the issues that exist. However, I can have a look at this briefly for you and give you a quick call on it if that suited.

Secondly, I’m not sure what further I can add with respect to the application for Mr. Ridge refused by An Bord Pleanala. I don’t believe that the planning authority can provide any further guidance on this other than the information that is already available in the ABP report.

Kind Regards

Valerie”

- **10th July 2024**

Our office prepared and submitted a planning application described as:

Retention permission and Planning Permission is being sought on behalf of Mr. Patrick Ridge. The works sought to be retained are as follows; (A) The reinstatement of a collapsed roof and making good of an existing chimney and, (B) The unblocking of window opes and replacement of timber framed windows on the front elevation. The works for which Planning Permission are sought: (A) Restore existing unoccupied farm cottage, (B) Raise wall plate level of existing farm cottage to allow for habitable loft space to comply with current building regulation standards, (C) Form

single storey extension linking existing cottage and adjoining outhouse, (D) Restore , convert and extend an existing outhouse to form part of overall single dwelling, (E) Decommission and desludging of existing wastewater system to install a new proprietary sewage treatment system with filter area to comply with current EPA standards, as well as associated site works. This planning application is accompanied by NIS, as required by Article 239 of the Planning and Development Regulations 2001 (As Amended). Gross Floor space of existing buildings to be restored: 104 sq m, plus extension of 41.5 sq m, providing a total floor area of approx. 145.5 sq m. Planning Ref. 24/60859.

- **15th August 2024**

Galway Co. Co. decided to invalidate the planning application they wrote stating: The application has been screened for appropriate assessment which has determined that an Appropriate Assessment is required. As this is an application which involves retention of unauthorised development , under Section 34(12) of the Planning and Development Act, 2000 (as amended), a Planning Authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required Appropriate Assessment.