

Planning Ref. No.:	ACP-323899-25
Description of development:	Application for development pursuant to Section 37L of the Planning and Development Act 2000 (as amended) for (A) restoration of existing unoccupied farm cottage, (B) raising of the wall plate level of existing farm cottage to allow for habitable loft space to comply with current building regulation standards, (C) forming a single storey extension linking existing cottage and adjoining outhouse, (D) restoration, conversion and extension of an existing outhouse to form part of overall single dwelling, (E) form new permeable parking area, (F) decommissioning of existing septic tank and to install a new proprietary sewage treatment system with filter area to comply with current EPA standards, (G) install a new rainwater harvesting system, (H) install surface water soakaways as well as associated site works. A Natura Impact Statement (NIS) has been submitted as part of the application.
Location:	Emlaghmore, Ballyconneely, County Galway
Applicant(s) :	Patrick Ridge

In response to the letter received from An Coimisiún Pleanála, dated 28th November 2025, the Planning Authority can advise the following views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the functional area of the authority as per the provisions of Section 37L(12) (a) and 34 (2) of the Planning and Development Act,2000 (as amended).

Legislative Context

Section 37L(12)(a) states that ‘Where requested to do so by the Board, the planning authority for the functional area (or, as the case may be, each planning authority for the functional areas) in which the proposed development would be situated shall, within 6 weeks from the making of the request, prepare and submit to the Board a report setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the functional area of the authority, having regard in particular to the matters specified in section 34(2) to which a planning authority is to have regard.’

Section 34 (2) states that *'When making its decision in relation to an application under this section, the planning authority shall be restricted to considering the proper planning and sustainable development of the area, regard being had to—*

(i) the provisions of the development plan,

F325[(ia) any guidelines issued by the Minister under section 28,]

(ii) the provisions of any special amenity area order relating to the area,

(iii) any European site or other area prescribed for the purposes of section 10(2)(c),

(iv) where relevant, the policy of the Government, the Minister or any other Minister of the Government,

(v) the matters referred to in subsection (4), F326[...]

F327[(va) previous developments by the applicant which have not been satisfactorily completed,

(vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and]

(vi) any other relevant provision or requirement of this Act, and any regulations made thereunder.'

An Coimisiún Pleanála received a direct application for further development consent under section 37L of the Planning and Development Act 2000 (as amended) for restoration, conversion and extension of an existing unoccupied farm cottage, at Emlaghmore, Ballyconneely, County Galway.

The Planning Authority received a copy of an application for further development consent with an Natura Impact Statement (NIS) in relation to the proposed development at Emlaghmore, Ballyconneely, Co. Galway from An Coimisiún Pleanála on the 2nd December 2025.

It is noted that this further development application is for development at a site that was previously refused permission for retention of works to the structure by GCC (Pl. ref. 20/1112) and refused by An Coimisiún Pleanála under Appeal reference ABP-313445-22. It is noted that previous reasons for refusal, cited by ACP include insufficient scope and detail provided in the Appropriate Assessment Screening report and that development at this site would injure the amenities of the area and would not accord with the proper planning and sustainable development of the area.

Planning History

- **70254 (historical file)** – for development and renovation of the existing structure. **Refused permission by Galway County Council.**
- **20/1112** - Restore existing unoccupied farm cottage Raise wall plate level of existing cottage to allow for habitable loft space to comply with current building regulation standards. **Refused permission by Galway County Council.**

- **21/189 – Invalid** - (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.
- **21/2405 – Retention 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... Granted permission by Galway County Council. **Appealed to ACP and REFUSED by ACP. (Pl. Ref. PL07.313445)**
- **24/60859 – Invalid** - Retention 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...
- **Further Development Application ACP FD07.323899**
- **Substitute Consent Application ACP SU07.323867**

Enforcement

EN 20/031 - March 10 2020

Development Plan Provision

The **Galway County Development Plan 2022 – 2028** is the relevant development plan pertaining to the subject lands. The Board should have regard to the following, including but not limited to:

- Chapter 4 Rural Living and Development
- *RH 4 Rural Housing Zone 1*
- *RH 7 Renovation of Existing Derelict Dwelling*
- Chapter 10 Natural Heritage, Biodiversity and Green/ Blue Infrastructure
- Chapter 14 Climate Change, Energy & Renewable Resources
- DM Standard 50 Environment Assessments
- WW 6 Private Wastewater Treatment Plants
- WW10 Surface Water Drainage
- DM Standard 8: Site Selection and Design
- DM Standard 38: Effluent Treatment Plants
- DM Standard 46: Compliance with Landscape Sensitivity Designations
- DM Standard 68: Flooding
- LCM 1 Preservation of Landscape Character
- NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species
- NHB 2 European Sites and Appropriate Assessment
- NHB 3 Protection of European Sites
- NHB 7 Mitigation Measures

Recommendation

The subject site for development is located at an elevated site in close proximity to bogland and Emlaghkeeragh Lough in the townland of Emlaghmore, Ballyconneely. The subject site and structures are located c.500m down a private tertiary laneway that extends north from the R341 south of Ballyconneely Bya. The subject site and structures are located in a concealed site from the roadway and screened by existing mature vegetation.

The site is located in a Class 4 Landscape with a Sensitivity of Iconic which is highly sensitive to change. In addition, the site is located directly adjacent to the Connemara Bog Complex SPA [004181], Connemara Bog Complex SAC [002034] and proposed Natural Heritage Areas: Connemara Bog Complex. This is a highly sensitive site with regards to its rural context, preservation of the natural landscape and environmental protection, with particular emphasis on the sites proximity to open watercourses with direct connection to the above referenced SPA and SAC.

The overall project entails the renovation and extension of the existing structures on the site to comprise a 2-bedroom 2-bathroom habitable dwelling. The applicants are proposing the principle of development to be assessed under *Policy RH7 Renovation of Existing Derelict Dwelling* of the Galway County Development Plan 2022 – 2028, however the Planning Authority are not satisfied that the principle of development is acceptable at this site, given the planning history, evidence of unauthorised works to roof the derelict structure and lack of evidence submitted (throughout all historic files) of existing services connections at the site that would warrant the structures ‘habitable’.

RH 7 Renovation of Existing Derelict Dwelling

It is a policy objective of the Planning Authority 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 policy 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 derelict dwelling must be structurally sound and have the capacity to be renovated or extended and have the majority of its original features 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.

The planning authority notes the proposed design of the proposed development, the submitted structural report, submitted history and heritage desk study of the site and proposed wastewater treatment system of the site, to be assessed under Policy RH7. However, due to lack of evidence of existing services to serve the structures as habitable, the planning authority cannot conclude that the existing structures at the site can be considered dwellings under Policy RH7 and therefore, the principle of development is not considered acceptable at this site.

Furthermore, the planning authority notes that insufficient evidence regarding local housing need has been submitted by the applicant for a new dwelling (*would be assessed under RH 4 Rural Housing Zone 4 Landscape Classification 2,3 and 4*). In this regard, lack of justification /local need for the proposed development has been submitted.

In addition, the planning authority has serious concerns regarding the proposed intensification of the site for habitable use, considering the lack of sufficient services for this site and the proposed access road being a shared tertiary private road without submitted evidence of landownership or consents from shared landowners for the use of the access, and the lack of information on the proposed right of way/access road to the site.

In addition, impact of transport of materials to the site during construction has not been sufficiently addressed in the submitted reports and NIS making it insufficient in its analysis of the potential impact on the nearby Natura 2000 sites. Furthermore, the planning authority highlights that concern and issues regarding vehicular access up the hill to the structures and transport of heavy goods/construction materials to the site (for construction of previous unauthorised development) have previously failed, are referenced in documentation submitted in Appeal PI. Ref. PL07.313445 highlighting evidence of difficult and unsafe access to the site. Therefore, it is considered by the Planning Authority that significant effects cannot be ruled out on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development at this sensitive site.

An Coimisiún Pleanála should have regard to the planning history, and policy objectives and designations contained in the Galway County Development Plan 2022 – 2028 and the proper planning and sustainable development of the receiving environment in determining this application.

Galway County Council recommends that further development consent under section 37L of the Planning and Development Act 2000 (as amended) should be Refused for the development as it is not considered to be in accordance with the policies and objectives of the County Development Plan and would not accord with the proper planning and sustainable development of the area.

The following should be considered by An Coimisiún Pleanála in making its decision:

1. The planning authority cannot conclude that the existing structures at the site can be considered dwellings under Policy RH7 due to lack of evidence of existing services connections at the site that would warrant the structures habitable or derelict dwellings. Therefore, the principle of development is not considered acceptable at this site.
2. The planning authority highlights that insufficient evidence regarding local housing need has been submitted by the applicant for a new dwelling. In this regard, lack of justification /local need for the proposed development has been provided and intensification of use at this sensitive site is not justified.
3. The Planning Authority have serious concerns regarding potential impact on the nearby Natura 2000 sites. The submitted NIS and CEMP reports do not provide sufficient scope and detail with regards to mitigation measures, proposed access to the site and proposed transport of materials during construction phases. Therefore, it is considered by the Planning Authority that significant effects cannot be ruled out on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development at this sensitive site.
4. The planning authority notes that insufficient evidence regarding access to the site, landowner consents for the shared roadway and details on right of way have not been provided by the applicant. Evidence has been previously submitted highlighting difficult and unsafe access to the site.

Should An Coimisiún Pleanála be minded to grant permission for this proposal the Planning Authority request that the following conditions would be considered.

1. The development shall be retained in accordance with the plans and particulars lodged with the application An Coimisiún Pleanála, except as may otherwise be required in order to comply with the following conditions.

REASON: In the interest of clarity

2. The mitigation measures and monitoring commitments identified in the Natura Impact Statement submitted with the planning application shall be implemented in full by the developer, except as where may otherwise be required in order to comply with the following conditions.

REASON: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. (a) All surface water generated by the development shall be disposed of within the site to appropriately sized soakaways in accordance with BRE Digest 365 or equivalent and shall not be discharged onto the road.

(b) Only clean uncontaminated storm water shall be discharged to soakaway system.

(c) The development shall not impair existing land or road drainage.

REASON: In the interest of proper planning and sustainable development.

4. Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

REASON: In the interests of public and road safety and proper planning and development.

5. Standard ACP Development Contribution condition.

REASON: So that the Developer shall pay an equitable portion of the cost of the facilities that are provided or that will be provided by or on behalf of Galway County Council, which will facilitate the proposed development.

Jade Power

Recommendation:

Jade Power - Executive Planner 09.01.2026

Countersigned:

C. Cosgrave

Ciara Cosgrave - Senior Executive Planner 09.01.2026