

An Coimisiún Pleanála,
64 Marlborough St.,
Rotunda,
Dublin 1,
DOI V902



23rd of November 2025

Re: *Application for Permission for development pursuant to Section 37L of the Planning and Development Act, 2000 (as amended) relating to a property at Emlaghmore, Ballyconneely, Co. Galway on behalf of our client Mr. Patrick Ridge.*

Dear An Coimisiún Pleanála Official,

I confirm that we act on behalf of the above client and hereby submit an application seeking Permission for Development pursuant to Section 37L of The Planning and Development Act, 2000 (as amended). The application is being made following an application seeking Substitute Consent under Section 117E of the Act for works already undertaken at the same property (ACP Ref. No. 323867-25).

Permission for Development

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

The drawings and documents associated with this of the application are:

1. Architects Report.

2. Letter from client.
3. Design Statement.
4. Structural Report from Engineer.
5. Natura Impact Statement.
6. Construction Environmental Management Plan.
7. EPA Site Characterisation Form.
8. Historical Background Report.
9. Rainwater Harvesting System design proposals for portable water supply.
10. Drawing reference numbers:
 - a. 2262-300 Site Layout & Site Location Plan
 - b. 2262-301 Existing Plans, Elevations & Sections
 - c. 2262-302 Proposed Plans, Elevations & Sections

We also hereby set out below some context to the previous planning refusal and how this application deals with the refusal reasons.

1- Retention application refused by ABP.

In 2021, a retention application (ref no. 21/2405) was submitted for the reinstatement of a collapsed roof and the repair of an existing chimney, unblocking of window openings and replacement of timber-framed windows on the front, and the installation of CCTV cameras. The applicant wishes to clarify to the Planning Authority that the works carried out in the late 1990s were done in good faith, solely to protect the building from further deterioration and provide shelter during bad weather for visitors or workers on the farm that time, and the retention permission was sought with the intention to regularise the perceived “unauthorised works”.

It is important to emphasize that the applicant never knowingly undertook any unauthorized works that would conflict with proper planning and sustainable development, cause negative impacts on biodiversity or neighbouring properties, or make the cottage habitable and “*akin to a dwelling*” (as determined by ABP) without the appropriate planning permission for that. The derelict cottage has not been occupied since the 1960s, and the works carried out have not altered the building's original characteristics.

In this application, considering the Galway CDP Objective RH07, the applicant seeks consent to refurbish and retrofit these existing buildings and construct an extension to ensure that the proposed development will now make the building habitable and suitable for modern living. The project will utilize the best construction practices, respecting the local environment and adhering to current planning development guidelines.

An Board Pleanála also determined that “*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*”. The preceding Substitute Consent application (ACP-323867-25) includes a new remedial NIS prepared on foot of two Affidavits which set out in precise detail the works carried out to the property since the 1990’s. These Affidavits are included in this application also. It is our opinion and that of legal experts of William Fry Law Firm, that the rNIS should have sufficient details and rationale in relation to the development proposed for retention to conclude that it did not give rise to significant effects on a European Site. A separate Natura Impact Statement has been prepared for this application and this deals with the proposed works for which permission is sought. The rNIS and NIS have been prepared to ensure that the works conducted on the cottage and the proposed development follow the Article 6 of the Habitats Directive.

Photos showing the current state of the building below:



Cottage and outbuilding



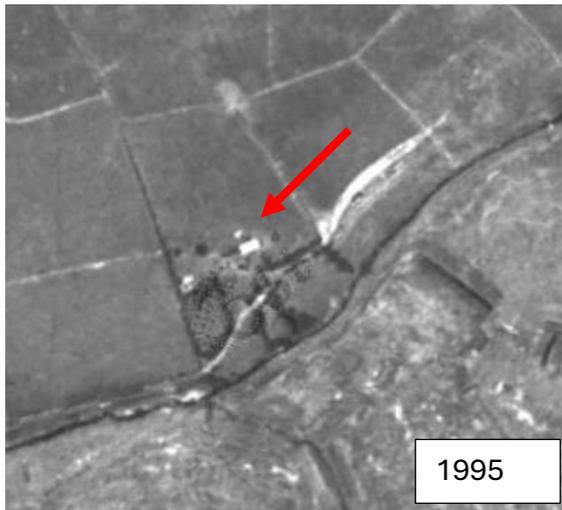
Front the cottage



Photos of the cottage

In the third-party appeal to An Board Pleanala (ref. no. ABP-313445-22), the appellant argued that the works would significantly contravene proper planning and sustainable development in the area by negatively impacting Natura 2000 sites, compromising privacy, raising geological concerns, and claiming that unauthorized works had been carried out without proper planning permission on a different date than stated by the applicant. More details regarding the appeal issues will be discussed in the report forming part of this application. However, it is important to highlight a few items regarding the works which the applicant seeks Substitute Consent (separate application), such as:

- Roof: The appellant submitted signed affidavits asserting that the works were carried out after 2000, supported by Ordnance Survey Aerial Imagery. These affidavits claimed that the '*imagery clearly shows a roofless structure in 1995 and 2000*'. However, the OSI maps provided lack sufficient clarity to confirm when the building was roofed. The maps from 1995 and 2000 do not provide a clear view. Below are aerial images extracted from the *geohive.ie* map viewer website, illustrating the quality of the images from those dates. Notably, the roof is only visible in the aerial images from 2001, contrary to the appellant's claim. Not that whether the roof works took place in the 1990's or 2000's makes a difference to this application. As mentioned above, the applicant reinforces that the works to the roof were undertaken in late 1990's.



- Use of property: The appeal also raised concerns about the use of the property as a dwelling without proper permission, however same states that the lands have no water and wastewater treatment, which in any case makes it unviable for

human living. Additionally, it misrepresents and exaggerates the work undertaken for which retention is sought and incorrectly portrays the semi-ruinous cottage. A structural report accompanying this application indicates that the property is suitable for refurbishment however additional construction interventions are needed to make the interior habitable such as replace roof, new subfloor, insulate walls, etc. The Archaeological and Historical Background Report as prepared by Mr. Michael Gibbons, an expert in rural settlement in Connemara, also affirms that the cottage was constructed circa mid 1800's and inhabited by members of the McDonagh family for over 100 years, therefore leaving no doubt that it was a house.

- CCTV Camera Surveillance: The applicant had installed temporary CCTV cameras to ensure the property's security and reduce the need for physical checks. However, the appellant argued that the camera surveillance was an excessive intrusion on the neighbours' privacy, saying that '*it overlooked more than just the applicant's property*'. The CCTV cameras have since been removed from the gable facing the neighbour's property. The preceding S.C. application relates to this element.

As discussed in the pre-application meeting there is a history of interference with site notices, damage to vehicles and loose dogs are often present on the approach to the property. It is therefore requested that we are notified of any intended visit to the site to ensure that we can facilitate safe passage from the public road to the cottage.

I trust that the application contains sufficient information for you to make a determination however should you require anything further please do not hesitate to contact the undersigned.

Yours sincerely,



Signed: _____

Garvan Hanley

Hanley Taite Design Partnership

