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19th December, 2025.

Our Reference: Dr. David O' Toole.

Your Ref:

P.A. Reg. Ref. 24/61012

Application for Substitute Consent pursuant of Section 177E of the Planning and Development Act 2000 (as amended) consisting the retention of importation of soil fill. A Remedial Natura Impact Statement (rNIS), an Ecological Impact Assessment (EIA) and an Environmental Impact Analysis(EIA) are being submitted with this application.

To: An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.

From: Dr. David O' Toole.
Cregganna Beg,
Oranmore,
Co. Galway.

Subject Site For Substitute Consent. Cregganna Beg,
Oranmore,
Co. Galway.
I.T.M. Site Coordinates: 538760 E, 722075 N

Agent: Gerard Hanniffy. B.E. M.I.E.I.
Consultant Civil Engineer,
Suite 21. Oran Court,
Orantown Centre, Oranmore,
Co. Galway.

Particulars of Substitute Consent Pre-Application Consultation Request: A request for pre-application consultation prior to a Substitute Consent application for the Retention of Soil Fill on the subject site at Cregganna Beg, Oranmore, Co. Galway.

Continued/

Circumstances for an application for Substitute Consent under s.177E.

Subject to Enforcement Notices, WL-EN 21/139, issued by Galway County Council an application for retention was submitted to Galway County Council under Pl. Ref. No. 24/61012.

Description of Retention Application: Retention of (i) Soil fill on lands in the townland of Cregganna Beg, Oranmore, County Galway.

The application also included a Natura Impact Statement (NIS) & an Ecological Impact Assessment (EIA) for the subject site.

When the retention application was due for a decision the Planning Authority deemed that the application was invalid because the application was for retention and that the application included a Natura Impact Statement (NIS) and an Ecological Impact Assessment (EIA). As such they deemed that under Section 34(12) of the Planning & Development Act 2000(as amended) that they cannot consider the retention application. Please find attached the Invalid Application Letter from Galway County Council.

On consultation with the Planning Authority they have advised me that I should apply to An Coimisiún Pleanála for a “Substitute Consent” to continue with the assessment of the Retention Application by An Coimisiún Pleanala.

Now I, Gerard Hanniffy, Consultant Civil Engineer, of Suite 21, Oran Court, Oranmore, Co. Galway, acting as agent for Dr. David O’ Toole, do hereby submit this Substitute Consent Application.

Description:

On behalf of my client, Dr. David O’ Toole, I submitted the retention application to Galway County Council for to retain & regularise the development as described as unauthorised fill on his lands at Cregganna Beg, Oranmore.

The fill levels were not excessive and came from locally imported soil heaps and from a stockpile of soil on the subject lands.

The fill levels do not exceed 1.0m in depth in any area of the site.

The applicant has stated that good construction site hygiene has been employed when external infill was used to prevent the introduction and spread of problematic invasive alien plant species (e.g. Rhododendron, Japanese Knotweed, Giant Rhubarb etc.);

The applicant has stated that infill material used on site which was sourced externally was from local, known sources that were free of any invasive species.

The intention of the fill was not for monetary gain but rather to improve on the Ecological diversity and Biodiversity on his lands.

The improvements were to upgrade and complete a tree planting program, to include for native deciduous and some coniferous trees in addition to white Hawthorn hedging along the remainder the boundary fence along with 100metres of hawthorn hedge already planted.

Continued/

The plan also included for to plant additional fruit trees to an existing orchard plus the planting of bee friendly flowering plants near where bee hives are to be stationed. These will include Borage, Cornflowers, Goldenrod, Sunflowers, Foxgloves and Lavender.

Subject to obtaining Substitute Consent, the applicant intends to complete the native tree planting program which he has undertaken to date on the site. The applicant expects that the completion of the tree planting would be within the next two years. The applicant has planted a range of tree species (namely beech, oak, hazel, rowan, alder, willow, silver birch, and hawthorn), and also has grassed the whole area. The applicant has stated that the completion of the tree planting program will include native deciduous trees and some coniferous trees. The applicant intends to also undertake hedging work comprised of white hawthorn along the remainder of the boundary fence of the site. The applicant states that about 100 yards of hawthorn hedge was already planted approximately 30 metres from the road in the year 2019. The applicant has already planted 20 fruit trees on the site such as clover and borage, and he intends to plant another 15 fruit trees within a period of the next two years.

However, as the subject site lies adjacent to a Special Protection Area, Cregganna Marsh SPA & NHA, it was also deemed a requirement for a “Natura Impact Statement (N.I.S)” and an “Ecological Impact Assessment (E.I.A)” to be carried out and submitted with the subject Retention Application.

Both assessments have been carried out and both reports have screened out as to overall, having regard to the infill works proposed for retention, the potential for loss of qualifying interest habitat or supporting habitat of the protected bird species of the Cregganna Marsh SPA is negligible. Noting the applicant’s intentions for the site and the completion of tree planting efforts, the subject site should act as a complementary and valuable habitat to local wildlife and biodiversity. It is concluded that the retention of the infill work, by itself or in combination with other development in the vicinity, would not likely have any significant adverse effects on designated European sites, including on the nearby Cregganna Marsh SPA, in terms of qualifying interests and conservation objectives and that no further assessment was hence deemed required.

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Conclusion:

The Planning Authority of Galway County Council have deemed that, under Section 34(12) of the Planning & Development Act 2000(as amended), they cannot consider the retention application.

Subsequently a “Request for pre-application consultation prior to a Substitute Consent” for the Retention of Soil Fill on the subject site at Creganna Beg, Oranmore, Co. Galway was made to An Bor Pleanála and granted and concluded under Case Number ABP-321342-24.

Therefore we now respectfully submit to An Coimisiún Pleanála this application for a “Substitute Consent” for the Retention of Soil Fill on the subject site at Creganna Beg, Oranmore, Co. Galway.

Yours Sincerely



(Agent)

Signed: -----

Gerard Hanniffy B.E. M.I.E.I.

Consultant Civil Engineer:

Date: 19/12/2025

ENCLOSURES

- 230328 E2037 Substitute Consent Application Form Rev 01. x 6 Copies
- Pre-Application Consultation Case Number ABP-321342-24 Letter. x 6 Copies
- Bio-Diversity Project Detailed(1). Client Cover Letter. x 6 Copies
- Ecological Impact Assessment. x 6 Copies
- Environmental Impact Analysis. x 6 Copies
- Remedial Natura Impact Statement. x 6 Copies
- Site Layout Plan. x 6 Copies
- Site Location Map x 6 Copies
- Site Notice. x 6 Copies
- Public Newspaper Notice x 6 Copies
- Cheque for the sum of €563.50