

Ronan Megannety

Dan

From: Communications
Sent: Friday 13 March 2026 12:50
To: Appeals2
Subject: Fw: Galway County Council Report - ACP-323992-26 Substitute Consent
Attachments: SC Report S117E ACP323992-26 OToole Oranmore.pdf

From: Bronagh Loughlin <bloughlin@galwaycoco.ie>
Sent: 13 March 2026 09:31
To: Daniel O'Connor <danieloconnor@pleanala.ie>
Cc: Communications <communications@pleanala.ie>
Subject: Galway County Council Report - ACP-323992-26 Substitute Consent

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Hi Daniel,

Please see attached Galway County Council Planner's Report in relation to Substitute Consent Application ACP-323992-26 (Our Ref: SC01/26).

Could you please confirm receipt at your earliest convenience.

Kind regards,

Bronagh

Bronagh Loughlin
Clerical Officer
Planning & Development Unit | Rannóg Pleanála
Galway County Council | Comhairle Chontae na Gaillimhe
Áras an Chontae, Cnoc na Radharc, Gaillimh H91 H6KX

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Galway County Council

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Planning Reference No.:	ACP-323992-26
Description of development:	Application for Substitute Consent pursuant to Section 177E of the Planning and Development Act 2000 (as amended) consisting of retention of importation of soil fill. A Remedial Natura Impact Statement (rNIS), an Ecological Impact Assessment (EIA) and an Environmental Impact Assessment Report (EIA) are being submitted with this application.
Location:	Cregganna Beg, Oranmore, Co. Galway
Applicant(s):	David O' Toole
Planning Area:	Oranmore/Athenry MD

In response to the letter received from An Coimisiún Pleanála, dated 6th January 2026, 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 177I(2) (a), (b), (c), (d) and (e) of the Planning and Development Act, 2000 (as amended).

The application site is located within the rural townland of Cregganna Beg in Oranmore. The site is located within the GCTPS, within the Central Complex Landscape of County Galway and within a Low Class 1 Landscape Sensitivity designation within the Galway County Development Plan 2022-2028 and is not located within any protected viewpoints or angles. The application site is located within c.40m of the Cregganna Marsh SPA [004142].

Legislative Context

177 (2) (a) information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;

The development for which substitute consent is being sought consists of the retention of importation of soil fill on the subject site lands.

The application is accompanied by a Remedial Natura Impact Statement (rNIS) an Ecological Impact Assessment (EIA) and an Environmental Impact Assessment Report (EIA).

Planning History

Subject Site:

- **Pl. Ref. 24/61012– Dr. David O'Toole – Invalid-** for soil fill on his lands. This application includes a Natura Impact Statement (NIS) & an Ecological Impact Assessment (EIA).

177 (2) (b) information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent;

Enforcement: EN25/139

Planning Policy (non-exhaustive)

177 (2) (c) information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;

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
- Section 4.8 Agriculture
- 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 17: Rural Enterprise
- 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
- WR 1 Water Resources

Protected Sites

177 (2) (d) any information that the authority may have concerning—

- (i) **current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place F853[or, where section 177E(2A)(b) applies, is proposed to take place] and, if relevant, the area surrounding or near the development or site, or**
- (ii) **any remedial measures recommended or undertaken;**

Article 6(3) of the EU Habitats Directive requires that ‘any application or project not directly connected with or necessary to the management of the site but is likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives’. In terms of plans/projects, there are no recent significant developments permitted in the immediate area. In terms of plans, the current proposal shall be assessed under the Galway County Development Plan, 2022-2028, which was subject to a Natura Impact Report NIR and includes the following provisions to protect European Sites: Policy Objective NHB 1, Policy Objective NHB 2, Policy Objective NHB 3, Policy Objective NHB 4, Policy Objective WR 1 Water Resources, and DM Standard 50. The WR 2 River Basin Management Plan 2018-2021 has also been considered.

The development site is located within very close proximity to the Cregganna Marsh SPA and within a 15km radius of the following Natura 2000 designations:

Special Protection Areas:

- 33m: Sitecode #004142, Cregganna Marsh SPA
- 1.81km: Sitecode #004031, Inner Galway Bay SPA
- 7.69km: Sitecode #004089, Rahasane Turlough SPA
- 12.23km: Sitecode #004042, Lough Corrib SPA

Special Areas of Conservation:

- 1.55km: Sitecode #000268, Galway Bay Complex SAC
- 5.68km: Sitecode #000606, Lough Fingall Complex SAC
- 7.7km: Sitecode #000322, Rahasane Turlough SAC
- 8.2km: Sitecode #000242, Castletaylor Complex SAC
- 8.22km: Sitecode #001285, Kiltiernan Turlough SAC
- 9.35km: Sitecode #002244, Ardahan Grassland SAC
- 9.53km: Sitecode #000297, Lough Corrib SAC
- 13.58km: Sitecode #001926, East Burren Complex SAC
- 13.89km: Sitecode #002294, Cahermore Turlough SAC
- 14.26km: Sitecode #000252, Coole-Garryland Complex SAC

See www.npws.ie for the conservation objectives and qualifying interests of the above listed sites.

Natural Heritage Areas:

- 29m: Sitecode #000253, Cregganna Marsh NHA

Galway County Council note the Remedial Natura Impact Assessment (rNIS) Environmental Impact Analysis report, and Ecological Impact Assessment report (EclA) submitted as part of the application. As the competent authority for this application, An Coimisiún Pleanála should be satisfied that the application has demonstrated that the development can be implemented without adverse effects on the integrity of the European Sites listed above.

An Coimisiún Pleanála are the competent authority with regard to assessing the requirement to carry out an Environmental Impact Assessment in accordance with EIA Directive 2011/92/EU as amended by EIA Directive 2014/52/EU and Part 2 Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Where An Coimisiún Pleanála are minded to grant permission, then they should be satisfied that the development would not have a significant effect on the receiving environment.

177 (2) (e) the opinion, including reasons therefor, of the F854[chief executive] as to—

- (i) whether or not substitute consent should be granted for the development, and**
- (ii) the conditions, if any, that should be attached to any grant of substitute consent.**

The Planning Authority have reviewed the remedial Natura Impact Statement (rNIS) a report submitted. Section 5.2 of the rNIS report outlines the proposals for biodiversity enhancement and mitigation measures at the site. This section of the report outlines justification for the subject development stating that;

"The applicant has commenced a small native tree planting program on the site which he intends to complete if retention permission is granted. Alongside proposed bee keeping activity and associated bee friendly trees, the applicant intends to enrich and further improve the biodiversity potential on this site and hence to support the habitats of the nearby Cregganna Marsh SPA. The applicant is a member of the Kilcolgan bee keeping group and intends to keep and look after beehives on a small section of the site. Subject to retention permission been granted, the applicant hopes to introduce bee-friendly plants such as borage, cornflowers, goldenrod, sunflowers, foxgloves, and lavender".

The applicant states their intention to promote and increase in biodiversity for the area to support the nearby Cregganna Marsh SPA. The planning authority notes the outlined control(s)/mitigation measures in the submitted rNIS report.

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.

As the competent authority, An Coimisiún Pleanála, should be satisfied that the mitigation measures detailed in the accompanying application documentation, including the rNIS, are sufficient and would not result in a significant negative impact on the environment or on the integrity of any Natura 2000 site.

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

1. The development shall be retained in accordance with the plans and particulars received by 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 development hereby permitted is limited to that solely as advertised under the public notices.

REASON: In the interest of clarity.

3. (a) All surface water shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.
(b) Only clean uncontaminated storm water shall be discharged to the soakaway system.
(c) The development shall not impair existing land or road drainage.

REASON: In the interest of proper planning and development.

4. The applicant shall comply fully with all mitigation, remedial, control measures and monitoring recommendations set out in the Remedial Natura Impact Statement and Ecological Impact Statement report 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.

5. 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.

Jade Power

Recommendation by: Executive Planner 10.03.2026

C. Cosgraw

Countersignature by: Senior Executive Planner 12.03.2026