

# OLIVER HIGGINS CHARTERED ENGINEERS

Carrowmoneash, Oranmore, Co. Galway, H91 HP2T

PHONE: 0868149250 | EMAIL: info@ohce.ie | WEB: www.ohce.ie

Our Ref: M287

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
DO1V902

14 March 2025 |

## RE: APPLICATION FOR SUBSTITUTE CONSENT IN RESPECT OF ALTERATIONS AND CHANGE OF USE OF A DOMESTIC GARAGE TO PRIVATE RESIDENTIAL USE AT RINVILLE WEST, ORANMORE, CO. GALWAY

A Chara,

I confirm that I have been retained by Gerard and Margaret McNulty to prepare a report to accompany an application for Substitute Consent for the development as described above.

This application for Substitute Consent, in accordance with Section 177E(2)(b) and (c) of the Planning and Development Act 2000, as amended, is accompanied by a Remedial Natura Impact Statement (RNIS), all relevant drawings, maps and the relevant fee.

### RELEVANT INFORMATION SUMMARY:

**Type of Application:** Substitute Consent, pursuant to Section 177E of the Planning and Development Act 2000, as amended.

**Planning Authority:** Galway County Council

**Planning Authority References No.s:** 21/2206, 23/61551, 67042 and 24/60676

**An Bord Pleanála Reference (Pre-Application Consultation):** ABP-320854-24

**Applicants:** Gerard and Margaret Mc Nulty, Rinville West, Oranmore, Co. Galway

**Development Address:** Rinville West, Oranmore, Co. Galway

**Development:** Alterations to and change of use of a domestic garage, previously permitted under planning reference number 67042, to private residential use on revised site boundaries and using a revised site entrance. The replacement of an existing septic tank and percolation area with a foul sewer connection.

#### **DOCUMENTATION SUBMITTED:**

- Letter of Consent
- Application Form
- Cover Letter (this document)
- Copy site notice
- Copy Public Notice in Connacht Tribune
- Site Location Map
- Site Layout
- Plans, Elevations, and Section
- Remedial Natura Impact Statement (rNIS)
- Details of Sewage Pump Station (Molloy)
- Fee €34.00
- Flood Risk Assessment Report
- Schedule of Documents

#### **PLANNING HISTORY**

**Reference: 67042 – Granted: 26.06.93 – Applicant: Frank Burke**

Included for the reconstruction of the garage which is the subject of the current substitute consent application (the garage was then part of an existing residential site).

**Reference: 21/2206 – Granted 19.09.22**

To demolish the existing dwellinghouse and to construct a replacement dwelling house and a new domestic garage. The planning site in this instance excluded the existing garage which is now the subject of this application.

This dwellinghouse and new garage is currently under construction. This permission conditioned that the existing septic tank and percolation area was to be decommissioned prior to the commencement of the development. This new house was now to be connected to the existing foul sewer, thereby obviating the need for a septic tank.

**Reference: 23/61551 – Council couldn't consider**

Retention permission was sought to retain alterations and change of use of domestic garage previously permitted under permission reference 67042 to private residential accommodation use, to disconnect from the private septic tank and percolation area and connect to the public sewer, all on revised site boundaries and using an alternative site entrance.

On the 21.02.24, Galway County Council issued correspondence to the Applicant confirming that the planning authority could not consider the application as per Part 111, Section 34(12) of the Planning and Development Act 2000 (As Amended). This decision was misinterpreted to mean that the Flood Report and Environmental Screening Report needed to be revised and that a subsequent application was to be lodged.

**Reference: 24/60676 - Council couldn't consider**

Retention Permission was sought as per reference 23/61551 and in addition permission was sought for the construction of a landscaped earthen bund at the Western and Northern ends of the site and the provision of demountable flood barriers at two other locations on the site.

On 31.07.24, the Planning Authority again issued a letter confirming that it under Part 111, Section 34 (12) of the Planning and Development Act 2000, as amended, could not consider the application.

This correspondence was more clearly understood, and it became apparent that the situation could only be regularised by application to An Bord Pleanála for Substitute Consent.

## **CORRESPONDENCE WITH AN BORD PLEANÁLA**

There was initial email correspondence from the undersigned ([info@ohce.ie](mailto:info@ohce.ie)) with An Bord Pleanála on the 28.08.24, regarding a request to enter into a pre-application consultation, pursuant to Section 177E 91A of the Planning and Development Act , As Amended.

Further email correspondence culminated in a ‘Teams Meeting’ with yourselves on the 08.11.24. Both the Gerry McNulty (Applicant) and the undersigned were in attendance with officials from An Bord Pleanála. During this meeting, all of the requirements of the Substitute Consent Process were explained. It was confirmed that two applications were required on the site – A substitute Consent Application and an application under Section 37L of the Act. Subsequent correspondence issued from yourselves on the 12.11.24, 29.11.24 and 18.12.24. **This final correspondence on the 18.12.24 confirmed that the pre-application consultation had concluded.**

## **GALWAY COUNTY DEVELOPMENT PLAN 2022-2028**

The majority of the Planning site, including the converted garage, is zoned for residential purposes in the Galway Metropolitan Area, Oranmore Land Zoning Map. The site is zoned Residential Phase 1 and is contained within the settlement of Oranmore.

## **EXCEPTIONAL CIRCUMSTANCES**

Section 177K(1a)(a) of the Act specifies that An Bord Pleanála shall also be ‘satisfied that exceptional circumstances exist that would justify the grant of such consent by the board’.

The exceptional circumstances in this application are that the Planning Authority cannot deal with this application (as per its letter dated 31.07.24) and the preparation of a remedial NIS is required.

The development carried out only consisted of the conversion of an existing garage structure to residential use. The existing septic tank was decommissioned, and the property was connected to the foul sewer. The effluent is collected in a pump sump provided by Molly Environmental Systems. The effluent is pumped to a manhole and then it discharges via a gravity sewer, eventually linking up with the public sewer (refer to site layout). Therefore, the environmental risks have been eliminated.

Furthermore, the converted garage is contained on residentially zoned lands, whereon it is the policy of the Planning Authority to allow residential development.

It is the conclusion of the rNIS prepared by Moore Group Environmental Services on the basis of the best scientific knowledge available, that the possibility of any adverse effects on the integrity of the European Sites considered in the rNIS (having regard to their conservation objectives), on the integrity of any other European Sites (having regard to their conservation objectives) arising from the development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

The garage was modified for residential use in 2020 during the first lockdown of the Covid 19 Pandemic, and it was occupied on the 20.08.2020. It was not possible to make a planning application during his period, so the Applicants didn't foresee any difficulty in regularising it at a later date, because of the small scale of the works, the zoning of the site and the connection to the foul sewer, thereby eliminating any adverse effects on the environment.

## **CONCLUSION**

- Regularisation of this development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive
- There was a lengthy and permitted history of use of the garage on the site that predated the Habitats Directive
- The work was carried out during the first lockdown of the covid pandemic, and it provided an outlet for the Applicant when 'normal' activities in society were prohibited

- The ability to carry out an assessment of the environmental impacts of the development were not substantially impaired
- The rNiS confirms that there were no adverse affects on the European Sites
- The applicants complied with previous permissions granted and had not previously carried out unauthorised development
- In view of the exceptional circumstances that were outlined above, and the background to this application, it is considered that substitute consent should be granted for this development.

**The following is a list of the enclosures to this correspondence:**

- 1 – Planning 67042
- 2 – Planning 21/2206
- 3 – Letter Planning No 23/61551
- 4 – Letter Planning No 24/60676
- 5: ABP Correspondence 23.10.24
- 6: ABP Record of Pre Consultation 12.11.24 (Record of Meetings)
- 7: ABP Correspondence 29.11.24
- 8: ABP Correspondence 18.12.24

Yours faithfully,



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Oliver Higgins,  
Oliver Higgins Chartered Engineers

## GALWAY COUNTY COUNCIL

## LOCAL GOVERNMENT (Planning &amp; Development) ACTS 1963 - 1992

## DECISION under SECTION 26 of ACT of 1963 (as amended)

Ref No In Planning Register: 67042

Date of Rec of Application: 17/07/1992

Frank Burke,  
Renville,  
Oranmore,  
Co. Galway.

I hereby give you NOTICE that the Galway County Council has by order dated **26 JUN 1993**  
granted permission

to the above named, for development of land, in accordance with documents lodged,  
namely:

Retention of percolation area, reconstruction of garage and to  
construct first floor dressing room and front dormer window in  
the townland of Renville West.

and subject to the conditions None set out in the Schedule hereto.

Signed this

**26 JUN 1993**

on behalf of Galway County Council

  
pp County Secretary

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SEE ATTACHED SCHEDULE

(CONDITIONS NOS. None)

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Please see attached sheet for Important Notice





An outline permission is subject to subsequent approval - until such approval has been obtained to detailed plans for the development proposed, the development is not authorised.

The Local Government (Planning & Development) Act 1982 imposes limitations on the duration of a planning permission in cases where a development (a) has not been commenced (b) having been commenced has not been completed. A grant of permission will cease to have effect on expiry of a period of five years, from date of grant of planning permission for the entire development in the case of a development which has not been commenced and for the uncompleted portion of the development where the development has not been completed.

Notice re Building Control Act 1990: The Building Regulations 1991 set out the requirements to be observed in the design and construction of buildings after 1 June 1992 and will apply to new buildings and to extensions, material alterations and certain changes of use of existing buildings. The Building Control Regulations 1991 provide for (a) Submission of a "Commencement Notice" before works commence on buildings (or material change of use takes place), including dwellinghouses. (b) An obligation to apply for and obtain a "Fire Safety Certificate" before work starts or a material change of use takes place to any building including flats but excluding dwellinghouses.



## GALWAY COUNTY COUNCIL

LOCAL GOVERNMENT (Planning & Development) Act 2000 - 2010DECISION under SECTION 34 of the ACT of 2000

Ref No. in Planning Register: 21/2206

Date of Receipt of Application: 25/11/2021

Gerry & Margaret McNulty  
c/o James P McHugh  
Moyveela  
Oranmore  
Co. Galway

I hereby give you NOTICE that the Galway County Council has by order dated 19-SEP-2022

granted PERMISSION

to the above named, for development of land, in accordance with documents lodged, namely:

to demolish existing farmhouse dwelling, alter site boundaries, raise site levels and to construct a replacement dwelling house, new domestic garage, and carry out all associated site development works. Gross floor space of proposed works: 206.63 sqm. Gross floor space of any demolition: 211.25 sqm in the townland of Rinville West

and subject to the condition(s) set out in the schedule hereto.

**Main reasons and considerations on which the decision is based:-**

The proposed development has been assessed, within the restrictions imposed by the principles of proper planning and sustainable development and having regard to the policy objectives of Galway County Council as set out in the 2022 - 2028 County Development Plan. Based on this assessment it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area and with the provisions of the Development Plan.

Signed this 19<sup>th</sup> day of SEPTEMBER, 2022 on behalf of Galway County Council

E. Kearney  
pp COUNTY SECRETARY

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SEE ATTACHED SCHEDULE  
(CONDITION NO.'S 17)

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Please see attached sheet for important Notice



**Schedule Referred To - Planning Reference No. 21/2206**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25/11/21 & 25/07/22, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Use of the proposed house shall be restricted to use as a house by the applicant, applicant's family, heirs, executors and administrators or persons involved in agricultural or related activities, returning emigrants or those with an essential housing need in this rural area, unless otherwise agreed by the Planning Authority for a period of 7 years. The period of restriction shall have effect from the date of first occupation of the house by the approved occupant. Within 3 months of commencement of the development the applicant/developer shall enter into a legal agreement with the Planning Authority (under the provisions of Section 47 of the Planning and Development Act 2000-2012) the purpose of which shall be to give effect to the above restriction. The house shall not be occupied until an agreement embodying a provision to give effect to the above restriction(s) has been entered into with the Planning Authority pursuant to Section 47 of the Planning and Development Act 2000.

Reason: To ensure that development in the area in which the site is located is appropriately restricted.

3. This permission relates solely to the development as advertised under the public notices.

Reason: In the interest of clarity.

4. (a) The proposed dwelling house shall have a nap plaster and/or natural local stone external finish only, unless otherwise agreed in writing with the Planning Authority.
- (b) The proposed windows shall be of powder coated aluminium or timber framed or non-white uPVC, unless otherwise agreed in writing with the Planning Authority.
- (c) The external door shall be of timber construction unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development on site.
- (d) The colour of the roof slates shall be blue/black.
- (e) The colour of the soffit/fascia & rainwater goods shall be dark in colour.

Reason: In the interest of visual amenity.

5. The external finishes of the proposed garage shall harmonise in colour and texture with the finishes on the proposed dwelling house.

Reason: In the interests of visual amenity.

6. The proposed domestic garage to the north of the dwelling shall not be used for habitable or commercial purposes or any other purpose other than those incidental to the enjoyment of the dwelling house.

Reason: In the interests of orderly development.

7. (a) All surface water generated by the development shall be disposed of within the site to appropriately sized soakways in accordance with BRE Digest 365 and shall not be discharged onto the road or the adjoining property.
- (b) Only clean uncontaminated storm water shall be discharged to soakaway system or surface waters.
- (c) The development shall not impair existing land or road drainage.

Reason: In the interests of proper planning and development.



**Schedule Referred To - Planning Reference No. 21/2206**

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

Reason: In the interest of road safety.

9. Electricity, telecom, cable t.v. and other services shall be laid underground, where possible.

Reason: In the interest of visual amenity and proper planning and development.

10. Construction on site shall be limited to between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1700 hours on Saturday, unless otherwise agreed in writing with the Planning Authority. No work shall take place on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity and orderly development.

11. All public roads and footpaths shall be maintained free from dirt and debris during construction stage of the proposed development. All necessary measures shall be undertaken by the applicant to prevent the spillage or deposit of clay, rubble or other debris on adjoining lands during the course of the works.

Reason: In the interest of proper planning and sustainable development of the area.

12. (a) The site shall be landscaped in accordance with the landscaping scheme submitted to the Planning Authority on the 25/07/22 to the satisfaction of the Planning Authority.  
(b) Landscaping shall include thorough screen planting on the lateral boundaries and rear boundary of the site through the planting of mixed trees and plant species indigenous to the area concerned, and densely planted hedging of native species.  
(c) The in-situ natural stonewalls, hedgerow and/or trees bounding the site shall be retained as outlined in the landscaping scheme submitted to the Planning Authority on the 25/07/22. Only trees which are dangerous, dead or dying through post maturity, disease or storm damage may be felled. Any such trees must be replaced within one planting season of the felling.  
(d) New site boundaries consisting of timber post-and-rail fencing, not exceeding 1.25 metre in height, shall be constructed along the rear/southern site boundary as outlined in the landscaping scheme and in order to delineate the site from the larger landholding.

13. The front/roadside natural stone boundary wall and the existing splayed entrance shall be retained and maintained to form a feature of the proposed development.

Reason: In the interests of visual amenity.

14. (a) The proposed development shall connect to the Public Water Supply.

Reason: In the interest of public health.

15. The existing septic tank and percolation area shall be decommissioned prior to the commencement of development.

Reason: In the interests of orderly development.

16. The proposed dwelling shall connect to the public sewer.

Reason: In the interests of public health.



**Schedule Referred To - Planning Reference No. 21/2206**

17. The applicant/developer shall pay €3,704.50 to the Planning Authority, unless a phased payment schedule has been agreed in writing, with the Planning Authority. This charge has been calculated using the Development Contributions Scheme adopted by Galway County Council in accordance with the provisions of Section 48 of the Planning and Development Act 2000.  
The makeup of this sum is detailed in the list below

Development Sub-Area	Development Sub-Type	Charge Code Description	Number of Units	Unit Charge	Line Charge
Sub Area 1	Residential	Recreation & Amenity	1	€2,152.00	€2,152.00
"	Residential	Roads, Footpath & Transportation	207sqm	€7.50	€1,552.50
				Total	€3,704.50

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



Áras an Chontae,  
Cnoc na Ríadharc, Gaillimh.  
H91 H6KX.

Áras an Chontae,  
Prospect Hill, Galway.  
H91 H6KX.

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Facs/Fax: (091) 509 010  
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[www.galway.ie](http://www.galway.ie)

@GalwayCoCo  
GalwayCounty

Serbhísí Corparáideacha  
Corporate Services  
(091) 509 225  
[corpserv@galwaycoco.ie](mailto:corpserv@galwaycoco.ie)

Tithíocht  
Housing  
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[housing@galwaycoco.ie](mailto:housing@galwaycoco.ie)

Timpeallacht & Tréidliacht  
Environment & Veterinary  
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[environment@galwaycoco.ie](mailto:environment@galwaycoco.ie)

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& Serbhísí Ginearálta  
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& General Services  
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Motor Taxation  
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Cliáir na dToghthóirí  
Register of Electors  
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Serbhísí Uisce  
Water Services  
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[water@galwaycoco.ie](mailto:water@galwaycoco.ie)

Pobal & Fiontar  
Community & Enterprise  
(091) 509 521  
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Planning  
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[planning@galwaycoco.ie](mailto:planning@galwaycoco.ie)

Leabharlann  
Library  
(091) 562 471  
[info@galwaylibrary.ie](mailto:info@galwaylibrary.ie)



## Comhairle Chontae na Gaillimhe Galway County Council

Gerry & Margaret McNulty  
c/o James McHugh  
Moyveela  
Oranmore  
Galway  
H91K7W9

Dáta / Date: 21<sup>st</sup> February 2024

**RE: PLANNING REFERENCE NO. 23-61551**

### A Chara

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.

The legislation under that Part and Section states, inter alia, the following:

The Planning Authority has decided that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more than one of the following was carried out—

- (a) an environmental impact assessment,
- (b) a determination as to whether an environmental impact assessment is required, or
- (c) an appropriate assessment.

The subject site is located within 12m of the Galway Bay Complex SAC and Inner Galway Bay SPA, both designated European Sites. The Galway Bay Complex SAC contains 15 Annex I habitats, five of which are classed as priority habitats. The site also has two Annex II species, otter and harbour seal. The Inner Galway Bay SPA list 20 species of bird and wetland habitat as qualifying interests for the European site.



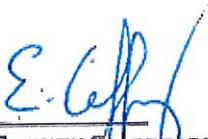
The planning Authority have considered:

- The proximity of the site to the Galway Bay Complex SAC and Inner Galway Bay SPA
- The topography of the site and surrounding lands
  
- Location within an indicative coastal flood risk area with a submitted flood risk report stating that the site is at risk of flooding in the future with flood defences required to be implemented to protect against future flood risk
- Absence of details of such flood defences and how they impact on the European sites
- The requirement to connect to wastewater treatment system outside the application unit and in the absence of evidence of any consent to provide this connection
- Potential for disturbance of species
- Potential impacts on water quality arising from the proposed development and
- The likely need for best practice mitigation measures during the construction and operation phase of the development in order to prevent pollutants arising from the proposed project for retention, having an adverse impact on the aforementioned European sites

Having considered the above and the proximity of the site to the Galway Bay Complex SAC and Inner Galway Bay SPA including the hydrological connectivity between the site and the aforementioned European Sites and based on the information submitted the Planning Authority consider that likely significant effects of the development subject of this application on European sites cannot be excluded. Therefore, an Appropriate Assessment is required.

Please note that the fee paid and documents lodged will be returned to you in due course.

**Mise le meas**

  
**FOR COUNTY SECRETARY**





Comhairle Chontae na Gaillimhe  
Galway County Council

24/60676

31<sup>st</sup> July 2024

Gerry & Margaret McNulty  
c/o Oliver Higgins,  
Carrowmoneash,  
Oranmore,  
Co Galway,  
H91 HP2T.

**RE: PLANNING REFERENCE No. 24/60676**

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### A Chara

The application has been screened for appropriate assessment which has determined that an Appropriate Assessment is required and in this instance the applicant has submitted a Natura Impact Statement containing site specific mitigation measures. As this application which involves retention of unauthorised development, under Section 34(12) of the Planning and Development Act 2000, as amended, the 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 an Appropriate Assessment.

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.

The legislation under that Part and Section states the following:

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 that one or more than one of the following was carried out —

- (a) an environmental impact assessment,
- (b) a determination as to whether an environmental impact assessment is required, or
- (c) an appropriate assessment.

Please note that the fee paid and documents lodged will be returned to you in due course.

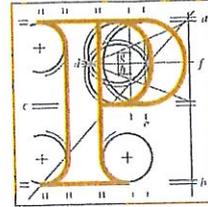
**Mise le meas**

  
for COUNTY SECRETARY



**Our Case Number:** ABP-320854-24

**Your Reference:** Gerry & Margaret McNulty



**An  
Bord  
Pleanála**

Oliver Higgins Chartered Engineers  
Carrowmoneash  
Oranmore  
Co. Galway

**Date:** 23 October 2024

**Re:** Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act 2000 as amended  
Rinville West, Oranmore, Co. Galway

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

The Board intends to hold a pre-application consultation meeting and the arrangements are as follows:

**Date:** 8 November 2024

**Time:** 11.00 a.m.

**Venue:** Remotely via Microsoft Teams (meeting link to follow)

Please note that the consultation meeting will relate solely to the administrative procedures around the lodgement / requirements of the application. The meeting will cover, as considered necessary, advice on procedures involved in the making of an application for substitute consent and in considering such an application.

In respect of the conduct of the consultation meeting you should also note the following general matters:

1. The meeting will be chaired by a representative from the staff of An Bord Pleanála.
2. Please be advised that the Board is required to keep a record in writing of any consultations in relation to a proposed application and that a copy of this record shall become publicly available after consultations have been completed. Accordingly, any material or information discussed or presented at a pre-application consultation meeting by a prospective applicant should be clearly understood not to be subject to any guarantee of confidentiality by An Bord Pleanála.
3. You are requested to submit a list of your proposed attendees, together with details of their status vis a vis the proposed application and professional qualifications as appropriate. Please also provide four printed and one electronic copy of any documents or other materials which you intend to present to the meeting. This information should be submitted to the undersigned three days in advance of the proposed meeting.
4. Please note that the holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in legal proceedings.
5. No verbatim recording of the meeting by the use of recording equipment or a stenographer is allowed.

<b>Teil</b>	<b>Tel</b>	(01) 858 8100
<b>Glaio Áitiúil</b>	<b>LoCall</b>	1800 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Please contact the undersigned officer of the Board or email [appeals@pleanala.ie](mailto:appeals@pleanala.ie) to provide email addresses of any parties you wish a Microsoft Teams invite to be issued to.

Yours faithfully,

*Daniel O'Connor*

Daniel O'Connor  
Executive Officer  
Direct Line: 01-8737170

SIMeeting - Registered Post

**Tel**  
Glao Áitiúil  
**Facs**  
Láithreán Gréasáin  
Ríomhphost

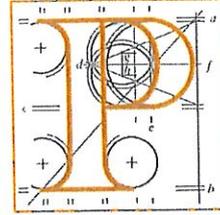
**Tel** (01) 858 8100  
**LoCall** 1800 275 175  
**Fax** (01) 872 2684  
**Website** [www.pleanala.ie](http://www.pleanala.ie)  
**Email** [bord@pleanala.ie](mailto:bord@pleanala.ie)

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Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublín 1  
D01 V902

**Our Case Number:** ABP-320854-24

**Your Reference:** Gerry & Margaret McNulty



An  
Bord  
Pleanála

Oliver Higgins Chartered Engineers  
Carrowmoneash  
Oranmore  
Co. Galway

**Date:** 12 November 2024

**Re:** Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act 2000 as amended  
Rinville West, Oranmore, Co. Galway

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the first meeting of the (08 November 2024).

Your comments should be submitted on or before **29 November 2024**, if you do not wish to comment can you confirm same.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Daniel O'Connor  
Executive Officer  
Direct Line: 01-8737170

SI Record

Teil  
Glaó Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

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Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
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## **Description of development and relevant background.**

### **Prospective Applicant:**

Built as a garage originally after permission was granted by the Planning Authority. 2 and a half years ago it was converted into a living area and the septic tank was de-commissioned.

Two applications were made to the Planning Authority, and subsequently refused.

1. Retention of change of use of domestic garage, to private residential use Reference Number 67042.
2. Permission for flood defence measures:

### **ABP:**

The Board could not find planning reference 67042 on Galway County Council website please explain.

### **Prospective Applicant:**

It's under "application granted before a certain date"

### **ABP:**

The Board questions documents submitted from Molloy Environmental Systems and if it's related to percolation.

### **Prospective Applicant:**

This relates to the pump adjacent to the structure that pumps up to the manhole.

### **ABP:**

The Board suggests making clear what Molloy Environmental Systems report refers to on the substitute Consent application.

The Board questions if the flood defence system constructed, would have an affect elsewhere. A site-specific assessment may be required.

The Board suggest the applicant ensue they are satisfied is and EIAR screening is needed.

Flood risk development measures would fall under Section 37L

If submitting 2 separate applications, ensure Section 37L application is submitted within 6 weeks of the Section 177E application.

177E application should be accompanied by remedial NIS and 37L won't be remedial NIS

**Prospective Applicant:**

Questions if both applications can be submitted together

Questions if there's a specific application for Substitute consent

**ABP:**

Both applications can be submitted together, and the Board would encourage this in terms of efficiency.

A standard application form is used for both applications with 2 separate site notices – one for 177E and one for 37L

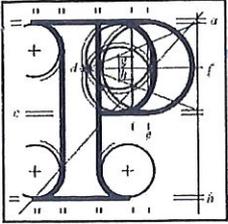
Exceptional circumstances should be addressed as part of the substitute consent and highlighted within the report.

**Conclusion:**

At conclusion of the meeting, it was advised that the record of the meeting would issue to the prospective applicant in due course. If no comments on the record are received, the Board will close the file and await the application. If the prospective applicant is of the opinion that another meeting is required, they should identify the specific matter for discussion and rationale for the holding of such further meeting. The holding of such meeting is at the discretion of the Board.

**Karen Hamilton**

**Assistant Director of Planning**



**An  
Bord  
Pleanála**

**Record of Meeting  
ABP- 320854-24  
1<sup>st</sup> meeting**

<b>Case Reference / Description</b>	ABP- 320854-24 Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act 2000 (as amended)		
<b>Case Type</b>	Pre-application Consultation		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	1 <sup>st</sup> Meeting		
<b>Date</b>	08/11/2024	<b>Start Time</b>	11.a.m. (approx.)
<b>Location</b>	Virtually by Microsoft Teams	<b>End Time</b>	12 p.m. (approx.)
<b>Processing Contact: Dan O'Connor <a href="mailto:danieloconnor@pleanala.ie">danieloconnor@pleanala.ie</a></b>			
<b><u>Representing An Bord Pleanála</u></b>			
<b>Karen Hamilton – Assistant Director of Planning (Chair)</b>			
<b>Stephen Rhys Thomas – Senior Planning Inspector</b>			
<b>Daniel O'Connor – Executive Officer (Note taker)</b>			
<b>Representing the Prospective Applicant</b>			
<b>Oliver Higgins (OLIVER HIGGINS CONSULTING ENGINEERING LTD: T/A OLIVER HIGGINS CHARTERED ENGINEERS</b>			
<b>Gerry McNulty (applicant)</b>			

## **Introduction:**

The representatives of An Bord Pleanála welcomed the prospective applicant, and their agents and introductions were made. The procedural matters relating to the meeting were outlined as follows:

- **The Board will keep a record of this meeting and any other meetings, if held. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.**
- **A further meeting or meetings may be held in respect of the proposed development.**
- **The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.**
- **The pre-Application process is to outline procedural matters only.**

The ABP representatives acknowledged the request on 13 September 2024 from OLIVER HIGGINS CONSULTING ENGINEERING LTD: T/A OLIVER HIGGINS on behalf of Gerry & Margaret McNulty, to enter into pre-application consultations under Section 177E(1A) of the Planning and Development Act, 2000, as amended.

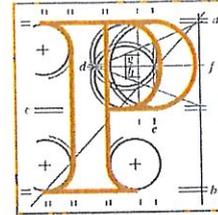
A broad agenda was circulated as follows:

## **Agenda**

- Introductions
- Description of development and relevant background – clarity regarding scope of application.
- Procedural Advice / Queries arising with regard to any subsequent application for Substitute Consent

**Our Case Number:** ABP-320854-24

**Your Reference:** Gerry & Margaret McNulty



**An  
Bord  
Pleanála**

Oliver Higgins Chartered Engineers  
Carrowmoneash  
Oranmore  
Co. Galway

**Date:** 29 November 2024

**Re:** Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act 2000 as amended  
Rinville West, Oranmore, Co. Galway

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer further to the above-mentioned pre-application consultation request.

I wish to acknowledge receipt of your comments on the meeting record which was circulated to you on 12 November 2024.

Please note a copy of these comments will be maintained on the file for public access if needed.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

Yours faithfully,

*Daniel O'Connor*

Daniel O'Connor  
Executive Officer  
Direct Line: 01-8737170

SI Comments

Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
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Website  
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(01) 858 8100  
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(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

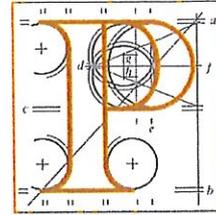
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**Our Case Number:** ABP-320854-24

**Your Reference:** Gerry & Margaret McNulty



**An  
Bord  
Pleanála**

Oliver Higgins Chartered Engineers,  
Carrowmoneash,  
Oranmore,  
Co. Galway.

**Date:** 18 DEC 2024

**Re:** Request to enter into pre-application consultation pursuant to Section 177E(1A) of the Planning and Development Act 2000 as amended.  
Rinville West, Oranmore, Co. Galway.

Dear Sir/Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned pre-application consultation.

The Board consider that the pre-application consultation in respect of this case is concluded.

Yours faithfully,

Rita Donnelly  
Executive Officer  
S12 Closed

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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