



Comhairle Cathrach na Gaillimhe  
Galway City Council

Halla na Cathrach  
Bóthar an Choláiste  
Gaillimh  
H91 X4K8

City Hall  
College Road  
Galway  
H91 X4K8

Our Ref: **P/DC/3/3/21**

Mr. Mark Lawlor,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Your Ref: **ABP-309893-21**

5<sup>th</sup> May, 2021

For the attention of Mr. Mark Lawlor

Re: **Observations on Appeal ABP-309893-21 PA Ref. P/DC/3/3/21**

Dear Mr. Lawlor,

The following are the observations of Galway City Council in relation to the above appeal:

**Applicant:** Advanced Vision Limited.  
**Site Address:** The Dean Hotel, Bohermore, Galway.  
**Description:** Relocation of Electricity Substation.

No. 80 Prospect Hill (known as Shannon Dry Cleaners), No. 82 Bohermore, No. 84 Bohermore, No. 86 Bohermore, and including part of the former railway tunnel (to Clifden), Galway.

**Relevant Planning History:**

**17/41 - Description:**

Permission Granted for development for the construction of a hotel, on an overall site of 0.29 ha (0.73 acres). The development will consist of the: demolition of the existing single-storey commercial building at No. 80 Prospect Hill; demolition of the existing two-storey dwelling at No. 84 Bohermore; demolition of the existing part-single, part two-storey rear extension to No. 86 Bohermore (a Protected Structure, Ref. No. 1201) and associated garden shed; construction of a part-two, part-three, part-four storey hotel over lower ground (with fourth floor level setbacks to the south-east) in 2 No. blocks (the north-western block fronting Prospect Hill/Bohermore) and the south-eastern block (located to the rear of the site) connected at all floor levels comprising 139 No. bedrooms and related hotel facilities (including: reception area; lounge area; dining area; 2 No. bars; storage; associated signage; administration and staff facilities; plant (including substation with associated switch room); waste storage area; and delivery and dispatch area), with a total gross floor area of 5,310 sq m (including lower ground level of 1,269 sq m). The development includes works to protect and conserve the older elements of No. 86 Bohermore and also the existing former railway tunnel (located beneath No. 80 Prospect Hill) that will be integrated into the overall proposal, which includes for a change of use of these areas from residential use and infrastructural use to hotel use, respectively. The development will also include the provision of: vehicular and pedestrian access via Prospect Hill; 11 No. car parking

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spaces; associated lighting; associated site servicing (foul and surface water drainage and water supply); SUDs measures, including attenuation tank and sedum roofs; and gardens and courtyards. The scheme also includes: all hard and soft landscaping; boundary treatments; changes in level; and all other associated site excavation and site development works above and below ground.

#### **Previous Section 5 Declaration Report - Ref P/DC/3/20/2020 – 18<sup>th</sup> December 2020**

Ruled that the proposed relocation of the Substation was not exempt for the following reason

*The works comprising the relocation of the ESB Substation would materially impact on the amenities of adjoining properties and would contravene condition 1 of Planning permission 17/41 dated 19<sup>th</sup> September 2017. The works are not exempted under Section 4 1(h) of the Planning and Development Act 2000 (as amended) and Planning permission is therefore required for the above works*

#### **Section 5 Declaration the subject of this appeal - Ref P/DC/3/3/21**

On the application the subject of this appeal - Lawrence and Long Architects on behalf of Advanced Vision Limited contend that the relocation of the ESB Substation can be considered Exempted Development. The Substation has been relocated from the south west of the vehicular ramp to adjacent to the rear south western boundary of the site, and backing onto the rear of the Forster Court Development.

The appellants contend that they have resubmitted a Fire Safety Certificate in regard to the relocation of the substation and that this FSC ensures that the development is exempted under Class 41(e) of the Planning and Development Regulations 2001 as amended which exempts

*“The carrying out of development in compliance with a condition or conditions attached to a fire safety certificate granted in accordance with Part III of the Building Control Regulations, 1997 other than the construction or erection of an external fire escape or water tank”.*

However as set out in the Councils decision on 11<sup>th</sup> March 2021 even if this exemption were to apply, this exemption could not apply retrospectively as the works to relocate the substation were carried out prior to the imposition of any such condition.

To date the **Fire Safety Certificate has not been approved** and the developer cannot claim that the already carried out works are exempt pursuant to a condition that has not been granted.

In relation to the Councils second point while the appellants claim that the relocation of the substation is “de Minimis” the planning authority do not accept this.

The relocation of the substation to within 1.0m of the rear of No 6 Foster Court has resulted in the imposition of a structure 5.0m higher than the ground level of no 6 Forster Court within 5.35m of the rear wall of the property which is a single storey bungalow. The Planning Authority do not consider that the proposed planting in the gap between the boundaries will significantly mitigate the impact of this overbearing structure even if the planting manages to become established in these inhospitable conditions.

**Conclusion**

**In view of the above Galway City Council would invite An Bord Pleanála to reject this appeal and declare that the works are development, are not exempted development and planning permission is therefore required.**



**Director of Services,  
Transportation, Planning, Physical Development & Human Resources,**

