

PLANNER'S REPORT

File Ref: ED 22/58

Applicant: Tom Termini.

Location: Rossadillisk, Cleggan, Co. Galway.

Section 5 of the Planning and Development Act 2000 (as amended)

If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

Proposed – Application

Whether the construction of an Agricultural Storage Building (92m²) at Rossadillisk, Cleggan, Co. Galway is or is not development or, is or is not exempted development within the meaning of the Planning and Development Acts, 2000 (as amended) and Planning and Development Regulations, 2001 (S.I. No. 600 of 2001) (as amended).

Site Location

The site is in the townland of Rossadillisk, off the Local Road L-11038-0, 2km west of Cleggan village.

Relevant Legislation

The following excerpts from current planning legislation are relevant to the assessment of this referral.

2000 Planning and Development Act

Section 2 of the Planning and Development Act, 2000 defines the terms used within the act and states that

“Works” includes any act or operation of construction, excavation, demolition, extension or alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes...

and

Galway County Development Plan, 2022-2028:

Landscape:

The site is located within a Class 3 designated rural landscape, which has a landscape sensitivity rating of "Special".



Appropriate Assessment:

The application site is located on a site outside any Natura 2000 site; however, it is situated within 15km of the following Natura 2000 sites (18):

- SAC:Connemara Bog Complex SAC
- SAC:Tully Lough SAC
- SAC:Tully Mountain SAC
- SAC:The Twelve Bens/Garraun Complex SAC
- SAC:Rusheenduff Lough SAC
- SAC:West Connacht Coast SAC
- SAC:Kingstown Bay SAC

Opinion:

Having regard to the above, in particular the nature of the proposed works in conjunction with the Sections 2, 3, 4(1)(h) & 4(4) of the Planning and Development Act 2000 (as amended) and Articles 9(1) (a) (vi), (vii), (viiiB) & (viiiC) of the Planning and Development Regulations 2001 (as amended), it is considered that the development would constitute development under Section 3 of the Planning and Development Act 2000 (as amended).

Having considered the works proposed the planning authority is of the opinion that the construction of an Agricultural Storage Building (92m²) would fall within 'Class 9' of Schedule 2 Part 3 of the 2001 Planning and Development Regulations.

However, the location of the works proposed, beside the West Connacht Coast SAC, would not satisfy Article 9 (1) (a) subsection (viiiB):

"comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,"

Secondly, as stated above, the Local Authority considers the 'Screening for Appropriate Assessment' an equivalent document to a 'Appropriate Assessment: Stage 1 Screening', under the EU directive, and so the proposed would not satisfy Article 9 (1) (a) subsection (viiiB) for a second reason.

Thirdly, a visual inspection of the works to date, makes it clear the proposed would not satisfy Article 9 (1) (a) subsection (vi).

'interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,'

the works as proposed are therefore considered to be not exempted development as per the criteria set out in Article 9(1) (a) (vi) & (viiiB) of the Planning and Development Regulations 2001 (as amended)



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FAO Robert Lydon
Planning & Sustainable Development Unit

29th September, 2022

RE: Declaration of Exempted Development under Section 5 of the Planning & Development Act 2000

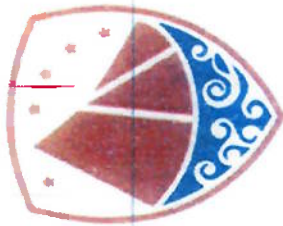
Reference: ED22/58
Description: For the erection of a shed
Location: Rossadillisk, Cleggan, Co. Galway
Applicant: Tom Termini

A Chara,

I refer to the above application which was received in this office on the 27th September, 2022.

The Planning Authority has a responsibility to furnish the applicant with a reply within 4 weeks of receipt of the application. A reply is due to issue to the applicant by the **24th October, 2022**

Please let me have your report at your earliest convenience.



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29th September, 2022

**RE: Declaration of Exempted Development under section 5 of the Planning &
Development Act 2000 -
ED22/58**

Description: For the erection of a shed.

Location: Rossadillisk, Cleggan, Co. Galway

A Chara,

I refer to the above Section 5 application which was received by this office on the 27th September, 2022

The reference for this application is **ED22/58** and you will be notified of the decision in writing in due course.