

<p>Iarratas ar dhearbhu maidir le forbairt dhíomhaíthe faoi Alt 5 den Adht um Pleanair agus Forbairt 2000</p> <p style="text-align: right;">Comhairle Chontae na Gaillimhe Galway County Council</p>	<p>Application for Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000</p>
<p>Tá an fhoirm seo le fáil i gcló mór chomh maith.</p> <p>Tá míle fáil le an fhoirm seo a líonadh i nGaeilge</p>	<p>This form is also available in large print</p>

LANGCHUNSAIRPLEANÁ
 IDG: 086141-26
 ACP
 12 JAN 2026
 Fee: € 220 Type: Card
 Time: 16:14 By: Mand

1. Mionsonraífa oin iarra tasoír		1. Applicant details	
Ainm	Name	Rory Foy	
Seo dhadh	Address	Kilena varra, Kinvara, Co. Galway	
Cód Poist	Postcode	H91 VX61	
Teil eafón	Telephone	0857 4747 54	
Ríomhphost	Email		

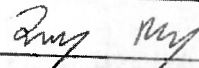
2. Mionsonraí faoin bhforbairt dhearta ithe		2. Proposed development details	
Tuairisc iomlán	Full description	Proposed extension and renovation of existing farm cottage (vacant)	

Másméadúar theach cónaithe atá i gceist, cuir isteach achair urláir		If an extension to a dwellinghouse, please include floor areas	
(i) méadú beartaithe	(i) Proposed extension	40	mcr/sqm
(ii) struchtúr reatha	(ii) Existing structure	87	mcr/sqm
(iii) spás oscailte príobháideach ar gcúl	(iii) Rear private open space	100	mcr/sqm

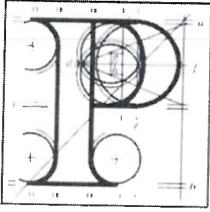
Má forbairt í a bhaineann le Garáiste/Bothán/Stóras etc a chur in áire, luaigh an méid seo a leanas, le do thoil:		If for the erection of Garage/Shed/Store etc., please include the following:	
(i) garáiste/bothán/ stórás etc beartaithe	(i) Proposed garage/shed/store etc	n/a	mcr/sqm
(ii) struchtúir reatha	(ii) Existing structure	n/a	mcr/sqm
(iii) spás oscailte príobháideach ar gcúl	(iii) Rear private open space	n/a	mcr/sqm

I gcás aonfoirgn eamh/fhoirgnimh atá le coimeád ar an láithreán, nó i gcás athraithe ar úsáid na maíne		For any building(s) to be retained on site, or for a change of use of the property	
Léirigh an úsáid reatha	Please indicate the existing use	n/a	

Doiciméid atá le cur in éineacht leis an bhfoirm iarratais seo (cuir isteach tic (✓) le do thoil)	Documents to be included with this application form (please tick✓)	
Léarscáil de shuíomh an láithreáin Scála 1:1000 nó 1:2500	Site location map Scale 1:1000 or 1:2500	<input checked="" type="checkbox"/>
Léarscáil de leagan amach an láithreáin Scála 1:200 nó 1:500	Site layout map Scale 1:200 or 1:500	<input checked="" type="checkbox"/>
Pleananna urláir & ingearchlónna	Floor plans & elevations	<input checked="" type="checkbox"/>
Táille (€80)	Fee (€80)	<input checked="" type="checkbox"/>

Dearbhaím leis seo go bhfuil an fhaisnéis a thugtar ar an bhfoirm seo ceart		I hereby declare that the information given on this form is correct
Síniú (iarratasóir/gníomhaire)	Signature (applicant/agent)	
Dáta	Date	28/11/2025

Seol an fhoirm ar ais chuig: An tAonad Pleanála & Forbartha Inmharthana Comhairle Chontae na Gaillimhe Áras an Chontae Cnoc na Radharc Gaillimh.	Return to: Planning & Sustainable Development Unit Galway County Council Áras an Chontae Prospect Hill Galway	Tel. (091) 509308 Fax (091) 509199 planning@galwaycoco.ie www.gaillimh.ie www.galway.ie
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An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Rory Foy

(b) Address

Killeenavarra, Kinvara, Co. Galway, H91 VX61

Agent's details

2. Agent's details (if applicable)

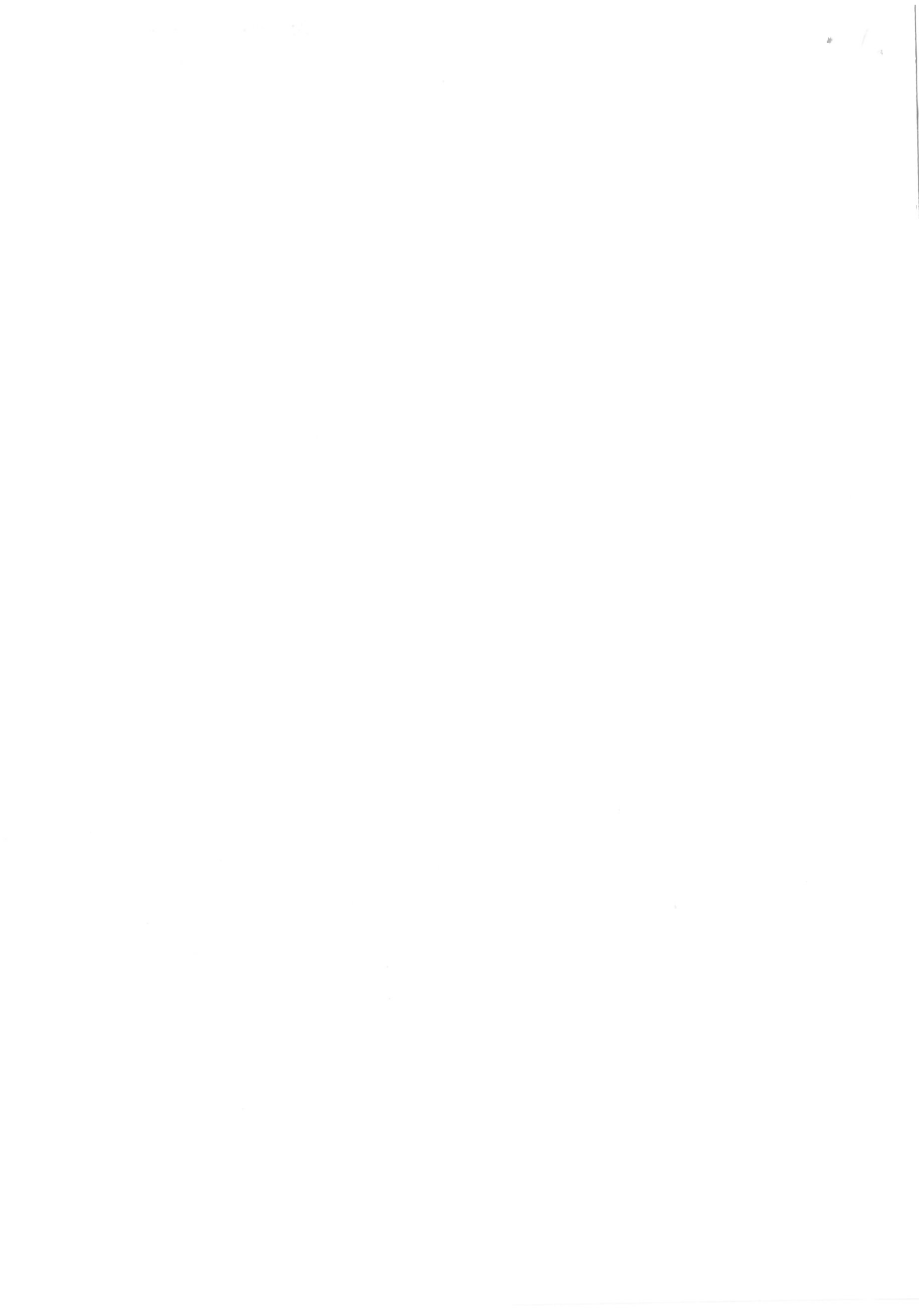
If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

n/a

(b) Agent's address

n/a



Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Galway County Council

(b) Planning authority register reference number

(for example: 18/0123)

ED25/141

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Killeenavarra, Kinvara, Co. Galway, H91 YK2X

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Refer to attachment,

- (a) Application is to replace an existing rear extension with a proposed rear extension – there is no additional impact to the Lough Fingall SAC – why would an AASR be required. GCC state *“it would be likely to have a significant effect on the integrity of a European site”* – I strongly contest this.
- (b) The proposed rear extension is to replace the existing (pre-1963) extension, however the footprint of the proposed extension overlaps the existing extension. The proposed extension is 40m², and complies with the provisions contained under Planning & Development Act 2001, Schedule 2, Part 1 Exempted Development, Class 1.

Note: the applicant made a similar section 5 application (ED24/141) was also determined by GCC as being not exempted on the grounds that the proposed rear extension was 40,3m². This decision was upheld by ABP via ACP-321734-25.

Subsequently the applicant has adjusted the area of the proposed rear extension to 40m² so as to comply with condition of exempted development and ABP determination via ACP-321734-25.

GCC planning dept. have now shifted the reason for deciding the proposal as not exempt as a minor portion of demolition works to rear

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

to accommodate the new 40m² extension.

ACP-321734-25 did not determine the proposed development would likely have a significant effect on the Lough Fingal SAC, and given this appeal is substantially same as previous I request that An Coimisiun Pleanala reference the reason for previous refusal and take account of the minor revision in proposed extension floor area so as to grant the development as exempt development.

Note: the only difference between ED24/141 and ED25/141 is the building line of the proposed rear extension has been reduced downwards by 50mm so as to ensure the proposed development is 40m² and in compliance with allowance under exempted development. Regards

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Bosca Poist Uimhir 27,
Aras an Chontae,
Cnoc na Radharc,
Gaillimh

Telephone: (091) 509308
Email: planning@galwaycoco.ie
Web: www.galway.ie

Comhairle Chontae na Gaillimhe
Galway County Council

Rory Foy
c/o Gavin Doheny
Derryleigh,
Newport,
Co. Tipperary
V94YE30

30th December 2025

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

ED25/141 – Proposed extension and renovation of existing farm cottage (vacant) at Killeenavarra, Kinvara, Co. Galway

DECISION – NOT EXEMPTED DEVELOPMENT

A Chara,

- The Planning Authority, in considering this Section 5 application, had regard particularly to
- (a) The definition of “works” set out in Section 2 of the Planning and Development Act 2000 (as amended).
 - (b) The definition of “development” set out in Section 3 of said Planning and Development Act.
 - (c) Section 4 of said Planning and Development Act 2000 (as amended).
 - (d) Article 6 of the Planning and Development Regulations 2001 (as amended).
 - (e) Article 9 of the Planning and Development Regulations 2001 (as amended).
 - (f) ‘Class 1’ Schedule 2 Part 1 of said Planning and Development Regulations.
 - (g) ‘Class 50’ Schedule 2 Part 1 of said Planning and Development Regulations.
 - (h) Documents submitted from the referrer in this Section 5 application.

The Planning Authority, in exercise of the powers conferred on it by Section 5 of the 2000 Planning Act (as amended), hereby decides that:

The proposed extension and renovation of existing farm cottage (vacant) at Killeenavarra, Kinvara, Co. Galway is development and is **not exempted development** under ‘Class 50(b)’ of the Planning and Development Regulations 2001 (as amended)

'The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.'

And Article 9 (viiB) of the Planning and Development Regulations 2001 (as amended)

'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,'

Opinion:

Having regard to the above, in conjunction with the Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended) and Articles 6 & 9 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 and after review the ABP-321734-25 report, we the Planning Authority are of the opinion that the proposed works is **not exempted development** under 'Class 50(b)' of the Planning and Development Regulations 2001 (as amended)

'The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.'

After reviewing the Section 5 application along with the submitted drawings we the planning authority have taken into consideration the applicant's opinion that the proposed works would have no additional impact on the local environment / or ecology and it would also have no effect on the integrity of the Lough Fingall Complex SAC. However, we the planning authority are still of the opinion that, given the site's close proximity to the Lough Fingall Complex SAC, along with the location being within the foraging range of the Lesser Horseshoe Bat, likely significant effects of the development on the Lough Fingall Complex SAC cannot be screened out. Therefore, an Appropriate Assessment is required for the proposed development.

'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,'

Please note that you may appeal this decision to **An Coimisiún Pleanála** within four weeks of the issue of this declaration on payment of the prescribed fee. appeals@pleanala.ie

Mise le meas

John O'Connor
Planning & Sustainable Development Unit

Rory Foy,
Killeenavarra,
Kinvara,
Co. Galway,
03 January 2026

The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902.

ED Reg Ref: 25/141

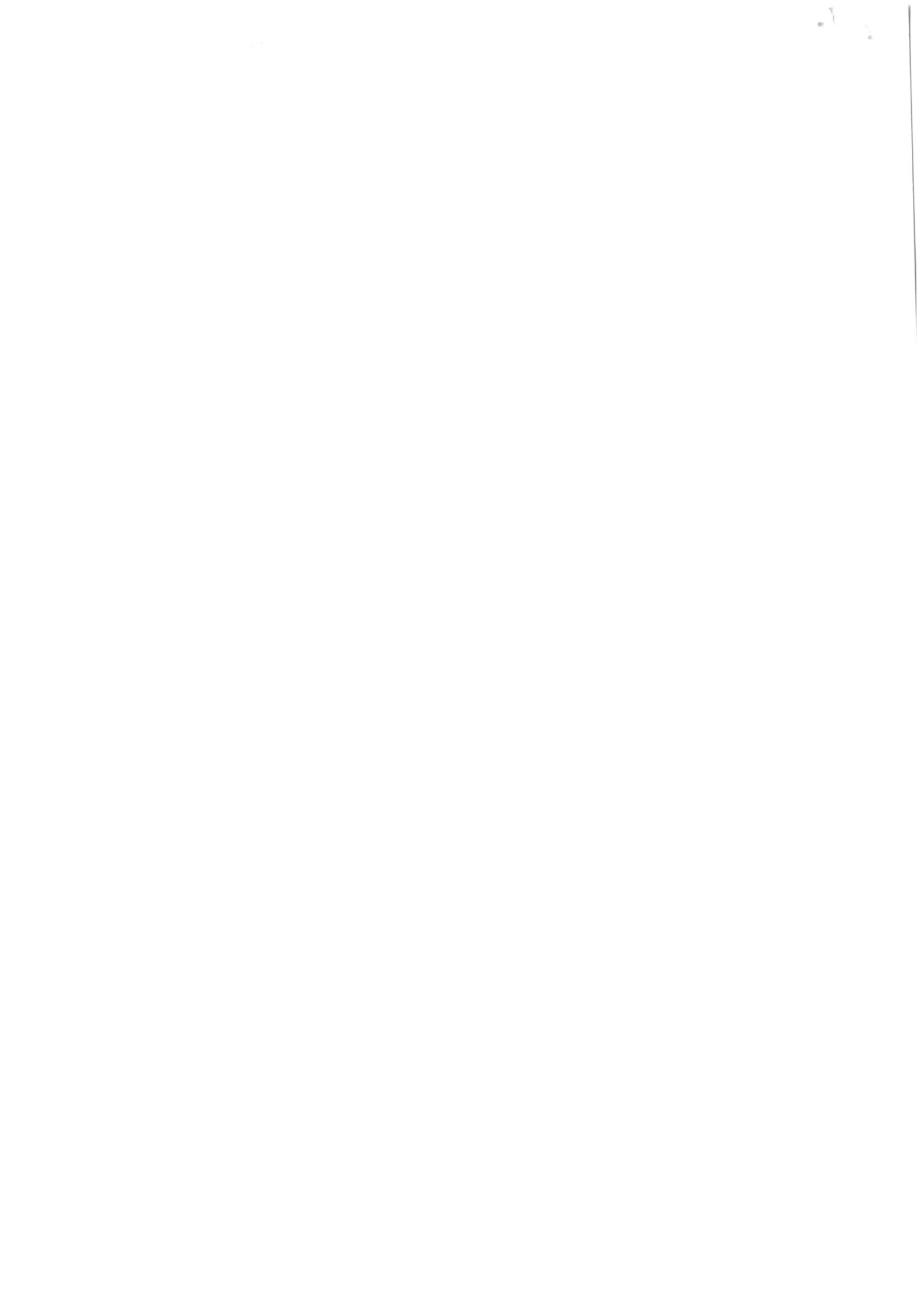
Re: Proposed extension and renovation of existing farm cottage (vacant) at Killeenavarra, Kinvara, Co. Galway, H91 VX61.

To Whom It Concerns,

Please find attached the following submission, in response to appealing the decision made by Galway County Council for the proposed development, whereby they determined it as 'not exempted development'.

As per the decision letter issued by GCC Planning & Sustainable Development Unit on 03/01/2025 - the proposed development was decided to be 'not exempt development' based on the following grounds:

1. The development would be likely to have a significant effect on the integrity of a European site (Lough Fingall Complex SAC),
2. The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension of porch under the Act.



Re: Point 1: The development would be likely to have a significant effect on the integrity of a European site.

After reviewing the Section 5 application along with the submitted drawings we the planning authority have taken into consideration the applicant's opinion that the proposed works would have no additional impact on the local environment / or ecology and it would also have no effect on the integrity of the Lough Fingall Complex SAC. However, we the planning authority are still of the opinion that, given the site's close proximity to the Lough Fingall Complex SAC, along with the location being within the foraging range of the Lesser Horseshoe Bat, likely significant effects of the development on the Lough Fingall Complex SAC cannot be screened out. Therefore, an Appropriate Assessment is required for the proposed development.

'... comprise development, in relation to which a planning authority or An Bord Pleanála is the competent authority, an 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.'

GCC Planning & Sustainable Development Unit did not request clarification on / or the provision of an AASR via further information.

In any case, a rear extension to the existing farmhouse already exists.

The minor proposal is to substitute the existing pre 1963 rear extension with a proposed 40m² rear extension as per the provisions contained with the schedule of exempted development.

The question is how could there be any additional significant effects of the proposed development on the Lough Fingall Complex SAC, given that the proposal is solely to replace an existing extension with a modern extension which will reside on broadly the same footprint.

Furthermore the farmhouse is located within the family farmyard. The farmyard is a fully operational farmyard and has all the trappings associated – ie. lighting, noise, vehicular traffic, animal movements and animal storage provisions. (Slatted sheds / dry sheds / machinery sheds / feeding slabs etc).

To suggest that the minor substitution of an existing extension with a modern extension would in some manner result in any impact to the foraging range of the Lesser Horseshoe Bat is inconceivable.

I request that ABP adopt a common sense approach when making a determination on this point, so as to avoid the application being supplemented with an Appropriate Assessment Report (incl. Bat Report).

Re: Point 2: Demolition of part of a habitable house

Having regard to the above, in conjunction with the Sections 2, 3, & 4 of the Planning and Development Act 2000 (as amended) the Articles 6 & 9 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 and after review the ABP= 321734-25 report, we the Planning Authority are of the opinion that the proposed works is not exempted development under 'Class 50(b)' of the Planning and Development Regulations 2001 (as amended)

CCC Planning & Sustainable Development Unit did not request clarification on this via further information.

The house is not habitable.

The proposed works are in accordance with the provisions allowed under Planning & Development Act 2001, Schedule 2, Part 1 Exempted Development – General, Class 1: *'The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.'*

Including the conditions and limitations.

The proposed rear extension is to replace the existing (pre-1963) extension, however the footprint of the proposed extension overlaps the existing extension.

Again I request that ABP adopt a common sense approach when making a determination on this point.

I trust this response is to your satisfaction.

Regards,
Rory Foy (applicant)

SECTION 5



APPLICANT'S FAMILY HOME
(APPLICANT CURRENTLY
CO-HABITING WITH
PARENTS IN FAMILY HOME)

Description:
Digital Landscape Model (DLM)

Publisher / Source:
Ordnance Survey Ireland (OSI)

Data Source / Reference:
PRIME2

File Format:
Autodesk AutoCAD (DWG_R2013)

File Name:
v_50260865_1.dwg

Clip Extent / Area of Interest (AOI):
LXLLY= 541292.488; 712977.0663
LRXLR= 541875.488; 713407.0663
ULXULY= 541292.488; 713407.0663
URXUR= 541875.488; 713407.0663

Projection / Spatial Reference:
Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
X,Y= 541583.988; 713192.0663

Reference Index:
Map Series / Map Sheets
1:2,500 | 3827-A
1:5,000 | 3827

Data Extraction Date:
Date= 06-Apr-2022

Source Data Release:
DCML5 Release V1.150.113

Product Version:
Version= 1.4

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right of way.

Ordnance Survey maps never show legal property
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features.

© Suirbhéireacht Ordán...: Ireann, 2022

Arna thionscnaigh agus arna thionscnaigh ag
Suirbhéireacht Ordán...: Ireann, P. Irc an
Fhionnaisce, Baile Iútha Cliaith 8, ...: ire.

S'raionn atá i gcead na h-ádhadairí darairí cúlchreath
Shuirbhéireacht Ordán...: Ireann agus Rialtas
na h-...: Ireann.

Gach cead ar cosnadh. Níl ceadmhachas aon
chuid den fhóclóir seo a chúlpeáil, a
atá i gcead níl a thairchur in aon fhóirm níl ar aon
bhealach gan cead i scríobh nó i mír i mír
an oíche.

Níl hionann b'fhéidir bealach níl cos níl a bheath ar
an féarscíl seo agus fannaise ar chéad síl.

Níl thairse nann léarscail de chuid Ordán...
Shuirbhéireacht na h-...: Ireann teoirann príofairí deairth iíl
de mhach na h-...: Ireannach de ghnéithe mhisciala.

REVISION	STAGE	DATE	NOTES
S5	PLANNING	NOV 2025	ISSUED FOR SECTION 5
<p>Figured dimensions only to be taken from this drawing - All dimensions to be checked on-site Discrepancies to be brought to the attention of the office before commencement of work.</p>			

NOTES

- SITE BOUNDARY
- LANDOWNER OWNERSHIP BOUNDARY

AGENT
GAVIN DOHENY
ARCHITECTURE

CLIENT
RORY FOY

JOB TITLE
RENOVATION TO DWELLING HOUSE

ADDRESS
KILMAYNAWK,
CO. DUBLIN

JOB NO.
2214

DWG NO.
A0-01

STAGE
PLANNING

SCALE
1:2500 @

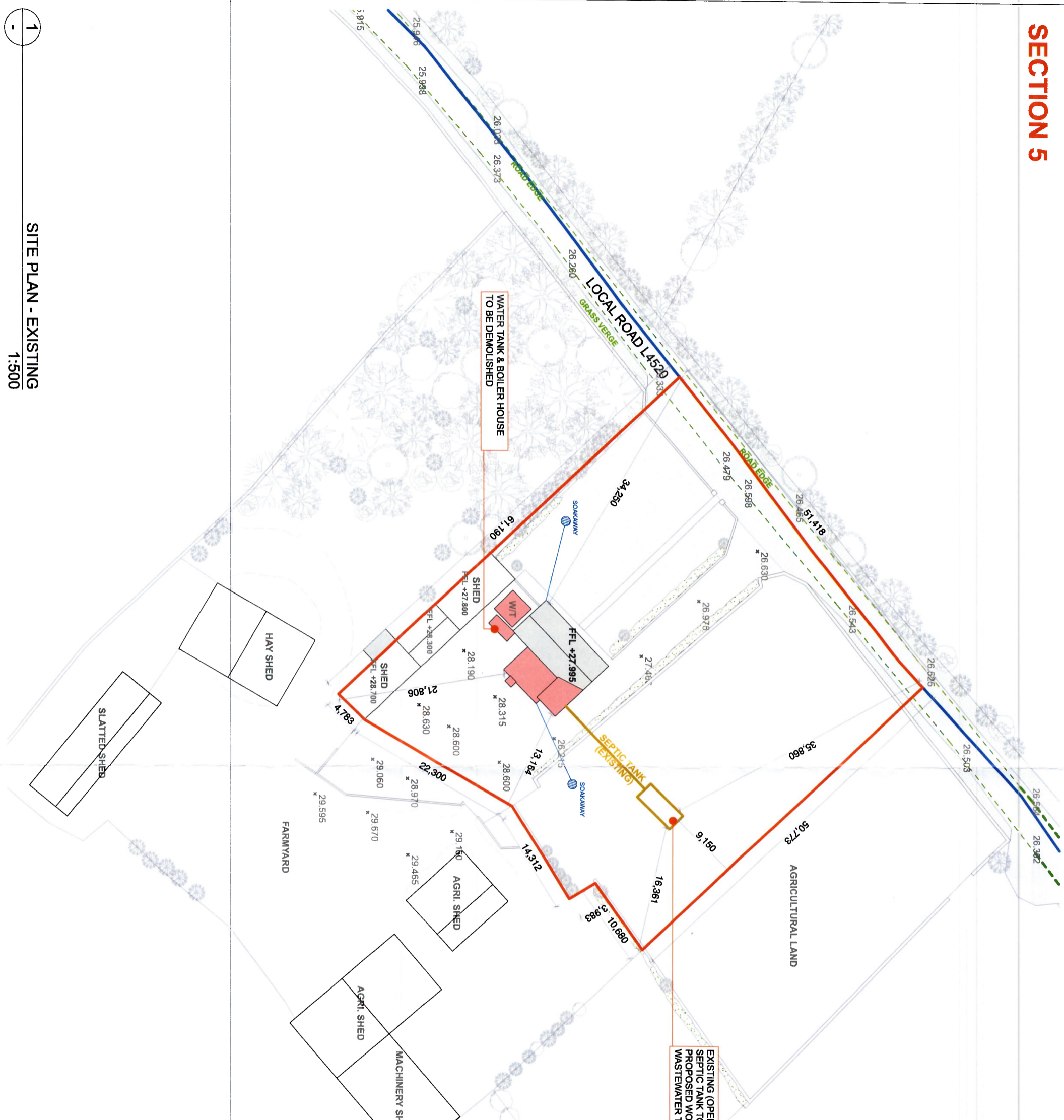
AUTHOR
RF

DATE
28/11/2025

REV. NO.
S5

SECTION 5

GENERAL LEGEND	
	SITE BOUNDARY
	LANDOWNER OWNERSHIP BOUNDARY
	WASTEWATER / SEPTIC TANK
	EXTENT OF DEMOLITIONS
	EXTENT OF NEW 40m² EXTENSION



EXISTING (OPERATIONAL) SEPTIC TANK TO REMAIN - I.E. NO PROPOSED WORKS TO WASTEWATER TREATMENT

WATER TANK & BOILER HOUSE TO BE DEMOLISHED

NOTES

0 10 20 30

N

Round dimensions only to be taken from this drawing. All dimensions to be checked onsite.
 All spot heights to be brought to the attention of the client before commencement of work.
 This drawing is the property of Gavin Doherty Architecture and is not to be reproduced without written permission.

REVISION	STAGE	DATE	NOTES
S5	PLANNING	NOV 2025	ISSUED FOR SECTION 5

AGENT:
GAVIN DOHENY
 ARCHITECTURE

T: 085-1981714
 E: gavin@doherty.com

CLIENT:
 RORY FOY

JOB TITLE:
 RENOVATION TO DWELLING HOUSE

LOCATION:
 KILLENAMARRA, KINVALE, CO. GALWAY

DRAWING TITLE:
 SITE PLAN - EXISTING

STAGE:
 PLANNING

SCALE:
 1:500 @ A3

AUTHOR:
 RF

DATE:
 29/11/2025

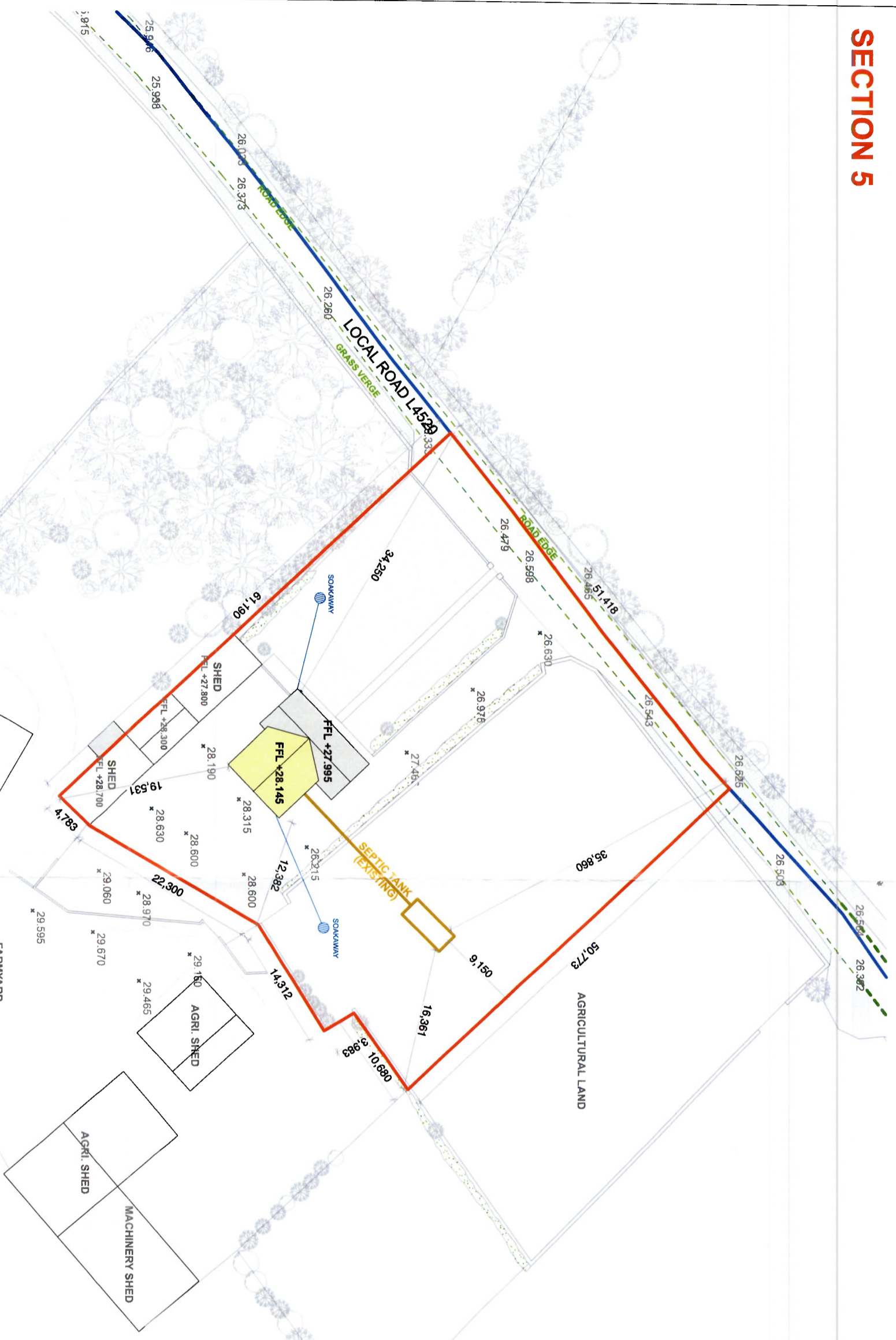
REV NO:
 S5

JOB NO:
 2214

DWG NO:
 A1-00

SECTION 5

GENERAL LEGEND	
	SITE BOUNDARY
	LANDOWNER OWNERSHIP BOUNDARY
	WASTEWATER / SEPTIC TANK
	EXTENT OF DEMOLITIONS
	EXTENT OF NEW 40m ² EXTENSION



REVISION	STAGE	DATE	NOTES
S5	PLANNING	NOV 2025	ISSUED FOR PLANNING

AGENT:	GAVIN DOHENY	ARCHITECTURE
CLIENT:	RORY FOY	
JOB TITLE:	RESUBMISSION TO DWELLING HOUSE	
DATE:	29/11/2025	

JOB NO:	2214
DWG NO:	A1-20
REV NO:	S5

SITE PLAN - PROPOSED

1:500

1

PLANNING	ISSUED FOR SECTION 5
REVISION	STAGE
NOV 2025	PLANNING
DATE	NOTES

EXISTING COTTAGE AREA - 87m²

AGENT: GAVIN DOHENY ARCHITECTURE

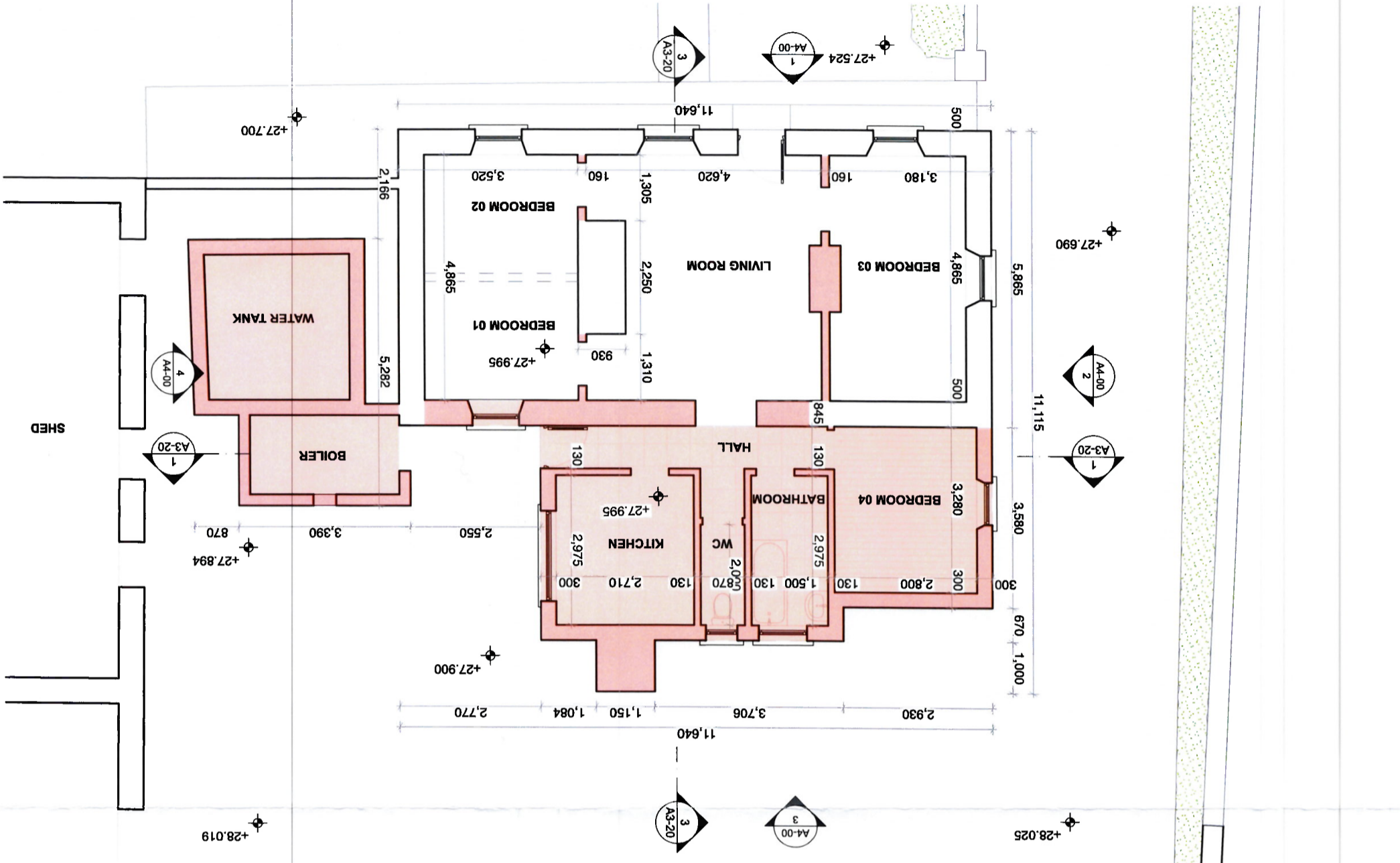
CLIENT: RORY FOY

JOB TITLE: RENOVATION TO DWELLING HOUSE

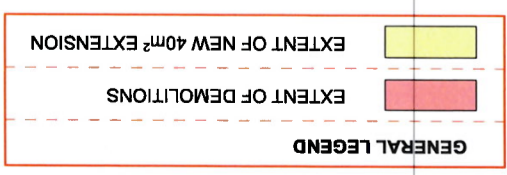
CO. GALWAY KILLEGARRA

SCALE: 1:100 @ A3	STAGE: PLANNING
DATE: 29/11/2025	DRAWING TITLE: FLOOR PLANS - EXISTING
REV NO: S5	JOB NO: 2214
REV NO: A2-00	DWG NO: 2214

GROUND FLOOR PLAN - EXISTING 1:100



ROOF PLAN - EXISTING 1:100



Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Discrepancies to be brought to the attention of the office before commencement of work.

PL FURTHER INFO

AGENT: **GAVIN DOHENY ARCHITECTURE**

CLIENT: RORY FOY

JOB TITLE: RENOVATION TO DWELLING HOUSE

KNOWAK KILBENMARA CO. GALWAY

SCALE: 1:100 @ A3

RF

AUTHOR: DATE: 29/11/2025

STAGE: PLANNING

PLANNING

REV NO: S5

NOTES:

FLOOR AREA

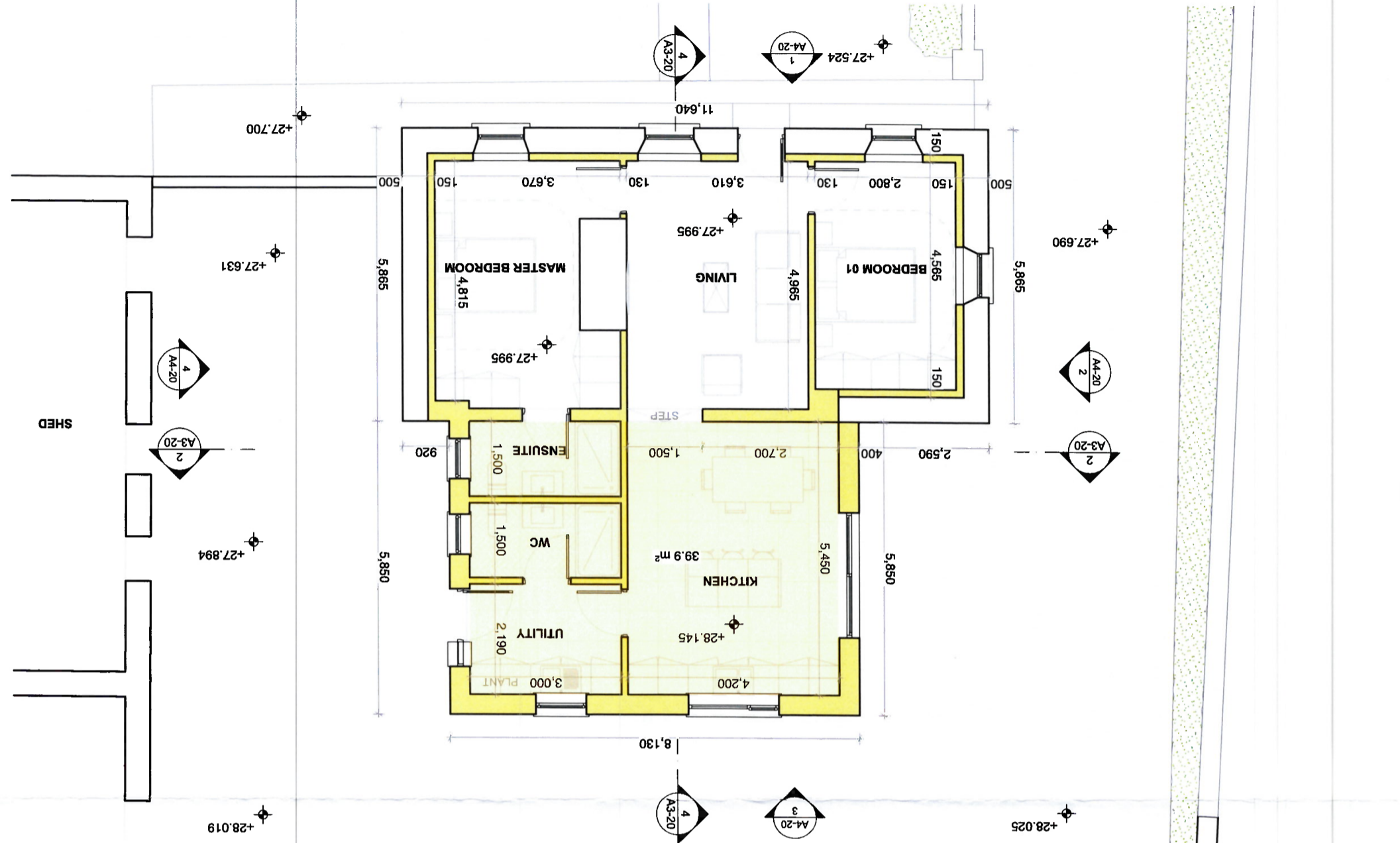
EXISTING COTTAGE AREA (EXCL. DEMO & LINERS) - 50m²

PROPOSED AREA (IN YELLOW) - 40m²

TOTAL: - 90m²

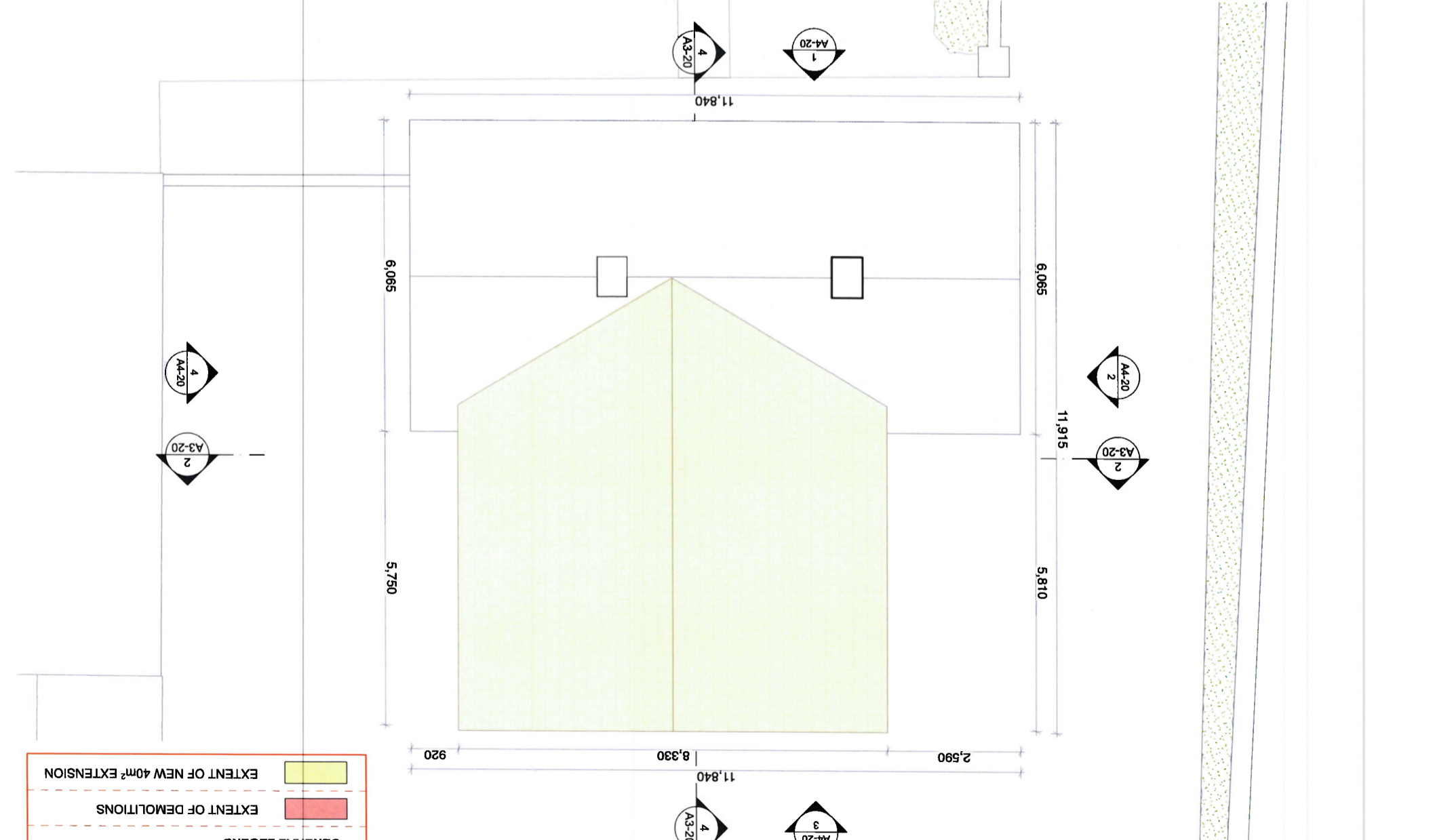
GROUND FLOOR PLAN - PROPOSED

1:100



ROOF PLAN - PROPOSED

1:100

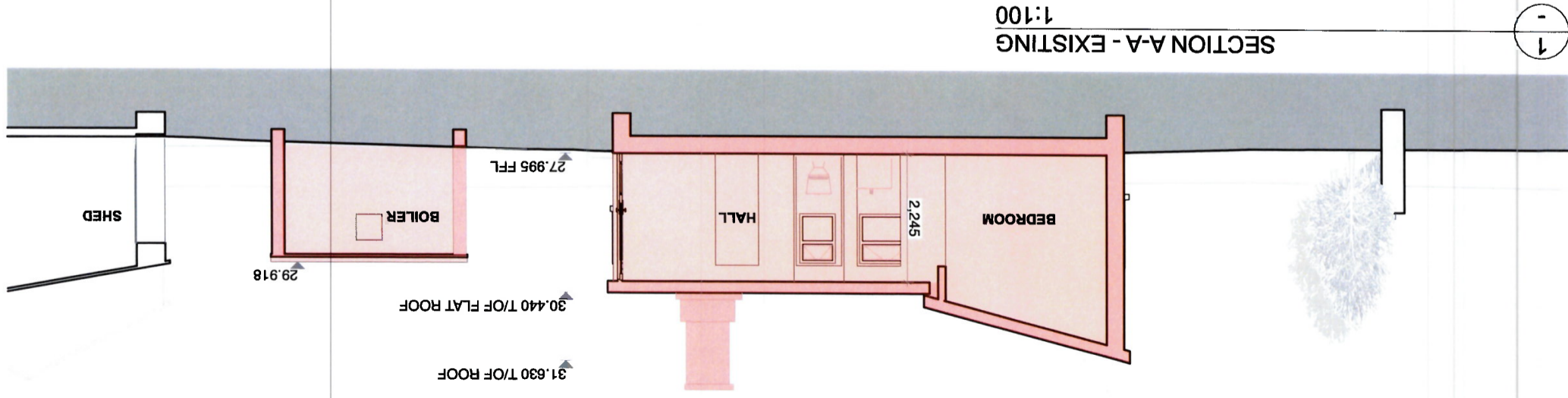


GENERAL LEGEND

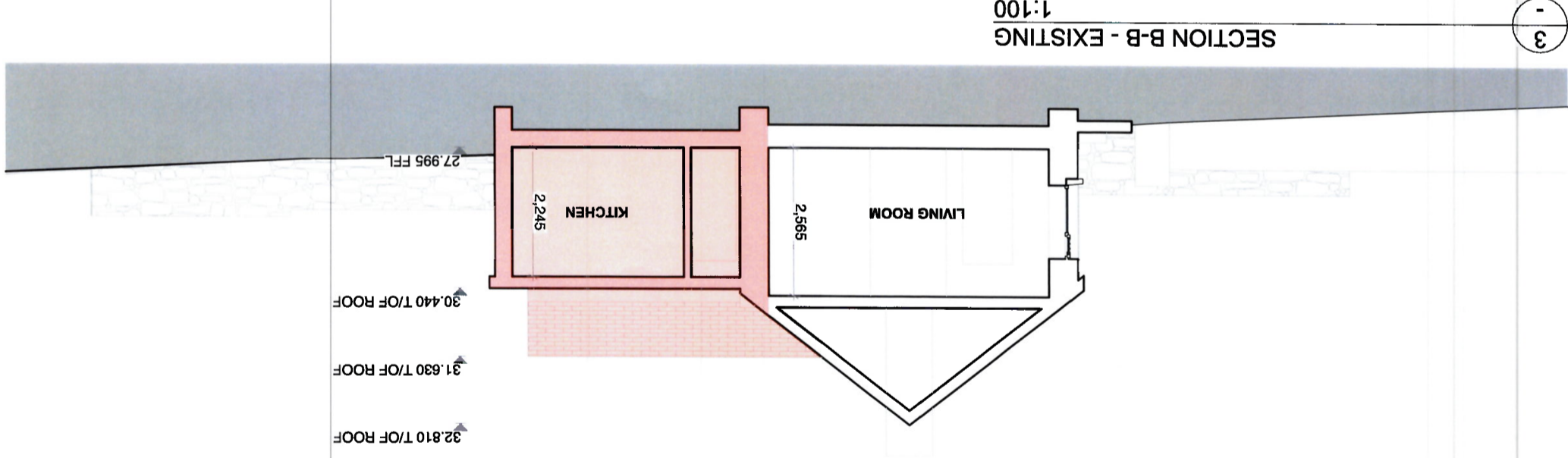
EXTENT OF NEW 40m² EXTENSION

EXTENT OF DEMOLITIONS

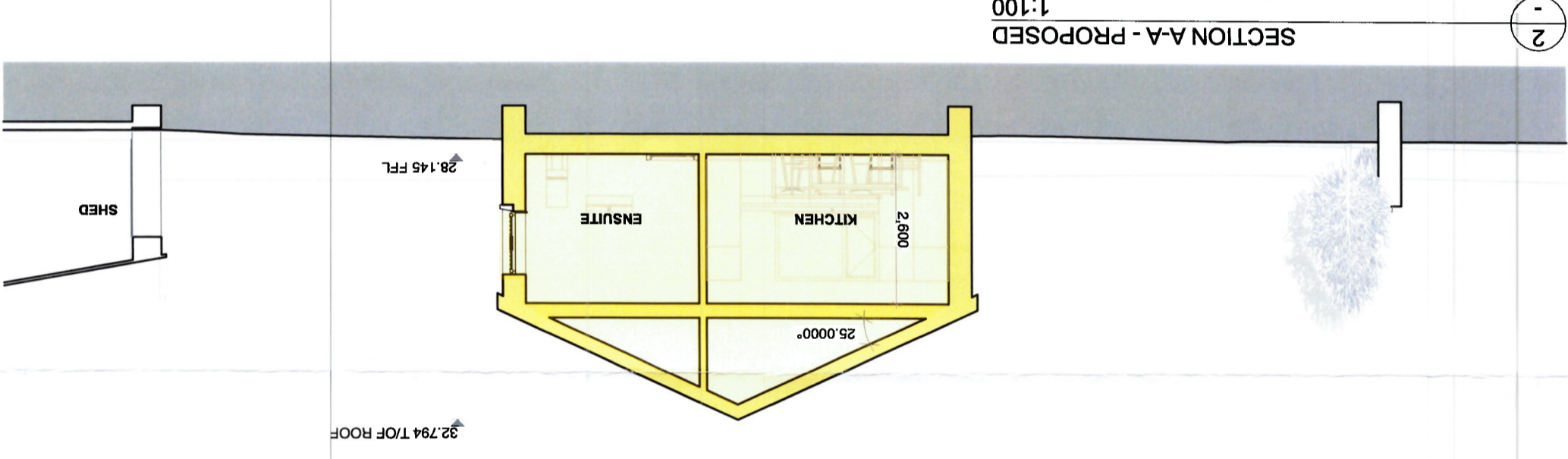
SECTION 5



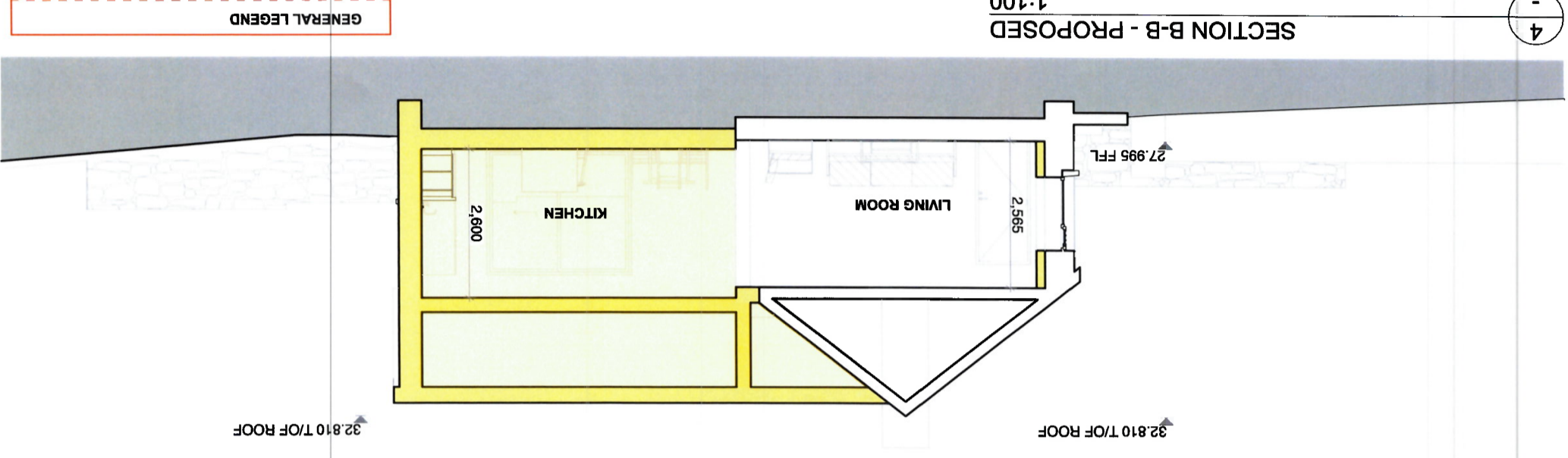
SECTION A-A - EXISTING
1:100



SECTION B-B - EXISTING
1:100



SECTION A-A - PROPOSED
1:100



SECTION B-B - PROPOSED
1:100

GENERAL LEGEND

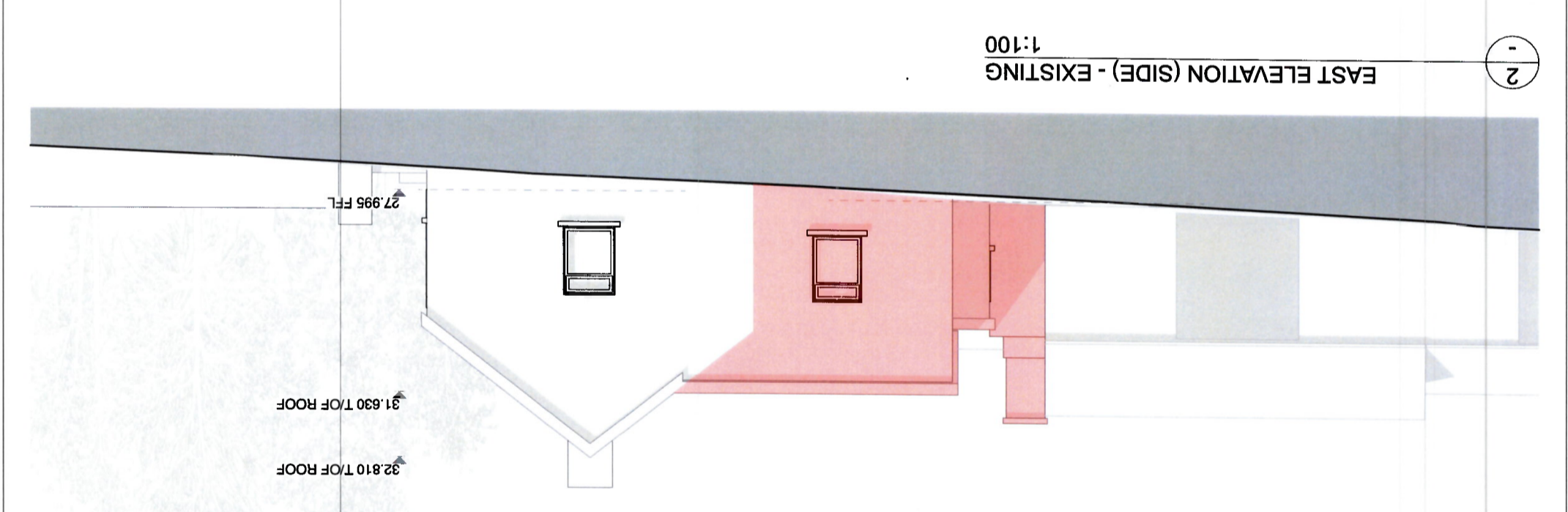
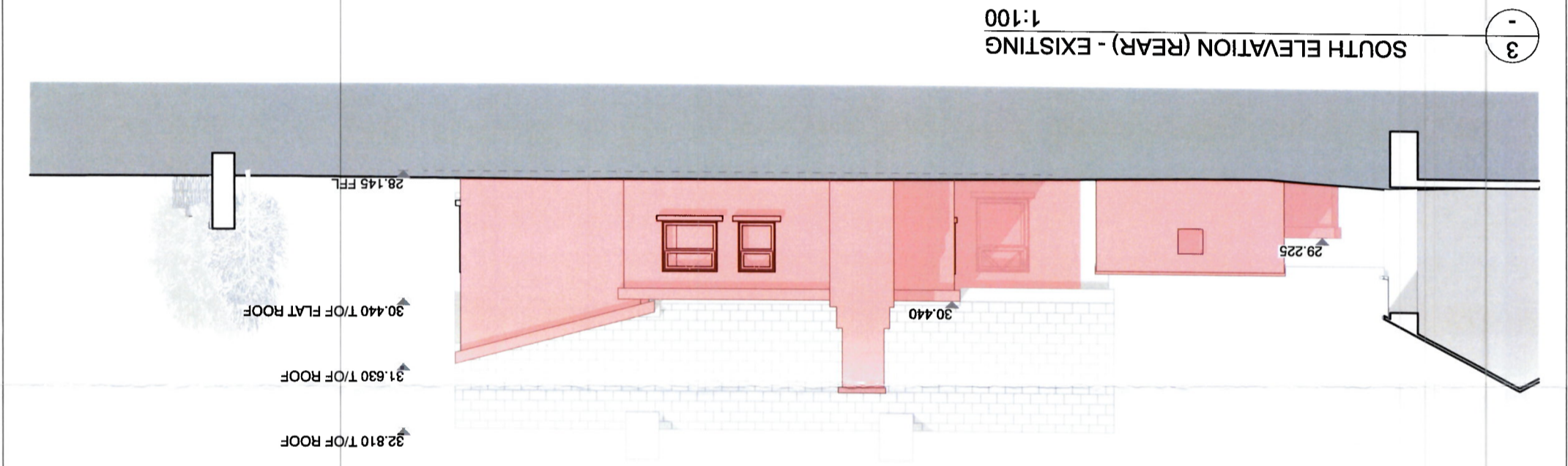
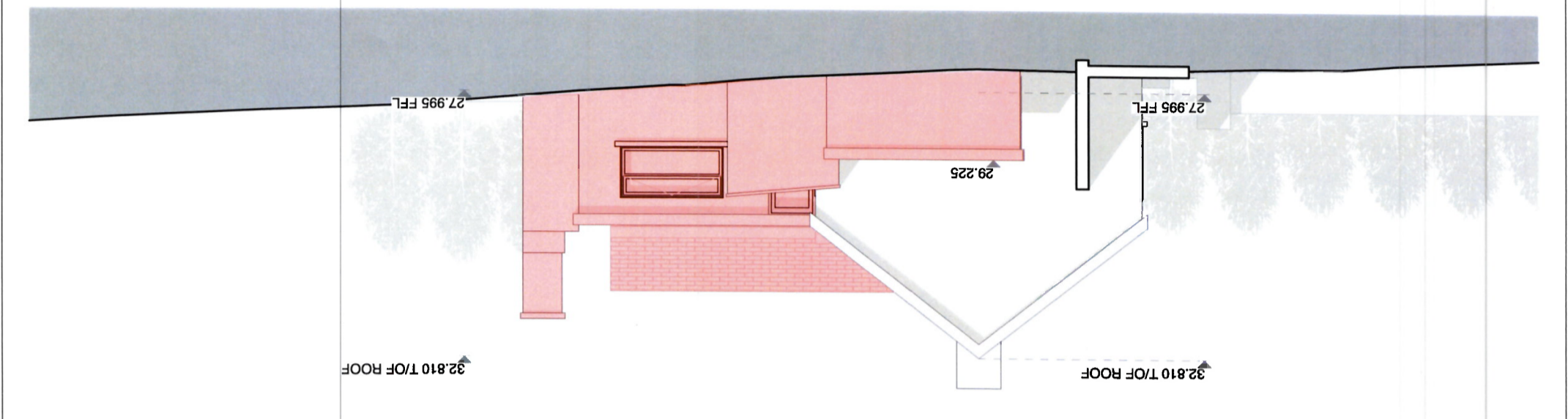
- EXTENT OF NEW 40m² EXTENSION
- EXTENT OF DEMOLITIONS

JOB NO. 2214	DWG NO. A3-20	REV. NO. S5	PLANNING			SCALE 1:100 @ A3	AUTHOR: RF	DATE 29/11/2025	AGENT: GAVIN DOHENY ARCHITECTURE	CLIENT: RORY FOY	JOB TITLE: RENOVATION TO DWELLING HOUSE	KILKENNY RD. CO. GALWAY	NOTES:	PLANNING INFO			
			REVISION	STAGE	DATE									NOTES	ISSUED FOR SECTION 5	PLANNING	NOV 2025

JOB NO. 2214 DWG NO. A4-00 REV NO. S5	PLANNING	STAGE	ISSUED FOR SECTION 5	PLANNING	NOV 2025	DATE	NOTES	REVISION	STAGE	DATE	NOTES	PLANNING INFO	Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Depends on to be brought to the attention of the office before commencement of work.	NORTH
	PLANNING	STAGE	ISSUED FOR SECTION 5	PLANNING	NOV 2025	DATE	NOTES	REVISION	STAGE	DATE	NOTES	PLANNING INFO	Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Depends on to be brought to the attention of the office before commencement of work.	NORTH

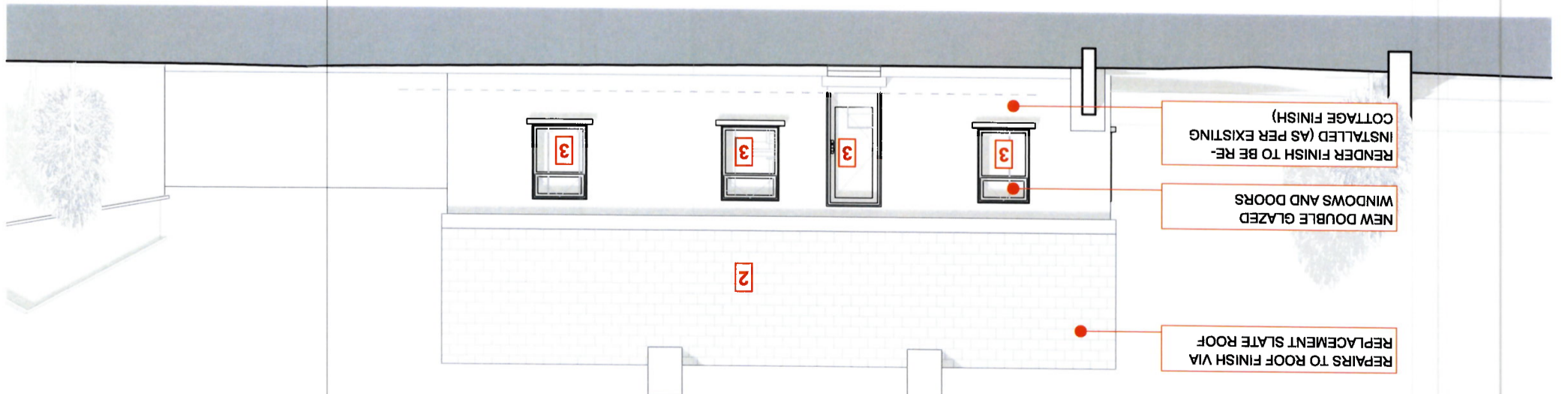
GENERAL LEGEND

- EXTENT OF NEW 40m² EXTENSION
- EXTENT OF DEMOLITIONS



SECTION 5

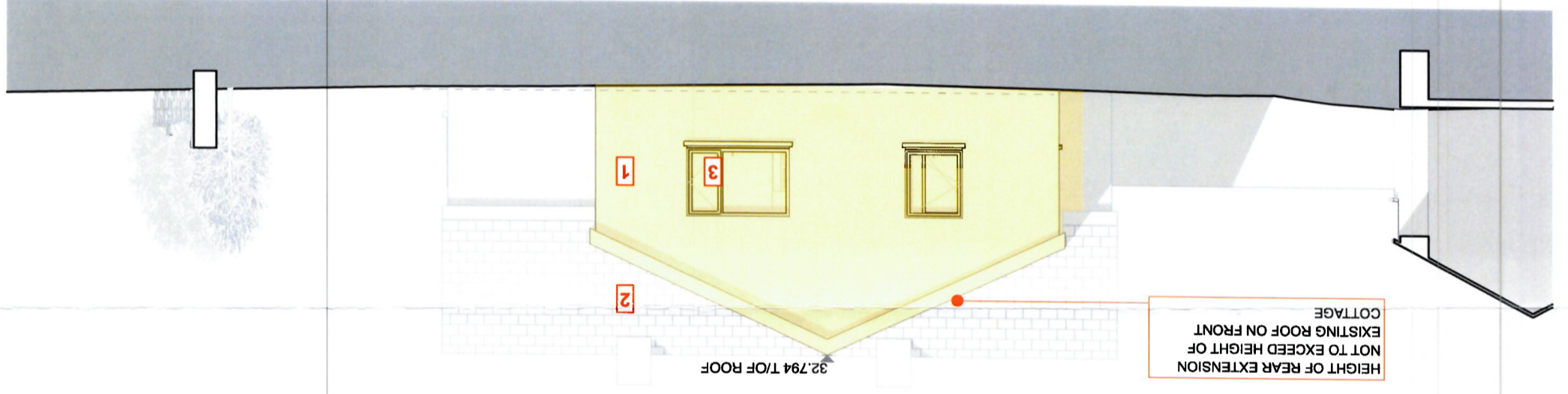
SECTION 5



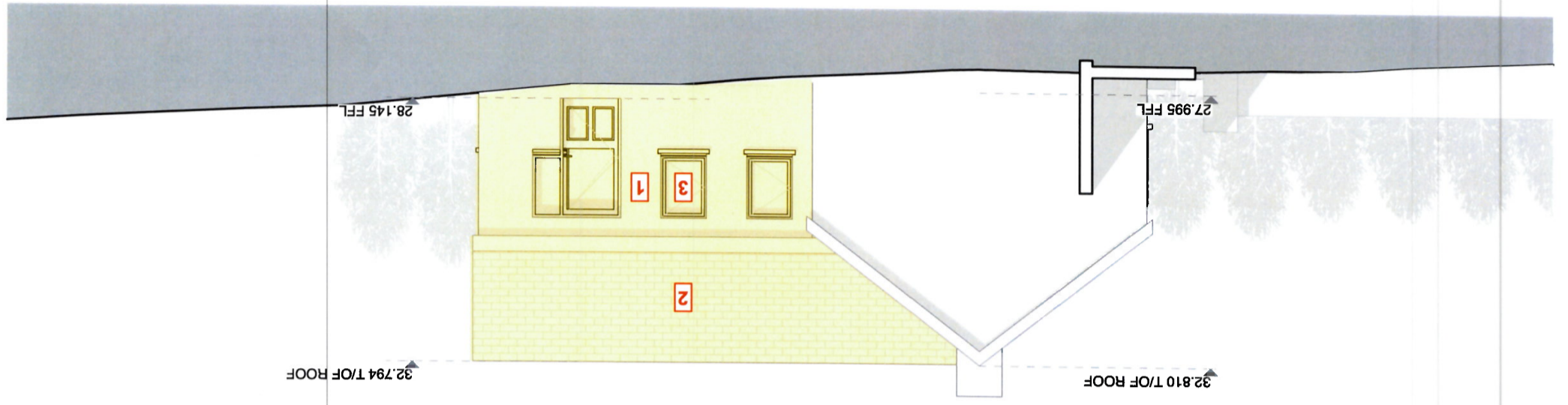
1 - NORTH ELEVATION (FRONT) - PROPOSED
1:100



2 - EAST ELEVATION (SIDE) - PROPOSED
1:100



3 - SOUTH ELEVATION (REAR) - PROPOSED
1:100



4 - WEST ELEVATION (SIDE) - PROPOSED
1:100

GENERAL LEGEND

- EXTENT OF NEW 40m² EXTENSION
- EXTENT OF DEMOLITIONS

PL PLANNING		PL PLANNING		PL PLANNING	
S5		NOV 2025		NOV 2025	
REVISION		STAGE		DATE	
ISSUED FOR SECTION 5		NOTES		NOTES	

Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Discrepancies to be brought to the attention of the office before commencement of work.

SCALE: 0 1 2 3

- NOTES:
- 1 NAPP RENDER
 - 2 DARK NATURAL SLATE
 - 3 POWDER COATED ALUMINIUM AND/OR NON WHITE U-PVC GLAZING FRAMES

AGENT: **GAVIN DOHENY ARCHITECTURE**
 CLIENT: RORY FOY
 JOB TITLE: RENOVATION TO DWELLING HOUSE
 KILLEMARNOCK, CO. GALWAY

JOB NO: 2214
 DWG NO: A4-20
 REV NO: S5

DRAWING TITLE: ELEVATIONS - PROPOSED
 T: 065-1981714
 E: gavin@doheny@gmail.com

STAGE: PLANNING
 SCALE: 1:100 @ A3
 AUTHOM: RF
 DATE: 29/11/2025

Land Registry

County Galway

Folio 21893F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent.

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	The property shown coloured RED as Plan(s) 7362 on the Registry Map, situate in the Townland of KILLEENAVARRA, in the Barony of DUNKELLIN, in the Electoral Division of KILLEENAVARRA. The registration does not extend to the mines and minerals.	From Folio GY7362
2	The property shown coloured RED as Plan(s) 7362 on the Registry Map, containing 2.6305 Hectares, situate in the Townland of CLOGHBOLEY, in the Barony of DUNKELLIN, in the Electoral Division of KILLEENAVARRA. The registration does not extend to the mines and minerals.	From Folio GY7362
3	The property shown coloured RED as Plan(s) 5 on the Registry Map, containing 5.3621 Hectares, situate in the Townland of CAHERNALINSKY, in the Barony of DUNKELLIN, in the Electoral Division of KILLEENAVARRA. The registration does not extend to the mines and minerals.	From Folio GY55597

1 There is appurtenant to the property Nos. 1 and 2 such right of taking seaweed (if any) from the foreshore on part of the lands of Tarrea containing 3 acres and 8 perches or thereabouts like measure situate as aforesaid at the area shown coloured green at co-ordinates: XY: (537021,712571).

Appurtenant revised under Rule 8(4). See Q2019LR007489Y Date: 31-05-2019.

2 There is appurtenant to the property No. 3 a right to pass and repass on foot and with animals, vehicles, machinery and goods of all kinds and for every purpose over part of the townland of Cahernalinsky by the way coloured yellow and lettered A-B on the Registry Map thereof (O.S. 103/15).

The description of the land affected by the above right is as set out on the Registry Map. In the event that the above entry includes lettering or other alpha numeric references as part of the description of the subject lands, where such lettering or alpha numeric references are not now shown on the Registry Map, the description on the Registry Map prevails and is deemed to be the description of the affected property for the purposes of the Registration of Deeds and Title Acts 1964 and 2006.

Land Registry

County Galway

Folio 21893F

Part 2 - Ownership

Title of property no.1,2 ABSOLUTE

Title of property no.3 POSSESSORY Fiat 07-DEC-1976

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
1	08-JUN-1995 95GY03821	THOMAS MARTIN FOY of KILLEENAVARA, KINVARA, COUNTY GALWAY and MARGARET FOY of KILLEENAVARA, KINVARA, COUNTY GALWAY are full owners. Cancelled D2024LR096733M 12-JUN-2024
2	12-JUN-2024 D2024LR096733M	THOMAS FOY of Killeenavara, Kinvara, County Galway is full owner. Cancelled D2024LR100916P 18-JUN-2024
3	18-JUN-2024 D2024LR100916P	RORY FOY of Killeenavara, Kinvara, County Galway is full owner.

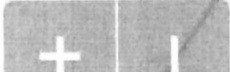
Land Registry

County Galway

Folio 21893F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.
2	The property is subject to a Land Purchase Annuity.
3	L.R.19/82444 The property No. 3 is subject to the fishing rights and fisheries (if any) reserved to the Land Commission by its Fiat.
4	L.R.5146 The property Nos. 1 and 2 are subject to the sporting rights within the meaning of the Irish Land Act, 1903, reserved by Fiat of the Land Commission.





Comhairle Chontae na Gaillimhe
Galway County Council

Bosca Poist Uimhir 27,
Aras an Chontae,
Cnoc na Radharc,
Gaillimh

Telephone: (091) 509308
Email: planning@galwaycoco.ie
Web: www.galway.ie

Rory Foy,
C/o Gavin Doheny,
Derryleigh,
Newport,
Co. Tipperary,
V94YE30.

3rd January 2025.

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

ED24/141 – Proposed extension and renovation of existing farm cottage (vacant) at Killeenavarra, Kinvara, Co. Galway, H91 VX61.

DECISION – NOT EXEMPTED DEVELOPMENT

A Chara,

The Planning Authority, in considering this Section 5 application, had regard particularly to

- (a) The definition of “works” set out in Section 2 of the Planning and Development Act 2000 (as amended).
- (b) The definition of “development” set out in Section 3 of said Planning and Development Act.
- (c) Section 4 of said Planning and Development Act 2000 (as amended).
- (d) Article 6 of the Planning and Development Regulations 2001 (as amended).
- (e) Article 9 of the Planning and Development Regulations 2001 (as amended).
- (f) ‘Class 1’ Schedule 2 Part 1 of said Planning and Development Regulations.
- (g) Documents submitted from the referrer in this Section 5 application.

The Planning Authority, in exercise of the powers conferred on it by Section 5 of the 2000 Planning Act (as amended), hereby decides that:

The proposed extension and renovation of existing farm cottage (vacant) at Killeenavarra, Kinvara, Co. Galway is development and is **not exempted development** as it would contravene Article 9 (viiB) of the Planning and Development Regulations 2001 (as amended)

‘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,’

Opinion:

Having regard to the above, in conjunction with the Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended) and Articles 6 & 9 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).

After reviewing the Section 5 application along with the submitted drawings we the planning authority have taken into consideration the applicants opinion that the proposed works would have no additional impact on the local environment / or ecology and it would also have no effect on the integrity of the Lough Fingall Complex SAC. However, we the planning authority are still of the opinion that, given the site's close proximity to the Lough Fingall Complex SAC, along with the location being within the foraging range of the Lesser Horseshoe Bat, likely significant effects of the development on the Lough Fingall Complex SAC cannot be screened out. Therefore, an Appropriate Assessment is required for the proposed development.

'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,'

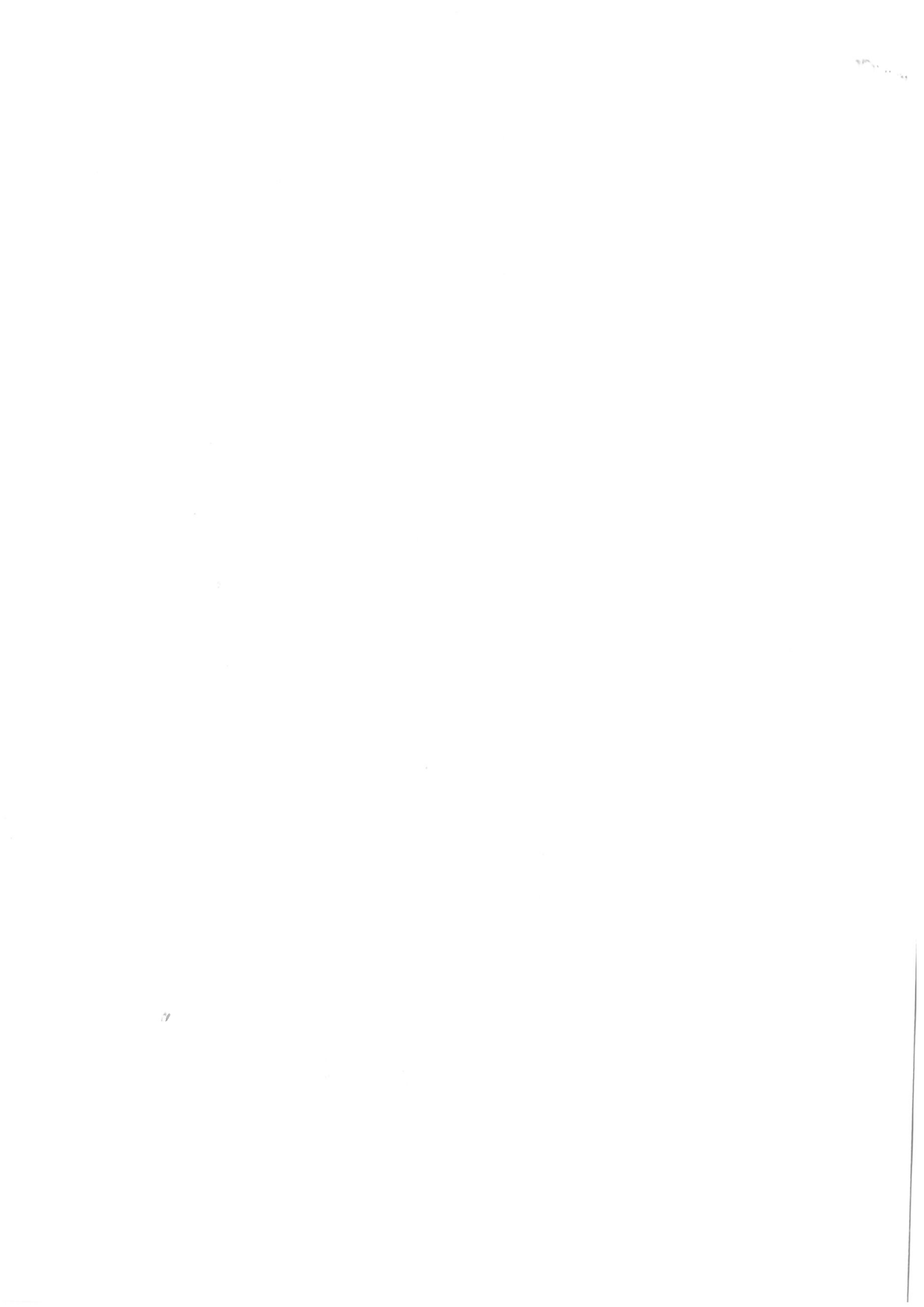
Note: After carrying out a site inspection on the previous ED 24-119 on the 10th October, we were unable to confirm the location of the septic tank as indicated on the submitted drawings. Therefore, we the planning authority would require a detailed report, along with pictures confirming the location, on the condition of said septic tank and percolation area. Note: Report to be carried out by qualified competent person.

Finally, it is noted that the total floor area of the extension appears to be 40.3m².

Please note that you may appeal this decision to **An Bord Pleanála** within four weeks of the issue of this declaration on payment of the prescribed fee. appeals@pleanala.ie

Mise le meas

John O'Connor
Planning & Sustainable Development Unit



PROVIDED FOR REFERENCE : PREVIOUS + RELATED SECTION 5 APPLICATION.

BASICALLY THE SAME SECTION 5 APP. AS CURRENT RESUBMISSION EXCEPT REAR EXTENSION DOWNSIZED TO 40M²

Cover Letter

To Whom It May Concern,

Please find attached the following, in relation to the section 5 application, on behalf of the applicant Rory Foy, at Killeenavarra, Kinvara, Co. Galway.

1. Section 5 application form.
2. Land registry details – demonstrating applicant is landowner.
3. Architectural Drawings, inclusive of the following:
 - A0 – 00 SITE LOCATION MAP Scale: 1:10,560 @ A3
 - A0 – 01 SITE LOCATION MAP Scale: 1:2500 @ A3
 - A1 – 00 SITE PLAN – EXISTING Scale: 1:500 @ A3
 - A1 – 20 SITE PLAN – PROPOSED Scale: 1:500 @ A3
 - A2 – 00 FLOOR PLANS – EXISTING Scale: 1:100 @ A3
 - A2 – 20 FLOOR PLANS – PROPOSED Scale: 1:100 @ A3
 - A3 – 20 SECTIONS – EXISTING & PROPOSED Scale: 1:100 @ A3
 - A4 – 00 ELEVATIONS - EXISTING Scale: 1:100 @ A3
 - A4 – 20 ELEVATIONS - PROPOSED Scale: 1:100 @ A3

A Section 5 application on this same property was previously made by the applicant in November 2024.

Exempted development reference number: ED24/141.

Galway County Council Planning & Sustainable Development Unit determined the proposed works as not exempted development (03/01/2025), for the following points:

1. The development would be likely to have a significant effect on the integrity of a European site (Lough Fingall Complex SAC),
2. The existing wastewater facility / septic tank was not located by GCC via site inspection.
3. The area of the proposed extension appears to be 40.3m²

The applicant appealed this decision to An Coimisiún Pleanála (22/01/2025).

Case reference: RL07.321734. (An Coimisiún Pleanála determination attached for ease).

An Coimisiún Pleanála upheld GCC decision, based on point 3 above, based solely on the proposed extension area being 40.3m² (0.3m² greater than permissible under exempted development).

An Coimisiún Pleanála had not determined the GCC suggested limitations as noted in points 1 & 2 above as reasons for refusing exempted development.

As such we request GCC review these reasons for refusal (points 1 & 2), in addition to a reduction in the area of the proposed rear extension to 39.9m² (point 3), and provide a decision to approve the proposed works as exempted development.

The applicant is seeking to avoid a repeat instance whereby they have to appeal a decision by GCC to refuse the proposed works as exempted development to An Coimisiún Pleanála based

on points 1 & 2. Given An Coimisiún Pleanála did not state these as reasons for exempted development refusal we request GCC take this on board when making a determination to save the applicant time and allow works to progress.

In anticipation of GCC comments on the proposed Section 5 application (as per those offered for the previous section 5 application via ED24/141), see below:

Re: Point 1: The development would be likely to have a significant effect on the integrity of a European site.

A rear extension to the existing farmhouse already exists.

The minor proposal is to substitute the existing pre 1963 rear extension with a proposed 40m² rear extension as per the provisions contained with the schedule of exempted development.

We query how could there be any additional significant effects of the proposed development on the Lough Fingall Complex SAC, given that the proposal is solely to replace an existing extension with a modern extension which will reside on broadly the same footprint.

Furthermore the farmhouse is located within the family farmyard. The farmyard is a fully operational farmyard and has all the trappings associated – ie. lighting, noise, vehicular traffic, animal movements and animal storage provisions. (Slatted sheds / dry sheds / machinery sheds / feeding slabs etc).

The minor substitution of an existing extension with a modern extension would have no impact to the foraging range of the Lesser Horseshoe Bat.

Re: Point 2: The existing wastewater facility / septic tank was not located by GCC via site inspection.

The proposed development does not include any works to the existing septic tank.

There is no proposed change to the occupancy numbers of the farmhouse arising from the proposed rear extension (total 4 no. occupants).

The scope of the proposed works does not include any works to the existing septic tank.

For record images of the existing septic tank cover and location are appended.

For record, to demonstrate the tank remains operational, see attached recent utility bill for the farmhouse, ie. when the last rental tenant (Brian Mitchell) resided there.

In conclusion there are no proposed works to the existing and fully operational septic tank.

The applicant is seeking to renovate the existing family farmhouse and in turn to improve the energy efficiency of the house.

The existing extension (constructed prior to 1964) is outdated and in need of renovation.

The floor area of the existing extension is to be retained.

It is proposed to replace the existing extension with a new rear extension with max floor area of 40m², whilst complying with the conditions and limitations contained in the planning and development act 2001, Schedule 2, Part 1.

The proposed 40m² rear extension is to replace the existing and outdated flat roofed rear extension.

The floor area of the existing cottage = 87m².

The floor area of the cottage inclusive of the proposed rear extension = 90m².

The impact of the proposed development is imperceptible.

The floor area / footprint of the proposed works are approx. the same as the existing dwelling. There would be no additional impacts to the local environment / or ecology that are not already in play, arising from the minor replacement of the rear extension. The proposed rear extension would have no effect on the integrity of Lough Fingall Complex SAC – ie. Any effect that exists due to the presence of the existing rear extension would be no different as a result of the proposed rear extension.

The dwelling house was fully occupied up until and after the passing of the most recent rental tenant (Mr. Brian Mitchell r.i.p - deceased in Dec. 2021) – proof of occupancy via rental income / esb bills are appended. The dwelling house was and continues to be served by a fully operational conventional septic tank (as per site layout drawings). The applicant is not proposing any changes to the existing septic tank. The no. of proposed occupants remains the same as the existing house (4 no. people). There are no proposed or additional effects on the Lough Fingall Complex SAC via retaining the fully operational conventional septic tank.

In January 2024 the applicant began internal renovation and demolition works. The improvement works then extended in summer 2024 to the removal of the external sand cement render on the front and side elevation. The applicant intended on reinstating a lime render externally citing improvements to the buildings performance – however completion of the render reinstatement was put on hold as the applicant learned that these works could be included under the vacant house grant. It is the definite intention of the applicant to reinstate renders as the external wall finish as per the previous external wall finish. The temporary exposed stonework will not be retained as the external finish.

Itemised list of the proposed works to be carried out:

1. Demolition of existing rear extension, boiler house, and adjoining disused water tank.
2. Minor groundworks at rear required to accommodate proposed extension as per proposed drawings.
3. Internal renovation works to (a) existing cottage & (b) proposed extension, including: insulated drylining, floor insulation and screed, and internal stud walls, incl. electrics and water / wastewater reconnection.
4. Removal of sand cement external render to existing cottage and reinstatement of a lime render finish.
5. Existing doors and windows to be replaced as per proposed drawings.
6. Internal reconfiguration of existing cottage as per proposed drawings.

7. Existing roof tiles to be replaced with dark slate. Roof finish to proposed extension to also be dark roof slates.

Note: No change to (a) existing and fully operational conventional septic tank, & (b) existing and fully operational surface water soakaways.

All works to comply with the requirements as outlined in TGD.

Regards,
Gavin Doheny, (Agent)

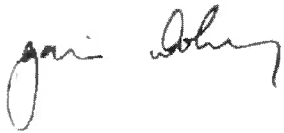


Fig 01. Front of cottage. – prior to remediation works to external render finish.



Fig 02. Existing rear extension (1961) to be replaced -



Fig 03. Existing rear extension (1961) to be replaced – footprint of proposed extension to be broadly consistent with existing.



Fig 04. Photograph of exposed septic tank – location as per drawings

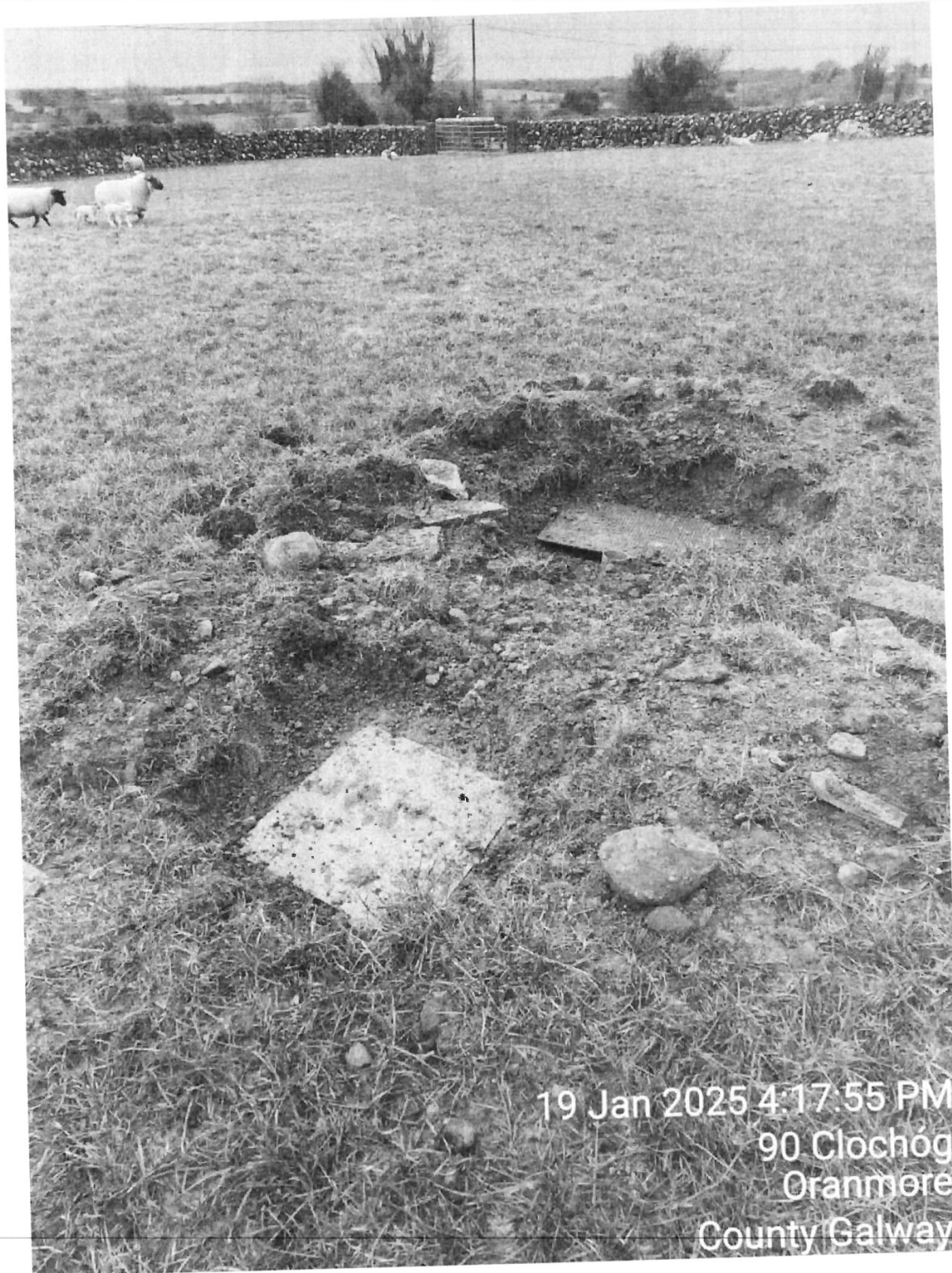


Fig 05. Photograph of exposed septic tank – location as per drawings



Your account number

902620963

To ask about this bill

call 1800 372 372

Open Mon - Sat 8am - 8pm

BRIAN MITCHELL
KILLEENAVARRA
KINVARA
CO GALWAY

For emergencies or
electricity interruptions

ESB Networks

call 1800 372 999

Open 24 hours, 7 days a week

Please have the MPRN number ready

MPRN 10 011 095 246

DUK 00000000000000000000

DUK2 MCC03 3

Date of issue 27 Oct 21

Invoice number 170B261069

00000000000000000000



Your electricity bill at a glance

Full details of your account are on the back of this bill

Billing period

1 Sep 21 to 22 Oct 21 52 days

Reading type

Your meter was read

Bill summary

Your last bill €65.75

Payments/Transactions €60.00

Arrears brought forward €8.75

Charges for this period €49.72

VAT €5.59

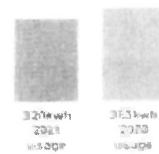
Total due €64.04

Pay by 10 Nov 21

Payment terms are 14 days from date of bill issue or immediately overdue. Information on the Fuel Mix and environmental impact is on the back of this bill.

We're Brighter Together

Energy saving tips



- Energy saving LED lightbulbs use 90% less electricity and last 3 times longer than CFL bulbs.
- Devices on standby can add up to 10% of your total electricity bill.

VAT Reg No R 81621001 8400



0001 9026209631 000000064041 798258



ESB (Ireland) Limited
71-73 Dame Street, Dublin 2
Cm No. B190008

902620963

BRIAN MITCHELL

DATE

Notes/Coups

Total cash

Charges etc

Total amount € 64.04

<902620963> 798258 9026209630 64041

8 6048 93 2036 8 40008 7 89

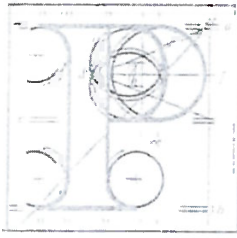
Fig 06. ESB bill demonstrating house was occupied until recently by latest rental tenant 'Brian Mitchell'. The house was and continues to be served by the existing septic tank – for which there is no proposed change as part of this application (note: same no. of occupants proposed for the proposed renovated house).



PROVIDED FOR REFERENCE = PREVIOUS + RELATED APPEAL TO ACP.

PL REF: ED 24/141 (GCC)

- BASICALLY THE SAME SECTION 5 APPLICATION
EXCEPT EXTENSION DOWNSIZED TO 40m² VIA
CURRENT REDESIGN - TAKING ACCOUNT OF ACP
FINDINGS.



An
Coimisiún
Pleanála

Commission Order
ABP-321734-25

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Authority Reference Number: ED24/141

WHEREAS a question has arisen as to whether renovation of an existing dwelling, the demolition of 37 square metres of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48 square metres) to the side of dwelling, and construction of 40.3 square metres extension to the rear at Kileenavara, Kinvara, County Galway, is or is not development and is or is not exempted development:

AND WHEREAS Rory Foy care of Gavin Doheny, Derryleigh, Newport, County Tipperary requested a declaration on this question from Galway County Council, and the Council issued a declaration on the 3rd day of January 2025 stating that the matter is development and is not exempted development:

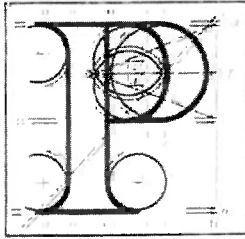
AND WHEREAS Rory Foy referred this declaration for review to An Bord Pleanála on the 22nd day of January 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1), 4(1)(h) and 4(2) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) renovation of the existing dwelling, demolition of 37 square metres of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48 square metres) to the side of dwelling, and construction of 40.3 square metres extension to the rear constitutes works;
- (b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000, as amended;
- (c) the development would not be likely to have a significant effect on the integrity of a European site and would not, therefore, require appropriate assessment, the restriction of article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended, does not apply;
- (d) renovation of the existing dwelling comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended;



An
Coimisiún
Pleanála

Direction
ABP-321734-25

The submissions on this file and the Inspector's report were considered at a meeting held on 14/11/2025.

The Commission decided, generally as recommended by the Inspector, and on the facts of the case as presented, that the proposed extension, based solely on an exceedance of the floor area limit of that proposed extension by 0.3 sq.m., is not exempted development. Consequently, the demolition of the domestic extensions is not exempted development. The renovation to the existing cottage and the demolition of the boiler house and water tank are exempted development, all as indicated hereunder.

(Note: Direction to issue with Order.)

WHEREAS a question has arisen as to whether renovation of an existing dwelling, the demolition of 37m² of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48m²) to the side of dwelling, and construction of 40.3m² extension to the rear is or is not development or is or is not exempted development:

AND WHEREAS Rory Foy requested a declaration on this question from Galway County Council and the Council issued a declaration on the 03rd

day of January, 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Rory Foy referred this declaration for review to An Coimisiún Pleanála on the 22nd day of January, 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) The planning history of the site,
- (h) The pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) renovation of the existing dwelling, demolition of 37m² of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48m²) to the side of dwelling, and construction of 40.3m² extension to the rear constitutes works;

- (e) demolition of the boiler house and water tank comes within the scope of Class 50(a) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended;
- (f) the proposed extension comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 but does not meet the conditions and limits set out in Column 2 as it would exceed 40 square metres floorspace (specifically, it would not meet Condition and Limitation number 1(a) of said Class as the floor area exceeds the limit by 0.3 square metres);
- (g) demolition of the existing domestic extensions does not come within the scope of Class 50(b) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 as it would not be connected to provision of an extension in accordance with Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as Condition and Limitation number 1(a) of Class 1 is not met as indicated above at (f));

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, as amended, hereby decides renovation of an existing dwelling, the demolition of 37 square metres of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48 square metres) to the side of dwelling, and construction of 40.3 square metres extension to the rear at Kileenavara, Kinvara, County Galway is development and is not exempted development.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 18th day of Nov. 2025.

