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Gerard Hanniffy B.E. M.I.E.I.
Consultant Civil Engineer.

AN COIMISIÚN PLEANÁLA
 LDG- [Signature]
 ACP- _____
 15 JAN 2026
 Fee: € 220 Type: PD
 Time: 9.15. By: Paul

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29th December, 2025

Our Reference: James & Agnes O' Connor
Your Ref: Pl. Reference No. **ED 25/146** Galway County Council.

APPEAL OF PLANNING DECISION

TO: AN COIMISIÚN PLEANÁLA,
64 MARLBOROUGH STREET, DUBLIN 1.

FROM: Gerard Hanniffy. B.E. M.I.E.I. Engineer
Suite 21, Orantown Centre,
Oranmore, Co. Galway.
Acting as Agent on behalf of James & Agnes
O' Connor
Coast Road, Oranmore, Carrowmoneash,
Co. Galway.
H91 XW29.

Particulars of Appeal: Appeal against the Decision of Galway County
Council Not to Declare as Exempt Development to
James & Agnes O' Connor for to Re-Build a Storm
Damaged Flat Roof To Rear Part of Existing
Dwelling/Essential Roof Repairs at Coast Road,
Oranmore, Carrowmoneash, Co. Galway.

Planning Authority: Galway County Council:

Planning Reference No. ED 25/146

Date Of Refusal: 18/12/2025

Continued/

WHEREAS on the 18th December, 2025, Galway County Council decided not to declare as Exempt Development to James & Agnes O' Connor for to Re-Build a Storm Damaged Flat Roof To Rear Part of Existing Dwelling/Essential Roof Repairs at Coast Road, Oranmore, Carrowmoneash, Co. Galway.

Now I, Gerard Hanniffy. B.E. M.I.E.I. Consultant Civil Engineer, Suite 21,Oran Court, Orantown Centre, Oranmore, Co. Galway, acting as agent for James & Agnes O' Connor, do hereby appeal this decision on the grounds hereafter scheduled.

GROUND OF APPEAL

Reason No. 1. For Declaration of Not Exempted Development by the Galway County Council:

“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).

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

To re-build storm damaged flat roof to rear part of existing dwelling, essential roof structure repairs at Coast Road, Oranmore, Co. Galway is development and is **not exempted development**, as per Section 4(4) of the Planning and development Act, 2000 (as amended) as the planning authority have determined that likely significant effects of the development cannot be screened out and an Appropriate Assessment is required for the development. Section 4(4) of the Planning and Development Act 2000 (as amended) states development shall not be exempted development if an Appropriate Assessment of the development is required.

F48(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required...”

Note: See copy of notification of the decision to refuse permission attached to appendix.

Continued/

Reply:

The proposal under the exempt declaration application was for to simply re-build a storm damaged flat roof section of an existing dwelling.

The existing dwelling is located adjacent to the main public roadway as you enter into the town of Oranmore, Co. Galway.

The existing dwelling is a bungalow style dwelling with a single storey addition to the rear elevation with a modest overall floor area of 148.00sqm.

The original bungalow was constructed in the 1930's whilst the rear single-storey extension was constructed in the 1940's and both prior to the implementation of Planning Laws.

The overall existing property was constructed prior to the implementation of Planning Laws. During a major storm a few years ago, the flat roof to the rear single-storey extension was severely damaged which rendered the dwelling uninhabitable.

The damaged sustained necessitated the property to be vacated and the owners and occupiers, James & Agnes O' Connor, had to move to alternative accommodation and the property has remained vacant since.

However in recent times, and due to the current housing crisis, the owners of the property have decided to reinstate the property to a habitable status as a family home and which is perfectly located in the town of Oranmore, Co. Galway where it can be fully domestically serviced.

The overall refurbishment of the property is fully dependent on the reconstruction of the damaged flat roof.

As such, and prior to any commencement of development, it was decided to submit an Exempt Development Declaration to the Planning Authority of Galway County Council. To aid in the application a "Flood Risk Assessment", a "Natura Impact Statement" and a "Construction & Environmental Management Plan" were submitted with the subject application.

Subsequently the conclusions & recommendations of the "Flood Risk Assessment" deemed that a Flood Risk Assessment was not required for this development.

The proposed works would not result in an increased flood risk or inappropriate development in a flood-prone area. Minor developments such as the outlined proposed works would not require a Flood Risk Assessment

The proposed works are classified as essential structural repairs to restore the building's integrity following storm damage. The development does not increase the building's footprint or introduce any new impermeable surfaces. As the accompanying Construction & Environmental Management Plan shows, with these proposed works, there are no soil excavations required, no temporary drainage measures needed, and no alteration of any watercourses, nor impediment to natural water flow paths. There is also no storage of any hazardous substances on site.

Continued/

The proposed development involves no increase in the development footprint or change in land use. The proposed works are non-intrusive, and the works do not alter surface water drainage patterns or increase runoff. The proposed development does not introduce any new vulnerable uses or increase the building's exposure to flood risk. This proposed development does not exacerbate the problems of flooding by accelerating or increasing surface water run-off. It would not alter any watercourses nor remove any floodplain storage. Hence, given the essential nature of the repairs, the proposed works are considered sufficiently low risk in terms of contributing to any flooding episodes.

The proposed works are deemed in line with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), which state that minor developments, such as in this case essential flat roof repairs, may not require a full FRA. This is not a proposed development which increases flood risk elsewhere, including that which may arise from surface water run-off. The present surface water run-off on this subject site would not be altered by the proposed works. It has been noted in Section 4.2 that restoring and upgrading the roof in question would instead restore or improve flood resilience, rather than introducing new risk.

Reconstruction of a storm-damaged flat roof is a contained, above-ground, non-invasive activity that typically restores or improves existing drainage conditions without altering the site's flood risk profile. Therefore, it is highly unlikely to contribute to increased flood risk on or off the site. It is hence recommended that Galway County Council proceed with the assessment of this planning application without the need for a full Flood Risk Assessment, based on the nature and scope of the proposed works.

Also the conclusions of the "Natura Impact Statement" concluded that for any proposed works in the area, it has been noted that there are potential risks to the designated European sites in close proximity, in terms of water quality deterioration and/or inappropriate interference with the foraging habits and needs of protected wildlife associated with these designated European sites.

However this "Natura Impact Statement", for the proposed subject roof repairs, **has not** identified any significant negative pathways for the proposed re-construction works on the subject site to interfere with the qualifying interests and conservation objectives of the designated European sites under consideration and that they are not considered to be at risk of any significant impacts resulting from the proposed works.

Therefore, it can be objectively concluded that the proposed re-construction works, individually or in combination with other plans or projects, would not significantly affect (direct, indirect or secondary) the ecological integrity of any designated European site under consideration in this report.

Therefore it has been determined that the proposed roof repairs do not constitute any Flood Risk or any adverse impact to the environment.

Also the proposed roof repair works will be in general like-for-like construction with the original roof works and will not materially affect the external appearance of the structure and will be consistent with the original character of the dwelling.

Therefore the proposed essential roof repair works are exempt development.

Continued/

CONCLUSION

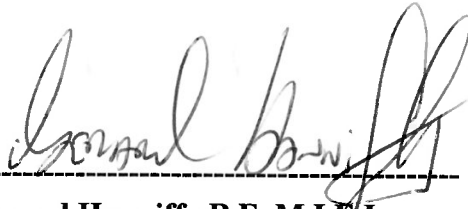
While assessing the “Exempt Development Declaration” The Galway County Council had all of the above information at their disposal to aid in their assessment but yet they still determined that the proposed essential roof repair works, to restore an existing uninhabitable dwelling to a much needed habitable dwelling, as non exempt development.

For this and the aforesaid reasons it is submitted that the planning authority’s decision to declare the proposed essential roof repairs as Non-Exempt Development” should be overturned and that the Declaration of Exempt Development under the Section 5 application should be granted.

ENCLOSURES

- i) Find enclosed a Postal Money Order in the amount €220.00, being applicable fee for the processing of this appeal.
- ii) Copy of notification of the decision to declare the development as Not Exempt by the Galway County Council.

Signed:



Gerard Hanniffy B.E. M.I.E.I.

Consultant Civil Engineer:

Date: 14/01/2026



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

James G & Agnes O'Connor,
c/o Gerard Hanniffy
Suite 21.
Oran Court,
Orantown Centre,
Oranmore,
Co. Galway.

18th December 2025

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

ED25/146 – Re-build storm damaged flat roof to rear part of existing dwelling, essential roof structure repairs at Coast Road, Oranmore, Carrowmoneash, 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).

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

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Recommendation:

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

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Section 4(4) of the Planning and Development Act 2000 (as amended) states development shall not be exempted development if an Appropriate Assessment of the development is required.

F48[(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Prepared By:  John O'Connor, Technician Gr 1, Planning

Counter-signed By: Valerie Loughnane, Senior Planner

Director's/Manager's Recommendation

Decided By: Liam Hanrahan, Director of Services

