



An
Bord
Pleanála

Pre-Application Consultation
pursuant to Section 177E(1A) of the
Planning and Development Acts,
2000, as amended.

Inspector's Report on
ABP-321050-24



Development Sought

Retention of a house.

Location

Doire na bhFlann, Recess, Co.Galway

Planning Authority

Galway County Council

Prospective Applicant

Ann Conroy.

Date of Consultation Meeting

19th December 2024

Date of Site Inspection

10th December 2024

Inspector

Kathy Tuck

1.0 Introduction

The Board received a request on the 10th October 2024 from OMC on behalf of Ann Conroy, to enter into a pre-application consultation under section 177E(1A) of the Planning and Development Act, 2000, as amended. The Board decided to grant this request from the prospective applicants by Direction dated 16th October 2024.

- 1.1 A pre-application consultation meeting was held on 19th day of December 2024. The purpose of this report is to inform the Board of the nature of the pre-application consultation undertaken, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

2.0 Site Location

The subject site is located within the townland of Reecees, Co. Galway. The site is located approximately 15km to the east of Clifden and 65km to the west of Galway City Centre. Access to the site is provided from the N59 via a local road. The site comprises of a bungalow dwelling, farm sheds and the subject shed/dwelling which has a stated area of c.42.66sq.m.

The subject site is surrounded by The Twelve Bens/Garraun Complex SAC (site code 002031). As such, the site is located 68m to the east; 42m to the west; 244m to the north; and 176m to the south of the Twelve Bens/Garraun Complex SAC. It is noted that some of the landholding is located within this SAC.

3.0 Description of Proposal

From the documentation attached to the file, the applicant is to apply for substitute consent to retain the dwelling on site. The applicant has submitted the planning drawings which had been previously submitted to the planning authority; a cover letter and all correspondence from the Local Authority with regard to the invalidated planning application and the enforcement notice.

4.0 Planning History

PA Ref 22/6128: Retention permission sought for existing Agricultural Shed. Gross floor space of work to be retained 42.66sqm.

The Planning Authority deemed this application to be invalid on foot of undertaking a site inspection it was found that significant works had been undertaken internally which were representative of that intended for habitable use. This use does not have the benefit of planning; was not considered to be exempt and as such the planning Authority deemed the statutory notices to be misleading.

PA Ref 23/60490 Retention permission sought for existing dwelling house.

Incorrect site notices were erected on site which related to the previous invalidated application (PA REF 22/61281) as such the application was deemed to be invalid.

PA Ref 23/60678 Retention permission sought for existing dwelling house.

The Planning Authority invalidated this application in accordance with Section 34(12) of the Planning and Development Act 2000 (as amended).

Section 34(12) states :-

A planning authority shall refuse to consider an application to retain unauthorised development of land where it decides that either or both of the following was required or is required in respect of the development:

- An environmental impact assessment.
- A determination as to whether an environmental impact assessment is required; or
- An appropriate assessment.

PA Ref 23/60678 Retention permission sought for existing dwelling house.

The Planning Authority invalidated this application in accordance with Section 34(12) of the Planning and Development Act 2000 (as amended). The Planning Authority further stated that site is located adjacent and partially within The Twelve Bens/Garraun

Complex SAC and there is also a potential hydrological connection (via local drainage systems; Glencoughan River and Ballynahinch Lake) to and within the zone of potential influence of the Connemara Bog Complex SAC. In the absence of satisfactory evidence to the contrary, the Planning Authority cannot be satisfied that the development to be retained, individually or in combination with other plans or projects would not be likely to have a significant effect on these or any other European Sites.

An Enforcement Notice was issued by Galway County Council on the 5th August 2024. The notice is seeking that all unauthorised development be removed from the site. The only option now available to the applicant is to apply for appropriate consent.

5.0 Legislation

Any subsequent application for Substitute Consent will be lodged under the provisions of Section 37L and Section 177E of the Planning and Development Act, 2000, as amended, and Part 19 of the Planning and Development Regulations, 2001, as amended.

6.0 Prospective Applicant's Case

6.1 The prospective applicant requested the pre-application consultation in order to determine the process of how to submit an application for substitute consent and what that application should contain.

7.0 Pre-Application Consultation Meeting

7.1 A Pre-Application Consultation meeting took place via Microsoft Teams on the 19th day of December 2024, commencing at 11.15 am. Representatives of the prospective applicant and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The prospective applicant was advised in advance of the meeting that the consultation would relate solely to the administrative procedures around the lodgement of an application, and any associated requirements.

7.2 This report should be read in conjunction with the written record on file of the pre-application consultation meeting held with the prospective applicant. It is not proposed

to repeat the contents of those records in detail here. The main topics raised for discussion at the meeting were as follows:

- Introductions.
- Description of development and relevant background.
- Procedural Advice with regard to any subsequent application for Substitute Consent.

The minutes of the meeting were forwarded to the applicant for response. No response was received.

8.0 **Conclusion**

The meeting concluded. The applicant did not indicate that they would be requesting a further meeting. I, therefore, recommend that the pre-application consultation process should be closed.

Kathy Tuck
Planning Inspectorate

17th day of February 2025