FOUNDATION
THE PINNACLE IN PLANNING AND PROJECT MANAGEMENT

Galway City Council
Planning Department
Áras an Chontae
Prospect Hill
Galway
H91 H6KX

Date: 9th October 2026

RE: APPLICATION FOR A SECTION 5 DECLARATION AS TO WHETHER THE INSTALLATION OF (A) A SINGLE EV CHARGING POINT COMPRISING A SINGLE DC CHARGING UNIT WITH 2 NO. EV SUPPLY OUTLETS AND A SINGLE DISPENSER, AND ASSOCIATED ESB MINI-PILLAR AND EV CHARING POINT RELATED SIGNAGE AND (B) AN AIR/VACUUM UNIT AT THE EV CHARGING POINT, ALL AT PART OF THE CAR PARK ADJACENT TO THE CURRY'S UNIT AT HEADFORD ROAD, GALWAY, CO. GALWAY, IS OR IS NOT EXEMPTED DEVELOPMENT

1.0 INTRODUCTION

1.1 We, Foundation, of 6 Upper Mount Street, Dublin 2, D02 VF44, are instructed by Brite Charing Limited, the owners of the subject property at part of the car park adjacent to the Curry's unit at Headford Road, Galway, Co. Galway, to make an application for a Section 5 Declaration to Galway City Council relating to the installation of an EV charging point and associated works and signage at the car park is or is not exempted development.

1.2 The *question to which this Section 5 application relates is:*

"Whether the installation of (a) a single EV charging point comprising a single DC charging unit with 2 no. EV supply outlets and a single dispenser, and associated ESB mini-pillar and EV charging point related signage and (b) an air/vacuum unit at the EV charging point, all at part of the car park adjacent to the Curry's unit at Headford Road, Galway, Co. Galway, is or is not exempted development"

1.3 As part of the application submission pack, we enclose the following:

- This cover letter.
- Completed Section 5 Application Form.
- Architectural Drawings and Drawing Schedule by Steve Cunnigham & Associates.
- Siemens SICHARGE D Product Booklet
- Application Fee - €80.

1.4 This cover letter sets out:

- Site Location and Description
- Description of development subject to the Section 5 application
- Legislative context
- Assessment
- Summary and conclusions

1.5 This cover letter has been prepared by Robert Molloy of Foundation, planning and development consultants. Robert holds a BSc in Spatial Planning and is a corporate member of the Irish Planning Institute.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The EV charging point and associated works in question are located in the car park immediately south of the Curry's building, within the Galway Retail Park, located on the Headford Road, approximately 1km to the north-west of Galway city centre and Eyre Square.

2.2 The site is located within an established, modern retail park comprising a range of large-format retail warehouse units, including Woodie's, Aldi, Smyths Toys, Halfords and Elverys, together with an IMC multiplex cinema and associated fast-food/restaurant uses, all arranged around a shared surface car park serving the wider development.

2.3 The Headford Road forms part of the N84, which represents one of the principal arterial routes connecting Galway city centre with Headford and onward to Castlebar to the north, and constitutes one of the main approaches into the city from the north-west. The subject unit benefits from frontage onto this route, with the wider retail park served by a controlled junction arrangement off Headford Road providing vehicular ingress and egress.

2.4 The surrounding area is characterised by established commercial and retail development along the Headford Road corridor, with the University of Galway campus and the River Corrib located to the south-east, and Galway Cathedral and the historic core of the city within comfortable walking distance. Established residential development is also located in the vicinity, reflecting the mixed commercial and residential character of this part of the city.

2.5 The site is well served in terms of accessibility, being reachable by car, bus, bicycle and on foot, with ample surface car parking provided on-site and regular public transport services operating along the Headford Road corridor connecting the site with the wider city and suburbs.



Figure 1: Subject Site Location (Building outlined in Red)

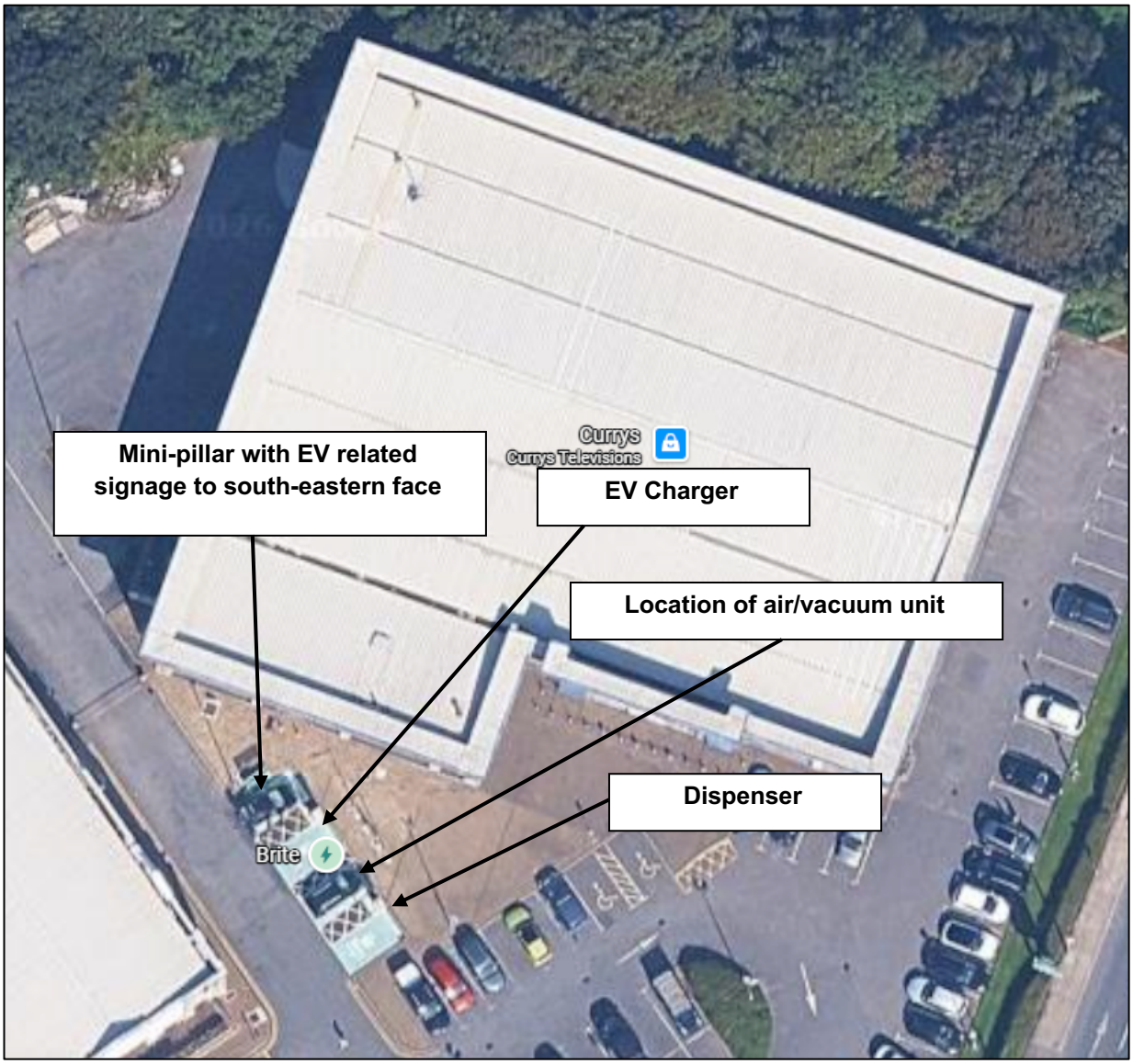


Figure 2: EV Charging Point Location

3.0 DESCRIPTION OF DEVELOPMENT SUBJECT TO THE SECTION 5 APPLICATION

3.1 The works in question, as they relate to EV charging point and associated infrastructure and signage, comprise of the following:

- **DC charging unit** — one unit, incorporating two EV supply outlets and a single dispenser. The EV equipment itself comprises a single charging point which serves 4 no. car parking spaces. As described previously, there are two primary pieces of equipment installed which together form the single charging point. One is the charging system and the second is a dispenser. The dispenser allows the single charging system to be extended to serve two more car parking spaces, therefore serving 4 no. spaces in total.

- **ESB mini-pillar** — one standard ESB Networks meter/connection cabinet, approximately 2m × 2m in plan, installed to ESB specification.

- **Air/vacuum unit** — one compact Air Serv unit on a small concrete pad, installed late 2025. Provides ancillary tyre inflation and vehicle cleaning.

- **EV related signage**, comprising the provision of a sign to the front of the EV charging spaces, illustrating the Brite Ultra Rapid branding, in addition to details relating to fees, opening times and contact details.



Figure 3: Picture from rear of mini-pillar



Figure 4: Picture of Charger (left), Air Vacuum (centre) and Dispenser (right)

4.0 RELEVANT PLANNING HISTORY

4.1 The following planning history is noted within the subject site area:

Reg. Ref 95261

4.2 Permission was granted in July 1995 for a single storey extension to existing car showroom on site adjoining Galway Retail Park.

Reg. Ref 97728

4.3 Permission was granted in May 1998 for the development of a 1,948 square metres of retail warehouse which includes for extending the existing Barry Motors Showroom and their change of use from motor showroom to retail warehouse.

Reg. Ref 9916

4.4 Permission was granted in April 1999 for a revised entrance elevation to already approved plans for change of use and extension to existing Barry Motors under Reg. Ref 97728.

Reg. Ref 99364

4.5 Permission was granted in August 1999 for the development of an electrical sub- station and switch room at rear of the former Barry Motors Building.

Reg. Ref 99751

4.6 Permission was granted in February 2000 for the installation of an air conditioning equipment unit.

Reg. Ref 99804

4.7 Permission for retention was granted in March 2000 for amendments to elevations at the former Barry Motors Building

Reg. Ref 2560342

4.8 Permission was granted in July 2026 for the development which consisted of a proposal to erect a new fenced external HVAC plant compound in the service yard of Currys Galway to house new air handling unit complete with 3 No. top mounted external condensing units. Works as part of the upgrade and decarbonisation of the store's heating, ventilation and air conditioning - removing the end-of-life internal gas-fired air handling units and existing external condensers.

5.0 RELEVANT LEGISLATIVE CONTEXT

5.1 The relevant legislative context is as follows, in the order it appears in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended.

Section 5 of the Planning and Development Act 2000, as amended

5.2 Section 5(1) of the Act is as follows:

"5.—(1) 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 this 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".

5.3 This application for a Section 5 Declaration is made pursuant to this Section.

Definition of Works

5.4 'Works' is defined in Section 2 of the Planning and Development Act 2000, as amended, as:

""works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure".

Definition of Development

5.5 Section 3(a) of the Planning and Development Act 2000, as amended, defines 'development' as:

"(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Exempted Development at Section 4 of the Planning and Development Act 2000, as amended

5.6 Section 4(1)(h) of the Planning and Development Act 2000, as amended, provides that the following is exempted development:

"development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures"

5.7 Section 4(2) of the Act gives powers to the Minister to provide in Regulations for any class of development to be exempted development. For completeness, Section 4(2) reads as follows:

"(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—
(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or
(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).
(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.
(c) Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act".

5.8 Article 6(1) of the Planning and Development Regulations 2001, as amended, then states that:

"Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1".

Exemptions at Schedule 2, Part 1 of the Planning and Development Regulations, as amended

Class 1

5.9 This exemption is for:

"Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises".

5.10 The 'Conditions/Limitations' associated with this exemption are:

"1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.

2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres.

3. The total area of such advertisements which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated.

4.(a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height.
(b) No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level.

5. Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road.

6. Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road.

7. Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure. (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres.

8. No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.

9. No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed".

Class 29

5.11 This exemption is for:

"The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation (excluding a charging point for electric vehicles) or minipillar for the distribution of electricity at a voltage not exceeding a nominal value of 20kV".

5.12 The 'Conditions/Limitations' associated with this exemption are:

"The volume above ground level of any such unit substation or minipillar shall not exceed 11 cubic metres, measured externally".

Class 29A

5.13 This exemption is for:

"Development consisting of –
(a) the construction of a charging point for electric vehicles that –
(i) in the case of a charging point situated on a public road, does not exceed 0.75 cubic metres by volume above ground, and
(ii) in all other cases, does not exceed 3.6 cubic metres by volume above ground,
(b) the adaptation of a street lighting pole for the purposes of the provision of both street lighting and a charging point for electric vehicles,
(c) the adaptation of a car parking payment machine situated on a public road for the purpose of both the making of payments for car parking and a charging point for electric vehicles, or
(d) the construction of bollards not exceeding –
(i) 1.2 metres in height, and
(ii) 0.2 cubic metres by volume above ground, for the purpose of protecting such charging point, provided that such electrical construction or adaptation is carried out by a registered electrical contractor within the meaning of section 9D of the Electricity Regulation Act 1999 (No. 23 of 1999)".

5.14 The 'Conditions/Limitations' associated with this exemption are:

"Advertising signage or other advertising material shall not be affixed to, or placed at, a charging point situated on a public road other than for the purpose of –
(a) identifying the charging point,
(b) providing instructions in relation to fees and to the use of the charging point, or
(c) providing the contact details of the operator, manager or owner of the charging point."

6.0 ASSESSSMENT

Introduction

6.1 It is clear that the works undertaken comprise of 'development' as defined in Section 3 of the Planning and Development Act 2000, as amended.

6.2 The core question that arises is whether this development is or is not exempted development.

EV Charging Point

6.3 The single charging point falls within the parameters of Class 29A (a)(ii), which is:

"(a) the construction of a charging point for electric vehicles that (ii) in all other cases, does not exceed 3.6 cubic metres by volume above ground".

6.4 It should be noted that, to the lay person, the installation may appear to comprise of 2 no. chargers.

6.5 The EV equipment itself comprises a single charging point which serves 4 no. car parking spaces. It is important to note that there are two primary pieces of equipment installed which together form

the single charging point. One is the charging system and the second is a dispenser. The dispenser allows the single charging system to be extended to serve two more car parking spaces, therefore serving 4 no. spaces in total. Refer to the enclosed product data sheet.

6.6 Combined, the charger and dispenser comprise of 2.93 cubic metres and as such do not exceed the 3.6 cubic metre restriction.

6.7 The 'conditions/limitations' to the exemption relate solely to signage and are addressed separately below.

Mini-Pillar

6.8 The exemption under Class 29A does not explicitly envisage or include an electricity installation (e.g., substation or mini-pillar) to service the EV charging point. It could be argued that it is implicit in the exemption (i.e., a charging point needs power, and might need a mini-pillar).

6.9 Even if it is considered not to be implicit in Class 29A, reliance can be placed on Class 29, which is:

"The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation (excluding a charging point for electric vehicles) or minipillar for the distribution of electricity at a voltage not exceeding a nominal value of 20kV".

6.10 The 'Conditions/Limitations' associated with this exemption are that the volume above ground level of any such unit substation or minipillar shall not exceed 11 cubic metres, measured externally. The volume of the mini-pillar is 1.9 cubic metres.

6.11 The reference to 'excluding a charging point for electric vehicles' is cumbersome drafting language, but is simply attempt to preclude a charging point itself from falling within Class 29.

Air / Vacuum Unit

6.12 The development in question comprises of one compact Air Serv unit on a small concrete pad, installed late 2025. Provides ancillary tyre inflation and vehicle cleaning.

6.13 These works comprise of 'development' as defined in Section 3 of the Act. We are not aware of any class of exemption that would capture these works.

Advertising Signage

6.14 The development in question comprises of one sign, on located in front of the EV charging spaces.

6.15 Under the Class 29A of the exempted development, the conditions set out in relation to advertising structures / signage, note the following:

"Advertising signage or other advertising material shall not be affixed to, or placed at, a charging point situated on a public road other than for the purpose of –
(a) identifying the charging point,
(b) providing instructions in relation to fees and to the use of the charging point, or
(c) providing the contact details of the operator, manager or owner of the charging point."

6.16 The signage is considered to align with these conditions, with the sign to the front of the car parking spaces details the pricing, times of usage, fees for overstay and contact details to the Customer Support assist.

6.17 It is considered that these align with the conditions set out under Class 29A and are considered to be exempted development as result.

7.0 SUMMARY AND CONCLUSIONS

7.1 On behalf of the applicant, Brite Charging Limited, we are instructed to submit an application for a Section 5 Declaration in respect of part of the car park adjacent to the Curry's unit at Headford Road, Galway, Co. Galway.

7.2 The Section 5 application seeks a Declaration from Galway City Council as to whether the installation of an EV charging point and associated works and signage at the car park is or is not exempted development.

7.3 There are minimal works to the existing car parking facilities to facilitate the installation of an EV Charging point, and associated signage works as part of this application.

7.4 The proposed development is also in alignment with the Government policy supporting the roll-out of EV Charging facilities and encouraging a transition to electric vehicles more broadly.

7.5 This Planning Statement includes a detailed assessment of the proposed use and under the relevant criteria for exemption in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, and it is respectfully submitted that the proposal complies with all relevant criteria and is therefore exempt from the requirement for planning permission.

Yours sincerely,

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