



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306847-20

<b>Development</b>	Construction of 11 glamping cabins, an additional 15 parking spaces. Retention of 4 glamping cabins replacing previously permitted glamping yurts approved under planning permission ref. no. 16/1097 & 18/1445
<b>Location</b>	Baile Uí Chuircthoir (Ballyquirke East) Maigh Cuilinn (Moycullen), Co Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	19/1510
<b>Applicant(s)</b>	Delphi Outdoors Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Delphi Outdoors Limited.
<b>Observer(s)</b>	Fáilte Ireland.
<b>Date of Site Inspection</b>	5 <sup>th</sup> May 2020.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 4.52 hectares, and is located on the south east side of Maigh Cuilinn (Moycullen) Village in the townland of Ballyquirke. Maigh Cuilinn is a gaeltacht village about 10km northwest of Galway City on the N59 Road to Oughterard and Clifden. The appeal site is the location of an adventure centre (*The Wildlands Adventure Centre*) nestled within an attractive woodland setting and which is currently well advanced in construction. Access is from the more elevated N59 to the west and the appeal site is bounded by residential properties to the south west and south, an industrial unit to the north west and agricultural lands to the north and east. Lough Bhaile Uí Choirc is located a short distance to the southwest.
- 1.2. Within the site there are a number of structures including a sports building towards the northern part of the site, and a number of outdoor play areas and parking facilities. Centrally within the site are four glamping cabins.
- 1.3. The Moycullen bypass route runs to the east of the appeal site. A compulsory purchase order for the scheme was confirmed by the Board in November 2012. I note from Galway County Council website that detailed design and contract documents for tendering purposes were due for completion in 2019.

## 2.0 Proposed Development

- 2.1. The proposal seeks involves elements of permission and retention. Permission is sought for the construction of 11 no glamping cabins of which there are five designs. An additional 15 car parking spaces are also proposed adjacent to the main sports building. Retention permission is sought for the 4 no glamping cabins which replace previously permitted glamping yurts approved under planning permission ref 16/1097 and 08/1445.
- 2.2. The glamping cabins are clustered together centrally within the site. The designs feature pre treated shiplap boards, grey single ply uPVC membrane roof with upstand seam roof with timber effect UPVC windows and doors. A mix of pitched and domed roofs are proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 12<sup>th</sup> February 2020 Galway County Council issued notification of its decision to refuse permission for the following reasons:

- 1. Based on the information included with the planning application, the location of the proposed development within flood zone A as identified in the Maigh Cuilinn Local area Plan 2013-2023 in conjunction with the proposed use which is considered a highly vulnerable development as identified in the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, the planning authority is not satisfied that this development is not at risk of flooding in the future and is not in accordance with the precautionary approach as set out in said Guidelines, Therefore, if permitted as proposed the development would be contrary to the Planning system and Flood Risk Management Guidelines for Planning Authorities 2009, issued to planning authorities under Section 28 of the Planning and Development Act, 2000 as amended and to the proper planning and sustainable development of the area.*
- 2. Having regard to the alterations to the roads layout in the further information response, refusal of planning permission is recommended on the basis that the applicant has not demonstrated that the revised access road, can safely cater for the relevant traffic movements required for the proposed development including cars, buses, refuse trucks and fire tenders, Therefore, the planning authority consider that if permitted as proposed the development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- 3.2.1.1 Initial planner's reports sought additional information regarding surface water disposal, flood risk, traffic safety, infrastructure capacity, bicycle parking and waste management.*

Second report notes that FRA refers to PRFA mapping but fails to note location of the site within Flood Zone A of the Local Area Plan. Refusal is recommended.

### 3.2.2. Other Technical Reports

3.2.3. Roads Report recommends that the access junction to the west side of the main access road to be omitted as its location and intensification of traffic arising would create a traffic hazard. Following additional information report recommends refusal on grounds of traffic hazard. Report asserts that the existing site entrance and access road has not been constructed in accordance with the plans and particulars submitted under previously granted planning permission planning ref 18/1445 giving rise to the potential conflict of traffic movements at this location.

Senior Engineer Infrastructure. Following discussion with NRDO footprint does not affect the proposals for the bypass. Note there may be dispute as to the ownership of the entrance to the site.

### 3.3. **Prescribed Bodies**

- Submission from Udarás na Gaeltachta refers to the significance of the Gaeltacht and stresses the need for prioritisation of the Irish language generally in decision making and specifically for instance in relation to naming and signage.
- Submission from Transport Infrastructure Ireland TII considers that the proposal is at variance with national policy in relation to control of development on/affecting national roads. Site is located in close proximity to the preferred and/or approved route of a national road scheme. The proposed development could prejudice plans for the delivery of this scheme. A grant of permission is considered to be at variance with the provisions of DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities January 2012. Galway County Council Project office managing the N59 Moycullen Bypass tender document preparation should be consulted and proposed development amendment by amendment of the existing application or as conditions if granted. Galway County Council Project Office managing the N59 Moycullen tender document preparation should be consulted and any recommendations arising should be incorporated.

### 3.4. Third Party Observations

None

### 4.0 Planning History

**18/1445** Permission granted 25<sup>th</sup> March 2019 for development and alterations to Planning Permission ref 16/1097. Alterations to consist of (a) amendments to the main building including additional floor space and elevational changes, (b) relocation of previously approved camping toilet and washroom facilities, (c) relocation of previously approved outdoor play area (50 metres to northwest of location permitted under PL Ref 16/1097, (d) relocation of previously approved camper sites (30metres southeast of location permitted under PL Ref 16/1097) to accommodate relocated outdoor play area € revised parking layouts, (f) associated site works. (2) Permission for retention for the following: (a) retention of alteration to internal access road, (b) retention of base of main building (located 5 metres southeast of location permitted under PL Ref 16/1097) Gross floor space of proposed works: 322.7sq.m.

Conditions included that permission expire in tandem with parent permission 16/1097.

**16/1097** Permission granted 6<sup>th</sup> March 2017 for development consisting of the construction of a 2,473.61 sq.m two storey adventure Centre with Ancillary works and facilities comprising 12m high activity tower with two zip lines; high and low level aerial woodland tracking courses; sundry related outdoor activities; 10 no camper sites and 4 no Glamping Yurts with ancillary ablution facilities; a foul sewer holding tank and pumping station to connect with public sewer; a new access road connecting with the N59, and related car and bus parking. The planning application is accompanied by a Natura Impact Statement.

## 5.0 Policy Context

### 5.1. The Planning System and Flood Risk Management Guidelines for Planning Authorities OPW November 2009

### 5.2. Development Plan

#### 5.2.1 The Galway County Development Plan 2015-2021 and Maigh Cuilinn Local Area Plan 2013-2019 refer.

Maigh Cuilinn is designated as a Key Town /Other Town within the settlement hierarchy. The County Development Plan notes that towns at this tier hold important positions within the County as key service centres and drivers of growth for their immediate and surrounding areas. The key towns have a high degree of self-sufficiency, reduce the demand for travel and provide a good quality of life for residents. Self sufficiency refers to where a large proportion of the population, living in the town or surrounding area, are able to live, work, shop, go to school and enjoy recreation without the need for constant travel.

Arising from the Transportation Strategy for County Galway the N59 Maigh Cuilinn By-pass is noted as a critical town by-pass

#### **Policy EDT 5** County Tourism.

To Maintain the status of County Galway as a popular tourist destination, by striving to preserve the attributes and assets of the County that make it unique and by endeavouring to enrich the visitor experience by contributing to the fulfilment of appropriate additional tourist resources and facilities, throughout the County within the lifetime of the plan.

#### **Objective EDT 14.** Tourism Infrastructure and Services

Provide where feasible and support the provision of tourism infrastructure and services including greenway amenity and water based tourism infrastructure throughout the County in appropriate locations.

**Objective EDT 17** Support the provision of sporting, sailing, boating, kayaking and angling facilities, pier and marina development, pony trekking routes, golf courses,

adventure and interpretative centres and associated ancillary uses throughout the County in appropriate locations including former quarry sites.

**Objective EDT 18 – Holiday Accommodation in Serviced Settlements** - Encourage the proportionate development of new standalone holiday homes/independent guest accommodation and short-stay accommodation within existing adequately serviced town and village settlements.

Objective EDT 22 **Gaeltacht Tourism**

Facilitate the sustainable development of the Gaeltacht areas of County Galway as cultural and linguistic tourist destinations while simultaneously safeguarding their integrity.

**Maigh Cuilinn Local Area Plan 2013-2019**

The site is zoned Open Space / Recreation and Amenity in the Local Area. The objective is Promote the sustainable management, use and/or development, as appropriate, of the OS lands.

This will include the:

- a) Development of open spaces and recreational activities in accordance with best practice and on suitable lands with adequate access to the local community and retain existing open space and recreational facilities, unless it can be clearly demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community.
- b) Appropriate management and use of any flood risk areas within the OS Zone to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding.
- c) Appropriate management and use of any areas of high biodiversity including proposed Natural Heritage Areas.

Uses open for consideration include:

Garden centre, building for the health safety and welfare of the public, cemetery, club house and associated facilities, community facility, cultural recreational building, education primary secondary, leisure.

Specific objective NH8 Trees, Parkland/ Woodland and Hedgerows and NH13 Protection of Bats and Habits refers.

Plan. Lands to the east are zoned for the Moycullen By-Pass.

### **Objective ED 1 – Employment & Economic Development**

Support the implementation of the Economic Development Strategy in the *Regional Planning Guidelines for the West Region 2010-2022* and the economic development and tourism policies and objectives as set out in the Galway County Development Plan (and any updated/superseding documents).

### **Objective ED 4 – Tourism Development**

Encourage and assist the sustainable development of the tourism potential within Maigh Cuilinn in a manner that respects, builds on, protects and enhances the cultural, built and natural heritage of the village and the local amenities within the Plan area. Key projects/initiatives that will be supported will include:

- a) Investigating the provision of a tourist information point and public toilet facilities at suitable sites within the village.
- b) Seek to develop a strategy for information signage for Maigh Cuilinn.

### **5.3. Natural Heritage Designations**

The site is within 130 metres of the Lough Corrib SAC (Site Code 000297).

### **5.4. EIA Screening**

Having regard to the limited nature and scale of the development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1 The appeal submission by MKO on behalf of the first party Delphi Outdoors Ltd. and includes a number of enclosures including Mission Statement for Wildlands, Flood Risk Assessment by Tobin Consulting Engineers, Aerial Photographs Feb 2020/ CD including drone footage of the site. Grounds of appeal are summarised as follows:

- Primary access point from the N59 has not been amended since it was granted permission in January 2017.
- No reasonable basis exists to refuse permission for the proposed development based on an access road alignment which has already been granted permission. There will be a minimal increase in vehicular movements as a result of the amendments proposed.
- Request the Board to note the location of the proposed yurts/glamping pods identified on the site layout plans associated with PL Ref No 16/1097 and 18/1445.
- Original permission allowed for 10 no caravan pitches and 4 no yurts totalling 14 accommodation offerings. The application would increase total accommodation provision to 15.
- The underlying characteristics of the subject lands as they relate to surface water as well as fluvial and pluvial flood risk have not changed.
- The principle of providing overnight accommodation at this location in the context of flood risk has already been established.
- Provision of high quality recreation facilities in close proximity to Galway City beneficial in terms of health
- The Planning Authority has erred in the interpretation of the Planning System and Flood Risk Guidelines for Planning Authorities 2009 as well as the basis on which OPW PFRA flood maps should be interpreted.
- OPW clearly caveat the interpretation of the maps on basis that they are based on broadscale simple analysis and may not be accurate for a specific location.
- Site has been subject to a site-specific flood risk assessment by the project hydrologists and their conclusions are outlined in the Flood Risk Assessment.
- Fluvial flood risk from the Lough Kip River was considered as part of the OPW PFRA. Based on mapping produced by the PFRA study it is predicted the flood level from the river Kip adjacent to the development may be in the region of 13mOD. Existing ground elevations at the site vary from 17 mOD in the

north to 14m ID in the south. The site is approximately 2m above flood plain of the river kip.

- Flood risk also considered from Ballyquirke Lough. Topographical survey carried out in November 2016. Water level in the Lough at this time was recorded at 6.9mOD 8m lower than the proposed site. It is not predicted that water levels in the lake will reach the site during a 1 in 100 year flood.
- The indicative flood mapping of the area show a portion of the site located within the predicted 1 in 100 pluvial flood plain. A topographical survey by Tobin determined that there is a low point in this area which has been subject to minor water ponding in the past. Anecdotal evidence suggests that minor ponding of surface water occurred in the past but not to the extent as indicated in PFRA study. Any surface water arising on the site will be managed by a dedicated storm water system designed by Hannify and Associates already constructed as part of previous permission. The storm water sewers will alleviate the pluvial flooding indicated on the PFRA mapping by drainage to a 22,5mx21.00mx2.00m (945m<sup>3</sup>) soakaway. Discharge from the site will be limited to greenfield runoff rates.
- It can be concluded that the site is not within flood risk zone A as it relates to fluvial flood risk and that the site landscaping and surface water drainage proposals (already in place) have been designed to ensure that no flood risk arises from pluvial or groundwater sources.
- Galway County Council's characterisation of glamping pods as highly vulnerable in the context of planning system and flood risk management guidelines for planning authorities 2009. Section 3.5 of the Guidelines clearly state that land and buildings used for short term or holiday development should be considered a less vulnerable development. The Planning Authority has therefore mischaracterised the proposed development in assessing flood risk.
- Accompanying flood risk assessment clearly concludes that the site will not be subject of flooding and the proposed development will not cause or exacerbate flood risk elsewhere. The proposed development passes the justification test.

- Proposed development accords with the relevant national regional and local planning policies and objectives and accords with the principles of proper planning and sustainable development. Neither of the refusal reasons identified by the Planning Authority have merit.

## 6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

## 6.3. Observations

Submission from Fáilte Ireland, asserts that the wildlands adventure centre will provide a compelling experience for visitors on this stretch of the wild atlantic way and benefit Galway City in adding to its offering. Proposed development will therefore add value to the wider region by extending the length of tourist season in the area. Accommodation offering proposed is an alternative accommodation product and considered suitable having regard to the woodland setting. From a tourism perspective Fáilte Ireland is supportive of the proposed development in line with all proper planning and environmental requirements being met.

## 7.0 Assessment

- 7.1. Having considered the application documentation, the grounds of appeal and all submissions I consider that the matters to be addressed in this appeal relate to those matters raised within the grounds of refusal regarding the issue of flood risk and also the issue of traffic safety. The matter of appropriate assessment also needs to be addressed.

## 7.2 Traffic Safety

7.2.1 As regards traffic safety the local authority grounds of refusal was as follows: *Having regard to the alterations to the roads layout in the further information response, refusal of planning permission is recommended on the basis that the applicant has not demonstrated that the revised access road, can safely cater for the relevant traffic movements required for the proposed development including cars, buses, refuse trucks and fire tenders, Therefore, the planning authority consider that if permitted as proposed the development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise.*

7.2.2 The local authority request for additional information indicated concerns regarding an access junction at the north-eastern area of the site annotated with “traffic signal” on the site layout maps. In response to the query the first party submitted a revised site layout which removed the traffic signal annotation. I note that the submitted layout is consistent with the layout as permitted under 18/1445 and the current appeal case does not propose any alteration to the road layout. On this basis I would concur with the first party that there is no reasonable basis to refuse permission on traffic grounds. The additional traffic arising from the proposed alterations is not significant in the context of the overall development. Any matters raised by the Local Authority with regard to the completion of the roadway in accordance with the governing permission are matters of enforcement and fall beyond the scope of the current appeal.

### **7.3 Flooding**

7.3.1 The Council's first reason for refusal was as follows:

*“Based on the information included with the planning application, the location of the proposed development within flood zone A as identified in the Maigh Cuilinn Local area Plan 2013-2023 in conjunction with the proposed use which is considered a highly vulnerable development as identified in the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, the planning authority is not satisfied that this development is not at risk of flooding in the future and is not in accordance with the precautionary approach as set out in said Guidelines, Therefore, if permitted as proposed the development would be contrary to the Planning system and Flood Risk Management Guidelines for Planning Authorities*

*2009, issued to planning authorities under Section 28 of the Planning and Development Act, 2000 as amended and to the proper planning and sustainable development of the area.*

- 7.3.2 The First Party appeal notes that the site specific flood risk assessment carried out by Tobin Consulting Engineers examined flood risk both in terms of Fluvial Flood Risk, Pluvial flood Risk, Flood Risk from Ballyquirke Lough and Groundwater flood Risk. In relation to fluvial flood risk from the Lough Kip River it is noted further to modelling exercise of the 100 and 1000 year events it was determined that the site is 2m or more above the indicative 1000 year flood level. It is noted that flooding mapping produced by OPW as part of the PFRA study indicates that the site is within Flood Zone C.
- 7.3.3 As regards flood risk from Ballquirke Lough the topographical survey of the site demonstrates that high water mark at Ballyquirke Lough is approximately 8m lower than the site. It is predicted that water levels in the lake will the not reach the site in a 1 in 100 year flood event mid-range future scenario.
- 7.3.4 As regards groundwater flood risk. No sources of ground water flooding in the vicinity of the site are identified by PFRA maps.
- 7.3.5 Regarding pluvial flood risk the indicative flood mapping shows a portion of the site within the predicted 1 in 100 pluvial flood plain. A topographical survey by Tobin Engineers also shows that there is a low point in this area where ponding of surface water may occur. Anecdotal evidence suggests that pluvial flooding has occurred here in the past though not to the extent indicated by the PFRA study. It is outlined that the storm water drainage design provides that any surface water arising on the site is managed by a dedicated storm water sewer system which will alleviate pluvial flooding arising by drainage to a soakaway. Discharge form the site incorporates SUDS and will be limited to greenfield runoff rates. It is outlined that there may be residual risk associated with an extreme flood event that exceeds the flood design standards for attenuation and storm sewer systems. It is assumed that the landscaping and topography of the site will provide safe exceedance flow paths in the event of extreme flood events or in the case of a blockage of the drainage

system, so as to minimise risk to people and property. On this basis it is estimated that there is no significant risk of pluvial flooding and surface water ponding to the development.

7.3.6 The site specific flood risk assessment outlines that there is no significant risk of flooding to the proposed glamping cabins and the proposed development will not impact flood risk elsewhere in the catchment area. On this basis it is outlined that the proposed development meets the relevant criteria set out in the justification test. As regards vulnerability class the proposed glamping cabins would fall within the less vulnerable development category as set out within table 3.1 of the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009. “Land and buildings used for holiday or short let caravans and camping, subject to specific warning and evacuation plans”. It is also noted that the original permission included provision for 10 camper sites and 4 glamping yurts and this permission established the principle of provision of overnight accommodation on the site.

7.3.7 Within the appeal the first party notes that the strategic flood risk assessment within the local area plan is partly based on OPW PFRA maps and reference is made to the OPW caveat regarding the interpretation of these maps as they are based on broadscale simple analysis. Further supplementary photographic evidence is provided with the appeal demonstrating that no flooding was observed at the Wildlands Adventure Centre in February 2020 a month in which rainfall 2.83 times greater than the long term mean for February is recorded by Met Eireann. Further review of local hydrology is outlined. Having reviewed all documentation including the site specific flood risk assessment and supplementary information provided within the appeal I consider that the applicant has demonstrated that the flood risk has been appropriately mitigated. Furthermore it has been demonstrated that the proposed development will not impact flood risk elsewhere within the catchment. On this basis I consider that refusal on the basis of flood risk is warranted.

## **7.4 Appropriate Assessment**

7.4.1 I note that the application is accompanied by an Appropriate Assessment Screening report by MKO Planning and Environmental Consultants and I note that the original

application 16/1097 was accompanied by a Natura Impact Statement. The following Natura 2000 sites are identified which could potentially be affected using the source pathway receptor model.

- Lough Corrib SAC 110m to the east of the site.
- Ross Lake and Woods SAC 4.2km north of the site
- Gortnandarragh Limestone Pavement SAC 8km north
- Connemara Bog Complex SAC 4.6km west of the site
- Lough Corrib SPA 2.3km east
- Inner Galway Bay SPA 8.2km south
- Connemara Box Complex SPA 10.9km west

7.4.2 In relation to Ross Lake and Woods SAC, Gortnandarragh Limestone Pavement SAC and Connemara Bog Complex SAC no pathway for effect is identified. As regards Lough Corrib SPA Inner Galway Bay SPA and Connemara Bog Complex SPA no pathway for effect is identified.

7.4.3 As regards the Lough Corrib SAC which is 110m east of the site. The Qualifying interest for the Lough Corrib SAC are as follows:

1029 Freshwater Pearl Mussel *Margaritifera margaritifera*  
1092 White-clawed Crayfish *Austropotamobius pallipes*  
1095 Sea Lamprey *Petromyzon marinus*  
1096 Brook Lamprey *Lampetra planeri*  
1106 Salmon *Salmo salar*  
1303 Lesser Horseshoe Bat *Rhinolophus hipposideros*  
1355 Otter *Lutra lutra*  
1393 Slender Green Feather-moss *Drepanocladus vernicosus*  
1833 Slender Naiad *Najas flexilis*  
3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)  
3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea

3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.  
 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation  
 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites)  
 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)  
 7110 Active raised bogs  
 7120 Degraded raised bogs still capable of natural regeneration  
 7150 Depressions on peat substrates of the Rhynchosporion  
 7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae\*  
 7220 Petrifying springs with tufa formation (Cratoneurion)\*  
 7230 Alkaline fens  
 8240 Limestone pavements\*  
 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles  
 91DP Bog Woodland \*

7.4.4 No direct effects arise. As regards indirect impacts it is noted that the changes and alterations to the previously permitted development are within the curtilage of the original development and do not alter the existing environment significantly. Linear landscape features including woodland edge will be maintained as part of the proposal. Noting that the Site specific conservation objectives document the lesser horseshoe bat for which Lough Corrib SAC is designated is over 25km from the site and the works area is well outside the core 2.5km core foraging range for the bat population associated with the roost. As regards indirect effects on the terrestrially based habitats for which the site is designated there is no potential for disturbance to otter as the SAC is buffered from the site by fields of agricultural grassland, tree lines hedgerows sheds, dwellings and local road. Surface water dependent habitats and species of qualifying interest were not encountered on the site and as the proposed changes are restricted to improved grassland and built surfaces. Due to the size nature and scale of the development no potential pathway for significant pollution effects on Lough Corrib have been identified. The glamping cabins do not contain toilets or washing facilities and therefore there will be no new sewage requirements associated with the proposed changes.

7.4.5 As regards cumulative effects the N59 Bypass immediately to the east of the site is noted. The alterations and amendments do not significantly increase the size and scale of the development and are not expected to result in any significant effects on

any Natura 2000 sites. The development will not contribute to cumulative impacts in combination with other plans and projects. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on The Lough Corrib SAC Site Code 000297, or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment is not therefore required.

## **8.0 Recommendation**

8.1 I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature, extent and design of the development to be retained and proposed, to the general character and pattern of development in the area and to the provisions of the Galway County Development Plan, 2015 – 2021, and Maigh Cuilinn Local Area Plan 2013-2019 it is considered that, subject to compliance with conditions set out below, the subject development would not be out of character with the area or constitute a traffic hazard and would appropriately mitigate flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 16th day of January 2020 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In

default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission planning register reference 16/1097 granted on 6<sup>th</sup> day of January 2017 and as amended by planning permission 18/1448 granted on 26<sup>th</sup> day of February 2019, and any agreements entered thereunder. This permission shall expire on 5<sup>th</sup> day of March 2022.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health.
4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

Bríd Maxwell  
Planning Inspector  
9<sup>th</sup> June 2020