



An  
Bord  
Pleanála

**Board Direction**  
**BD-006012-20**  
**ABP-306499-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/06/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to: -

- (a) The Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012
- (b) The policies and objectives of the Galway County Development Plan 2015-2021 including the Tuam Local Area Plan 2018-2024, and the Galway County Development Contribution Scheme 2016 (as amended);
- (c) the pattern of development in the area;
- (d) the nature, scale and design of the proposed retail development;

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not lead to an increased flood risk on the site and surrounding areas, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib Special Area of Conservation (Site Code: 000297) is the European site for which there is a likelihood of significant effects. The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives (Lough Corrib Special Area of Conservation (Site Code: 000297)). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically the mitigation measures detailed in the Natura impact statement to protect the water quality of the River Nanny which is hydrologically linked to the Lough Corrib Special Area Conservation (Site Code: 000297).

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European site in view of the site's Conservation Objectives.

## **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 to the planning authority on the 13<sup>th</sup> November 2019 and 19<sup>th</sup> December 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to

be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development shall be carried out and completed in accordance with the mitigation measures included in the Natura impact statement submitted to the planning authority on the 13<sup>th</sup> November.

**Reason:** In the interest of environmental protection, amenities, public health and safety.

3. Prior to the commencement of development, the developer shall submit to the Planning Authority for agreement in writing the following:

- (a) Design proposals for the widening of a section of the R332 to provide for a minimum of a 6-metre-wide carriageway with the existing parking bays retained. The development shall thereafter be carried out in accordance with the approved details.

- (b) A Stage 3 Safety Audit shall be completed by the developer on the final scheme and submitted to the Planning Authority for agreement in writing.

**Reason:** In the interest of traffic safety.

4. (a) Visibility splays, new access points, internal road surfaces and parking areas serving the proposed development shall comply with the detailed standards of the planning authority for such works. In this regard, detailed proposals for same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The vehicle parking and turning areas indicated on the plans submitted to the Planning Authority shall be laid out, surfaced and drained prior to the use of the building hereby granted or as otherwise agreed with the Planning Authority.

(c) The area indicated as car parking on the plans submitted to the Planning Authority shall be reserved exclusively for the parking of cars and shall not be used for the storage of goods or materials, including containers, or for the setting down of goods awaiting collection at any time unless otherwise agreed with the Planning Authority.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

5. Drainage arrangements, including the 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.

6. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, in particular, the disposal of asbestos on site, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) details of site security fencing and hoardings,
- (b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (e) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- (f) details of on-site re-fuelling arrangements, including use of drip trays,
- (g) details of how it is proposed to manage excavated soil, and
- (h) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of environmental protection, amenities, public health and safety.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

10. No additional advertising signs, flags, symbols, emblems, logos or other advertising devices other than signs indicated on plans submitted to the Planning Authority shall be erected externally on the building or anywhere on the site without a prior grant of permission from the Planning Authority

**Reason:** In the interest of visual amenity.

11. Comprehensive details of the proposed external and internal lighting scheme to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external lighting shall be directed away from the public road and from residential properties in the vicinity. Lighting shall be minimised outside of business hours.

**Reason:** To protect residential amenities and in the interest of traffic safety.

12. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

(e) Proposals to protect the existing trees along the southern site boundary adjacent to the River Nanny

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

13. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

**Board Member**

**Date:** 25/06/2020

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Maria FitzGerald