

An
Bord
Pleanála

Board Direction
BD-012278-23
ABP-312598-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2023.

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:

- The nature and layout of the proposed development,
- The demonstrated requirement for additional car parking to serve the store,
- The pattern of development in the area,
- The provisions of the Galway County Development Plan 2022-2028,
- The conclusion of the Appropriate Assessment,
- The adopted Galway County Council Development Contribution Scheme (as revised 1st August 2019),

it is considered that subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area, would not adversely impact the archaeology or built heritage of the area, including Oranmore Architectural Conservation Area, would not negatively impact traffic safety within the site appeal, or in the vicinity of the appeal site, and would not have a significant impact on ecology or on European sites in the vicinity. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the Screening Report for Appropriate Assessment, and the report and screening assessment as completed by the Inspector which concluded that the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) are the European Sites for which the proposed development has the potential to have significant effects. The Board concluded that appropriate assessment is required for these two European Sites.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted, the mitigation measures contained therein and the submissions on file and carried out an appropriate assessment of the implications of the proposed development for the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the Conservation Objectives for the sites. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, and the mitigation measures which are included as part of the current proposal. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out by the Inspector of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the Conservation Objectives of those sites and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the Board on the 4th March 2022 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.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The number of spaces granted by this permission is 31 number.</p> <p>Reason: In the interest of clarity.</p>
3	<p>All mitigation measures in the Natura Impact Statement, dated 21st February 2022, and the best practice/mitigation measures in the Ecological Impact Assessment, dated 21st February 2022, shall be implemented in full and shall be supervised by a suitably qualified ecologist.</p> <p>Reason: In the interest of environmental protection, public health and orderly development.</p>
4	<p>Prior to commencement of development, the developer shall submit to the Planning Authority for its written agreement;</p> <p>(i) A Site Plan indicating the location of the silt fence proposed as mitigation in Section 4 of the NIS.</p> <p>(ii) A drainage plan indicating the proposed development connecting into the existing surface water drainage system serving the existing car park and details, including the location of the hydrocarbon interceptor.</p> <p>Reason: In the interests of clarity.</p>

5 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall

(a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

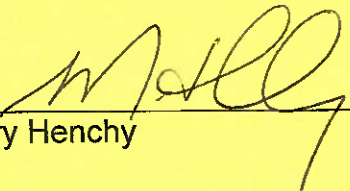
(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the Planning Authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Board Member



Mary Henchy

Date: 29/05/2023