



An
Bord
Pleanála

Board Direction
BD-019785-25
ABP-321771-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/05/2025.

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 provisions of the Galway County Development Plan 2022-2028 and the Loughrea Local Area Plan 2024-2030, to the 'C2' land use zoning of the subject site, to the Retail Planning Guidelines for Planning Authorities 2012 (DoECLG), to the design, scale and layout of the proposed development and to the pattern of existing and proposed development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development on this 'edge-of-centre' site and would not adversely impact upon the built heritage of the area or the amenities of the properties in the vicinity, would not undermine the Town Centre or retail future of Loughrea and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board considered the Natura Impact Statement submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed

development on designated European Sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Rahasane Turlough Special Area of Conservation (Site Code 000322), the Rahasane Turlough Special Protection Area (Site Code 004089), the Galway Bay Complex Special Area of Conservation (Site Code 000268) and the Inner Galway Bay Special Protection Area (Site Code 004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out a Stage 2 Appropriate Assessment of the implications of the proposed development on the Rahasane Turlough Special Area of Conservation (Site Code 000322), the Rahasane Turlough Special Protection Area (Site Code 004089), 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 these sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) 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 in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Board was satisfied that the proposed development

would not adversely affect the integrity of these European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of May 2024, and the 6th day of November 2024 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 mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect the integrity of European Sites.

3. Mitigation measures outlined within the Cultural Heritage Impact Assessment lodged with the application on the 14th day of May 2024 shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Prior to the occupation of the development, details of all advertising signage, including the proposed colour and finish and level of illumination (lux) of the signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. The development shall open only between 0800 and 2200 hours on Mondays to Saturdays and between 0900 hours and 2100 hours on Sundays and Public Holidays.

Reason: In order to safeguard the residential amenities of the area.

8. Appropriate times relating to deliveries to the development shall be agreed in writing with the planning authority prior to the commencement of operation of the development.

Reason: In the interest of public amenity.

9. The Landscape scheme submitted to the planning authority on the 14th day of May 2024 shall be implemented fully in the first planting season following the substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or

shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of visual amenity.

10. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interest of amenity and public safety.

12. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

13. Prior to commencement of the development, the developer shall:

- (a) Commission a road safety audit (stage 2), that will review the detailed design drawings and measures recommended by the earlier audit (stage 1) and accepted by the designer. On completion of Stage 2 Road Safety audit, and prior to commencement of the development, the applicant shall submit for the written approval of the planning authority the detailed design of the elements of the development that will on completion form part of the public road and footpath. This shall include details of vertical and horizontal alignment, road pavement tie-in details, cross-sectional details, footpath/ cycle path specifications and make up, tactile paving, build up details, kerbing details, road line marking, signage, traffic calming measures, public lighting and surface water drainage
- (c) On completion of the development, a stage 3 road safety audit shall be completed by an independent road safety auditor, at the developer's expense, and submitted for the written approval of the planning authority. Any safety issues highlighted in the audit shall be reviewed and addressed by the developer at their expense and shall be submitted for the written approval of the planning authority.

Reason: In the interest of road safety.

14. 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.

15. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

16. The developer shall enter into water and wastewater connection agreement with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

17. 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.

18. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety.

19. 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 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

Eamonn James Kelly
Eamonn James Kelly

Date: 27/05/2025