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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 18/621**

**Appeal** by Noreen Murphy of “Harbour View”, Aillebrack, Ballyconneely, County Galway against the decision made on the 29<sup>th</sup> day of November, 2018 by Galway County Council to grant subject to conditions permission to Connemara Smokehouse Limited care of Enda O’Malley of Bunowen, Ballyconneely, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A new two-storey side elevation extension to the east of the existing commercial building as well as all ancillary site works, all at Aillebrack Townland, County Galway, as revised by the further public notice received by the planning authority on the 11th day of October, 2018.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the modest size and scale of the extension to the existing commercial unit and to the flood risk assessment submitted with the application, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 carried out and conclusion, as set out in the Inspector's report that the Slyne Head Peninsula Special Area of Conservation (Site Code 002074) 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.

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,

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal,
- (iii) the Conservation Objectives for this European Site, and
- (iv) the view of the Department of Culture, Heritage and the Gaeltacht.

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 the 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 plans and particulars received by the planning authority on 11<sup>th</sup> day of October, 2018.

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

2. The development hereby granted is limited to that proposed in the public notices namely the two-storey extension to the side of the existing commercial unit. The grant of planning permission shall not include the extension of operating hours to Saturday without a separate grant of planning permission.

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

3. Water supply and drainage arrangements, including the attenuation of surface water shall be agreed in writing with the planning authority prior to commencement of development.

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

4. The applicant or developer shall enter into a water and/or wastewater connection agreement if necessary with Irish Water prior to commencement of development.

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

5. Only clean uncontaminated storm water shall be discharged to the soakaway system or surface water. The development shall not impair existing land or road drainage.

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

6. The developer shall pay to the planning authority a financial contribution in respect of works and 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. The application of any indexation required by this condition 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.

**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.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**