



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Planning Register Reference Number: 19/8

APPEAL by Wheeley Environmental Services Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 28th day of February, 2019 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Retention of an existing industrial building (Warehouse number 3) (circa 684 square metres gross floor area) including two number lean-to-structures to the south of the building; retention of one number existing weighbridge office (circa 33 square metres gross floor area) adjoining weighbridge on site; retention of existing retaining walls on the western boundary (circa 72 metres in length), southern boundary (circa 21.5 metres in length) and eastern boundary (circa 82 metres in length); retention of circa 65,000 litre rainwater harvesting tank and all ancillary site development, boundary treatment works above and below ground. Permission for proposed use of Warehouse number 3 for the manufacture and storage of plastic pellets; increase in height of existing retaining wall along the western boundary and provision of new retaining wall along the southern boundary (circa 125 metres in length). The application relates to an activity requiring a Waste Management Facility Permit from Galway County Council, all at Weir Road Business Park, Tuam, County Galway. The application site comprises an area of circa 1.3 hectares.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the location of the subject development and the pattern of development in the vicinity, and having regard to the nature and scale of the subject development, it is considered that the development for which retention is sought would seriously injure the amenities of the area, including existing neighbouring commercial premises, and would represent an inappropriate form and scale of development at this location. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located on a floodplain of the Clare River and is prone to flooding. The River forms part of the Lough Corrib Special Area of Conservation (Site Code: 000297). Having regard to the Flood Risk Management Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in 2008, and notwithstanding the proposed flood management proposals, it is considered that the expansion of a waste management facility at this location, and the retention and expansion of retaining walls bounding the site, would be inappropriate, would pose an unacceptable risk of serious environmental pollution and would exacerbate flood risk to adjoining properties and lands. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 3 Having regard to the nature, scale and extent of development and based on the documentation submitted with the application and appeal, it is considered that a determination, as to whether an environmental impact assessment would have been required if an application for permission had been made in respect of the development concerned prior to the carrying out of the subject development, is required. In such circumstances, and having regard to the fact that the present application is seeking to retain development, it is considered that, pursuant to Section 34 (12) of the Planning and Development Act 2000, as amended, the Board is precluded from considering a grant of planning permission for the development the subject of the application.

- 4 Based on the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have, or have had, a significant effect on the Lough Corrib Special Area of Conservation (Site Code: 000297), in view of the site's conservation objectives. In such circumstances, and having regard to the fact that the present application is seeking to retain development, it is considered that, pursuant to Section 34 (12) of the Planning and Development Act 2000, as amended, the Board is precluded from considering a grant of planning permission for the development the subject of the application.

Philip Jones

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

Dated this day of 2019.