



Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 20/963

Appeal by Norman Lee care of Grealish Glynn and Associates Limited of 1 The Punchbowl, Ennis Road, Gort, County Galway against the decision made on the 1st day of April 2021 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Retention of horse stables at Knockauncoura, Gort, County Galway.

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 Galway County Development Plan 2015-2021, the planning history of the site, the Archaeological Assessment submitted by the applicant, the location of the recorded monument GA128-056 on the site, and the potential impact on the recorded monument of any further works, the Board considered that, subject to compliance with the conditions set out below, the development proposed for retention would be acceptable in terms of the Archaeological Heritage objectives of the Galway County Development Plan 2015-2021. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

In deciding not to accept the Inspector's recommendation to refuse permission, the Board is of the view, having regard to the nature and modest scale of the development proposed to be retained, its position within the site, notwithstanding the proximity of the East Burren Complex Special Area of Conservation (Site Code 001926) adjacent the northern boundary of the appeal site, the Board was satisfied that a Natura Impact Statement was not required.

Appropriate Assessment Screening

The Board considered the appropriate assessment screening report and carried out an appropriate assessment screening exercise in relation to the potential effects of the development proposed to be retained on designated European sites. In completing the screening exercise, the Board concluded that, having regard to the nature and modest scale of the horse stables, the development proposed to be retained would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any European site, including East Burren Complex Special Area of Conservation (Site Code 001926), in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed building shall be used solely for the housing of horses and ancillary uses. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, any change of use shall be the subject of a separate application for permission to the planning authority.

Reason: In the interest of orderly development.

3. All stable manure and foul waters generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to storage facilities for subsequent land spreading and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

4. Land spreading shall be carried out in accordance with the Nitrates Directive, European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2009 (S.I No. 1010 of 2009) and the European Communities (Good Agricultural Proactive for the Protection of Waters) Regulations 2010 (S.I. No. 610 of 2010).

Reason: In the interest of public health.

5. All uncontaminated roof water from the buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

6. 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 within three months of the date of this Order 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.



Stephen Bohan

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

Dated this *20th* day of *April* 2022.

