

An  
Bord  
Pleanála

## Board Order ABP-315451-22

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 22/61004**

**Appeal** by Easyfix Limited care of James O'Donnell, Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 29<sup>th</sup> day of November, 2022 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of (1) a single storey warehouse building (circa 2,082 square metres), (2) an access road to connect to the existing Easyfix roadway off the R348, (3) installation of a new proprietary treatment system, together with parking, landscaping and all associated site works and services. The proposed development will be associated with the Distillery permitted under PL Reference Number 20/1652 at Ahascragh, adjacent to the existing Easyfix rural enterprise development in the townland of Perssepark, Ballinasloe, 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.**

## **Reasons and Considerations**

The 'agri-food' development proposed is supported by the over-arching national policy as set out in National Policy Objective 23 of the National Planning Framework 2040 which seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector. The Board noted that the development type can be accommodated in a rural location by reference to Policy Objective CD 1 of the Galway County Development Plan 2022-2028 which supports small scale rural orientated enterprises in unserved rural areas outside of town or village settings, where certain criteria are met. In this regard, the Board is satisfied that the criteria listed would be met and that the proposed development would contribute to the rural economy of Galway County and the region. It is further considered that the development would not give rise to an unacceptable impact on the landscape or the visual character of the area, would not seriously injure the residential amenities of the area or property in the vicinity, would not give rise to an unacceptable traffic hazard and would not result in any unacceptable loss of or impact on ecological habitats or species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development, the documents submitted by the applicant as well as the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the Inspector's screening assessment and conclusion in the report and concluded that, by itself or in combination with other plans or projects, the proposed development would not be likely to have significant effect on the River Suck Callows Special Protection Area (Site Code: 004097) or the Glenloughaun Esker Special Area of Conservation (Site Code: 002213) or any European site in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

## Conditions

1. The development shall be 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 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. Detailed specification for all proposed external materials and finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

3. All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the planning authority. Any trees/shrubs which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity and to integrate the development into its surroundings.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works. If a borehole is to be utilised, it shall serve as a drinking water supply only and the borehole shall be constructed in compliance with the EPA Drinking Water Advice Note Number 14: Borehole Construction and Wellhead Protection.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. The on-site wastewater treatment plant and soil polishing filter shall be installed, operated and maintained in accordance with the EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) as published by the Environmental Protection Agency (2021).

**Reason:** In the interest of public health and protection of the environment.

6. The construction of the development shall be managed in accordance with the Construction Environmental Management Plan received by the planning authority on the 7<sup>th</sup> day of October 2022. This plan shall be updated as necessary to ensure compliance with statutory obligations and best construction practice.

**Reason:** In the interests of protection of the environment and to safeguard residential amenities.

7. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

8. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

9. Details of compliance with the requirements of Irish Rail, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

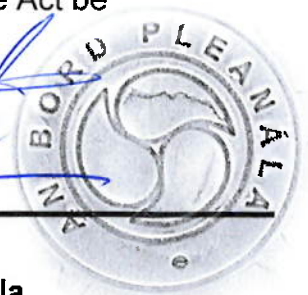
**Reason:** To ensure the safety of the rail line.

10. 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.

  
\_\_\_\_\_  
Joe Boland

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



Dated this 9<sup>TH</sup> day of February 2024