



An
Bord
Pleanála

Inspector's Report PL07.247214

Development

The retention of (i) extension to existing workshop previously granted under 01/393, (ii) new building consisting of engineering workshop, (iii) storage structures, and (iv) associated site works.

Location

Knockauntouk, Gort, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

16/834

Applicant(s)

Coleman Rock

Type of Application

Retention permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

Coleman Rock

Observer(s)

David Linnane & Aoife Tannian
An Taisce

Date of Site Inspection

24th November 2016

Inspector

Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located c. 4 km west of Gort in the townland of Knockaunatouk, which is situated to the south west of the wooded Coole Demesne. This site lies in an area of open countryside that is punctuated by one-off dwelling houses and farmsteads. Field and roadside boundaries are denoted by either hedgerows or dry stone walls. It is accessed by means of a gated entrance off the L-45160, which runs on a north south axis to the west of the site and which forms part of the local road network to the west of the M18/N18 and to the north of the R460.
- 1.2. The main body of the site is roughly rectangular in shape. This site is slightly elevated above the local road to the west. Otherwise it is level and it extends over an area of 0.544 hectares. The site accommodates the originally permitted light engineering workshop in its south eastern quadrant. This shed, denoted as no. 1, has been extended to the front and rear. It also accommodates a wholly new shed, denoted as no. 2, which is sited within the south western quadrant of the site and a storage structure, which is sited within the north western quadrant. A yard area, with portions of sealed surface, lies between these buildings and it extends into the remaining north eastern quadrant.
- 1.3. To the west of the southern portion of the site lies the applicant's dwelling house and garage and within the vicinity of the northern boundary of the site a bund is presently under construction. This boundary and those to the east and south are denoted by means of dry stone walls. The northern portion of the western boundary is denoted by a shallow earthen mound, beyond which lies a roadside hedgerow, and the southern portion and the boundaries to either side of the access road to the site are denoted by means of a timber post and rail fence. The observers' dwelling house lies to the north west of this boundary and it is accompanied on the opposite side of the local road by another dwelling house. Further dwelling houses lie to the south west, too.

2.0 Proposed Development

- 2.1. The proposal seeks the retention of the following items:

- The extension to the originally permitted light engineering workshop (shed no. 1). Part of this extension is a workshop and part is a storage area. The former has a floorspace of 86 sqm and the latter has a floorspace of 120 sqm,
- The new engineering workshop (shed no. 2), which has a floorspace of 455 sqm,
- The storage structure, which has a floorspace of 340 sqm, and
- Associated site works.

The originally permitted site approximated to the southern portion of the current site and the originally permitted light engineering workshop on this site has a floorspace of 199 sqm. Under this application, an effective doubling of the site area is proposed for retention, along with 541 sqm of engineering workshop floorspace and 460 sqm of storage floorspace.

- 2.2. The workshops and storage extensions to shed no. 1 are subsidiary in scale to the originally permitted light engineering workshop. The storage shed has an open front. Shed no. 2 is elongated in form and it has eaves and ridge heights of 3.331m and 4.310m, respectively. A higher portion of this shed, towards its centre, has eaves and ridge heights of 6.250m and 7.400m, respectfully. The northern end and the northern half of the eastern elevation are open. The storage structure has a mono-pitched roof that rises from 3.9m to 6.3m. Its eastern elevation is open. All the buildings are clad throughout in bottle green coloured corrugated steel sheeting.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. Notwithstanding the permitted small scale engineering workshop, the substantial industrial/commercial development proposed for retention in an un-serviced rural area that is a Class 4 landscape (wherein there is limestone pavement) is considered to be unsuitable to this rural setting and CDP Objective EDT 11 and DM Standard 12 are not applicable. Instead, it is considered that it would be suitable to a serviced zoned site in an urban area in accordance with Objective 7

of the CDP. If permitted, the development would seriously injure amenity, devalue property, and establish an adverse precedent.

2. The large scale industrial/commercial development in an open and exposed Class 4 landscape is a dominant, overbearing, and inappropriate form of development, which fails to integrate with its rural setting and as such fails to comply with the CDP's Objectives LCM 1 & 2. Accordingly, it interferes with the character of the landscape, detracts from visual amenity, militates against the preservation of the rural environment, materially contravenes the CDP, and risks the establishment of an adverse precedent.
3. The site hosts a limestone pavement, which is protected under Objectives NHB 2 & 4 and DM Standard 40 of the CDP. If permitted, then the CDP would be materially contravened.
4. The site adjoins the Coole-Garryland Complex SAC, wherein limestone pavement is a qualifying interest. Due to the lack of information with respect to the pre-development habitat of the site, potential flood risk, concerns over waste water and surface water disposal, and concerns over the management of hydrocarbons and waste on the site, significant indirect and cumulative impacts upon European sites cannot be ruled out and so, if permitted, the development would materially contravene the CDP's Objectives NHB1 & 6 and DS6.
5. Having regard to the intensification of the industrial/commercial use on site, the absence of a RSA, and any information concerning type and numbers of traffic movements in a context of on-road HGV parking and the carrying capacity of the local road, traffic safety is of concern. If permitted, then Objective TI 10 of the CDP would be material contravened.
6. Based on submitted information, the planning authority is not satisfied that the existing septic tank and percolation area can adequately treat and dispose of effluent. Given, too, the absence of surface water disposal proposals and the flood risk attendant upon nearby sites, the planning authority is not satisfied that such disposal would be adequate and the site would not be at risk of flooding. If permitted, then Objectives FL1, 2, 4 & 5 and WW5 would be materially contravened.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

See reasons for refusal.

3.2.2. Other Technical Reports

Environment: Further information request concerning the performance of the existing waste water treatment system.

3.3. **Prescribed Bodies**

DoAHRRGA: Draws attention to the proximity of the site to the Coole-Garryland Complex SAC and advises that “the recommendations outlined within the AA screening report are adhered to and that the proposed effluent treatment systems are adequate to safeguard against any adverse effects or damage to the European site”.

3.4. **Third Party Observations**

See observers' comments.

4.0 **Planning History**

Site

01/393: Construction of dwelling house with septic tank and percolation area + engineering workshop (216 sq m) with toilet, septic tank and percolation area: Permitted on 23rd July 2001.

Adjoining site

16/1020: Retention of (i) elevation alterations and extension (38.07 sq m) to dwelling house previously permitted under 01/393, and (ii) a domestic garage (205.8 sq m): Permitted on 24th October 2016.

Both sites

ED16/021: Enforcement enquiry re. unauthorised garage at rear of dwelling, unauthorised construction of additional sheds, non-compliance with permitted application 01/393, and unauthorised materials/soil/fill on lands.

5.0 **Policy Context**

5.1. **Development Plan**

Under the Galway County Development Plan 2015 – 2021 (CDP), the site is shown as lying within The Lower Burren (County Galway portion) landscape character area, the sensitivity of which is deemed to be Class 4 Special and the rating of which is deemed to be High.

Objectives EDT 7 and 11 of the CDP relate to aligning enterprise to serviced lands and rural enterprise, respectfully. DM Standard 12 also relates to rural enterprise.

Table 1 of the Gort Local Area Plan 2013 (LAP) states that of the 35.04 hectares of industrial zoned lands, 27.36 hectares are undeveloped.

5.2. **Ecological Designations**

The site is adjacent to Coole-Garryland Complex SAC (000252) and NHA (000252). Further to the south and east of the site, lies the Coole-Garryland SPA (004107), too.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant begins by setting out the background to this application. The site is subject to an enforcement notice, dated 14th April 2016. While the current application addresses the issues raised in this notice, the reasons for refusal raise further issues that the applicant was not given the opportunity to address under further information.

The applicant's engineering business supplies agricultural buildings to farmers in North Clare and South Galway and so it is a rural enterprise. It has operated for the last 15 years and it provides local employment.

Additional infrastructure was installed on site to enable the business to be certified, on 26th May 2016, under EN1090. The applicant farms 20 acres of land around his dwelling house. The subject buildings were originally intended for agricultural use and so they were exempted development. However, the aforementioned installation led to their reassignment.

The following grounds of appeal are cited:

In relation to the first reason:

- As the development is a rural enterprise, Objective EDT 7 is not applicable. The applicant relocated from unsuitable premises in Gort to the appeal site in 2001, as there were no suitable sites in the town itself. Permission was granted for an engineering workshop and so it is unfair for the planning authority to oppose the expansion that has now ensued. Objective EDT 11 is applicable and, if it is to be upheld, then the development should be supported.
- DM Standard 12 supports the use of existing buildings, agriculturally related industry, and farm related businesses. The development falls into each of these categories. DoAFM specifications address works, such as shot blasting and painting, and these specifications have been the impetus for the development.

In relation to the second reason:

- The subject buildings present as agricultural buildings and they are smaller than agricultural buildings permitted under 98/1529 and 01/537. The applicant proposes to submit a separate application to construct and tree plant an earth berm around the site to mitigate its visual impact, especially from the local road. Objectives LCM 1 & 2 would thereby be satisfied.

In relation to the third reason:

- The majority of the site was the subject of permitted application 01/393. The expansion to the north occurred over agricultural land, upon which boulders had been piled over 25 years ago. This land was thus a brownfield site and so limestone pavement was not interfered with.

- A screening report for AA concludes that the development has no impact upon the integrity of conservation objectives of the SAC.

In relation to the fourth reason:

- Aerial photographs suggest that it is highly unlikely that there was limestone pavement on the site. The aforementioned extension of the site occurred using excavations from the west of the site and only rock breaking of bulldozed boulders occurred.
- Concerns over waste management could be the subject of a waste management plan.

In relation to the fifth reason:

- Due to its length, steelwork for agricultural buildings is delivered by articulated lorries. Just as articulated milk lorries use the local road network, so the applicant's can use the same.
- If required to do so, then the applicant is willing to prepared and submit a RSA.

In relation to the sixth reason:

- The septic tank and percolation area were permitted under 01/393 and they were installed in accordance with SR6 1991. Loadings would be of the order of 30 litres per person daily. Given a workforce of 5, this amounts to 150 litres, whereas an equivalent size of household would be 750 litres, i.e. 150 litres per person daily.
- The applicant undertakes to install the surface water soakaways shown on the submitted plans in accordance with BRE Digest 365.
- While there is no history of flooding in the area, the applicant is willing to prepare and submit a flood risk study.

6.2. Planning Authority Response

None.

6.3. Observations

David Linnane & Aoife Tannian

The observers reside with their children to the north of the site. They draw attention to their original submission at the application stage, which they continue to stand over. They now interact with the applicant's grounds of appeal as follows:

- That the applicant was not aware of the need to obtain planning permission and of the need to support any application with proper documentation is contested.
- The applicant's business operates on a country-wide rather than simply local basis.
- That the subject buildings were originally intended for agricultural use is contested, as their siting in conjunction with the original engineering workshop would have conflicted with the operation of the same. Furthermore, even if this was his intention, their siting and size would have militated against their being exempted development.
- Under Objective EDT 7, the applicant's business should be located on one of the many serviced zoned urban sites shown in the Gort, Loughrea, and Ballyvaughan LAPs or such sites in nearby small towns/villages. To permit the current application would materially contravene this Objective.
- Under Objective EDT 11, the development is neither small scale nor is it an exclusively rural enterprise. No existing agricultural building was utilised. Rather purpose built industrial/commercial buildings were erected. Other factors cited in this Objective do not apply either, e.g. steel is not sourced locally, limestone pavement has been permanently damaged, negative landscape and visual impacts arise, residential amenity is harmed, and the local road network cannot accommodate the traffic generated.
- The subject buildings exhibit a high density of development for a sensitive rural area. Consequently, buildings have been constructed over the percolation area, militating against its proper operation, maintenance and upgrade. The reference to a future earth berm does not form part of the current proposal for retention.

- The applicant's contention that large boulders were excavated 25 years ago is contested by reference to aerial photographs from 1995, 2000, 2005, and 2010, which show an undisturbed limestone pavement in the northern portion of the site. Photographs of a large pile of limestone and a stone crusher in operation on the site from earlier this year have been submitted.
- The site overlaps with the Coole-Garryland SAC and yet the AA screening report fails to address the issue of limestone pavement. If this had been done, then an NIS would have been necessary. However, as this pavement has already been effected, a remedial NIS would be required under a substitute consent application.
- The applicant fails to address the increased HGV movements associated with his expanded business and the unsuitability of the local road network to accommodate the same. Pedestrian use of this network is imperilled.
- The planning authority rightly adopted the precautionary approach to the issue of flood risk: the onus is upon the applicant to demonstrate that the site would neither be at risk of being flooded nor that it would heighten this risk elsewhere.
- The development would, if permitted, establish an adverse precedent for the retention of large scale inappropriate development in a sensitive rural area. This should be resisted as the Board did in a similar case in Corofin (PL07.242848).

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- Adverse precedent for similar developments on un-serviced rural sites.
- Due to nature and scale of the development, negative visual impact on sensitive rural location.
- Planning authority's refusal is supported.

6.4. Further Responses

None

7.0 Assessment

I have reviewed the proposal in the light of the CDP and LAP, relevant planning history, and the submissions of the parties, including the observers. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, environmental impacts, and amenity,
- (ii) Landscape and visual impacts,
- (iii) Traffic, access, and parking,
- (iv) Water, and
- (v) AA.

(i) Land use, environmental impacts, and amenity

7.1.1 The site lies in an un-serviced rural area. The applicant draws attention to the nature of his business, which is that of supplying farm buildings. He contends that this a rural enterprise and so it should be assessed as such under the CDP. Objective EDT 11 addresses such enterprises. It envisages that they would be accommodated in existing agricultural buildings or on brownfield sites and that they would utilise raw material sourced locally. The impact of rural enterprises should be demonstrably compatible with their rural settings, in terms of the environment, residential amenity, and traffic generation.

7.1.2 The applicant states that he constructed the buildings, which are now the subject of this application for retention permission, originally for agricultural use, and that they were subsequently redeployed for his expanded engineering use. He further states that they were constructed as exempted development. The observers challenge this account on the basis that the siting of the said buildings, as either extensions to or within the immediate vicinity of the original permitted workshop, would have led to conflict between any agricultural use and the pre-existing engineering use. The applicant has not countered this challenge with any evidence of an earlier agricultural use and so I am not persuaded that the buildings were either built for such use or were indeed the

subject of such use. The question of exempted development does not therefore arise.

7.1.3 Turning to the applicant's business, this clearly serves a rural customer base.

However, Objective EDT 11 envisages that rural enterprises do, by their very nature, source raw material locally. The main raw material in the applicant's business is that of steel, which he does not source locally. Accordingly, his business is not a rural enterprise as envisaged under this Objective.

7.1.4 If the applicant's business was not the subject of any pre-existing authorisation, then it would clearly be subject to Objective EDT 7, which encourages industrial and enterprise development to operate from lands zoned for these purposes in LAPs. This Objective may still be relevant. However, an exploration of the pre-existing authorisation, in conjunction with the current engineering use of the site, is first of all necessary.

7.1.5 The southern half of the site was the subject of permitted application 01/393.

Condition 4 in Schedule 2 attached to this permission stated that the workshop was only to be used as defined in the submitted documentation and any change of use, even if ordinarily exempted development, would require to be the subject of a further permission. An explanatory letter dated 2nd February 2001 accompanied this application and it described the applicant's business as one that entails the prefabrication and erection of farm sheds. Such prefabrication would entail the cutting and welding of plates in the workshop. Steelwork would be transported to Dublin for galvanising and the materials stored on site would be 75 x 175 mm steel girders, 75 x 150 mm timber purlins, and corrugated metal roofing sheets.

7.1.6 The applicant has set out in letter dated 17th June 2016 that the impetus for the expansion of his business on site arose from the need, under EN 1090, to obtain a CE Marking (where CE stands for *Conformite Europeene*) for the fabrication and assembly of structural steelwork. Certification was duly obtained for R & K Engineering Ltd of Garryland, Gort, Co. Galway, on 26th May 2016. A search against this company reveals that the applicant is one of two directors and that it is involved in farm buildings. (Earlier correspondence submitted as further information to 01/393 indicates that the business was previously known

as “Rock Farm Buildings”). Garryland is the townland that neighbours Knockaunatouk. *Prima facie* this appears to be the same business as is the subject of the current application.

7.1.7 The applicant has also set out in a letter dated 28th July 2016 that the shot-blasting, priming, and painting of steelwork was “always a required process for the protection of steel in agricultural buildings.” He refers to the document S.101 issued by the Department of Agriculture Food and the Marine in July 2016. This document is entitled “Minimum Specifications for the Structure of Agricultural Buildings” and under the heading “General Clauses for All Building Types” and the sub-heading “Protection of Steel” it sets out two ways whereby such protection may be achieved, i.e. System I: hot dipped galvanising and System II: shot-blasting, priming, and painting. He now undertakes the second of these processes on site by means of a machine that is accommodated in the shed denoted as no. 2.

7.1.8 From the evidence of the earlier and current applications that is before me, the applicant originally had steelwork galvanised off-site in Dublin and he has now discontinued this process in favour of shot-blasting, priming, and painting, which he undertakes on-site. Insofar as this latter process did not form part of the restricted use that was permitted under application 01/393, it has not been authorised for the site.

7.1.9 Clearly the cutting and welding of plates within the permitted workshop has a range of environmental impacts. During my site visit, these activities were being undertaken in the open fronted storage extension to the shed denoted as no. 1. A mobile generator was in use and the noise from the same was audible at not only the site’s northern boundary but at the southern boundary to the observers’ residential property, too.

7.1.10 During my site visit, the shot-blasting, priming, and painting machine was not in use and so I did not have the opportunity to assess its environmental impact. The applicant has stated that this machine is fitted with an extensive fumes and dust extraction system that prevents the same from reaching the atmosphere. While he offers to undertake a noise survey, no noise data is available. Condition 8 in Schedule 2 attached to permitted application 01/393

states that noise levels at the site boundary should not exceed 50 dB on weekdays between 08.00 and 20.00, in the interest of residential amenity.

This is a demanding limit for a quiet rural location and, in the absence of noise data, it is far from clear that the applicant is in a position to adhere to it.

7.1.11 The expanded engineering use is being undertaken over a site that is roughly double the area that was envisaged by permitted application 01/393 and the floorspace presently being utilised is five times greater than that comprised in the original workshop. Thus, the scale of the use is now of such an order as to indicate that it should be accommodated on a zoned and serviced industrial site. The observers advise that such sites are available locally in Gort and in other surrounding towns which are the subject of LAPs.

7.1.12 I, therefore, conclude that the nature of the use has expanded from that which was originally permitted and it now entails the shot blasting, priming, and painting of steelwork, an activity that was neither envisaged or authorised under condition 4 of Schedule 2 of the permission granted to 01/393. This use is no longer a light engineering use and it is no longer small scale. The applicant has failed to demonstrate that the environmental impact arising from the manner in which both the original and expanded uses are being undertaken is consistent with condition 8 of Schedule 2 of the aforementioned permission and hence compatible with the residential amenities of the area. Accordingly, I do not consider that the expanded engineering use can be categorised as a rural enterprise under Objective EDT 11 of the CDP. Rather the nature and scale of the engineering use are such that it should be located on a zoned and serviced industrial site.

(ii) Landscape and visual impacts

7.2.1 Under the CDP, the site is shown as lying within The Lower Burren (County Galway portion) landscape character area, the sensitivity of which is deemed to be Class 4 Special and rating of which is deemed to be High. Under Objective LCM 2, the design and choice of location of proposed development in this landscape are critical considerations.

7.2.2 Along its eastern boundary the site adjoins the Coole-Garryland Complex SAC, within which one of the qualifying interests is that of limestone pavement. Aerial

photographs of the site within its context indicate that limestone pavement lies both within the vicinity of the site and within the site itself. Outside of the SAC, the CDP affords protection to limestone pavement under Objective NHB 4.

7.2.3 The observers have submitted photographs that depict a large pile of rock and a rock crusher on the site. They allege that the laying out of the northern portion of the site entailed the removal of limestone pavement and the crushing of the said rock on site.

7.2.4 The applicant has countered this understanding of the said photographs by stating that the rock which was crushed comprised boulders that had been piled up on what is now the northern portion of the site over a 25-year period. He states that no limestone pavement was thus affected.

7.2.5 OSI aerial photographs of the site within its context exist on-line from 1995, along with other aerial photographs, and a historic 25-inch map (1888 – 1913). Google Maps also provide a roadside view of the site from April 2009. These sources show out cropping of rock crossing over from the SAC into the northern portion of the site. They do not show the presence of a large pile of boulders.

7.2.6 The northern and southern portions of the site have been laid out to provide a common level of yard. Given the terrain of the surrounding area, the works involved in providing this yard would have entailed some cut and fill to achieve this common level. Thus, *prima facie*, the laying out of the northern portion of the site would have affected the limestone pavement and thus contravened the aforementioned Objective.

7.2.7 The sheds denoted as nos. 2 and 3 are visible from public vantage points along the local road that passes to the west of the site. The visibility of the former shed is limited by the applicant's dwelling house and garage, which lie between this shed and the said road. The visibility of the latter shed is clearer, due to the absence of intervening buildings. The two sheds effectively conceal the presence of the shed denoted as no. 1.

7.2.8 The applicant states that the design and materials comprised in the sheds give them an agricultural like appearance. He also states that they are smaller than some agricultural buildings.

7.2.9 During my site visit, I observed that the applicant is in the processing of forming a berm in the vicinity of the northern boundary of the site, which would have the effect of screening his yard from the observers' dwelling house. However, this berm does not form part of the current application and so I do not therefore intend to assess its merits/de-merits as a means of mitigating the landscape and visual impacts of the development proposed for retention.

7.2.10 The aforementioned sheds have a visual impact that is of a similar order to that of a group of agricultural buildings. However, as discussed under my first heading the expanded engineering use is of a scale now, whereby it should be located within a zoned and serviced industrial site. Given this understanding, unlike agricultural buildings that need to be in the countryside to serve the farms that they are located upon, these sheds do not serve a rural use and so their visual impact upon the sensitive landscape that they are sited within is unjustified and so should not be entertained.

7.2.11 I, therefore, conclude that the development of the northern portion of the site would appear to have entailed damage to limestone pavement, which represents an unacceptable landscape impact under the CDP. Likewise, the sheds proposed for retention would have a visual impact that is unacceptable, given that the expanded engineering use is misplaced in a sensitive rural landscape.

(iii) Traffic, access, and parking

7.3.1 The planning authority and the observers draw attention to the omission from the application of any information concerning the traffic that is generated by the engineering use. Such traffic of necessity must use the local road network that serves the site and so concern is expressed over issues of traffic management and road safety.

7.3.2 The applicant has responded by stating that steelwork deliveries, due to the typical length of steel columns and roof members, require to be made by articulated trucks. Milk collections are made by articulated lorries that use the said local road network and so his business simply duplicates such usage. He has further responded by stating that, if requested, then he would undertake a RSA to address the aforementioned safety concern.

7.3.3 During my site visit, I observed that the width and vertical and horizontal alignments evident in the local road network mean that this network is not well placed to handle articulated lorries. While I note the applicant's response in this respect, insofar as his expanded engineering use should be located on a zoned and serviced site that would be accessed off a higher specification of road network, the parallel with milk collections is mis-placed.

7.3.4 During my site visit, I also observed that the while the gated entrance to the site is recessed, the refuge forward of the gates is of insufficient depth to allow an articulated lorry to stand-off the public road. Consequently, standing in conjunction with the opening of the gates occurs on the public road. The portion of this road that passes the site is of straight alignment and so forward visibility is good. Still, such standing is not ideal in terms of traffic management and road safety. The sightlines available to drivers exiting the site are likewise good and there is ample space within the yard for vehicles to stand, park, and manoeuvre.

7.3.5 The authorised engineering use of the site generates some articulated lorry movements. The expanded engineering use may have had the effect of reducing some of these movements, insofar as steelwork does not now need to be transported elsewhere for galvanising. However, the said expansion may well have increased the overall through put of raw materials and product ready for assembly on site. In the absence of information on traffic movements this situation cannot be further assessed. Suffice to say that the applicant has not demonstrated that such movements are no greater in number than those that would have been generated by the authorised use.

7.3.6 I, therefore, conclude that the local road network and entrance to the site are inherently unsuited to handling articulated lorries and that the applicant has not demonstrated that his expanded engineering use has led to no increase in the movements of such lorries.

(iv) Water

7.4.1 The completed application forms state that water is supplied to the site from an existing connection to the public water mains. They also state that waste water is managed/treated by means of a conventional septic tank system and surface

water is disposed of by means of soak pits. The submitted site layout plan shows the former system sited in the rear garden to the applicant's dwelling house and in a position adjacent to the north western corner of shed no. 2 and the latter pits within the yard area.

7.4.2 The planning authority's sixth reason for refusal expresses concern over the adequacy of the existing septic tank and percolation area to serve the expanded engineering use. It also expresses concern over the absence of detailed surface water drainage proposals, especially as attendant sites are prone to flooding.

7.4.3 The applicant has responded by stating that the septic tank and percolation area were installed in accordance with SR6 1991 and that this system is capable of handling satisfactorily the needs of the existing workforce. He also undertakes to install the proposed surface water soak pits in accordance with BRE Digest 365. While he further states that there is no history of flooding on the site, he is willing to prepare and submit a flood risk study, if required to do so.

7.4.4 During my site visit, I observed that the majority of the yard has an unsealed surface and that empty paint tins, oil drums, and plastic containers were being stored in the open between sheds denoted as 1 and 2. Elsewhere, materials, including waste materials, were being stored in the open. I also observed that within the two aforementioned sheds there was an array of equipment and machinery and that service and non-service vehicles were in attendance at the site. Given these observations and given, too, that the site is located within an area of karstified limestone bedrock within which an appreciable risk of flooding occurs on lands to the north, south, and east of the site (cf. The CDP's Figure AI.12 entitled "Available Historical Flood Risk Indicators – South West), I am concerned that the run-off of surface water from the operational site may be contaminated and so it may pose a risk of pollution to ground water and it may exacerbate any flood risk pertaining to the site.

7.4.5 I, therefore, conclude that the applicant has failed to demonstrate that the site is capable of being the subject of a surface water drainage system that would mitigate both the risk of pollution and flooding.

(v) AA

7.5.1 Along its eastern boundary, the site adjoins the Coole-Garryland Complex SAC and it lies within the wider vicinity of the Coole-Garryland SPA. The applicant has undertaken a Stage 1 Screening Report for the purpose of determining whether a Stage 2 Appropriate Assessment is necessary. This Report recognises that one of the qualifying interests of the said SAC is limestone pavement. However, it is silent on any affect that the development to date may have had on this qualifying interest.

7.5.2 The observers draw attention to the aforementioned silence and they state that had the removal of limestone pavement been acknowledged then Stage 2 would have been triggered, only, as this removal has already occurred, a substitute consent application would be required.

7.5.3 I concur with the observers' comments. I also consider that in the absence of a satisfactory surface water drainage system other water based qualifying interests may be affected, e.g. natural eutrophic lakes, turloughs, and rivers with muddy banks. I am therefore unable to conclude that the proposed retention of the expanded engineering use would not significantly effect the nearest Natura 2000 site, i.e. the Coole-Garryland Complex SAC (000252).

8.0 Recommendation

In the light of my assessment, I recommend that the proposed retention of (i) extension to existing workshop previously granted under 01/393, (ii) new building consisting of engineering workshop, (iii) storage structures, and (iv) associated site works at Knockauntouk, Gort, Co. Galway be refused retention permission.

9.0 Reasons and Considerations

1. Having regard to the description of a rural enterprise set out in Objective EDT 11 of the Galway County Development Plan 2015 – 2021, the expanded engineering use that is accommodated in the buildings proposed for retention is no longer a light engineering use and it is no longer a small scale use. Furthermore, the applicant has failed to demonstrate that it is capable of being

conducted in a manner consistent with condition 8 of schedule 2 attached to permitted application 01/393. Consequently, the expanded engineering use is not a rural enterprise and so it is not appropriate to the site, which lies within a rural area.

Having regard to Objective EDT 7 of this Plan and to the fact that the area of the site authorised for an engineering use has effectively doubled and the floorspace, which is the subject of the expanded engineering use, has increased fivefold, the buildings proposed for retention are inappropriate to the site, which lies within a rural area. Instead, under this Objective, this use and the buildings needed to accommodate the same should be located on a zoned and serviced industrial site.

Accordingly, to accede to the proposed retention of these buildings would contravene the said Objectives and, as such, would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Galway County Development Plan 2015 – 2021, which shows the site as lying within the highly sensitive Lower Burren (County Galway portion) landscape character area, and Objectives NHB 4 and LCM 4 of this Plan, which seek to variously protect and conserve geological systems and to emphasise the importance of the design and siting of buildings in highly sensitive areas, the development, which *prima facie* has entailed the removal of limestone pavement to facilitate the construction of an extended yard and the additional building denoted as no. 3, has contravened the former Objective. Furthermore, the unwarranted visual impact of both the additional non-rural enterprise building denoted as no. 2 and the storage structure from public vantage points on the local road to the west of the site has contravened the latter Objective. Accordingly, to accede to the proposed retention of this extended yard and these buildings would be contrary to the proper planning and sustainable development of the area.

3. The site is served by a local road network and an entrance way that are inherently unsuited to use by articulated lorries. The applicant has failed to demonstrate that the expanded engineering use on the site does not generate an increase in the movements of such lorries over the number of such

movements that would have been generated by the authorised engineering use. Accordingly, to accede to the proposed retention of the buildings that facilitate this expanded engineering use would be premature and it could thereby jeopardise good traffic management and road safety and, as such, be contrary to the proper planning and sustainable development of the area.

4. The site lies in a karst limestone area and surrounding lands are prone to flooding. The expanded engineering use entails the operation of plant, machinery, and vehicles that are potentially the source of pollutants that could contaminate the run-off of surface water. It also generates waste materials, some of which are stored in the open that could, likewise, contaminate this water. The applicant has failed to demonstrate that the site is capable of being the subject of satisfactory surface water drainage and disposal arrangements that would ensure that ground water is not polluted and the local flood risk is not exacerbated. Accordingly, in these circumstances, to accede to the proposed retention of the buildings that facilitate this expanded engineering use would be premature and, as such, it would be contrary to the proper planning and sustainable development of the area.

5. The site adjoins the Coole-Garryland Complex SAC (000252), within which limestone pavement is a qualifying interest. The development has *prima facie* entailed the removal of limestone pavement to facilitate the construction of an extended yard and the additional building denoted as no. 3. Accordingly, in the absence of a Natura Impact Statement the Board cannot be satisfied that this development individually, or in combination with other plans or projects would not be likely to have had a significant effect on European Site No. 000252, or any other European Site, in view of the Site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Hugh D. Morrison
Planning Inspector

7th December 2016