



An
Bord
Pleanála

Inspector's Report PL.07.248065

Development	Permission for a new tractor sales and repair building and retention of infill material and the culverting of existing streams surrounding the site.
Location	Killeelaun, Tuam. Co Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	16/1201.
Applicant(s)	Chris Brogan.
Type of Application	Permission.
Planning Authority Decision	To Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Chris Brogan.
Observer(s)	None.
Date of Site Inspection	May 9 th , 2017.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located in the townland of Killeenaun, Tuam. Co Galway. It is located on the south side of the N17, on the approach to Tuam from Galway City and c. 2.0 km from the town centre. The site comprises a rectangular shaped area of ground which has a stated area of 0.61 hectares. The site is below the level of the adjoining road and is currently vacant. To the west, the site is adjoined by a building and yard used in association with WERS waste. To the east there is the existing tractor sales and repair facility owned by the applicant. The site is bounded by agricultural land to the south and the N17 to the north. A number of drains traverse the site.
- 1.2. On the opposite side of the road and further west along the N17, there are various industrial, commercial and retail uses including a business park. Significant road works are currently taking place a short distance to the west including a roundabout which will connect the new M18/M17 Tuam By -Pass (both of which are under construction) with the N17.

2.0 Proposed Development

- 2.1. The proposal as described in the public notices seeks the following;
- the provision of a new replacement tractor sales and repair building (1087.3m²), external building signage, vehicle display areas, staff and customer car parking, external circulation space, perimeter fencing, landscaping, 2 no. free standing totem poles (6.5m in height) and all ancillary site development works.
 - a new vehicular access onto a new internal access road currently proposed under reg.ref No 16/582, and
 - the retention of any infill material and the culverting of existing streams surrounding the site as necessary to allow for the construction of the building.
- 2.2. The application is supported by the following documents;
- Planning Report
 - Ecological Assessment/Appropriate Assessment Screening Report.

Unsolicited further information was submitted on 13/1/17, which included an updated Traffic and Transportation Assessment Report.

The building would have an L-shaped configuration and would be two-storey with a flat roof. The ground floor (693 m²) would accommodate the garage space, sales rooms, office and associated facilities. The first floor (393m²) provides storage. The building would be finished externally in Tegral cladding. The front and east elevation would support backlit signage bearing the logo 'Brogan Tractor Sales'. The site would be accessed along the western boundary via a new roadway. The front and western site boundaries would be formed by a low wall and metal railings (2.1m) and the rear and east boundaries would be defined by a paladin fence (2.1m). Two totem signs would be erected at either end of the site frontage. The area at the front and west of the building would be used for tractor display/parking areas and a loading bay would be provided to the rear.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission on the following grounds:

1. Having regard to the landlocked nature of the site (due to the refusal of the internal access road under ref no.16/583), the adverse impact on the strategic road network in the vicinity and on the basis of its commercial intensity it is considered that the proposed development would be contrary to Objective TI 6 of the Galway County Development Plan 2015-2022 and Objective RT2, RT5 & RT10 of the Tuam LAP 2011-2017 and at variance with the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012) . The proposed development, if permitted would endanger public safety by reason of traffic hazard and obstruction of road users and would have a detrimental impact on the capacity, safety and operational efficiency of the national road network in the vicinity of the site.
2. The majority of the site is zoned for agricultural purposes and the proposed commercial use in contrary to Objective DS1 of the Tuam LAP.

3. Insufficient detail in respect to the extent of fill required on the site, lack of effective integration in this prominent location, material contravention of Objective NH24 of the Tuam LAP and undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report of 19/1/17 notes that the majority of the site is zoned 'Agriculture' including the area of the footprint of the proposed building. Under the land use matrix (Section 10.2.1) of the LAP, a 'services garage' is not a permitted use. The proposal is considered to be contrary to Objectives RT5 & 10 of the LAP.

The exterior of the building is considered to be reflective of an industrial building and is considered to assimilate appropriately (notwithstanding the levels issues). The proposal is considered to be landlocked as the internal road onto which it is proposed to access the site has been refused planning permission. The building line is not considered to be in accordance with Section 10.4.1.18(4) of the LAP. It has been demonstrated that car parking provision is sufficient (36 no. spaces).

Notwithstanding the additional unsolicited information received, the planning authority remains of the opinion that the proposal is contrary to the land use provisions of the Tuam LAP and in the absence of sufficient detail and ambiguity in relation to the extent of fill to be imported into the site, that the overall proposal will not be effectively integrated. Refusal of the proposal is therefore recommended.

3.2.2. Other Technical Reports

3.2.3. The **Roads and Transportation Unit** in their response of 17/1/17 recommended refusal of the proposal for the following reasons:

- The development will have an adverse impact on the national roads and its junctions.
- The development will prejudice the plan for the delivery of the motorway scheme currently underway, and
- The development will prejudice the plan for the Tuam Inner Relief Road.

3.3. Prescribed Bodies

Transport Infrastructure Ireland in their report of 27/9/16 consider that the application is at variance with official policy in relation to the control of development on/affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). It is considered that the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network.

It is considered that the proposed development would create an adverse impact on the national road where the maximum speed limit applies and would be at variance with the foregoing national policy in relation to the control of frontage development on national roads.

The site of the proposed development is located in close proximity to the preferred and/or approved route of a national road scheme. The proposed development would prejudice the delivery of the scheme and a grant of permission would be at variance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (Section 2.9).

4.0 Planning History

16/582 - Permission refused on adjoining site to the west of the appeal site for the construction of a new service station and associated development including a new access onto the N17 (rationalising two existing access into one), an amenity building including a convenience store, off-licence, drive thru, parking for 106 cars, HGV and coach parking etc. It also included the provision of an internal access road, demolition of existing tractor sales and repair building and yard, retention of any infill material and culverting/diversion of existing streams surrounding the site. The planning authority's decision was subsequently appealed and upheld by the Board (PL07.247449).

16/437 – The planning authority's decision to refuse permission for a new filling station to the east was overturned by the Board (07.247306).

14/861 – Permission granted for the infilling of lands (2.8 ha) to the east of the appeal site with recovered inert fill material.

13/6 – Permission granted to Chris Brogan for the retention of part of an existing commercial workshop to the west of the site.

5.0 Policy Context

5.1. Spatial Planning and National Roads, Guidelines for Planning Authorities (DoECLG, 2012)

The Guidelines set out planning policy considerations for development affecting national roads outside the 50/60kph speed limit zones for cities, towns and villages. The key message of the Guidelines is that investment in the capacity of national roads must be protected through appropriate policies and local planning and collaboration between planning authorities and the National Roads Authority.

In relation to access to national roads within Transitional Zones, section 2.5 states *‘where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60 kmh before a lower limit of 50kmh, otherwise known as transitional zones, the plan may provide for a limited level of direct access to facilitate orderly urban development. Any such proposal must, however, be subject to a road safety audit carried out in accordance with the NRA’s requirements and a proliferation of such entrances, which would result in the diminution in the role of such zones, must be avoided’.*

Section 2.9 seeks the protection of alignment for future national road projects. It states that a development or local area plan should identify any land required for future national road projects and include objectives that require the retention of the lands free from development and ensure that measures are put in place so that adjacent development of sensitive uses are compatible with the construction and long term operation of the road. It requires that development objectives, including the zoning of land must not compromise the route selection process.

5.2. Development Plan

The operative development plan is the **Tuam Local Area Plan 2011-2017**, which has been extended to 2018. The majority of the site is zoned 'Agriculture' with a portion to the west zoned 'Industry' (Map 1B).

There are a number of Road & Traffic Management Policies/Objectives contained in the LAP. Of relevance are Objectives DS1, RT2, RT5, RT7, RT10 and NH24.

Objective DS1 – Ensure that different types, mixes, form and densities of land use are located in appropriate land use zones.

Objective RT2 – Protect from future development the route of the M18/M17.

Objective RT5 – Protect from future development the Tuam Inner Relief Roads/Streets Scheme.

Objective RT10 – Ensure the early delivery of the Inner Relief Roads/ Streets as resources permit.

Objective NH 24 – Ensure that developments are sited and designed appropriately having regard to the visual impact on the landscape.

Objective TI 6 of the Galway County Development Plan 2015-2022 seeks to protect the capacity and safety of the National Road Network and Strategically Important Regional Road Networks.

Copies of relevant extracts from the LAP are appended to the back of the report for the Board's information.

5.3. Natural Heritage Designations

There are no natural heritage designation within the immediate vicinity of the site. The closest Natura 2000 site is Lough Corrib SAC (1.3km).

6.0 The Appeal

6.1. Grounds of Appeal

Landlocked nature of the site

- It is not correct to state that the proposed development is landlocked as a decision has yet to be made in relation to the proposal on the adjacent site to the west under reg.ref 16/582 (PL07.247449).
- It is accepted that both proposals will use a central access road which forms part of 16/582 and that the current application is dependent on the outcome of the adjacent proposal.

Objective T16 of the Galway County Development Plan 2015-2021

- This objective is referenced in the first reason for refusal cited by the planning authority. The applicant is firmly of the opinion that the proposal does not conflict with this objective, which seeks to protect national routes and strategically important regional routes.
- The issue is referred to in the updated Traffic Issues Report attached as Appendix 2 of the appeal. It concludes that the proposed development will have a negligible impact on the Strategic Transport Infrastructure.
- In a recent decision for a petrol filling station (PL 07. 247306), the Board overturned the planning authority's decision to refuse permission. The first reason for refusal was not dissimilar to the reason for refusal for the subject proposal.

Objective RT2 of the Tuam Local Area Plan 2011-2017

- This objective requires that buildings be set back a minimum of 90m from the route edge of the M18/M17 Gort to Tuam route in areas >50kph.
- The proposed development as presented is set back at a sufficient distance from the M18/M17 Gort to Tuam route in accordance with the recommendations contained in Objective RT2.

Objective RT5 of the Tuam Local Area Plan 2011-2017

- This objective requires that a building be set back 25m minimum on each side of the route edge of the Inner Relied Road/Streets in areas of >50 kph.
- The proposed building set back has taken account of the above objective. The development is located in an area which will, in time become a transition zone in terms of speed limits i.e., where the 50 to 60 kph speed limit will apply.

Also, the delivery of the inner relief road is by no means certain and is unlikely to happen. It is for this reason that the proposed building line distances were selected. The applicant is willing to increase building setbacks, if deemed necessary by the Board.

Objective RT10 of the Tuam Local Area Plan 2011-2017

- This objective seeks to ensure the early delivery of the Inner Relief Road/Streets as resources permit. It also seeks to protect the route from future development.
- The Tuam LAP has been extended until 2018. During the lifetime of the LAP, an Inner Relief Road has not been delivered despite the wording of the objective which refers to 'early delivery'.
- There has been no clarification whether the Inner Relief Road will be prioritised in light of the soon to be complete M17/M18 Tuam By-Pass and whether there will be a need or funding to provide the road.
- An apparent precedent has been set on lands to the immediate north under reg ref no. 14/1064, where it appears permission has been granted for development which appears to encroach onto lands, which according to the Tuam LAP are reserved for the future Inner Relief Road and as such conflicts with the aforementioned Objective RT10.
- In the absence of definitive proposals on the provision of the Inner Relief Road, and having regard to the apparent precedent, it is considered that the proposed development should be assessed on its own merits.

Objective DS1 of the Tuam Local Area Plan 2011-2017

- This objective relates to land use zoning objectives. The site is zoned part industrial and part agricultural.
- The proposal is for a replacement tractor sales and repair building. The existing building is located c.50m to the west and accordingly the principle of a tractor sales and repair building in the general location is already established.
- A service garage is 'open for consideration' on lands zoned for 'Industrial' use. In the absence of the inner relief road the most appropriate use of the

lands would be for industrial purposes in keeping with the established pattern of surrounding development.

- Having regard to the M18/M17 Tuam By-Pass which is currently under construction, it is considered that the need to provide an Inner Relief Road in Tuam has significantly decreased.
- Despite the Inner Relief Road been identified in the LAP, it would appear that permission has been granted for a development that encroaches onto an indicative roundabout which appears to establish a precedent.
- Permission was granted for the M18/M17 Tuam By-Pass which includes new arrangements for the realignment and upgrade of the current N17 at this general location and does not appear to make provision for an inner relief road or a roundabout in this location.
- The applicant is prepared to consider increased separation distances, if required to make provision for any future road reservation.

Objective NH24 of the Tuam Local Area Plan 2011-2017

- The objective seeks to enhance public access to inland waterways.
- It is not the intention of the applicant to restrict access to any inland waterway. There is a stream located along the eastern boundary of the site. Public access to the adjacent waterway can easily be accommodated within the existing red boundary of the site. If deemed necessary, this can be achieved by setting back the eastern boundary to an appropriate distance to accommodate a public footpath or walkway.
- The proposed development connects to an access road to the west, which is the subject of a separate application (PL 07.247449). This access road will enhance public access to the lands to the south of the site, which includes the stream.
- It is considered that the proposed development in conjunction with the proposed development on the adjacent site will enhance public access to the stream and that the proposed development would not materially contravene Objective NH24.

Spatial Planning and National Road Guidelines

- Refers to the grounds of appeal which accompanies the appeal on the adjoining site to the west. (PL07.247449) and which sets out the planning case as to why it is considered relevant circumstances for development within the 60kph zone have been met. The following circumstances apply;
 - A Stage 1 Road Safety Audit has been undertaken and was included as part of the application.
 - The proposed single access onto the N17 was designed to replace the 2 junctions proposed by the TII, resulting in a reduction in access junctions on this section of the existing N17.
- This issue is also referenced in the Traffic Issues Report (Appendix 02) which accompanies the appeal which concludes,
‘with respect to traffic related matters, the proposed development is not at variance with ...the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities, and the development will have a minimal impact on the proposed junction with the N17 and the M17 Tuam By-Pass’.
- The proposed development as presented in not at variance with these Guidelines.

Zoning

- The area of the site zoned for Agricultural use in the Tuam LAP is identified as the route for a future inner relief road, which has not been delivered to date.
- In the absence of any definitive programme to provide an inner relief road for Tuam at the location of the subject site, and having regard to the apparent established precedent permissions, the Board is requested to assess the proposed development on its merits.

Landscape character/visual amenity/precedent

- The third reason for refusal, amongst other issues refers to landscape character in the area.
- The new structure is a modern architecturally designed building which is appropriate for this location and is in keeping with the prevailing pattern of

development in the locality. It will create a desirable precedent for the provision of a modern architecturally designed structure on the approach to the town from the southwest.

- The site and its surroundings are located within a Class 1 landscape, which is the least sensitive as per the Galway County Council Development Plan 2015-2021.
- There are no recognised sensitive receptors, protected views or focal points within proximity of the subject site.
- It is not accepted that the proposed development interferes with the landscape character or visual amenity of the area nor that it sets an undesirable precedent.

Filling of lands

- Part of the subject lands were recently filled. The permission issued related to a site area of 0.28ha whereas the subject site relates to an area of 0.61 ha.
- The proposal will require additional fill material. The precise quantity of such fill material has yet to be determined. This is not a fundamental principle of the overall development at this location.
- Given that the subject lands are lower lying than the public road it is inevitable that the lands will eventually be filled in order to facilitate their development.

Alternative sketch

- An indicative draft layout sketch is attached as Appendix 03. It is not a proposal but is presented to demonstrate how the subject building and associated yard could be accommodated on a larger site, and positioned further south, entirely on lands zoned for Industrial use, whilst at the same time observing a sufficient separation distance to accommodate the inner relief road. This is for illustrative/information purposes only.
- The Board may wish to take this indicative sketch into consideration as part of their appraisal of the overall development and the adjacent site to the immediate west.

- The Board is reminded of its powers under Section 34(4) of the Planning and Development Act, 2000, as amended, wherein conditions can be attached to a permission regulating the development or the use of adjacent or abutting lands in the ownership or control of the applicant.

6.2. **Planning Authority Response**

No response to the grounds of appeal were submitted by the planning authority.

7.0 **Assessment**

The main issues arising for determination by the Board is respect to this appeal relate to the following;

- Principle of the development
- Landlocked nature of the site
- Compliance with the provisions of the development plan
- Traffic and impact on road network
- Visual amenity
- Appropriate Assessment.

7.1. **Principle of the development**

As noted in the Planning Officer's report the site lies in an area which is zoned part 'Industry' with the majority zoned 'Agriculture'. The land use zoning matrix contained in section 10 of the LAP details those land uses that are 'permitted', 'open for consideration' and 'not normally permitted'. Whilst there is no specific mention of a 'tractor sales and repair yard', within the documented use categories, the development resembles a 'service garage, which is not a permitted use in agricultural zoned lands and is open for consideration in industrial zoned areas.

It is contended by the First Party that the subject lands are suitable for an industrial zoning. Whilst this may be the case having regard to surrounding zoning and adjacent land uses, it is not a function of the Board to decide the most appropriate

land use for the site. Any alteration in the zoning objectives of the LAP require a material contravention of the Plan. This is a reserved function of Galway Co Council and the Board has no jurisdiction in this regard. It remains the case that the majority of the site, the subject of this appeal lies within the area zoned 'Agriculture' where the proposed use is not permitted. I concur, therefore, with the conclusion reached by the planning authority that the proposed development is not acceptable in principle on this site.

7.2. Landlocked nature of the site

The First Party appeal, which was prepared before the Board's decision on the adjoining site (07.247449), acknowledged that in terms of access, the current application is dependent on the outcome of that decision. The Board determined the application March 23rd, 2017 and refused permission for the development. It was the original intention of the applicant that both proposals would use a shared access road, located to the west of the appeal site. The current proposal is therefore reliant on access arrangements that have been refused by the Board.

7.3. Compliance with the provisions of the development plan

The appellant seeks to rebut the planning authority's first reason for refusal which concludes that the proposed development is contrary to a number of objectives of the LAP. These objectives (RT 2, RT 5) seeks to protect identified road schemes that are located within the area covered by the Plan and to ensure adequate set back distances for future development. The route proximate to the appeal site include the M18/M17 Gort to Tuam motorway, the N17 Tuam Bypass and the Tuam Inner Relief Road/Streets Scheme, all identified on Maps 2A/2B (Specific Objectives) of the LAP. The construction of the M18/M17 and N17 Tuam Bypass scheme are well advanced to the west of the site. Whilst Objective RT 10 seeks to ensure the early delivery of the Tuam Inner Relief Road, no works have commenced to date. It is applicant's contention that the construction of the M18/M17 and the N17 Tuam Bypass obliterates the need for the Tuam Inner Relief Road/Streets Scheme. Reference is made to a development permitted on the opposite side of the road (14/1064), which is stated creates a precedent.

Notwithstanding these arguments, the development of the Inner Relief Road remains a specific objective of the LAP, to which the Board must have regard. It is identified

(Section 4.2) as one of a package of road schemes (including the M18/M17 and the N17 Bypass) considered necessary to relief traffic congestion and deliver more effective traffic management in and around the town. There is no suggestion that its future delivery is influenced by the development of the other routes. It traverses the site along a northwest to southeast axis and the proposed development would jeopardise its delivery. I note that the Roads & Transportation are opposed to the proposed development for that reason.

I would point out to the Board, that the arguments made by the applicant regarding established precedent would appear to be unfounded. The permission granted under reg ref no. 14/1064 refers to an extension and refurbishment of a garage forecourt located opposite the site, which does not appear to be traversed by the proposed road scheme. The recent decision by the Board (07.247306) for a petrol filling station to the east did not conflict with the zoning objectives of the LAP and the site was not affected by road proposals for the area.

The applicant has included an alternative sketch (Appendix 03 of the appeal) showing the proposal re-located from its current position to a location to the south west. It shows how the proposal could be accommodated on land's in applicant's ownership and achieve the required separation distance from the proposed road. Whilst the applicant states that the sketch is for 'illustration/information purposes only' it also suggests that the Board may wish to take the proposal into consideration as part of the appraisal of the overall development and the adjacent site to the immediate west.

The Board cannot consider the alternative proposal as is located outside the boundaries of the subject site and is reliant on access arrangements that have been refused by the Board. The powers available under section 34(4) of the Act cannot be used to control the relocation of the development in the way suggested by the applicant.

7.4. Traffic and impacts on road network

The planning authority in its first reason for refusal raised issues regarding impacts on the capacity, safety and operational efficiency of the road network in the vicinity of the site. It is concluded that the proposed development would be contrary to Objective TI 6 of the Galway County Development Plan 2015 2021 and the

provisions of the Spatial Planning and National Road Guidelines (2012), both of which seek to protect the capacity and safety of the national road network.

A Traffic & Transport Assessment was submitted to the planning authority (unsolicited further information) on January 13th, 2017. It assesses the traffic impacts associated with the proposed development and the cumulative impacts with adjoining development (07.247449), subsequently refused. To establish existing conditions, short term peak traffic counts were conducted adjacent to the site for the AM and PM peaks, together with a review of continuous Automatic Traffic Counts (ATC's). Impacts on traffic flows, on the proposed junction and the roundabout associated with the M18/M17/N17 Tuam By pass arising from the development were assessed for 2017 (which was assumed opening year of the petrol filling station), 2018 (opening year of M17/M18 and Tuam Bypass) and 2032 (15 years after opening), with appropriate growth indices applied.

In terms of trip generation, trip rates for car sale facilities were adopted as there are no rates available for 'tractor sales and repair facilities'. The forecasted trips (AM and PM) based on observations at a car showroom and from rates extracted from the TRIPC's database suggest that traffic volumes will be low. It has been demonstrated that the proposed development will result in marginal increases in the peak hour flows but that the proposed new junction and the roundabout to the west will operate within capacity up to 2033, with the proposed development and the petrol filling station in place.

The proposed development will replace applicants existing operation to the west of the site. The new access will be c 100m from the new roundabout. Whilst the proposed development may result in an increased level of commercial activity, it is expected that the traffic impacts will not be significant and that the road network in the vicinity will continue to operate within capacity. Furthermore, the completion of the M18/M17/Tuam Bypass N17 Bypass will remove extraneous traffic from the N17, which will improve the capacity and safety of the N17 in the vicinity of the site. On the basis of the forgoing, I am not persuaded that the proposed development, if permitted would significantly impact on the capacity and safety of the road network, as contended by the planning authority.

The proposed development is located in a Transition Zone (50-60 kph zone) as defined in the Spatial Planning and National Road Guidelines, where the proliferation of entrances is to be avoided. The applicant seeks to justify the new access arrangement on the basis that it will replace two junctions proposed by the TII. Whilst I accept that the creation of a single access point may be preferable, it conflicts with the access arrangements designed by the TII as part of the new road layout for the area.

7.5. Visual amenity

The planning authority have raised issues regarding the impact of the proposed development on the character of the landscape and the visual amenities of the area. This is a built up area at the edge of the town, which accommodates a plethora of development. Whilst I accept that the application should have been supported by more detailed information on infill works, the proposal has a limited footprint. I consider that the design of the building is acceptable and reflects its function. Subject to appropriate site levels being set and having regard to the scale and pattern of surrounding development (including a highly visible new pedestrian road bridge), I do not accept that the proposed development would fundamentally alter the established character or impact adversely on the visual amenities of the area.

7.6. Appropriate Assessment

The Screening Report submitted in support of the application identifies the designated sites within 15km of the appeal site. Lough Corrib SAC (Site Code 000297) is the closest at 1.3km. It is noted that there is a drain on the site, which flows into the Suileen River, a tributary of the River Clare that forms part of the SAC. Lough Corrib SAC is designated for a range of Annex 1 habitats and Annex 11 species as detailed in the Site Synopsis. The development will not encroach into the SAC or result in the loss or fragmentation of any of its qualifying habitats. Due to the hydrological link between the site and the Clare River, there is potential for indirect effects on aquatic habitats/species during both the construction and operation stages of the facility. I accept that subject to best practice methodologies, hydrocarbon interception etc., that the potential for the migration of contaminants is minimised and that the proposed development will not result in adverse impacts on the SAC and its Qualifying Interests.

There are major infrastructural works taking place in the vicinity, which would have subject to AA Screening. I am not aware of any other plans or projects in the surrounding area that would give rise to in-combination effects.

Having regard to the location of the development within a built up area, the nature and scale of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effect on Lough Corrib SAC or any other European Site, in view of the sites conservation objectives and that, therefore, a Stage Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

- 8.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be refused for the development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development is located within an area zoned 'A' for agricultural use under the provisions of the Tuam Local Area Plan 2011-2017, where 'service garages' are not normally permitted. It is considered that the proposed development would conflict with the zoning objectives for the area which seeks 'to protect rural character and provide for agriculture and non-urban uses' and would, therefore, be contrary to the provisions of the LAP and the proper planning and sustainable development of the area.
2. It is considered that the proposed development located on land reserved for the future development of the Tuam Inner Relief Road/Streets scheme would materially contravene Objective RT5 of the Tuam Local Area Plan 2011-2017, which seeks to protect the lands from future development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development is reliant on shared access arrangement with the development of the adjacent site to the west, for which permission has been refused (PL07. 247449). It is considered that the proposed development is premature pending the development of alternative access arrangements.

Breda Gannon
Planning Inspector
25th May, 2017