



An
Bord
Pleanála

Inspector's Report PL61.248276

Development	Construction of a pastoral centre and effluent treatment plant and refurbishment of protected structure including addition of a porch.
Location	St. James's church and cemetery, Ballagh Td., Bushy Park, Galway. .
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	17/7
Applicant(s)	St. James Parish Council.
Type of Application	permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Bushy Park Parishioners Group.
Date of Site Inspection	14 th June, 2017.
Inspector	Stephen Kay.

1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of the N59 (Galway – Clifden) National Secondary Route c.3.5 kilometres north-west of the city centre and is thus on the fringe of the urban area. To the west of the site there is a large open field followed by detached houses whilst to the east there are detached houses on large plots. In this area the N59 has footpaths and public lighting.
- 1.2. The appeal site has a stated area of 0.756 hectares and contains two protected structures; St. James's Church (RPS1501) and adjoining graveyard (RPS1502). At the time of inspection, the church structure was observed to be in fair condition and in need of some internal and external upgrading. The site is bounded by stone walling and rises up quite steeply to the rear (south western) boundary and the graveyard is located in this part of the site. The graveyard contains a number of features of note including a high cross and a famine plot located to the south of the church.
- 1.3. There is currently a vehicular access to the site in approximately the midpoint of the road frontage. The access is onto the heavily trafficked N59 national road that connects Galway Coty with Oughterard and the entrance is located within the 50km/hr speed limit zone on this road and in an area where there are footpaths and public lighting. The existing front boundary of the site is set back such that there is car parking available along the full frontage of the site.
- 1.4. The existing boundary with the public car park at the front currently consists of low stone walling with a series of capped brick piers and railings.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - The construction of a pastoral centre to be located along the western boundary of the site and to the north west of the church building. This building is proposed to have a floor area of 77 sq. metres and to have a flat roof with an overall height of 3.55 metres. Materials are proposed to be a

mixture of render, stone, timber and forticrete. The outline of the building is proposed to be located tight to the western boundary of the site and the proposed layout does not project as far from the site boundary as was the case with the previously permitted pastoral centre building on the site. In this regard, the Plans, Sections and Elevations drawing No. P2-100 indicates the outline of the previously permitted building for comparison purposes. Siting of the proposed new building will require the relocation of the existing grotto structure.

- The pastoral centre building is proposed to be served by an onsite effluent treatment system that is to be located to the north between the proposed building and the roadside boundary.
- The entrance arrangement to the church is proposed to be altered with the addition of a new porch and entrance on the northern side of the building. This structure has a stated area of 4 sq. metres and is to provide improved accessibility to the building.
- The church is proposed to be the subject of internal and external upgrading and refurbishment. These works are set out in detail in the Conservation report prepared by Sean Dockery and Associates submitted with the application and include the proposed replacement of the plain windows with stained glass windows. Works are also proposed to roof (including rainwater goods), stonework, internal walls, new wiring, rising damp treatment and site drainage.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 10 no. conditions the most notable in the context of the current appeal are considered to be as follows:

Condition No. 2 requires the submission of a list of uses for the permitted pastoral centre for the written agreement of the planning authority.

Condition No.6 requires that the site would be landscaped in accordance with a plan submitted to and agreed in writing with the planning authority. The scheme is to include, inter alia, species details for all trees, timescale and measures to ensure the protection of all planting until established.

Condition No.7 requires the provision of measures for the protection of trees to be retained on site to be submitted for written agreement prior to the commencement of development.

Condition No.9 relates to archaeology and requires the retention of an archaeologist to monitor all site development works.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

Planning Officer - The report of the planning officer notes the planning history of the site and reports received. It is noted that the proposed pastoral centre is smaller than that previously permitted and it is noted that the previous grant of permission by An Bord Pleanála did not restrict the use of the centre. Stated that as the centre is to accommodate existing uses that there would not be an additional demand on car parking. Trees would be lost but that these are non-native and is acceptable subject to landscaping of the site. The proposal is consistent with the zoning of the site and the proposals for effluent treatment are acceptable.

3.2.2. **Other Technical Reports**

Drainage Department – No objection subject to conditions.

Fire Officer – No objection.

Heritage Officer – No objection to the principle of development. Note the digging of percolation holes without the presence of an archaeologist and that proposals for tree protection are also required. Considered that the finish to the pastoral centre would be better as painted render.

Recreation and Amenity – Notes that no documentation regarding tree survey or proposals for felling submitted. Recommends that further information regarding trees to be retained, trees to be removed, rationale for approach and proposals for replacement.

3.3. **Prescribed Bodies**

TII – Report received stating that no observations to make on the proposed development.

An Taisce – Submission that supports the proposed restoration of the church. Query regarding the comment regarding the non original windows and note that the conservation report for Ref. 13/99 which indicates that these are original features and should remain. Consider that the proposed pastoral centre is neither subservient to or in keeping with the church and should not be permitted. Note that no tree survey submitted and consider that the proposal will exacerbate existing parking and traffic issues at the site.

3.4. **Third Party Observations**

The following were the main issues raised in the third party observations received:

- That the proposed centre is too large and is out of character with the church and the setting.
- That parking is inadequate and that the new Galway Bypass will run close to the site and will impact on the availability of the existing car parking.
- That the pastoral centre is not needed.
- That the proposals for the drainage of the pastoral centre is too close to the existing graveyard and would be unsightly.
- That there would be loss of existing trees that would impact on the setting and that the existing grotto would also be lost.

4.0 Planning History

The following planning history is of relevance to the assessment:

Galway City Council Ref. 13/99; ABP Ref. PL61.243483 – Permission granted by the Planning Authority and granted on appeal for the construction of a pastoral centre (121 sq. metres), effluent treatment system and works to protected structure (Church) including construction of a new porch at church of St James, Ballagh Td, Bushypark, Galway. It is noted that the report of the Planning Inspector recommended that permission would be refused on the basis of the relationship of the pastoral centre with the church, its inappropriate design and scale and loss of mature trees would result in a development that would be incongruous and detrimental to this very important architectural, historical and visually sensitive setting.

5.0 Policy Context

5.1. Development Plan

In the Galway City Council Development Plan 2017 - 2023 the site is zoned CF i.e. Community, Cultural and Institutional Uses. The stated objective is as follows: *‘To provide for and facilitate the sustainable development of community, cultural and institutional uses and development of infrastructure for the benefit of the citizens of the city’.*

‘Places of Public Worship’ and *‘Community and Cultural Buildings’* are identified in section 11.2.1 of the Plan as uses which are compatible with and contribute to the zoning objective.

The N59 in the general vicinity of the appeal site is identified as being the subject of a linear view and prospect. This is V.10, *‘Views from the Galway – Moycullen Road (N59) of the River Corrib’*. This view is from the N59 away from rather than towards the appeal site.

Both St. James’s Church and Cemetery are included in the Record of Protected Structures.

5.2. Natural Heritage Designations

The Lough Corrib SAC (site code 000297) is located c. 700 metres to the east of the appeal site at the closest point. The Lough Corrib SPA site is also located to the east.

The next closest Natura 2000 site is the Galway Bay Complex SAC (site code 000268) which is located c. 5km to the south of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the church is in need of restoration and it is disappointing that works have not been undertaken on foot of Ref. 13/99.
- That the natural flow of the trees on the site is being disrupted. The proposed structure is located within the crown spread of the mature trees on site which will be lost. This spread is not accurately indicated on the submitted drawings.
- That there is no justifiable need for the proposed pastoral centre. The investment would better being made in the restoration and active use of the church. There are alternative local facilities for functions including the GAA sports centre and school hall.
- That the proposed pastoral centre would result in an intensification of the use of the site on a heavily trafficked route and would result in a traffic hazard.
- That there is insufficient additional parking proposed to cater for the proposed development.
- Photomontages of the development should have been submitted.
- That the layout is sub standard in that the access to the grave diggers store would encroach onto graves and that the size of the store is inadequate for needs.

- That the Galway bypass road would go in close proximity to the site and result in a loss of parking. The development is premature pending the final alignment of this road.
- That the Inspectors report in the case of the last application recognised the inappropriate location and scale of the proposed pastoral centre.
- That the existing parking situation at the site is sub standard with roadside parking on the N59 creating traffic congestion and creating a hazard.
- That the proposed development would not be compatible with the Objective CF zoning objective for the site.

6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the appeal:

- That the failure to act on foot of the previous grant of permission is due to the applicant chose to engage with the objector group and to redesign the proposal.
- That the decision issued by the Planning Authority includes a condition requiring agreement of tree protection measures.
- The proposed uses of the pastoral centre are set out and include meetings, training connected with sacraments, prayer group meetings, social for after mass and storage. Stated that these are all uses that are facilitated at the church and which it is preferable to accommodate in a building suitable for the purpose separate from the church. Stated that no intensification of use would arise and that the nature of these uses is such that they would best be accommodated on site.
- Stated that there are a number of other potential uses of the site that are not currently accommodated on the site and which might potentially be intensification of use. These uses include youth religious group, parent and baby mass, choir practice, adult education and lecture room, meeting area for

special masses, meeting room for voluntary groups. Stated that these additional uses would help to maximise the use of the facility and as they would not coincide with other church events would not result in additional parking demand.

- Stated that the vibrancy and sustainability of the church necessitates that existing activities would be accommodated in a new facility and the long term sustainability of the church may be dependent on the construction of the pastoral centre as a means to halt the decline in numbers attending mass.
- That the design of the structure is respectful of the setting, does not extend from any existing structure and is reversible.
- Regarding parking, the retention of persons on site for a longer period as a result of the pastoral centre would reduce the peak parking and traffic congestion arising.
- That the storage areas in the development were designed after consultations with the relevant congregational groups. Bin storage facilities are provided.
- That the issues raised regarding the Galway Bypass relate to the existing religious use of the site and traffic issues. The appellants also raise issues regarding the design of the proposed road scheme which are more appropriate to the road development than this application.
- That the references to the previous decision and the Inspectors report are noted, however the current proposal is significantly altered from the original layout which in any event was permitted by the Board.
- The revised design incorporates the existing grotto.

6.3. Planning Authority Response

No response on file.

6.4. Other Referrals

Details of the proposed development were referred by the Board to the Development Applications Unit of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. No response to this referral was received within the specified period.

The application was also referred to An Taisce however the response was received outside of the specified time period and was returned.

7.0 Assessment

The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development and Land Use Zoning
- Design, Visual Impact and Conservation Issues
- Traffic Impacts
- Drainage
- Appropriate Assessment
- Other Issues

7.1. Principle of Development and Land Use Zoning

7.1.1. The site is located on lands that are zoned Objective CF (Community, Cultural and Institutional Uses) under the provisions of the Galway City Development Plan, 2017-2023. The stated objective is as follows: *'To provide for and facilitate the sustainable development of community, cultural and institutional uses and development of infrastructure for the benefit of the citizens of the city'*. *'Places of Public Worship'* and *'Community and Cultural Buildings'* are identified in section 11.2.1 of the Plan as uses which are compatible with and contribute to the zoning objective.

7.1.2. It is my opinion that the proposed pastoral centre and the works to the existing church are both such that they would be developments and uses that are, in principle, in accordance with the stated zoning objective. I note the fact that the appellants contend that the proposal is contrary to the zoning objective of the site. It is not clear exactly what aspect of the proposed development and use is considered

not to be compatible with the zoning objective having regard to the provisions of section 11.2.1 of the Plan. The appellants raise concerns regarding the need for the proposed pastoral centre, as well as other issues relating to the proper planning and sustainable development of the area including visual impact, traffic, architectural heritage and the impact on trees. These issues are considered in more detail in the sections below.

- 7.1.3. With regard to the case made by the applicant relating to the need for the development, the application documentation and the appeal response set out the rationale which essentially relates to a desire to accommodate existing ancillary activities such as meetings and training related to sacraments on the site in a purpose built facility. The first party state that these are all uses that are facilitated at the church and which it is preferable to accommodate in a building suitable for the purpose separate from the church. It is further stated that the accommodation of these and other potential uses on site is seen as a necessary measure to ensure the long term sustainability of the church. It is my opinion that the case made by the first party for the provision of a new facility on site is clear and that subject to other relevant planning considerations such as design and visual impact, architectural heritage and traffic impacts, that the proposed pastoral centre would, in principle, be consistent with the stated objective for the site which is *'to provide for and facilitate the sustainable development of community, cultural and institutional uses and development of infrastructure for the benefit of the citizens of the city'*.
- 7.1.4. Regarding specific uses, the appellants question the appropriateness of Condition No.2 attached to the Notification of Decision which requires that a list of uses for the pastoral centre would be submitted for the written agreement of the Planning Authority prior to the commencement of development. No such condition was attached by the Board in respect of ref. PL61.243483. I also note that the Board direction in the case of PL61.243483 makes specific reference in a note to the fact that it was not considered necessary to exclude a mortuary as a possible use due to its ancillary nature. In my opinion all of the uses listed in the first party response, comprising both uses that are existing on the site and potential new uses, are appropriate, are ancillary to the primary use of the site and would not have significant other planning impacts. Any future change of use of the pastoral centre to facilitate non church related commercial uses would likely require a separate grant of planning

permission and I do not therefore consider it necessary or appropriate that uses would be the subject of written agreement with the Planning Authority.

7.2. Design, Visual Impact and Conservation Issues

- 7.2.1. The appellants contend that the visual impact of the proposed pastoral centre would be detrimental to the overall setting of the church and grounds, that the design of the proposed pastoral centre is out of keeping with the protected structure on the site and that the location of the proposed pastoral centre is such that it necessitates the removal of a significant number of mature trees as well as the existing grotto. The appellants contend that photomontages of the proposed development should have been submitted and the concerns of the inspector in the previous application are highlighted.
- 7.2.2. With regard to the visual prominence of the proposed pastoral centre, I note the fact that the current proposal at c.77 sq. metres floor area is significantly smaller than the previously permitted development that had a floor area of c. 121 sq. metres. A comparison of the floor areas of the permitted and proposed pastoral centre buildings is indicated on the submitted Floor Plan layout Drg. No. P2-100. From this it can be seen that the location of the current proposal is in approximately the same position adjoining the north west boundary of the site. The current proposal is however located immediately adjoining the stone boundary wall in this location, by being located closer to the boundary and having a smaller floor area the degree to which the proposed development would project into the site is significantly reduced from the permitted layout. Separation distance between the church and the proposed pastoral centre is increased from slightly more than 9 metres in the previously permitted layout to approximately 15 metres currently. The overall height of the proposed development is also reduced from that previously permitted with a flat roof design and a maximum overall height of c.3.6 metres above ground level. This is approximately 2.4 metres lower than the permitted building which has a pitched roof.

- 7.2.3. The materials proposed for the pastoral centre comprise render, stone, forticrete and timber. The basic design and materials specification is in my opinion acceptable. I note the concerns of the Heritage Officer regarding the use of forticrete and, from the details provided and other sources of information regarding this material, it is not clear what appearance this would have. The areas of forticrete are primarily the rear and side elevations and I would agree that the use of render would be more appropriate in these areas.
- 7.2.4. The effect of the reduced floor area, overall height and degree by which the proposed building would project into the site is such that the visual impact of the proposed development would in my opinion be reduced relative to the permitted layout. In terms of the overall composition of the site and the impact of the proposed development I note the fact that the approximate site of the pastoral centre is stated in the application documentation to have previously been the site of a national school building. Notwithstanding the fact that there is an extent permission on the site against which the current proposal needs to be assessed, I am of the opinion that the scale and location of the proposed pastoral centre is such that it would not have a significant adverse impact on the overall setting of the church or on the overall composition of the church grounds. I note the concerns expressed by the inspector in the case of ref. PL61.243483 regarding the potential for the pastoral centre proposed in that application to act to impact on the natural flow of casual access through the site and the impact on views through the site and how such impacts could be considered to be contrary to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities. It is however my opinion that the design of the current proposal is such that these impacts would not be significant and would not be such as to impact negatively on the overall setting of the protected structure.
- 7.2.5. I note the concerns raised by the appellants regarding the potential impact on existing trees and the absence of a detailed tree survey with the application. The proposed layout would not in my opinion result in the loss of additional trees over and above those that would be removed on foot of the extant permission. The bulk of the trees located in close proximity to the north western boundary are not native

species and while there are a number of mature specimens in the general vicinity of the pastoral centre, it would appear to me that most of these would be capable of being retained. The submission of a tree survey and planting plan with the application would have been desirable, however in view of the extant permission on the site and having regard to the information submitted with the application and from observations at the time of inspection, I consider it appropriate that conditions requiring a tree survey, landscaping plan and tree protection measures for the existing trees would be attached to any grant of permission.

- 7.2.6. The proposed porch addition to the church is essentially the same design as previously permitted under Ref. 13/99 and is such that in my opinion does not adversely impact on the appearance or setting of the protected structure. The proposed porch is therefore in my opinion acceptable.
- 7.2.7. With regard to the other proposed works to the church, these are mainly proposed to repair and upgrade the existing structure and do not involve significant interventions. The report of the Heritage Officer does not raise an objection in principle to the proposed works and from my inspection of the interior of the building it is my opinion that renovation works are required in order to facilitate the continued use of the structure and to ensure its continued use and retention in good condition. Specifically, the proposed works in the areas of site drainage, roof, rainwater goods and removal of existing dry lining and plastering works as well as re wiring and measures to address rising damp are all welcomed. It is noted that the works to extend the gallery which were proposed in the previous application are now omitted from the current proposal.
- 7.2.8. I note the fact that the first party has raised some concerns with regard to the proposed replacement of the windows stating that the plain glazed windows are an original feature. It is not clear from the information available on file whether the existing windows are original or of original style or not. The submitted Conservation report prepared by Sean Dockery and Associates indicates that the existing windows are not original and the report references an 1880s photograph that indicates sash windows. Reference is also made to the style of windows in Barna Church which dates from a similar period. Against this, the report of the Heritage Officer in respect of Ref. 13/99 indicates that there is no objection in general to the development with the exception of the proposed installation of stained glass windows as existing 'plain'

windows are all original. There is reference on file to the fact that a section 57 declaration on the church was undertaken however no details are available and it is not clear what any declaration issued states regarding the windows. In the circumstances it is recommended that permission would be granted subject to the retention of the plain glazing only. In the event that the use of stained glass is desired such a proposal should be the subject of a further application for permission that is accompanied by more detailed information regarding the conservation justification for the proposed alterations.

7.3 Traffic Impacts

7.3.1 The appellants raise concerns with regard to the potential for the proposed development to exacerbate the existing parking congestion in the vicinity of the site and particularly the existing roadside parking. Concerns are also raised with regard to the potential for the Galway bypass scheme which will run to the south west and which will have a link off the N59 immediately to the north west of the appeal site, would have on parking availability and traffic safety.

7.3.2 The appellants highlight the fact that at peak periods there is significant parking congestion in the vicinity of the church site and that this congestion impacts on access to adjacent residential properties and on traffic safety. I recognise that this congestion likely exists at peak periods, in my opinion however, the issue at hand is the degree to which the proposed development would, or would not, exacerbate any existing traffic and parking issues. The likely uses of the proposed pastoral centre are set out in the first party response submitted on behalf of the applicant and are divided into two categories, the first being uses that are already undertaken on site and the second being additional potential uses. In the case of the existing uses, I would agree with the first party that the potential for additional activity and parking demand to be generated is very limited. Even in the case of the second category of potential new uses, it would appear to me that the bulk of these uses, including use as an adult education and lecture room, voluntary group meeting room and choir practice are such that they are unlikely to overlap with periods of peak activity on site and peak parking demand.

- 7.3.3 The development plan requirement for car parking specifies the provision of 1 space per 30 sq. metres of GFA of places of worship, halls and community centres. In the case of the proposed development this would equate to only an additional 2.5 spaces and two additional spaces within the curtilage of the site are proposed as part of the development.
- 7.3.4 The comments of the third party appellants with regard to the potential impact of the bypass route and the case made for prematurity on the basis of the final route not being determined is noted. I am not completely clear from the appeal what the impact of the proposed bypass on parking availability is contended. From the most recently available route, a copy of which is attached with this report, the alignment of the bypass runs to the south of the site with a junction connecting with the N59 located to the south west. A new link road from this junction is proposed to run north east to connect with the N59 immediately to the north of the appeal site. From the detail available, it is not clear that there would be any likely reduction in the space for roadside parking fronting the appeal site on foot of the proposed scheme. The potential impact of the scheme in terms of traffic volumes on the road fronting the site is not clear however I note that the site is currently located within a 50km/hr zone.
- 7.3.5 Overall, on the basis of the information available I do not consider that the proposed development will clearly result in an increase in traffic volumes and parking demand at the site at peak periods. Notwithstanding this, I do not consider that the existing parking availability will likely be impacted by the proposed Galway City Bypass project and I do not therefore consider that the proposed development would act to result in the creation of a traffic hazard or to exacerbate any existing parking or traffic safety issues that arise at this location at certain peak periods.

7.4 Drainage

- 7.4.1 The pastoral centre is proposed to contain two WC and a small kitchenette and is proposed to be served by an on site waste water treatment system. The system is proposed to be located to the north east of the new building and in the grassed area to the north of the site access and driveway to the church. The system proposed is a packaged system and sand polishing filter with a p.e., of 16. The results of the on

site assessment show a T value of 3.9, no water was observed in any of the trial or percolation holes at the time of the inspection of the site and subject to the installation of the system as set out in the information submitted with the application I consider that the proposed layout is acceptable.

- 7.4.2 The appellants note the fact that the trial and percolation holes on site were excavated without the presence of an archaeologist as is required due to the protected nature of the site and the Heritage Officer has recommended that the excavations would be archaeologically recorded prior to being backfilled. These holes were still open at the time of inspection of the site and in the event of a grant of permission it is recommended that a requirement to this effect would be included by way of condition.

7.5 Appropriate Assessment

- 7.5.1 The appeal site is located such that the closest Natura 2000 sites are The Lough Corrib SAC (site code 000297) which is located c. 700 metres to the east of the appeal site at the closest point and the Galway Bay Complex SAC (site code 000268) which is located c. 5km to the south of the appeal site. Having regard to the nature of the proposed development, the system proposed to be installed on site and the separation distances from these sites it is considered that the only site they could potentially be impacted by the proposed development is the Lough Corrib SAC site.

- 7.5.2 The features of interest of the Lough Corrib SAC site are as follows:

- Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)
- Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea
- Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)

- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- Active raised bogs
- Degraded raised bogs still capable of natural regeneration
- Depressions on peat substrates of the *Rhynchosporion*
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*
- Petrifying springs with tufa formation (*Cratoneurion*)
- Alkaline fens
- Limestone pavements
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- Bog woodland
- *Margaritifera margaritifera* (Freshwater Pearl Mussel)
- *Austropotamobius pallipes* (White-clawed Crayfish)
- *Petromyzon marinus* (Sea Lamprey)
- *Lampetra planeri* (Brook Lamprey)
- *Salmo salar* (Salmon)
- *Rhinolophus hipposideros* (Lesser Horseshoe Bat)
- *Lutra lutra* (Otter)
- *Drepanocladus vernicosus* (Slender Green Feather-moss)
- *Najas flexilis* (Slender Naiad)

7.5.3 The site specific conservation objectives for the site which date from April, 2017 seek the restoration to favourable conservation condition the features of interest listed above. Attributes, measures and targets for each feature of interest are contained in the site specific conservation objectives. There is a potential for ground water contamination that may arise as a result of the proposed on site waste water treatment system to move in an easterly direction towards Lough Corrib and for a

reduction in water quality to occur. Having reviewed these attributes, measures and targets it is considered that having regard to the on site conditions observed at the time of inspection, to the results of the on site assessment which were consistent with the observations made at the time of site inspection and to the detailed specification of the proposed on site treatment system including the provision on a sand polishing filter and the importation of soil material below the sand filter, that the proposed development is not likely to result in ground water pollution or contamination.

7.5.4 Having regard to the above, it is my opinion that the proposed development is not likely to have significant effects on the Lough Corrib SAC Natura 2000 site in the light of its conservation objectives.

8.0 Recommendation

In view of the above, it is recommended that permission be granted based on the reasons and considerations set out below and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the Objective CF (Community, Cultural and Institutional) zoning objective for the site, to the planning history of the site, to the design and scale of the proposed pastoral centre and its location within the site and relationship to the protected structure and to the proposed use of the facility it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the setting of protected structures on site, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the 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. The plain glazing to the windows of the church shall be retained. Proposals for the repair or replacement of the existing windows incorporating the plain glazing shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To protect the character of this protected structure.

3. Stone to be used in the front boundary wall shall match existing stone in this feature. Details of the proposed stone shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of visual amenity

4. The areas of forticrete proposed in the elevations of the pastoral centre shall be replaced with render. Details of all other external finishes shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of visual amenity.

5. The site shall be landscaped in accordance with a comprehensive

scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include *prunus* species]
 - (ii) Details of screen planting [which shall not include *cupressocyparis x leylandii*]
 - (iii) Details of roadside/street planting [which shall not include *prunus* species]
 - (iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the 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 interests of residential and visual amenity.

- 6. A tree survey shall be carried out by an arborist or landscape architect

of all on-site trees which shall provide the baseline information for the landscaping scheme required by condition number 4 of this order. This tree survey, which shall be submitted to the planning authority prior to commencement of development, shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
 - (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter exceeding 75cm, when measured at a point 1.5m above ground level,
 - (ii) the crown spread of each tree, and
 - (iii) trees proposed for retention
- (b) A separate document detailing the following information in respect of each numbered tree –
 - (i) common and scientific name of the species and variety
 - (ii) diameter, measured in accordance with paragraph (a) above
 - (iii) approximate height
 - (iv) crown spread
 - (v) condition, including a general statement of health and stability
 - (vi) whether it is to be preserved or felled
 - (vii) in respect of each tree proposed to be felled, the reason for felling
- (c) Details of any proposed alterations in existing ground levels throughout the site and of the position of any proposed excavation within the crown spread of any retained tree
- (d) Details of the measures proposed for the protection from damage before and during the course of construction of each retained tree.

In this condition, “retained tree” means an existing tree which it is proposed to preserve under paragraph (b)(vi) above. The minimum

protection measures are set out in condition number 6 of this order.

Reason: To facilitate the identification and subsequent protection of existing trees on the site, which represent an important amenity and should be substantially maintained.

7. Prior to the commencement of development, adequate tree protection measures for trees to be retained on the site shall be implemented. Details in relation to the proposed measures 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.

8. The proposed effluent treatment plant and percolation area shall be located, constructed and maintained in accordance with the details submitted to the Planning Authority. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.

Reason: In the interest of public health.

9. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction

practice for the development, including hours of working, noise management measures and off site disposal of construction / demolition waste.

Reason: In the interest of public safety and residential amenity.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.
- (iii) monitoring of the backfilling of the trial and percolation test holes excavated on site.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any

further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

Stephen Kay
Planning Inspector

30th June, 2017