



An
Bord
Pleanála

Inspector's Report ABP300592-18

Development	Construction of Water Storage Facilities.
Location	Inis Meain Island, County Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	17/1022.
Applicant	Irish Water.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	Teresa Uí Fhatharta.
Observers	None.
Date of Site Inspection	9 th March, 2018.
Inspector	Paul Caprani.

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1.0 Introduction

ABP300592-18 relates to a third party appeal against the Galway County Council's notification to issue planning permission for the provision of additional water storage facilities on the island of Inis Meain, County Galway. The grounds of appeal argue that the proposed additional water storage facilities would have an unacceptable visual impact and would also contravene a legal agreement from 1983 stating that no structure higher than 5 feet would be erected on the site in question.

2.0 Site Location and Description

- 2.1. Inis Meain is the middle island amongst the three Aran Islands of the west coast of Clare. Currently there are two separate sites on the island which accommodate water storage tanks. Both sites are located approximately 250 metres apart and are located in the north-western side of the island. Settlement on the island is primarily based along an east-west route which traverses the centre of the island. The main road which runs east-west is located in the highest part of the island and commanding views are offered from this road across the northern portion of the island. The existing water tanks are located on two separate sites approximately 300 metres and 500 metres north of the main road. The tanks are situated in relatively flat low-lying land much of which comprises of exposed limestone pavement interspersed with small dry stone walls. (See pictures attached).
- 2.2. The more northerly site is referred to in the documentation on file as the lower site as it occupies lower ground levels of the two sites. This site currently accommodates three large water storage tanks each with a diameter of approximately 25 metres and a height of between 5.5 and 6 metres. Two of the tanks are steel while the other is concrete. The concrete tank has a natural finish while the two steel tanks are dark green in colour.
- 2.3. The upper site is located approximately 250 metres to the south-east. The upper site is a slightly smaller site and accommodates two water storage tanks. These tanks have a diameter of approximately 18.5 and 17 metres respectively and range in height from 4.5 metres to 4.7 metres. Both these tanks incorporate a natural

concrete finish. The concrete tanks on the both the upper and lower sites incorporate guard rails around the perimeter of the tank. The southern portion of the upper site is currently undeveloped.

- 2.4. In terms of surrounding development there are no dwellinghouses in the vicinity of the lower site. With regard to the upper site there are two dwellinghouses to the immediate west facing onto the subject site. A narrow local roadway separates the subject site from the dwellings in question. These dwellings belong to the appellant and her son. The shortest distance between the existing tanks on site and the appellant's property is estimated to be 30 metres.

3.0 Proposed Development

- 3.1. Planning permission is sought for the provision of additional raw water storage on both sites, which according to the information contained on file is to eliminate water import from the mainland.
- 3.2. The initial application submitted to the Planning Authority sought to construct 2 no. rectangular shaped tanks, one on each site. The proposed storage tank on the lower site was approximately 25 x 12 and 4.3 metres in height. On the upper site it was proposed to construct a larger tank measuring approximately 14 x 18 by 4.3 metres in height.
- 3.3. On foot of an additional information request by the Planning Authority which strongly advised that the proposed tanks should reflect the character of the existing tanks further information was submitted which showed the replacement of a rectangular tank on the upper site with a new circular tank with a proposed diameter of 19 metres and a height of 4.12 metres. A proposed handrail is also incorporated around the top of the tank. No change in the layout of the lower site was proposed.

4.0 Planning Authority's Decision

The planning application was lodged on 10th July, 2017. It was accompanied by planning notice, planning application form, drawings and a number of reports which are briefly set out below.

4.1. **Planning Authority Reports**

- 4.1.1. The planning report submitted sets out details of the application and the site location and also the rationale for the proposed development. In this regard it is stated that the proposal seeks the provision of additional raw water storage on the island in order to eliminate the importation of water from the mainland. In terms of alternatives it is stated that the applicant can confirm that a range of alternative locations for the proposed elements were examined both within and outside the existing treatment plant. Locating the proposed upgrades in close proximity to the existing plant infrastructure is preferred due to the ease of plant operation and maintenance. It is stated that pre-application consultations took place with Galway County Council in October, 2016. Topics under discussion included AA Screening and an Archaeological Desktop Study.
- 4.1.2. In terms of the existing facilities it is stated that the raw total water storage volume on Inis Meain is 10,452 cubic metres provided for in five reservoirs with an average water demand of 125 cubic metres per day. It is noted that the nature and extent of works do not fall within projects listed for which an EIS is required. Details of the surface water drainage and traffic transport and noise are also set out. It is stated that the level of traffic generated during the construction phase will be quite low. The report goes on to set out the planning policy context and also contains a flood risk assessment. The studies indicate that there is no risk of flooding on the subject site.
- 4.1.3. In terms of archaeology it is stated that given the island's archaeological potential it is considered possible that previously unrecorded subsurface archaeological features or deposits may be found. It is therefore recommended that all ground works be monitored for potential archaeological deposits. In terms of visual impact assessment, it was stated that the proposed materials and finish of the development is to match the existing plant and landscape palette in order to blend in with the existing nature. The report also contains an appropriate assessment screening. It concludes that the proposed development will not have a significant impact on qualifying interests or conservation objectives for Natura 2000 sites and a Stage 2 Appropriate Assessment is therefore not considered necessary.

- 4.1.4. Also submitted is an environmental impact assessment screening report. It concludes that there is no potential for any significant impacts arising from the proposed development and therefore an EIA is not required.
- 4.1.5. An environmental report is also submitted which sets out a description of the proposed development, the planning policy and context, the potential impact arising from the development in relation to:
- Traffic transport.
 - Air quality and climate.
 - Noise and vibration.
 - Ecology.
 - Archaeology.
 - Landscape and visual assessment.
 - Soils and geology.
 - Hydrology and hydrogeology.
 - Material assets and population and human health.
 - The report also sets out cumulative impacts and interaction of effects.
- 4.1.6. In terms of potential impacts the overall conclusion is that the upgrade of the existing water supply would positively impact on the population of the island by providing a sustainable potable water supply. No adverse amenity or environmental impacts are anticipated as a result of the development.
- 4.1.7. Also submitted is a separate landscape and visual impact assessment. This likewise concludes that the proposal in incorporating finishes to match the existing plant and landscape will not have a significant visual impact over the existing landscape or from important archaeological and tourist vantage points.

4.2. **Initial Assessment by Planning Authority**

- 4.2.1. The planner's report sets out details of the proposal and the surrounding environment and also details the various documentation submitted with the application. It notes that a number of concerns were raised in third party submissions

regarding the visual impact arising from the proposal. Galway County Council considered that the site is a brownfield site and that the proposed new tank does to exceed the other tanks in terms of height and therefore will not impact on the residential amenity any more than what is already on site. However, it is noted that the applicant is vague in relation to the materials being used. Further details could be submitted in that regard.

4.2.2. Galway County Council therefore requested additional information in relation to the following:

- Submit a revised layout map showing the finished floor levels of all tanks and dwellings to the west of Site No. 2.
- _____ clarification of the details in relation to how the tanks will be constructed on the exposed rock.
- Submit specific details regarding the construction materials to be used for the tanks and these should be accompanied by visual aids. The applicant is strongly advised that the proposed tanks should reflect the character of the existing tanks.
- Submit a proposal to screen the development along the western boundary of Site No. 2.

4.3. Further Information Submission

4.3.1. Arup on behalf of Irish Water submitted further information on 10th November, 2017.

4.3.2. As referred to in my development description above and in response to the Planning Authority's concerns the applicant now proposes to incorporate a 19 metre diameter cylindrical pre-stressed concrete tank at Site No. 2 (upper site). Details of the floor levels of adjoining dwellings are estimated at 21.67 metres and 25.49 metres respectively. The finished floor levels of the existing and proposed tanks are 25 metres. Details of how the tanks will be constructed on exposed rocks are indicated in 2.2 of the submission.

4.3.3. The response also makes reference to a study carried out by Hydro-G which suggested that a water storage deficit of 1.3 mega litres (1.3 million litres) was identified and this deficit has resulted in the need for rationing and tankering of

potable water in the summer months of recent years. This is extremely costly and unreliable. The proposal would secure a total storage capacity of 2 mega litres providing resilience in terms of security and supply. It is stated that the proposed tanks will have the same finished floor levels and generally the same height as the existing tanks. Details of screening proposals for the western boundary are also set out in the response. It is proposed to plant a small amount of wind tolerant hawthorn along the western boundary of the site. It is noted that the new tank will still be visible from the landscape to the west due to its height. However, the vegetation will assist in softening the visual impact.

- 4.3.4. A further planner's report considered the additional information to be acceptable and therefore recommended that planning permission be granted for both tanks.
- 4.3.5. In its decision dated 5th December, 2017 Galway County Council issued notification to grant planning permission for the proposed development subject to 9 conditions.

5.0 **Planning History**

There appears to be no planning history associated with the subject site.

6.0 **Grounds of Appeal**

- 6.1. The decision of Galway County Council to issue notification to grant planning permission was the subject of a third party appeal by Teresa Uí Fhatharta. The appeal was submitted by Stephen Dowds and Associates Planning Consultants. The grounds of appeal set out details in relation to the application on the site and also sets out policies contained in the Galway City Development Plan as they relate to the subject application. Particular emphasis is placed on the sensitive landscape designation as it relates to the island.
- 6.2. The submission also sets out details of the planning history (which was not referred to in the Local Authority Planner's Reports).
- 6.3. Reference is made to 95/1057 where planning permission was granted for two tanks comprising of 500,000 gallons and 250,000 gallons with two tanks on the upper site and two tanks on the lower site.

- 6.4. Under Reg. Ref. 00/5345 it is stated that planning permission was applied for a desalination tank on the lower site however, it appears that no decision was ever issued.
- 6.5. Under 03/72 planning permission was granted for a 500,000 gallon tank on the lower site and under 03/4189 planning permission was granted for a 500,000 gallon tank on the lower site.
- 6.6. The grounds of appeal go on to state that there are no objections to the proposed development on the lower site. The appellant's concern solely relates to the upper site. There are also concerns about the actual need for such an extensive proposal for water storage on the island. The appellant lives directly opposite the upper site. The grounds of appeal state that a historic agreement was put in place with the previous co-op that no further buildings of any consequence would be built on the subject site and this is being ignored by Irish Water. The two existing tanks have a significant impact on our home. The proposed third tank will leave her facing a wall of tanks though entirely obstruct the view from her front window. The existing structures are of a considerable height and bulk and dominate views from her window. It is argued that the proposed tank is in an even more direct line of view from the appellant's window. It is argued that the proposal will have a major impact on the appellant's son's dwelling adjacent.
- 6.7. It is also argued that the existing tanks have a significant impact on the scenery and amenities of the area in general and the entire island is designated as a Class 5 landscape "unique" in the county development plan. Under such areas only negligible alterations to the landscape are allowed. It is stated that the upper site is not an appropriate location of which to incorporate an additional tank. The upper site is also closer to the main inhabited area of the island and along the prominent routes including tourist routes within the island. If Irish Water argue that they do not have space available for further tanks and if further land is required adjoining lands is owned by the appellant's son and the appellant is willing to sell the land in question details of the contiguous lands for sale at the lower site are indicated on a map submitted.
- 6.8. Also submitted are details of an agreement dated 13th April, 1983 stating that the co-op (then owners of the site) will not erect anything over 5 feet on the subject site.

- 6.9. A second letter from the co-op dated 9th August, 1995 state that they do not intend to erect any more tanks on the upper site in addition to those that are already there.
- 6.10. A legal agreement of the same date states that they will not enact a planning permission received in 1995 in respect of an additional tank.
- 6.11. A fourth document is a letter from MG Ryan Solicitors acting for the co-op and this letter explains the background and the original commitments including a commitment not to build additional tanks on the upper site. Also attached is a brief letter which summarises the history of the development on the site and the concerns and worries of the appellant. It is stated that there is an issue as to whether these agreements are binding on Irish Water the successors in title of the lands in question. The appellant is currently taking legal advice on the matter. It is suggested that Irish Water should honour the agreement and withdraw proposals for any additional work on the upper site. None of the alterations/mitigation measures in relation to design and landscaping required by Galway County Council are acceptable to the appellant. The site is also used as a pedestrian route to the local school.
- 6.12. The Board are also asked to seek further clarification in relating to the following matters:
- It is stated that drilling was previously carried out on the island in order to identify alternative water sources. Details of this drilling should be made available.
 - A desalination plant was previously operated on the island and this should be seen as part of the current proposals for improvements. The desalination plant would produce the need for storage.
 - Irish Water are also asked to comment on potential issues with trihalomethanes which can arise with the interaction of chlorine and bromine with any organic matter within the water stored.
 - Irish Water might also wish to confirm the costs involved in piping desalinated water from Inis Meain to Inis Oirr.
 - It is stated that the desalination previously operated very successfully on the site.

- 6.13. Finally, it is argued that locating all storage on the lower site is much more suitable as it is remote from houses, on lower ground and therefore less visually intrusive and can be more adequately filled due to the lower ground levels through hydro_____ pressure.
- 6.14. It is also stated that there are problems with water spillages from the water tanks on the upper site which gives rise to adverse road conditions particularly in winter months.

7.0 Appeal Responses

7.1. Galway County Council have not submitted a response to the grounds of appeal.

7.2. Applicant's Response to the Grounds of Appeal

- 7.2.1. As set out in the planning application report prepared by Arup the proposed development consists of critical infrastructure resulting from water supply demands from the inhabitants of Inis Meain. An assessment was completed to address the deficiencies on the island. The construction of two additional water storage tanks on the island will rectify the current shortages. The current raw water storage volume on Inis Meain is 10,452 cubic metres. Inis Meain has an average water demand of 125 cubic metres per day. Based on ground water availability study conducted in 2015 it was established that there is currently a water storage deficiency of 1,311 cubic metre to cater for current water demands for the summer season on the island. The large influx of visitors experienced on the island during the holiday season greatly increases the island's water demands. The water demand during holiday weekends is up to 10 times the demand of the resident population imposing significant strains on the water supply. Shipping water is a temporary solution which is extremely inefficient, costly and unreliable. The proposed storage tanks include a total storage capacity of 2,065 cubic metres. A storage volume of 1,071 cubic metres will be provided by the tank proposed for the lower site and a volume of 994 cubic metres will be provided by the tank proposed for the upper site. The proposed development makes use of existing brownfield sites each containing established plant. It is argued that the clustering arrangements within the existing sites is visually less intrusive. The proposed development will not only increase the raw water supply but will improve the robustness and security of the overall water infrastructure on the island.

- 7.2.2. In relation to visual impact the applicant notes the concerns of the appellant in the context of the proximity of the proposed tanks to the appellant's home. The applicant is also mindful of the landscape designation as unique where negligible alterations will only be allowed in exceptional circumstances. However, the applicant deems the proposed tanks as necessary infrastructure ensuring a suitable water supply for the island's population. A landscape and visual assessment has been prepared as part of the original application and a number of alterations were included by way of additional information which mitigates against the adverse visual impact. Concerted efforts have also been made to negate the visual impact through landscaping proposals which will soften the impact. It is stated that given that the proposed tank will closely reflect the character of the existing tanks it will not significantly change or impact upon the overall landscape character.
- 7.2.3. In relation to the previous legal agreement the applicant notes the concerns of the appellant. Irish Water's legal advisers are reviewing the issues and request that An Bord Pleanála restrict its deliberations to the planning matters before it.
- 7.2.4. In relation to the justification of the tanks the applicants have carried out a comprehensive technical assessment and consider that the addition of raw water storage facilities is the most technically appropriate solution for the supply scheme.
- 7.2.5. The capacity for the proposed tanks is greater than the current deficit to account for the anticipated growth which is critical to enable the island to develop. Desalination as proposed by the appellant is a highly
- 7.2.6. Desalination as proposed by the appellant is a highly energy intensive process requiring a larger raw water input than the existing treatment. Up to 40% of the raw water input to a desalination plant is lost in the form of a waste stream. The use of sea water as the predominant raw water source would necessitate the use of conditioning chemicals in order to ensure robust treatment for water consumption.
- 7.2.7. In terms of locating all storage on the lower site it is stated that both the proposed sites for development are owned by Irish Water. They are brownfield sites and are already developed. The applicant can confirm that he does to own additional lands in the vicinity which could accommodate the raw water storage tanks. Due to the limited space at the lower site it is not viable to cater for the full storage deficit of Inis Meain. The development of the upper site is therefore necessary. During the pre-

planning consultation, the applicant was advised by Galway County Council to cluster the proposed infrastructure which would minimise the visual impact. Clustering the raw water storage tanks will have a number of operational benefits including the simplification of connectivity and eliminating the need for over pumping between tanks located some distance from one another. The use of two pre-established sites avoids the need for significant rerouting of pipework to facilitate connections. Irish Water would also like to bring to the Board's attention the fact that all necessary budget and planning for the construction of the proposed raw water storage tanks are in place and commencement of construction will be as soon as possible after all relevant consents are in place.

- 7.2.8. In conclusion therefore it is argued that the proposed development is the most efficient and technically viable solution in response to a direct and immediate need for additional water storage on Inis Meain. Due to the limited space available at the lower site it is not viable to cater for the full storage deficit of the Inis Meain water supply scheme within the boundary of the lower site. The development of the upper site is also necessary.
- 7.2.9. Thus, it is argued that the proposed development is in accordance with the proper planning and sustainable development of the area and An Bord Pleanála are requested to uphold the decision of Galway County Council.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Galway County Council Development Plan 2015 – 2021. The county development plan contains a classification of the county's landscaping according to landscape sensitivity (see Map LCM2). The classes range from Class 1 (least sensitive) to Class 5 (most sensitive). The entire of Inis Meain is classed as Class 5 (unique). Within such Class 5 areas DM Standard 39 states that negligible alterations will be allowed only in exceptional circumstances.
- 8.2. The island is also the subject of a protected view on Map FPV1 (see page 172 of the County Development Plan Map entitled Focal Points/View – FPV1).
- 8.3. It is the objective of the county development plan "preserve the focal points and views as listed in Map FPV1 from the development that in the view of the Planning

Authority would negatively impact on the said focal points and views. This should be balanced against the need to develop key infrastructure to meet the strategic aims of the plan.

- 8.4. Section 6.10 of the development plan relates to water policies and objectives.
- 8.5. Policy WS1 – Irish Water states that Galway County Council work in close co-operation with Irish Water in its new role as the lead authority for water services.
- 8.6. Objective WS5 seeks to support the preparation of water plans for the protection of major public water supply schemes in County Galway within the lifetime of this Plan. Table 6.2 contains a list of water supply schemes which are included and approved in the Water Services Investment Programme 2010 – 2013 for County Galway. Inis Meain is not listed on this scheme.
- 8.7. Policy WS3 seeks to support Irish Water in the implementation of the proposed Capital Investment Plan 2014 – 2016 and any subsequent investment programmes.
- 8.8. Objective WS5 seeks to support the preparation of water safety plans for the protection of major public water supply schemes in County Galway within the lifetime of the plan.
- 8.9. Objective WS10 seeks to support the extension or upgrading of existing water infrastructure facilities in the county through the implementation of Irish Water’s proposed Capital Investment Plan 2014 – 2016 and any subsequent investment programmes.
- 8.10. Objective WS14 relates to the provision and quality of drinking water and the EPA publications in respect of same.

9.0 **Planning Assessment**

- 9.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of the third party appeal. I consider the critical issues in determining the application and appeal before the Board are:

- Justification for the Proposed Development
- Visual Impact
- Legal Agreement

9.2. Justification for the Proposed Development

- 9.2.1. The grounds of appeal argue that Irish Water have not adequately justified the provision of additional water storage facilities on the size and scale proposed. The appeal also argues that the applicant has not adequately assessed the possibility of providing a desalination plant in order to provide a source of potable water supply for the island. It is evident having regard to the appellant's response to the grounds of appeal that the provision of a desalination plant is very energy intensive and it is also stated that up to 40% of the raw water is lost in the form of a waste stream. In this context I would consider that the provision of a water storage facility as opposed to a desalination plant would be more appropriate in terms of cost and energy requirements.
- 9.2.2. In terms of future storage requirements, the provision of additional storage facilities was determined by studies carried out in 2015. The study carried out by Hydro-G, according to the applicant's response to the grounds of appeal, concluded that "based on a groundwater availability study.... it can be established that there is a current water storage deficiency of 1,311 cubic metres. This suggests that
- (a) the water storage deficiency is estimated at 1,311 cubic metres, and
 - (b) that there is a limit in terms of groundwater availability to provide additional potable water supply on the island. It appears that the study notes that there is a finite level of groundwater availability beyond which sustainable groundwater recharge may not be achieved.
- 9.2.3. What is proposed in this instance is a total storage capacity of 2,065 cubic metres. Which appears to be more than the available groundwater resource can offer. Under the current application a storage capacity of 1,071 cubic metres is proposed at the lower site and a storage volume of 994 cubic metres on the upper site. It is clear therefore that 80% of the anticipated needs can be provided at the tank on the lower site.
- 9.2.4. I would agree with the appellant's contention that the lower site is less visually sensitive than the upper site being located at a lower ground level and further away from dwellings in the area. The Board will note that there are no dwellings in the immediate vicinity of the lower site. The proposed rectangular tank is also located to the north of the existing tanks and therefore will be screened by the existing tanks

when viewed from the main settlement area located in the centre of the island. Therefore, I would consider that of the two sites proposed the lower site is the most appropriate location for the provision of additional storage tanks. It is not altogether clear from the information contained on file whether or not Irish Water considered increasing the volume of the tank at the lower site in order to accommodate the requisite shortfall in potable water storage namely the storage of an additional 1,311 cubic metres.

9.2.5. With this in mind I estimate that by elongating the length of the tank by a mere 2 metres (from 25.15 metres to 27.15 metres) and increasing the height of the tank from 4.3 metres to 5 metres (which would still be lower than the existing tanks on site albeit it marginally). The larger tank would be able to accommodate a total volume of 1,649 cubic metres. Allowing for a freeboard of 1 metre (which appears to be the case in the proposed storage requirements at the lower site submitted by Irish Water), the tank of the dimensions referred to above could accommodate a volume of 1,319 cubic metres which would address the calculated current shortfall requirement of 1,311 cubic metres.

9.2.6. The Board in my view should seriously consider increasing the storage capacity of the lower site to accommodate the shortfall in potable water supply on the island. It appears that the sustainable level of groundwater supply on the island based on the study carried out in 2015 is limited to c.1,300 cubic metres. In order to address the deficiency in water storage requirements it would merely involve increasing the capacity of the proposed tank at the lower site by 20% and this can be achieved through modest increases in the dimension of the tank.

9.3. **Visual Impact**

9.3.1. As referred to above the entirety of Inis Meain is designated as a Class 5 landscape the most sensitive class of landscape in the development plan. Notwithstanding this designation what is proposed in this instance is the provision of additional water tanks adjacent to existing tanks. The clustering of the tanks is in my view the most appropriate form of development and will have the least potential impact on the visual amenities of the area.

9.3.2. As already alluded to above in my assessment I consider that the provision of an additional tank at the lower site would have a more modest visual impact on the grounds that:

- (a) The lower site is located a further distance away from the main settlement area on the island that there are no dwellinghouses in the immediate vicinity of the lower site.
- (b) The lower site is located at a lower ground level on the island and therefore would be less prominent visually.
- (c) The configuration of existing tanks on site would ensure that the provision of an additional tank in the northern area of the site would be for the most part screened by the existing tanks from the main settlement area within the island.

9.3.3. While the proposed tanks are located on a landscape which is designated Class 5, most sensitive, and the development plan requires that in Class 5 areas only negligible alterations will be allowed in exceptional circumstances, there is undoubtedly a requirement to provide additional water tanks on the island having regard to the deficiency of water supply particularly in the summer months. Any visual impact arising from the proposed development therefore must be balanced against the wider infrastructural requirements to provide potable water to the island. Any visual impact arising from the proposed development must therefore be balanced against the need to provide a more robust and secure potable water supply.

9.3.4. Notwithstanding the above argument regarding the need to provide a robust and secure water supply there can be no doubt, having inspected the site that the impact arising from an additional circular water tank on the upper site would have a profound visual impact on views from the appellant's house. The provision of an additional tank in the southern portion of the upper site would completely obscure views eastwards across the island from the appellant's house. The fact that the upper site is located in a more visually prominent land would also result in an additional tank at this location having greater visual impact than the provision of an additional tank at the lower site.

- 9.3.5. The existing tanks on the upper site are located a more 30 metres from the appellant's house. The overall scale of the tank proposed in conjunction with the existing tank would in my view have a material negative impact on the appellant's visual amenity having particular regard to the overall size and bulk of the tank proposed. I do agree with the conclusions of the Planning Authority that a circular tank is more preferable than the original rectangular tank proposed on the subject site.
- 9.3.6. In conclusion I would consider that in terms of wider views across the island the addition of a tank at the upper and lower site would generally be acceptable having regard to the presence of existing tanks. However, there can be no doubt in my mind that the provision of an additional tank at the upper site will materially impact on the visual amenity currently enjoyed by the appellant and would result in the provision of an additional tank which will exacerbate an already overbearing impact resulting from the two existing tanks directly opposite the appellant's property.

9.4. **Legal Agreement**

It appears from the information contained on file that there was some form of legal agreement drawn up which would restrict future development on the upper site. This agreement has been acknowledged by Irish Water. It states that Irish Water's legal advisers are reviewing the issue presently. It is not the purpose of An Bord Pleanála to adjudicate on any legal matters or disagreements which may arise between parties. The interpretation and adjudication on legal agreements are a matter for a court of law and not An Bord Pleanála. The Board will however note that if the development in this instance was restricted to the provision of a single tank on the lower site it would appear that any such development would not impinge on any legal agreements pertaining to future development on the upper site.

10.0 **Appropriate Assessment**

- 10.1. An Appropriate Assessment Screening Report was submitted with the application (see Appendix B1 of the Environmental Report submitted with the application). It notes that the lower site is partially located within the Inis Meain Island SAC (Site Code: 000212).

10.2. The qualifying interests associated with the Inis Meain Island SAC are:

- Reefs.
- Perennial vegetation of stony banks.
- Vegetated sea cliffs of the Atlantic and Baltic coasts.
- Embryonic shifting dune.
- Shifting dunes along the shoreline with white dunes.
- Machairs.
- European dry heaths.
- Semi-natural dry grasslands and scrubland facies on calcareous substrates.
- Lowland hay meadows.
- Limestone pavements.

10.3. The only habitat which could potentially be affected by the proposed development is the limestone pavement habitat. I noted during my site inspection and this is acknowledged in the appropriate assessment screening report that exposed limestone pavement does occur within the subject site. However, this limestone pavement has been heavily modified as a result of works currently undertaken on site. The _____ located within the limestone paving have been filled in with cement. This has resulted in degraded limestone pavement. The appropriate assessment screening report recently concludes in my opinion that the limestone pavement on the subject site has been completely disturbed, modified and degraded and therefore no longer corresponds to this Annex I habitat.

10.4. The appropriate assessment screening report also notes that there are components of calcareous grasslands at both sites. The appropriate assessment screening report has assessed the quality of the grassland and the grassland is considered to be of poor quality at both sites.

10.5. In my opinion the site has been heavily modified and limestone pavement in this area has been concreted over and the _____ have been infilled. The local subsurface pathways and recharge capacity have already been impacted upon as a result of the works undertaken. The appropriate assessment screening report states

that a construction environmental management plan will be prepared in respect of the proposed works to be carried out and this will include best practice surface water management. It is not considered that the development of two additional tanks on either the lower or upper site would have any indirect effects on the Natura 2000 site in question nor is it likely to have any in combination effects with other plans or projects in the immediate vicinity of the site so as to adversely impact on the integrity of the Natura 2000 site in question.

- 10.6. I therefore consider it reasonable to conclude on the basis of the information on file which I consider adequate in order to issue a screening determination that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Code 000212 (Inis Meain Island SAC) or any other European Site in view of the site's conservation objectives and a Stage 2 Appropriate Assessment (and the submission of an NIS) is not therefore required.

11.0 Conclusions and Recommendation

Arising from my assessment above I recommend that the Board grant planning permission for the proposed development but omit the tank proposed for the upper site (Site No. 2) on the basis that the provision of an additional tank at the lower site would have a lesser visual impact on the Class 5 sensitive landscape and would have a lesser impact on the visual amenity of the appellant. Furthermore, I am satisfied that with a modest increase in the size of the tank proposed it would be of a sufficient size to cater for the potable water demands required on the island as indicated in the Hydro-G study carried out in 2015. I therefore recommend that planning permission be granted based on the reasons and considerations set out below.

12.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

13.0 Reasons and Considerations

It is considered that the proposed development subject to conditions set out below would not seriously injure the visual amenities of the area or property in the vicinity, would not be prejudicial to public health and would therefore be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by the planning authority on the 10th day of November 2017, 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 the 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 proposed circular tank at the upper site (Site No. 2) shall be omitted from the proposed development.

Reason: It is not considered that the requirement of an additional tank at this location has been justified given the potable water requirements on Inis Meain. It is further considered that a proposed tank at this location would have an unacceptable visual impact in a landscape designated at Class 5 (unique) in the current Galway County Development Plan.

3. The proposed water storage tank at the lower site (Site 1) shall accommodate a maximum volume of 1,650 cubic metres and shall not rise above 5 metres in height.

Reason: In the interest of protecting the visual amenities of the area.

4. Details of the external finishes associated with the proposed tank on Site No. 1 (lower site) shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, the applicant shall submit a revised layout plan showing the dimensions of the proposed tank on the lower site for written agreement with the planning authority.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, the applicant shall submit details of the finished floor levels of the proposed tank to be constructed on Site No. 1 and details of the materials to be used and the construction methodology to be employed. These details shall be the subject of written agreement with the planning authority.

Reason: In the interest of visual amenity.

7. Details of all surface water drainage arrangements shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0800 hours and 1900 hours Mondays to Fridays inclusive and between 0900 hours to 1700 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities and property in the vicinity.

9. During the construction stage of the proposed development the following best construction practices must be employed to prevent any adverse impact on Natura 2000 sites.

- (a) Works such as soil excavation, soil depositing or soil stripping will not be conducted during or immediately following periods of heavy or prolonged rainfall.
- (b) All stockpile areas of sand, gravels and soils shall be stored on level terrain and shall be covered during heavy rainfall periods in order to prohibit the mobilisation of sediments.
- (c) Works with concrete shall be done during dry conditions for a period sufficient to _____ the concrete (at least 48 hours).
- (d) Concrete pours shall occur in contained areas.
- (e) Washing out of concrete trucks should not be permitted within the site and should be conducted in hardstanding areas.
- (f) All petroleum products to be banded during the construction phase of the development.
- (g) If gravel or hardstanding materials are being brought on site the applicant is required to ensure that the source is free of invasive species such as Japanese Knotweed, Gunnera and Rhododendron.

Reason: In the interest of protecting the integrity of European Sites.

10. The developer shall pay to the planning authority a financial contribution of €6,080 (six thousand and eighty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Caprani,
Senior Planning Inspector.

XX April, 2018.