



An
Bord
Pleanála

Inspector's Report ABP-302880-18

Development	Retention and completion of agricultural shed and retention and widen the existing access road coupled with ancillary site works.
Location	Rinville West, Co Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	181142
Applicant(s)	Rachel Konisberry.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Rachel Konisberry.
Observer(s)	None
Date of Site Inspection	17 th January 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is in the rural area, located c.1.5kms southwest of Oranmore village and further from the junction of the R446 with the N18. It is on the south western side of the village of Rinville. The site is accessed to the east via a narrow local road in the townland of Rinville West. Galway Bay Golf Resort is further to the north west.
- 1.2. The appeal site concerns a large field area of 4.639ha, located on the eastern side of the local road. The agricultural shed development proposed for retention is centrally located and is well set back from the road. Horses were seen grazing on the south western part of the site on the day of the site visit. Fences enclose the site to the north and south and stone walls to the east and west. A pond has been created towards the eastern boundary.
- 1.3. There is a stone wall along the road frontage of the site, which restricts visibility at the entrance. There is a circuitous surfaced access route via the set back field gated access, through the landholding to the shed. An area to the west of the shed has been hard surfaced. The shed is visible in the landscape at a higher level, from the local access road. There is a berm in place to the north west of the site which provides some screening. Views can be had from the more elevated part of the site towards the Galway Bay complex.
- 1.4. There is also a large shed well set back from the road with access opposite the entrance to the subject site. There is ribbon housing to the south of the site with access to this local road. This cul de sac access road is narrow, too narrow for two cars to pass.

2.0 Proposed Development

- 2.1. Permission is being sought to retain and complete an agricultural shed and associated development as follows:
 - (a) Retention of agricultural building with overall floor area of 349.71 sqm
 - (b) Widening of existing access road to 3.5 metres
 - (c) Retention of Soakpit
 - (d) Front boundary to be set back if required.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused the reasons can be summarised as follows:

1. Scale mass and bulk, in an elevated Class 3 rural landscape, would interfere with the character of the landscape, would detract from the visual and residential amenities of the area.
2. The construction of a substantial internal driveway (>193 metres) would result in a haphazard disorderly development and would be an obtrusive feature in the rural landscape.
3. The development may have involved injury and interference with historic monuments (GA095-131 (Ringfort)).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report is consistent with the planning authority decision.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

- An Taisce – The impact on the proposed monument has not been properly assessed.
- Department of Culture, Heritage and the Gaeltacht – Surface features of the Recorded Monument are no longer extant, and the structures proposed for development are at a distance of approx. 80m from the monument. The proposed development as described does not constitute a direct threat to the Recorded Monument.

3.4. **Third Party Observations**

One valid submission was received and can be summarised as follows:

- There is a history of retention applications on this site.
- The applicant is a director of the company that applied for the same development previously.
- Application is duplicate of previous application.

4.0 **Planning History**

PL.07.247936 – Permission was refused for the retention and completion of an agricultural shed consisting of stables and agricultural storage shed/haybarn for the following reason:

1. Insufficient justification has been given relative to the need for the proposed retention development.
2. The Board was not satisfied that minimum sight distances for a local road could be achieved in both directions at the proposed access.

5.0 **Policy Context**

5.1. **Development Plan**

Galway County Development Plan 2015-2021.

The appeal site is located in a rural area outside of any development boundary. The lands are identified as Class 3 within the Landscape sensitivity and character areas map and have a 'high' landscape value.

Of relevance are the following:

- Section 9.6 - Archaeological Heritage.
- Policy ARC 3 – Consolation for developments adjoining archaeological sites
- Policy ARC 4 – Management of Archaeological Sites and Monuments
- Objective ARC 1 - Protection of Archaeological Sites
- Objective ARC 2 –Archaeology and Development Management.

- Objective ARC 7 –Design and siting in the immediate vicinity of a Recorded Monument.
- Section 9.9 - Natural Heritage and Biodiversity Policies and Objectives
- Section 9.11 - Landscape Conservation and Management Policies
- Objective LCM 1 - Preservation of Landscape Character.
- Objective LCM 2 – Landscape Sensitivity Classification
- Section 11.3.6 – Local Breeds
- DM Standard 12 - support for facilitating sustainable Rural Enterprise.
- DM Standard 20 - Sight Distances Required for Access onto National, Regional & Local Roads
- DM Standard 33 - Agricultural Buildings
- DM Standard 34 - Agricultural Effluent
- DM Standard 39 - Compliance with Landscape Sensitivity Designations.
- DM Standard 40 - Appropriate Assessment.
- DM Standard 41: Field Patterns, Stone Walls, Trees and Hedgerows
- DM Standard 45 - Archaeological Conservation and Preservation.

5.2. **Natural Heritage Designations**

The site is not located within an SAC or SPA, however the Galway Bay Complex SAC, is within 150m from the site and the Inner Galway Bay and Creganna Marsh (both SPA's) are within c.0.5km and 1km of the site respectively. An AA screening document was submitted with the planning application.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Stephen Dowds Associates has submitted a First Party Appeal on behalf of the Applicant regarding the Council's refusal of the subject development and can be summarised as follows:

- Application is largely the same as previous, concerns of raised in previous refusal have been addressed by way of additional information provided in relation to need, covered manure pit, provision of 70 m sightlines, widening of access road.
- Building is not considered to be excessive as it has to accommodate 6 horses.
- Building complies with Teagasc guidelines
- Lands are of sufficient size to accommodate 6 horses.
- Building is surrounded by existing farmland, which accommodates a number of slatted sheds and agricultural buildings.
- Driveway has to be long as building is well set back into the site, due to orientation of driveway it is not significantly visible from public road.
- Archaeological report submitted which outlines that the Recorded Monument has not been impacted by the development.
- Visual impact is low, due to location, screening and extensive on-site landscaping.
- Appropriate Assessment screening report is submitted that concludes no Appropriate Assessment is required.

The following documents have been appended to the applicants' grounds of appeal:

- Copy of PA decision.
- Letter from Tarpey & Associates regarding storage of manure.
- Letter from Teagasc regarding size of lands required for horses.
- Additional letter from Tarpey & Associates regarding appeal.

- Letter from Horse Sport Ireland.
- Copy of PP.
- Copy of other similar PP in area
- Archaeology report.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None

7.0 **Assessment**

7.1. The site contains a largely complete agricultural building and associated access road within the rural area outside of any development boundary. The lands are identified as Class 3 within the Landscape sensitivity and character areas map and have a 'high' landscape value. The provision of agricultural buildings within this rural area is open for consideration subject to certain restrictions.

7.2. It is important to highlight at the outset that there has been a previous appeal decision for the same development at this site in 2017. The issues within the previous appeal have been addressed within the grounds of appeal by the applicant and include reference to archaeology, justification for usage and sight lines.

7.3. Thus, I consider that the relevant issues in determining the current appeal before the Board relate to:

- Impact on Recorded Monument
- Visual impact on surrounding landscape
- Impact on neighbouring residential dwellings
- Access & sightlines
- Effluent
- Appropriate Assessment

Impact on Recorded Monument

- 7.4. Concerns were raised within the planners report in relation to the proximity of the development to a Recorded Monument (GA095-131 (Ringfort)) and the potential interference that the development could have on this monument. It is of note that the Department of Culture, Heritage and the Gaeltacht has submitted an observation to the appeal in which it is stated that the proposed development is located circa 80 m from the Recorded Monument and does not constitute a direct threat to the monument.
- 7.5. The applicant by way of addressing these concerns has submitted an archaeological report with the appeal. It is stated within this report that the development lies 85m northeast of the Recorded Monument and has not impacted upon the monument or its associated area of archaeological constraint which extends for a distance of 30 m from the perimeter of the monument.
- 7.6. The location of the development relative to the monument was noted at the time of site inspection and having regard to the foregoing it is considered that the proposed development is significantly set back from this monument and does not unduly impact the archaeological significance of the site.

Visual impact on surrounding landscape

- 7.7. The applicant contents within the grounds of appeal that the building is not visually obtrusive due to the location of the development centrally within the site, set back from the public road and screened by extensive planting. This building which is largely complete, has an overall floor area of c. 350sqm and comprises 6 stables with a floor area of 194sqm and a storage/haybarn area with a floor area of 155sqm, a manure pit and effluent tank. The overall site area extends to 4.64ha and has been extensively planted with native species. The building is of a typical modern agricultural construction with concrete finish solid walls below and sheet cladding above. The ridge height is 5.13m.
- 7.8. It is submitted that the building is relatively modest i.e. just above the size of exempted development for such agricultural buildings i.e 300sq.m as per the Planning and Development Regulations 2001 (as amended) 2nd Schedule, Part 3

(Exempted Development – Rural). However, it is acknowledged that the building for retention does not constitute exempted development.

- 7.9. The building is of dark materials to minimise its visual impact in the landscape. Associated site works include a concrete apron around the building and a concrete surfacing on adjacent grounds. It is provided that the works will include storm water and drainage works. I note that the area adjacent to the shed is currently surfaced with hardcore materials and that a berm has been provided to the northwest of the site to provide screening.
- 7.10. The Council's first reason for refusal related to the overall mass and scale of the development which was deemed to be excessive and was considered to detract from and seriously injure the amenities of the Class 3 designated rural landscape. I note that the appeal site is also identified within the Galway County Development Plan 2015-2021 as a landscape of high sensitivity, (Maps LCM1 & LCM2 refer). Objective LCM 2 seeks to ensure that in areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.
- 7.11. I noted at the time of inspection that the site is within an undulating agricultural landscape of medium sized fields and pasture. It comprises a single field area. Galway Bay lies about 1km to the west. While there are concerns raised by the Council that the site is elevated, it is clear from the site visit that the building is not located on the more elevated part of the site. The FFL is shown as 15.80 (OD i.e above sea level). It is moderately above the level of the minor road which access is taken but well set back (c.192m) from the road and the site is partially landscaped, which provides some screening. The subject building is constructed of dark colour materials and is almost entirely screened from view from the road by hedges, trees and the existing houses. In this respect I contend that the building is not very visible from the surrounding roads. Also, that the access route follows the contours, has a rough finish without tar macadam or concrete and therefore blends into the landscape, I do not have any issues in relation to the widening of this access road.

Impact on neighbouring residential dwellings

- 7.12. Ribbon development is present along Oranhill Avenue, the development is located c. 130 m west of these dwellings and c. 150 m southwest of the dwellings present

along the minor road from which the site is accessed. Given the level of separation from these dwelling and the rural nature of the surrounding lands I consider that the proposed development will not adversely impact upon these dwellings in terms of noise disturbance or nuisance.

Access & sightlines

- 7.13. The applicant states within the grounds of appeal that 70 metre sightlines can be achieved from the entrance in both directions. It was noted at the time of site inspection that sightlines are restricted by the stone wall along the site frontage and also by the bend to the north west. It is also of note that there is another splayed entrance to a large and well set back shed on the opposite site of the road. Therefore, there is some additional traffic in the immediate vicinity.
- 7.14. The applicant contends that this road is a cul de sac, 10 dwellings currently utilise this road along with a number of farm complexes. The road is lightly trafficked and due to the alignment and limited width of c. 3.5 metres the overall speeds achievable are low. In instances where actual road speeds are low a relaxation of sight distances can be permissible; however, the applicant must clearly demonstrate what the achievable sight lines are and provide the results of a road speed assessment. The applicant has failed to provide such information in support of their development and has therefore not submitted sufficient detail to make a determination in relation to adequate sight distances required at this location.
- 7.15. Of note is the junction of the minor road with the county road in Rinville East which is a relatively busy road, however, sightlines emerging from the minor road from which the appeal site is accessed are in excess of 120 metres. The issue therefore pertains solely to the appeal site access onto the minor road.
- 7.16. If the Board are of a mind to approve the development, it may consider imposing a condition to recess the existing stone wall and hedgerow in order to achieve improved sight lines in both directions at the existing entrance to the site.

Effluent

- 7.17. It is proposed to provide a roofed manure pit to the rear of the building, no details have been submitted with regard to the bunding specifications of this pit. Whilst the principle of a manure pit at this location is acceptable, I consider, in the event that the Board is minded to approve the development, that a condition is imposed

seeking a full specification of the manure pit to be agreed with the council in order to ensure that the facility is adequately bunded so as to prevent ground water pollution.

Appropriate Assessment

- 7.18. The applicant submitted an Appropriate Assessment Screening Report by Flynn and Furney Environmental Consultants to the Local Authority. The report includes a general ecological assessment of the site and the surrounding area, including designated sites. Regard is had to the Relevant Legislation and Overall Screening Methodology. A desktop study and field surveys were carried out as part of the screening process. Regard was had to the Designated Sites within 15kms of the site – Table 2 of the Report submitted refers. I note that there are a number of Natura sites within this radius, the closest site is the Galway Bay Complex SAC, which is within 150m from the site. Inner Galway Bay and Creganna Marsh (both SPA's) are within c.0.5km and 1km of the site respectively.
- 7.19. Galway Bay Complex SAC (site code:000268) is a large site with a great diversity of habitats. The NPWS describes it as being of immense conservation value. These include shallow bays and reefs. Within the site is breeding Common Seal colony and otters – an Annex 11 (Habitats Directive) species. The SAC is also an important ornithological site. Details of Annex 1 and 11 species are given in Tables 3 and 4 of the Screening Report.
- 7.20. Conservation objectives for this SAC seek to maintain the favourable conservation condition of all habitats identified within the SAC. It was evident at the time of site inspection that there are no potential pathways from the appeal site to the SAC. The site is separated from the Galway Bay Complex SAC by an existing road and farmland. In the absence of any hydrological pathway or link to this site I consider that there will be no likely significant impacts arising from the development which would impact on the SAC.
- 7.21. Regard is also had to Inner Galway Bay SPA (004031) which is one of the most important ornithological sites of the western region. The site has several important populations of breeding birds, most notably the Sandwich Tern and the Common Tern - Table 5 provides a list of Annex 1 species of the SPA. The conservation objectives for this site overlap with those of the SAC and seek to maintain the favourable conservation condition of the birds as identified with the NPWS

Conservation Objectives Series. Similar to Section 7.20 no hydrological pathways are present from the appeal site to this SPA. As such having regard to the limited scale of the development and the separation distances from the development to the SPA I consider that no significant impacts on key species or habitats are likely.

7.22. The Creganna Marsh SPA (004142) is of special conservation interest for the following species: Greenland White-fronted Goose. This site is regularly utilised by a nationally important flock of these birds, a species listed on Annex 1 of the E.U Birds Directive. Conservation objectives for this site seek to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. This site is located within c. 1km of the appeal site. No hydrological pathways or links are present from this SPA to the site and as such based on the limited scale and type development proposed and to be retained and the significant distance of the SPA from the site I consider that no significant impacts on key species or habitats are likely in this instance.

7.23. In conclusion, having regard to the information submitted by the applicant and observations made at the time of the site inspection, I do not consider that the proposed/retention development would significantly impact on the Natura 2000 sites subject to compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014. Therefore, having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the distance to the nearest Natura 2000 sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission is refused for the following reason:

9.0 Reasons and Considerations

1. The building proposed for retention will be accessed via a c.192m circuitous route from a proposed access onto a local road. Having regard to the information submitted with the planning application and appeal, the applicant

has failed to demonstrate that minimum sight distances for a local road can be achieved in both directions at the proposed access so as to ensure that no traffic hazard is created as a result of the development. It is therefore, considered that the development, if permitted, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. As such the development would be contrary to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

6th March 2019