



An
Bord
Pleanála

Inspector's Report

ABP-305079-19

Development

dhéanamh ag an suíomh seo ag Ionad lascaigh Cuain Ros an Mhíl. Saoráidí Fóntais a thógáil don chaladh bád ag lárionad chuan isacaigh Ros an Mhíl ina mbeidh saoráidí leasa ar leibhéal bunurláir agus oifig riaracháin ar leibhéal an chéad urláir chomh maith leis na fosheirbhísi gaolmhara ar fad. Spas urláir comhlán na n-oibreacha beartaithe: 182 sqm.

Location

Ros an Mhíl (Rossaveel), Co na Gaillimhe.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

19746

Applicant(s)

Department of Agriculture, Food and the Marine

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)	Marie Ui Mhuirnin
Observer(s)	None
Date of Site Inspection	10 th September 20109
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located in Rossaveel Harbour to the south west of Rossaveel village approx. 38kms northwest of Galway City.
- 1.2. Rossaveel (Ros An Mhíl) Harbour is located on the North side of the North Sound approaches to Galway Bay. The inner harbour is positioned on the north eastern shore of upper Cashla Bay and is well sheltered. Rossaveel is a main ferry port for the Aran Islands in Galway Bay.
- 1.3. The site is located to the extreme west of the Fishery Harbour. The site is a reclaimed foreshore constructed from hard-core filled material with a rock revetment made from an outer layer of large boulders. The site is located in the centre of the Small Craft Harbour (SCH). Further east of the site is “Iasc Mara Teo” compound with industrial buildings and storage yards. To the south of the site is Rossaveel Ferry pontoons and Fishery Harbour Centre consisting of two piers and a number of industrial looking buildings.

2.0 Proposed Development

- 2.1. The proposed development will comprise the following:
 - The construction of Amenity Facilities for the small Craft Harbour at Rossaveel Fishery Harbour Centre consisting of welfare facilities at ground floor level and an administration office at first floor level with associated ancillary services.
- 2.2. The building is a contemporary structure consisting mainly of a single storey volume with a single two-storey projection to allow for supervision of the harbour entrance and views around the harbour from the first-floor office. The roof is an inverted planer surface and appears to fold into the various volumes of the structure. The structure is divided into two independent structures linked via a covered walkway which allows the build to read as singular form. The window openings reflect a mix of square and horizontal forms with a large glassed element fronting the water. The building is finished in natural stone with a reinforced concrete roof.
- 2.3. The building will accommodate shower and bathroom facilities and ancillary accommodation, offices and a canteen. The gross floor area is 182sqm.

2.4. An Appropriate Assessment Screening Report and Architectural Report accompanied the planning application,

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority granted permission subject to five conditions. The following conditions are of note:

Condition no. 2 refers to surface water disposal on site.

Condition no. 4 refers to use of the office space to be agreed.

Condition no. 5 relates to Development Contribution.

3.2. **Planning Authority Reports**

3.2.1. *Planning Reports*

The Planning Report notes the site is within the nucleus of the settlement boundary of Rossaveel as identified by the 500m radius node and is considered compatible and complimentary to the existing land use activity. It is set out that the contemporary design will ameliorate to the overall vistas with the complex. No environmental issues were raised as matters of concern.

3.2.2. Other Technical Reports

None

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

3.4.1. One number submission was received by Galway County Council. The concerns raised include the following: -

- The application does not include sufficient environmental information.

4.0 Planning History

Site

CGC Reg. Ref. 15/115 – Permission granted in 2015 for Small Craft Harbour, reclamation of foreshore and dredging of a new small craft harbour approach channel and basin.

GCC Reg. Ref 06/1847 – Permission granted in 2006 for the construction of a new deep-water quay, a ferry terminal and small craft harbour previously permitted under 02/1068 and 05/4856.

Surrounding

GCC Reg. Ref.18/547 - Permission granted in 2018 for refurbishment of existing slipway to improve low tide access. Raising and widening of slipway deck and the addition of a berthing face. Extension of existing rubble mound breakwater and re-grading of rock revetment to provide further protection of the small draft Harbour.

GCC Reg. Ref.17/967 – Permission granted in 2018 for a deep-water quay which will provide 200 metres of outside berthing frontage at Rossaveel Harbour. A reclamation area will also be constructed directly behind the deep-water quay which will provide a hard-surfaced link to the existing onshore. The development will also include low concrete sea walls, a rock armour revetment, access road, lighting, drainage infrastructure and other ancillary site works. An Environmental Impact Statement was included with the planning application at Rossaveel Fishery Harbour Centre.

5.0 Policy Context

5.1. Development Plan

Galway County Development Plan 2015-2021

- 5.1.1. Objective TI23 and TI24 recognise the importance of and support the development of Rossaveel Port.

Objective TI 23 – Sustainable Development of Ros an Mhíl Sea Port and Galway Harbour

Galway County Council shall continue to recognise the strategic importance of Ros an Mhíl and Galway Harbour and shall promote and facilitate their continued sustainable development including the following:

a) The Council shall undertake the improvement works to the existing road infrastructure servicing Ros an Mhíl as resources permit;

b) Collaborate with Galway City Council and with the Galway Harbour Company in the promotion of interconnectivity between Galway Harbour and Ros an Mhíl.

Objective TI 24 – Sustainable Development of Ports, Harbours, Piers and Slipways

a) Support the development of Ros an Mhíl Harbour as a deep-water port and support and facilitate improvements and maintenance to other harbours including Inis Oirr and Inis Meáin, piers and slipways and consider any new marine infrastructure where appropriate;

b) Facilitate the safe and convenient access to the water for the purpose of public transport, industry, commerce, sea rescue, tourism, aquaculture and recreation where appropriate and as resources allow

5.1.2. Section 11.6 Fishing and Marine Resources of the Developemnt plan states:

Fishing is not only an economic activity, it is also a way of life and it is central to the identity and prosperity of many coastal communities within County Galway. The fishing industry relates not only to commercial fishing (at sea and inland) but also to tourism and recreational activities.

There are a number of strategic ports, the most important being Ros an Mhíl. It is the largest and busiest port in the County and is a major fishing port and fish processing location. It is the main base for the Galway and Árann Deep-Sea fishing fleet and is a major ferry port for passengers and goods for the three Oileáin Árann Islands.

The Council shall encourage and support an integrated approach to marine enterprise as set out within the national Integrated Marine Plan titled *Harnessing Our Ocean Wealth* and due to the existing facilities/enterprises, Ros an Mhíl (in ollaboration with private business, educational and research institutes such as the

Marine Institute) has the potential to develop as a location for a 'maritime/marine cluster' within the County

5.1.3. Section 11.7 Fishing and Marine Resources Policies and Objectives

Objective AFF 12 – Marina Developments

The Council shall support proposals for sustainable marina developments and associated amenities that are located at both existing marinas and at other appropriate and fully justified locations.

Objective AFF 14 – Provision of Infrastructure

Facilitate the provision of infrastructure, which is necessary for the development of the fishing, seaweed and mari-culture industry. The provision of infrastructure, which is necessary for the development of the fishing and mari-culture industry, should be located in proximity to established landing facilities.

Objective AFF 15 – Aquaculture, Marine Enterprise and Biotechnology

The Council shall encourage and support an integrated approach to marine enterprise as set out within the national Integrated Marine Plan *titled Harnessing Our Ocean Wealth 2012*. The Council shall consider appropriately located marine resourced enterprises within the County subject to proper planning and in compliance with environmental legislation. Ros an Mhíl shall be promoted as a location for a 'maritime/marine cluster'.

5.1.4. Chapter 6 - Water, Wastewater, Waste Management & Extractive Industry

Objective WS 9 – River Basin Management Plans 2009 - 2015

Support the implementation of the relevant recommendations and measures as outlined in the *Shannon International & Western River Basin Management Plans 2009 – 2015*, and associated Programmes of Measures, or any such plans that may supersede same during the lifetime of this County Development Plan. Development shall only be permitted where it can be clearly demonstrated that the proposal would not have an unacceptable impact on the water environment, including surface waters, groundwater quality and quantity, river corridors and associated wetlands, estuarine waters and coastal waters. Cognisance shall be taken where relevant of the EU's *Common Implementation Strategy Guidance Document No. 20* which

provides guidance on exemptions to the environmental objectives of the *Water Framework Directive*.

5.1.5. National Planning Framework

Rossaveel is not identified as Tier 1 or Tier 2 Port in the NPF.

National Policy Objective 39.

Support the sustainable growth and development of the maritime economy and continue to invest in the seafood sector and our Fishery Harbour Centres, particularly in remote rural coastal communities and islands.

National Policy Objective 41a

Ensure that Ireland's coastal resource is managed to sustain its physical character and environmental quality.

National Policy Objective 41b

In line with the collective aims of national policy regarding climate adaptation, to address the effects of sea level changes and coastal flooding and erosion and to support the implementation of adaptation responses in vulnerable areas.

5.2. Natural Heritage Designations

The site not located within or directly adjacent to any Natura 2000 sites. The site is located 1.3km west of the Connemara Bog Complex SAC (Site code 002034) and 3.2km east of the Kilkieran Bay and Islands SAC (site code 002111).

5.3. EIA Screening

- 5.3.1. On the issue of Environmental Impact Assessment screening, Schedule 5, Part 2 (1) (f) and (g) requires an EIAR to be submitted in the case of "Aquaculture" development which would involve fish breeding installations and reclamation of lands from the sea. I do not consider that the proposed development to be conforms to either Schedule 5, Part 2 (1) (f) and (g). The proposal in this instance is an amenity building. There are no other projects listed under sub-section 11 of Schedule 5 which relate to the development in question. I therefore do not consider that an EIAR is mandatory in accordance with the Regulations in this instance.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the development constitutes a Strategic Infrastructure Development in accordance with Section 37B (4)(a) and falls within the Section 37A(2) (a) and (b) – development of strategic economic and social importance to the state and the region in which it is situated and contributes to the fulfilment of the objectives of the NPF. Reference is also made to the ESB substation proposed. On this basis, it is set out that jurisdiction to give consent to the development lies with An Bord Pleanála and not Galway County Council.
- It is set out that the Appropriate Assessment submitted is flawed and does not have regard to the precautionary principle, the basis of the Habitats Directive. It is argued that there is a hydrological link to the Connemara Bog SAC complex and the coastline provides a hydrological direct conduit to Kilkieran Bay and Island SAC.
- It is set out that the AA screening assessment carried out by the planning authority is deficient.
- No EIA screening was carried out and it is submitted that the development constitutes ‘Project Splitting’.
- It is set out that there was no public participation.
- In relation to the Planner’s Report it is set out that:
 - the planning authority sought no information with respect to traffic generated by the development.

- No assessment was made of the effluent treatment from the proposed development and its possible impact on the environment.
- No assessment appears to have been given with regard to the possible impacts of the development on the source or capacity of the existing water supply to cope with the requirements of the development.
- In relation to the principle of the development, it is set out that the development changes the profile of the Fishery Harbour without any assessment of the possible impacts of the proposed change.
- The disposal of surface water on site is contrary to Objective WS 9 – River Basin Management,
- It is set out that the development is contrary to a number of other marine related policy objectives and of the County Development Plan and Gaeltacht Tourism objective EDT 22.

6.2. Applicant Response

- It is set out that the development comprises of a modest sized amenity facilities building and does not fall within any type of development listed in the Seventh Schedule. The proposed development is not a harbour development. No consideration of the conditions of Section 37A (2) are therefore relevant in this case.
- It is also stated that the proposed development comprising of a substation to serve the needs of the proposed development does constitute strategic infrastructure development. It is set out that this is neither high voltage substation nor used for the purposes of conveying electricity and accordingly, does not constitute electricity transmission as set out in Section 182A of the Planning Act.
- Galway County Council are the competent authority to make an EIA screening determination in so far as the proposed development does not fall under Section 181 10 (a) and Article 86 of the Planning and Development Regulations 2001 (as amended) which apply in 'connection with or for the purposes of public safety or order, the administration of justice or national

security or defence'. It is also set out that neither ownership to lands nor management of the harbour by a Governmental Department removes those lands from the functional area of the local Planning Authority.

- The comments of the appellant in relation to the Appropriate Assessment Screening report and conclusion are noted and rebuked.
- It is set out that regard has been given to the 'Planning and Flood Risk Management Guidelines' and the development falls within the definition of a water-compatible development. It is also set out that this area of reclaimed land is not identified as an area subject to flood risk.
- It is set out that it is assumed that based on a preliminary examination of the nature, scale and location of the development that the Planning Authority concluded there is no real likelihood of significant effects on the environment.
- It is set out that the development will enhance the services available to the users of the small craft berthing facilities but that the development is not essential to allow small craft berthing to take place at Rossaveel and while complimentary the development is not integral to the overall harbour site and does not comprise of project splitting.
- It is set out that the public was appropriately informed of the development proposal in line with the requirements of the Planning and Development Regulations 2001 (as amended).
- In relation to traffic, it is set out that the development serves a marine activity and there is no reason for notable numbers of vehicles to access the development. Four no. car parking spaces are proposed to accommodate staff on site.
- The application proposes to use the existing wastewater treatment facilities which are under the control of Udaras na Gaeltachta and there is sufficient spare capacity to cater for the development. It is set out that an assessment of the effluent treatment was undertaken at the time of grant of planning permission and the EPA licence for the plant.

- As set out in the planners report and application documentation, water supply will be via connection to the public water supply operated by Irish Water.
- It is set out that the primary function of the Harbour is as a Fisheries Harbour and the small craft berthing facilities close to the proposed development serve both leisure and smaller fisheries vessels.
- It is set out that the disposal of surface water on site will not adversely impact on the water environment but rather support the objectives of WS 9 (River Basin Management).

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* considerations of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Strategic Infrastructure Development
- Services
- Flooding
- Other Matters
- Appropriate Assessment

7.2. **Principle of Developemnt**

7.2.1. The development comprises that construction of Amenity Facilities for the small Craft Harbour at Rossaveel Fishery Harbour Centre consisting of bathroom and shower facilities and a canteen at ground floor level and an administration office at first floor level with associated ancillary services.

- 7.2.2. The **design** reflects a contemporary architectural form with an inverted roof adding to the architectural character of the building. The use of natural stone and concrete finishes at this coastal location reflect a sturdy robust building appropriate to this coastal location and in my opinion, and a welcome addition to the industrial appearance of the harbour area.
- 7.2.3. The appellant suggest that the development may impact negatively on **traffic** in the area. In this regard, I note that the development will service the small crafts harbour area and it is not intended to generate vehicular traffic movements. In any case, I note there is a large crushed stone car park area located to the east of the which has ample capacity to accommodate additional car parking. The layout provides for four on site car parking spaces to cater for staff. I consider this provision acceptable. Furthermore, I note that access to site is controlled by means of a barrier at the public road. I am satisfied that the development will not generate significant traffic and will therefore not constitute a traffic hazard.
- 7.2.4. It is an objective of Galway County Council as set out in AFF 12 – *Marina Developments* to support proposals for sustainable marina developments and associated amenities that are located at existing marinas and Objective AFF 14 – *Provision of Infrastructure* to facilitate the provision of infrastructure, which is necessary for the development of the fishing, seaweed and mari-culture industry located in proximity to established landing facilities.
- 7.2.5. The above objectives are reinforced in the National Planning Framework which seeks to support the sustainable growth and development of the maritime economy and continue to invest in the seafood sector and our Fishery Harbour Centres, particularly in remote rural coastal communities and islands.
- 7.3. The proposed development is intended to enhance the facilities of the existing small crafts harbour and provide services and amenities necessary to support this activity within an established harbour setting. I am satisfied that the development, by its nature will complement the existing uses on site. I consider the principle of the proposed development acceptable at this location subject to detailed consideration below.
- 7.4. **Strategic Infrastructure Development**

- 7.4.1. It is the appellants contention that the development constitutes a Strategic Infrastructure Development in accordance with Section 37B (4)(a) and falls within the Section 37A(2) (a) and (b) – development of strategic economic and social importance to the state and the region in which it is situated and contributes to the fulfilment of the objectives of the NPF. It is also argued that the inclusion of a substation to serve the needs of the proposed development constitutes “electricity transmission” as set out in Section 182A of the Planning Act.
- 7.4.2. Strategic infrastructure development can generally be described as development which is of strategic economic or social importance to the State or a region. It also includes development which will contribute significantly to the fulfilment of any of the objectives of the National Planning Framework or any regional spatial and economic strategy for an area, or which would have a significant effect on the area of more than one planning authority.
- 7.4.3. To qualify as strategic infrastructure development a proposed development must first come within the scope of one or more of the classes and comply with the thresholds contained in the 7th Schedule. The proposed development comprises of a modest sized amenity facility building (182sqm) and does not fall within any type of development listed in the Seventh Schedule. I am satisfied that the development does not constitute a Strategic Infrastructure Development.

7.5. **Services**

7.5.1. *Wastewater*

It is proposed to connect to the existing wastewater treatment facility serving the harbour.

- 7.5.2. The appellant argues that no assessment was made of the effluent treatment arising from the proposed development. The applicant sets out that the existing wastewater treatment facility serving the harbour is appropriately licenced and there is ample capacity to cater for the development. I note the planning authority raised no objection to connecting to the existing wastewater treatment facility onsite and Whilst, I have no issue in principle to connecting to treatment facility, the application was not accompanied by a drainage layout plan or cross section drawings indicating the connection route or the location of the treatment plan. I do not consider this

matter warrants a refusal of planning permission and I am satisfied that this issue can be addressed by way of condition.

7.5.3. *Water*

It is proposed to connect to the public water supply.

In this regard the appellants argue that no assessment appears to have been given with regard to the possible impacts of the development on the source or capacity of the existing water supply to cope with the requirements of the development. I note the planning authority raised no objection to connecting to the public water supply and the applicant argues that by its nature, the fishery harbour requires a significant and secure water supply to services vessels using the port. It is set out that there is no capacity issue in relation to water supply serving the port. Similar to the wastewater disposal, I note the application was not accompanied by a layout plan or cross section drawings indicating connection to the public water supply. Again, I do not consider this matter warrants a refusal of planning permission and I am satisfied that this issue can be addressed by way of condition.

7.5.4. *Surface Water*

Condition no. 2 of the decision of the planning authority stipulated that surface water shall be disposed of within the site and shall not discharge onto the road or adjoining property. The applicant contends that this is contrary to Objective WS 9 of the development plan which states the development will only be permitted where it can be clearly demonstrated that the proposal would not have an unacceptable impact on the water environment, including surface waters, groundwater quality and quantity, river corridors and associated wetlands, estuarine waters and coastal waters. In this regard, I note the disposal of surface water and rain water generated on site is consistent with sustainable urban drainage systems and also serves to reduce demands on the public network in accordance with the principles of sustainable development. I have no objection to the disposal of rainwater and surface water on site subject to adherence to best practice methods.

7.6. **Flooding**

- 7.6.1. A Flood Risk Assessment accompanied the planning application. However, the assessment dated 2016 relates to the development of the Deepwater Quay located

to the south of the Harbour and not the appeal site. I have disregarded the Flood Risk Assessment on file for this reason.

7.6.2. I note the appeal site is located in a sheltered inlet. It is also set out that this is an area of reclaimed land is not identified as an area subject to flood risk. A review of the OPW CFRAM maps do not identify the site as being within a flood risk area (Fluvial, Pluvial). However, I note that the site is located within a potential Coastal Flood Risk Area.

7.6.3. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the 'vulnerability of different types of development'. The proposed amenity building is not considered a "vulnerable" development in terms of the sensitivity to flooding.

7.6.4. The applicant argues that the development is a "water compatible development". In this regard I note the Planning System and Flood Risk Management Guidelines, 2009 set out that a water compatible development is suitable for locating within a flood zone without the requirement for sequential testing.

7.7. Other Matters

7.7.1. Environmental Impact Assessment (EIA)

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and therefore is not subject to EIA requirements.

The appellant argues that the development constitutes project splitting and in combination with other harbour developments requires an EIAR. In this regard, I agree with the applicant that the development is not essential to allow small craft berthing to take place at Rossaveel and while complimentary the development is not integral to the overall harbour site and does constitute of project splitting.

7.7.2. Public Consultation

The public notices associated with the development were in accordance with the requirements of Planning and Development Regulations 2001 (as amended).

7.8. Appropriate Assessment

- 7.8.1. An Appropriate Assessment screening report was submitted with the planning application.
- 7.8.2. The site not located within or directly adjacent to any Natura 2000 sites. The site is located 1.3km west of the Connemara Bog Complex SAC (Site code 00204) and 3.2km east of the Kilkieran Bay and Islands SAC (site code 002111).
- 7.8.3. Having regard to the nature and scale of the proposed development, impact pathways would be restricted to hydrological pathway.
- 7.8.4. Conservation objectives have been prepared for the Connemara Bog Complex Special Area of Conservation (Site code 00204) and the Kilkieran Bay and Islands SAC (site code 002111).

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.

European Site	Site Code	Relevant QI's and CI's	Distance
Connemara Bog Complex SAC	00268	<p>Conservation Objectives:</p> <p>To maintain the favourable conservation of the priority habitats listed below.</p> <p>Priority habitats include:</p> <p>Coastal lagoons, Reefs,</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i></p> <p>Natural dystrophic lakes and ponds</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p>	1.3km east of the subject site.

		<p>European dry heaths</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>)</p> <p>Blanket bogs (* if active bog)</p> <p>Transition mires and quaking bogs</p> <p>Depressions on peat substrates of the Rhynchosporion</p> <p>Alkaline fens</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary)</p> <p><i>Salmo salar</i> (Salmon), <i>Lutra</i> (Otter)</p> <p><i>Najas flexilis</i> (Slender Naiad).</p>	
Kilkieran Bay and Islands SAC	004031	<p>Conservation Objectives:</p> <p>To maintain the favourable conservation of the priority habitats listed below.</p> <p>Priority habitats include</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Coastal lagoons, Large shallow inlets and bays, Reefs</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Machairs (* in Ireland)</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoetoneanojuncetea</i></p> <p>Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>)</p>	3.2km west of the subject site.

		[6510] Lutra (Otter), Phoca vitulina (Harbour Seal), Najas flexilis (Slender Naiad)	
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7.8.5. The development is for an amenity building and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not expected that any habitat fragmentation would take place. The already established pattern of development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

7.9. There is a potential link via the water environment (the impact ‘pathway’), with the Natura 2000 sites. Therefore, there is potential for indirect effects on surface water quality during site preparation and earthworks. However, I am satisfied that the Connemara Bog Complex SAC and the Kilkieran Bay and Islands SAC can be screened out of any further assessment given the separation distance between the building works and the Natura 2000 designated sites.

7.9.1. I consider it is reasonable to conclude, on the basis of the information on the 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, the Connemara Bog Complex SAC (Site code 00204) and the Kilkieran Bay and Islands SAC (site code 002111) or any other site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity and the policies of the Galway County Development Plan

2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area. The proposed development, therefore, would 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 application, 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. Prior to the commencement of development, the developer shall submit full details including appropriately scaled layout drawings and cross sections showing connection to the wastewater treatment facility and the public water supply.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of proper planning and orderly development

3. 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

4. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

6. The exact use of the office space and canteen shall be agreed in writing with the Planning Authority prior to any occupation of the building.

Reason: In the interest of orderly development.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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 of property in the vicinity.

8. The construction of the development shall be managed in accordance with a detailed 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 noise and dust management measures, site operational hours, and off-site disposal of construction/demolition waste.

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

9. The developer shall pay to the planning authority a financial contribution 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, as amended. The contribution shall be paid prior to 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Irené McCormack
Planning Inspector

12th November 2019