



An
Bord
Pleanála

Inspector's Report

ABP-308911-20

Development	Demolition of agricultural sheds and construction of an agricultural barn. A Natura Impact Statement will be lodged with this application.
Location	Middlequarter, Inisboffin, Inisboffin Island, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20221
Applicant(s)	Simon Murray
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Chris Day (2) Vincent Lennon
Date of Site Inspection	24 th February 2020

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.049 hectares, is located on Inishbofin Island, Co. Galway. The appeal site is located on the southern side of the island a short distance from the harbour. Access to the site is from a public road running to the north of the site with levels on site falling gently southwards away from the road and levels on site being significantly higher than the land to south including the harbour. The appeal site is occupied by a two stone built sheds and is defied by stone walls on all sides. A laneway access to the site from the public road runs on a north south axis. Adjoining lands on all sides are agricultural in nature. The nearest dwellings include dwellings to the north east and north west, which are on the southern side of the public road and dwellings to the north on the northern side of the public road.

2.0 Proposed Development

- 2.1. Permission is sought to demolish existing agricultural sheds and construct an agricultural barn which will be used for the purposes of fodder storage and storage of agriculture related materials. The proposal entails demolition two stone built sheds and constructing a shed with a floor area of 228.5sqm and a ridge height of 5.24m.
- 2.2. In response to further information the shed was reduced in scale to 195.5sqm and a ridge height of 4.29m, which is the development approved.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 5 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (>): Further information required including providing justification for the structure, additional photomontages to illustrate visual impact, revised proposal having regard to visual impact and landscape character, provision of an up to date

corncrake study, details of construction management and plans and photographic survey of the existing sheds on site.

Planning report (): the information submitted in response to further information was considered. The proposal was determined to be in accordance with the proper planning and sustainable development of the area.

3.3. **Prescribed Bodies**

3.3.1 An Taisce (26/03/20): Previous refusal on site noted and it should be ensured that the reasons for refusal have been addressed. The proximity of the site to a number of designed sites whose qualifying interest is the corncrake is stated including its threatened status. An updated site survey in this regard is required.

3.4. **Third Party Observations**

3.4 Submissions were received from...

Chris Day

Vincent and Margaret Lennon

The issues raised are as follows...

- Inappropriate location and scale of development, adverse impact on visual amenities and landscape character, proximity to existing dwellings, Appropriate Assessment issues including effects on Inishbofin, Omey Island and Turbot Island SPA (corncrake), development not significantly different from that previously refused.

4.0 **Planning History**

4.1 18/421: Permission refused for an agricultural barn. Refused based on two reasons...

The refusal reasons related to visual impact and Appropriate Assessment issues concerning the Inishbofin, Omey Island and Turbot Island SPA (Site Code 004231) and its sole qualifying interest, the corncrake.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Galway County Development Plan

The site is located within a class 5 'unique' landscape.

Policy LCM 1 – Preservation of Landscape Character Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

Objective LCM 1 – Landscape Sensitivity Classification The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/ Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan, and having regard to the zoning objectives of serviced development land within the Galway Metropolitan Areas.

Objective LCM 2 – Landscape Sensitivity Ratings Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

5.2. Natural Heritage Designations

Inishbofin and Inishshark SAC (Site Code 000278)

Inishbofin, Omev Island and Turbot Island SPA (Site Code 004231)

West Connacht Coast SAC (Site Code 002998)

5.3. EIA Screening

Having regard to nature and scale of the development, which is construction of an agricultural shed, 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

6.1.1 A third party appeal has been lodged by Chris Day, Middle Quarter, Inishboffin, Co. Galway. The grounds of appeal are as follows...

- The proposal is not significantly different from the proposal refused under ref no. 18/421 with the same issues that led to refusal in that case applying in this case.
- The appellant highlights the elevated nature of the site, its designation of a Class 5 unique landscape and inappropriate scale, visual impact and setting for the proposed development. The appellant notes that the applicant has alternative lands that would be better suited for the proposal and less visually obtrusive in setting
- The appellant questions the level of detail provided in terms of justification for the proposed development and the fact that landholdings within the applicant's control were not included in the information submitted.
- The applicant question the level of detail provided in the Corncrake study noting that a more long term study would be required. The appellant questions some of conclusions stated in the report submitted and refers to NPWS data, which indicate the presence of corncrake in close proximity to the site.
- The details regarding construction management are generic in nature and does not deal with the characteristic of the site and adjoining land.

- The Landscape and Visual Impact Assessment is inadequate and does not assess the impact of the proposal from the surrounding area including views from the south and north and from adjoining dwellings.
- The appellant questions the status of existing sheds as agricultural storage.

6.1.2 A third party appeal has been lodged by Vincent & Margaret Lennon, Robin Villa, Middle Quarter, Innisboffin, Co. Galway. The grounds of appeal are as follows...

- The appellant refers to the previous refusal on site under ref no. 18/421 with the same issues applying, namely visual impact in a class 5 unique landscape.
- The proposal has inadequate consideration of the possible impact on Corncrake. An up to date survey is required with the information submitted being an inadequate desktop survey and such is not sufficient detail and ignores NPWS data regarding the presence of such in close proximity to the site.
- The site is an inappropriate location for such a development given its proximity to existing dwellings. The appellant notes a document outlining justification for the proposal in terms of agricultural development was not available to view online.
- The appellant states a desire that the NPWS be consulted prior to determination of this appeal.

6.2. Applicant Response

6.2.1 Response by the applicant, Simon Murray.

- The response emphasises the applicant's farming background and activity on the Island. The response indicates that there has been a concerted effort to encourage an increase in Corncrake numbers on the Island and that he has contributed to such.
- The applicant states that the proposed agriculture structure is appropriate at this location and that the scale of the structure proposed is more modest than

existing dwellings permitted in the vicinity including a dwelling granted by the Board in recent times (PL07.221418).

- The applicant indicates that the report relating to Corncrake was written by a suitably qualified individual. The appellant notes that the provision of the barn at this location will not be detrimental to the corncrake and the appeal site is the only part of his farm where there is a farmyard and is not within an SAC or SPA.
- In relation to proximity to the appellants' dwellings it is noted that the farmyard has been at this location for a significant period of time and the proposed development is acceptable in regards to visual impact.
- The applicant indicates that the information submitted regarding farm justification adequately demonstrates the nature of the applicant's activities and the need for the proposed development and the appellants' arguments are not valid.
- In relation to the need for a corncrake study over a number of years as stated by the appellants it is noted that the FI request has a time limit and that it is not realistic to provide for study of such kind.
- The applicant states that the information submitted in relation to Appropriate Assessment, construction management and landscape and visual impact has been provided by qualified individuals and is adequate in scope and detail to allow assessment of the proposal.
- The applicant claims that the appeal submissions are vexatious in nature.

6.3. Planning Authority Response

6.3.1 No response.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/justification

Visual Impact/landscape character

Appropriate Assessment

7.2. Principle of the proposed development/justification:

7.2.1 The proposal is to demolish existing agricultural sheds and construct a new agricultural shed with a floor area of 228.5sqm (revised to 195.5sqm) for the purpose of fodder storage and agricultural related material. The applicant submitted a report outlining justification for the proposal indicating that he is sheep farmer and that the site location is the only location suitable and the only location where there are existing agricultural structures. The existing structures are noted as being inadequate in size for the applicant's needs. The applicant also indicated that he has participated in scheme such as REPS and GLAS and such include measures to protect biodiversity. The applicant was requested to elaborate in terms of justification and supplied details of fodder requirements and equipment currently stored in the existing sheds.

7.2.2 The appellants question the justification for the proposal in terms of size and one of the appellants questions the appropriateness of location noting that there are more appropriate locations on the applicant's landholding. In relation to justification, the information on file indicates that the applicant is sheep farmer at this location and that there are existing agricultural structures on site. The site is in an agricultural area and the principle of the proposed development is acceptable. In relation to the scale of the structure, at 228.5sqm (revised to 195.5sqm), it is not a structure exceptional or excessive size relative to agricultural structures serving modern farming needs and the applicant has provided details of its intended use. As stated earlier the structure is in a rural area where the predominant use is agricultural. There are some dwellings in the vicinity, however all have a degree of separation from the proposed structure.

7.2.3 I am of the view that the agricultural structure proposed is neither exceptional nor unusually excessive in size for a structure of this nature. I accept that there is justification for such a structure based on its location in a rural area and the

applicants farming activity. I would also state that it is located on site which has existing agricultural structures, albeit smaller stone built structures with a clear indication that this site has historically being used for such purposes. I consider the principle of the proposal acceptable and the location to be appropriate but contingent on two issues, which are overall visual impact and Appropriate Assessment issues (corncrake). These aspects of the proposal are to be dealt with in the following sections of this report.

7.3 Visual Impact/landscape character:

7.3.1 The appeal site is at an elevated location relative to the lands to the south and the southern coast of the Island including the harbour. The site is located in a landscape classified as Class 5 Unique and Inishbofin is given a Landscape Value rating of 'outstanding'. In response to further information a Landscape & Visual Impact Assessment was submitted (LVIA). The LVIA classifies the sensitivity of the location as medium to low and the significance of visual impact medium to low. The development was considered from 4 viewpoints, On to the west, one to the east, one from an area to the south (further south than the harbour) and a point to north on the public road. Photomontages from each point were included including a before and after image. It was concluded that the overall visual impact of the structure would be acceptable in the context of visual amenities and Development Plan policy. The appellants are of the view that the visual impact of the proposal would be unacceptable and that LVIA submitted does not assess the impact of the proposal from the surrounding area including views form the south and north and from adjoining dwellings.

7.3.2 The appeal site is located to the south of a public road with a laneway running south from the road. The site is currently defined by a high stone built boundary wall on four sides and two existing stones sheds that integrate the existing perimeter walls. It is proposed to demolish the two existing sheds but retain the four perimeter walls and construct a new shed inside these walls. The shed originally sought had a floor area of 228.5sqm and a ridge height of 5.24m, this was reduced in response to further information 195.5sqm and a ridge height of 4.92m. The shed itself is block

built at lower its lower part with the upper part profiled metal cladding with a shallow pitched roof, a fairly typical form of agricultural building. The appeal site is elevated relative to the lands to the south and lower than the level of public road to the north. The site is visible from the area to the south including the harbour and southern coast road. The site would also be visible from the east and west and partially visible from the north and the public road.

7.3.3 The proposed structure will be visible above the level of the existing stone walls on site when viewed from the south, east and west. I would consider that despite the designation of the site as a Class 5 landscape and its value rating as outstanding, the overall visual impact of the proposal would not be excessive in magnitude of significance at this location for a number of reasons. Firstly despite being visible above the existing stone walls, the structure is only partially visible and its height is not excessive relative to existing structures in the vicinity including existing dwellings, which are much more prominent and higher in ridge height. The partial visibility of the structure, its modest ridge height and the proposal for a dark green metal cladding would mean the visual impact would not be significant. In addition the existing dwellings along the public road to the north as well as the landscape itself form a backdrop that mean the proposal would not break the skyline when viewed from the south. I am satisfied that the photomontages submitted give an accurate perspective of the overall visual impact and such would not be unduly obtrusive or excessive in impact at this location. In this regard I would consider that the proposal complies with development Plan policy in relation to landscape character.

7.4 Appropriate Assessment:

7.4.1 A Natura Impact Statement Limited was submitted by the applicant. In carrying out an appropriate assessment, I note and acknowledge the submissions of the Planning Authority, the appeal submission and the supplementary information submitted by way of further information on the 27th October 2020.

7.4.2 Screening

I followed the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

Project Description and Site Characteristics

7.4.3 The proposed development is as described in the report above and in the application submissions.

7.4.3 Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:
Three sites are identified within the zone of influence of the proposed development based on proximity and potential hydrological links...

Inishbofin and Inishshark SAC (Site Code 000278)

Inishbofin, Omev Island and Turbot Island SPA (Site Code 004231)

West Connacht Coast SAC (Site Code 002998),

Site Code, Site Name and Designation	Approx. Distance from Site	Conservation Objectives; Qualifying Habitats and Species	
000278 Inishbofin and Inishshark SAC	Outside of the designated area but surrounded on all sides	To maintain or restore the favourable conservation condition of the habitats and species listed as Special	

	within 100m of the site.	<p>Conservation Interests for this SAC:</p> <p>Coastal lagoons [1150]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p><i>Halichoerus grypus</i> (Grey Seal) [1364]</p>	
004231 Inishbofin, Omev Island and Turbot Island SPA	Approximately 100m to the south and east of the site.	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Corncrake (<i>Crex crex</i>) [A122]</p>	

002998 West Connacht Coast SAC	Located to the south and covering the sea area to the south of the Island.	<p>To maintain the favourable conservation condition of the Common Bottlenose Dolphin</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p>	
--------------------------------	--	---	--

7.4.5 Assessment of likely effects:

The appeal site is not located within the confines of any of the designated sites listed above. The West Connacht Coast SAC is located to the south and does not

include any land and is a sea based area. The Inishbofin and Inishshark SAC covers the majority of the Island with isolated pockets of lands not within the boundary. The appeal site is within one of these pockets but is surrounded on all sides by the designated site. In the case of the Inishbofin, Omev Island and Turbot Island SPA, it is located within 100m of the site on lands to the south and east. The site is not located within any Natura 2000 site with no loss, fragmentation or disturbance of habitat. Potential effects identified based around the construction impact with the structure being a storage structure and no effects anticipated during the operational phase. Construction management will ensure no significant effects arise.

- 7.4.6 In relation to the West Connacht Coast SAC, the habitat is the ocean habitat and qualifying interest is the common bottlenose dolphin. There are no pathway or source linkages between the appeal site and the designated site and the proposed development would have no significant effects either direct or indirect.
- 7.4.7 In relation to the Inishbofin and Inishshark SAC, the appeal site is located outside of the designated site. The qualifying interests include ocean habitat and dry and wet heath habitats. The proposed development would have no direct effects given it is remote from any of the habitats identified as qualifying interests. The nature of the proposed use is storage so includes no waste discharges. The project is sufficiently remote from any habitats that are qualifying interests to have no indirect effects such as surface water discharge or impact in terms of construction (mitigation measures are provided in the form of construction management).
- 7.4.8 In the case of the Inishbofin, Omev Island and Turbot Island SPA, it is located within 100m of the site on lands to the south and east. The qualifying interest is the corncrake with the potential for the proposal to cause disturbance mainly during the construction phase. It has been stated by the appellants that corncrake have been detected in the vicinity of the appeal site.
- 7.4.9 Screening Statement and Conclusions:

In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

7.4.10 Stage 2 Appropriate Assessment:

The relevant site is Inishbofin, Omev Island and Turbot Island SPA (Site Code 004231).

7.4.11 In relation to the Inishbofin, Omev Island and Turbot Island SPA, the appeal site is located outside of the designated site, which is located a short distance to the west and south. The qualifying interest is the Corncrake. The appeal site is located outside of the designated site and does not entail any direct effect or habitat loss. The screening report indicates that the immediate area is not known for presence of corncrake due to no cover and being farmed as improved agricultural grazing. The screening report includes details of NPWS survey numbers for under 500m of the site and between 500m and 1k of the site (2017, 2018 and 2019). Further information was requested to provide an up to date corncrake survey for the site and its environs.

7.4.12 The report submitted in response to further information is an elaboration and assessment of information available regarding corncrakes. The report elaborates that the area in vicinity of the site is not a suitable habitat due to lack of cover and existing farming activity and that the lands adjoining the site are not included in the designated site. The report indicates that the site is well outside the range of the nearest recorded corncrake presence in 2019-2020. The report indicates that corncrake numbers are improving on the Island and that the appeal site is active farming site with the development confined to within the footprint of an existing yard with structures.

7.4.13 The appellants are of the view that the information submitted is inadequate in relation the corncrake with one of the appellants indicating that one has been

present in their garden, which is in close proximity of the site. The appellants consider that the reports supporting the proposal are inadequate and a survey is required over a longer period of time. The appeal site is not located within the designated site or within the habitat for the corncrake identified by the limit of the Inishbofin, Omey Island and Turbot Island SPA. I am satisfied that the appeal site itself and intervening lands are actively in agricultural use and that the appeal site is already in use as a farmyard with storage shed and is well defined by existing walls. I am satisfied that the lands adjacent the site are not lands that are a suitable habitat for corncrake due to lack of cover and existing agricultural activity. I would acknowledge that the site is in close proximity to the SPA boundary, but is sufficiently removed from the designated site to have no direct or indirect effects. The proposed use is not a departure from the existing type of activity onsite and the intervening lands. The construction management measures listed in the Construction Environmental Management Plan (CEMP) submitted by the applicant would provide sufficient mitigation measures to prevent any indirect effects on the qualifying interests of the Inishbofin, Omey Island and Turbot Island SPA.

7.4.14 Appropriate Assessment Conclusions:

7.4.15 I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Inishbofin, Omey Island and Turbot Island SPA (Site Code 004231) or any other European sites, in view of sites Conservation Objectives.

8.0 Recommendation

I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the established agricultural use of the site and its location within a rural area, the character and pattern of development in the area, and the modest

scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Inishbofin and Inishshark SAC (Site Code 000278), Inishbofin, Omey Island and Turbot Island SPA (Site Code 004231), West Connacht Coast SAC (Site Code 002998), are the only European Sites within the Zone of Influence for the proposed development, and in respect of which the proposed development has the potential to have a significant effect.

The Board considered the NIS and associated documentation submitted with the application and on appeal, and the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Inishbofin, Omey Island and Turbot Island SPA (Site Code 004231), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out an appropriate assessment. In completing the appropriate assessment the Board considered in particular the following:

The likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans or projects,

The mitigation measures which are included as part of the current proposal, and

The conservation objectives of the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and appropriate assessment carried out in the Inspector's report in respect of the potential effect of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives, although considered it beneficial to provide clarification and/or elaboration in respect of those areas of concern expressed by the planning authority in respect of the Appropriate Assessment carried out and NIS submitted. Furthermore, the Board satisfied itself that the mitigation measures proposed are in line with best practice and are proven mitigation measures, and as applicable adequate monitoring was proposed to ensure the effectiveness of measures proposed.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely effect the integrity of the European Sites in view of the sites' conservation objectives.

10.0 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 further plans and particulars submitted on the 27th day of October 2020, 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.

Reason: In the interest of clarity.

2. The proposed development shall be used for the purpose described in the in the public notices, storage for fodder and agricultural equipment.

Reason: In the interests of clarity.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning

authority for such works and services. All surface water generated shall be disposed of within the site and shall not be discharged onto the public road or adjoining property.

Reason: In the interest of environmental protection and public health.

4. The external finishes of the proposed development shall be black, brown, grey or green in colour unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

5. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

Colin McBride
Planning Inspector

05th May 2021